



**REPORT OF THE NCAA
BOARD OF GOVERNORS
AUGUST 4, 2020, VIDEOCONFERENCE**

ACTION ITEMS:

- The NCAA Board of Governors directed each division to determine through its governance process whether fall sports competitions and NCAA fall sports championships shall occur and if so, to conduct them in accordance with the requirements identified and approved by the Board of Governors (See Attachment A).
[Note: Given the dynamic environment around COVID-19 issues, the board extended the deadline for divisional action on all sections of the directive to August 21, 2020.]

INFORMATIONAL ITEMS:

1. **Welcome and announcements.** NCAA Board of Governors Chair President Michael Drake convened the videoconference at approximately 12:30 p.m. Eastern time and welcomed the Governors. President Drake noted the full agenda for the meeting, including the continued discussion on NCAA fall sports championships, as well as an executive session to review presidential performance. Because they were participating in their last meeting, President Drake thanked the following members for their service: Presidents Eli Capilouto and James Maher. President Drake also thanked independent member Denis McDonough who was leaving the board to join the faculty at the Keough School of Global Affairs at the University of Notre Dame.
2. **Reports of the NCAA Board of Governors June 11, June 19, July 14 and July 24, 2020, videoconferences.** The Board of Governors approved the reports of its June 11, June 19, July 14 and July 24, 2020, videoconferences.
3. **NCAA president's report.** NCAA President Mark Emmert began his report by recognizing President Drake for his service on the Board of Governors. President Emmert thanked President Drake for serving as chair of the board and the Board of Governors Executive Committee during an unprecedented time in intercollegiate athletics. President Emmert then provided brief comments on several issues facing the Association, paying particular attention to the continued discussion of NCAA fall sports championships and the ongoing review of the NCAA Transgender Student-Athlete Participation Policy.
4. **Association-wide issues.**
 - a. **NCAA fall sports championships.** The Board of Governors expressed concerns about the trajectory of COVID-19 infections, insufficient physical distancing/universal masking across much of society and stressed testing capabilities, which has put safe competition of college sports at risk. The board noted that the most important consideration for whether fall sports postseason competition involving NCAA student-athletes can occur as scheduled is that it can be conducted safely. The board agreed that it will only support moving forward with fall championships and other postseason play involving NCAA student-athletes if strict conditions are applied and adhered to

and there is significant reduction in COVID-19 spread. The board determined the best course of action to ensure appropriate consideration of the wide-ranging concerns of the membership and the health and safety priorities of student-athletes is to direct each division to take appropriate actions based on requirements identified and approved by the board. The board discussed a draft set of requirements that each division must follow if a division makes the decision to move forward with competitions occurring in the fall (including NCAA fall sports championships and other postseason competition involving NCAA student-athletes).

It was VOTED

“That staff amend the requirements for conducting sports competitions occurring in the fall (including NCAA fall sports championships and other postseason competition involving NCAA student-athletes) to reflect the Board of Governors’ recommended changes and that a revised document be distributed to the board for final comment this evening. Once revised, the document shall be distributed to the three divisional presidential bodies for review during their meetings the following day. In addition, the board directs the three divisions to determine through their governance processes whether fall sports competitions and NCAA fall sports championships shall be conducted and, if so, to conduct them in accordance with requirements identified and approved by the board (See Attachment A).” **Approved** (For 18, Against 0, Abstain 0).

b. NCAA Policy on Campus Sexual Violence.

- (1) Annual report of membership compliance with the NCAA Campus Sexual Violence Policy. The board received a list of all member schools that appropriately completed the attestation form required by the Association-wide sexual violence policy. It was reported that three schools did not complete the form as required; however, two of those schools have closed and one is in the process of closing. The board also was informed of the modifications made to this year’s attestation process as well as the membership communication and outreach conducted to assist member schools as they worked through the process during the COVID-19 pandemic.
- (2) Update on implementation of expanded policy. Since the Board of Governors action in April to expand the NCAA Campus Sexual Violence Policy, the United States Department of Education released its final regulations governing campus sexual assault under Title IX, effective August 14, 2020. Staff is reviewing the new guidelines to determine if any revisions to the NCAA policy are necessary and will update the board and membership as appropriate.

c. Update on NCAA Transgender Student-Athlete Participation Policy review and federal and state legislative activity.

