

NCAA Convention

Thursday, January 20, 2022

Virtual

NCAA Division I Business Session



JERE MOREHEAD: Hello and welcome to the NCAA Division I business session. I'm president of the University of Georgia and chair of the NCAA Board of Directors. The Division I business session will now come to order.

I'm joined on the dais today by the NCAA staff members who will assist with today's proceedings. Jenn Fraser, managing director of Division I, Leeland Zeller, director of Division I, Geoff Silver, managing director of academic and membership affairs, our Parliamentarian Brian Shannon, Faculty Athletics Representative at Texas Tech University, joins us virtually.

Let me briefly review the agenda for today's business session. Prior to voting on the two proposals, we will conduct a test vote to make sure the voting technology is working appropriately. We're using the same technology we used during the association-wide vote earlier this afternoon.

Once the test vote has concluded, we will begin with a discussion and vote on proposal No. 2021-38, followed by proposal No. 2021-39, as outlined in the official notice.

Each eligible member school and conference has one vote to cast, and both proposals require a two-thirds majority of delegates present and voting to adopt. Before we begin our test vote, I will share a few reminders about the process we will use during today's session. We have both in-person and virtual delegates participating. If you've been designated by your institution or conference as a speaking delegate, you will have the option to be recognized to speak.

I will indicate when the speaking queue is open. If you are with us in person, you will approach a microphone when you wish to speak. If you are virtual and wish to speak, click the messaging icon in the upper menu bar of the Lumi Platform and then type in what you would like to speak about in the text box at the top of the screen.

After typing your intent to speak in the message box, press the send arrow button to the right of your message, and you will receive confirmation that says received. This

places you in the speaking queue. I will announce the order of delegates to speak. Staff is monitoring the speaking queue for virtual delegates. We will alternate between in person speakers and virtual speakers in the queue if there are people waiting to speak, using both methods.

If you are virtual and are identified to speak, you must use the raise hand feature in Zoom so the production team can enable your microphone. To easily identify speakers, please ensure that your Zoom name is consistent with the name on your appointment of delegate form. Once the production staff has enabled your microphone, you must unmute yourself.

We request that all comments and questions are no longer than two minutes. I'll repeat that. We request that all comments and questions are no longer than two minutes and are germane to the proposal being discussed so we can get to as many speakers as possible.

Once a delegate has concluded their remarks, the production team will disable the speaker's microphone. If that delegate wants to speak again, the delegate needs to enter the speaking queue again. We will not be using the camera feature for virtual delegates. Your participation will be audio only.

When it is time to vote, the question will automatically pop up within the Lumi Platform on your device for all voting delegates. Simply click on your selection to cast your vote. Remember that voting is only available to voting delegates. To change your vote, simply click on another selection. You may change your vote at any time while the polls are open.

Polls will be open for 60 seconds, and then when I announce the polls are closed, your most recent answer will be the one that is submitted. A message will appear on the Lumi Platform that you have successfully submitted a response. If you have any technical issues, please approach the technology PIT to the right of the dais or e-mail Bridget Rigney at brigney@ncaa.org.

Now it's time to conduct our test vote. You won't be



surprised with this test vote. Are you currently in Indianapolis? Please select from the response options "yes," "no," or "abstain." Voting delegates should enter their response in the Lumi Platform so that we can confirm that the system is working.

Polling is now enabled.

(Electronic voting.)

The polls are now closed on the test vote. While we anxiously await the results on the test vote, let me remind you that NCAA Conventions use Robert's Rules of Order as amended by the association's procedural rules.

I will not review the procedures again since they were detailed during the Association-Wide Business Session, but these procedures are designed to ensure fairness and equitable treatment for all members and to expedite our business.

And you can see that the test vote was successful. 51.53 percent yes to 48.47 no, and abstentions don't count in the vote, but there were 16 of them.

If you had a problem registering your vote, please come to the technology pit to the right of the dais or e-mail Bridget Rigney now.

