

NCAA Convention

Thursday, January 20, 2022

Virtual

Jack DeGioia

Association-Wide Business Session



ANNOUNCER: Ladies and gentlemen, would you please take your seats. Our Association-Wide Business Session is about to begin.

JACK DeGIOIA: Good afternoon. I'm Jack DeGioia, president of Georgetown University and chair of the NCAA Board of Governors and the Association-Wide Business Session of the NCAA Convention will come to order.

(Gavel.)

Today we are joined by all of you in this room and by virtual attendees from across the country. Because of this format, all votes at this convention will be cast using the voting delegate's personal electronic device. All voting delegates should now be logged on to the virtual voting platform, which is called Lumi.

We have QR codes posted near the doors and on the slides at the front of the room to help you navigate to this site. A paper copy was also included in your registration packet. If you find you need to charge your personal device, we have charging stations located at the back of the ballroom.

Also, all voting and speaking delegates received a series of e-mails from the NCAA Convention over the last three days that contained voting and speaking instructions, links to the Lumi platform, and your credentials. I remind this body that each member school and conference has one vote to cast today, and you must be the one designated as the voting delegate for your school or conference to cast this vote.

For our voting delegates, your user name is your e-mail address. And the password is ncaa2022, with all lower case letters.

If you're in the ballroom and are having trouble logging on to Lumi, please visit the voting help desk just outside of the main doors. Virtual attendees may e-mail requests to their divisional contact as listed on the slide.

If you wish to speak at this business convention, we invite in person delegates to approach a microphone at the time they wish to speak. Virtual attendees should request to speak by clicking the messaging icon in the upper menu bar of the Lumi Platform. Virtual speakers will be prompted to share the nature of their comment and then wait to be called on by the chair.

Once recognized, the speaker should raise their hand in the virtual platform so that our technicians can find you to unmute your microphone. It is important that you can be easily identified in Zoom, so please be sure your Zoom name is consistent with the name on the appointment of delegate voting form.

In summary, all delegates need to be logged onto Lumi with a personal device to cast a vote. Additionally, virtual delegates who wish to speak also must be logged on to Lumi to access the speaker queue.

Finally, because this is a formal business session, we are transcribing the proceedings, and I'll remind each speaker to introduce themselves by name and affiliation before sharing comments.

Today's series of business sessions brings us to the end of our first phase of work to transform the NCAA. We begin in this association-wide session where I will call for one vote on a new association-wide constitution.

Following this vote, members will proceed to their divisional business sessions to address division specific or federated items that need to be moved out of the existing constitution and into other parts of the divisional manuals.

Before we start the formal proceedings, I'd like to introduce Brian Shannon, the Faculty Athletics Representative at Texas Tech University, who will serve as our Parliamentarian in this business session.

Additionally, on the dais we have Jenn Fraser, the NCAA managing director of Division I, Maritza Jones, the NCAA managing director of Division II, and Ali Spungen, the NCAA associate director of Division III, who will assist me



in recognizing the in person and virtual speakers participating in the business session.

We also have Board of Governors staff liaisons Jackie Campbell and Kimberly Fort.

I will now review the voting process for this Association-Wide Business Session. We have one proposal which will be voted on via roll call. Each eligible member school and conference has one vote to cast, and this proposal requires a two-thirds majority of delegates present in voting to adopt. All voting delegates should be locked on to Lumi on their personal device. Again, instructions and links were e-mailed to voting delegates each of the last three days from the NCAA Convention.

We have distributed a QR code to get you directly to the Lumi site. Your user name is your e-mail. The password is ncaa2022, all lower case. Please visit the help desk outside the ballroom if you're having problems logging on. Virtual participants may e-mail their divisional help desk contact for assistance.

When it is time to conduct a roll call vote, the voting information will automatically pop up in the Lumi Platform. Voting delegates should click the response that corresponds to the vote they wish to register. To change your vote, click a different choice. When you abstain, your institution will be noted as present but not voting.

Please note that there is no "enter" key required. The last choice you enter prior to the voting window closing will be your registered vote. You will be allowed about 45 seconds to cast your vote. We will monitor the number of votes cast to determine when to close the poll. Once discussion on the proposal is completed, I will open the voting window. I will give a five-second warning before closing the poll, which I will also announce.

Any votes cast after the poll is closed will not be registered. We will display the voting results and make an announcement regarding the vote tally after we close the polls.

Again, if you believe the Lumi Platform is now functioning, please visit your divisional help desk. These help desk tables will remain open outside of the ballroom doors for the duration of this business session, and we will also have a help desk at the front of the room once we open debate on the proposal.

Virtual attendees should e-mail their divisional help desk contact noted on the slide. We have prepared declaration forms to correct or complete voting action for your institution or conference as needed.