- (1) Transgender Student-Athlete Participation Policy review. Staff noted that the review by several Association-wide committee continues to determine whether the current Transgender Student-Athlete Participation Policy should be modified based on the current principles of inclusion and fairness. The board was informed that the NCAA inclusion and Sport Science Institute staffs are conducting a Summit next month that includes sociological and scientific experts, as well as student-athletes and other representatives from the membership. The board will hear an update regarding the policy review at its October meeting. The board heard an update regarding application of its championship host anti-discrimination policy.
- (2) Federal and state legislative update. The board received an update on federal and state legislative activity related to transgender athletes' participation in sports. Highlighted was Idaho House Bill 500, which was signed into law effective July 1, 2020, and requires participation in sports based on an individual's assigned gender at birth. Staff is monitoring a recent lawsuit involving Idaho HB 500 and will review the court's decision when it is made.

5. 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. FY 2019-20 external audit plan presented by Crowe.** The Crowe external audit plan for the 2019-20 fiscal year was shared with the board, noting that the committee had no concerns with the material presented.

It was VOTED

"To accept the external audit plan from Crowe for the 2019-20 fiscal year."

Approved (For 18, Against 0, Abstain).

- b. FY 2020-21 NCAA internal audit plan.** The committee received a report of the internal audit plan for 2020-21 fiscal year from staff. The plan is based on a risk assessment that is performed annually by staff. The committee had no concerns and accepted the report.

It was VOTED

"That the Board of Governors approve the internal audit plan for the 2020-21 fiscal year." **Approved** (For 18, Against 0, Abstain).

- c. Third quarter fiscal year 2019-20 budget-to-actual review.** The committee reviewed a comparison of actual revenues and expenses versus budgeted revenues and expenses

during the third quarter of the current fiscal year (2019-20). The report reflects the cancellation of NCAA winter and spring championships.

- d. **FY 2020-21 budget.** The NCAA chief financial officer presented the fiscal year 2020-21 budget to the committee. Initially, the budget allocation was approved through the 10-year financial plan in December 2019 and included an overall increase of \$29.3 million in the expense budget. The revised FY2020-21 budget reflects a net decrease of \$45.7 million. The only increase in the overall budget is a \$13.6 million increase in revenue distribution.

It was VOTED

“That the Board of Governors approve the FY2020-21 NCAA budget as presented.”

Approved (For 18, Against 0, Abstain).

- 6. **NCAA national office financial report.** The NCAA chief financial officer reported to the board that the remediation plan related to FY 2019-20 budget has been successful, as the national office has surpassed goals set for the budget cuts. The NCAA is now projecting a positive net income for FY2019-20 year-end. The board also reviewed the costs of NCAA championships in 2020-21 due to the added safety measures resulting from the COVID-19 pandemic. Staff continues to review FY2020-21 budget to determine if any additional reduction in expenses will be necessary.

7. **Law, Policy and Governance Strategic Discussion.**

- a. **NCAA Sport Science Institute/Committee on Competitive Safeguards and Medical Aspects of Sports.** The board was informed of the results of a review of the provision of medical care by a host institution’s primary athletics health care provider to visiting teams’ student-athletes when those teams do not travel with their own primary athletics health care provider. The issue was addressed using the board endorsed Uniform Standards of Care approach. The CSMAS and an internal working group collaborated with external experts to develop guidelines and a frequently asked questions (FAQ) document. These documents are intended to provide guidance to the membership on the institutional obligations, and some of the more relevant corresponding considerations, related to the provision of medical care and coverage for NCAA student-athletes who are participating in school-sponsored practice and competition at locations other than their home institutional facilities. Members are encouraged to review these materials with applicable campus medical, legal and risk management authorities to determine whether and how best to use this information to address individual institutional risks and requirements.
- b. **Government relations report.** The board was informed of the quarterly government relations activity report included in their meeting materials. Staff noted continued interest in name, image and likeness by both chambers of the United States Congress, as well as their ongoing discussion on developing related legislation.