All right. We're now ready to begin our consideration of Proposal No. 2021-38. Because this proposal has an immediate effective date, it requires an initial separate vote with a two-thirds majority prior to discussing the merits of the proposal.

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 at one of the numbered microphones or in the virtual speaking queue. The speakers queue is now open. And I will recognize session one.

PHIL OLDHAM: I'm Phil Oldham, president of Tennessee Tech University, member of the Ohio Valley Conference and member of the D-I board. On behalf of all the members, I move Proposal No. 2021-38.

JERE MOREHEAD: Thank you. Is there a second?

PHIL OLDHAM: Also, Mr. Chairman, on behalf of the Board of Directors, I move the immediate effective date of Proposal No. 2021-38.

JERE MOREHEAD: Thank you. Is there a second?

AUDIENCE MEMBER: Second.

JERE MOREHEAD: Thanks so much.

PHIL OLDHAM: The immediate effective date is important for the changes contemplated by this proposal to be codified immediately on adoption of the proposal and adjournment of the business session today. I urge everyone to support the immediate effective date.

JERE MOREHEAD: Things are now open for anyone who wants to discuss the immediate effective date. Since I don't see anyone seeking to be recognized, it's time to vote on the immediate effective date for Proposal No. 2021-38. Approval of the immediate effective date requires a two-thirds majority of the delegates present and voting.

The vote is now open in the Lumi Voting Platform for all voting delegates. Please select either yes, no, or abstain.

(Electronic voting.)

Five seconds. The polls are closed. Votes still being cast will not be registered.

So the vote is 297 yes, 1 no, 2 abstentions. So the immediate effective date is approved.

And I will now return to consideration of the merits of Proposal No. 2021-38. We'll go back to Mr. Oldham.

PHIL OLDHAM: Proposal No. 2021-38 is intended to codify current policies and practices related to revenue distribution in order to provide clarity leading into today's vote on moving these provisions out of the NCAA Constitution to other areas of the manual. It does not change current revenue distribution policies and will not change the formula for determining how NCAA revenue is divided among institutions and conferences.

Current legislation provides guarantees that the formula for revenue distribution will be maintained as it existed in 1996. Since 1996 changes to the revenue distribution plan have been made and approved by the Board of Directors based on increases to revenue and other factors. Additional funds have been added to the revenue distribution formulas, and alterations related to proportionality in funding have been made.

This proposal will essentially reset the clock to January 20th, 2022, and provide a constitutional guarantee that the revenue distribution formula will be maintained as it exists today unless future changes are made through a vote of the full Division I membership. The adoption of Proposal 2021-38 should ease the minds of those who may be concerned that the revenue distribution formula proportion

and allocation could return to levels that are set forth in the current legislation.

As these provisions are likely to be moved out of the NCAA Constitution with the adoption of Proposal No. 2021-39 and the Transformation Committee begins its work, the membership can rest assured that any future changes to the revenue distribution formula would be subject to a vote of the full Division I membership at a business session similar to this one in the future.

Please join me in supporting the adoption of Proposal No. 2021-38.

JERE MOREHEAD: Thank you. Is there other discussion regarding Proposal No. 2021-38? Virtual delegates, remember to use the Lumi Platform to request to speak.

Seeing none, it is time to vote on the Proposal No. 2021-38. The vote is now available in the Lumi Voting Platform for all voting delegates. Please select either "yes," "no," or "abstain."

(Electronic voting.)

The polls will close in five seconds.

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

And this proposal passes 308 to 0. All right. We're moving along very well.

We'll now move to consideration of Proposal No. 2021-39. This proposal also has an immediate effective date and requires a separate vote with a two-thirds majority prior to discussing the merits of the proposal.

The speakers queue is now open. Please state your name and institution or affiliation for the record when you are recognized at one of the numbered microphones or in the virtual queue.

And I will go to speaking queue 3.

