

Exhibit J

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Sent: Monday, December 02, 2013 9:59 PM
To: Berst, David
Attachments: Group of Five-Restructuring Testimony (2).docx

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Presentation to NCAA Division 1 Board of Directors
Subcommittee on Restructuring the NCAA

By

President Bernie Machen, University of Florida (SEC)

Chancellor Harvey Perlman, University of Nebraska-Lincoln (Big Ten)

November 25, 2013

Introduction

We offer the following testimony on behalf of the Presidents/Chancellors, Athletic Directors of the Group of Five Conferences (ACC, Big Ten, Big 12, Pac 12, and SEC).

This testimony sets out commonly held views of why we seek structural change. We also seek to clarify how the envisioned structure might be implemented. The Five Conferences make this proposal with the intention of rebuilding a strong national organization in support of intercollegiate athletics, but one that also recognizes the diversity of institutions that comprise its membership. While the Presidents of the Group of Five Conferences have agreed on a set of principles and objectives, we acknowledge that some of the details of operation and implementation remain to be considered.

Why do we seek structural change?

Intercollegiate athletics is an important component of the institutions we represent. Athletic competition builds institutional support among alumni and fans, support that most often extends beyond athletics to our academic programs. Athletic competition is an integral part of the campus environment that attracts students to our campuses. We continue to believe athletic competition builds leadership, teamwork, and other critical skills necessary for our student athletes to become successful adults and is thus consistent with our efforts on behalf of all students. Intercollegiate athletics has been a pathway to higher education for many students who otherwise would not have had the opportunity for a degree. We should not minimize the fact that particularly football and men's basketball, as played by our institutions, perform important cultural roles in uniting the country and giving it a common source of interest and pride. A large segment of the American community unite around the bowl games and the National Football Championship and the Final Four in Basketball brings together all areas of the country to a common focus. They are, for many, an important part of the fabric of American life.

It is also clear that currently intercollegiate athletics is the subject of considerable criticism (emphasizing how important it is to American society). Our institutions are accused of exploiting student athletes for our own financial gain. Some believe that athletics undermines the values of higher education, or that our institutions have lost control of the enterprise. The mechanism we use to enforce the rules of engagement among our membership or to protect student athletes is seen as often inconsistent, arbitrary, and subject to manipulation. We see radical proposals for reform that in our view are inconsistent with the nature of intercollegiate athletics within a context of higher education. And we are subjected to litigation and potential legislation that may have dramatic and uncertain consequences for our programs.

These criticisms, and any reforms they may provoke, will have a differential impact on the institutions of our five conferences. We operate the most visible and the most competitive programs. Because of this we generate the most revenue, revenue that not only benefits our own institutions but also supports the enterprise of intercollegiate athletics across the landscape of higher education. We have the most to lose if ill-advised reforms are imposed. Most (but certainly not all) of the student athletes with realistic professional opportunities are in our programs as are most of the student athletes that achieve national attention. Yet at the same time, we do not have the ability, within the current NCAA structure, to control our own destiny, to adopt reforms that respond to these concerns without creating unintended consequences, to build a regulatory structure that respects the demands on student athletes in the 21st century. Most of our institutions are blessed with considerable revenue from our successful programs. However because of efforts to create “a level playing field” we can spend these resources in almost any way we want EXCEPT to improve support for student athletes. Too often, our efforts to improve the lives of student athletes have been deflected because of cost implications that are manageable by our institutions but not by institutions with less resources. This cannot continue without jeopardizing the entire enterprise of intercollegiate athletics.

What do we want?

At its most basic level, we want to be able to control our own destiny so that we may create a modern system of intercollegiate athletics which in turn will preserve the enterprise for all institutions and provide appropriate support for our student athletes. Yet we also want to participate as colleagues within an NCAA that embraces the full range of institutions and works to promote and improve intercollegiate athletics within the context of higher education. We believe this can be accomplished in the following way:

