



**REPORT OF THE
NCAA BOARD OF GOVERNORS
JANUARY 11, 2023, MEETING**

ACTION ITEMS.

1. The NCAA Board of Governors voted to eliminate the NCAA Committee on Sportsmanship and Ethical Conduct and directed the divisional governance bodies to pursue appropriate legislative actions necessary to remove the NCAA Committee on Sportsmanship and Ethical Conduct.
2. The NCAA Board of Governors voted to extend Phase 2 of the NCAA Transgender Student-Athlete Participation Policy through the 2023-24 academic year with Phase 3 to be effective in the 2024-25 academic year.

[Note: Additional detail on the two action items is available below.]

INFORMATIONAL ITEMS.

1. **Welcome and announcements.** NCAA Board of Governors chair, President Linda Livingstone, convened the meeting at approximately 12 p.m. Central time and welcomed the Governors. President Livingstone also gave a special welcome to new board member Lynda Tealer, executive associate athletics director for administration at the University of Florida.
2. **Discussion regarding the new NCAA President.** The Board of Governors discussed the hiring of the new NCAA President, Governor of Massachusetts Charlie Baker. It was noted that Governor Baker would begin his duties as NCAA President on March 1.
3. **NCAA Board of Governors October 25, 2022, meeting, December 2, 2022, electronic vote and December 5, 2022, videoconference reports.** The Board of Governors reviewed and approved the reports of its October 25, 2022, meeting, December 2, 2022, electronic vote and December 5, 2022, videoconference.
4. **NCAA president's report.** President Mark Emmert provided a summary of his views on key issues facing the Association. He also informed the board of the NCAA national office onboarding process for Governor Baker prior to his transition as the new NCAA president. President Livingstone noted that this was President Emmert's last NCAA Convention, and she gave him a special thanks for his service as the president of the NCAA for the past 12 years.
5. **Board of Governors Committee to Promote Cultural Diversity and Equity update.** President Katherine Conway-Turner, president of Buffalo State, State University of New

York, joined the meeting and presented the committee report. The committee recommended that the board refer an action item to require an evaluation of equity impact prior to approving any policy back to the committee for further review and discussion as the recommendation did not include a process for evaluating the equity impact, which would cause challenges with implementation.

It was VOTED

“That the Board of Governors approve the referral of a recommendation regarding the evaluation of equity impact prior to the board approving any policy back to the Committee to Promote Culture Diversity and Equity for the development of a process for implementation.” **Approved** (Unanimous voice vote).

6. Board of Governors Processes and Procedures.

a. **Implementation of the consultative process.** President Livingstone provided an update on the implementation of the consultative process that was approved during the October 2022 meeting and used with the divisional presidential bodies prior to this meeting to solicit comment and feedback on potential board action and discussion. The board agreed that the process should be used with the divisional presidential bodies to seek feedback on the work of the Board of Governors Subcommittee on Congressional Engagement & Action. The board further agreed that it was not necessary to modify the process.

b. **Update on Association-wide committees.** The board received an update on the continuing review of NCAA Association-wide committees and potential changes to better align the committees’ work with the new NCAA Constitution. The result of the continued review was a recommendation to eliminate the NCAA Committee on Sportsmanship and Ethical Conduct. The board was informed that the work associated with sportsmanship and ethical conduct has expanded so significantly that it has been supported and absorbed by the NCAA national office and other councils and committees in the divisional governance structures, which reflects the importance of sportsmanship and ethical conduct to the Association.

It was VOTED

“That the Board of Governors approve the elimination of the NCAA Committee on Sportsmanship and Ethical Conduct and direct the divisional governance bodies to pursue the appropriate legislative actions necessary to remove the Committee on Sportsmanship and Ethical Conduct.” **Approved** (Unanimous voice vote)

c. **Discussion on the establishment of an Executive Committee of the NCAA Board of Governors.** President Livingstone discussed whether the Board of Governors

should establish an Executive Committee to promote and maintain a more effective and efficient manner to conduct business between quarterly meetings. The board directed NCAA staff to prepare options for a new Executive Committee for review and discussion during its April videoconference.