We will now conduct the first of two test votes to ensure the Lumi Platform is working properly. Here is our first test vote.

Are you in Indianapolis? Voting delegates should enter their response in the Lumi Platform so that we can confirm that the system is working.

(Electronic voting.)

We will close the polls in five seconds. Polls are now closed.

While we are checking the results of the test vote, I'll provide some information on Robert's Rules of Order. NCAA Convention procedures are designed to ensure fairness and equitable treatment for all members and to expedite our work as delegates. I want to highlight procedures we employ to use our time wisely and efficiently.

If a delegate intends to debate an issue during the business session, we ask that you be at one of the microphone locations or submit your virtual request in Lumi when the motion has been made and seconded or as soon as the previous speaker has concluded their remarks.

The microphone numbers will be used to recognize in person speakers, and virtual speakers will be called on by name. Delegates will be limited to speak to a single motion not more than twice. Based on the size of our delegation today, I'm asking members to limit their comments to two minutes. If I see no one at a microphone or in the virtual queue, the vote will be called as quickly as possible.

The voting and speaking privileges for NCAA Conventions are set forth in NCAA legislation, and I ask that you identify yourself by name and institution and university affiliation whenever you address the convention. Those delegates wearing convention lanyards that are red, blue, or green are allowed to speak. Those with other colors are only allowed to participate as observers.

As a reminder, today's comments in the business session create a historical record for preserving the legislative intent of the 2022 voting delegates. The Annual Convention proceedings will serve as the official record of this business session, and your remarks will be included in these proceedings.

We have a court reporter here today to prepare a transcript of this business session. So I again remind yourself to identify yourself and your institution or affiliation whenever you speak.

I'd like to see if we have a sense of how our first test poll worked. Okay. Very good.

We've planned a second test vote today to make sure everyone is comfortable voting on their personal device. So here's our second test vote. Do you agree that January is the best month of the year? Voting delegates should enter their response in the Lumi Platform so that we can confirm that the system is working.

(Electronic voting.)

We'll close the polls in five seconds.

Polls are now closed.

Okay. I think we can conclude that our two tests were successful. We will now move into our formal consideration of the Board of Governors sponsored proposal to establish a revised association-wide NCAA Constitution.

This proposal has an effective date of August 1st, 2022. As we begin, I would like to remind you to please state your name and institution or affiliation for the record. When you are recognized by the chair at one of the numbered microphones or in the virtual queue.

Microphone 2?

LINDA LIVINGSTONE: Thank you. Good afternoon. I'm Linda Livingstone, president of Baylor University and a member of the NCAA Board of Governors and the Constitution Commission. On behalf of the NCAA Board of Governors, I move for approval the proposal titled "New NCAA Constitution."

AUDIENCE MEMBER: I second.

JACK DEGIOIA: There's been a motion and a second.

LINDA LIVINGSTONE: Today for only the fourth time since the current governance structure was established in 1997, we come together as an association for an association-wide vote. This is an incredibly significant and historic moment for the association with the opportunity to put in place a new Constitution and to demonstrate to others that we have the ability to govern ourselves in an increasingly complex and ever-changing environment.

The new constitution replaces three lengthy separate constitutions with one much simpler and much shorter Constitution. It also aligns authority and responsibility and provides flexibility to the divisions to address key issues

critical to their membership.

The new constitution not only acknowledges the differences across the divisions and their varying needs but allows the divisions to chart their own paths forward, including the ability to subdivide or create a new division if they so desire.

I was honored to be a part of the Constitution Commission, who made this recommendation to the Board of Governors. We had many, many open, honest, and sometimes quite difficult conversations on the tough issues facing the Association. We carefully considered the feedback the membership provided at multiple points throughout the process and made difficult decisions to do what is best for student-athletes and college sports more broadly.

College sports, as we know, is a unique and very special part of this country, and I am pleased to support the NCAA Constitution that will serve the Association and the more than half a million student-athletes now and for years to come. Please join me and support this proposal. Thank you.

(Applause.)

JACK DEGIOIA: Thank you very much. Microphone 8?

DINO POLLOCK: Dear friends and colleagues, I rise today on behalf of my institution, the University of California Santa Cruz. My name is Dino Pollock, and we are a proud NCAA Division III and Coast-to-Coast Athletic Conference member.

I speak today with the full imprimatur of our chancellor, campus provost, and athletic director. I rise today as a senior administrator and attorney committed to the small "d" democratic principles and the rule of law and a proud former Big Ten football student-athlete at the University of Illinois.

This week as we celebrate the legacy and lifelong works of Dr. King to further the cause of human rights and American democracy, I begin my remarks with the prescient wisdom of Dr. King into the dilemma posed by this proposed Constitution today. He said, and I quote, "On some positions cowardice asks the question, is it safe? Expediency asks the question, is it politic? And vanity comes along and asks the question, is it popular? But conscience asks the question, is it right? There comes a time when one must take a position that is neither safe nor politic nor popular but must do what is right because conscience tells them it is right."

