REPORT OF THE  
NCAA BOARD OF GOVERNORS  
APRIL 26, 2022, 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. He gave a special welcome to new board member James Schmidt, president of the University of Wisconsin-Eau Claire. President DeGioia also noted Kimberly Fort’s move to the NCAA office of legal affairs and thanked her for all her work to support the Board of Governors and wished her well in her new position.

2. **Reports of the NCAA Board of Governors January 19, 2022, and March 10, 2022, videoconferences.** The Board of Governors approved the reports of its January 19, and March 10, 2022, videoconferences.

3. **NCAA president’s report.** President Mark Emmert provided brief comments on several issues facing the Association. He also informed the board of NCAA national office staffing issues, including the permanent appointment of three senior vice presidents and the announcement of the upcoming retirement of Kathleen McNeely, NCAA chief financial officer.

4. **NCAA championships enhancements update.** The Board of Governors received an update on the feedback received regarding championship enhancements in the Division I men’s and women’s basketball championships. Staff also shared milestones set in attendance and broadcast viewership for the men’s and women’s basketball championships. The board heard about the completed fall and winter championships and was informed that staff continues to work with sport committees that have identified issues in their sports.

5. **Update on implementation of NCAA Transgender Student-Athlete Participation Policy.** The board received an update on state legislative activity regarding transgender athlete participation in sports. As part of the broader discussion of the Transgender Student-Athlete Participation Policy and the NCAA Nondiscrimination Policy, the board received information about the effectiveness of the NCAA Championships Host Questionnaire. It was noted that the questionnaire was developed as an operational tool to promote an environment free from discrimination during championships competition. The board acknowledged that championship hosts have an obligation to comply with the nondiscrimination policy, which includes taking measures to ensure an NCAA eligible athlete is given a fair opportunity to compete at a championship. Since the questionnaire has not been as effective as intended, the board agreed, effective immediately, to discontinue its use and work to educate the membership and potential championships hosts on the application of the policy. The board
will continue to monitor and asked staff to develop other possible operational measures to put hosts on notice of the expectation that they will comply with the policy.

6. **Update of impact of name, image and likeness on student-athletes, and member institutions and conferences.** The board heard from the NCAA Division I Council chair about the Council's discussions regarding name, image and likeness and the timeline for the Council's report to the NCAA Division I Board of Directors.

7. **Update on changes in composition of Board of Governors and Association-wide policy resulting from adoption of new NCAA Constitution.** The board was informed about the process and timeline for populating the new Board of Governors, as well as the work to address remaining policy issues resulting from the adoption of the new Constitution.

8. **Updates on divisional work to address new NCAA Constitution.** The board received an update on the work of each of the divisional working groups charged with reviewing legislation, policy and structure to ensure compliance with the new Constitution.

   a. **Division I Transformation Committee.** President Linda Livingstone, member of the Division I Transformation Committee, reported the five areas of focus for the Transformation Committee include: 1) A review of student-athlete support and benefits; 2) Modernizing the rule book; 3) Achieving fair and timely outcomes in infractions; 4) Fair regulation of transfers; and 5) Taking a fresh look at Division I membership standards. Last week a membership webinar was conducted to share the first round of preliminary concepts that have been developed in the areas of infractions, rules modernization and transfers. A membership survey will be distributed to campus and conference personal to seek feedback on the concepts presented during the membership webinar.

   b. **Division II Implementation Committee.** Jim Johnson, Division II Implementation Committee member, noted that the Implementation Committee has met three times since January. The committee divided into six subcommittees to address the budget, championships, enforcement and infractions process, governance, legislative process and compliance, and membership. The committee has developed three recommendations: 1) To add student-athletes as voting members to the Division II Presidents Council; 2) To make changes to the Division II enforcement and infractions process; and 3) To streamline the Division II conference grant program. Additional key items for discussion are the composition and duties of leadership groups within the Division II governance structure, the Division II enhancement fund distribution and access to the championships and regionalization model. Membership input and feedback has been, and will continue to be, an important part of the Implementation Committee’s review process.

   c. **Division III Advisory Council.** President Troy Hammond, Division III Advisory Council member, noted the role and charge of the Advisory Council. He reported on the work of the Advisory Council, which includes the following priority items: 1) Review of
composition and representation of governance committees and Councils; 2) Deregulation; 3) Examination of budget expense allocation policy; 4) Review of championship experience to ensure gender equity; 5) Examination of playing and practice season structure; and 6) examination of graduate eligibility and redshirting. Legislative priority items will be approved in final format by the summer Council meetings.

9. **Executive Session.** The board convened in executive session to discuss personnel issues.

