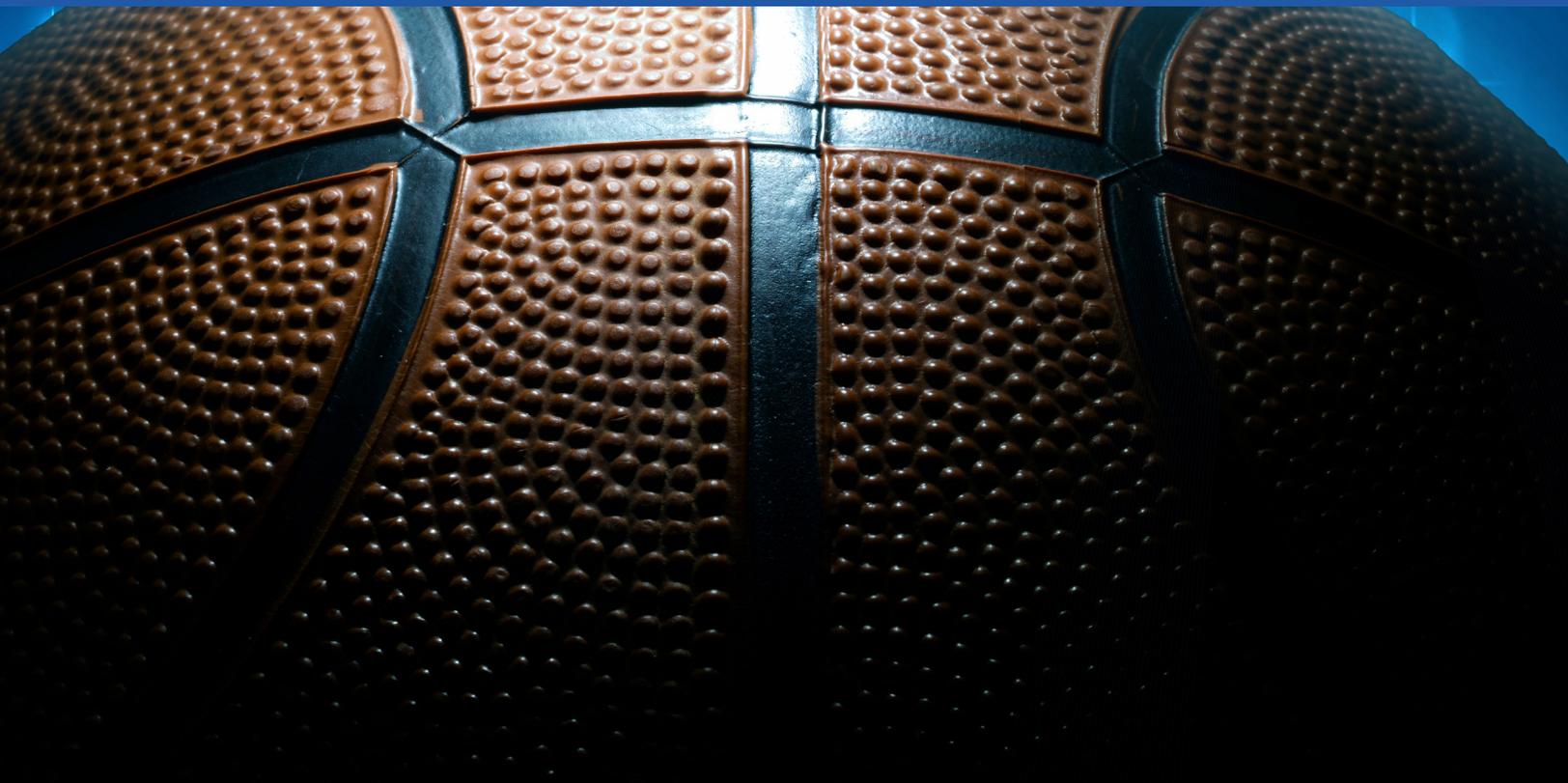




# **MEN'S BASKETBALL TASK FORCE REPORT & RECOMMENDATIONS**

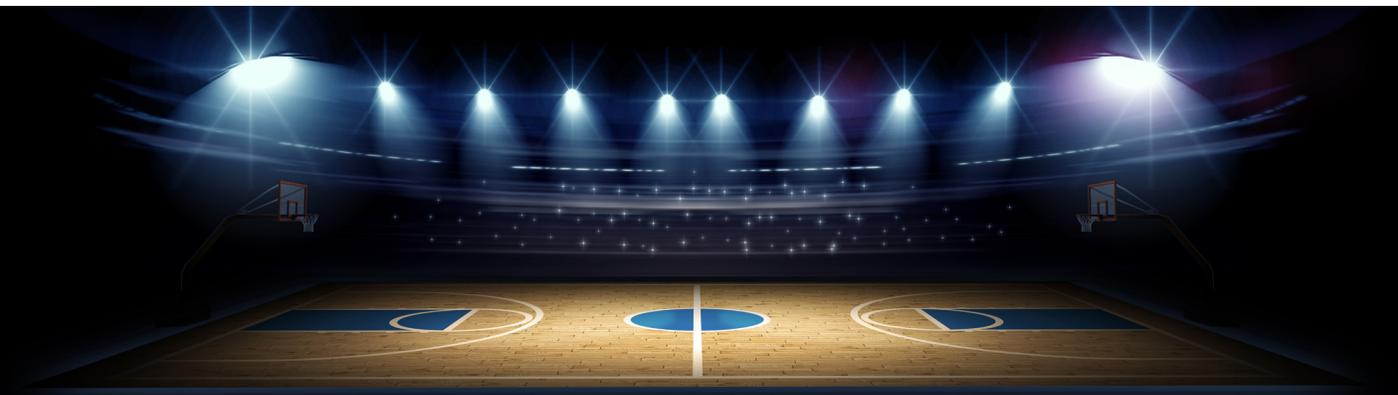
March 2018



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## INTRODUCTION

The indictments announced in 2017 against a number of figures involved in college and youth basketball received widespread attention. The allegations in these indictments, which are expected to be tried in court beginning later this year, include bribery, improperly steering young athletes to particular programs on the basis of shoe sponsorships, and other wrongdoing. Included in the indictments were two Pac-12 Conference assistant coaches, along with a number of other individuals, and still more individuals were identified (though not by name) in these schemes although they were not indicted.

Few people interviewed by the news media expressed surprise that the activities described in the allegations exist in basketball. Indeed, the concerns about excessive commercialism, the role of shoe and apparel companies, the perceived manipulation of young athletes and their families by unscrupulous third parties, and other aspects of the allegations recited in the indictments have been the focus of prior efforts at reform, which have either failed to bear fruit or which were not fully realized. But the reality of federal indictments resulting from an FBI investigation has refocused attention on the need to address these issues to protect the welfare of the student-athletes who play – and aspire to play – the game, as well as the integrity of college basketball itself.

For that reason, the Pac-12 Conference established a special Task Force charged with examining the current situation in youth and college basketball and with four key tasks:

- To develop and share an understanding of the trends and practices in youth and college basketball as they relate to the issues raised by the complaints.
- To identify and recommend approaches to systemic reform that may be needed in the rules governing intercollegiate basketball and/or their enforcement.
- To identify “best practices” that could be adopted by the Conference, its member universities, and other entities, even in the absence of, or in addition to, systemic reform.
- To identify areas where the Task Force’s findings may be of value to addressing similar trends in other intercollegiate sports.

The Task Force was conceived as a group of people with varied but deep experience in the world of college basketball, capable of producing practical and actionable recommendations that would inform the parallel effort being undertaken at the NCAA level under former Secretary of State (and former Stanford University Provost) Condoleezza Rice, while at the same time providing a basis for the Conference’s research, input, and potentially independent action.

In November 2017, Pac-12 Commissioner Larry Scott named the following individuals to the Task Force:

**Jennifer Azzi**

Former Pac-12 women's basketball student-athlete, Women's Basketball Hall of Famer, Olympic Gold Medalist, NCAA champion at Stanford, and college basketball head coach

**Ceal Barry**

Pac-12 University of Colorado Senior Woman Administrator and former women's basketball coach at Colorado, member of the 2018 class of the Women's Basketball Hall of Fame

**Charles Davis**

Former football student-athlete, Stanford University Athletics administrator, NFL player, and FOX Sports analyst

**Alan Green**

Pac-12 USC Faculty Athletic Representative and current Associate Professor of Clinical Education at University of Southern California

**Dan Guerrero**

Pac-12 Athletic Director (UCLA) and former Chair of the NCAA Division I Men's Basketball Committee

**Chris Hill**

Pac-12 Athletic Director (Utah) and former member of the NCAA Division I Men's Basketball Committee

**Tom Jernstedt**

Naismith Hall of Famer, former University of Oregon athletics administrator and Executive Vice President/head of basketball for the NCAA

**Brevin Knight**

Former men's basketball student-athlete at Stanford, NBA veteran, and current broadcaster

**Steve Lavin**

Former Pac-12 men's basketball coach at UCLA, current broadcaster

**Mike Montgomery**

NCAA Basketball Hall of Fame Men's Basketball Coach (Stanford, Cal) who is also serving on the NCAA Commission on College Basketball

**Bob Myers**

Former Pac-12 men's basketball student-athlete at UCLA, current General Manager of Golden State Warriors

**Yogi Roth**

Former student-athlete, Pac-12 football Coach at USC, and current college sports broadcast analyst for Pac-12 Networks

This document is the result of the Task Force's work, aided by the Conference staff and a number of other individuals who generously lent their time and candid expertise to the Task Force's work. The Task Force and the Conference acknowledge the contribution of the organizations that agreed to be interviewed for this project (see appendix A).

It is our hope that this report, and the recommendations it offers, will serve as a meaningful contribution toward the change that is necessary for intercollegiate basketball.



## EXECUTIVE SUMMARY

In the fall of 2017, the Pac-12 Conference convened a special Task Force of individuals with deep experience in intercollegiate athletics to consider the implications of the federal charges announced against a group of assistant coaches, shoe company executives, agents, and others, in connection with intercollegiate men's basketball. The allegations, which stem from an FBI investigation, include bribery and money laundering associated with the recruitment of high-school and prep-school students to play intercollegiate basketball. Some of the allegations involved the use of agents and other third parties, in violation of NCAA rules, to "steer" young athletes to specific colleges associated with the sponsorship of certain shoe brands.

Commissioner Scott charged the Task Force with considering the underlying issues raised by the allegations, and to make such findings and recommendations as it saw fit to address those issues – without, of course, rendering judgment on the specific allegations and individuals involved. The Task Force was given five objectives:

1. Educate the Pac-12 on issues related to the federal indictments
2. Develop legislative and other recommendations for systemic issues
3. Identify "best practices" that can be adopted independently of legislation
4. Identify potential lessons for other intercollegiate sports
5. Complement and inform the NCAA Commission's work and influence it where appropriate

Starting in October 2017, the Task Force met several times in person, by phone, and in smaller committees. In addition, individual members of the Task Force and the Conference staff conferred with a variety of individuals who are involved in college, professional, and youth basketball in a variety of roles, including coaches, sponsors, agents, and athletes, as well as several university presidents. The Task Force also maintained lines of communication with the commission established by the NCAA, chaired by former Secretary of State (and former Stanford Provost) Condoleezza Rice, to examine the same issues.

With the assistance of the Conference staff, the Task Force prepared this report. The first portion of the report provides an overview of the issues raised by the federal charges announced last fall, and – through research into the literature and news coverage of youth and college basketball over the last two decades – provides context for the second portion of the report, which sets forth the Task Force's recommendations and which also offers examples of what it believes are "best practices" both from Pac-12 universities and elsewhere that may also be applicable beyond men's basketball.

The following is a summary of the Task Force's recommendations:

## NCAA Eligibility

The Task Force supports the collegiate model reflected in NCAA rules, but recommends the following modifications to rules governing eligibility, permissible funding, and access to professional guidance:

- We encourage the NBA and the National Basketball Players Association (NBPA) to drop the requirement that a draft-eligible player must be at least 19 years old and at least one year removed from the graduation of his high school class. To support the academic commitments of those student-athletes who choose to enroll in college, we also encourage the NBA and NBPA to refrain from drafting those players until after the third year following their high school graduation.
- With these changes in place, the NCAA should change its rules to allow a drafted player who chooses not to sign a professional contract to remain fully eligible to play intercollegiate sports provided he meets all other applicable NCAA eligibility standards.
- Change existing rules restricting student-athlete (and potential student-athlete) engagement of agents so that young athletes and their families can benefit from experienced, certified professional advice when making important life decisions.
- For all sports, include parent/family travel assistance to their student-athletes' intercollegiate games (based on financial need) as a permissible use of the Student Assistance Fund (SAF). SAF guidelines currently permit SAF to be used for parent/family travel assistance to student-athletes' special events such as senior nights and when their student-athletes are recognized for outstanding accomplishments (All-American honor, etc.).

## Recruitment

The Task Force examined reforms to the recruiting model around prospective men's basketball student-athlete contact and visits, as well as the recruiting calendar. Preliminary recommendations include:

- The NCAA should organize, possibly with USA Basketball and other appropriate organizations, regional summer events in July that incorporate important basketball skill development, games, educational components, and the opportunity for the young athlete to obtain an objective opinion regarding his potential as a professional or college player. Invitations to these events would be issued to individuals rather than to travel teams.
- Modify the NCAA recruiting calendar to limit college coach recruitment in July to these NCAA events, and prohibit coaches to recruit at other non-scholastic summer events. The Task Force also favors prohibition of recruitment at non-scholastic events in the spring provided a suitable replacement, analogous to the proposed summer events, can be implemented.
- Allow official visits to campuses to begin in the fall of the junior year of high school, (rather than January 1), thereby reducing the incentive to accept third-party payment for visits during that year and enhancing the visits' value to both the school and the student. Permit on-campus evaluations to take place during these visits, rather than just during the senior year as current rules require.
- Allow each potential student-athlete to make five official visits in each of his junior and senior years (no more than one per academic year to any specific school).
- Increase the transparency around the funding of unofficial visits by mandating compliance registration/reporting for prospective student-athletes to complete any time they are on campus for an unofficial visit and meeting with coaches or administrators.