While I respect and admire the work and effort of all who



served on the Constitution Committee, particularly our Division III members, who advocated as they best they could for a more perfect union, if you will, I cannot in good conscience support the aspects of this proposed constitution that are fundamentally and inseparably flawed and blatantly anti-democratic and inequitable. Might and money do not make right.

Specifically the representation and finance provisions of Articles 2 and 3 are odious and therefore unacceptable. These provisions dilute the voting strength of the majority of the membership and codify the accumulated financial power of a minority.

Article 2 permanently dilutes the voting strength of Division III on the Board of Governors to a factor of just one-fourth of that of Division I. Moreover, an organization's values are most reflected in its funding priorities and budgeting. Division III student-athletes make up 39 percent of the Association's 500,000 student-athletes, but Article 3 permanently relegates Division III student-athletes to a third class funding priority by maintaining the 1996 arbitrary and outdated funding formula of just 3.18 percent of the organization's operating budget.

Surely a nonprofit organization steeped in the higher education values of fairness, equity, inclusion, integrity, and comity amongst members can do better and should do better.

University of California Santa Cruz Banana Slugs dissent from this incongruity from the founding ideals and principles articulated in Article 1 of this proposed constitution and will vote a resounding no. I invite all of our member institutions, not just our Division III delegates and colleagues, to stand up for what is right, not what is politic, not what is vain, and certainly not which that is expedient, and join us in voting no.

I do foresee a better day and a better day ahead, and I am fully committed to making and being part of the solution, but this document is not it. Thank you.

(Applause.)

JACK DEGIOIA: Microphone 6.

ZIGGY SIEGFRIED: Yes, I'm Ziggy Siegfried, Director of Athletics at CSU Bakersfield and also a proud member of the Big West Conference. I'll be making a statement on behalf of our President Lynnette Zelezny.

We have a great opportunity in front of us to make necessary changes over the next several months for the betterment of our student-athletes. To make these

changes, the process needs to be an inclusive one. Under the current structure, 11 of the 32 conferences do not have a voice on the Division I Board of Directors.

We would urge a reform to this current structure to make sure all 32 conferences have a representation in voting rights at the Board of Directors level. This reform will allow student-athletes to be represented when decisions are made that affect them directly by providing each Division I member institution through its conference affiliation access to the governance process. Thank you.

JACK DEGIOIA: Microphone 2.

FAYNEESE MILLER: Good afternoon. My name is Fayneese Miller, president of Hamlin University, chair of the Division III Presidents Council, a member of the Board of Governors and Constitution Committee. I am pleased to support the motion to approve the Constitution.

The new constitution addresses the challenges and needs of today's members, especially our student-athletes. The proposed Constitution is the right direction for the association and the right direction for Division III. Let me address a few reasons why it is the right direction.

The new constitution provides the ability for each of the divisions to write rules and govern themselves, consistent with the framework across the association. It provides more flexibility to support our student-athletes in regard to their health, safety, well-being, and academic progress. Providing such support is consistent with the philosophy of each of our divisions.

It gives each division greater access to the Board of Governors, and with that ability -- with that, the ability to raise or revisit critical issues. I served on the Constitution Committee along with four of my amazing fellow D-III colleagues, Stevie Baker-Watson, Brad Bankston, Megan Koch, and Darryl Sims.

The process with which the Constitution Committee engaged was deliberative, inclusive, and respectful. Every issue or concern raised by members within our respective divisions was presented to the committee, and the committee vigorously debated and considered every issue or concern. All decisions made were thoughtful and reflects Division III's position, based on the results of the association-wide survey distributed in September of 2021 and in the numerous conversations and forums held by those of us who served on the Constitution Committee.

What we said or what was reflected in that Constitution -- I'm sorry. What was reflected in that survey by Division III members is that no harm is done to Division III. No harm is

being done to Division III.

This Constitution provides every member institution the ability to shape the future of the NCAA in ways that better supports the needs of student-athletes and the needs of each division. Please join me in support of the new Constitution. This is our opportunity to show that we, as representatives of NCAA member institutions, understand and appreciate the needs of our student-athletes.

The governance structure and autonomy that each division has desired for quite some time and shows our support for cohesive, important, proactive, and relevant NCAA, now and in the future. Again, this is our moment. Thank you.

(Applause.)

JACK DEGIOIA: Thank you very much. Thank you very much. I now would like to call upon a virtual participant, Hiram Chodosh of Claremont McKenna Harvey Mudd Scripps colleges.

