



**REPORT OF THE
NCAA DIVISION I COUNCIL
SEPTEMBER 21, 2022, VIDEOCONFERENCE**

To connect NCAA Division I Council items to the NCAA pillars of academics, fairness and well-being, items included in this report have an identifying pillar. There is an additional pillar, operational, that is used to denote items that relate to maintaining a stable and efficient Division I.

KEY ITEMS.

- 1. Notification-of-Transfer Requirements for Postgraduate Transfers.** (Academics/Fairness /Well-Being/Operational) The Division I Council adopted NCAA Division I Proposal No. 2022-21 (Recruiting and Academic Eligibility – Notification of Transfer – Postgraduate Participation at Another Institution), as emergency legislation effective immediately, to specify that a student-athlete who will participate as a postgraduate student at another institution is not subject to the notification-of-transfer windows for undergraduate four-year college student-athletes. This action permits students who will enroll at another school after graduating to enter the transfer portal at any time. (See Attachment for voting results.)

In taking this action, the following items were noted:

- a. Student-athlete education is paramount. Student-athletes need to fully understand the implications of providing notification of transfer.
 - b. Additional modifications to the notification-of-transfer legislation may be necessary, particularly whether the deadlines for providing notification of transfer are appropriate for prospective postgraduate student-athletes.
 - c. The Council asked the NCAA Division I Committee on Academics to reengage in discussions about how postgraduate student-athlete eligibility is regulated.
- 2. Football Bowl Subdivision Contest Status and Scheduling Requirements.** (Fairness/Well-Being/Operational) The Council adopted Proposal No. 2022-22 (Championships and Postseason Football and Division Membership – Contest Status and Scheduling Requirements – Exception – FCS Opponent – FBS) as noncontroversial legislation, in bowl subdivision football, to increase the financial aid requirement an NCAA Football Championship Subdivision opponent must average for a Football Bowl Subdivision institution to count one victory against the FCS opponent toward meeting the definition of “deserving team” and to meet scheduling requirements from 80 percent of the permissible maximum number of grants-in-aid per year during a rolling two-year period to 90 percent of the permissible maximum number of grants-in-aid per year during a rolling two-year period. (See Attachment for voting results.)

ACTION ITEMS.

- **None.**

INFORMATIONAL ITEMS.

1. **NCAA Division I Transformation Committee Update.** (Fairness/Well-Being/Operational) The Council received a report on the work of the Transformation Committee that included the following:
 - a. **Actions Taken by the NCAA Division I Board of Directors.** During its August 31 videoconference, the Board of Directors adopted several recommendations from the Transformation Committee, including changes to the transfer legislation that create notification-of-transfer windows and establish institutional accountability and student-athlete scholarship protections (the Board did not take legislative action to replace the one-time transfer exception with an exception that would have allowed for immediate eligibility based on academic eligibility). The Board of Directors also adopted three proposals related to the infractions process that (1) implement comprehensive changes to all phases of the peer-review infractions process prior to the appellate phase; (2) amend the appellate phase of the peer-review infractions process to produce more timely outcomes while ensuring a fair opportunity to appeal exists; and (3) discontinue use of the Independent Accountability Resolution Process following the resolution of the five remaining cases currently within its processes.
 - b. **Transfer Waiver Process and Timeline.** The Council reviewed the process and timeline for establishing the waiver framework and guidelines for student-athletes who miss a notification-of-transfer window or do not meet an exception to the transfer residence requirement, noting that the Board of Directors has charged the Council with building and establishing the waiver framework and guidelines not later than January 2023. (Note: In August, the Board of Directors established that immediate eligibility via the waiver framework would be available only to student-athletes who transfer for reasons related to the student-athlete's physical or mental health and well-being or other exigent circumstances.)
 - c. **Process to Consider Adjustments to the Notification-of-Transfer Windows.** The Council received an update on the process for the Council to consider adjustments to the notification-of-transfer windows. Council committees may discuss possible adjustments and make legislative recommendations to the Council to consider during its October 4-5 in-person meeting. Recommendations may include requests for the Council to introduce legislation into the 2022-23 legislative cycle (which could be considered in January) or to consider adopting emergency legislation.
 - d. **Updates on the Ongoing Work of the Transformation Committee.** The Council also received an update on the Transformation Committee's ongoing work in the areas of student-athlete support and benefits, membership standards and expectations, championships, and governance.

