



**REPORT OF THE
NCAABOARD OF GOVERNORS
AUGUST 6, 2019, MEETING**

ACTION ITEMS:

- None.

INFORMATONAL ITEMS:

- 1. Welcome and announcements.** NCAA Board of Governors chair Michael Drake convened the meeting at approximately 1 p.m. and welcomed everyone. Noting that this is the first meeting for the independent members, President Darke welcomed new members Mary Sue Coleman, Grant Hill, Denis McDonough and Vivek Murthy. Ken Chenault, a new independent member, addressed the Board via telephone, expressing his disappointment that he was not able to attend this meeting and that he looked forward to meeting everyone in October. President Drake also welcomed Grace Calhoun, new chair of the NCAA Division I Council, who also was attending her first meeting. Lastly, because they were participating in their last meeting, President Drake thanked the following members for their service and recognized them with gifts of appreciation: Presidents Bud Peterson and Nayef Samhat.
- 2. Consent agenda.** By way of a consent agenda, the Board approved the reports of its April 30, 2019, meeting, and its May 8, 2019, teleconference, as well as the appointments of Jennifer Lynne Williams, director of athletics at Alabama State University; Tom Jackson, president of Humboldt State University; and Sue Henderson, president of New Jersey City University, to the NCAA Board of Governors Committee to Promote Cultural Diversity and Equity. (Unanimous voice vote)
- 3. NCAA president's report.** NCAA President Mark Emmert noted that it has been a successful year for the Association on a number of fronts: (a) Tremendous championship experiences for student-athletes; (b) Implementation of the Commission on College Basketball recommendations; (c) Successful defense of several legal challenges; and (d) A positive year financially. He also provided brief comments on several issues facing the Association that were part of the Governors meeting agenda. Lastly, President Emmert informed the board of his recent travels to Naples, Italy – together with Board Vice-Chair Sue Henderson - to represent the Association's leadership at the World University Games, which is an international multi-sport event organized for university athletes by the International University Sports Federation (FISU). President Emmert referenced the board's interest in exploring opportunities for the NCAA to increase its engagement in international athletics competition, which could provide student-athletes with additional international opportunities. He indicated that the World University Games may provide one opportunity to do so.
- 4. Association-wide issues.**
 - a. Annual report of membership compliance with the NCAA Sexual Violence Policy.** The Board received a list of all member schools that appropriately completed the attestation from required by the Association-wide sexual violence policy. It was noted that 12 schools did not complete the form as required. In accordance with the Board's action last August,

each of the 12 schools that did not appropriately complete the form will receive a letter from the Board of Governors' chair informing them of their inability to host an NCAA championship during the 2019-20 academic year. In addition, with the Board's acceptance of this report, the list of compliant and non-compliant schools will be published on the NCAA web site immediately following the meeting.

- b. Review of championships advertising and sponsorship restrictions.** The Board was reminded of its action almost two years ago to revise the Association-wide policy to allow each of the divisions to pursue division-specific legislation regarding alcohol sales at championship events. Division I availed itself of this opportunity and now permits the sale of beer and wine at its championship events. Recently, the NCAA staff has begun to explore updating policies related to championships advertising and sponsorships and NCAA media partners have inquired about the possibility of modifying or eliminating the legislated limitations (i.e., advertising of malt beverages, beer and wine is limited to those products that do not exceed six percent alcohol by volume, advertisements are limited to not more than 60 seconds per hour of any telecast or broadcast). It was noted that this legislation was passed several decades ago and since that time the alcohol beverage industry has moved away from the six percent alcohol by volume limitation. The alcohol sales policy does not contain the "percent by volume" restriction. A modification would offer an opportunity to align the NCAA championships advertising policies with those of other athletics organizations, as well as making the Association's policies regarding alcohol sales and advertising more current and consistent.

It was VOTED

"That the Board of Governors support appropriate modifications of Association-wide championships advertising policy as well as endorse any efforts by divisional bodies to modify legislation consistent with the request to lift alcohol by volume standards and related broadcast advertising timing restrictions." Motion Passed [For 19, Against 1 (Coleman), Abstain 0]

- c. Discussion on NCAA social issues decision tree and championships access.** The chair reported that the Board of Governors Executive Committee reviewed the question raised by some in the membership and the media around whether the Association should engage in the public debate around state laws that impact reproductive rights. After engaging with Association-wide committees most concerned with these types of national social issues, utilizing tools created by the board to examine such issues and exercising its best judgement, the Executive Committee determined that this is not an issue that requires any action, further discussion or public comment. The full board agreed with the determination of the Executive Committee and directed the staff and appropriate membership committees to continue to track the issue as part of its regular gender equity analysis.
- 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. Executive summary of NCAA president's recommendations for 2019-20 budget.