HIRAM CHODOSH: Thank you, everyone. Thanks for recognizing me. Hiram Chodosh, president of Claremont McKenna College, representative of the SCIAC conference and on the Presidents Advisory Council for Division III.

I love sports, and I love the NCAA commitment to amateurism, and I support also the fullest financial leverage in the private sector for each and all who contribute to this entire enterprise. I was excited and hopeful about a new NCAA Constitution that I thought would be transformative, and I find myself utterly disappointed.

Let's face it, everyone, the NCAA is in crisis. And beyond our direct, indirect role in physical literacy crisis in the U.S., we've got sexual assault, food insecurity, falsified grades, grossly inequitable treatment on gender and race, antitrust.

In addressing these scandals and the underlying corrosive impact of money and ethical judgment, we face a major question, how can we restore amateur athletics through effective measures that both, one, limit the corrosive effects of money and simultaneously distribute revenue from lucrative commercial activity in principled, equitable, inclusive ways?

Instead of taking this on directly, we seem to be playing a weak form of defense. The process and the substance here are disappointing. Yes, we've got some new language on name, likeness, and image, we've got incremental progress on more authority for each of the three divisions, we've got some modest budgetary adjustments. But these are dressing on windows that

remain closed, these are Band-Aids over an unclothed emperor. There's no real transformative constitutional change in this document. And this is especially severe outside the D-I context.

D-III, for example, does not allow any athletic scholarships or any preferential treatment on campus of the student-athlete over other students. In this way, D-III carries the true brand of the amateur student-athlete. Many of us in D-III feel like we're just the virtual kale on the D-I burger. Consider these facts, folks. They've already been laid out by my superb colleague at Santa Cruz.

Nearly 40 percent of the institutional membership, yet here one out of nine of the votes on the governing board, 3.18 percent of the revenue. D-III allocation is 1/17 of that of D-I, less than one-fifth of what the Association spends every year on its own programs. D-II, another roughly 30 percent of the membership, is only barely better. This isn't just a theoretical difficulty of uneven proportions.

The harm is being done. It has a direct negative impact on the well-being of our athletes. We have cost reduction measures that create unfair travel burdens for higher ranked teams. We have forced back-to-back national tournament competition that undermines safety in ways that would be unthinkable in any other athletic contest.

These impacts grow out of a constitutional structure that has serious misalignment of its strong values, which I support, and unjustly distributed powers and a grossly inequitable budget. I have one question for all of you: Can you think in the United States of another nonprofit membership organization where there's such a disparity? Even under the modest changes in this new governance, 40 percent of the membership, 11 percent of the power, 3.2 percent of the revenues. I cannot.

These amendments don't even come close to taking the serious issues head on to establish the necessary realignment to preserve the NCAA. Our D-III reps were offered a measly 1.5 million in overhead reimbursement. These are just crumbs.

Then when confronted with opposition to the constitution, we were told that this was a one-time deal. Take it or leave it. There will be no other constitutional process down the road. I think that's a bluff. The motivation to memorialize these interim defensive policies have to remain even if the constitution is turned down.

And leadership talked about proposals to subdivide, break up, leave, or disintegrate the Association. That's a threat. And one that isn't even precluded by the amendments that are on the team today. That's also self-defeated. Without

the rest of us, it may just start to look like a purely commercial enterprise. The blades of antitrust law will only sharpen here.

And it sounds disingenuous disrespectful and self-destructive. This line of negotiation can also feel manipulative, like a coercion on those who are less fortunate, who believe and depend on working incredibly hard to access very modest resources that the NCAA distributes. It's time for us to stand up to this.

And let's not allow anyone to take us for granted or just go along with what we know is wrong, as my colleague from Santa Cruz pointed out. Just because we feel nothing will change, we all know there's something fundamentally wrong here. It's a moment of crisis, a constitutional moment for all of us, and this constitution is kind of a half-hearted check swing, a weak attempt to hit a foul ball, a bad strike against our integrity.

It doesn't have a chance of even touching the 100-mile-an-hour fastball coming at us from the courts and congress, and it's time to get to work together to take our commitment seriously, redress these inequities in the governance and budget of an organization that seems no longer to serve our individual and collective membership interests.

The NCAA's legal and ethical crisis will only remain to fester and continue if this is approved. So in support of all of our students and families, from those who compete at the highest level to those who have little access to meaningful play in our country, we cannot afford to accept the superficial gloss on this constitutional moment. For us all to get the yes, I mean the full restoration of amateurism and the fair distribution of revenue produced by the entire student-athlete commitment investment, we have to vote no.

I vote no. Our SCIAC conference votes no. With the deepest respect for your leadership and all you contribute to student-athletes, let's stand up to what we know is wrong. I urge each of you, let's vote no. Thank you very much.

JACK DeGIOIA: Thank you. I would just like to remind folks to try to limit their remarks to two minutes to give all those who would like to speak a chance to speak.