- e. **Update on the Work of the NCAA Division I Legislative Committee Modernization of the Rules Subcommittee.** The Council received an update on the work of the Modernization of the Rules Subcommittee. The presentation focused on the subcommittee's continuing work, including information related to the review of legislation governing personnel, recruiting calendars, use of recruiting person days, and a uniform start date for recruiting activities. The subcommittee is expected to review concepts in these areas during its October 3 in-person meeting, which would facilitate a recommendation that the Council introduce proposals into the 2022-23 legislative cycle during its October 27 videoconference. Other concepts may be recommended for introduction into the modernization legislative track during the November or December monthly Council videoconferences.
2. **NCAA Division I Council Working Group on Name, Image and Likeness Update.** (Fairness/Well-Being/Operational) The Council received an update on the work of the Council Working Group on Name, Image and Likeness and was informed that the working group may submit concepts for the Council to consider during its October 4-5 in-person meeting.
 3. **Update on the 2023 College Basketball Academies.** (Fairness/Well-Being/Operational) The Council received updates from the NCAA Division I Men's Basketball Oversight Committee and the NCAA Division I Women's Basketball Oversight Committee regarding efforts to conduct boys' and girls' College Basketball Academies during the summer of 2023.
 4. **Reports from Council Committees.**
 - a. **NCAA Division I Football Oversight Committee.** (Fairness/Well-Being/Operational) The Council received the following as information:
 - 1) **Recruiting Calendars Review.** In August, the NCAA Division I Football Oversight Committee Comprehensive Recruiting Review Subgroup started to review and revise the football recruiting calendars. The review aligns with feedback requested from the Modernization of the Rules Subcommittee and is focused on the areas of personnel and recruiting. The model being developed is intended to create a clearer, more predictable calendar for off-campus recruiting activities. The NCAA Division I Football Oversight Committee Administrative Committee has reviewed the model and has requested feedback from FBS conference administrators and FCS commissioners.
 - 2) **Student-Athlete Connection Group.** The group composed of representatives from each FBS and FCS conference (maximum of two per conference) will conduct its first meeting of the 2022-23 academic year later this month. Isaac Vance, an NCAA Division I Student-Athlete Advisory

Committee representative and football student-athlete at Kent State University, returns as chair.

b. **Women's Basketball Oversight Committee.** (Operational) The Council received the following as information:

- **Review of Postseason Opportunities.** The Women's Basketball Oversight Committee discussed the referral from the NCAA Division I Council Coordination Committee to examine the disparity in postseason opportunities the NCAA provides between men's and women's basketball. The issue emanates from the Phase I Gender Equity Review Report. The Women's Basketball Oversight Committee expects to submit a formal proposal for the Council to consider during its October 4-5 in-person meeting that creates a 32-team postseason tournament that mirrors the construct of the Men's National Invitation Tournament in terms of operation, personnel, and staffing.

c. **NCAA Division I Strategic Vision and Planning Committee.** (Fairness/Well-Being/Operational) The Council received the following as information:

- **Sports Sponsorship Waiver Requests.** The Strategic Vision and Planning Committee reviewed waiver requests for institutions that either fell below the overall sports sponsorship minimums or are seeking access to revenue distribution funds for sponsoring a sport and approved the following:
 - a) Two waiver requests in which the institutions fell below the minimum overall number of sports due to the impact of COVID-19.
 - b) Three waiver requests in which the institution failed to meet sport-specific minimums due to COVID-19 but did not fall below the overall sports sponsorship minimums.

(Note: For sports other than indoor track and field, the NCAA Division I Board of Directors Finance Committee must also approve a waiver of revenue distribution policy for the schools to count the sport for revenue distribution purposes.)

d. **Student-Athlete Advisory Committee.** (Fairness/Well-Being/Operational) The Council received the following as information:

- **Collaboration with the Transformation Committee.** The Student-Athlete Advisory Committee continues to collaborate with the Transformation Committee as the latter group progresses in its work, particularly on the topic of student-athlete benefits. The Student-Athlete Advisory Committee

also noted its contributions as the transfer proposals were vetted over the past several weeks, including recommendations to modify the notification-of-transfer windows to provide equitable opportunities for student-athletes in spring sports.

