



Board of Visitors Athletics Committee Meeting

Minutes

Old Dominion University Board of Visitors
November 30, 2023 at 8:00 AM EDT
@ Board Room, Broderick Dining Commons

Attendance

Members Present:

Wood Selig, Ross Mugler, Dennis Ellmer, Bruce Bradley, P. Murry Pitts, Susan Allen, Elza Mitchum

Members Present (Remote):

N/A

Members Absent:

Larry Hill

Guests Present: President Hemphill, Bob Corn, Brian Holland, Brandi Hephner LaBanc, Danielle Cohea, Joe Rafenelli, Jamie Hunt, September Sanderlin, Al Wilson, Ashley Schumaker, Chad Reed, Alonzo Brandon, Jena Virga, Austin Agho, Bruce Stewart, Nina Rodriguez-Gonser, Amanda Skaggs, Annamarie Ginder, Carolyn Crutchfield, Ron Moses

Guests Present (Remote): N/A

The meeting was called to order by Ross Mugler at 8:00AM.

I. Approval of Minutes – June 15, 2023 Meeting

Motion: Ross Mugler

Approve Minutes from June 15, 2023 Meeting

Motion moved by Larry Hill and seconded by P. Murry Pitts (Aye: Mugler, Bradley, Dickeski, Pitts, Jones, Allmond, Hill, Mitchum; Nay - None)

II. Andrew Griffiths, ODU Women's Field Hockey Head Coach Evelyn Murray, Student-Athlete Advisory Council President Field Hockey Student-Athlete

Wood Selig, Director of Athletics, introduced Coach Griffiths and Ms. Murray and provided their bios. He asked them a series of questions about their success this past season:

Question #1: The team has come so close to making the NCAA tournament so many times. What was difference this year?

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A. Coach Griffiths: The team's chemistry and culture. Developing the culture is always the big challenge with today's student-athletes and this team has been great. No player had their own agenda.

Evelyn: The difference this year is that we had 100% buy in. When we first started we didn't have the team culture. We have it now as it has shifted over the past few years. We started off with a losing record, but we are not a losing team and didn't give up. Everyone is committed and turned it around.

Q. What attracted you to ODU Andrew?

A. Coach Griffiths: I wanted a bigger challenge than Lafayette. There was an opportunity to be successful at ODU at the next level. I like the core values especially the hardworking environment. We work for our success. We don't necessarily have the resources. We are underdogs and I like that.

Q. Evelyn, why did you transfer from Penn State?

Evelyn: Penn State was my dream school, but I quickly realized it was not a good fit after I arrived. The communication was great here and loved being in my hometown community.

Q. Evelyn, you are President of SAAC. What is it and what is your role?

A. It is the board of student-athletes that serves as a voice for all student-athletes. We spend a lot of time educating student-athletes on why their voice is important. We always push for community service engagement.

Post grad? Opportunities within economics, not sure what I'm going to do?

Q. How do you build upon success?

A. Coach Griffiths: I've been busier than ever with recruiting. How we treat people/recruits. And how the department is run. Every coach supports each other. Supported by AD always. Environment in our department is human and we care.

Q. Evelyn, what would you tell a prospective student-athlete?

A. Take the time that I didn't take. Check all of your boxes. Make sure they care, about you, your family, your relationships. Be sure to make the right decision for you.

III. NCAA Updates

Ms. Danielle Cohea

Ms. Cohea provided a few updates on the ever-changing landscape of the NCAA and external forces that will impact the NCAA over the next several years.

The NCAA is also looking to put more guardrails around NIL from a NCAA perspective:

1. Increased transparency and disclosure
2. Clarify the role of institutions in the NIL Space

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3. Registration of Professional service providers
4. Standardized contract terms
5. Increased education for SAs surrounding NIL

These proposals will be voted on in January all with a goal to improve outcomes for SAs. NCAA is still pushing for congressional involvement on a reform bill that would check 3 important boxes:

- A uniform national NIL standard to preempt the patchwork of state laws.
- At the bare minimum, limited antitrust protection-- the association is increasingly vulnerable to legal challenges.
- A designation that student-athletes are not employees of their schools, conferences or the NCAA.