## NCAA Enforcement

The Task Force reviewed various recent efforts to reform NCAA enforcement, and makes the following preliminary recommendations:

- Establish an entity largely independent of the NCAA to execute the following functions for major violations: investigate potential rule violations, conduct fact determinations and decisions, and determine penalties. Within this independent entity, separate the functions with different staff to reflect general concepts of due process and allow for a more specialized and expert staff.
- Invest in human resources, and ensure through adequate training, experience, and compensation that the enforcement staff is equipped to engage with and respond to the highly skilled lawyers engaged by our universities.
- In allocating resources, prioritize major violations over minor technical mistakes.
- Review the penalty structure to ensure that the risks of violating the rules are greater than the rewards. Ensure accountability up the chain of command while, where possible, clarifying “safe harbors” to guide institutions seeking to do the right thing.

## Education of Athletes, Families, and Others

The Task Force focused on the need to educate young athletes and their parents regarding the important factors to consider in the recruiting process, including rules governing NCAA eligibility and how to avoid inadvertent violations. It makes the following preliminary recommendations:

- The NCAA should leverage the pedagogical skills of universities, specialists, and other applicable organizations to develop a curriculum that incorporates not only guidance on NCAA eligibility but also important life skills. Engage individuals who pose no conflict of interest to deliver content and engage with students (e.g., former players). Educational activities and materials should be annual, begin when the athlete is 15 or a rising sophomore, and take place at different stages in a student’s life including at the summer events.
- Create a robust and well-funded mentoring program aimed at the top 100 young high school basketball players in the country. The program will be linked to the summer events, but also be sustained over a period of years to build trust with athletes and their families.
- Establish an educational program for coaches as part of the summer events that will lead to certification in coaching and related skills.

## Best Practices, Implications for Other Sports

In addition to the foregoing, the Task Force believes there are best practices that can be emulated. For example, just among the Pac-12 universities, there is a wide range of approaches to educating student-athletes on the subject of their permissible contact with agents, and on screening/evaluating agents. We have incorporated into the report documents from several of our member universities that illustrate the approaches they are taking to address these issues.

We encourage further study of these and other approaches and the development of a comprehensive guidance document on best practices in educating student-athletes on various aspects of NCAA compliance and planning for their futures.

The Task Force also believes best practices guidance should be developed relating to the recruitment, training, and “onboarding” of coaching and other athletic staff, to ensure the establishment of an appropriate and ethical culture of compliance. We believe there is an opportunity to work with the National Association of Basketball Coaches in this effort.

Finally, while there are a number of factors that make men's basketball unique, the Task Force sees important lessons that may be drawn for football, where "7 on 7" football is adopting some of the characteristics that first emerged in youth basketball, and which may have the potential to lead to abuses similar to those alleged in the federal basketball indictments. We urge that, at this relatively early stage in its development, those responsible for the governance and sponsorships of those leagues learn the lessons from men's basketball, and we also urge that 7-on-7 leagues be appropriately integrated into the college recruitment.



## METHODOLOGY

To prepare this report, the Task Force conducted several meetings, both of the entire Task Force and of subgroups within the task force specializing in specific aspects of its overall charter. In addition, members of the Task Force, as well as Commissioner Scott, the Pac-12 Conference staff and the Conference's consultants, conducted individual conversations with various figures including shoe company executives, basketball coaches, agents, and others. A list of contacted organizations is attached as Appendix A.

To provide context for its report and its deliberations, additional research was conducted by the Conference staff and its consultant, PulsePoint Group. This research examined the leading books that have been written on the subject of youth and college basketball, along with news coverage, scholarly articles and reports, NCAA and Conference documents, and other relevant material. Much of this material appears in the footnotes of this document. The report is also informed by the deep experience of the Task Force members themselves, most of whom have spent decades in college basketball, higher education, and in the administration of college and youth sports.

PART ONE

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# BACKGROUND



## OVERVIEW OF THE ISSUES

The issues addressed by the Task Force would be difficult enough if they were limited to, or even principally contained within, college basketball. But they in fact involve many entities, some of them far beyond the reach of the NCAA. Primarily, these issues focus on elite players who are now frequently identified (and promoted) well before they are in the eighth grade, and involve a wide circle of individuals and organizations, including:

- Players
- Their parents, friends, and family members
- High school programs and their coaches
- “Grassroots” and “club” or “travel” basketball programs and their coaches
- Shoe and apparel companies
- Agents, a term that sometimes also incorporates “runners” and other middlemen
- Financial advisors
- College basketball programs, their coaches and assistant coaches
- University administrators
- The National Basketball Association
- The National Basketball Players Association
- Boosters

Each of these participants has its own interests and motivations, but the issues the Task Force is explored as they relate

to basketball and the federal investigation are largely rooted in the increase in the perceived value of young stars and the various people and institutions – including the players themselves – seeking to capitalize on that value.

For the most elite players, that value can be enormous. For example, top NBA career earners who went in the first round of the NBA draft have made as much as \$326 million, according to the magazine *Forbes*, and that’s only in salary. The same magazine said the top dozen endorsers in the NBA in 2017 earned about \$7.5 million each, with a cumulative total of \$233 million. “Shoe companies are driving the bulk of the off-court haul for these players,” *Forbes* says.<sup>1</sup> Even before reaching the NBA, however, highly touted players become highly sought after. As youngsters, they find themselves recruited by competing youth league teams, often miles away from their home. As they near high school, the most elite players become the object of recruitment efforts of both public and private schools, the latter unbound by the limitations of a given school district. And as they approach college age – and not infrequently for many years before – they are the object of attention from scouting services, prospective agents, shoe and apparel companies, basketball fans, recruitment-specific media, and college recruiters.

<sup>1</sup> Kurt Badenhausen, “NBA Draft 2017: The Highest Paid Player All-Time From Each Draft Slot,” *Forbes.com*, June 22, 2017, and “The 2017 NBA All-Stars: Players Who Earn the Most Money From Endorsements,” *Forbes.com*, Feb. 19, 2017.

These elite players are a tiny minority of the thousands of high-school basketball players, the narrow end of a funnel that illustrates how easy it is for young athletes to develop exaggerated expectations of a professional future, or even a college scholarship:



Given the intense interest in the relatively small number of elite players, and the high stakes in landing them for a youth team, a university, a sponsor, or an agent, it is not surprising that the NCAA's amateurism rules are under constant threat. The situation is not particularly new. When *Sports Illustrated* published the report, "School for Scandal" in 2000, detailing the increasing role of Nike and other shoe companies in youth basketball, the author noted with some dismay it was greeted "with a shrug."<sup>5</sup>

To an extent, the development of the current youth basketball environment, in which club teams and summer camps have come to rival if not displace high school sports, reflects a trend in youth sports that is hardly limited to basketball. Travel teams proliferate in sports ranging from soccer to baseball to lacrosse, and increasingly in "7-on-7" football. And the criticisms that are mounted against it in basketball are heard in these other non-scholastic sports programs as well:

- The length of season, number of games, number of practices, travel time, etc., are unrestrained by the limitations traditionally associated with school-sponsored sports.
- Academics are underemphasized.
- The demands of travel intrude upon time for academics as well as family life and other pursuits.
- The majority of coaches are not teachers or school employees, are untethered by the same administrative or ethical constraints, and are in some cases chasing shoe deals or coaching jobs at higher levels.
- The youngster is often said to be playing largely for him (or her) self<sup>6</sup> rather than to represent a school or some other institution. The experience is said to generate selfishness and a sense of entitlement among players and, not infrequently their parents. To be fair, there are also many youth players who are intensely loyal to their club programs.
- Youth players are, in some cases, receiving sub-standard basketball skill development.

<sup>1A</sup> [www.statista.com/statistics/267942/participation-in-us-high-school-basketball/](http://www.statista.com/statistics/267942/participation-in-us-high-school-basketball/)

<sup>2</sup> <https://thepowerrank.com/2013/03/29/nature-vs-nurture-the-odds-of-playing-college-basketball/>

<sup>3</sup> [www.cbssports.com/nba/news/2017-nba-draft-picks-complete-results-full-list-of-players-selected-highlights-grades/](http://www.cbssports.com/nba/news/2017-nba-draft-picks-complete-results-full-list-of-players-selected-highlights-grades/). Some of these players are from outside the U.S.

<sup>4</sup> <http://bleacherreport.com/articles/2717450-2017-nba-draft-breaks-records-with-16-freshmen-2-seniors-taken-in-1st-round>

<sup>5</sup> George Dohrmann, *Play Their Hearts Out*, Ballantine Books, 2010, at 9.

<sup>6</sup> Although these issues are beginning to affect girls' and women's basketball programs as well, the Task Force primarily examined the mens game. For that reason, in most instances except where the context dictates otherwise, the male pronoun will be used when referring to players.

So, it may be reasonably asked, if these issues are present in travel teams (sometimes referred to as “select” teams) in a variety of sports, why have they come to be perceived as a particular problem in basketball and a contributor to the issues raised by the federal investigation? We believe there are several reasons:

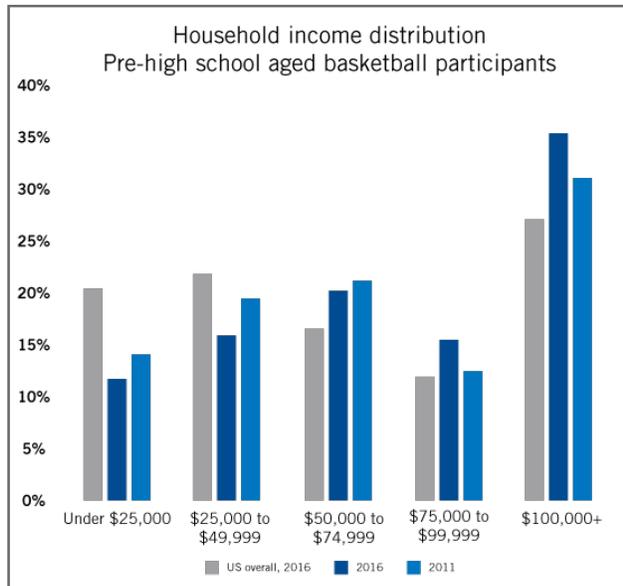
- The ability to spot basketball talent at a particularly young age. For example, athletes as early as the eighth or ninth grade are said to be identifiable as having elite potential if they have a three- or four-inch “wingspan to height” difference.
- Given the small size of basketball teams relative to football and baseball teams, the potential of a single player to change the fortunes of a single team and coach quickly.
- The ability of at least some players to succeed professionally while still teenagers.
- The growth in the disparity between the perceived economic value of a collegiate athletic scholarship and the amounts of money available to elite professional players at an exceptionally young age.
- The extent to which basketball sneakers and apparel are marketed to young people through their manufacturers’ operation of youth leagues and the sponsorship of travel teams and schools, and the relationships between a given manufacturer’s league (or camp) and the coaches and universities (and high schools) sponsored by the same company.
- The NBA’s minimum age requirement of 19 on draftees which, in turn, leads to the phenomenon of a handful of top players who would prefer to play professionally out of high school but must spend one year in college without any real appreciation for the academic experience. The theory, widely held but difficult to prove, is that the “one and done” phenomenon contributes to the flouting of NCAA amateurism rules by importing the freewheeling atmosphere of deal making into the college game by people with no real interest in college-level academics or incentive to maintain the student-athlete’s NCAA eligibility.
- The socioeconomic circumstances of a disproportionately large number of elite young basketball players.

In discussing the socioeconomic impact of the player experience, it is important to emphasize that we do not suggest, in any way, that athletes and families from certain socioeconomic groups are more prone to be dishonest, or have lesser values or characters than anyone else. We recognize the difficult choices made by young athletes and their families driven by financial hardship. But we do believe, based on the growing literature on the subject and on our own experience in intercollegiate athletics, that some of these athletes and their families may be especially vulnerable to the actions of unscrupulous individuals. And we believe that an important reason to protect the young athlete’s NCAA eligibility is the role academic success can play in closing this economic gap.

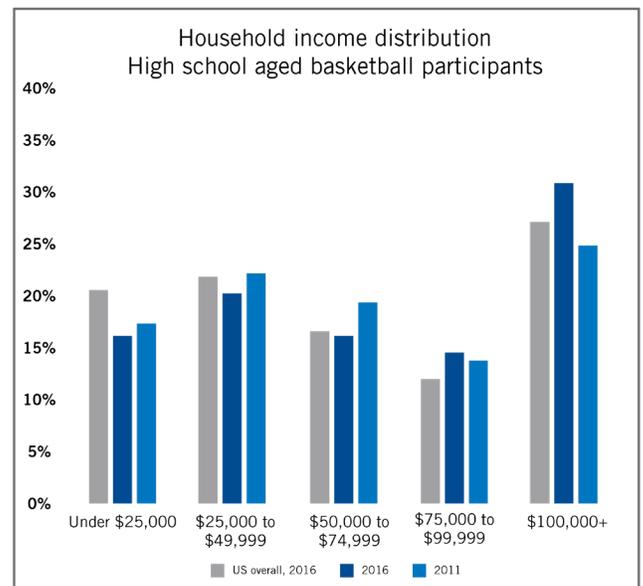
As the charts below demonstrate, even within basketball, the demographics of participation reflect national demographics at the high school level but tilt toward lower incomes at the more elite college level.