- c. **Legal and litigation update.** NCAA general counsel facilitated a privileged and confidential discussion regarding several matters of ongoing litigation.
8. **Update on NCAA strategic planning process.** Following its June 11 videoconference, the Board of Governors agreed to suspend fully introducing and executing the draft strategic plan, noting that while the way forward is not clear for any segment of American enterprise, including higher education, college athletics must not and will not suspend its core values. The board noted that the Association will focus the next 12 to 24 months on priorities within the plan that it finds to be the most impactful during this critical time. Those priorities include health, safety and well-being; governance; diversity, equity and inclusion; financial stability; and legal constraints, government relations and realities (See Attachment B).
9. **2021 NCAA Convention update.** Recognizing the financial and planning uncertainty as a result of the ongoing COVID-19 pandemic, including safe travel, meeting space and available lodging, local restrictions on size of gatherings, and recognizing the need for presidents/chancellors and athletics directors to attend to campus matters as they work through the implications of COVID-19, the board supported moving to a virtual 2021 NCAA Convention. The virtual Convention will be conducted the same week the Convention originally was scheduled (January 12-16) and online educational programming will be offered throughout the month of January. Information on Convention registration and programming will be posted to ncaa.org/convention as plans for the virtual event develop.
10. **NCAA Independent Accountability Oversight Committee update.** Denis McDonough, chair of the IAOC, updated the board on the work of the IAOC.
11. **NCAA Board of Governors Executive Committee report.** President Drake reported that the Executive Committee, serving as the nominating committee, engaged in a review process that yielded an excellent individual to serve on the Board of Governors. President Drake reported that the nominating committee recommends Robert Gates, former U.S. Secretary of Defense and Central Intelligence Agency director, to replace Denis McDonough as an independent member of the Board of Governors.
- It was VOTED
“That the Board of Governors approve Robert Gates to serve as an independent member of the Board of Governors, effective at the conclusion of this meeting.”
Approved (Unanimous voice vote)
12. **Executive session.** The board convened in executive session to discuss various administrative matters, including the annual performance evaluation of the NCAA president and items considered during the Board of Governors’ Executive Committee meeting earlier in the day.
13. **Adjournment.** The videoconference adjourned at approximately 6 p.m. Eastern time.

Board of Governors chair: Michael Drake, The Ohio State University
Staff liaisons: Jacqueline Campbell, Law, Policy and Governance
Donald M. Remy, Law, Policy and Governance

NCAA Board of Governors August 4, 2020, Videoconference	
Attendees:	
Heather Benning, Midwest Conference	
Grace Calhoun, University of Pennsylvania.	
Eli Capilouto, University of Kentucky.	
Ken Chenault, General Catalyst.	
Mary Sue Coleman, Association of American Universities.	
John DeGioia, Georgetown University.	
Philip DiStefano, University of Colorado.	
Michael Drake, The Ohio State University.	
Mark Emmert, NCAA.	
Allison Garrett, Emporia State University.	
Christopher Graham, Rocky Mountain Athletic Conference.	
Burns Hargis, Oklahoma State University.	
Grant Hill, CBS/Warner Media/Atlanta Hawks.	
Sandra Jordan, University of South Carolina Aiken.	
Renu Khator, University of Houston.	
Fr. James Maher, Niagara University.	
Denis McDonough, Former White House Chief of Staff.	
Fayneese Miller, Hamline University.	
Tori Murden-McClure, Spalding University.	
Vivek Murthy, 19th United States Surgeon General.	
Denise Trauth, Texas State University.	
Satish Tripathi, University at Buffalo, The State University of New York.	
Randy Woodson, North Carolina State University.	
Absentees:	
David Wilson, Morgan State University.	
Guests in Attendance:	
Rita Cheng, University of Northern Arizona.	
NCAA Staff Liaisons in Attendance:	
Jacqueline Campbell and Donald Remy.	
Other NCAA Staff Members in Attendance:	
Scott Bearby, Joni Comstock, Dan Dutcher, Kimberly Fort, Dan Gavitt, Terri Gronau, Brian Hainline, Maritza Jones, Kevin Lennon, Kathleen McNeely, Stacey Osburn, Stan Wilcox and Bob Williams.	