Now I would like to go to microphone 7.

DR. BILL THIERFELDER: Good afternoon, fellow members of the NCAA. My name is Dr. Bill Thierfelder, and I'm president of Belmont Abbey College, a member of Division II's Conference Carolinas. I'm a Division I

All-American in track and field, a former Division I coach, licensed sports psychologist, and a member of Division II's Presidents Council.

I rise today to ask for your support in rejecting the new constitution. I would much prefer to make motion for an amendment to the proposed constitution, but due to the NCAA by-laws, it is not permitted for a member to make an amendment to the dominant provision. Only a member of the Board of Governors is permitted to do so.

Given that the proposed new constitution cannot be amended as written by a member institution of the NCAA, I have no alternative but to vote against adopting it for five specific reasons.

Number one, I'm voting to reject the new constitution because of the rush nature of this process, which appears to be the result of pressures on Division I. More specifically, pressure on the Power Five conferences and the potential loss of revenue control for the NCAA.

This proposed new Constitution and the haste with which it has proceeded is not due to the needs of Division II or Division III, but rather to meet the demands of Division I, who desire more control over how they participate in the NCAA and how they respond to governmental, legal, and media pressure.

I am voting to reject the new constitution because of the NCAA's positive bias towards member institutions who generate huge sums of money. Division II and Division III comprise the majority of the NCAA membership and should be treated as equals with Division I. The NCAA should treat every member equally regardless of their revenue-generating prowess.

Number three, I'm voting to reject the new constitution because of the unwillingness to discuss and consider changes to the financial revenue-sharing model. For example, Division III should at the minimum receive the same amount of financial support as Division II, which is 4.37 percent. In the name of equity, both Division II and Division III should receive substantially more revenue than they currently receive from the NCAA.

Even a slight goodwill increase to 5 percent for Division II and Division III would still leave 90 percent of the net revenue for Division I.

Number four, I am voting to reject the new constitution because of the uncertainty involved in moving to autonomous divisional control without specifically knowing the potential increase in the amount of managerial work and related expenses for all affiliated conferences and

member institutions.

Finally, number five, I'm voting to reject the new Constitution because of the threat to institutional governance, control, and autonomy, due to the NCAA's unwillingness to specifically protect religious freedom in the new constitution. Just as diversity and inclusion are public goods that should be explicitly stated, religion is also a public good that should be explicitly stated in the new Constitution.

The NCAA deliberately chose not to include it. If it had, the NCAA would have affirmed its support of and for institutions that are different sizes, resources, and missions, including those with a religious mission. The language offered by the NCAA in the proposed constitution does not explicitly state its support for this fundamental freedom.

In conclusion, given the breakneck speed at which this process has occurred, the inadequate opportunity to discuss and resolve many of these important questions and concerns of the membership, and the momentous nature and far-reaching implications of adopting a new constitution, I ask you to join me in voting to reject the new constitution. Thanks for your kind consideration.

JACK DeGIOIA: A brief announcement before going to our next speaker. If any of you had a problem with the test vote, please make sure you're logged on to the association-wide link. The association-wide link. And there are folks who are available for those who are virtual and for those who are in the auditorium to be of assistance to you if you had any difficulty in logging in to the association-wide link.

Let me now go to microphone 8.

GEORGE BRIGHT: Hello, everyone. My name is George Bright. I am the director of athletics at Elizabeth City State University and president of the CIAA Athletic Directors Association. I also serve as vice president of the CIAA Management Council and member of the NCAA's Division II nominating committee.

Today I stand representing on behalf of CIAA Commissioner Jackie McWilliams, the 12 members of the CIAA Board of Directors led by chair Bowie State University president Dr. Aminta Breaux and our proud membership. I would like to speak to continue concerns with the HBCU representation language in the new constitution presented by the NCAA Board of Governors.

The specific language at hand is Constitution draft Article 1, section 3, subsections a and b regarding ex officio

non-voting members of the revised board, which would include the president of one historically black college and university.

It is our stance that a single ex officio non-voting HBCU position on the Board of Governors does not align with NCAA's renewed commitment to diversity, equity, and inclusion as detailed throughout the constitution draft. On the contrary, this provision promotes exclusion and fails to provide adequate assurance of the ongoing voice of HBCUs in the NCAA governance structure and decision-making process.

Although we recognize there has been progress to the proposed changes to the constitution and the selection and membership of the NCAA Board of Directors, it is through the lens of the CIAA membership during the most pivotal time that this subsection, which was intended to be inclusive of HBCU leadership as a member of the NCAA Board of Governors, falls short in providing adequate assurance of not just representation of HBCUs, but as well as our vote as a member of the Board of Governors to support this new constitution and the Association.

