



**REPORT OF THE NCAA
BOARD OF GOVERNORS
JANUARY 13, 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 recognized President Tori Murden McClure, Heather Benning and Christopher Graham, as they were participating in their last Board of Governors meeting. President DeGioia gave special thanks to President Murden McClure for her service as vice chair and interim chair of the board, as well as her service on the NCAA Board of Governors Student-Athlete Engagement Committee.
- 2. Consent agenda.** By way of a consent agenda, the Board of Governors approved the report of its October 27, 2020, videoconference, the appointment of four new members to the NCAA Board of Governors Student-Athlete Engagement Committee, and the revised charter of and the appointment of four new members to the NCAA Board of Governors Committee to Promote Cultural Diversity and Equity.
- 3. NCAA president's report.** NCAA President Mark Emmert noted the significance of the upcoming year in college sports. The NCAA will continue to address the challenges caused by COVID-19, as well as a changing political and judicial environment. He also provided brief comments on several issues facing the Association that were part of the Governors meeting agenda.
- 4. Law, policy and governance strategic discussion.** The Board of Governors discussed the recent communication received from the U.S. Department of Justice in which concerns were expressed regarding the name, image and likeness proposals in all three divisions and the transfer proposal in Division I scheduled for a vote this week. While the board reinforced its commitment to modernizing NCAA rules, it noted that taking time to better understand the landscape and to clarify the concerns of regulators would be prudent prior to moving forward with legislative changes. The board unanimously voted to adopt the following resolution:

On May 8, 2019, the NCAA Board of Governors approved the creation of an NCAA Federal and State Legislation Working Group to study whether the Association should work to develop a process whereby student-athletes could monetize name, image and likeness in a fashion that would be consistent with the NCAA's core values, mission and principles.

On October 29, 2019, the Board of Governors received and accepted a report of the Federal and State Legislation Working Group and voted to permit students participating in athletics the opportunity to benefit from the use of their name, image and/or likeness in a manner consistent with the values and beliefs of intercollegiate athletics. To effectuate this change, the Board of Governors directed each of the three divisions to immediately begin considering modification and modernization of relevant NCAA bylaws and rules in harmony with an agreed upon set of principles and guidelines. Further, that the divisions work to create new NCAA bylaws reflecting divisional priorities commencing immediately and concluding not later than January 2021.

On April 29, 2020, the Federal and State Legislation Working Group presented its final report to the Board of Governors, including its updated recommendations to allow student-athletes to receive compensation for activities related to name, image and likeness. The Board of Governors accepted the report and reinforced the importance of the divisions making significant progress on related rules changes consonant with the amended principles and guidelines and make those changes by January 2021, to be effective no later than the 2021-22 academic year.

WHEREAS all three divisions were charged with developing legislative proposals that would permit student-athletes to receive compensation for the use of their name, image and likeness.

WHEREAS all three divisions have developed legislative proposals that were ready to be voted on during the 2021 NCAA Convention.

WHEREAS in December 2020 and January 2021 a series of judicial, political, and governmental enforcement events occurred that call into question moving forward at this time with the anticipated votes on changing name, image and likeness rules in each division.

WHEREAS the NCAA believes its legislative proposals are fully compliant with U.S. antitrust laws, taking time to better understand the landscape and specific concerns of regulators would be prudent prior to moving forward with voting on legislative proposals.

NOW THEREFORE BE IT RESOLVED that although each of the divisions was prepared to vote on the proposals in January 2021, given the current environment the Board of Governors believes it is responsible and prudent for the divisions to postpone votes until such time that the NCAA can gather additional relevant information about the potential impact of the various concerns at issue. The Board of Governors supports and agrees

with the divisional positions to postpone votes until that additional due diligence is completed. Further, the Board of Governors reaffirms the Association's commitment to providing name, image and likeness opportunities to all its student-athletes at the first practicable opportunity; and nothing about postponement should be taken as a sign that the NCAA is retreating from its public positions and months of hard work to develop name, image and likeness opportunities for student-athletes in a manner consistent with the collegiate model of athletics, without pay for play and distinguished from professional sports models.

