



**REPORT OF THE
NCAA DIVISION I BOARD OF DIRECTORS
OCTOBER 27, 2021, VIDEOCONFERENCE**

INFORMATIONAL ITEMS.

1. **NCAA Constitution Committee Discussion.** The NCAA Division I Board of Directors discussed the work of the Constitution Committee to date and noted that while the committee continues to finalize overarching and principle-based concepts for consideration during the NCAA Special Convention November 15, the review must encompass a second phase during which the Board of Directors will oversee a timely and comprehensive examination of the Division I model as it relates to membership requirements, governance, student-athlete experience, access to championships, and other key areas, with a goal of providing final recommendations by August 2022. Accordingly, the Board of Directors agreed on the following steps:
 - a. **Timeline and approach.** The Board of Directors approved the following timeline for Division I-specific legislation (division-dominant and federated provisions) in the constitution. The Board of Directors agreed that the scope of proposals related to the current Division I legislation in the constitution (as opposed to Association-wide provisions) should be limited to moving the Division I-specific provisions out of the constitution at this time. The legislation would continue to apply but would be moved into other areas of the NCAA Manual and would be reviewed as a part of the comprehensive examination that will occur through August 2022. (*Unanimous voice vote.*)

December 15	The NCAA Division I Council introduces proposals related to federated provisions of the constitution.
December 22	The Board of Directors sponsors proposals related to division-dominant provisions of the constitution.
January 7	Proposals sponsored by the Board of Directors and introduced by the Council are published.
January 8-20	The Board of Directors may sponsor amendments to the division-dominant proposals (amendments-to-amendments), if necessary. Date for possible Board action: January 14. During this time member conferences also may sponsor amendments to the federated proposals (amendments-to-amendments).
January 12	A Division I Issues Forum will be conducted during which participants will have the opportunity to discuss and offer feedback related to the proposals.
January 18	Any amendment-to-amendments sponsored through January 14 will be published.
January 19	The Council will meet and vote on the federated proposals.
January 20	The Board of Directors will meet to review and potentially ratify the results of the Council's action on federated proposals, after which the Division I Business Session will be conducted and the Division I membership will vote on division-dominant proposals.

- b. **NCAA Division I Transformation Committee.** The Board of Directors established an NCAA Division I Transformation Committee to conduct a comprehensive review of the Division I model, as an extension of the Constitution Committee’s work, through August 2022. The committee is expected to meet once virtually in advance of the January 2022 NCAA Convention and will complete the bulk of its work beginning in early 2022. The 21-member committee includes several Division I members of the Constitution Committee and additional members selected based on nominations from member conferences and leaders within the governance structure. The Transformation Committee will be co-chaired by Julie Cromer, director of athletics at Ohio University, and Greg Sankey, commissioner of the Southeastern Conference. (*Unanimous voice vote.*)

The Board of Directors charged the Transformation Committee with developing a set of Division I Commitments, Regulations and Membership Obligations that directly respond to the following issues that continually challenge the division:

- **Membership.** A model for new (or enhanced) membership obligations/requirements, including the appropriateness of a new subdivision, division or differently defined categories of institutions (e.g., groups, leagues, consortiums).
 - **Governance.** A model for a new Division I governance process that may include a different approach to leadership and independence in the decision-making process (e.g., a “sport leadership” model to provide some decision-making at the sport level).
 - **Student-athlete experience.** A model for enhanced Division I student-athlete experience (academics, health and safety, well-being), including an examination of enhanced support to student-athletes.
 - **Regulatory structure.** A regulatory structure that focuses on distinguishing those rules determined at the divisional level versus those best administered at the campus and/or conference level, and an enforcement and infractions model that focuses on elements most integral to the Division I collegiate model and is timelier in all aspects of adjudication.
 - **Impact of direct financial support to student-athletes.** Determine the extent to which an institution’s direct financial allocations to support student-athletes impacts representation in the governance structure, revenue distribution and championship access.
2. **Name, Image and Likeness Discussion.** The NCAA Division I Board of Directors received an update on the current name, image and likeness environment and is encouraged by the various and often innovative ways student-athletes are benefitting from the use of their NIL. In the first 90 days of the interim policy and various state laws, it appears that student-athletes are

leveraging their technology, entrepreneurial and social media skills to engage in NIL activities and using their NIL opportunities to learn valuable financial and other life skills.