Report is not final until approval of the Board of Governors

NCAA Board of Governors decision on fall sports championships during 2020-21 and requirements for each division related to the conduct of fall sports and championships.

During this period of extraordinary disruption to our nation, higher education, student-athletes, member schools, and indeed all of sport around the world, the Board of Governors has made difficult and unprecedented decisions, each based on a bedrock commitment to the health and safety of student-athletes. As the COVID-19 pandemic continues — even intensifies — and new decision points are approaching with respect to the return of fall athletics generally and NCAA fall championships specifically, the board recognizes the myriad factors under consideration and varied circumstances across the country and across Divisions I, I and III. The board has determined the best course of action to ensure appropriate consideration of the wide-ranging concerns of the membership and the health and safety priorities of student-athletes is to direct each division to take appropriate actions based on requirements identified and approved by the board.

The most important consideration shall be whether championships can be conducted safely. We have very serious concerns about the continuing high levels of COVID-19 infection in many parts of our nation. The board has determined that it will only support moving forward with fall championships and other postseason play if strict conditions are applied and adhered to and there is significant reduction in COVID-19 spread. We understand that each division's primary focus is health and safety, and some may not be similarly situated in terms of whether its members and governance structure have the resources available to take the necessary precautions (for regular-season competition or championships) given the health data trends and the spread of COVID-19. There are other student-athlete well-being determinations that also must be taken into account even if safety measures can be met and exceeded, such as mental and personal health concerns of student-athletes, available funding, logistics limitations and the quality of the championships experience.

This direction from the board requires each division to take action through its governance process and must include the requirements below for conducting fall sports seasons and related championships. The board will actively monitor any fall championship approach, and after receiving information from a division, retains the ability to make a final determination that fall sports championships will be cancelled. Further, this decision and direction only applies to fall sports and related championships, and decisions regarding winter and spring sports and related championships will be made at a later date.

Health and Safety

The Board of Governors directs the divisions in the following manner:

- All member schools must adhere to federal, state and local guidelines related to COVID-19. Further, the conduct of NCAA fall sports championships must be in line with federal, state and local guidelines.
- All member schools conducting fall sports programs must employ and adhere to the protocols set forth in the [Resocialization of Collegiate Sport: Developing Standards for Practice and Competition](#) document and subsequent updates. Such protocols should be implemented for all athletically related activities (voluntary, required and out of season) and in-season practice and

competition (preseason, regular season and postseason). If a change in local circumstances warrants a discontinuation of athletics activities, schools should make that decision in conjunction with public health officials as outlined in the resocialization document. We have set guidelines that schools must follow, but these guidelines do not support attempting sports in areas where there is significant spread of the virus.

- Because the resocialization document (and later updates) cannot speak to every scenario or circumstance involving potential exposure to COVID-19, it must not be used as an absolute fail-safe document but rather should be augmented with guidance from campus, local, state and federal authorities and other bodies most familiar with the specific circumstances of a community.
- All fall sports postseason competition involving NCAA student-athletes must adhere to the protocols set forth in the Resocialization of Collegiate Sport: Developing Standards for Practice and Competition document and subsequent updates.

Timeframe: The deadline for divisional governance action is Aug. 14.

