



**REPORT OF THE
NCAA DIVISION I BOARD OF DIRECTORS
AUGUST 5, 2020, VIDEOCONFERENCE**

INFORMATIONAL ITEMS.

1. **Discussion of Alston Legal Fees.** The NCAA Division I Board of Directors received an update on the status of the ongoing litigation and the NCAA Board of Governors' actions in relation to its role in litigation management. The Board of Directors was asked to provide feedback to the NCAA Division I Board of Directors Finance Committee on key elements and principles as to the financial allocation methodology for funding the Alston-related legal fees should the plaintiff remain the prevailing party. The Board of Directors Finance Committee is expected to convene in early September to review feedback from conferences and make a formal recommendation to the Board of Directors.
2. **Impact of COVID-19 on Intercollegiate Athletics.** The Board of Directors received updates from NCAA President Mark Emmert, Board of Governors chair, Michael Drake and NCAA chief medical officer Dr. Brian Hainline regarding the impact of COVID-19 on fall sports and championships. During its August 4 meeting, the Board of Governors directed each division to act on the status of fall championships through its respective governance process and established requirements that schools, and conferences must meet to conduct fall sport seasons and related championships. The Board of Directors discussed these requirements, as well as the timeline and process by which decisions about fall sports will be made. Informed by the NCAA Division I Council, the Board of Directors will make a final decision on actions stemming from the Board of Governors directives by August 21. Additional information regarding the Board of Governors' decision on fall sports is attached. [See Attachment]
3. **Social Justice Initiatives Update.** The Board of Directors received an update on social justice initiatives occurring throughout the national office and membership. The NCAA Division I Student-Athlete Advisory Committee also provided an overview of its civic engagement initiatives.
4. **Division I Modernization Agenda.** The Board of Directors received key progress updates related to the strategic priorities in the Division I modernization agenda. Currently, the strategic priorities include: student-athlete centered decision making and student-centered voice, student-athlete experience, health and safety, financial sustainability, academic success and social justice. The Board of Directors was advised that the NCAA Division I Presidential Forum will assist by providing leadership related to issues of financial sustainability.
5. **Name, Image and Likeness Update.** The Board of Directors received an update on the progress of the NCAA Division I Name, Image and Likeness Legislative Solutions Group, as well as an update on state and federal legislative interest in name, image and likeness. The Legislative Solutions Group is expected to finalize its recommendations by October 2020 with a final vote by the Council expected in January 2021.
6. **NCAA Division I Working Group on Transfers Update.** The Board of Directors received an update on the progress of the Division I Working Group on Transfers and its development

of a comprehensive legislative proposal to reform the approach to four-year transfer eligibility. The Working Group on Transfers has primarily focused on the following areas: uniform transfer eligibility concept and criteria, notification of transfer date, student-athlete informed decision making, and impermissible recruiting contact. The Working Group on Transfers seeks to provide the Council with a legislative framework in concept form at its August meeting, to ensure sufficient time for feedback and refinement prior to the November 1 legislative deadline for the 2020-21 legislative cycle.

- **NCAA Division I Committee on Academics Review of Transfer Legislation.** In its update to the Board of Directors, the Division I Committee on Academics expressed support for the Working Group on Transfers' preliminary recommendation, which would permit a student-athlete to transfer and be immediately eligible provided: (1) The student-athlete leaves the first school academically eligible (e.g., 2.0 GPA); (2) The student-athlete meets progress-toward-degree requirements at the new school; (3) The new school guarantees financial aid through the completion of the student-athlete's undergraduate degree; and (4) The new school creates a graduation plan for the student-athlete.
7. **Board of Governors Update.** The Board of Directors received an update on actions taken and issues reviewed by the Board of Governors including amendments to the Association-wide campus sexual violence policy and ongoing discussions regarding the implications of transgender state legislation for student-athletes and NCAA championship events.
 8. **Division I Board of Directors Finance Committee Update.** The Board of Directors received an update from the Board of Directors Finance Committee which included the impact of the COVID-19 pandemic on future revenue distributions. Specifically, the Board of Directors Finance Committee determined that it will permit "intent to sponsor" to be sufficient for eligibility for the 2022 Sports Sponsorship Fund, which is similar to the approach used in spring 2020. Additionally, the Finance Committee provided an update from the NCAA Division I Championships Finance Review Working Group regarding the working group's recommendations related to the allocation of championship resources and membership feedback.
 9. **Division I Council Update.** The Board of Directors received an update on actions taken and issues reviewed by the Council since the last Board of Directors meeting, including the adoption of legislation adding acrobatics and tumbling and women's wrestling to the list of emerging sports for women. Additionally, the Council adopted legislation requiring conferences to complete internal equity, diversity and inclusion reviews and legislation exempting institutional need-based and nondiscretionary merit-based awards from a team's equivalency computations as of August 1, 2020. Council chair, Grace Calhoun, also noted that the Council has charged the NCAA Division I Student-Athlete Experience Committee with conducting a comprehensive financial aid review beginning in June 2021 and that the Council approved the Summit League's waiver request to permit the University of St. Thomas (Minnesota) to begin the reclassification process from Division III to Division I. Finally, the

Council established a limited moratorium on Council-governance, conference-sponsored legislative proposals for the 2020-21 legislative cycle.