The board, however, is concerned that some may be engaging in NIL activities that appear to be inconsistent with the letter and spirit of the NCAA interim NIL policy and other NCAA rules. The board directed the national office staff to remind the membership that NIL should not be used as improper recruiting inducements, serve as a substitute for pay-for-play or otherwise circumvent existing NCAA legislation. Further, the board directed the national office staff to continue to collect information from available sources on the NIL ecosystem and enforce the interim policy through its normal enforcement procedures, including conducting investigations as appropriate.

The board remains committed to advancing a more permanent NIL framework, preferably through Congressional action, that helps bring further clarity and national consistency. As the board awaits changes to the federal landscape related to NIL activities and framework, institutions are reminded of our collective commitment to provide NIL opportunities for all student-athletes in an environment that supports the expectations we have of each other as members of the Association.

3. **Gender Equity Update.** The Board of Directors discussed the external gender equity review conducted by Kaplan Hecker & Fink, noting the significant progress already made on recommendations from the Phase I report issued in August that focused specifically on men's and women's basketball, and discussing the Phase II report issued this week that addresses all other sports (except football). The Board of Directors, the NCAA Division I Presidential Forum, and the NCAA Divisions II and III Presidents Councils participated in an initial briefing of the Phase II report during the NCAA Board of Governors' October 26 meeting. The NCAA Division I Competition Oversight Committee, which oversees all the sports addressed in the Phase II report, will play a major role in addressing the various recommendations. As was the case with the Phase I report, the recommendations will be prioritized and differentiated between those that can be managed through the national office and those that may require legislative proposals and, thus, broader discussion within the membership.
4. **Board of Governors Update.** In addition to the discussion regarding Phase II of the gender equity report as noted above, the Board of Directors received an update on other actions taken and issues reviewed by the Board of Governors during its October 26 meeting. Among those items was the Board of Governors' support for appropriate modifications to NCAA championships sponsorship policies consistent with those of members campuses, conferences and other collegiate championships, as well as allowing efforts by divisional bodies to modify their policies to permit broader categories of NCAA championship sponsorships. The Board of Directors asked for more specifics regarding the parameters and expectations surrounding possible changes to the policies before taking any formal action for Division I championships.
5. **NCAA Division I Board of Directors Finance Committee Update.** The Board of Directors received an update on the Finance Committee's most recent meeting and noted the

committee's work with staff on successful outcomes emanating from the accounting-based recommendations in the Phase I gender equity report.

6. Division I Presidential Forum Update.

- a. **Student-athlete engagement.** The Board of Directors received an update from the Presidential Forum's October 26 meeting during which the Forum engaged with student-athletes from the NCAA Division I Student-Athlete Advisory Committee and other sport-specific student-athlete groups to share perspectives on key issues integral to the review of the Division I collegiate model, focusing in particular on student-athletes' role in the Division I governance structure going forward.
- b. **Sustainability review.** The Presidential Forum also discussed issues related to the constitutional review and noted that it will delay any formal recommendations to the Board of Directors regarding the Forum's review of sustainability until the Constitution Committee has completed its work and until the Transformation Committee is further along in its deliberations.

7. Division I Council Update. The Board of Directors received an update from the Division I Council's October 5-6 meeting during which the Council adopted six proposals that had been held over from the 2019-20 legislative cycle and introduced several new proposals into the 2021-22 cycle. The Council also adopted emergency legislation, effective immediately, to permanently extend the educational benefits specified in the Alston/Grant-in-Aid litigation to student-athletes in sports other than basketball and bowl subdivision football.