Student-Athlete Well-Being

The Board of Governors directs the divisions in the following manner:

- All student-athletes must be provided an opportunity to opt out of participation due to concerns about contracting COVID-19, and if a student-athlete chooses to opt out, the individual's athletics scholarship commitment must be honored.
- Appropriate eligibility-related accommodations must be made for student-athletes who opt out of participating this fall or those whose seasons are interrupted or cut short due to COVID-19.
- While statements of personal commitment to health and safety are acceptable, member schools may not require student-athletes to waive their legal rights regarding COVID-19 as a condition of athletics participation.
- Divisions must develop rules providing that member schools will cover COVID-19-related health costs related to infections that local health officials reasonably believe were the result of student-athletes' sports participation.

Timeframe: The deadline for divisional governance action is Aug. 14.

Championships-Related Issues

If a division moves forward with planning for any fall championships, the Board of Governors further directs the division as follows:

- NCAA fall sports championships must be conducted using the principles associated with developing enhanced safety for student-athletes and essential athletics personnel. Such enhanced safety includes regular testing, separation of student-athletes and essential personnel from all other nonessential personnel, and physical distancing and masking policies during all aspects of noncompetition.
- If 50% or more of eligible teams in a particular sport in a division cancel or postpone their fall season, there will be no NCAA fall championship in that sport.
- If any division elects to postpone fall sports championships, the decision to conduct the championships at later dates must be based on the scientific data available at that time, as well as an assessment of the operational, logistical and financial impact of proceeding. When a championship is set to occur on a new date, an additional assessment must be made using the same factors (scientific data available at the time and operational, logistical and financial impact), and the division will report its determinations to the Board of Governors for its review.
- If a decision is made to move forward with fall sports championships, there must be a plan for scaling down the number of championship sites, including the possibility of single sites where appropriate, reduced bracketing, fewer competitors, and similar actions to create efficient and effective events.
- A division may allow for some fall sports championships to occur and others not be conducted based on level of risk to the student-athlete, but in all instances, decisions must comport with the Association's commitment to gender equity.

Timeframe: Based on when 50% threshold is met or divisional governance action is taken, which may be no later than Aug. 21.

Hotline

Further, the NCAA will publicize a phone number and email address for concerns to be raised about whether an athletics department is meeting the obligations reflected in the resocialization standards or otherwise engaged in behavior that puts student-athletes at risk of COVID-19. Upon receiving a concern, the NCAA will notify the campus athletics health care administrator and conference office about the concern. The athletics health care administrator will be expected to take immediate reasonable measures to review the concern and notify the NCAA of action taken, if action is necessary.

Timeframe: The deadline for NCAA national office action is Aug. 14.

The 2020-2022 NCAA Strategic Priorities

Over the course of the past two years, the NCAA Board of Governors embarked upon a strategic planning initiative. This initiative involved developing a shared roadmap for all three divisions, member conferences and schools to collaborate, anticipate, innovate and respond as we plan for a bright future. 2020 has presented a very different reality for higher education and intercollegiate athletics. America and the world are battling a deadly virus that almost certainly will alter the traditional forums for education. The pandemic has also spawned a financial crisis within the NCAA membership that will likely be existential for some institutions and debilitating for many others. At the same time, America is “facing up” to a level of systemic racism and other forms of social injustice that will likely engage every campus and athletics program across the nation. As we have come to understand over the last few months, we are at the very beginning of finding a new normal.

As a result, we have suspended fully introducing and executing the draft strategic plan. While the way forward is not clear for any segment of American enterprise, including higher education, it is certain that intercollegiate athletics must not and will not suspend its core values – commitment to the total student-athlete, acting with integrity, leading by example, promoting and demonstrating diversity and inclusion, and engaging respectfully. These are the day-to-day practices and behaviors that will sustain intercollegiate athletics as an integral part of higher education in America.

Below we have communicated our focus for the next 12 to 24 months, which will be specifically on the following priorities within the plan that we find to be the most impactful during this critical time.