(1) Evaluation criteria memorandum from NCAA President Mark Emmert. It was noted that President Emmert's budget recommendations for 2019-20 focused on:

- (a) Implementation of the Commission on College Basketball recommendations.
- (b) Covering compensation.
- (c) Legal fees.
- (d) Funding for the NCAA Sports Science Institute's concussion research.
- (e) Division II and Division III allocations based on legislated mandates.
- (f) Division I programming for championships.

(2) Fiscal Year 2019-20 budget requests and recommendations. It was reported that the proposed FY 2019-20 total budget is \$1 billion, \$36 million, which includes requests and recommendations in the amount of \$35.5 million. The following areas of the budget were highlighted, noting that full details were included in the written materials:

- (a) A \$9.7 million increase to the Division I Distribution.
- (b) Increases to the Division II and Division III allocations of \$2.3 million.
- (c) Division I Championship spend increased \$2.3 million.
- (d) Commission on College Basketball Recommendations cost \$15 million.
- (e) Total compensation increases of \$5.2 million.

The committee approved the budget as proposed and recommended approval by the full board.

It was VOTED

"That the Board of Governors approve the budget for the 2019-20 fiscal year as recommended." (Unanimous voice vote)

b. Selection of external auditor. At the direction of the committee, staff distributed a Request for Proposal (RFP) for audit and tax services. Bids were submitted by five firms, with three firms invited to make formal presentations. Noting favorable pricing and technology, among other benefits, staff recommended, and the committee approved Crowe as the NCAA independent accounting firm for audit and tax services for an initial five-year period.

- c. **Fiscal Year 2018-19 external audit plan presented by Crowe.** The Crowe external audit plan for the 2018-19 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 2018-19 fiscal year.” (Unanimous voice vote)

- d. **Fiscal Year 2019-20 NCAA internal audit plan.** The committee received a report of the internal audit plan for 2019-20 fiscal year from the NCAA director of internal audit. 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

“To approve the internal audit plan for the 2019-20 fiscal year.” (Unanimous voice vote)

- e. **Third quarter fiscal year 2018-19 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 (2018-19) and the committee had no concerns.

6. **NCAA Board of Governors committee reports.**

- a. **Ad Hoc Committee on Sports Wagering.** The Board received a report summarizing the work of the ad hoc committee over the past eight months. The key agenda item for the committee was to determine the advisability and need to require player availability reporting for some or all NCAA sports. After gathering broad membership feedback, reviewing a number of research and expert opinion papers, and seeking advice from professionals in sports wagering and the Association’s integrity services provider, the committee concluded that player availability reporting is not a viable option at this time, as it would not advance student-athlete well-being nor the integrity of competition. Rather, it recommended that the NCAA national office, through the internal working group, emphasize educational efforts for the membership and continue to work collaboratively with conferences and institutions to support this effort. The committee also reaffirmed its support of current NCAA legislation prohibiting student-athletes, coaches and university administrators from wagering on sports or providing information to others who are associated with sports wagering. The Board accepted the committee’s report and supported its recommendation for legislation that would preclude a student-athlete serving a suspension for sports wagering from a non-NCAA sports organization to participate in intercollegiate competition for the duration of the suspension. This legislation is similar to current legislation that precludes a student-athlete from participation in intercollegiate competition if he or she is under a drug related suspension from a non-NCAA athletics organization. Board members requested that staff specifically focus on providing education about the gambling environment for the student-athlete community.

- b. Federal and State Legislation Working Group.** President Jack DeGioia, Board of Governors representative serving on the working group, reported that the working group has had two teleconferences and one in-person meeting since its creation in May. The working group is examining issues related to student-athlete name, image and likeness highlighted in recently proposed federal and state legislation. As part of its efforts, the working group is studying modifications to current NCAA rules, policies and practices and is focusing on solutions that tie any changes to education; maintain the clear line of demarcation between professional and college sports; and further align student-athletes with the general student-body. The working group is focused on developing Association-wide principles and further socialization with all three divisions to potentially create new legislation. The working group will provide a final report to the Board in October.

7. Law, Policy and Governance Strategic Discussion.

a. NCAA Sports Science Institute/NCAA Committee on Competitive Safeguards and Medical Aspects of Sports.

