



**REPORT OF THE
NCAA DIVISION I BOARD OF DIRECTORS
OCTOBER 25-26, 2022, MEETING**

INFORMATIONAL ITEMS.

1. **NCAA Division I Transformation Committee Update.** The NCAA Division I Board of Directors received a comprehensive update on the Transformation Committee’s work regarding student-athlete benefits models, membership expectations, championships, decision-making, and congressional strategy. Additionally, the Board of Directors received a presentation from external partners regarding a poll and subsequent focus groups the Transformation Committee initiated to inform the Transformation Committee’s work. The Board of Directors shared its feedback and direction with the Transformation Committee during its meeting on October 26-27.

2. **NCAA Division I Council Working Group on Name, Image and Likeness.** At the Board of Directors’ request, the Division I Council’s Name, Image and Likeness Working Group reviewed the NIL environment and developed additional clarifications regarding how schools can be involved with the NIL activities of enrolled student-athletes on their campuses. The Board of Directors approved the working group’s recommendations, which include the following clarifications:
 - a. Education/Monitoring for Current Students.
 - Schools generally can and should provide education to current student-athletes, including on topics such as financial literacy, taxes, social media practices and entrepreneurship. Schools also can provide NIL education to collectives, boosters and prospects. When permitted by applicable state laws, schools can and should require student-athletes to report NIL activities to the athletics department.

 - b. School Support for Student-Athlete NIL Activities.
 - 1) Under the interim policy, schools can inform student-athletes about potential NIL opportunities and can work with an NIL service provider to administer a “marketplace” that matches student-athletes with those opportunities. They cannot, however, engage in negotiations on behalf of an NIL entity or a student-athlete to secure specific NIL opportunities.

 - 2) Schools also can support their enrolled college athletes in NIL activities directly by providing stock photos or graphics to either a student-athlete or an NIL entity or arranging space on campus for an entity and student-athlete to meet. Schools cannot, under the interim policy, provide free services (graphic designers, tax preparation or contract review) to student-athletes unless those services are available to the general student body, nor can schools offer equipment (cameras, graphics software or computers) to student-athletes to support NIL activities, unless that equipment is also available to the general student body.

- 3) Schools can promote student-athletes' NIL activities, provided the student-athlete or NIL entity pays the going rate for that advertisement (for example, on a video board during a game). However, schools cannot allow student-athletes to promote their activity while participating in required athletics activities (pre- and postgame activities, court celebrations and news conferences).

c. School Involvement with Collectives and Other NIL Entities.

- 1) School personnel (including coaches) can assist an NIL entity with fundraising through appearances or by providing autographed memorabilia but cannot donate cash directly to those entities. School staff members also cannot be employed by or have an ownership stake in an NIL entity.
- 2) Schools also can request donors provide funds to collectives and other NIL entities, provided the schools do not request that those funds be directed to a specific sport or student-athlete.
- 3) Schools can provide tickets or suites to NIL entities through sponsorship agreements, provided the terms of those agreements are the same as for other sponsors. Those same assets cannot be offered as an incentive to provide funds to an NIL entity.

The updated guidance document is available [here](#). While not an exhaustive list of specific circumstances, it is intended to clarify how existing NCAA rules apply to the interim policy for NIL, specifically how the current rules relate to Division I member schools' involvement in NIL activities.

Additionally, while no recommendation was made at this time, the Board of Directors was informed that the working group is continuing its discussions about the benefits and challenges related to using an independent, third-party administrator to collect student-athlete disclosures of NIL activities.

Finally, the Board of Directors adopted emergency legislation the working group recommended to establish a new review standard regarding violations related to NIL activities, which includes a rebuttable presumption of violations. When information available to the enforcement staff indicates that impermissible conduct occurred, the enforcement staff and the NCAA Division I Committee on Infractions will presume a violation occurred unless the school clearly demonstrates that the behaviors in question were in line with existing NCAA rules and the interim policy (*unanimous voice vote*).

3. **NCAA Board of Governors Update.** The Board of Directors received an update from the Board of Governors' October 25 meeting, during which members continued their review of Association-wide committees to align with the new constitution. As part of this review, the Board of Governors directed the divisional governance bodies to pursue appropriate legislative

action to eliminate the Research Committee, as most NCAA research is being led by the national office's research department and thus negates the need for a standing membership committee. The Board of Governors will continue reviewing the remaining Association-wide committees at future meetings.