- 5. Report of the August 17 Council Videoconference.** The Council approved the report of its August 17 Council videoconference.

Council Chair: Shane Lyons, West Virginia University; Big 12 Conference.
Council Liaisons: Amanda Conklin, Governance, Policy and Human Resources.
Jennifer Fraser, Governance, Policy and Human Resources.
Kevin Lennon, Governance, Policy and Human Resources.
Leeland Zeller, Governance, Policy and Human Resources.

NCAA Division I Council Videoconference September 21, 2022
Attendees:
Nicole Kendall Arrighi, Tennessee State University; Ohio Valley Conference.
Brian Barrio, University of Maryland, Baltimore County; America East Conference.
Kelly Barsky, University of California, Santa Barbara; Big West Conference.
Renee Baumgartner, Santa Clara University; West Coast Conference.
Jackie Blackett, Columbia University-Barnard College; The Ivy League.
Jamie Boggs; Grand Canyon University; Western Athletic Conference.
Don Bruce, The University of Tennessee, Knoxville; 1A Faculty Athletics Representative.
Dan Butterly, Big West Conference.
Jason Cable, Alabama State University; Southwestern Athletic Conference.
Kim Capriotti, Jacksonville University; FARA (alternate).
Patrick Chun, Washington State University; Pac-12 Conference.
Charles Cobb, Georgia State University; Sun Belt Conference.
Tim Coffey, Longwood University; Big South Conference.
Turner Dirrigl, Canisius College; Division I Student-Athlete Advisory Committee.
David Flores, Big 12 Conference. (alternate)
Jean Gee, University of Montana; Big Sky Conference.
Ami Gianchandani, Yale University; Division I Student-Athlete Advisory Committee.
David Harris, University of Northern Iowa; Missouri Valley Conference.
Chad Hawley, Big 10 Conference (alternate).
Jennifer Heppel, Patriot League.
Angie Jabir, Siena College; Metro Atlantic Athletic Conference.
Mark Jackson, Villanova University; Big East Conference.
Michael Kelly, University of South Florida; American Athletic Conference.

Debbie Kirch, Northern Kentucky University; Horizon League.
Heather Lyke, University of Pittsburgh; Atlantic Coast Conference.
Judy MacLeod, Conference USA (FBS nonautonomy conference commissioner).
Brandon Martin, University of Missouri, Kansas City; The Summit League.
Chris May, Saint Louis University; Atlantic 10 Conference.
Noreen Morris, Northeast Conference.
Eddie Nunez, University of New Mexico; Mountain West Conference.
Elizabeth Rabb, Wofford College; Southern Conference. (alternate)
Chrissi Rawak, University of Delaware; Colonial Athletic Association.
Alex Ricker-Gilbert, Jacksonville University; ASUN Conference.
Thomas Samuel, Southland Conference.
Greg Sankey, Southeastern Conference (FBS autonomy conference commissioner).
Alecia Shields-Gadson, Delaware State University; Mid-Eastern Athletic Conference.
Jon Steinbrecher, Mid-American Conference.
Lynda Tealer, University of Florida; Southeastern Conference.
Patty Viverito, Missouri Valley Football Conference (FCS conference commissioner).
Billy Walker, American University; Patriot League.
Eric Wood, Louisiana Tech University; Conference USA.
Absentee:
Shane Lyons, West Virginia University; Big 12 Conference.
Guests in Attendance:
Lisa Archbald, Northeast Conference.
NCAA Staff Liaisons in Attendance:
Amanda Conklin, Jenn Fraser, Kevin Lennon and Leeland Zeller.
Other NCAA Staff Members in Attendance for Portions of the Meeting:
Troy Arthur, Scott Bearby, Lydia Bell, DJ Brown, Gary Brown, Emily Capehart, Derrick Crawford, Meg Durham, Dan Gavitt, Ty Halpin, Brandy Hataway, Jennifer Henderson, Lynn Holzman, Michelle Hosick, Brittney Jackson, Khadian Kelly, Gina Lehe, Abbie Markey, Jobrina Marques, Felicia Martin, Mike Massa, Ty Medd, Karen Metzger, Binh Nguyen, Susan Peal, Kris Richardson, Jenn Samble, Dave Schnase, Geoff Silver, Jerry Vaughn, Stan Wilcox and Quintin Wright.