- a. **Legal and litigation update.** NCAA general counsel facilitated a privileged and confidential discussion regarding several matters of ongoing litigation.
 - b. **Government relations report.** The board was informed of the quarterly government relations activity report included in their meeting materials. Staff noted the continued interest in name, image and likeness by both chambers of the United States Congress, as well as continued state legislative activity with six states having passed legislation and additional states expected to reintroduce bills in the new legislative session this year. The board also was informed of the NCAA Virtual Week in Washington, D.C. scheduled for February 22-26, 2021, which will provide presidents with virtual engagement opportunities with Congress.
 - c. **NCAA COVID-19 Medical Advisory Group update.** The board received a report summarizing the NCAA's work over the past year in collaboration with public health officials, the NCAA COVID-19 Medical Advisory Panel and the expanded COVID-19 Medical Advisory Group. The board was reminded of the release of the resocialization documents as well as other guidance to the membership at it worked to return to college sports in a safe manner. The board also received information on vaccines and testing and the continued work to prepare for NCAA championships.
5. **Update on NCAA championships planning.** The board was updated on planning for upcoming NCAA championship events, including the NCAA Division I Men's and Women's Basketball Championships. Information was shared regarding the change in some championship formats, as well as the additional health and safety protocols that have been established. Staff remains in contact with local public health officials in host communities as they work to finalize championship plans.
6. **NCAA Board of Governors committee updates.**
- a. **2022 Campus Sexual Violence Policy Implementation Task Force update.** The board received the charge and roster of the Campus Sexual Violence Policy Implementation Task Force. Staff updated the board on the task force's introductory teleconference and the planned timeline for its work.

- b. Committee to Promote Cultural Diversity and Equity report.** The board discussed a recommendation from the Committee to Promote Cultural Diversity and Equity that it endorse the “Russell Rule” in principle for the Association and explore ways NCAA member institutions may implement the rule in compliance with state employment laws and regulations. The board discussed the “Russell Rule,” which requires institutions to include a member of a traditionally underrepresented community in the pool of final candidates for every athletics director, senior administrator, head coach and full-time assistant coach position in the athletics department. The board unanimously agreed to issue the following statement in response to the committee’s request:

The Board of Governors has been briefed on the “Bill Russell Rule” adopted by some in the Association’s membership. The board agrees it may be one useful strategy to increase diverse leadership in intercollegiate athletics and encourages its approval and implementation by NCAA schools and conferences across the country where compliant with state laws and regulations. Further, the board urges each NCAA member to examine the results of its hiring decisions since signing the Presidential Pledge to determine whether adequate progress has been made and to share with the NCAA Board of Governors Committee to Promote Cultural Diversity and Equity other plans and actions that have contributed to success.

- 7. 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. First quarter fiscal year 2020-21 budget-to-actual.** The board was informed that the first quarter results for the current fiscal year are reflecting a decrease in revenues of 4.3% from the prior year. This is offset by a 15.1% decrease in expenditures compared to the same period prior year. Revenues are showing lower due to a decrease in championships revenue, which is expected to continue throughout the year. In addition, the lower revenues reflect a deferral of a minor media payment that usually occurs in September but will not occur until January in this fiscal year. Expenditures are on track to be less than budgeted due to the \$66 million in budget cuts the NCAA national office has implemented.
- b. Fiscal year 2019-20 audited financial statements.** President Tripathi briefly reviewed the 2019-20 financial statements and noted that Crowe, the Association’s external auditors, were present at the December Finance and Audit Committee meeting and participated in an executive session with the committee. Crowe indicated no audit issues and the NCAA received an unqualified opinion. It was noted that the NCAA had a challenging financial year with a net revenue of negative \$55.8 million. The major highlights that drove the outcomes were:

(1) Total revenues decreased by \$600 million.

- (a) \$702 million decrease in television and marketing rights due to the cancellation of 2020 NCAA Division I Men’s Basketball Championship.