10. **NCAA Division I Student-Athlete Advisory Committee Update.** The Board of Directors received an update on key items from the Division I Student-Athlete Advisory Committee. Specifically, the Student-Athlete Advisory Committee chair, Ethan Good, provided an overview of the committee's priorities for the 2020-21 academic year, a collaboration between the Student-Athlete Advisory Committee and the Student-Athlete Experience Committee and external and community engagement opportunities. In addition, more information was provided on Student-Athlete Advisory Committee's civic engagement initiatives, which are set to include a legislative recommendation to make Election Day a required day off from countable athletically related activities and a comprehensive education plan.
11. **Division I Committee on Academics Update.** The Board of Directors received an update on the work of the Committee on Academics. Included in this update were a review of standardized testing (ACT/SAT) as part of initial eligibility requirements and an update on an additional academic component for eligibility for transfer exceptions.
12. **NCAA President's Report.** The Board of Directors received an update from President Emmert regarding several important issues facing the Association and Division I.
13. **Legal Update.** The Board of Directors received a privileged and confidential update from Scott Bearby, vice president of legal affairs, related to ongoing legal matters.
14. **Report of the April 29 Board of Directors Meeting.** The Board of Directors approved the report of its April 29 meeting. (*Unanimous voice vote.*)

Board of Directors chair: Eli Capilouto, University of Kentucky, Southeastern Conference

Staff Liaisons: Amanda Conklin, Law, Policy and Governance

Jenn Fraser, Law, Policy and Governance

Kevin Lennon, Law, Policy and Governance

Donald Remy, Law, Policy and Governance

Leeland Zeller, Law, Policy and Governance

Division I Board of Directors August 5, 2020, Videoconference	
Attendees:	
Guy Bailey, University of Texas Rio Grande Valley; Western Athletic Conference.	
Jeri Beggs, Illinois State University; Faculty Athletics Representatives Association.	
Dean Bresciani, North Dakota State University; The Summit League.	
Grace Calhoun, University of Pennsylvania; The Ivy League, Division I Council.	
Eli Capilouto, University of Kentucky; Southeastern Conference.	
Rita Cheng, Northern Arizona University; Big Sky Conference.	
Jack DeGioia, Georgetown University; Big East Conference.	
Phil DiStefano, University of Colorado, Boulder; Pac-12 Conference.	
Michael Drake, The Ohio State University; Big Ten Conference.	
Ethan Good, Bowling Green State University, Division I Student-Athlete Advisory Committee.	
Burns Hargis, Oklahoma State University; Big 12 Conference.	
Jim Harris, University of San Diego; West Coast Conference.	
Renu Khator, University of Houston; American Athletic Association.	
James Maher, Niagara University; Metro Atlantic Athletic Conference.	
Phil Oldham, Tennessee Technological University; Ohio Valley Conference.	
Mary Papazian, San Jose State University; Mountain West Conference.	
Taylor Reveley, Longwood University; Big South Conference.	
Neal Smatresk, University of North Texas; Conference USA.	
Adrienne Swinney, University of Connecticut; Women Leaders in College Sports.	
Denise Trauth, Texas State University; Sun Belt Conference, vice chair.	
Satish Tripathi, University at Buffalo, The State University of New York; Mid-American Conference.	
David Wilson, Morgan State University; Mid-Eastern Athletic Conference.	
Randy Woodson, North Carolina State University; Atlantic Coast Conference.	
Absentees:	
None.	
Guests in Attendance:	
Jere Morehead, University of Georgia, Southeastern Conference.	
NCAA Staff Liaisons in Attendance:	
Amanda Conklin, Jenn Fraser, Kevin Lennon, Donald Remy and Leeland Zeller.	
Other NCAA Staff Members in Attendance:	
Scott Bearby, Joni Comstock, Jon Duncan, Mark Emmert, Dan Gavitt, Brian Hainline, Michelle Hosick, Felicia Martin, Marnae Mawdsley, Kathleen McNeely, Donald Remy, Bridget Rigney, Dave Schnase, and Stan Wilcox.	

NCAA Board of Governors decision on fall sports championships during 2020-21 and requirements for each division related to the conduct of fall sports and championships.

During this period of extraordinary disruption to our nation, higher education, student-athletes, member schools, and indeed all of sport around the world, the Board of Governors has made difficult and unprecedented decisions, each based on a bedrock commitment to the health and safety of student-athletes. As the COVID-19 pandemic continues — even intensifies — and new decision points are approaching with respect to the return of fall athletics generally and NCAA fall championships specifically, the board recognizes the myriad factors under consideration and varied circumstances across the country and across Divisions I, II and III. The board has determined the best course of action to ensure appropriate consideration of the wide-ranging concerns of the membership and the health and safety priorities of student-athletes is to direct each division to take appropriate actions based on requirements identified and approved by the board.