4. **NCAA Division I Board of Directors Finance Committee Update.** The Board of Directors received an update from the Finance Committee's October 24 meeting, during which it reviewed a recommendation put forward by the NCAA Division I Women's Basketball Oversight Committee and approved by the NCAA Division I Council pertaining to the funding of a 32-team postseason tournament for women's basketball mirroring the NCAA's Men's NIT. The Finance Committee was unanimous in its support of ensuring equitable postseason opportunities for women's basketball. To ensure that proper financial planning and due diligence is conducted in a manner that will support sustained gender equity, the committee has asked staff to provide a thorough analysis to facilitate review and action on the Council's recommendation at its next meeting on January 6, 2023. The recommendation derives from the NCAA Phase I Gender Equity Review Report, with a focus on ensuring gender equity in participation opportunities supported by the NCAA.
5. **Division I Council Update.** The Board of Directors received an update from the Council's October 4-5 meeting, during which members adopted two pieces of noncontroversial legislation related to the transfer process, one that moves the spring notification-of-transfer window from May 1-15 to April 15-30, and another that amends the notification-of-transfer deadline for student-athletes who will participate as a postgraduate student at another institution. The Council also continued discussing the transfer waiver framework and guidelines consistent with the charge from the Division I Board of Directors.
6. **NCAA Division I Presidential Forum Update.** The Board of Directors received an update from the Presidential Forum's October 24-25 meeting, during which members were informed about the Transformation Committee's work and were presented the data from external partners regarding a poll and subsequent focus groups the Transformation Committee initiated to inform the Transformation Committee's work. The Presidential Forum engaged in small-group discussions to provide feedback. Those groups also discussed the role of the Presidential Forum as the Transformation Committee continues its work reviewing potential changes to the decision-making structure of the NCAA going forward. The Presidential Forum's feedback (see Attachment) was provided both to the Board of Directors and the Transformation Committee.

The Presidential Forum also received an update regarding NIL and provided valuable and practical feedback about the questions and situations they are encountering on campus related to NIL engagement. That feedback also was shared with the Board of Directors. Specifically, members highlighted questions that underscore the need for education for student-athletes regarding tax implications, financial aid implications and financial literacy. The Forum noted the importance of continually evaluating all available data to better inform the scope of NIL activity and to determine the impact of NIL on academic performance and other aspects of the student-athlete experience. The data can also be used to help inform communications with

the public and others about the true impact of NIL on college sports. There is a recognition of the complex environment in which the Association finds itself, but the Forum encourages continued commitment to working toward a sustainable NIL environment.

7. **NCAA Division I Board of Directors Infractions Process Committee Update.** The Board of Directors received an update from its Infractions Process Committee, which during its most recent meeting October 7 began discussing the five Phase II concepts related to the infractions process for future consideration by the Division I membership and governance committees. The Infractions Process Committee generated these concepts as a part of its original report to the Transformation Committee but ultimately did not include them in the committee's Phase I recommendations the Board of Directors subsequently adopted. While preliminary membership support exists for most of the Phase II concepts, the committee began assessing their utility within the context of the recently adopted changes to the peer-review model and prioritized which would be most feasible to pursue immediately. The committee will continue this review during its next videoconference December 13.
8. **NCAA Division I Student-Athlete Advisory Committee Update.** The Board of Directors received an update from the Student-Athlete Advisory Committee's October 1-2 meeting, during which members discussed their strategic priorities for 2022-23 that focus on (1) examining the structure of the committee and developing ways to become more influential at the campus, conference and national levels; (2) enhancing the student-athlete experience; and (3) student-athlete health and well-being. The committee focused on updating the priorities related to committee structure and mental health for implementation at the institutional, conference and national levels.
9. **NCAA Division I Committee on Academics Update.** The Board of Directors tabled an informational report from the Committee on Academic's October 12 videoconference until its January 2023 meeting.
10. **Legal Update.** The Board of Directors received an update on litigation affecting intercollegiate athletics.
11. **Update from NCAA President Mark Emmert.** President Emmert updated the Board of Directors on issues affecting intercollegiate athletics in general and Division I in particular, including the work of the NCAA Board of Governors Subcommittee on Congressional Engagement and Action.
12. **Report of the August 31 Board of Directors Videoconference.** The Board of Directors approved the report of its August 31 videoconference. (*Unanimous voice vote.*)
13. **Future Meetings.**
 - Thursday, January 12, 9 a.m. to 1 p.m. Central time (in-person meeting in San Antonio as part of the NCAA Convention).

Report of the Division I Board of Directors

October 25-26, 2022, Meeting

Page No. 5

Board of Directors chair: Jere Morehead, University of Georgia, Southeastern Conference
Staff Liaisons: Amanda Conklin, Governance, Policy and Human Resources
Jenn Fraser, Governance, Policy and Human Resources
Kevin Lennon, Governance, Policy and Human Resources
Leeland Zeller, Governance, Policy and Human Resources