8. Division I Student-Athlete Advisory Committee Update. The Board of Directors received an update regarding the Student-Athlete Advisory Committee's priorities for 2021-22, which are:

- Enhancing student-athlete mental and physical health and well-being;
- Increasing awareness and education regarding the name, image and likeness opportunities for student-athletes; and
- Redefining the investment in developing student-athletes to contribute to the decision-making processes at the campus, conference and national levels.

The Board also received an update on the Student-Athlete Advisory Committee's session with the Division I Presidential Forum noted above, during which the student-athletes presented the following "wish list" for increased representation in the NCAA governance structure and greater allocation of resources to support student-athletes:

- Adding full-time staff dedicated to serving as Student-Athlete Advisory Committee liaisons at the national, conference and campus levels;
- Increasing investment and funding for Student-Athlete Advisory Committee and

student-athlete development at the national, conference and campus levels; and

- Increasing to a minimum of 25% student-athlete voting representation on all NCAA committees.
9. **NCAA Division I Committee on Academics Update.** The Board of Directors received an update on the Committee on Academics' ongoing priorities, which include reviewing the use of standardized tests in NCAA eligibility requirements; reinstating normal NCAA Division I Academic Progress Rate operations after a suspension of penalty assessment due to COVID-19; and a review of issues likely to face secondary and higher education in the immediate and long-term future because of the pandemic and other cultural factors that have emerged.
10. **Report of the August 4 Board of Directors Videoconference.** The Board of Directors approved the report of its August 4 videoconference. *(Unanimous voice vote.)*

Board of Directors chair: Jere Morehead, University of Georgia, Southeastern 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 October 27, 2021, Videoconference
Attendees:
Jeri Beggs, Illinois State University; Faculty Athletics Representatives Association.
Janna Blais, Northwestern University; Women Leaders in College Sports.
Rebecca Blank, University of Wisconsin-Madison; Big 10 Conference.
Ryan Cassidy, Rutgers, The State University of New Jersey, New Brunswick, Division I Student-Athlete Advisory Committee.
Kelly Dampousse, Arkansas State University; Sun Belt Conference.
Jack DeGioia, Georgetown University; Big East Conference.
Andy Feinstein, University of Northern Colorado; Big Sky Conference.
John Fry, Drexel University; Colonial Athletic Association.
Jim Harris, University of San Diego; West Coast Conference.
Linda Livingstone, Baylor University; Big 12 Conference.
Shane Lyons, West Virginia University; NCAA Division I Council.
Geoff Mearns, Ball State University; Mid-American Conference.
Jere Morehead (chair), University of Georgia; Southeastern Conference.
Phil Oldham, Tennessee Technological University; Ohio Valley Conference.
Mary Papazian, San Jose State University; Mountain West Conference.
Christina Paxson, Brown University; The Ivy League.
Chris Pietruszkiewicz, University of Evansville; Missouri Valley Conference.
David Rudd, University of Memphis; American Athletic Conference.
Michael Schill, University of Oregon; Pac-12 Conference.
David Wilson, Morgan State University; Mid-Eastern Athletic Conference.
Randy Woodson, North Carolina State University; Atlantic Coast Conference.
Absentees:
Guy Bailey, University of Texas Rio Grande Valley; Western Athletic Conference.
Harlan Sands, Cleveland State University; Horizon League.
Neal Smatresk, University of North Texas; Conference USA.
Guests in Attendance:
Adela de la Torre, San Diego State University; Division I Presidential Forum chair.
Susanne Grooms, Kaplan Hecker & Fink.
Dianne Harrison, NCAA Division I Committee on Academics chair.
Gabrielle Tenzer, Kaplan Hecker & Fink.
NCAA Staff Liaisons in Attendance:
Amanda Conklin, Jenn Fraser, Kevin Lennon and Leeland Zeller.
Other NCAA Staff Members in Attendance:
Scott Bearby, Gary Brown, Joni Comstock, Derrick Crawford, Jon Duncan, Mark Emmert, Dan Gavitt, Lynn Holzman, Michelle Hosick, Felicia Martin, Kathleen McNeely, Stacey Osburn, Bridget Rigney, Dave Schnase, Cari Van Sensus, Stan Wilcox, and Bob Williams.