We are at a crossroads in this nation, and this is indeed a watershed moment for intercollegiate athletics to be a part of its reckoning by giving voice to voting rights of people who have historically been excluded as human capital but have made significant contributions to this country and intercollegiate athletics.

You heard before, we started this week celebrating Martin Luther King Day, a day that should remind all of us to do what is right and not what is easy. Transformation shouldn't be something that does not feel transforming. Transformation should be bold. It should be different. From the founding of this organization in 1906, in which HBCUs were not permitted to join until 1953, 47 years later.

This constitution is the greatest opportunity to right this historical wrong. This association must recognize that HBCU leadership, knowledge, expertise, experience, and votes matter, and there should not be a debate about where HBCUs fit among our members and the infrastructure of this association.

The words of James Frank, former president of the NCAA and former president at one of our founding member institutions, Lincoln University of PA, live on the walls at the national office, and it says, "Separate but equal does not lead to equality."

HBCUs are a part of this change. Contributions are a part of the fabric of this association. We stand on the broad

shoulders of those who have fought not only to have access, but to have a voice and a vote to shepherd our students to fulfill their greatest promise. When you marginalize the HBCU vote, you marginalize our opportunity by keeping us neutral in the power structure, where decisions are being made about how our students are being treated in the classroom and on the field.

In the words of poet Amanda Gorman, for there is always light if only we are brave enough to see it. There is always light if only we are brave enough to be it. Thank you for your time.

(Applause.)

JACK DeGIOIA: I would like to call on microphone 3.

DR. JAVAUNE ADAMS-GASTON: Thank you so much. I am Dr. Javaune Adams-Gaston, president of Norfolk State University, a member of the Constitution Committee and the Transformation Committee.

First, Norfolk State University is part of the MIAC, an HBCU. I want to thank my colleague who just spoke on behalf of the CIAA for your words, and I appreciate your sentiment. One of the things I would say is that we are looking very much to how we can have voice at the table with the new structure of the constitution.

I think we have that opportunity. And I think we brought that out who chooses, and the Board of Governors have taken that up. I'm going to turn it back over to Dr. DeGioia in just a minute, but I want to say that voice matters and being in the room matters, and we've worked hard to ensure that that voice is there and available. And the Board of Governors has been supportive.

So I want to thank you, but I want to let you know we're making movement.

JACK DeGIOIA: Thank you very much, Javaune. I would be happy to say a word, as you shared with our colleagues. The Board of Governors has taken this matter very seriously and will continue to provide oversight and direction in terms of the selection of the HBCU member on the Board of Governors.

But I also want to be clear that the provision that provides a guarantee of an ex officio position for an HBCU member going forward on the Board of Governors does not limit the ability of an HBCU president to serve as a member of the Board of Governors in a voting capacity. So I hope that clarification addresses some of the concern which you were just speaking to.

But it will be an ongoing matter of attention and focus for the Board of Governors as we move into the future.

I'd like now to move to microphone 4.

MADDIE McKENNA: Hi, everybody. My name is Mads McKenna. I'm a member of the constitution committee, member of SAAC, and a former student-athlete of California University at of the Pennsylvania State Athletic Conference. I am happy to express my support for the new NCAA constitution. The voice of all three divisions' student-athletes is heard throughout this document.

It provides student-athletes with a voice at the highest levels of the NCAA governance. For the first time, the Board of Governors and all the divisional leadership bodies will include student-athletes as voting members. It also underscores the importance of academics and student success in our athletic experience.

Furthermore, the proposed constitution strengthens school accountability to student-athletes for both their physical and mental health and well-being. As a Constitution Committee member and a student-athlete, I am especially proud of this adding an emphasis on mental health.

The constitution also codifies student-athletes' ability to benefit from additional educational opportunities from name, image, and likeness. A vote today adopting the new constitution lays a foundation for the association to modernize and better support the student-athletes of today and tomorrow.

I am proud to support this new constitution and am hopeful that you all vote in support of it as well. Thank you.

(Applause.)

JACK DeGIOIA: I'd now like to call on virtual delegate James Maher, president of Niagara University.

If I can go to microphone 7, and we'll return to Father Maher.

RICH ENSOR: My name is Rich Ensor. I'm the commissioner of the Metro Atlantic Conference, one of the 11 conferences that have been unrepresented in both the constitutional review, the yet just formed by-law review process, nor are we represented on the Board of Directors.

When we moved from the -- into the current system of a representative form of governance, there were three guarantees given to the membership of Division I: One was AQ access, the second was revenue sharing, and the third was a seat in the governance process. I want to

address the third one today.

Amongst a number of the Division I conferences, we have submitted a letter to yourself and to the Board of Directors requesting that, as we move forward into the next stage, a commitment be made to have all 32 conferences represented on the Board of Directors and eliminate the D-I form, which has been ineffective and wasteful.