- (1) Update on NCAA Interassociation Recommendations: Preventing Catastrophic Injury and Death in College Student-Athletes. The Board was informed that subsequent to its endorsement of the interassociation recommendations during its April 2019 meeting, the membership received a memorandum from the NCAA chief medical officer and Board of Governors chair notifying them of the recommendations. Also distributed was a Frequently Asked Questions (FAQ) document and a checklist to assist the athletics health care administrator to ensure that policies are in place and followed and are consistent with the interassociation recommendations document.
- (2) Independent medical care. The Board was updated on the July meeting of an internal task force charged with reviewing the issue 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 internal task force discussed possible scenarios related to this issue and minimum expectations for care in those instances. The group also suggested the issue be addressed using the board endorsed Uniform Standards of Care approach and collaboration with CSMAS to discuss legislative considerations across all three divisions. The Board noted its support of the task force's suggested course of action.
- (3) CSMAS recommendation. Due to the continued challenges faced by CSMAS to provide timely input to the membership on health and safety related legislative proposals along with its ever increasing and complex agenda, the committee requested that staff explore alternative meeting schedules that would allow the committee to more effectively address student-athlete health and safety issues. After considering possible alternatives, the committee agreed that one additional in-person meeting per year would offer it the time needed to effectively support the Association's agenda for student-athlete health and safety.

It was VOITED.

“That the Board of Governors approve one additional meeting per year for the Committee on Competitive Safeguards and Medical Aspects of Sports.” (Unanimous voice vote.)

- b. Government relations.** The Board was informed of the quarterly government relations activity report included in their meeting materials.
- c. Legal and litigation update.** NCAA general counsel facilitated a privileged and confidential discussion regarding several matters of ongoing litigation.
- 8. Update on NCAA Independent Accountability Oversight Committee.** Denis McDonough, Independent Accountability Oversight Committee chair, reported to the Board that the IAOC is up and running and has appointed the members of the Infractions Referral Committee, Complex Case Unit and the Independent Resolution Panel. He also thanked NCAA staff for their work in implementing the new independent process by the August 1, 2019, effective date.
- 9. Update on NCAA strategic planning process.** Strategic Planning Working Group Chair Glen Jones and Reshma Patel-Jackson, Attain consultants project lead, updated the Board on the strategic planning process. The Board received a summary of the work done to date, including the draft vision, mission and value statements, as well as the recently drafted strategic priorities and actions. The Board reviewed and offered feedback on several draft elements of the plan. The Board was informed of next steps in the process and that the working group was on schedule to present the final strategic plan to the board in October.
- 10. 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.
- 11. Adjournment.** The meeting adjourned at approximately 6 p.m.

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 6, 2019, Meeting	
Attendees	
Stevie Baker-Watson, DePauw University.	
Grace Calhoun, University of Pennsylvania.	
Eli Capilouto, University of Kentucky.	
Mary Sue Coleman, Association of American Universities.	
John DeGioia, Georgetown University.	
Michael Drake, The Ohio State University.	
Philip DiStefano, University of Colorado.	
Mark Emmert, NCAA.	
Burns Hargis, Oklahoma State University.	
Sue Henderson, New Jersey City University.	
Grant Hill, Warner Media/Atlanta Hawks.	
Sandra Jordan, University of South Carolina Aiken.	
Laura Liesman, Georgian Court University.	
Ronald Machtley, Bryant University.	
Fr. James Maher, Niagara University.	
Denis McDonough, Markle Foundation.	
Tori Murden McClure, Spalding University.	
Vivek Murthy.	
Gary Olson, Daemen College.	
Bud Peterson, Georgia Institute of Technology.	
Nayef Samhat, Wofford College.	
Denise Trauth, Texas State University.	
Satish Tripathi, University at Buffalo, The State University of New York.	
Absentees	
Ken Chenault, General Catalyst.	
Renu Khator, University of Houston.	
Guests	
Greg Baroni, Attain, LLC.	
Briana Guerrero, Attain, LLC.	
Glen Jones, NCAA Strategic Planning Working Group chair.	
Reshma Patel-Jackson, Attain, LLC.	
NCAA staff liaisons in attendance	
Jacqueline Campbell and Donald Remy.	
Other NCAA staff in attendance	
Katrice Albert, Scott Bearby, Joni Comstock, Dan Dutcher, Kimberly Fort, Dan Gavitt, Terri Gronau, Brian Hainline, Kevin Lennon, Kathleen McNeely, Stacey Osburn, Cari Van Senus, Naima Stevenson, Stan Wilcox and Bob Williams.	

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