- (b) Championships revenues were down \$162 million.
- (c) Investment revenue was up \$26 million.
- (d) Loss of revenue insurance proceeds were \$270 million.
- (2) Total expenditures were down \$473 million.
 - (a) Division I revenue distribution was down \$365 million.
 - (b) Division I championships expenditures were down \$97 million.
 - (c) Division II and Division III spending was down \$28 million.
 - (d) Association-wide spending was up \$21.2 million, which included the Alston case plaintiff's attorney's fees of \$34.8 million.
 - (e) Management and general expenditures were down \$4 million, all due to budget cuts.

It was VOTED

“That the Board of Governor approve the FY 2019-20 financial report.” **Approved**
(Unanimous voice vote.)

- c. **NCAA 10-year financial plan.** The Board of Governors was reminded that the 10-year financial plan incorporates known revenues and provides estimates on increases for the remaining revenues and expenses. In addition, the board's approval of the updated plan provides the NCAA with the guidelines for the 2021-22 budget construction process.

It was VOTED

“That the Board of Governors approve the updated 10-year financial plan.” **Approved**
(Unanimous voice vote.)

- 8. **2020-22 NCAA Strategic Priorities – Financial stability discussion update.** The board was reminded of its decision in August 2020 to suspend fully introducing and executing the draft strategic plan; instead, deciding to move forward with a set of priorities that would be most impactful in the next 12 to 24 months. It was noted that one of the identified priorities is financial stability. Led by the NCAA Division I Presidential Forum, Division I recently began a review of financial sustainability and the Division I collegiate model. President Brian Hemphill, chair of the Division I Presidential Forum, shared with the board the goals, focus areas and expected timeline for the Division I review. Noting the importance of financial stability from an Association-wide perspective, the chair noted that the board will spend time in April discussing this topic.

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- 9. NCAA Independent Accountability Oversight Committee update.** Grant Hill, chair of the Independent Accountability Oversight Committee, provided an overview about the Independent Accountability Resolution Process.
- 10. NCAA Board of Governors Executive Committee report.** President DeGioia reported on matters discussed in the Executive Committee meeting earlier in the day. Further, he reported that the Executive Committee unanimously nominated Chancellor Sandra Jordan to serve as vice chair of the Board of Governors.

It was VOTED

“That the Board of Governors elect Sandra Jordan as vice chair of the of the Board of Governors, effective at the conclusion of the meeting.” **Approved** (Unanimous voice vote)

- 11. Executive session.** The board convened in executive session to discuss various administrative matters.
- 12. Adjournment.** The videoconference adjourned at approximately 5:15 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 January 13, 2021, Videoconference	
Attendees:	
Heather Benning, Midwest Conference	
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.	
Allison Garrett, Emporia State University.	
Robert Gates, Former U.S. Secretary of Defense.	
Christopher Graham, Rocky Mountain Athletic Conference.	
Burns Hargis, Oklahoma State University.	
James Harris, University of San Diego.	
Grant Hill, CBS/Warner Media/Atlanta Hawks.	
Sandra Jordan, University of South Carolina Aiken.	
Renu Khator, University of Houston.	
Fayneese Miller, Hamline University.	
Jere Morehead, University of Georgia.	

Tori Murden-McClure, Spalding University.
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.
Absentees:
None.
Guests in Attendance:
Brian Hemphill, NCAA Division I Presidential Forum chair.
NCAA Staff Liaisons in Attendance:
Jacqueline Campbell and Donald Remy.
Other NCAA Staff Members in Attendance:
Scott Bearby, Joni Comstock, Dan Dutcher, Kimberly Fort, Abe Frank, Dan Gavitt, Derrick Gragg, Terri Gronau, Brian Hainline, Lynn Holzman, Kevin Lennon, Kathleen McNeely, Stacey Osburn, Naima Stevenson Stark, Cari Van Senus, Stan Wilcox and Bob Williams.

Report is not final until approval of the Board of Governors