ACTION ITEMS:

None.

INFORMATIONAL ITEMS:

1. Welcome and announcements. NCAA Board of Governors chair President John DeGioia convened the meeting at approximately 1:30 p.m. Eastern time and welcomed the Governors.

2. Consent agenda. By way of a consent agenda, the Board of Governors approved the report of its December 16, 2021, videoconference, the appointment of four student-athletes to the NCAA Board of Governors Student-Athlete Engagement Committee and a term extension for the Board of Governors representative on the Student-Athlete Engagement Committee.

3. NCAA president’s report. President Mark Emmert provided a brief summary of his views on key issues facing the Association, including the upcoming membership vote on the new constitution and several items on the Governors meeting agenda.

4. Update on January 20 Association-wide Business Session. The board received an update on the Association-wide Business Session, which will be conducted 2 to 4 p.m. Eastern time Thursday, January 20. Staff also shared with the board the post membership vote communications plan. Lastly, the board received a brief preview of the remaining Association-wide work it will have responsibility for if the new constitution is adopted.

5. Government relations report. Staff noted the areas in college athletics on which the U.S. Congress has been focused, including name, image and likeness, gender equity, health and safety and the NCAA enforcement process. The board also received an update on state legislative activity related to name, image and likeness, and transgender athlete participation in college athletics.


   a. Resocialization of Collegiate Sport: 2022 Winter Training and Competition for Tier 1 Individuals document. The NCAA chief medical officer briefly reported on the recently released Resocialization of Collegiate Sport: 2022 Winter Training and Competition for Tier 1 Individuals document. This document serves as an update to the Fall 2021 document and addresses broad considerations that differentiate COVID-19 management in Tier 1 individuals based on vaccination and other immunity considerations.
b. NCAA Transgender Student-Athlete Participation Policy. The board received a report from the Committee on Competitive Safeguards and Medical Aspects of Sports Administrative Subcommittee, which included a recommendation to revise the Transgender Student-Athlete Participation Policy. The subcommittee recommended the board update the policy to require that the determination of transgender student-athlete eligibility be made in accordance with the policies of the sport’s national governing body or international federation. Dr. Stephanie Chu, chair of CSMAS, and President Sue Henderson, chair of the Board of Governors Committee to Promote Cultural Diversity and Equity, shared with the board their committees’ perspectives on the recommended policy change. The board discussed the recommendation considering the Association’s core values of inclusion, fairness and safety. The board acknowledged the complexity of the issue in light of the competing values.

It was VOTED
“ That the Board of Governors vote to revise the NCAA Transgender Student-Athlete Participation Policy to adopt the following: The NCAA Transgender Student-Athlete Participation Policy will include a sport-by-sport approach to transgender participation that preserves opportunity for transgender athletes while balancing inclusion, fairness and safety for all who compete and that aligns with recent policy changes from the U.S. and International Olympic Committees. Specifically, the determination of transgender student-athlete eligibility is to be made in accordance with the policies of the sport’s national governing body. If national governing body policy does not address transgender athlete participation, eligibility is to be determined by the criteria established by the sport’s international federation. If there is no policy established nationally or internationally, transgender eligibility will be determined by the IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism, November 2015. All such sport-specific policy will undergo ongoing review, analysis, validation and recommendation by CSMAS to the Board of Governors.” Approved (Unanimous voice vote.)

a. Transgender policy effective date. The board discussed an effective date and a timeline for implementation of the updated policy. The CSMAS Administrative Subcommittee recommended an immediate effective date with a phased-in approach for implementation of the policy as follows:

1) Phase 1-A: 2022 Winter and Spring Championships. For participation in NCAA championships, trans athletes must provide documentation to the CSMAS medical panel within four weeks before the selections date for the championship. Documentation must address two criteria:
(a) Compliance with 2010 NCAA Transgender Student-Athlete Participation Policy (one-year suppression).
(b) Meet the IF/NGB/IOC standard for testosterone suppression and maximum allowable testosterone level through laboratory work within four weeks of the championship selections in which the athletic is participating.

(2) **Phase 1-B: 2022-2023 Regular Season and Championships.** Beginning August 1, 2022, participation in NCAA sports requires trans athletes to provide documentation that meets the following criteria:
   (a) Compliance with 2010 NCAA Transgender Student-Athlete Participation Policy (one-year suppression).
   (b) Meet the IF standard as demonstrated in documentation submitted twice annually (once at the beginning of competition season and the second six months following).
   (c) For participation in NCAA championships, trans athletes must provide documentation to the committee with laboratory work completed within four weeks of the championship selections.

(3) **Phase 1-C: 2023-2024: Full Implementation.** Beginning August 1, 2023, participation in NCAA sports requires trans athletes to provide documentation that meets the following criteria:
   (a) Meet the IF standard as demonstrated in documentation submitted twice annually (once at the beginning of competition season and the second six months following) for one year.
   (b) For participation in NCAA championships, trans athletes must provide documentation to the committee with laboratory work completed within four weeks of the championship selections.