7. **Update on Board of Governors Subcommittee on Congressional Engagement and Action.** President John DeGioia, chair of the subcommittee and Board of Governors member, provided an update on the subcommittee's meeting on January 10 and the work to date. President DeGioia noted that the subcommittee continues to develop the legislative framework, a government relations strategy and a strategy for membership socialization of the subcommittee's charge. President DeGioia further discussed the need to work with the membership of the three divisions as the work progresses. Finally, the Board discussed divisional meetings during the convention when the work of the subcommittee would be discussed for continued socialization and mobilization. Governor and President-elect of the NCAA, Charlie Baker, joined the Board for this discussion.
 - a. **Government relations strategy.** The board discussed a potential government relations strategy, including a timeline for engagement with members of Congress. Staff shared information about potential congressional staff and member engagement, stakeholder meetings, and advocacy implementation.
 - b. **Review and discussion of membership socialization and public affairs campaign.** The board reviewed a draft member socialization strategy focused on educating NCAA members and industry stakeholders about NCAA efforts to partner with Congress. The board noted that the membership from all three divisions must speak with one voice with key stakeholders, policy influencers and during congressional engagement.
8. **NCAA Sport Science Institute/NCAA Committee on Competitive Safeguards and Medical Aspects of Sports update.** The NCAA chief medical officer provided several updates from the December 12, 2022, Committee on Competitive Safeguards and Medical Aspects of Sports videoconference, which included three recommendations for action.
 - a. **Strategic priorities for student-athlete health, safety and performance.** The board received a report from the Committee on Competitive Safeguards and Medical Aspects of Sports in regard to revisions to the strategic priorities for athletic department support of student-athlete health, safety and performance to better reflect the NCAA Constitution and provide flexibility in responses to current events. The committee recommended moving from nine strategic priorities (e.g., cardiac health, concussion,

mental health) to four, broad-based priorities that include mental and physical health; sport-related illness and injury; performance and training; and education and policy.

It was VOTED

“That the Board of Governors approve the revised strategic priorities for athletic department student-athlete health, safety and performance, including a new introductory statement.” **Approved** (Unanimous voice vote)

- b. Update on Board of Governors Uniform Standards of Care.** The NCAA chief medical officer briefly provided an update on a directive to the Committee on Competitive Safeguards and Medical Aspects of Sports to identify how to best implement the new responsibilities for health and safety as identified in the new constitution, which was adopted in January 2022. It was noted that the Uniform Standards of Care Process provided a framework based on the previous constitution that identified criteria to assist the committee when to make recommendations to the board about health and safety matters requiring a uniform, Association-wide solution. The committee recommended that the board replace the existing Uniform Standards of Care Process with policies and procedures for evidence- and consensus-based guidance, which reflects the new constitutional responsibilities and clarifies the threshold for how the Association will provide evidence- and consensus-based guidance when requested by the membership.

It was VOTED

“That the Board of Governors approve new policies and procedures for the identification of consensus-based guidance to support athletic department student-athlete mental and physical health, safety and performance, and that these policies and procedures replace the Uniform Standards of Care Process for identifying health and safety guidance for the Association.” **Approved** (Unanimous voice vote)

- c. Update on the NCAA Transgender Student-Athlete Participation Policy.** The NCAA chief medical officer highlighted that the updated Transgender Student-Athlete Participation policy has been in effect since winter 2022, and that implementation of the policy occurs in three phases. It was noted that Phase Two is currently being implemented in the 2022-23 academic year. The Committee on Competitive Safeguards and Medical Aspects of Sports recommended that the board consider an operational/administrative change to the timing of implementation of Phases Two and Three by extending Phase Two for one academic year to allow the committee sufficient time to fully consider the evolving landscape of sport-governing policies for transgender athletes and how those trends may impact implementation of Phase Three of the policy. The extension of Phase Two would also allow for sufficient time and the development of resources to address administrative challenges associated with implementing Phase

Three, which includes policy components in addition to testosterone thresholds, and sufficient notice to the membership regarding competition requirements.

