



**REPORT OF THE
NCAA DIVISION I BOARD OF DIRECTORS
JUNE 30, 2021, VIDEOCONFERENCE**

INFORMATIONAL ITEMS.

- 1. Name, Image and Likeness – Interim Policy.** The NCAA Division I Board of Directors approved an interim name, image and likeness policy that will be effective July 1, 2021, and will remain applicable until such time that either federal legislation or new NCAA rules are adopted (see Attachment). (*Unanimous voice vote.*)

The Board of Directors also reviewed and updated select educational resources, including a question and answer document, to help the Division I membership navigate the name, image and likeness space. Those materials can be accessed [here](#).

- 2. Extension of Current Moratorium on Single-Sport Conference Applications.** At the recommendation of the NCAA Division I Council, the Board of Directors approved an extension of the current moratorium on single-sport conference applications until NCAA Division I Proposal No. 2020-17 (Automatic Qualification – Single-Sport Conferences – Grace Period and Field Selection) is acted on by the Council. (*Unanimous voice vote.*)

Proposal No. 2020-17, which was developed by the NCAA Division I Championships Finance Review Working Group and introduced by the Council in April 2020, would modify requirements for single-sport conferences, including reducing the grace period for when an existing single-sport conference drops below the six required schools to one year. At the time the proposal was introduced, the Championships Finance Review Working Group recommended—and the Division I Board of Directors subsequently approved—a moratorium on the creation of single-sport conferences until July 1, 2021.

However, the Council during its April 2021 meeting, tabled the proposal due to the ongoing uncertainty about how the COVID-19 pandemic will affect sports sponsorship in the coming months and because the NCAA Division I Presidential Forum’s sustainability review could address sports sponsorship and, potentially, the structure of some Division I championships. The Board of Directors’ decision to extend the moratorium on single-sport conference applications provides stability for Division I championship brackets/field sizes and budgets in the interim.

(Note: Applications for new single-sport conferences are due annually by June 1. No applications for new single-sport conferences were submitted for the 2021-22 academic year. Accordingly, the extension does not have a negative impact on the membership.)

- 3. NCAA President’s Report.** The Board of Directors received an update from President Emmert, who summarized the progression of actions and activities surrounding the name, image and likeness proposals. He also briefed the Board of Directors about the NCAA’s efforts to supply information that we hope will cause lawmakers to develop a federal law that uniformly supports all student-athletes through pre-emption of state compensation and NIL

- laws, validation of NCAA rule-making, and support of national recruiting standards, among other priorities.
4. **Legal Update.** The Board of Directors received a privileged and confidential update from Scott Bearby, vice president of legal affairs, regarding the interim name, image and likeness policy the Board was being asked to consider.
 5. **Division I Council Update.** The Board of Directors received an update on actions taken and issues reviewed by the Council during its June 28 meeting, which was devoted exclusively to discussing the interim name, image and likeness policy. Council chair Grace Calhoun provided a sense of the discussion that led to the Council supporting the policy.
 6. **Impact of Supreme Court Decision.** NCAA staff provided an update for the Board of Directors regarding discussions underway and steps being taken in the aftermath of the Supreme Court's decision in the *Alston* case, including:
 - a. NCAA Board of Governors consideration of the recommendation from the Board of Directors regarding the payment of plaintiffs' legal fees resulting from the *Alston* decision;
 - b. Potential expansion of Division I Proposal No. 2020-3 (Financial Aid and Awards, Benefits and Expenses – Benefits Related to Education and Academic or Graduation Awards and Incentives) to include sports other than bowl subdivision football and basketball; and
 - c. Comprehensive review of all current legislation that could be affected, and the impact of the decision on future rulemaking.
 7. **Report of the April 28 Board of Directors Videoconference.** The Board of Directors approved the report of its April 28 videoconference. (*Unanimous voice vote.*)

Board of Directors chair: Denise Trauth, Texas State University, Sun Belt Conference