## HOUSEHOLD INCOME

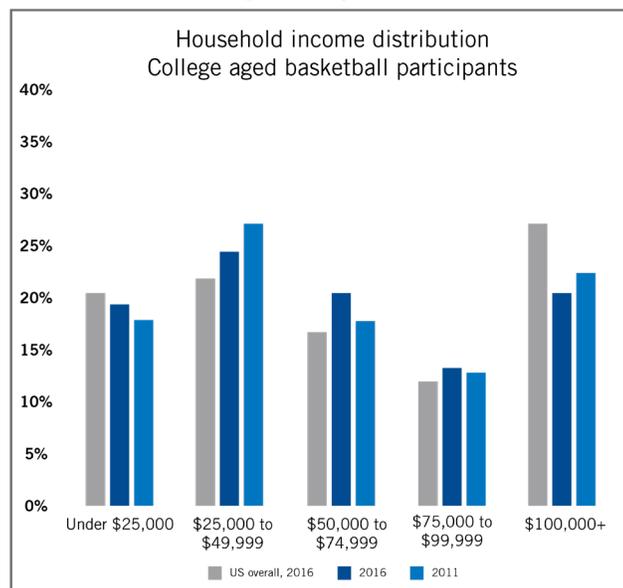
### The youngest players' family incomes tilt towards moderately high family incomes



### High school players' family incomes largely mirror US profile



### College age players continue progression away from high family incomes



Source: Sports and Fitness Industry Association, US Census

At the college level, the uniquely disproportionate number of black male student-athletes in basketball – whatever their economic backgrounds – is striking:

Racial demographics percentages at NCAA Division I: revenue generating vs non-revenue generating sports (2014-2015)

<b>Sport</b>	<b>White Males</b>	<b>White Females</b>	<b>Black Males</b>	<b>Black Females</b>
Baseball	80.7	0.0	5.1	0.0
Basketball	25.5	32.2	58.3	51.0
Cross Country	72.2	73.4	9.7	9.5
Equestrian	0.0	87.5	0.0	0.5
Field Hockey	0.0	77.4	0.0	1.4
Football	40.2	0.0	47.1	0.0
Golf	70.6	59.4	2.7	3.0
Gymnastics	69.1	70.2	5.3	8.6
Lacrosse	84.2	87.0	2.8	2.5
Soccer	55.8	72.6	9.8	6.4
Softball	0.0	71.6	0.0	7.5
Swimming	76.3	78.0	2.0	1.6
Tennis	44.0	42.9	4.6	5.8
Track—Indoor	55.4	56.1	27.8	27.4
Track —Outdoor	55.3	56.2	27.0	27.0
Volleyball	69.4	67.5	3.5	13.9
Wrestling	77.1	0.0	6.9	0.0

Data Source: 2014-2015 Division 1 figure. NCAA sport sponsorship, participation and demographics search. <http://web1.ncaa.org/rgdSearch/exec/displayResultsPercents>

Power Five conferences racial demographics percentages in revenue generating sports

<b>Conference</b>	<b>White Males Football</b>	<b>Black Males Football</b>	<b>White Males Basketball</b>	<b>Black Males Basketball</b>
ACC	38.7	51.3	25.3	62.6
Big 12	41.1	50.0	25.9	60.2
Big 10	48.6	41.5	34.9	51.2
Pac-12	35.6	37.5	31.1	49.2
SEC	37.0	57.6	19.0	67.0

Data Source: 2014-2015 Division 1 figure. NCAA sport sponsorship, participation and demographics search. <http://web1.ncaa.org/rgdSearch/exec/displayResultsPercents>

This shift toward lower incomes at the college level, together with the large percentage of black athletes, appears to reflect the disproportionate number of young men from disadvantaged backgrounds participating in the college game. Accurate statistics are difficult to come by, but experience suggests that elite youth basketball programs and summer tournaments include a large proportion of young black men who, for reasons deeply embedded in the inequities of American history and life, come from families that are on average less wealthy and less well-educated than the children playing those other sports.<sup>7</sup> In a number of cases, extended families and other influences are invested in the basketball fortunes of a single young man in the hope that his success will lift them out of difficult financial circumstances.

For many of the elite youth players, the financial need is acute, creating a vulnerability to being taken advantage of and a temptation to make decisions for short-term benefits that can have long-term consequences, such as the potential loss of NCAA eligibility and the pathway to a college education.

One author gives the example of the mother of an youth league player whose coach was helping his mother pay her rent – an arrangement that convinced the mother to place her son on that coach’s travel team. When the time came to choose a high school, the travel team coach wanted to steer the boy to a high school other than the one he wanted to attend. When he protested to his mother, she said, “Whoever pays the rent is who you are going to play for.”<sup>8</sup> In the federal complaints, a recurring theme – whether involving alleged efforts by college coaches to steer players to agents, or shoe companies steering high-school aged players to specific colleges – are payments to (and sometimes demands by) a parent and other family members of players.<sup>9</sup>

Parents with limited exposure to the business world, and with fewer contacts among people who may be able to help, may be more vulnerable to being exploited and may be unprepared to know where to turn for help in negotiating arrangements with a shoe company, or even competing scholarship offers from universities. A deep mistrust of institutions, often fueled by bad experiences with people who turn out to have their own agendas, can become a barrier to obtaining essential guidance, or a pathway for poor guidance from self-interested, poorly informed, and potentially dishonest intermediaries. Especially in the early days of AAU basketball’s relationship with shoe companies, one writer says, “adult leadership was looked on with distrust, disregard, and even contempt. Everyone questioned their association and searched for their motives and agendas within the newfound union of shoe-sponsored teams, AAU, and competitive travel basketball.”<sup>10</sup> But the author says the distrust extends to high school coaches and programs as well.<sup>11</sup> This challenge has not gone unrecognized. More than 20 years ago, the NCAA created the “First Team” mentorship program for the top 100 prospects, but assigned only two people to it and it collapsed.<sup>12</sup>

Moreover, the significant number of black players participating in elite youth programs has led to the understandable view that it is being unfairly singled out for criticism as the result of racial bias.<sup>13</sup> This perception of bias becomes layered on top of the perception that many individuals within the college basketball establishment other than the athletes – including head coaches, sponsors, equipment manufacturers, broadcasters, and others – are making significant amounts of money. In addition to this economic disparity are perceptions, and sometimes explicit assertions,<sup>14</sup> of racial bias. It cannot be ignored that while many of the people earning large salaries, bonuses and other compensation from college basketball are white, including most head coaches, all four of the assistant basketball coaches who were indicted last fall are black.

<sup>7</sup> For anecdotal discussions of this, see Wetzel and Yaeger, *Sole Influence*, ch. 12, “The Summer Season,” Warner Books (2000) at 195-213; Kevin McNutt, *Playing Time: Tough Truths About AAU Basketball, Youth Sports, Parents and Athletes*, African American Images, 2015, ch. 2, “The Tricky Relationship Between AAU Basketball and the Black Sports Community,” at 17-30. For statistics on median household income by race, see <http://www.businessinsider.com/heres-median-income-in-the-us-by-race-2013-9>

<sup>8</sup> Dohrmann at 292-293.

<sup>9</sup> See, for example, allegations in the complaint in *U.S. v. Gatto* at 20 (par. 36a): “[Christian] Dawkins then laid out the plan to funnel money to the family of Player-11, a high school basketball player who was expected to graduate in 2019, stating that ‘the mom is like . . . we need our f\*cking money.’” The amount in question was allegedly \$100,000 to induce the player to attend the school.

<sup>10</sup> McNutt, at 20.

<sup>11</sup> McNutt, at 32.

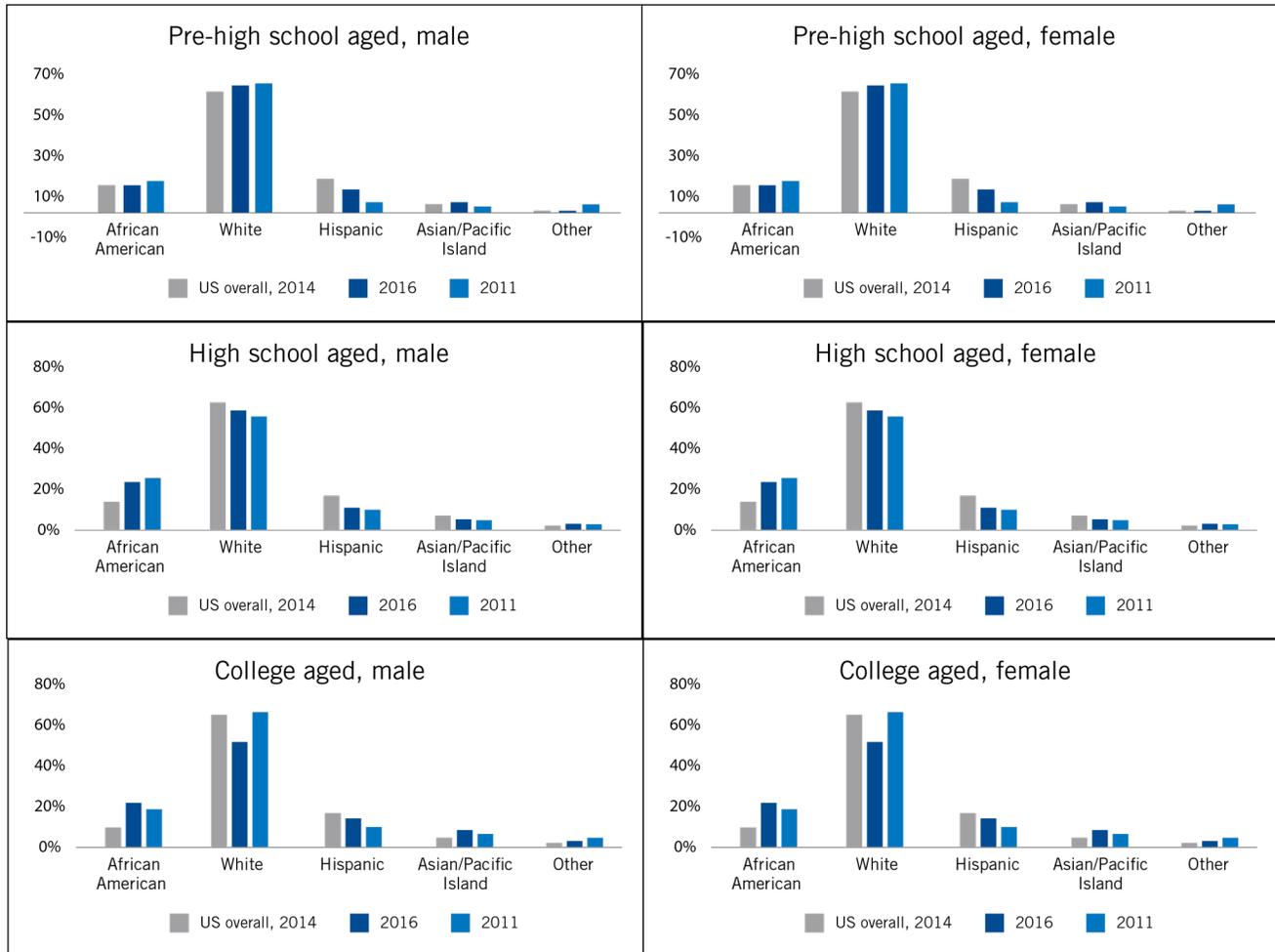
<sup>12</sup> Jeff Eisenberg, “How the NCAA discarded a program that could have helped address college basketball’s problems,” Yahoo! Sports, Oct. 26, 2017.

<sup>13</sup> *Sole Influence* at 184.

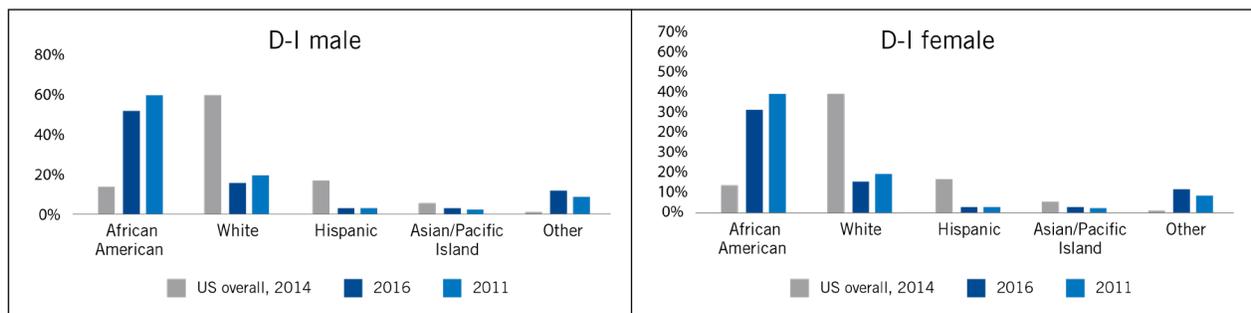
<sup>14</sup> *Id.*

Finally, it is important to note that the socioeconomic and racial dimension of the issues raised by the federal complaints is linked to elite players and disproportionately impacts Division I basketball. As the following charts show, participants in scholastic basketball programs other than DI generally reflect demographics of the U.S. general population, but DI participation (not just among the five autonomy conferences) shifts towards a greater percentage of black student-athletes than the general population:

### Non D-I basketball participants generally reflect US ethnicity proportions



### D-I basketball participants shift towards African American



When discussing the socioeconomic aspects of this issue, it is important to avoid lapsing into unsupported assumptions and stereotypes. In his relatively recent book, *Playing Time*, the author – who has coached both high school and AAU basketball teams, as well as refereed at a variety of levels – addresses this issue and is worth quoting at length:

A fair question to be asked is what makes the AAU basketball experience for the predominantly black urban community so different from the experiences of the predominantly white and suburban communities involved in club and travel sports like soccer, hockey, and volleyball. Indeed, participation in club and travel team soccer and volleyball is just as grueling, time-consuming, extremely expensive and family-unfriendly as basketball is in the black community. In fact, there are far more similarities than differences as most regard club and travel teams as the same, just under a different moniker.