The most important consideration shall be whether championships can be conducted safely. We have very serious concerns about the continuing high levels of COVID-19 infection in many parts of our nation. The board has determined that it will only support moving forward with fall championships and other postseason play if strict conditions are applied and adhered to and there is significant reduction in COVID-19 spread. We understand that each division's, primary focus is health and safety, and some may not be similarly situated in terms of whether its members and governance structure have the resources available to take the necessary precautions (for regular-season competition or championships) given the health data trends and the spread of COVID-19. There are other student-athlete well-being determinations that also must be taken into account even if safety measures can be met and exceeded, such as mental and personal health concerns of student-athletes, available funding, logistics limitations and the quality of the championships experience.

This direction from the board requires each division to take action through its governance process and must include the requirements below for conducting fall sports seasons and related championships. The board will actively monitor any fall championship approach and after receiving information from a division retains the ability to make a final determination that fall sports championships will be cancelled. Further, this decision and direction only applies to fall sports and related championships, and decisions regarding winter and spring sports and related championships will be made at a later date.

Health and Safety

The Board of Governors directs the divisions in the following manner:

- All member schools must adhere to federal, state and local guidelines related to COVID-19. Further, the conduct of NCAA fall sports championships must be in line with federal, state and local guidelines.
- All member schools conducting fall sports programs must employ and adhere to the protocols set forth in the [Resocialization of Collegiate Sport: Developing Standards for Practice and Competition](#) document and subsequent updates. Such protocols should be implemented for all athletically related activities (voluntary, required and out of season) and in-season practice and

competition (preseason, regular season and postseason). If a change in local circumstances warrants a discontinuation of athletics activities, schools should make that decision in conjunction with public health officials as outlined in the resocialization document. We have set guidelines that schools must follow, but these guidelines do not support attempting sports in areas where there is significant spread of the virus.

- Because the resocialization document (and later updates) cannot speak to every scenario or circumstance involving potential exposure to COVID-19, it must not be used as an absolute fail-safe document but rather should be augmented with guidance from campus, local, state and federal authorities and other bodies most familiar with the specific circumstances of a community.
- All fall sports postseason competition involving NCAA student-athletes must adhere to the protocols set forth in the Resocialization of Collegiate Sport: Developing Standards for Practice and Competition document and subsequent updates.

Timeframe: The deadline for divisional governance action is Aug. 14.

Student-Athlete Well-Being

The Board of Governors directs the divisions in the following manner:

- All student-athletes must be provided an opportunity to opt out of participation due to concerns about contracting COVID-19, and if a student-athlete chooses to opt out, the individual's athletics scholarship commitment must be honored.
- Appropriate eligibility-related accommodations must be made for student-athletes who opt out of participating this fall or those whose seasons are interrupted or cut short due to COVID-19.
- While statements of personal commitment to health and safety are acceptable, member schools may not require student-athletes to waive their legal rights regarding COVID-19 as a condition of athletics participation.
- Divisions must develop rules providing that member schools will cover COVID-19-related health costs related to infections that local health officials reasonably believe were the result of student-athletes' sports participation.

Timeframe: The deadline for divisional governance action is Aug. 14.

Championships-Related Issues

If a division moves forward with planning for any fall championships, the Board of Governors further directs the division as follows:

- NCAA fall sports championships must be conducted using the principles associated with developing enhanced safety for student-athletes and essential athletics personnel. Such enhanced safety includes regular testing, separation of student-athletes and essential personnel from all other nonessential personnel, and physical distancing and masking policies during all aspects of noncompetition.
- If 50% or more of eligible teams in a particular sport in a division cancel or postpone their fall season, there will be no NCAA fall championship in that sport.
- If any division elects to postpone fall sports championships, the decision to conduct the championships at later dates must be based on the scientific data available at that time, as well as an assessment of the operational, logistical and financial impact of proceeding. When a championship is set to occur on a new date, an additional assessment must be made using the same factors (scientific data available at the time and operational, logistical and financial impact), and the division will report its determinations to the Board of Governors for its review.
- If a decision is made to move forward with fall sports championships, there must be a plan for scaling down the number of championship sites, including the possibility of single sites where appropriate, reduced bracketing, fewer competitors, and similar actions to create efficient and effective events.
- A division may allow for some fall sports championships to occur and others not be conducted based on level of risk to the student-athlete, but in all instances, decisions must comport with the Association's commitment to gender equity.

Timeframe: Based on when 50% threshold is met or divisional governance action is taken, which may be no later than Aug. 21.

Hotline

Further, the NCAA will publicize a phone number and email address for concerns to be raised about whether an athletics department is meeting the obligations reflected in the resocialization standards or otherwise engaged in behavior that puts student-athletes at risk of COVID-19. Upon receiving a concern, the NCAA will notify the campus athletics health care administrator and conference office about the concern. The athletics health care administrator will be expected to take immediate reasonable measures to review the concern and notify the NCAA of action taken, if action is necessary.

Timeframe: The deadline for NCAA national office action is Aug. 14.