It was VOTED

“That the Board of Governors extend Phase Two of the NCAA Transgender Student-Athlete Participation Policy through the 2023-24 academic year with Phase Three to be effective in the 2024-25 academic year.” **Approved** (Unanimous voice vote)

- d. **Update on the NCAA Summit on Cannabis in Collegiate Athletics.** The NCAA chief medical officer provided an update on the Summit on Cannabis in Collegiate Athletics conducted in December 2022. It was noted that five themes were covered during the summit, including: (1) nomenclature, contemporary use and its physiological effects; (2) cannabinoid use in elite athletes; (3) mental health implications of cannabinoid use; (4) drug-testing practices, legal trends and their social implications; and (5) prevention, management and treatment of cannabis use disorder. One takeaway from the summit of universal consensus that testing has no role in doping control for sport was discussed with the board.
 - e. **Discussion regarding U.S. Center for SafeSport.** NCAA staff briefly provided an update on an introductory meeting of senior staff from the NCAA and the U.S. Center for SafeSport.
9. **Update on NCAA championships gender equity enhancements and fall 2022 championships.** NCAA staff reported on the work related to the gender equity enhancements implemented at NCAA championships across the three divisions; specifically, fall 2022 championships. The board noted that it was pleased with the progress made in this area thus far and asked staff to provide additional updates during future meetings.
10. **Update on revenue generation opportunities.** The board received an update on NCAA championships and media activation rights. NCAA staff provided an overview of current state and key partnerships and highlighted areas for projected and potential future revenue. The board directed staff to report back in April.
11. **Board of Governors Finance and Audit Committee report.** Beth DeBauche, chair of the Finance and Audit Committee, and NCAA staff presented the committee’s report.
 - a. **Fiscal year 2021-22 audited financial statements and summary of reserve policies and net assets August 31, 2022.** The board reviewed the 2021-22 audited financial statements, noting that the NCAA’s external auditor, Crowe Horwath, indicated no audit issues. NCAA staff reported on the outcomes reflected in the NCAA Statement of

Financial Position and Statement of Activities. Staff also reported that the committee reviewed and approved the reserve policies and net assets.

It was VOTED

“That the Board of Governors approve the Fiscal Year 2022 NCAA Audited Consolidated Financial Statements.” **Approved** (Unanimous voice vote)

- b. **Unreserved net assets.** The board received a report that fiscal year 2021-22 ended with the Association having \$31.5 million in unreserved net assets available for allocation. The Finance and Audit Committee agreed and recommended that the remaining \$31.5 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 \$31.5 million of unreserved net assets be a supplemental distribution to Division I.” **Approved** (Unanimous voice vote)

- c. **NCAA 10-year financial plan.** It was reported that the committee reviewed the NCAA 10-year financial plan, which provides the NCAA with guidelines for the 2023-24 budget construction process.

It was VOTED

“That the Board of Governors approve the revised 10-year NCAA Financial Plan.” **Approved** (Unanimous voice vote)

12. **Legal and litigation update.** The board tabled the discussion and agreed to review this information during executive session.
13. **Government relations report.** The board received a written report regarding government relations.
14. **Other business.** The board did not have other business.
15. **Executive session.** The board convened in executive session to discuss various administrative matters.
16. **Adjournment.** The meeting was adjourned at approximately 5 p.m. Central time.

NCAA Board of Governors January 11, 2023, Meeting	
Attendees:	
Javaune Adams-Gaston, Norfolk State University.	
Bryce Choate, Graduated Division I student-athlete.	
Mary-Beth Cooper, Springfield College.	
Beth DeBauche, Ohio Valley Conference.	
John DeGioia, Georgetown University.	
Mark Emmert, NCAA (via videoconference).	
Grant Hill, CBS/Warner Media/Atlanta Hawks.	
Jim Johnson, Pittsburg State University.	
Linda Livingstone, Baylor University.	
Madeline McKenna, Graduated Division II student-athlete.	
Jere Morehead, University of Georgia.	
Michelle Morgan, John Carroll University.	
Steven Shirley, Minot State University.	
Isaiah Swann, Graduated Division III student-athlete.	
Lynda Tealer, University of Florida.	
Absentees:	
Nadja West, MD, retired United States Army lieutenant general and 44 th U.S. Army Surgeon General.	
Guests in Attendance:	
Charlie Baker, Former Governor of Massachusetts and NCAA President-elect.	
Andrew Bleeker, BPI.	
Katherine Conway-Turner, Buffalo State, State University of New York.	
Robert Gibbs, BPI.	
NCAA Staff Liaisons in Attendance:	
Stephanie Quigg and Cari Van Senus.	
Other NCAA Staff Members in Attendance:	
Scott Bearby, Dawn Buth, Joni Comstock, Kelly Dodds, Jennifer Fraser, Dan Gavitt, Terri Gronau, Charlie Henry, David Lafiosca, Gina Lehe, Kevin Lennon, Felicia Martin, Louise McCleary, Mario Morris, Kim Oren and Dave Schnase.	