While the intensity and commitment are the same, there are a few sociological and philosophical differences at play. First and foremost, because there are substantially fewer two-parent households in the black community than there are in suburban and white communities, there is the obvious issue regarding income and finances. By comparison, children in suburban and white households benefit from higher expectations in life whether they participate in sports or not. There is generally less pressure in these communities to compete in sports. Conversely, in the black community, financial problems and the lack of upward mobility options force the idea that the basketball scholarship is the only ticket to better living. Thus, the pressures to excel magnify, and the desperation for a scholarship is palpable.<sup>15</sup>

To examine these theories and enable the Task Force to develop recommendations grounded as much as possible in the real world, the next chapter of this report looks more deeply at youth basketball, with particular attention to the following aspects of the sport:

- Values and objectives, and their impact on student-athlete welfare
- The role of shoe and apparel companies
- The impact of youth leagues on college recruitment
- The role of agents and other third parties

<sup>15</sup> McNutt, at 35.



## SPECIFIC ISSUES IN YOUTH BASKETBALL

### Youth Basketball and Welfare of the Student-Athlete

There is little doubt that for many kids, “grassroots” and “club” or “travel”<sup>16</sup> basketball leagues are recreational experiences with the usual ups and downs, triumphs and disappointments, parental excesses and uplifting moments that have always characterized those activities. And grassroots basketball has had many positive impacts: it has contributed to the quality of youth basketball, with young players making an immediate impact on the NBA. Young players now gain the experience of playing before large-crowds in high-pressure games with intense media scrutiny, and test themselves against the best competition from all over the country. Though there may be some negatives associated with experiencing those things at a very young age, there are important benefits as well, among them a higher level of play in the college game.

Youth league teams have also brought together youngsters from diverse backgrounds who initially knew little of each other’s worlds, and who over the course of a season were forged not only into a team but into friends. And though not true of all youth leagues, some have focused attention on academics, not just basketball skills, and have considered it a success to send players to Harvard, Lehigh and Brown, rather than to the NBA.

But for many kids – too many, critics say, who have unrealistic dreams of NBA stardom – youth basketball has received withering criticism. In his widely praised book, former Sports Illustrated writer George Dohrmann spent eight years following the progress of a youth team in Southern California and its star player, Demetrius Walker. He was critical of youth leagues for exploiting and nurturing the unrealistic expectations of young players and their parents while at the same time pursuing their own (sometimes equally unrealistic ambitions) of riches or college coaching stardom. But he was also critical of how the experience affects players, both in the quality of their play and in their development as individuals.

In Walker’s case, Dohrmann’s account suggested that being identified as a can’t-miss superstar at too young an age stunted Walker’s development, and made it difficult for him to make the necessary adjustment when other kids caught up to him (and when his athleticism could no longer compensate for his relative lack of height). But Dohrmann also suggested the experience set the stage for Walker’s inability to find success after he did finally land a scholarship to Arizona State but was later suspended and ultimately never had the NBA career for which he had seemed destined as a child.

<sup>16</sup> The terms “grassroots,” “club,” and “travel” teams can often be used interchangeably, whereas AAU, which is often used generically to refer to youth basketball, actually refers to a specific organization. In general, this paper uses AAU only when specifically referring to programs sponsored by the Amateur Athletic Union, except that in some direct quotes the speaker may be using the term in a generic way.

Both in Dohrmann's book and others, Walker's saga is not unique. While participation in travel teams and tournaments is viewed as indispensable to obtaining a college scholarship and perhaps a shot at the NBA, many say that, due to the nearly exclusive focus on 5-on-5 full court games at the expense of skill development, it encourages a selfish style of play that robs players of learning the fundamentals of the game, leads to a selfish focus on playing time and transferring from team to team, and creates a sense of entitlement that renders players emotionally ill-equipped to deal with life on either a professional or college team.

Parents and their aspiring players are lured with stories of a particular coach's former player who went on to play in a Division I program and/or the NBA, but parents seldom are told about the flameouts.<sup>17</sup> Moreover, it's been said that the coaches' need to showcase their star players deprives talented young players of the chance to blossom with the proper mix of skills building, mentoring, and competitive challenges.

Questions have also been raised about the backgrounds and qualifications of non-scholastic league coaches, particularly when compared with high school coaches who may also be teachers (though this is less frequently the case in recent years) and who, ideally at least, have the educational growth of their players as an important part of their objectives:

Neither [shoe companies] nor AAU and the other purveyors of spring and summer basketball did background checks, criminal or otherwise, on the adult leaders who made themselves available. It seemed that the selection process did not go any deeper than the word-of-mouth recommendation from a coach or street agent who previously delivered a player to a school, or supposedly had ties and access to players, or was supposedly deeply involved in working with youth in the community.<sup>18</sup>

It is difficult to quantify the validity of this criticism. While there have been some high-profile scandals involving AAU coaches, high-school coaches have not been immune from charges of improper behavior. And some suggest that the quality of coaching in elite AAU programs exceeds that of the average high school. In the competition for players, the relationship between AAU and high school coaches has often become acrimonious, with each side airing complaints against the other that do not always stand up to scrutiny.

<sup>17</sup> Dohrmann, at 80.

<sup>18</sup> McNutt, at 19. Efforts toward training and certification have been increasing in recent years.

## The Role of Shoe and Apparel Companies

Several decades ago, virtually all NBA players wore Converse All-Star sneakers. But in early 1984, Nike – which up until that time had almost no presence in basketball and was seen as a running shoe company – produced a sneaker exclusively for Michael Jordan. Later that year, the Air Jordan was released to the public, and the world of basketball shoes – and youth basketball – was changed forever.<sup>19</sup> In more recent years, sneaker culture and sneakers as a fashion statement have exploded both in price and visibility, but with basketball and basketball stars firmly at the center.<sup>20</sup>

Every basketball-playing kid wanted to “Be Like Mike,” and Nike marketed its product aggressively by sponsoring youth basketball events and teams through the energies of Sonny Vaccaro, who had run major post-season high-school all-star games as far back as 1965. Vaccaro began by making exclusive shoe deals with individual college basketball coaches, and eventually worked his and Nike’s way into youth basketball. Vaccaro would later be replaced by George Raveling<sup>21</sup> and jump to Adidas and ran a similar youth-sports-based marketing effort there. By 1985, while still at Nike, Vaccaro bragged that Nike had “taken control of the market.”<sup>22</sup> Nike’s interest in youth basketball was also attributed to a comment allegedly made by company CEO Phil Knight (though denied by him) and reported in the *Chicago Sun-Times*: “We never want another kid to go pro out of high school without Nike being involved.”<sup>23</sup>

Over time, the various shoe companies came to dominate the funding of many major youth teams and tournaments. In particular, each major shoe company now essentially operates rather than merely sponsors its own summer league, and these summer leagues and tournaments have become important venues to colleges to evaluate and recruit talent.

Moreover, a youth coach who has a shoe deal with one of the major companies has credibility with potential recruits, and can entice recruits to join his team with the promise of free shoes and fancier uniforms than teams that lack a sponsor.<sup>24</sup> In addition to swag, some players have received nice clothing, gas money and even a car itself. “I went for years where I could do whatever I wanted,” one former player said, “and then I was supposed to go to college and change?”<sup>25</sup>

But shoe companies are involved in more than just youth basketball. They are major sponsors of college basketball – including Pac-12 universities – and have individual sponsorship deals with college coaches. They sponsor some high schools. And, of course, they pay for endorsements from NBA stars. Indeed, it has been said that the core strategy of the companies is to identify the next Michael Jordan when he is still in middle school, have him play on a sponsored team, steer him to a sponsored university, and ultimately sign him when he becomes an NBA star.

It is this concept that underlies the allegations of the Justice Department’s indictments, though whether this is in fact the shoe companies’ business model is a subject of some debate. Some shoe company executives say that such a model doesn’t make sense because players have no loyalty; there is no reason to expect that an NBA player will sign with, say, Adidas, just because he played on an Adidas-sponsored AAU team. One executive, speaking of Demetrius Walker some years ago, said, “We don’t care if Demetrius makes it to the NBA like Sonny [Vaccaro] does.”<sup>26</sup> On the other hand, Dohrmann wrote that it was “widely known that some AAU coaches received money from agents for steering players to them,”<sup>27</sup> and that shoe companies influenced elite AAU players’ choice of high schools. “Schools had their own sponsorship arrangements,” Dohrmann wrote, “and Adidas would not want one of its prized prospects at a Nike or Reebok school.”<sup>28</sup>

<sup>19</sup> McNutt, *Playing Time*, African-American Images (2015), at 3. McNutt says Nike’s revenue from Air Jordans reached \$100 million by the end of 1985.

<sup>20</sup> See, for example, Alex Williams, *The Sneaker Comes of Age*, N.Y. Times, June 11, 2014; Katherine Bernard, *Where Sweats are Cinched and Air Jordans are Art*, N.Y. Times, Nov. 7, 2017; Joanna Nikas, *Peak Sneaker: Inside Sneaker Con*, N.Y. Times, Jan. 4, 2018, featuring 500 vendors at New York City’s Javits Convention Center apparently geared primarily to collectors and resellers, 20,000 attendees, and a “trading pit” of mostly teenage boys. “There seems to be a never-ending barrage of new shoes coming out,” the author writes, “and it’s nearly impossible to walk through downtown Manhattan without passing groups of boys lining up to get them.”

<sup>21</sup> Raveling is a former head coach at Washington State University, the University of Iowa, and the University of Southern California, and is a commentator for basketball telecasts on Fox, including some Pac-12 games.

<sup>22</sup> Dohrmann, at 46.

Shoe company money is also said to find its way into places it arguably doesn't belong. When Tracy McGrady declared for the 1997 NBA draft, he signed with Adidas for \$12 million and "donated" \$300,000 back to Mt. Zion Christian Academy, with Mt. Zion's coach and a scout to split another \$150,000 annually for six years.<sup>29</sup> Mt. Zion itself had been rumored to "take care of" test scores for athletes who were more talented on the court than the classroom and needed to maintain their eligibility as soon-to-be college freshmen. Said one former player, "They said I didn't have to worry about academics. You had to go to class but you didn't have to worry about no grades."<sup>30</sup> In addition to questions about its academic bona fides, Mt. Zion's involvement with Adidas has also been criticized.<sup>31</sup> In one of the allegations in the federal complaints, it is alleged that \$100,000 was to be paid to a recruit in order to get him to commit to a school. Media reports have identified the school as the University of Louisville, the shoe company involved has been reported to have been Adidas, and the recruit involved was reportedly Brian Bowen.<sup>31A</sup>

The role of shoe companies in youth and college basketball has been criticized by many people over the years, including coaches themselves. One writer said that while college coaches dislike the system, "they aren't returning any checks."<sup>32</sup> Universities themselves receive substantial sums from shoe company sponsorships, and shoe advertising on network telecasts of college basketball games also helps, together with advertising from many other sources, support large media rights payments to the Pac-12 and other conferences. One youth league advocate succinctly summed up his resentment at the suggestion youth leagues were inappropriately commercial compared with the college game: "The NCAA, almighty God, got \$1.2 billion from CBS. I don't see them giving back shit."<sup>33</sup>

<sup>23</sup> Sole Influence at 4.

<sup>24</sup> Dohrmann, at 151-152.

<sup>25</sup> Dohrmann, at 82.

<sup>26</sup> Dohrmann, at 155. By that time, Vaccaro was with Adidas.

<sup>27</sup> Dohrmann, at 188.

<sup>28</sup> Dohrmann, at 254.

<sup>29</sup> Sole Influence, at 127-128.

<sup>30</sup> Sole Influence, at 131.

<sup>31</sup> Sole Influence at 137-138.

<sup>31A</sup> Tracy and Zagoria, "How NCAA Recruiting's Illicit Spoils Ensnared a Young Star," N.Y. Times, Oct. 4, 2017, <https://www.nytimes.com/2017/10/04/sports/ncaabasketball/louisville-pitino-bowen-ncaa.html>

<sup>32</sup> Sole Influence, at 189.

<sup>33</sup> Sole Influence at 179. The number, presumably for the right to telecast NCAA basketball games including the Men's NCAA Tournament, may or may not be accurate.

## The Impact Of Grassroots Basketball On College Recruitment, And The Role Of Agents

Aside from the controversial question of whether shoe companies participate in “steering” players to particular colleges, summer leagues and sponsored tournaments have come to play a major role in the recruitment process for college basketball simply by virtue of their ability to concentrate a large number of talented players in one place at one time. College coaches with limited travel budgets who might once have been limited to drawing recruits from their own region now have the ability to see a wider variety of players in a relatively efficient way.

The NCAA adopted rules limiting the extent to which recruitment can take place at non-scholastic youth events (these rules are summarized in the Recruitment portion of this document’s Findings and Recommendations).