It was VOTED

“That the Board of Governors adopt an immediate effective date for the revised Transgender Student-Athlete Participation Policy with a phased-in implementation timeline as specified above. **Approved** [For 12 (Damphousse, Gates, Harris, Hutchinson, Livingstone, Mearns, Morehead, Oldham, Shirley, Smatresk, West, Woodson), Against 7 (Blank, Chenault, DeGioia, Hammond, Miller, Schill, Wilson), Abstain 0, Not present 1 (Hill)]

7. **Gender Equity update.** The board received an update on the work done to address the recommendations in the Kaplan Phase II report on gender equity in NCAA championships, including work related to the organizational structure and culture; broadcast, corporate sponsorship and branding; and the student-athlete experience.

8. **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. **First quarter fiscal year 2021-22 budget-to-actual.** President Livingstone reported that the first quarter budget-to-actual report was not available when the Finance and Audit Committee met in early December, but it is included in Board of Governors’ materials. Staff has indicated there are no concerns with the information reflected in the report and at this time are expecting revenues and expenditures to be back to normal post-championship cancellations.

b. **Fiscal year 2020-21 audited financial statements.** President Livingstone briefly reviewed the 2020-21 audited financial statements, noting that Crowe, the Association’s external auditors, indicated no audit issues. Livingstone reported that the NCAA had a strong financial year with a net income of $122 million and highlighted some of the items that drove the positive outcomes.

   It was **VOTED**
   “That the Board of Governors approve the 2020-21 Financial Report.” **Approved** [For 19, Against 0, Abstain 0, Not present 1 (Hill).]

c. **Unreserved net assets.** President Livingstone reported that fiscal year 2020-21 ended with the Association having $31.2 million in unreserved net assets available for allocation. The Finance and Audit Committee agreed and recommended that the remaining $31.2 million of unreserved net assets be a supplemental distribution to Division I.

   It was **VOTED**
   “That the Board of Governors approve the Finance and Audit Committee’s recommendation that the allocation of $31.2 million be a supplemental distribution to Division I.” **Approved** [For 19, Against 0, Abstain 0, Not present 1 (Hill).]

d. **NCAA Captive FY22 premium and coverage selection.** The Finance and Audit Committee reviewed the staff recommendation to set initial lines of coverage, premiums and limits in the new captive to be formed in February 2022, necessitating commensurate funding of $175 million. The lines of coverage will include:

   (1) A risk reserve transfer (first year only) coverage.
   (2) NCAA office of legal affairs coverage.
   (3) Directors and Officers Policy coverage.
   (4) Event cancellation excess of commercial policy coverage.
   (5) Event cancellation difference-in-conditions policy coverage.
It was VOTED

“That the Board of Governors approve the captive coverage lines, premiums, limits and the funding approach.” Approved [For 19, Against 0, Abstain 0, Not present 1 (Hill).]

e. Approval of new committee member, NCAA Board of Governors Finance and Audit Committee Investment Subcommittee. The board approved the appointment of Floyd M. Dukes to the Finance and Audit Committee Investment Subcommittee for a three-year term.

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

10. NCAA Independent Accountability Oversight Committee update. Nadja West, vice chair of the NCAA Independent Accountability Oversight Committee, informed the board of the IAOC’s recent discussion of a resolution proposed by the NCAA Division I Board of Directors Infractions Process Committee to temporarily suspend the referral of cases to the Independent Accountability Resolution Process until August 31, 2022. The IAOC unanimously agreed to support the resolution, which will go before the NCAA Division I Board of Directors during its January 20 meeting. The board also received an update on the status of the cases in the Independent Accountability Resolution Process.

11. Other business. President DeGioia recognized Jason Fein and President Fayneese Miller, as they were participating in their last Board of Governors meeting.

12. Executive Session. The board convened in executive session to discuss various administrative matters.

13. Adjournment. The videoconference adjourned at approximately 5:30 p.m. Eastern time.

Board of Governors chair: John DeGioia, Georgetown University
Staff liaisons: Jacqueline Campbell, Law, Policy and Governance
Cari Van Senus, Executive
## NCAA Board of Governors  
January 19, 2022, Meeting

### Attendees:
- Rebecca Blank, University of Wisconsin-Madison.
- Ken Chenault, General Catalyst.
- Kelly Damphousse, Arkansas State University.
- John DeGioia, Georgetown University.
- Mark Emmert, NCAA.
- Jason Fein, Bates College.
- Troy Hammond, North Central College.
- James Harris, University of San Diego.
- Grant Hill, CBS/Warner Media/Atlanta Hawks.
- Jim Johnson, Pittsburg State University.
- Linda Livingstone, Baylor University.
- Shane Lyons, West Virginia University.
- Geoffrey Mearns, Ball State University.
- Fayneese Miller, Hamline University.
- Jere Morehead, University of Georgia.
- Philip Oldham, Tennessee Technological University.
- Michael Schill, University of Oregon.
- Steven Shirley, Minot State University.
- Neal Smatresk, University of North Texas.
- 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:
None.

### Guests in Attendance:
- Stephanie Chu, University of Colorado, Boulder, NCAA Committee on Competitive Safeguards and Medical Aspects of Sports chair.
- Sue Henderson, New Jersey City University, NCAA Board of Governors Committee to Promote Cultural Diversity and Equity chair.

### 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, Terri Gronau, Brian Hainline, Charlie Henry, Felicia Martin, Louise McCleary, Kathleen McNeely, Stacey Osburn, Stan Wilcox and Bob Williams.