Health, Safety and Well-Being: The global COVID-19 pandemic has changed higher education as we know it. Student-athletes, staff and faculty were abruptly sent home in spring of 2020 as a precautionary measure to help stop the spread of the novel coronavirus. Many were forced to complete the school year in a virtual environment. However, with the fall semester on the horizon and the ongoing yet inconclusive research and findings being published, membership has health, safety and well-being at the forefront of every decision for the 2020-2021 academic year. Our “new normal” includes hybrid class formats with requirements around COVID testing, contact tracing, physical distancing, face masks, isolation and quarantine space, just to name a few. We must work together to ensure student-athlete health, safety and well-being remains our highest priority and is being addressed across membership.

Governance: It is clear that we need to increase communication and collaboration, enforce accountability, address legal challenges, simplify our governance structure and prepare for the future. As many are already aware of our recent discussions around name, image and likeness (NIL), we want to continue moving the needle when it comes to modernizing our bylaws, policies, practices and procedures. In addition, any pending litigation and lawsuits will continue to be managed by Association counsel with direction from the Board of Governors. The Association also will continue to forge appropriate policy solutions at the local, state, and national governmental levels to benefit student-athletes. The world is rapidly evolving, and we will commit

to optimizing the governance model to better support intercollegiate athletics and student-athletes during these unprecedented times and in the future.

Diversity, Equity and Inclusion: If ever there has been a time for intercollegiate athletics to confront America's systemic racism, it is now. But, a series of recent events involving police brutality and misconduct, as well as other social injustices, have catalyzed the Black Lives Matter and other movements to highlight systemic racism and biases, which are consciously and unconsciously embedded within many institutions and target the Black, Indigenous, and People of Color (BIPOC) community. Our focus will be to empower student-athletes and fellow member institutions in unprecedented ways to expand diversity, embrace inclusive practices and amplify success for underrepresented groups. This involves assessing and refining existing policies and practices, as well as providing programming and education. The status quo is no longer acceptable.

Financial Stability: As colleges and universities contend with obstacles to fully reopening their campuses, potential for decreased enrollments, dramatically constricted revenue streams and other financial ramifications of a pandemic and a global recession, athletics programs will not be immune to these stresses. At a time when the vast majority of intercollegiate athletics programs are dependent on university funds for much or most of their financial support, the ability of the institutions to provide such support at current levels will be diminished. Simultaneously, modifications to contest schedules, reduced or canceled sports seasons and other fiscal impacts will reduce the ability of athletics programs to help underwrite the costs of programs. In the near term, college sports must examine ways to "rescale" the cost impact of athletics to university budgets. Depending on the duration of the pandemic and its fiscal fallout, intercollegiate athletics may likely have to consider new financial models that dramatically reduce costs and increase revenue.

Legal Constraints, Government Relations and Realities: Over the last two or three decades, the whole of intercollegiate athletics and the NCAA as its umbrella organization, increasingly has been challenged through the courts on its collective decisions. Indeed, the fundamental precepts of amateurism, competitive equity and the right to associate have been scrutinized more than ever. The financial impact of defending such fundamental concepts has eliminated reserves of the Association, impinged on the quality of programs offered by the Association and pushed the support of legal defenses in some cases to conference and institutional levels. All of this impacts the quality and quantity of opportunities for student-athletes. Indeed, this has made it difficult, and in some cases impossible, to enhance our rules to the benefit of students. Solutions to this growing and besieging problem must consider efforts to seek state and federal relief from what are often expansive and frequently frivolous legal attacks that consume resources and reduce opportunities.

The pathway to a new normalcy across the broad spectrum of higher education and intercollegiate athletics is unclear even as we write and distribute this information. Ideas and input are expansive, important and sometimes even contradictory. Our collective jobs over the next 12 to 24 months is to listen, learn, evaluate, accommodate and look for the emerging way forward - together.