Ms. Cohea reported that there has been 10 congressional hearings and multiple bills drafted in both houses of congress, but none have gone to vote as of today.

In addition to wanting congressional involvement, there are several legal cases that could impact the NCAA:

HOUSE v. NCAA

- Recently granted class action status
- The plaintiffs comprise more than 184,000 members who played football, men's basketball, women's basketball and other sports for autonomy 5 schools
- The student-athletes assert the NCAA and it's A5 conferences conspired to restrict payments to student-athletes for television broadcasts, video games and other income due to previous NCAA NIL regulations (prior to July 2021)
- NCAA and autonomy conferences could be ordered to pay at least \$1.4billion up to \$4.2 billion in in damages for current and former SAs for NIL backpay and a slice of TV broadcast revenue
- The NCAA has argued this is essentially a death knell
- Outcome could drastically reshape college athletics--drastically affecting the NCAA's ability to operate
- Trial tentatively scheduled for January 2025.

Another big question currently working its way through hearings is classifying SAs as employees:

Legal challenges in this area

JOHNSON v. NCAA

A group of DI athletes are asking to be recognized as employees under the Fair Labor Standards Act, which would require covered employees to pay a minimum wage and overtime.

National Labor Relations Board

- NLRB in LA filed an unfair labor practice complaint against USC, the Pac-12 and the NCAA.
- The NLRB filed the charges on behalf of SAs arguing the institution has been mislabeling them as SAs when they are treated like employees.
 - NLRB general counsel Jennifer Abruzzo said that misclassifying college athletes as student-athletes instead of employees "deprives these players of their statutory right to organize and to join together to improve their working/playing conditions if they wish to do so. Our aim is to ensure that these players can fully and freely exercise their rights."
 - The case is the first to consider whether the Pac-12 and the NCAA should be considered as joint employers along with the institution-- opening the potential for unions that would consist of players from more than one school
 - Should have a ruling in late February 2024

Dartmouth MBB SAs have filed with NLRB to have union elections.

There are several other lawsuits currently working their way through the system:

Of note:

Hubbard-claiming damages due to anti-competitive restriction on financial aid awards for academic achievements.

- The NCAA/court-allowed for \$5980 per year as an academic incentive (Alston Money)—the plaintiffs are seeking retroactive Alston related expenses dating back to the 2018-19 academic year damages could be anywhere between \$200M to 1B.
- A unanimous decision issued by the Supreme Court in June 2021 raised questions about the NCAA's ongoing claims that amateurism is an essential part of its business. In a concurring opinion in that case, Justice Brett Kavanaugh said college athletes could find a fairer path toward sharing in the revenue they help to create by establishing some kind of collective bargaining group.

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Collectives: Mr. Jay Haeseker, Executive Director, Pride of ODU Collective

Jay began by giving the 10,000-foot view of the ODU Collective, Pride of ODU. Work began on creating the Collective in April of this year. At first, it was created as a 5013c model, but then the IRS declared that collectives cannot be tax deductible, so they had to switch gears to being a nonprofit organization.

The ODU collective partnered with SANIL which oversees approx. 40 other collectives including Notre Dame and VA Tech. They helped to get the collective off the ground quickly and stay within rules and guidelines. The collective has officially launched within the last few months ago and has already raised over 220K that will go directly to ODU student-athletes with a small portion for operational costs.

The biggest focus for the collective is building revenue streams. Invest early on in revenue streams through mainly events and membership. The collective is in the process of building membership with 75 members currently and the goal being 3,000. With a monetary goal of ½ million/year. The collective is always trying to balance the needs and wants of coaches as well as donors.

There are 36 ODU student-athletes currently under contract.

Next year the collective intends to branch out to half of ODU sports and by the end of next year all sports will be under the collective. Members and donors can choose how money is directed.