Staff Liaisons: Amanda Conklin, Law, Policy and Governance

Jenn Fraser, Law, Policy and Governance

Kevin Lennon, Law, Policy and Governance

Leeland Zeller, Law, Policy and Governance

Division I Board of Directors June 30, 2021, Videoconference
Attendees:
Guy Bailey, University of Texas Rio Grande Valley; Western Athletic Conference.
Jeri Beggs, Illinois State University; Faculty Athletics Representatives Association.
Janna Blais, Northwestern University; Women Leaders in College Sports.
Dean Bresciani, North Dakota State University; The Summit League.
Grace Calhoun, Brown University; The Ivy League, Division I Council.
Ryan Cassidy, Rutgers, The State University of New Jersey, New Brunswick, NCAA Division I Student-Athlete Advisory Committee.
Rita Cheng, Northern Arizona University; Big Sky Conference.
Jack DeGioia, Georgetown University; Big East Conference.
Phil DiStefano, University of Colorado, Boulder; Pac-12 Conference.
Jim Harris, University of San Diego; West Coast Conference.
Renu Khator, University of Houston; American Athletic Association.
Linda Livingstone, Baylor University; Big 12 Conference.
Jere Morehead, University of Georgia; Southeastern Conference.
Phil Oldham, Tennessee Technological University; Ohio Valley Conference.
Christina Paxson, Brown University; The Ivy League.
Taylor Reveley, Longwood University; Big South Conference.
Neal Smatresk, University of North Texas; Conference USA.
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:
Rebecca Blank, University of Wisconsin-Madison; Big 10 Conference.
Mary Papazian, San Jose State University; Mountain West Conference.
Harlan Sands, Cleveland State University; Horizon League.
Guests in Attendance:
Rakesh Kilaru, Wilkinson Stekloff.
NCAA Staff Liaisons in Attendance:
Amanda Conklin, Jenn Fraser, Kevin Lennon and Leeland Zeller.
Other NCAA Staff Members in Attendance:
Scott Bearby, Gary Brown, Dawn Buth, Joni Comstock, Jon Duncan, Mark Emmert, Dan Gavitt, Brian Hainline, Karl Hicks, Lynn Holzman, Michelle Hosick, Jobrina Marques, Felicia Martin, Kathleen McNeely, Bridget Rigney, Dave Schnase, Geoff Silver, Angela Tressel, Cari Van Senus, Stan Wilcox, and Bob Williams.

Reviewed and endorsed by [_____] on [_____].

Interim NIL Policy.

The NCAA is committed to ensuring that its rules, and its enforcement of those rules, protect and enhance student-athlete well-being and maintain national standards for recruiting. Those goals are consistent with the NCAA's foundational prohibitions on pay-for-play and impermissible recruiting inducements, which remain essential to collegiate athletics.

As the NCAA continues to work with Congress to adopt federal legislation to support student-athlete use of NIL, it is necessary to take specific, short-term action with respect to applicable NCAA rules. Accordingly, effective July 1, 2021, and until such time that either federal legislation or new NCAA rules are adopted, member institutions and their student-athletes should adhere to the guidance below.

1. NCAA Bylaws, including prohibitions on pay-for-play and improper recruiting inducements, remain in effect, subject to the following:
 - **For institutions in states without NIL laws or executive actions or with NIL laws or executive actions that have not yet taken effect**, if an individual elects to engage in an NIL activity, the individual's eligibility for intercollegiate athletics will not be impacted by application of Bylaw 12 (Amateurism and Athletics Eligibility).
 - **For institutions in states with NIL laws or executive actions with the force of law in effect**, if an individual or member institution elects to engage in an NIL activity that is protected by law or executive order, the individual's eligibility for and/or the membership institution's full participation in NCAA athletics will not be impacted by application of NCAA Bylaws unless the state law is invalidated or rendered unenforceable by operation of law.
 - Use of a professional services provider is also permissible for NIL activities, except as otherwise provided by a state law or executive action with the force of law that has not been invalidated or rendered unenforceable by operation of law.
2. The NCAA will continue its normal regulatory operations but will not monitor for compliance with state law.
3. Individuals should report NIL activities consistent with state law and/or institutional requirements.