



**REPORT OF THE NCAA  
BOARD OF GOVERNORS  
APRIL 27, 2021, VIDEOCONFERENCE**

**ACTION ITEMS:**

- None.

**INFORMATIONAL ITEMS:**

- 1. Welcome and announcements.** NCAA Board of Governors chair President John DeGioia convened the videoconference at approximately 1 p.m. Eastern time and welcomed the Governors. President DeGioia gave a special welcome to Jason Fein, President Troy Hammond and Jim Johnson, noting that although they have participated in two previous videoconferences, he had not had the opportunity to officially welcome them to the board. Because they were participating in their last regularly scheduled meeting, President DeGioia thanked Grace Calhoun, chair of the NCAA Division I Council, and Sandra Jordan, chair of the NCAA Division II Presidents Council and vice chair of the Board of Governors, for their service on the Board of Governors.
- 2. Report of the NCAA Board of Governors April 9, 2021, videoconference.** The Board of Governors approved the report of its April 9, 2021, videoconference.
- 3. NCAA president's report.** NCAA President Mark Emmert provided a brief summary of his views on key issues facing the Association, paying particular attention to state and federal legislative activity related to name, image and likeness. He noted the continued engagement between NCAA leadership and the membership with representatives of the United States Congress. President Emmert also noted that this likely will be the last Board of Governors meeting for NCAA Chief Operating Officer/Chief Legal Officer Donald Remy, as he has been nominated by President Joe Biden to serve as Deputy Secretary of Veterans Affairs. President Emmert noted that he is working on a short-term and long-term plan to fill Donald's roles at the NCAA national office.
- 4. Discussion of name, image and likeness issues.** With a number of state laws ready to take effect soon, the Board of Governors reinforced the Association's commitment to providing student-athletes with the opportunity to benefit from their name, image and likeness. The board noted the importance of continued engagement with Congress to develop a legislative framework at the federal level that would support name, image and likeness opportunities for student-athletes. In reaffirming its commitment to name, image and likeness opportunities the board made the following statement:

*The NCAA and its members remain committed to providing a path for student-athletes to benefit from name, image and likeness opportunities. As we have previously noted, we recognize the importance of taking swift, appropriate action to modernize our rules. We also must collaborate with Congress to create a legal and legislative framework at the federal level to support name, image and likeness within the context of higher education. With several state laws taking effect this summer, we will continue efforts to adopt expanded name, image and likeness opportunities as soon as advisable.*

5. **Status report on NCAA championships gender equity review.** The Board of Governors received an update from Kaplan Hecker & Fink reflecting its information gathering to date and plans for continued work with the external review of gender equity issues in connection with the NCAA, focusing on championships. The board also received information from staff about internal reviews and financial assessments undertaken, and remedial actions taken related to the Divisions I and II men's and women's basketball championships as well as championships in other sports across all three divisions. The board reaffirmed its expectation created at the outset of the review that Kaplan's final conclusions and recommendations will be transparent to the membership and public.
6. **2022 Campus Sexual Violence Policy Implementation Task Force report.** The Board of Governors received a report of the Campus Violence Sexual Violence Policy Implementation Task Force, which included recommended policy edits to clarify language in the expanded campus sexual violence policy. The task force also created recommended resources including a checklist and timeline designed to assist the membership in implementing the added policy requirements.

It was VOTED

"That the Board of Governors approve the recommendations of the Campus Sexual Violence Policy Implementation Task Force. Further, that staff distribute the checklist and timeline while also continuing the development of additional policy resources, including FAQs and educational programming on sexual violence prevention." **Approved** (Unanimous voice vote.)

7. **Update on NCAA Transgender Student-Athlete Participation Policy review and championships update.** The Board of Governors received an update on the Transgender Student-Athlete Participation Policy review, including a projected timeline for consensus statements and policy updates that reflect work from the Gender Identity Summit. The board also was informed of the recent championship site selections completed for spring 2021 NCAA championship events, noting those located in states that have introduced or passed legislation related to transgender student-athlete participation in sports.
8. **NCAA programs to enhance diversity in NCAA membership leadership positions.** Due to time constraints, without discussion the chair moved this agenda item to the August meeting agenda, noting that NCAA Senior Vice President Derrick Gragg was available to provide any board member a briefing prior to the August meeting, if desired.
9. **NCAA Board of Governors Finance and Audit Committee report.** President Satish Tripathi, chair of the Finance and Audit Committee, presented the committee's report.
  - a. **NCAA Tax Return 990.** The Board of Governors received the NCAA's Form 990, which covers the tax year September 1, 2019, through August 31, 2020.
  - b. **FY 2020-21 NCAA revenue and expenses second quarter budget-to-actual report.** President Tripathi noted that comparisons of budget-to-actual and prior year revenue and

expenses are difficult due to the abnormality of the 2019-20 fiscal year and the fact that no NCAA fall championships had been conducted at the time of this report for fiscal year 2020-21.

- c. **NCAA investment update.** The Finance and Audit Committee reported an update received on its investment subcommittee's work, which included a review of the committee's membership, how the NCAA allocates its investments across various categories and the NCAA's performance compared to member institutions as reported in the National Association of College and University Business Officer's annual endowment study. Overall, the committee was pleased with the performance for the time period covered.
- d. **Term extension for John Huesing – member of the NCAA Board of Governors Finance and Audit Committee Investment Subcommittee.** The Finance and Audit Committee recommended that John Huesing's term on the Investment Subcommittee be extended through December 2024.