While some believe these rules have been beneficial, others contend that the limitations on what college coaches can do directly create a fertile environment for such intermediaries as “street agents,” “runners,” and various hangers-on who may be unsophisticated and do more harm than good for the athlete they are purporting to help, including negative impacts on the player’s college eligibility. Moreover, as the NCAA lacks jurisdiction as a private entity to regulate agents or third parties directly, though it may be able to establish certification programs. Any penalties it imposes for violations of its rules fall disproportionately on student-athletes and institutions while the agent generally escapes the consequences.<sup>34</sup>

Federal and state laws attempt to regulate the behavior of agents, but have generally not been effective. At the federal level, the Sports Agent Responsibility and Trust Act imposes three general duties upon agents:

- A duty to be truthful,
- A duty of disclosure, and
- A duty to refrain from “buying” an athlete

The Uniform Athlete Agents Act, adopted by a majority of states, empowers the state’s attorney general to act. Neither has been extensively used against “street agents” and similar third parties, in part because the enforcement mechanisms are limited.<sup>35</sup> One commentator has suggested making the federal law more effective against street agents by making it apply to agent relationships regardless of whether an agent contract is in place, so long as the agent (including a family member) is “utilizing the talents of the athlete for their own personal gain.”<sup>36</sup>

But it is important to note that key allegations in the Justice Department investigation involve agents and a college player (or players about to enter college). In one example, an agent seeks to persuade a university coach to steer his players to the agent in return for forgiveness of a \$50,000 loan, an arrangement that prosecutors contend amounted to a bribe. The agent, who is referred to in the complaint as a cooperating witness and was apparently wearing a recording device, discussed with the coach his interest in developing a relationship with a player the coach said was the “ninth ranked kid in the country” and who would begin playing for that school in January of the coming year.

<sup>34</sup> Scott Foster, *Street Agents: Third Party Involvement in College Football Recruiting*, 2011.

<sup>35</sup> See, Darren A. Heitner, *Duties of Sports Agents to Athletes and Statutory Regulation Thereof*, Dartmouth Law Journal, Vol. 7, Issue 3 (2009).

<sup>36</sup> Foster, at 26.

The coach allegedly noted that this particular athlete would play only a year and a half in college, implying that with a NBA career coming sooner rather than after a four-year college career there was an incentive for the agent to establish a relationship quickly.<sup>37</sup> Moreover college coaches may have a financial interest in steering their players to his own agent; it is customary for the agent to cut their fee to the coach, or waive it altogether, if the coach succeeds in helping the agent recruit clients from his team.

<sup>37</sup> Complaint in *United States v. Person*, 17 MAG 7118, S.D.N.Y., Sept. 25, 2017, at 19. The perceived imperative of establishing agent relationships with college players who are seen likely to turn professional soon is one of the links between the “one and done” phenomenon and the issues being addressed by the Task Force. Similar emphasis on players expected to be “one and done” can be found in the other complaints: *United States v. Evans*, 17 MAG 7119, S.D.N.Y., Sept. 25, 2017, at 28; *United States v. Gatto*, 17 MAG 7120, S.D.N.Y., Sept. 25, 2017, at 28. But it must be assumed that the incentives to prematurely establish commercial relationships with graduating seniors or other upperclassmen who are likely to be drafted, equally in violation of NCAA rules, are similar. Indeed, in at least one instance, there is a suggestion that if a player stayed in college for two years he would go from a top 20 pick to a top 10 pick in the NBA draft. *Gatto* at 19 (par. 34).



## SUMMARY OF THE FEDERAL INDICTMENTS

On September 25, 2017, the U.S. Department of Justice filed three criminal complaints in U.S. District Court in Manhattan.<sup>38</sup> The complaints allege two principal sets of charges:

- That assistant coaches at the University of Arizona, Auburn University, Oklahoma State University, and the University of Southern California took bribes to direct their players to certain sports agents. Each is charged with a series of bribery and fraud charges.
- That an Adidas executive sent six-figure payments to recruits in exchange for them committing to schools affiliated with the brand. In addition to the coaches named, the complaint names a variety of figures associated with youth and college basketball including Adidas' global sports marketing director, a former Clemson player now associated with Adidas, the founder of a money-management firm that specializes in professional athletes, a former agent, the program director for an Adidas-sponsored youth team in Orlando, and the owner of a high-end clothing manufacturer.

The complaints rely heavily on evidence acquired through cooperating witnesses

who recorded conversations with various individuals. The government alleges, for example, that a government agent paid Arizona assistant Book Richardson \$20,000 so that he would use his clout with Arizona players to sway them towards the former sports agent's and clothing manufacturer's businesses. (These allegations were unrelated to those involving Adidas, as Arizona is a Nike school.) Similarly, USC Assistant Coach Tony Bland is alleged to have taken \$13,000 to steer athletes toward defendants' businesses. They also allege, though without naming the school or the player involved, that \$100,000 was paid to convince a recruit to commit to a particular school. News reports have linked the matter to the University of Louisville and to the resignation of its coach, Rick Pitino, who has denied any wrongdoing.<sup>39</sup>

Based on the allegations in the complaints, the Task Force considered the issues before it anything relating to the recruiting process, the involvement of third parties (including agents, shoe and apparel companies, and others), the interaction between collegiate and youth basketball, the rules and procedures governing NCAA enforcement, and the educational/information processes that surround the entire process.

<sup>38</sup> *U.S. v. Chuck Connors Person and Rashan Michel*, 17 MAG 7118; *U.S. v. Lamont Evans*, Emanuel Richardson, a/k/a "Book," Anthony Bland, a/k/a "Tony," Christian Dawkins, and Munish Sood, 17 MAG 7119; *U.S. v. James Gatto*, a/k/a "Jim," Merl Code, Christian Dawkins, Jonathan Brad Augustine, and Munish Sood, 17 MAG 7120. All three complaints were filed in the U.S. District Court for the Southern District of New York on Sept. 25, 2017.

<sup>39</sup> These are only illustrative examples; the complaints are complex and detailed, and include allegations involving a number of unnamed schools and individuals that have been subsequently identified in the media.

PART TWO

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**FINDINGS AND  
RECOMMENDATIONS**



## NCAA RULES GOVERNING ELIGIBILITY

The Task Force believes strongly in the importance of maintaining the collegiate model of athletic competition, along with the importance of complying with Title IX and the support of a broad range of sports, including women's and Olympics sports, many of which do not produce the level of revenue that men's basketball and football do, and which generally do not offer pathways to equally lucrative professional careers. The high level of interest in men's basketball (along with football) has, along with the revenue it provides, helped focus attention on various aspects of rules modernization and injury prevention, along with investments in athletic facilities and overall benefits to their universities, that have benefited student-athletes across all sports.

We also recognize that the collegiate model is under attack in the courts as well as in the courts of public opinion. We emphatically believe that there are ways in which the NCAA and its members can refine the rules governing eligibility to play college basketball that preserve the essential attributes of the collegiate model but provide a measure of flexibility that could safeguard against cheating and reduce perceptions of unfairness. These include a variety of recommendations made elsewhere in this document, particularly in the recommendations concerning recruitment. In addition, we believe the NCAA should:

- Change existing rules restricting student-athlete (and potential student-

athlete) engagement of agents so that young athletes and their families can benefit from experienced, certified professional advice when making important life decisions. Like it or not, players are becoming aware of their value to merchandisers and of their own individual brands at ever-younger ages. It is now common to identify elite players by the time they have reached the eighth or ninth grades. It is clear that families are often bewildered by the choices they are asked to make regarding their children's athletic, educational, and financial options, and are vulnerable to potentially unscrupulous intermediaries. There is precedent for doing so; baseball and men's ice hockey have passed similar NCAA legislation recently.

- For all sports, include parent/family travel assistance to their student-athletes' intercollegiate games (based on financial need) as a permissible use of the Student Assistance Fund. SAF guidelines currently permit SAF to be used for parent/family travel assistance to student-athletes' special events such as senior nights and when their student-athletes are recognized for outstanding accomplishments (All-American honor, etc.).

Beyond the foregoing is the question of whether current NCAA rules governing NCAA eligibility, and the effect of NBA draft policy on the NCAA rules, require review.

Much attention has been paid to the phenomenon of “one and done” and whether it contributed to the activities alleged in the federal indictments. Players who had potential to be “one and done” figure prominently in the federal allegations, but beyond those specific cases there is a widely held perception that elite players who aren’t really interested in staying in college are more likely to engage in activities contrary to NCAA bylaws. The “one and done” phenomenon has been criticized for other reasons, especially by those who contend it makes a mockery of the concept of the student-athlete, and also by those who believe that young men who have graduated from high school should be considered old enough to practice their profession if their skills enable them to do it.

We recognize that elimination of “one and done” would require NBA action and is beyond NCAA’s control. However, if “one and done” were to be eliminated, the NCAA would need to reconsider the rules governing when a basketball player loses his NCAA eligibility so that a high school athlete would not need to forfeit his eligibility simply to test his value in the NBA draft. Other collegiate sports, such as baseball, permit student-athletes to retain their eligibility after being drafted, provided they do not sign a contract or receive anything of value. “ (See Appendix F, “Draft and Eligibility Rules Among Sports.”) This approach would protect student-athletes from losing their eligibility simply because they have been misled into believing they are ready for the NBA draft when they are not, and would enable them to make an intelligent decision about their value as a professional before deciding whether or when to attend college.

We recognize this may have unintended consequences. It is especially important that efforts be made to avoid young athletes from believing that they can forego attention to schoolwork in high school because they believe they will be going directly to the NBA. It is important that young athletes recognize that the number of athletes drafted from high school by the NBA is likely to remain relatively low; the NBA, unlike professional baseball, has smaller teams and lacks an extensive minor league system. We also recognize that such a change in the rules might complicate the decision making for college coaches, who may be less eager to offer a scholarship to a high-school student who hasn’t decided whether or not he will accept a professional offer should one be forthcoming.

The Task Force does not believe elimination of “one and done” would be a panacea. Even without it, there would remain intense competition among colleges to recruit from a limited group of elite players, some of whom would remain likely NBA prospects who would continue to be of interest to agents and shoe companies whether they play in college for two, three, or four seasons. Nevertheless, while it is doubtful that the elimination of “one and done” would itself eliminate the incentives to engage in the behaviors described in the federal indictments, we believe it would reduce them.

Based on the foregoing, we recommend the following with respect to the “one and done” framework.

- We encourage the NBA and the National Basketball Players Association (NBPA) to drop the requirement that a draft-eligible player must be at least 19 years old and at least one year removed from the graduation of his high school class. To support the academic commitments of those student-athletes who choose to enroll in college, we also encourage the NBA and NBPA to refrain from drafting those players until after the third year following their high school graduation.
- If these changes take place, the NCAA should change its rules to allow a drafted player who chooses not to sign a professional contract to remain fully eligible to play intercollegiate sports provided he meets all other applicable NCAA eligibility standards.

Finally, it is important to note that young players increasingly have more options than a binary choice between college and the NBA. International basketball is growing in prominence, and, for example, it was recently reported that the Australian National Basketball League is – with the participation of major shoe companies – gearing up to target players who otherwise might have been “one and done” in college.<sup>39A</sup>

<sup>39A</sup> Jonathan Givony, “How Australian Basketball is Targeting One-and-Dones,” ESPN, March 1, 2018, [http://www.espn.com/nba/story/\\_/id/22594625/how-australian-basketball-targeting-one-dones-nba-draft](http://www.espn.com/nba/story/_/id/22594625/how-australian-basketball-targeting-one-dones-nba-draft)



## THE RECRUITING MODEL

Although NCAA rules currently limit the extent to which coaches can recruit outside the confines of traditional high school basketball, youth leagues and summer tournaments remain an important part of the talent evaluation and recruiting process. They provide an efficient place

for coaches to evaluate talent, and while elsewhere in our Findings and Recommendations we address ways in which those youth programs may be improved, it is a certainty they will continue in some form and be part of an improved recruiting model.

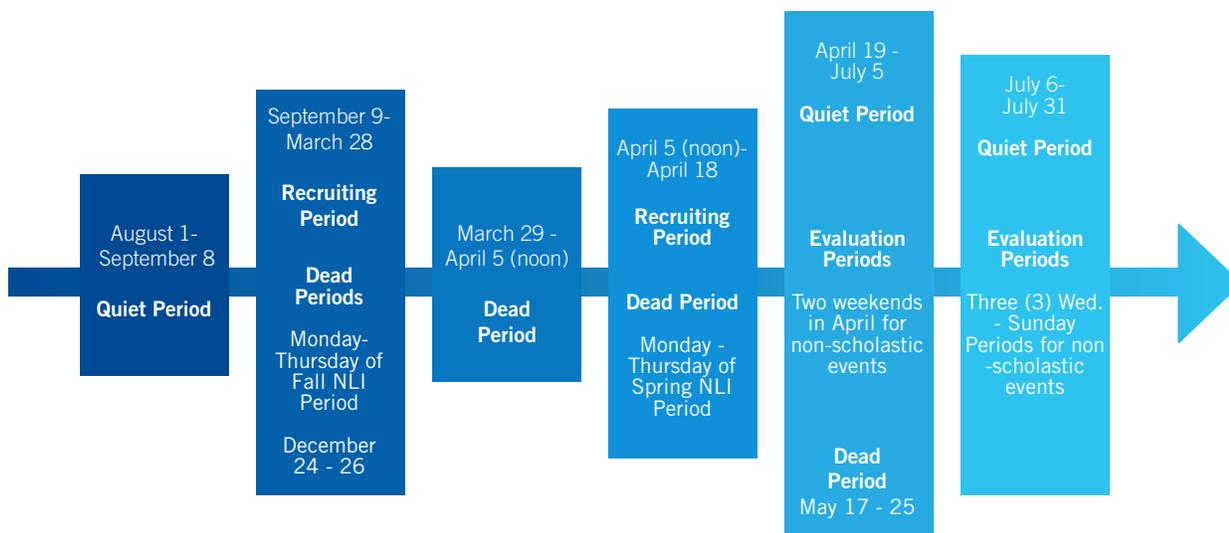
### The Current Off-Campus Recruiting Model

The current rules are complex, with multiple restrictions on when and where college coaches can recruit prospective student-athletes (PSAs). Excluding official and unofficial visits to campus by the PSA, a coach has seven off-campus recruiting opportunities per PSA per academic year, and the rules make a distinction between “contact” (the first four items below) and “evaluations.”