Athletics staff and university staff members cannot be a member of the collective. However, spouses and retirees are allowed.

Whether or not student-athletes are considered employees of a university is still a matter being debated.

IV. Student-Athlete Welfare & Community Service Update – Fall 2023

Dr. Ron Moses, Executive Director

Ms. Amy Lynch, Director of Student-Athlete

Dr. Moses reported on the six goals of the Student-Athlete Welfare Initiative:

Goal #1: To support academic success, including retention and graduation, for all student-athletes

Goal #2: Promote and embrace an atmosphere of compliance, integrity, and ethical conduct.

Goal #3: To enhance and prepare student-athletes for success during their collegiate career as well as life after college athletics, through purposeful programming, strategic partnerships, and practical education.

Goal #4: Develop opportunities to foster an inclusive and diverse community between student-athletes.

Goal #5: To promote holistic, proactive, responsive, and inclusive mental health services to student-athletes and well-being support to the department of athletics.

Goal #6: Attract, retain, and promote diverse and talented professionals.

Community Engagement

Ms. Amy Lynch reported on community engagement for fall 2023. ODU student-athletes have contributed 3,317 hours to date this fall, with 92% student-athlete participation.

Ms. Lynch reported that in fall 2023, many of our women's and men's teams ranked in the top 10 nationally in their sport:

- Women's Soccer 2nd
- Lacrosse 6th
- Women's Swimming 7th
- Rowing 8th
- Women's Basketball 9th
- Men's Swimming 5th
- Men's Soccer 7th

Some events the student-athletes have participate in are mercy meals (delivering meals to homeless shelter), Norfolk Public School reading night, The Larchmont Rat Race. Coleman Elementary visit to assist with Field Day.

In closing, Ms. Lynch stated that ODU is consistently on of the top Division I national programs in community service. They are currently the only SBC school ranked in the top 10 at #9.

V. Support of ODU Student-Athletes

Dr. Wood Selig, Director of Athletics

Dr. Selig provided the following information on what the ODU Athletics Department provides to directly invest in our student-athletes:

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- Scholarships: (\$10,895,738) Our biggest commitment is scholarships. Only 1/3 of our athletes are on a full scholarship. 163 are on partial scholarships, and 137 are walk ons and paying their entire tuition, this includes entire sailing team, of which no athletes are offered scholarships.
- Coaching Staff: \$8,919,004 (50 Full Time coaches)
- Equipment/Gear: \$1,183,424 – We have 850K in retail trade. We spend an additional \$1.2M.
- Academic Support: \$862,426 (7 Full Time Advisors)
- Athletic Trainers: \$754,227 (10 Full Time Trainers)
- Cost of Attendance: \$600,000 (split 50/50 between male and female athletes)
- Insurance: \$365,000
- Nutrition: \$225,033
- Mental Health: \$240,523 (1 Full Time Counselor, 1 Part Time Counselor)

The question was asked, what are some of the things we do to assist with degree completion? We provide health benefits beyond graduation.

The question was also asked, can you come back if you left early? Dr. Selig responded that this counts toward APR, so we work on getting them back at our expense and that is included in that scholarship cost.

How do we compare in support of our student-athletes against JMU & UVA? Wood knows their overall budget but does not know how broken down.

Dr. Selig reported that it has been a great fall sports season:

Women's Soccer won their 3rd consecutive conference championship and advanced to the NCAA Tournament.

Field Hockey won the Big East Conference Championship.

Volleyball set a program record of 14 wins.

Men's Soccer: head coach Alan Dawson retired after 27 years at ODU as the men's head soccer coach. ODU Assistant Coach, Tennant McVea, has been named his successor.

Football finished the season at 5-3 in conference play as we await to find out our bowl bid. Dr. Selig noted that 12/14 SBC schools are getting a bowl bid this year, the 2nd highest ever. Dr. Selig noted that ODU led the nation in one score games.

With there being no further business, the meeting adjourned at 9:30AM.