NCAA Division I Council Voting Results
September 21, 2022

	Conference Type	Voting Weight	August 17 Report	2022-21 as Emergency	2022-21	2022-22 as Noncontroversial	2022-22
Conference -- Voting Delegate							
America East Conference -- B. Barrio	DI	1		A	Y		
American Athletic Conference -- M. Kelly	NA	2		Y	Y	Y	Y
Atlantic 10 Conference -- C. May	DI	1		Y	Y		
Atlantic Coast Conference -- H. Lyke	A	4		N	N	Y	Y
ASUN Conference -- A. Ricker-Gilbert	FCS	1	A P P R O V E D	Y	Y		
Big 12 Conference -- D. Flores (alternate)	A	4		Y	Y	Y	Y
Big East Conference -- M. Jackson	DI	1		Y	Y		
Big Sky Conference -- J. Gee	FCS	1		Y	Y		
Big South Conference -- T. Coffey	FCS	1		Y	Y		
Big Ten Conference -- C. Hawley (alternate)	A	4		Y	Y	Y	Y
Big West Conference -- K. Barsky	DI	1		Y	Y		
Colonial Athletic Association -- C. Rawak	FCS	1		Y	Y		
Conference USA -- E. Wood	NA	2		Y	Y	Y	Y
Horizon League -- D. Kirch	DI	1		Y	Y		
Ivy League -- J. Blackett	FCS	1		Y	Y		
Metro Atlantic Athletic Conference -- A. Jabir	DI	1		Y	Y		
Mid-American Conference -- J. Steinbrecher	NA	2		N	N	Y	Y
Mid-Eastern Athletic Conference -- A. Shields-Gadson	FCS	1		Y	Y		
Missouri Valley Conference -- D. Harris (MVFC for FCS)	DI	1		Y	Y		
Mountain West Conference -- E. Nunez	NA	2	Y	Y	Y	Y	
Northeast Conference -- N. Morris	FCS	1	Y	Y			
Ohio Valley Conference -- N. Arrighi	FCS	1	Y	A			
Pac-12 Conference -- P. Chun	A	4	Y	Y	Y	Y	
Patriot League -- B. Walker	FCS	1	Y	Y			
Southeastern Conference -- L. Tealer	A	4	Y	Y	Y	Y	
Southern Conference -- E. Rabb (alternate)	FCS	1	Y	Y			
Southland Conference -- T. Samuel	FCS	1	Y	Y			
Southwestern Athletic Conference -- J. Cable	FCS	1	Y	Y			
Summit League -- B. Martin	DI	1	Y	Y			
Sun Belt Conference -- C. Cobb	NA	2	N	N	Y	Y	
West Coast Conference -- R. Baumgartner	DI	1	N	N			
Western Athletic Conference -- J. Boggs	DI	1	Y	Y			
IA FAR -- D. Bruce		1	Y	Y			
Division I Conference Commissioner -- D. Butterly		1	Y	Y			
FARA -- K. Capriotti (alternate)		1	Y	Y			
FBS Autonomy Commissioner -- G. Sankey		4	N	Y			
FBS Nonautonomy Commissioner -- J. MacLeod		2	A	Y			
FCS Conference Commissioner -- P. Viverito (Pioneer for FCS)		1	Y	A			
SAAC -- C. Shimp		1	Y	Y			
SAAC -- T. Dirrigl		1	Y	Y			
Yes/Adopt (Y)				48	53	15	15
No/Defeat (N)				13	9	0	0
Abstain (A)				3	2	0	0
No Vote Cast (Blank)				0	0	0	0
Total				64	64	15	15
Y Percent				78.7%	85.5%	100.0%	100.0%

A = Autonomy; NA = FBS Nonautonomy