1. The current rules regarding access to NCAA Basketball Championships and the distribution of NCAA revenue would be maintained. We seek control of our own destiny with the least disruption to the expectations of other institutions.
2. The Five Conferences would have legislative autonomy over areas of regulation that are most sensitive to the differentiation of institutions and resources. Such areas would include:
 - a. The definition of what constitutes a full scholarship so that if the five conferences could agree, it might expand the current definition to include but not exceed the cost of attendance.
 - b. The definition of permissible benefits that institutions could offer to student athletes. Such benefits might include:
 - i. A life time scholarship to obtain an undergraduate education after their playing eligibility expires;
 - ii. Insurance or other financial support to address the health and safety needs of student athletes;
 - iii. Support in recruiting to permit families of student athletes to accompany and advise student athletes on official visits.
 - iv. Relaxation of rules restricting food and other support provided to student athletes during their playing careers.
 - c. Defining the context of a student athlete's athletic participation to permit their access to opportunities available to other college students such as study abroad programs and employment internships.
 - d. Authorizing a more comprehensive support for academically at-risk student athletes with enhanced criteria for playing eligibility.
 - e. Redefining rules governing agents and advisors to assure student athletes have access to good advice relating to their future careers.
3. The Group of Five would have the authority to create its own independent process for considering and adopting legislation in its area of autonomy separate from the current NCAA legislative process. There is considerable interest in developing a process that is simplified and is managed by athletic directors, faculty athletic representatives, and others who best understand the realities of competition at the highest level. Presidential control would remain a feature of such a process. Such a separate process would also facilitate conversations among the affected institutions to achieve consensus. Legislation adopted by the Group of Five within its exclusive authority would not be subject to override or modification by any process that involved more than Group of Five institutions.

We have not, as yet, come together on a procedure for considering legislation within our exclusive authority. One procedure could be a Management Council consisting of

athletic directors and Faculty athletic representatives that would develop legislation for presentation to a Board of Presidents after consultation with coaches, compliance officers, and other levels of athletic administration on the campuses. Another might be more elaborate and would create a Board of Presidents, a Joint Council consisting of representative practitioners (Commissioners, ADs, FARs and others) which would be primarily responsible for leading and managing work done by three cabinets (Academic, Athletics, and Compliance). While we would work with the other conferences to consider reform of the governance structure of the NCAA generally, we would continue to propose a separate structure for consideration of legislation within the Group of Five and Group of Ten authority).

4. Legislation adopted within this authority would be applicable only to those institutions in the Five Conferences. Other institutions or conferences could comply at their individual discretion.
5. The Ten Conferences (Group of Ten) comprising the Bowl Subdivision would have legislative autonomy over rules governing specified football issues, with the Group of Five exercising a two-thirds voting majority on football legislation. As above, a process would be established to consider such legislation and it would apply only to those institutions in the Group of Ten. Other institutions or conferences could adopt the practice at their individual discretion.
- 6.

While the Group of Five has not addressed other issues associated with governance at this time, there are matters that we would want to discuss within the broader NCAA structure. We would seek clarification of the allocation of authority between the Division 1 Board and the current Executive Committee. We would expect the Division 1 Board to have primary authority over those matters that differentially impact Division 1 schools

There are issues of implementation of our proposals we have not yet addressed but we regard them as matters of detail with the core of our proposal stated above. For example, there will be questions about what matters are allocated to which regulatory process, that is what areas of regulation should be governed by the Group of Five. We believe that the Group of Five must have the autonomy to determine the scope of its authority, subject to those areas where it is agreed in advance should be universal.

There are some regulations that we clearly believe should be applied universally across Division 1. We applaud the academic reform efforts and have no intention of reducing academic eligibility requirements. However, because of the intensity of athletic competition at our institutions and the demands on student athletes, we believe it appropriate that we would

have the authority to adopt more stringent requirements than those generally applicable. There may be other regulations on which there could be broad agreement in favor of their universal application. These are open questions.

We also believe our institutions have a more significant stake in the enforcement process. Unfortunately but understandably, our member institutions are often the targets for enforcement, are the most visible when infractions occur, and have the most to lose if violations are found. We have the strongest stake in fashioning an enforcement mechanism that is and is perceived to be fair and even-handed. There are other models for enforcing regulatory regimes that should be examined. We intend to impanel expertise from outside the NCAA to help us fashion a modern enforcement process and we would want the authority to adopt it for enforcement of rules against our institutions. Again, if this process were found appropriate by other institutions, it could be adopted across the NCAA.

As with many restructuring efforts, issues will arise in the process of implementation and we are prepared to engage with our colleagues within Division 1 on how best to resolve them. Our primary operating principle is to be free to create for those student athletes who compete at the highest and most visible level, a regulatory structure that responds to the realities and demands of the 21st Century and yet is consistent with the values associated with higher education.