We ask this because we think, in order to move forward with confidence and security, all 32 conferences should be at the table. And I would note, as we celebrate Independence Day, the next step in that process, as I recall, was to have all 13 colonies develop the constitution that we all live under. So we would request that same right as a D-I conference. Thank you.

(Applause.)

JACK DeGIOIA: Thank you very much. Let me now go to Father Maher.

If you are selected to speak from the virtual context, if you could raise your hand so that we can unmute you. We're going to give Father Maher another moment. I'm going to go to microphone 3. Again, I'm going to go to microphone 3.

DARRYL SIMS: I'm sorry. I thought he was waiting for the other guy. Thank you, Jack.

Good afternoon, everybody. My name is Darryl Sims. I'm the director of athletics at the University of Wisconsin in Oshkosh, Wisconsin. Member of the Wisconsin Intercollegiate Athletic Conference, and a Constitution Committee member.

I would like to voice my support for the proposed Constitution. As one of the Constitution Committee members, we heard you and carried your message forward to the Constitution Committee. Thanks to your feedback, we now have a better Constitution.

The new constitution may not include everything we wanted, but it represents a compromise of what's best for everyone, the student-athletes in particular. There are improvements for the association and specifically Division III that should not be dismissed.

We have the autonomy to move forward in lock step to improve opportunities for student-athletes. For these reasons, I urge you to adopt the constitution so we can do just that. Thank you.

(Applause.)

JACK DeGIOIA: Go to microphone 5.

BETSY MITCHELL: I'm Betsy Mitchell. I'm the director of athletics at the California Institute of Technology in Pasadena, California. I'm a professional educator, administrator, and leader, and I have been privileged to work at some amazing institutions of higher education -- University of Texas, Dartmouth College, Harvard University, Allegheny College, and now Cal Tech.

I am also an amateur athlete, having swum at Texas, represented our country twice at the Olympics, set records, won awards, including 35 years ago this organization's top scholar athlete award, a top six winner. I was recognized as a top amateur athlete in our country by being a finalist for the Sullivan Award, right down the street at the Indiana Ballroom.

The combination of swimming and education gave me everything. And so I try every day to pay it back, giving my all to our student-athletes. And now this process.

I pose the motion for several reasons: The genesis of the constitutional conversation has set us up to make a reactive decision, not a thoughtful one. The decision by a very small number of people that we need a new constitution to solve the problems of the minority in our organization just doesn't make sense. The genesis of this constitutional conversation was anchored in fear by a few that their way of doing business was under such scrutiny, rightly, that they need some new cover.

The process of drafting a new constitution was a rushed and highly orchestrated process, and while I appreciate the work of all who were involved and while I understand the need for a membership organization to be led and directed in a general way, in my opinion, the process by which we arrived here has been a highly scripted and included moments of strong arming and arm twisting.

If it is so important to get right, which it is, and make needed change, which we do, what's the rush?

Third, to have this conversation without tackling the real issues of money and power that others here have spoken to better than I can, to have those issues kept off the table may do no harm but also does no good. It leaves an even smaller number of members and external influencers driving our ship.

The problems that generated this conversation are those of finances, influences, and mission differences. Yet the only real solution does appear to be autonomy. Autonomy for members to do their own thing. Good, fine. I'm for that.

But make no mistake, we do not have one model of college sports. Those days are long over.

I appreciate all the models. They are just not the same. And so I ask, why not have two different constitutions? Why are we still trying to stick together? What are we afraid of? There are more college sports models.

More than ten years ago, 150 or so members of D-III tried to voice our desire for greater freedom to govern ourselves via a change in our structure, and as a federated vote was taken, we were told no. The irony, perhaps the hypocrisy of the moment we are in now, is that a small portion of the overall membership wants greater freedom to do as they see. That's not lost on me, and I hope it's not lost on you.

I'll simply say what we were told then: If you want a different path, go ahead. Make your own way, secede. That will mean a different path for all sides. But we should not vote yes out of a fear of the unknown, rather relish the opportunity to have actual transformational change.

I get that everyone has pandemic fatigue, but we must not let that weigh into our decision now. Three or four years ago, the Board of Governors was enlarged by the addition of independent members who, it was thought, could help with more appropriate oversight. We had that vote also quickly brought forward and hailed as a solution for the growing problems primary to one division.

Now we're reducing the Board of Governors because that oversight didn't work. The oversight that we need is integrity at the campus level and organizational principles that endure, not change in the wind or with head snapping speed. This trendline is going in one direction. There is not a state of college sports. There are many states of many college sports.

This is already not the only organization serving college sports. All the differences are, in fact, good because they serve different students in different ways. I support student-athletes who want a different model to serve their desires better -- NIL, pre-professionalism, and an employment relationship with their school, for heaven's sakes. Go for it.