Contacts	
<p><b>What:</b></p> <p>Any face-to-face encounter between a PSA or the PSA's parents, relatives or legal guardians and an institutional staff member or booster during which any dialogue occurs in excess of an exchange of a greeting.</p>	<p><b>When:</b></p> <ol style="list-style-type: none"> <li>1. <b>April of junior year in HS:</b> During the April recruiting period, contact can occur at the high school or the PSAs home.</li> <li>2. <b>Other times during junior year in HS:</b> In other recruiting periods (see following graphic), contact can only occur at the high school.</li> <li>3. <b>Senior year in HS:</b> During specified recruiting periods (see following graphic), the contact can occur at the high schools, the PSA's home, or elsewhere.</li> <li>4. <b>Certified Events:</b> Coaches can communicate with legal guardians, relatives, and HS coaches, but not the athlete directly on the day of the PSA's competition, during a certified event (such as summer tournament).</li> </ol>

Evaluations	
<p><b>What:</b></p> <p>Any off-campus activity designed to assess the academic qualifications or athletics ability of a PSA, including any visit to a prospect's HS (during which no contact occurs) or the observation of a PSA participating in any practice or competition at any site.</p>	<p><b>When:</b></p> <ol style="list-style-type: none"> <li><b>Academic year recruiting period:</b> Limited to (1) regularly scheduled high school, prep school and two-year college contest, tournaments and practices, and (2) regular scholastic activities involving PSAs enrolled only at the school where the activities occur (e.g., open gym).</li> <li><b>April Non-Scholastic Event Recruiting Period:</b> Evaluations are limited to non-scholastic events certified by the NCAA (see NCAA Bylaw 13.18).</li> <li><b>Summer evaluation period:</b> Evaluations can take place at:                     <ul style="list-style-type: none"> <li>• Institutional basketball camps</li> <li>• Non-scholastic events approved by the NCAA</li> <li>• Non-institutional organized events sponsored by a governing body and not conducted for recruiting purposes.</li> </ul> </li> </ol>

These permitted contact and evaluation periods fit into a calendar that includes various “quiet periods” intended to protect the athlete’s academic life, and that is also built around the rhythms of the school year as well as the basketball calendar:



*Note: During the July “quiet period,” coaches are permitted to make intermittent recruiting trips to certified tournaments, essentially three long weekends. There are also exceptions for national team activities, regional championships, etc.*

## Rethinking the Model

It is our view that the current structure, by excessively limiting coaching contacts and elevating the importance of summer tournaments, has increased the power and influence of third parties, such as grassroots club coaches and other intermediaries. We recommend rethinking this model with the goal of reducing the influence of those intermediaries (and the potential they pose for abuse and NCAA eligibility violations), with the underlying premise that earlier visits to high schools, earlier official visits to campus, and controlled summer workouts and education via the “event” model would reduce the influence of intermediaries.

In considering what a revised model might look like, we must recognize which variables are within the NCAA’s control and which are not. The recruiting calendar for college coaches, certification of non-institutional organized events, and rules governing on and off-campus recruitment of PSAs (including the regulation of campus visits and who pays for them), are within the NCAA’s control. The activities of shoe and apparel companies, youth leagues (and their coaches), and non-scholastic event administrators are not. However, the activities of those other organizations can be influenced by whatever framework the NCAA adopts, because the goal of the PSA participants is, to a great extent, to obtain a college scholarship. For example, non-scholastic event administrators arrange their events to comply with Bylaw 13.18 and to occur during periods when coaches are able to attend and evaluate. And it is typical for event administrators to charge fees to coaches for attending the event, with the sometimes exorbitant fees often including an “event roster” with incomplete and/or incorrect information on the participants.

We also recognize that there are many positive aspects to the current amateur tournaments, and that restructuring them or creating the events discussed below would not solve every problem. For instance, USA Basketball is closely affiliated with Nike, and unless all the shoe and apparel companies were to significantly change their operations, their rivalry and those bad actors who seek to profit from it inappropriately would be difficult to eliminate.

## The Off-Campus Component

We suggest the following changes in the rules governing off-campus recruiting:

- Permit in-person contact during the spring of the prospective student-athletes' sophomore year. Such contact is currently prohibited, yet elite basketball players are often identified as early as the eighth and ninth grades. Prohibiting coach contact during this critical period when athletes (and their families) begin to get a sense (not always an accurate one) of their athletics potential leaves the field to others – aspiring agents and other third parties – increasing the potential for abuse and the loss of the prospective student-athlete's eligibility.
- The NCAA should organize, possibly with USA Basketball and other appropriate organizations, regional summer events in July that incorporate important basketball skill development, live games and educational components, as well as an opportunity for the young athlete to obtain an objective opinion regarding his potential as a professional or as a scholarship student-athlete. Invitations to these events would be issued to individuals rather than travel teams.
- Modify the NCAA recruiting calendar to limit college coach recruitment in July to these NCAA events, thus prohibiting coaches to recruit at other non-scholastic summer events. We believe these events would offer the following benefits:
  1. College and/or independent coaches could provide young athletes with a true evaluation of their skills and prospects. Our research and experience demonstrate that too many young people and their families have unrealistic expectations about their chances to play in college and professionally. This leads not only to bad decision-making, but also gives undue influence to third parties who manipulate these expectations for their own benefit.
  2. The events could provide useful skills development, with individual drills, three-on-three games, and limited 5-on-5 competition, differentiating it from the current, prevailing youth tournament model.
  3. The events would present an opportunity to educate young athletes on what they can and cannot do to retain their college eligibility, how to build their brand, how to manage their social media activity and image, and generally how to prepare for the next stage in their lives, including important issues they will address when a student-athlete at a university (e.g., sexual misconduct, etc.).
  4. The events would present an opportunity to develop coaches' skills, enable them to advance in the profession, as well as address NCAA eligibility and compliance issues.
- The Task Force's concerns about the negative aspects of the current summer non-scholastic recruitment season apply equally to the April non-scholastic recruiting period. For that reason, we believe that recruitment at the April non-scholastic events should be prohibited provided a suitable replacement, analogous to the proposed summer events, can be created.

## The On-Campus Component

We think it is helpful to provide a side-by-side comparison of the existing rules governing campus visits and our proposals for change:

Current Official Visit Rules	Proposed Changes
PSAs can begin taking official visits in Jan 1 of their junior year in high school. The university can pay for two parents/legal guardians, up to four family members can receive lodging and meals, and up to five family members can receive complimentary admittance to an event.	Allow the official visits to begin as early as the fall semester of the student's junior year of high school. Same benefits would apply.
Institutions have 24 official visits over a two-year rolling period.	Institutions will have 12 official visits each for junior and senior PSAs each year, reflecting the earlier start to permitted visits prior to the junior year.
Each PSA can take five total official visits.	Expand to five in the junior year and five during the senior year, with no more than one per academic year to any specific school.
On-campus evaluations can only occur during a PSA's senior year in high school, after he has exhausted his eligibility. This is likely to be after the PSA has signed a binding letter of intent with an institution.	Permit on-campus evaluations to occur during a PSA's junior or senior year, so that it can be a meaningful part of the recruitment process. PSA's may request temporary disability insurance coverage for injuries sustained during the evaluation. The NCAA currently permits institutions to cover any injury-related medical expenses (but not disability) that result from an injury sustained during an evaluation.
Current Official Visit Rules	Proposed Unofficial Visit Rules
PSAs can begin making unofficial visits at their own expense at any time, except they cannot occur during a "dead period" (see graphic). PSAs and two guests can receive free admission to an institution's home athletics event.	Continue existing rule, but increase the transparency around the funding of unofficial visits by mandating compliance registration/reporting for prospective student-athletes to complete any time they are on campus for an unofficial visit and meeting with coaches or administrators.



## NCAA ENFORCEMENT

The NCAA's enforcement arm has two components: legislative and enforcement. On the legislative side, we have addressed a variety of potential rule changes in the subject-specific sections of the above Findings and Recommendations, addressing:

- The relationships between shoe/apparel companies and coaches, universities, and student-athletes.
- Recruitment practices.
- The ability of student-athletes and their families to obtain advice and guidance from third parties.
- Rules governing loss of eligibility in connection with declaring for the NBA draft, and, indirectly, the “one and done” phenomenon.

This section addresses NCAA enforcement issues more broadly, cutting across the various subject categories, and addresses both the legislative and enforcement functions. We start with a short review of what appears to be working well and what does not. Typically, NCAA enforcement activities generate public attention in circumstances that tend to produce negative reactions: a problem comes to light at a particular institution, and depending on

the biases of those involved, the NCAA is accused of acting either too aggressively, too timidly, too late, or not at all. While these criticisms are sometimes linked to more fundamental criticism of the perceived excessive commercialism or hypocrisy of big-time college athletics,<sup>40</sup> they often come from within the intercollegiate athletics community itself.

The criticisms tend to fall into the following categories:

- Investigations/enforcement actions take too long
- Penalties are either too severe or not severe enough compared to the applicable infraction.
- Rules and procedures are applied inconsistently, sometimes exceeding the NCAA's authority when under public pressure to do so.<sup>41</sup>
- Enforcement staff is insufficiently experienced and inadequately trained, and supported
- Enforcement staff feels adversarial to, rather than collaborative with, the university, eroding trust.

<sup>40</sup>See, for example, Nocera and Strauss, *Indentured: The Inside Story of the Rebellion Against the NCAA*, Portfolio/Penguin (2016).

<sup>41</sup>In a very recent example, Rev. John I. Jenkins, President of the University of Notre Dame, criticized the NCAA for, in his view, exceeding its authority in matters of academic integrity and in applying its standards unevenly. “A Letter from the President on the NCAA Infractions Case,” Feb. 13, 2018, <https://president.nd.edu/writings-addresses/2018-writings/a-letter-from-the-president-on-the-ncaa-infractions-case/>.

<sup>42</sup>Though it has recently been noted that the NCAA has been using its ability to grant immunity from enforcement to individuals as a way to gain their cooperation. “NCAA finding immunity useful in effort to crack difficult investigations,” USA Today, Feb. 10, 2017, <https://www.usatoday.com/story/sports/college/2017/02/08/ncaa-immunity-investigations-committee-on-infractions/97658116/>.

- NCAA’s lack of subpoena power and other tools to compel the production of evidence hinders effectiveness.<sup>42</sup>
- NCAA lacks the ability to sanction or otherwise reach “bad actors” outside of the membership, such as “street agents” and other third parties.
- The enforcement staff gets bogged down enforcing trivial infractions rather than major violations.
- It often appears the enforcement staff starts with a hypothesis it is out to prove, rather than conducting an unbiased investigation.
- Investigations that involve a president and athletic director (sometimes unnecessarily) are a penalty in of itself because of the PR and brand damage.
- The existing structure fails to separate the investigative, prosecutorial, adjudicative and penalty functions, and suffers from an overall lack of independence, eroding the presumption of innocence.<sup>43</sup>
- The Committee on Infractions is composed of campus and conference personnel who can be perceived to have conflicts of interest and bias, are not experienced at this type of adjudication, and have other full-time jobs that can slow down the process.

However, not all commentary is negative. Communication between NCAA Enforcement and member institutions has improved, and NCAA Enforcement staff have been performing an annual review that has been helpful. Moreover, the NCAA has established a special unit intended to strengthen basketball enforcement, though it is labeled as “development.” According to the head of NCAA basketball and football enforcement groups:

Basketball Development, in its current form, was initiated in the spring of 2014. This group, a counterpart to Football Development, works as the proactive arm of enforcement. Development is charged with identifying issues and concerns specific to both basketball and football, bringing light to issues that might otherwise go undetected or unreported. This group develops long-standing relationships with coaches, compliance administrators, athletic administrators, third parties and other industry-related individuals, providing valuable insight into the intricacies of each sport and the perspectives of campus.

Generally comprised of former college coaches and athletes, professional scouts and former athletic administrators, the individual backgrounds of Development staff members differ significantly from the Investigations and Processing staff (former prosecutors, compliance staff and law enforcement members). The Development staff serves as the “ears” of enforcement, spending time proactively developing relationships, whereas the Investigations and Processing staff fulfills a more traditional investigative role.

<sup>43</sup> For various published articles making these criticisms, see, for example: “All quiet on the violations front ... is NCAA enforcement dead?” CBS Sports, May 13, 2014, <https://www.cbssports.com/college-football/news/all-quiet-on-the-violations-front-is-ncaa-enforcement-dead/>; “Head of NCAA enforcement sensitive to concerns that cases take too long,” USA Today, Jan. 19, 2017, <https://www.usatoday.com/story/sports/college/2017/01/19/head-ncaa-enforcement-sensitive-concerns-cases-take-too-long/96784322/>; “NCAA Needs to Let Someone Else Enforce Its Rules,” The Atlantic, Oct. 23, 2012, <https://www.theatlantic.com/entertainment/archive/2012/10/the-ncaa-needs-to-let-someone-else-enforce-its-rules/264012/>.