10. **NCAA Board of Governors Finance and Audit Committee report.** President Linda Livingstone, 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, 2020, through August 31, 2021.

b. **FY 2021-22 NCAA revenue and expenses second quarter budget-to-actual report.** President Livingstone noted the second quarter budget-to-actual report of revenues and expenses included in the meeting materials and noted that there are no major variances from budget, and the NCAA is on target to meet the 2021-22 budget.

c. **NCAA investment update.** President Livingstone reported on a presentation received from the NCAA investment consultants on the performance of NCAA investments. The presentation 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. **NCAA 10-year financial plan.** It was reported that the committee reviewed the NCAA 10-year financial plan and made changes for FY23 related to championships gender equity spending, increases in championships travel and per diem, and salary increases.

   It was VOTED
   “That the Board of Governors approve the revised 10-year NCAA Financial Plan.”
   **Approved** [For 12, Against 0, Abstain 0, Not Present 2 (Wilson, Woodson)]

11. **Law, Policy and Governance Strategic Discussion.**
   
a. **NCAA Sport Science Institute/NCAA Committee on Competitive Safeguards and Medical Aspects of Sports/NCAA COVID-19 Medical Advisory Group update.** The NCAA chief medical officer referenced the various provisions within the new Constitution that address student-athlete well-being and member responsibilities regarding the health and safety of student-athletes. The Board of Governors was asked to provide feedback on identifying/developing standards of care for student-athletes to
align with the new Constitution. Areas for discussion include mental and physical health, safety and performance. The board acknowledged the importance of student-athlete well-being and supported CSMAS, in collaboration with divisional governance committees, beginning discussions on the development of standards of care that can be reviewed and incorporated into the divisions’ current review of legislation and policy.

b. **Government relations report.** The board was informed of the quarterly government relations activity report included in the meeting materials. The board received an overview of Congressional strategy regarding activities related to college athletics, and an update on state and federal activity related to name, image and likeness, gender equity and other issues impacting college sports.

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

12. **NCAA Independent Accountability Oversight Committee update.** Nadja West, vice chair of the NCAA Independent Accountability Oversight Committee, shared with the board information about issues discussed at recent meetings of the IAOC.

13. **NCAA Board of Governors’ Executive Committee report.** President DeGioia reported on matters discussed during the Executive Committee’s meeting the previous day, which included an update on the legal and political landscape as well as a reaffirmation of the Executive Committee Charter and Compensation Policy, which will remain in effect until the end of the existing Executive Committee’s term of July 31, 2022.

It also was noted that due to questions raised regarding Association-wide policies and the new Constitution, during its special March meeting, the Executive Committee issued the following statement regarding Association-wide policies:

“The Board of Governors affirms that current Association-wide policies remain in effect. With the formation of the new Board of Governors in August, consistent with the new NCAA Constitution, board members will continue to discuss and review the related policies and engage with the divisions as part of the newly established process for the Board itself.”

14. **Adjournment.** The videoconference was adjourned at approximately 5:41 p.m. Eastern time.

*Board of Governors chair:* John DeGioia, Georgetown University  
*Staff liaison:* Jacqueline Campbell, Law Policy and Governance  
*Cari Van Senus, Law, Policy and Governance*
### Attendees:
- Rebecca Blank, University of Wisconsin-Madison.
- Kelly Damphousse, Arkansas State University.
- John DeGioia, Georgetown University.
- Mark Emmert, NCAA.
- Troy Hammond, North Central College.
- James Harris, University of San Diego.
- Grant Hill, CBS/ Warner Media/ Atlanta Hawks.
- Gayle Hutchinson, California State University, Chico.
- Jim Johnson, Pittsburg State University.
- Linda Livingstone, Baylor University.
- Shane Lyons, West Virginia University.
- Geoffrey Mearns, Ball State University.
- Jere Morehead, University of Georgia.
- Michelle Morgan, John Carroll University.
- Philip Oldham, Tennessee Technological University.
- Michael Schill, University of Oregon.
- James Schmidt, University of Wisconsin-Eau Claire.
- Steven Shirley, Minot State University.
- Nadja West, MD, retired United States Army lieutenant general and 44th U.S. Army Surgeon General.
- David Wilson, Morgan State University.
- Randy Woodson, North Carolina State University.

### Absentees:
- Ken Chenault, General Catalyst.

### Guests in Attendance:
- None.

### NCAA Staff Liaisons in Attendance:
- Jacqueline Campbell and Cari Van Senus.

### Other NCAA Staff Members in Attendance:
- Scott Bearby, Dawn Buth, Joni Comstock, Kimberly Fort, Jenn Fraser, Dan Gavitt, Terri Gronau, Brian Hainline, Charlie Henry, Lynn Holzman, Kevin Lennon, Felicia Martin, Louise McCleary, Kathleen McNeely, Stacey Osburn, Stan Wilcox and Bob Williams.