



LIGHTFOOT FRANKLIN WHITE LLC
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Rice Commission Implementation

by Henry Gimenez

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Over the past two days, the NCAA Board of Governors issued two new decisions implementing parts of the Rice Commission Report. A few important changes are outlined below:

1. Effective Aug. 1, 2019, university presidents and chancellors will be personally accountable for compliance within their athletics program. It appears that presidents and chancellors will be required to personally affirm that the program meets NCAA obligations. There has been no guidance on exactly how this requirement is going to be implemented, but, in Lightfoot's informal conversations with representatives involved in the process, a SOX-style certification has been mentioned;
2. Any university contracts or appointments executed on or after Aug. 8, 2018, must have school presidents/chancellors and athletics staff contractually committed to full cooperation in the NCAA investigations and infractions process. "Full cooperation means reporting violations in a timely manner; sharing all knowledge and documents requested in a timely manner; providing access to all electronic devices, social media and other technology; and maintaining confidentiality." A lack of cooperation can be considered an admission of a violation;
3. Effectively immediately, parties involved in NCAA infractions cases can accept information established by another administrative body, including a court of law, government agency, accrediting body, or a commission authorized by a school;
4. Effective immediately, potential penalties are enhanced. Those could include a longer postseason ban (up to five years), longer head coach suspensions (extending beyond one season), longer employment limitations for coaches and staff who violate rules (potential lifetime show-cause orders), increased recruiting restrictions, and the loss of all post-season revenue. It is unclear whether these enhanced penalties only apply to cases decided via the new "complex" track or to all infractions cases; and
5. Effective immediately, when schools and the NCAA agree on the facts of a case, they can work together on a resolution, including appropriate penalties, if any. Agreed-upon resolutions, however, are subject to approval by the Committee on Infractions. This appears very similar to the current SDR process, although it perhaps includes more involvement from enforcement in fashioning the penalties (which could presumably result in less modification or enhancement of submitted penalties by the COI).

More information can be found at: <http://www.ncaa.org/about/committed-change>

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