But that bears such differences from the majority experience of the other divisions and the majority of student-athletes. All will be better served when we stop this charade. I do not have a crystal ball nor a plan for paying for our common costs, but I am not afraid to find one, and we can.

And I have faith that the amateur sport ideal can and should serve the majority of students who choose to play. I

am speaking against this motion so that we remain with the status quo and also tackle the problems that we face. If nothing else, this process has forced thought. We just haven't had enough thought and enough time to plan.

The thinking that we must pass this new constitution because we don't have any other choice or nothing new will happen is simply flawed thinking. There are always options. There are always new directions that emerge. We just have to stick with the process longer than six months, especially when our mission and values are at the center of the conversation.

We will not cease to exist. We will still serve students. We will still have games. We can figure out other solutions. With respect, I'll be voting against this motion. Thank you.

(Applause.)

JACK DeGIOIA: Microphone 3.

JULIE RUPPERT: Good afternoon. My name is Julie Ruppert, Commissioner of the Northeast-10 Conference, a proud member of Division II, and I have had the privilege of serving as a Constitution Committee member.

I'd like to very strongly emphasize that I believe that today's vote represents an opportunity for everything new to actually happen, that today's vote is historic in setting each division on its own path to boldly develop our future.

I stand today to provide my support for the proposed Constitution and strongly, I guess, pledge to you that this product, this document is a result of months of listening and soliciting feedback and dialoguing with members at every single level. We offered up every opportunity to hear, and we heard you, and we listened, and we engaged in thoughtful and deliberative discussions about what the NCAA can and should be in the decades to come.

I strongly believe that this document sets each division on its own unique course to design and devise its future, and we will all still be tethered as one committed association to the nine core values contained within the document.

The proposed Constitution places appropriate divisional governance authority with the presidential bodies, allowing each division's governance structure to evaluate and advise a smaller, more nimble Board of Governors on key issues facing the association and each of its divisions.

Further, it streamlines decision-making authority on association-wide issues by establishing that smaller Board of Governors and maintains representation from all three divisions. Most importantly, it enhances the student-athlete

voice at every level, including on the Board of Governors.

Passage of this Constitution unlocks the ability for us, whether you're a division or a subdivision, to enhance our student-athletes' experience, again, while always paying deliberate attention to our association-wide commitment to gender equity, inclusion, integrity.

A yes vote today supports and recognizes the uniqueness of each division, provides stability for future years and generations of student-athletes. As a member of Division II, I recognize that our distribution is smaller, but I also maintain that our allocated revenue, the opportunity to gain back overhead expenses previously charged, continued strong support from the national office for our programs and our services, along with championship access determined by each division is the way to go.

Simply supporting the Constitution allows us, again, to boldly think about the myriad of future opportunities. We should all be excited for that opportunity. I strongly encourage a vote in support of this Constitution. Thank you.

(Applause.)

JACK DeGIOIA: Thank you very much. I believe Father Maher is now able to join us. He is attending our convening virtually. Let me now turn it to him.

Just an instruction. If for anyone calling virtually, you must raise your hand in order for us to be able to unmute you. So if your hand is not raised, it's the electronic Zoom hand. Give us just another moment.

Okay. It is now time to decide. Our discussion is completed. We are ready for a roll call vote on the proposal. So I'd ask each of you to please use your personal device to cast your roll call vote. Voting system will be enabled and the polls. I will get the signal from our staff. If the polls are ready. I will just let you know in a second.

Okay. The polls are now open.

(Electronic voting.)

JACK DeGIOIA: I'd like to make one announcement. The keypad shows the actual proposal text. Big screen in the room shows the proposal number. It's important to know this is the same thing. The keypad shows the actual proposal text. The big screen in the room shows the proposal number. This is the same thing. Thank you.

(Electronic voting.)

JACK DEGIOIA: I'd like to give a five-second warning. We will close the polls in five seconds.

The polls are now closed. Any votes still being cast will not be registered.

This vote requires a two-thirds majority to pass. With 801 votes in favor, 195 votes against, and 20 votes abstaining, the vote passes.

I would now like to open the window of reconsideration for the proposal we just considered. Any delegate who voted on the prevailing side of the proposal may move for reconsideration.

Okay. The window of reconsideration is now closed. I want to thank all of you for your engagement, for your attention this afternoon. I want to thank all of you for participating in this historic vote and for your continuing efforts to transform our association for our student-athletes.

Our divisional business sessions will begin at 4:30 with locations noted on the slide. Again, I wish to thank all of you for the depth of your engagement, your participation in this historic convening.

The Association-Wide Business Session of the 2022 NCAA Convention is now closed.

(Gavel.)

(Adjourned at 3:17 p.m.)