We believe that in addition to the subject-specific legislative changes urged for consideration elsewhere in this document, the following changes should be considered to improve the effectiveness of NCAA enforcement and strengthen perceptions of its fairness both within the intercollegiate athletics community and among the general public:

**Independence:** We believe that several of the aforementioned criticisms of NCAA enforcement, including the failure to separate different functions, as well as the lack of public confidence in the NCAA to effectively police its own rules, could be addressed by establishing an organization with a meaningful degree of independence from the NCAA. The precise design and reporting lines of such an organization would need to be further explored. We recognize this is not an entirely new idea; as noted in this report, the concept was seriously considered in 2015 by the CCA. But we believe it is a concept whose time may have come, at least for the all investigations and the enforcement of major violations, for which the NCAA currently appears to lack the necessary resources, skills, and powers. Lesser violations could remain within the NCAA's enforcement function, though with the changes recommended below.

- **Separation of Functions:** Whether or not an independent enforcement entity is established, we believe the NCAA should restructure the enforcement function so that its three separate components operate independently of each other: the investigative, enforcement, and penalty functions. Individuals charged with adjudicative roles, and particularly the determination of penalties, should be experienced arbitrators, retired judges, or have similar adjudicative experience. This separation of functions would enable the hiring and training of people with specialized skills in each function, and would also enhance the perception of fairness.
- **Prioritize major violations:** Whether by outsourcing the enforcement of major violations or by prioritizing resources within the existing organization, the NCAA should ensure that resources are devoted to investigating more serious violations rather than technical but minor infractions.
- **Review penalty structure:** Given the value associated with the recruitment of elite athletes, the NCAA must review its penalty structure to ensure that the risks associated with serious violations are greater than the potential reward. This means that it employs the full range of sanctions, including show cause orders and suspensions up to monetary penalties. These penalties should ensure accountability up the chain of command while, where possible, clarifying "safe harbors" to guide institutions seeking to do the right thing.
- **Invest in human resources:** Ensure through adequate training, experience, and compensation that the enforcement staff is better equipped to engage with and respond to the highly skilled lawyers engaged by our universities.



## EDUCATION OF ATHLETES, THEIR FAMILIES, AND OTHERS

A recurring theme in the literature about youth basketball, and in the recent federal indictments themselves, is the extent to which parents and other family members are engaged in the young athlete's decisions about his future, including where to go to college. It is equally clear that many, perhaps most, of these families are unprepared for the pressures that are placed upon them when their elite basketball player is still at an early age.

Few families are likely prepared to deal with the onslaught of high-pressure agents, shoe company representatives or college coaches, let alone unscrupulous ones. But a lack of experience in this environment can only make the challenge worse. This, together with a mistrust of the motives of the various people who want something from them, may leave some families especially vulnerable to making mistakes that can have catastrophic consequences on the athlete's eligibility, education, and future.

There is an obvious need for a source of honest information and guidance that these players and their families can turn to. We believe the most trustworthy sources of information may be former players and their parents, former coaches, former agents – people who are genuinely knowledgeable but who no longer have a financial interest or a conflict that would limit their candor. We see two opportunities to bridge this important

gap in education for prospective student-athletes and their families.

First, we believe a formal educational seminar program should be part of the events proposed in this report. Summer basketball events, until the last decade, included these programs for elite players and people we interviewed saw great value in their impact on players and their families. The goal of this program would be to supply young athletes (starting at age 15 or when the student is a rising sophomore) and their families with essential information to navigate the recruitment process. This program could be shared with young players in a variety of settings, including the proposed events, at high school tournaments and showcases through the effort of the state high school coaches' associations, and others. Because trust in existing institutions is low, we believe the strongest voices in any education effort would be former collegiate players, former and current NBA players, and their families.

In addition to trusted instructors, there is a great opportunity to use the digital channels that young people have become accustomed to using, including shareable video content, infographics, interactive apps, and more. To ensure their grasp on at least the basic concepts, the young athletes would be required to pass a brief (and not excessively challenging) test of basic NCAA eligibility parameters to qualify to play in the event. A parallel, certification-oriented educational program for high school and non-scholastic program coaches, should be linked to the events, possibly under the auspices of USA Basketball and the National Association of Basketball Coaches.

The educational program for young athletes represents another area in which the NCAA can potentially collaborate with the NBA and USA Basketball. The components of such a program should include:

Planning Your Future	Protecting Your NCAA Eligibility
<ul style="list-style-type: none"> <li>• The lifetime value of a college degree</li> <li>• What to expect from the college experience</li> <li>• Making the choice between college and the pros</li> <li>• Planning your academic future</li> <li>• The value of a college scholarship and strategies for obtaining one</li> </ul>	<ul style="list-style-type: none"> <li>• Why NCAA eligibility is important, and how to keep it</li> <li>• Understanding NCAA rules governing recruiting               <ol style="list-style-type: none"> <li>1. Campus visits</li> <li>2. Contact with coaches</li> <li>3. What you can accept, what you can't</li> </ol> </li> <li>• Agents and third parties               <ol style="list-style-type: none"> <li>1. What you can and can't do</li> <li>2. What someone else, including family members, can and can't do</li> </ol> </li> <li>• What to look for in professional guidance and how to find it</li> <li>• Protecting yourself from manipulation and fraud</li> </ul>
<h3>Managing Your Life</h3>	
<ul style="list-style-type: none"> <li>• Protecting and growing your money</li> <li>• Building your brand, and understanding what your university's brand means for you</li> <li>• How to benefit from social media without getting burned</li> <li>• Staying out of trouble:               <ol style="list-style-type: none"> <li>1. sexual misconduct</li> <li>2. substance abuse</li> <li>3. academic misconduct</li> </ol> </li> <li>• Engaging with the media               <ol style="list-style-type: none"> <li>4. Interviewing and storytelling skills</li> <li>5. What to do – and what not to do – in a crisis</li> </ol> </li> </ul>	

Second, we strongly urge the establishment of a robust and well-funded mentorship program in concert with the NBA and the NBA Players Association to work with the top 100 or so players as evaluated by various organizations. The program would be linked to the summer event but would establish multi-year relationships between mentors and young athletes. This program would provide added guidance to the most elite of prospects starting at the age of 15. The NCAA previously had such a program for the top high school players in the country called Top Prospect Program and have some programs for elite athletes that include visits to national offices for education, but we recommend a much more concentrated and sustained effort around mentorship.

We would recommend a program of at least 12 trained mentors to work with the top 100 or so players as evaluated by various organizations.

The foregoing applies mostly to pre-college athletes, but the importance of addressing these issues with college student-athletes should not be overlooked. Many programs wait until the third year to begin educating them on how to choose an agent and prepare for a post-college career, and we believe this is too late. Such efforts need to start earlier – ideally almost as soon as the student-athlete arrives at school – and the existing programs should be strengthened.



## BEST PRACTICES, IMPLICATIONS FOR OTHER SPORTS

### Best Practices

In addition to the foregoing, the Task Force believes there are best practices that can be emulated to help address the concerns identified by the federal indictments as it relates to contractual arrangements with shoe and apparel companies, recruitment of student-athletes, enforcement, education of prospective student-athletes and their families.

The Task Force believes that a best practice of disclosure would produce greater transparency with respect to the arrangements among college coaches, universities, agents and shoe/apparel companies. We believe the terms of these arrangements should be fully disclosed, including (but not limited to) arrangements where the money paid to the university is then paid, directly or indirectly, to one or more coaches. Similarly, any discount or fee waiver given by an agent or similar third party to a college coach in exchange for a student-athlete signing with that agent after turning professional should be disclosed.

In the area of recruitment, we see an opportunity to utilize technology to increase transparency of all the influences on a prospective student-athlete's recruiting process. The Pac-12 has been approached by technology companies that can help universities map a potential recruit's social

media environment to better understand the third parties involved in his/her decision making. At least one company offering such as service says it can turn social media into a tool that provides insight for compliance, risk exposure, and risk management. Algorithms and predictive analytics may assist compliance departments in detecting problems.

Correlated to the subject of enforcement, the Task Force also believes best practices guidance should be developed relating to the recruitment, training, and "onboarding" of coaching and other athletic staff, to ensure the establishment of an appropriate and ethical culture of compliance. As part of our enhanced enforcement model, athletic departments will be held accountable for their staff. This means accepting responsibility for the actions of their coaches, including interaction with third parties during the recruitment of student-athletes.

Athletic departments should evaluate the effectiveness of these assistant coaches and develop a best practice for ensuring their role is compliant with the NCAA rules and of the utmost integrity. The Task Force believes there is an opportunity to work with the National Association of Basketball Coaches in this effort.

Finally, the area for enhanced education for prospective and current student-athletes is full of best practices based on our research with athletes themselves, their families, and our universities.

Just among the Pac-12 universities, there are a wide range of approaches to educating student-athletes on the subject of their permissible contact with agents, and on screening/evaluating agents. We encourage further study of these approaches and the development of a comprehensive guidance document on best practices in educating student-athletes on various aspects of NCAA compliance and planning for their futures. A number of Pac-12 universities and their athletic departments (not necessarily limited to basketball) engage in educational programs for their student-athletes intended to protect their NCAA eligibility and guide them in the selection of agents. We believe various aspects of these programs may be worthy of emulation, including but not limited to:

- Stanford University arranges for a presentation to its football players from an NFLPA representative who had been an engineering student at Stanford. It holds an Agent Day to which it invites only those agents who are pre-qualified through an extensive questionnaire (see Appendix B) and gives its players a list of sample questions for prospective representatives (see Appendix C). A clear policy regarding contacts with agents, including a “zero post-game bumps” rule, is articulated to all football players.
- UCLA publishes one-page “Do’s and Don’ts” for basketball players (see Appendix D) and football players (Appendix E). The documents include guidance on selecting an agent, do’s and don’ts for preserving NCAA eligibility, key dates to remember, and more. In addition, the UCLA CARE Program offers a Healthy Relationships Workshop Series on three consecutive Tuesdays in February focusing on “boundaries, communication, consent, and self-care.”
- The University of Oregon conducts sports agent education seminars, and provides student-athletes on the football team with a detailed 45-slide presentation on the various aspects of choosing an agent, participating in the NFL draft, and more.
- Washington State University provides student-athletes with information on agents in the fall before they practice and also in the spring before the semester has completed. Compliance also provides the coaches with the eligibility memo surrounding the NBA Draft and asks that if they have any student-athletes who want to try out before exhausting eligibility to send them to the Compliance Director to discuss the rules.
- Outside the Pac-12, the Big East Conference has held three annual Freshman Fundamentals, a two-day program each September designed to help freshman men’s basketball players make the adjustment to high school on and off the court.<sup>44</sup> It addresses the building of a personal brand, the establishment of personal goals, and testimony from former players on what to expect from the college experience and how to get the most out of it. It also includes media training, guidance on personal relationships, academics, and preparation for post-playing life. Taken as a whole, the scope is similar to the curriculum outline in the “Education” section of this report.

<sup>44</sup> <http://www.bigeast.com/news/2017/9/18/mens-basketball-big-east-freshmen-learn-the-fundamentals.aspx>

## Implications for Other Sports

Finally, while there are a number of factors that make men's basketball unique, the Task Force uncovered a series of lessons from the federal indictments and culture that should be applied to other sports.

In the sport of football, we are seeing the increase of non-scholastic events that are emerging as the hotbed for recruitment of college football players. These non-scholastic events – most notably “7 on 7 football” are adopting some of the characteristics that first emerged in youth basketball, and which may have the potential to lead to abuses similar to those alleged in the federal basketball indictments. Those characteristics include teams built around elite players, travel leagues with sponsors, and a growing influence of shoe and apparel companies. They share the same lack of connection to high school coaches and lack the educational mission of high school programs.

We urge that, at this relatively early stage in its development, those responsible for the governance and sponsorships of those leagues learn the lessons from men's basketball, and we also urge that 7-on-7 leagues be appropriately integrated into college recruiting. The current prohibition on college coaches watching 7-on-7 games has the potential to drive the behavior underground and elevate the role of intermediaries.

As of now, NCAA regulations do not permit current NCAA coaches to recruit at non-scholastic 7-on-7 events. In addition, given the relative size of college football compared to basketball, we anticipate this to evolve much quicker and involve more prospective student-athletes than in basketball.

We also believe that the role of shoe and apparel sponsorships in youth basketball will increasingly be paralleled in 7-on-7 football. While football shoes may never approach the iconic status of basketball shoes for marketing purposes, the helmet-less nature of 7-on-7 football combined with the increasing social media and brand-building savvy of individual athletes suggests that there are brand-building opportunities for individuals that are greater than those typical of high school football.

We also believe the mentorship program described above would be of value in football, though given the larger size of football teams, and the larger scale of the NFL draft, it would need to be scaled proportionately.

Historically, opportunities for women to play professional basketball have been, on average, neither as plentiful nor as lucrative as men's professional basketball, and the revenues associated with women's basketball at both the college and the professional level have been less than those associated with the men's game and generally less appealing to agents, shoe and apparel companies, and other commercial interests. Nevertheless, the growth of women's collegiate and professional basketball has led to increased visibility and the potential for abuse:

- Elite athletes live in a culture that fosters an expectation that they will be catered to and provided with benefits, with third parties eager to curry favor.
- There is intense competition among top college programs for elite players.
- The focus in recruitment on individual talent (and the showcasing of that talent) means that fundamental skills and key elements of team play are not being adequately taught and learned in youth basketball, resulting in an overall lowered level of play at the college level.

Although we did not have the opportunity to review trends in women's basketball in the same depth as we did for men's basketball, it is clear that many developments in women's non-scholastic basketball are evolving in parallel with men's youth programs. We believe it may benefit women's basketball to consider changes to the rules regarding recruitment similar to those we have made earlier in this report that would restrict recruitment at non-scholastic events. We encourage the NCAA to consider such a change in the rules.