It was VOTED

"That the Board of Governors approve a term extension through December 2024 for John Huesing on the Board of Governors Finance and Audit Committee Investment Subcommittee." **Approved** (Unanimous voice vote.)

- 10. **NCAA financial update.** The NCAA chief financial officer provided a financial update of the NCAA and NCAA national office finances for the current fiscal year, which included information about the dollars received from the NCAA media contracts, estimated net income for fiscal year end and estimated status of the Association reserves as well as fiscal year 2020-21 cash inflows and outflows.

#### 11. **Law, Policy and Governance Strategic Discussion.**

- a. **NCAA SSI/COVID-19 Medical Advisory Group update.** The NCAA chief medical officer updated the Board of Governors about COVID-19 testing during recently completed NCAA championship events. The board was informed of the number of NCAA championships completed to date, along with information about the number of COVID-19 tests conducted and the small percentage of positive tests. Information also was shared regarding NCAA COVID-19 Medical Advisory Group discussions about testing strategies for spring championships, forecasting for testing in the fall and possible future resocialization considerations. The board also heard recommendations related to football drills, practice calendars and preseason practice models being considered in all three divisions.
- b. **Government relations report.** The board was introduced to the interim NCAA director of government relations and head of the Washington, D.C. office. She informed of the quarterly government relations activity report included in their meeting materials. She also

noted that several of the issues included in the government relations report were discussed as part of the meeting agenda and the NCAA president's report.

- c. **Legal and litigation update.** NCAA general counsel facilitated a privileged and confidential discussion regarding several matters of ongoing litigation.

- 12. **Commission on College Basketball: Where are we now?** Due to time constraints, without discussion the chair moved this agenda item to the August meeting agenda, noting that August would be the three-year anniversary of the adoption of some recommendations by the membership and a logical time to receive the report.
- 13. **NCAA Independent Accountability Resolution Process/Structure update.** Grant Hill, chair of the NCAA Independent Accountability Oversight Committee, updated the board on the independent accountability review process, noting that five infractions cases are progressing through the independent process and a sixth case recently was added. Decisions in all six cases are expected within the next 12 months.
- 14. **NCAA Board of Governors Executive Committee report.** President DeGioia reported on matters discussed in the Executive Committee meeting the previous day, including a privileged and confidential discussion regarding various legal strategies around NIL developments. Further, he reported that the Executive Committee unanimously nominated President Allison Garrett to serve as vice chair of the Board of Governors, effective July 1 following the retirement of Sandra Jordan.

It was VOTED

"That the Board of Governors elect Allison Garrett as vice chair of the of the Board of Governors." **Approved** (Unanimous voice vote.)

- 15. **Reappointment of Board of Governors independent member.** The chair noted that when the five independent members initially were appointed to the Board of Governors, they received staggered terms. Ken Chenault was appointed to a two-year term, automatically renewable for an additional three-year term, and therefore will continue to serve on the board through August 2024.
- 16. **Executive Session.** The board convened in executive session without any staff to discuss various matters. The board voted unanimously to extend the contract of the NCAA president.
- 17. **Adjournment.** The videoconference adjourned at approximately 6:01 p.m. Eastern time.

*Board of Governors chair: John DeGioia, Georgetown University*

*Staff liaisons:*

*Jacqueline Campbell, Law, Policy and Governance*

*Donald M. Remy, Law, Policy and Governance*

NCAA Board of Governors April 27, 2021, Videoconference	
<b>Attendees:</b>	
Rebecca Blank, University of Wisconsin-Madison.	
Grace Calhoun, University of Pennsylvania.	
Ken Chenault, General Catalyst.	
Rita Cheng, Northern Arizona University.	
Mary Sue Coleman, Association of American Universities.	
John DeGioia, Georgetown University.	
Philip DiStefano, University of Colorado.	
Mark Emmert, NCAA.	
Jason Fein, Bates College.	
Allison Garrett, Emporia State University.	
Robert Gates, Former U.S. Secretary of Defense.	
Troy Hammond, North Central College.	
Burns Hargis, Oklahoma State University.	
James Harris, University of San Diego.	
Grant Hill, CBS/Warner Media/Atlanta Hawks.	
Jim Johnson, Pittsburg State University.	
Sandra Jordan, University of South Carolina Aiken.	
Renu Khator, University of Houston.	
Fayneese Miller, Hamline University.	
Jere Morehead, University of Georgia.	
Denise Trauth, Texas State University.	
Satish Tripathi, University at Buffalo, The State University of New York.	
David Wilson, Morgan State University.	
Randy Woodson, North Carolina State University.	
<b>Absentees:</b>	
None.	
<b>Guests in Attendance:</b>	
Kate Doniger, Kaplan Hecker & Fink LLP.	
Roberta Kaplan, Kaplan Hecker & Fink LLP.	
Gabrielle E. Tenzer, Kaplan Hecker & Fink LLP.	
<b>NCAA Staff Liaisons in Attendance:</b>	
Jacqueline Campbell and Donald Remy.	
<b>Other NCAA Staff Members in Attendance:</b>	
Scott Bearby, Dawn Buth, Joni Comstock, Kimberly Fort, Dan Gavitt, Derrick Gragg, Terri Gronau, Brian Hainline, Karl Hicks, Lynn Holzman, Kevin Lennon, Louise McCleary, Kathleen McNeely, Sheila Simpson, Cari Van Senus, Stan Wilcox, Bob Williams and Amy Wilson.	

*Report is not final until approval of the Board of Governors*