Division I Board of Directors October 25-26, 2022, Meeting
Attendees:
Jeri Beggs, Illinois State University; Faculty Athletics Representatives Association.
Janna Blais, Northwestern University; Women Leaders in College Sports.
Sean Buck, United States Naval Academy, American Athletic Conference.
Brynn Carlson, University of Missouri, Division I Student-Athlete Advisory Committee.
Kelly Damphousse, Texas State University; Sun Belt Conference.
Houston Davis, University of Central Arkansas; ASUN 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.
Sidney McPhee, Middle Tennessee State University; Conference USA.
Geoff Mearns, Ball State University; Mid-American Conference.
Jere Morehead (chair), University of Georgia; Southeastern Conference.
Phil Oldham, Tennessee Technological University; Ohio Valley Conference.
Ora Pescovitz, Oakland University; Horizon League.
Chris Pietruszkiewicz, University of Evansville; Missouri Valley Conference.
Darryll Pines, University of Maryland, College Park; Big Ten Conference.
Taylor Randall, University of Utah; Pac-12 Conference.
Harvey Stenger, Binghamton University; America East Conference.
Marlene Tromp, Boise State University; Mountain West Conference.
David Wilson, Morgan State University; Mid-Eastern Athletic Conference.
Randy Woodson, North Carolina State University; Atlantic Coast Conference.
Absentees:
Christina Paxson, Brown University; The Ivy League.
Guests in Attendance:
Julie Cromer, Ohio University; Division I Transformation Committee co-chair.
Robert Davies, Central Michigan University; Division I Committee on Academics chair.
Adela de la Torre, San Diego State University; Division I Presidential Forum chair.
Robert Gibbs, Bully Pulpit Interactive.
Chandler Goodman, Bully Pulpit Interactive.
Greg Sankey, Southeastern Conference; Division I Transformation Committee co-chair.
Graves Spindler, Bully Pulpit Interactive.
NCAA Staff Liaisons in Attendance:
Amanda Conklin, Jenn Fraser, Kevin Lennon and Leeland Zeller.
Other NCAA Staff Members in Attendance:
Scott Bearby, Lydia Bell, Emily Capehart, Joni Comstock, Derrick Crawford, Jon Duncan, Meghan Durham, Mark Emmert, Dan Gavitt, Jennifer Henderson, Gina Lehe, Jobrina Marques, Felicia Martin, Mario Morris, Binh Nguyen, Stephanie Quigg, Bridget Rigney, Dave Schnase, Geoff Silver, Cari Van Senus, Jerry Vaughn, Stan Wilcox, and Quintin Wright.



NCAA Division I Presidential Forum Feedback

Polling, SA Benefits and Congressional Strategy

- Regarding the polling and focus group data, concerns were raised about overemphasizing just the highest profile football and basketball programs.
 - We would recommend against using this information as the primary driver to shape changes that may be more impactful on (and potentially damaging to) the majority of Division I student-athlete experiences in the other sports.
- For the student-athlete benefits model and congressional strategy, the Forum found it challenging to provide meaningful feedback absent more specificity regarding the model.
 - For Forum members to provide meaningful input it is important that members are provided relevant data and context about how the data was used to inform decision-making. This will help fully inform the group when requested to make policy observations and/or recommendations.

SA Benefits and Membership Expectations

- Some Forum members expressed concerns about a one size fits all approach to student-athlete benefits and membership expectations given the disparate level of resources among conferences and institutions in Division I.
- There was a general sense that health and well-being minimums should be consistent among subdivisions, but that other membership expectations may be better addressed at the subdivisional level where institutional variance can be accounted for.
- Some Forum members recommended looking to possible accreditation models or scorecards to hold institutions accountable for meeting membership expectations.

Membership Expectations

- As membership expectations are contemplated, it is important for the Transformation Committee, Division I Board and the membership to continually ask the “why” behind any enhanced membership requirements. What is the need being addressed by the creation of requirements for all DI schools? And do these requirements address the tensions in the system, tie directly to desired outcomes and increase accountability?
- In addition to any thoughtful adjustments to membership expectations, the Forum noted the need for a more effective public relations strategy that accurately communicates the nature and realities of college sports and the benefits of intercollegiate athletics participation.

Decision-Making

- From a decision-making standpoint, Forum members support the concept of a flatter governance structure.
- The Forum has previously shared that there is significant support among the Presidential Forum members to have the highest-ranking body in any new governance structure include representation from all 32 conferences. Some presidents once again strongly voiced this opinion.
- In line with the decision-making subgroup's focus on positional diversity, the Forum was supportive of exploring an alternative composition for the Division I Board or senior-most governance body that includes both president/chancellors and practitioners.

Decision-Making

- The Presidential Forum's charge should be revisited, and it should be structured in a way that is more focused on action and that provides the opportunity for direct engagement with the Division I Board (or equivalent) to give the presidential voice more weight. This is impacted by the extent to which the new governance structure would be more inclusive of all 32 conferences.
- If the Forum remains intact, we recommend that the chair of the Presidential Forum become a voting member of the Division I Board.
- The Forum agreed that having presidents serve on an advisory body without a specific charge is not the most effective use of their time.
 - As an alternative, the Forum would recommend that presidents be deployed as members of ad hoc committees as necessary rather than engaging them on an additional standing committee.

Name, Image and Likeness

- Forum members provided some very practical feedback to staff about the questions and situations they are encountering on campus related to NIL engagement. Specifically, members highlighted questions that underscore the need for education for SA's regarding tax implications, financial aid implications and financial literacy.
- The Forum noted the importance of continually evaluating all available data to better inform regarding the scope of NIL activity and to determine the impact of NIL on academic performance and other aspects of the student-athlete experience.
 - The data can also be used to help inform communications with the public and others about the true impact of NIL on college sports.
- There is a recognition of the complex environment in which we find ourselves, but the Forum encourages continued commitment to working towards a sustainable NIL environment.