As the NCAA evaluates reforms and best practices for men's basketball, it should also review women's basketball and preserve the emphasis on value of the scholarship and the academic experience. In contrast to the men, relatively few of the women have as their goal a professional basketball career; it is our understanding that gaining an education for non-athletic professional opportunities is the main goal for most women playing intercollegiate basketball, even at the elite level. Rather than reflexively mirroring the rules governing men's basketball (perhaps out of a belief that Title IX requires it), the recruitment calendar and associated rules governing women's basketball should recognize its distinctiveness.

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# APPENDICES

## APPENDIX A

### Organizations Contacted in the Preparation of this Report

- 1) Former Student-Athletes
- 2) University presidents, athletics directors, and athletics administrators
- 3) Current and former head and assistant coaches
- 4) Youth basketball stakeholders: travel club presidents, high school coaches, national high school administrators, event operators
- 5) Shoe and apparel company executives
- 6) Agents
- 7) Enforcement policy officials
- 8) Conference commissioners
- 9) Professional basketball stakeholders: NBA, NBPA, front office, coaches
- 10) USA Basketball
- 11) Basketball industry coaches association
- 12) Media and basketball influencers

## APPENDIX B



## Agent Questionnaire

**General Information**

*Please see the following questions that we recommend you ask prospective agents. There are some questions that have obvious yes or no answers. Most of the questions below have red text underneath. This additional text further explains what kind of information you should hope to collect, what you should consider while listening to the answer and some examples of details you should receive.*

1. Provide the name of your firm and its address.

*Is geographic location important to you? Do you want your agent to be where you spend the offseason? With today's technology, physical location becomes less important to some players.*

Is there more than one location? If so, where are the others located?

2. How long have you been certified? How long has your current staff been in place?

*The agent's experience is important to understand. If you will be working with others within the firm, you want to know their experience as well.*

3. Have there been any grievances or complaints filed against you or any parties within your firm? (Yes or No) If yes, please list and explain.

*You need to know of any infractions and resulting discipline from the NFLPA, State Bar Associations, etc. If the answer is yes, it is up to you to decide if it is a deal breaker.*

**Contract Information**

4. Who will be my lead contract negotiator(s)? Who will I be involved with day to day?

*Some agencies have agents who specialize in contract negotiations but are less involved with the clients' daily lives. Personal interaction is left to your "lead" agent. There is no right or wrong answer, just get clear guidelines regarding the responsibilities of the team you decide to hire.*

5. How many NFL contracts have you negotiated? At my position?

*This can be a good measure of an agent's negotiating experience, and it will also reveal an agent's past history with players at your position. Are you comfortable with an agent who has not represented a player at your position? Are you comfortable with an agent who represents only your position?*

## APPENDIX C



## SAMPLE QUESTIONS FOR AGENTS/FINANCIAL ADVISORS/CONTRACT ADVISERS



1. Are you certified by the NFLPA?
2. Are you registered with the Attorney General of the state of California to do business?
3. Have you registered with the compliance office at Stanford?
4. Did you attend/ graduate from law school?
5. What is your educational background?
6. What is your professional background as a CONTRACT ADVISOR (aka AGENT)?
7. Have you ever been disbarred, suspended, reprimanded, censured, or otherwise disciplined or disqualified as an attorney or as a member of any other profession?
8. Are there currently any complaints or charges pending against you regarding your conduct as an attorney or as a CONTRACT ADVISOR?
9. Have you ever been investigated or found guilty for any violations of NCAA or any professional league (NFL, CFL, NBA, MLB, AFL, etc.) rules?
10. Are you certified by any other professional sports organizations? If so, which one(s)?
11. Do you have ownership interests in your company? Are you a partner or strictly an employee?
12. What services do you offer your client other than contract negotiations (financial planning, tax advice, marketing, promotions, etc.)?
  - Do you offer these services in-house?
  - Do you outsource?
  - Do you use referrals?
  - Do you get a commission from these services?
13. Do you have a financial advisor to whom you refer your clients? If so, do you get a percentage of the commission or some type of payment from the financial advisor?
14. If you refer your clients to a financial advisor is he/ she registered with the NFLPA Financial Advisors program? If not, explain why not?
15. Who will be negotiating my contract?
16. Now that contracts are more "slotted" with the new CBA, how will you work to enhance my status?
17. What is your approach with guaranteed money vs. "makeable incentives"?
18. Can you provide me a list of current clients?
19. Do you have clients in other arenas (coaches, GMs, other sports, entertainment?)
20. How many other players will you sign at my position?
21. How many clients have you lost and what were their reasons for leaving? Can you provide me with their phone numbers?
22. Have you ever had a dispute with a client and if so, how was it resolved?
23. Who do you consider to be your top clients?
24. Are there GMs with whom you have a close relationship? If so, who?
25. What is your history of having players in training camp on the first day?
26. If I don't get drafted, what would your plan be?
27. Between the time that my college season is over and the combine . . . what is your plan for me?
28. What have you done to advance the careers of your clients [off] the field?
29. Do you provide an annual statement to your clients? Can you provide an example?
30. How do you keep your clients informed of charges?
31. Contract structure?
  - Percentage?
  - Incentives?
  - Signing bonuses?

## APPENDIX D

## UNIVERSITY OF CALIFORNIA, LOS ANGELES



## ATHLETICS COMPLIANCE OFFICE

## AGENTS &amp; AMATEURISM – MEN’S BASKETBALL DO’S AND DON’TS

## UCLA Basketball Season

- You should not meet with an agent during the basketball season, this includes the regular season, Pac-12 Tournament and NCAA Tournament. The main goal is to focus on the task at hand and that is the current season.
- Pick a family member (Mom, Dad, Brother, etc.) to handle all communication with agents during the season. Communication cannot include any kind of verbal or written agreement

## Do’s and Don’ts

- **DO** use UCLA Basketball Coaches and Staff, and the Compliance Office as a resource.
- **DO NOT** accept any benefits (cash, loans, rides, meals, hotels, plane tickets, etc.) from an agent. This rule also applies to friends and family members.
- **DO NOT** enter into a verbal or written agreement for present or future representation until after the NCAA Tournament is over. This rule also applies to friends and family members.

## Things to Consider When Choosing an Agent

- Agent’s knowledge of professional teams, general managers, player personnel staff, and the needs of each team.
- Size of the agent’s firm and other services the firm offers (financial planning, accountants and/or income tax experts, public relation and marketing, endorsements or merchandising departments).
- Number of current professional players the agent already represents that play the same position as you.

## NCAA Rules

- **Draft Eligibility:** Student-Athletes in men’s basketball are permitted to enter a professional basketball league’s draft each year during their collegiate career without jeopardizing their eligibility provided they are not drafted by any team and you declare your intention to resume intercollegiate participation by May 24, 2017. The NBA allows for an individual to remove their name from the draft a maximum of two times.
- **NBA Draft Combine:** Student-Athletes may participate in the NBA Draft Combine in May if invited. The NBA can pay for actual and necessary travel and room and board expenses associated with participating in the draft combine.
- **NBA Team Private Workouts:** Student-Athletes may participate in a tryout with an NBA team so long as they meet the following criteria
  - If still enrolled in classes, must be enrolled full-time and may not miss class;
  - May receive actual and necessary expenses from the NBA team in conjunction with the one 48-hour tryout per team;
  - The 48-hour tryout period begins when you arrive at the tryout location. At the completion of the 48-hour period, you must depart the location of the tryout immediately.
- **Agents:** If you plan on returning to school or have any thoughts of returning to school at any point, you CANNOT hire an agent during the combine and tryout process.

## Key Dates

- **NBA Undergraduate Advisory Committee, Application deadline:** Mid-April
- **Portsmouth Invitational Tournament (Portsmouth, VA):** April 12-15, 2017 (seniors only)
- **NBA Early-Entry Candidate Application Deadline:** April 23, 2017, 11:59pm ET
- **NBA Teams Can Begin Conducting or Attending Workouts with Early-Entry Players:** Late April
- **NBA Draft Combine (Chicago):** May 9 – 14, 2017
- **NCAA (Post-Combine) Withdrawal Deadline:** May 24, 2017 (10 days after the Combine)
- **NBA Early-Entry Withdrawal Deadline:** June 12<sup>th</sup>, 2017, 5pm ET
- **NBA Draft:** June 22, 2017

## Compliance Contact Info

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## APPENDIX E



### UCLA Football – NFL Info

This is the time for players who will be eligible for the 2016 NFL Draft to start thinking about a professional career in football. The UCLA Compliance Office, along with your coaches, will schedule a two week period in December where you will have the opportunity to meet with UCLA registered agents on-campus. We have prepared this handout as a tool for you to use as you go through the process of the football season and then meeting with agents.

#### UCLA Football Season

- It is not permissible to meet with agents during the football season. The main goal is to focus on the task at hand.
- Pick a family member (Mom, Dad, Brother, etc.) to handle all communication with agents during the season.

#### Do's and Don'ts:

- **DO** use UCLA Football Coaches and Staff, as well as the UCLA Compliance Office as a resource.
- **DO NOT** accept any benefits (cash, loans, rides, meals, hotels, plane tickets, etc.) from an agent.
- **DO NOT** enter into a verbal or written agreement for present or future representation until after the Bowl Game.

#### Meetings with Registered Agents

- UCLA will arrange on-campus meetings at the conclusion of the regular season.
- Work with the Compliance Office to schedule meetings for you and your family with registered agents.
- A list of all agents and financial advisors currently registered with UCLA will be provided.

#### Things to Consider When Choosing an Agent

- Agent's knowledge of professional teams, general managers, player personnel staff, and the needs of each team.
- Size of the agent's firm and other services the firm offers (financial planning, accountants and/or income tax experts, public relation and marketing, endorsements or merchandising departments).
- Number of current professional players the agent already represents that play the same position as you.

**Opportunities to Showcase Talent** – Our coaches will be great resource for UCLA players to secure invitations to the pre-draft all-star games. Last year UCLA Football sent players to post-season all-star games including the Senior Bowl, East West Shrine Game and the NFLPA Collegiate Bowl. The schedule of games is listed below.



- **East-West Shrine Game – January 2017:** college football all-star game played in St. Petersburg, Florida for NFL Draft prospects.



- **NFLPA Collegiate Bowl – January 2017:** college football-allstar game played in Carson, CA at the StubHub Center for NFL Draft Eligible player.



- **The Reese's Senior Bowl – January 2017:** college football all-star game played in Mobile, Alabama for NFL Draft prospects. Both teams are coached by NFL coaching staffs and teams are chosen by the Senior Bowl Committee.



- **NFL Scouting Combine – February 2017**
- **NFL Regional Combine – February and March, 2017**
- **NFL Super Regional Combine – April 2017**



- **UCLA Pro Day – March 2017:** College Pro-Day workouts are conducted for NFL Draft eligible student-athletes to display their talents on the field and in the weight room. NFL coaches, general managers and scouts will attend this event which will be held at the UCLA facilities.

#### Contact Information

Justin DiTolla: [jditolla@athletics.ucla.edu](mailto:jditolla@athletics.ucla.edu); (w) 310-206-6099; (cell) 714-348-3551

## APPENDIX F

### Draft and Eligibility Rules Among Sports



#### NBA

- Players are draft eligible once they are both 19 years old and 1 year removed from high school.
- Relevant requirements for underclassmen to enter the draft, according to the NBA Collective Bargaining Agreement:
  1. (i) The player (A) is or will be at least nineteen (19) years of age during the calendar year in which the Draft is held, and (B) with respect to a player who is not an international player (defined below), at least one (1) NBA Season has elapsed since the player's graduation from high school (or, if the player did not graduate from high school, since the graduation of the class with which the player would have graduated had he graduated from high school); and
  2. (F) The player has expressed his desire to be selected in the Draft in a writing received by the NBA at least sixty (60) days prior to such Draft (an "Early Entry" player)



#### NHL

- Players are generally eligible to be drafted by teams at the age of 18.
- Relevant requirements for eligibility, according to the NHL draft rules:
  1. North American Players who turn 18 by September 15 and who are no older than 20 by December 31 are eligible for selection in the NHL draft in that year.
  2. Non-North American players over the age of 20 are eligible.
  3. A North American player who is not drafted by the age of 20 is an unrestricted free agent. All non-North Americans must be drafted before being signed, regardless of age.
  4. Players can either sign with teams immediately, once drafted, or stay in major junior or with their NCAA or European teams while teams retain their rights.
    - Downsides?
    - NHL teams still, to some degree, meddle in the NCAA world. There are also "one and done" departures—like the NBA. However, the system still works fairly well in practice, as players can sign directly out of high school.



## MLB

- In baseball, like hockey, players can be drafted directly out of high school at the age of 18. If these players choose not to sign, however, they re-enter the draft pool and are not eligible to be taken again for 3 years
- Relevant requirements for draft eligibility, according to the MLB draft rules:
  1. Certain groups of players are ineligible for selection, generally because they are still in school. The basic categories of players eligible to be drafted are:
    - High school players, if they have graduated from high school and have not yet attended college or junior college;
    - College players, from four-year colleges who have either completed their junior or senior years or are at least 21 years old; and
    - Junior college players, regardless of how many years of school they have completed



## NFL

- Players are eligible to declare for the draft as underclassmen once they have been out of high school for 3 years.
  1. Underclassmen submit their names for the draft and then receive “draft grades” from the NFL Draft Advisory Council—a group of registered scouts and members of team personnel departments who evaluate players and give them grades. Upon receipt of these grades, players then choose whether to proceed into the draft or remain in school.
- Players are also eligible to be drafted if they have graduated from college in 4 or 5 years.
  1. Players who graduated are draft eligible for one year after graduation.
- If players did not go to college, they are draft eligible after 4 years have passed since high school.