SHANE LYONS: Thank you, Mr. Chairman. Shane Lyons, director of athletics, chair of the NCAA council and member of the Board of Directors. On behalf of the Division I board of directors, I move Proposal 21-39.

JERE MOREHEAD: Is there a second?

AUDIENCE MEMBER: Second.

SHANE LYONS: On behalf of the Division I board, I move

the immediate effective date of Proposal 21-39.

JERE MOREHEAD: Is there a second?

AUDIENCE MEMBER: Second.

SHANE LYONS: The immediate effective date is important to establish immediate clarity as it relates to Division I provisions moving out of the Constitution.

Yesterday the NCAA council adopted Proposal No. 21-37, which moves the other Division I provisions out of the Constitution into appropriate by-laws and is effective immediately. I urge you to support the immediate effective date of Proposal No. 21-39.

JERE MOREHEAD: Is there any additional discussion regarding the immediate effective date for Proposal No. 2021-39? Again, we're only discussing this effective date for the proposal at this time.

Seeing none, we'll have a vote on the immediate effective date for Proposal 2021-39. Again to be adopted, the immediate effective date requires a two-thirds majority. The vote is now available in the Lumi Voting Platform for all voting delegates. Please select either "yes," "no," or "abstain."

(Electronic voting.)

The polls will close in five seconds.

The polls are now closed, and any votes still being cast will not be registered.

And the vote on this is 310 yes and 1 no. So the proposal for immediate effective is approved. And I will now return to Mr. Lyons.

SHANE LYONS: Adoption of this proposal is the final step in the process of establishing a new Constitution. With a new Constitution established and Division I legislation moved elsewhere, the transformation committee will begin its work in earnest to recommend potential changes.

This proposal would move the current division dominant provisions to other areas in the manual without changing the substance or voting lines. Although the provisions will move to by law 18 and by law 20, they will maintain the requirement of two-thirds majority vote of Division I delegates at a special or annual convention to make any changes.

As discussed in our review of the previous proposal, there is a recognition of the importance of this provision's impact

by this proposal. Relocating the legislation does not change its application in any way. The Division I membership can move forward with confidence that no changes will be made to the division dominant provisions without the Constitutionally guarantees approval threshold of two-thirds of the membership.

Please join me in supporting the adoption of this proposal.

JERE MOREHEAD: Thank you. Is there any other discussion regarding Proposal No. 2021-39? Virtual delegates, please remember again to use the Lumi Platform to request to speak.

All right. Seeing none, we will vote on the Proposal No. 2021-39. The vote is now available in the Lumi Voting Platform for all voting delegates. Please select either "yes," "no," or "abstain."

(Electronic voting.)

The polls will close in five seconds.

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

And this proposal passes 312 yes, 0 no, and no abstentions.

So I am obligated now to open the window of reconsideration for the two proposals. That we just considered. So any delegate who voted on the prevailing side of either proposal may move for reconsideration. Are there any motions to reconsider either of the proposals?

Seeing none, the window of reconsideration is now closed. Are there any other final comments from the delegates before we adjourn today's session? Microphone 3.

ZIGGY SIEGFRIED: And I also stated this at the association-wide business, but I'm Ziggy Siegfried, director of athletics at CSU Bakersfield, and I'll be making a statement on behalf of our president Lynette 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 the current structure to make sure all 32 conferences has 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.

JERE MOREHEAD: Any other final comments? Microphone 3.

DAN BUTTERLY: Thank you, President Morehead. Fortunately, Ziggy got in front of me, so I didn't have to lower this after Shane. Dan Butterly here, commissioner of the Big West Conference. Sent a letter to the Board of Directors, the Transformation Committee, and the presidential forum earlier this week relative to representation.

There's 11 conferences currently in the Division I structure that are not part of the transformation committee or the Division I Board of Directors. Those conferences have been meeting the last couple weeks via Zoom meeting. Nine of those conferences signed on board to a letter that was distributed earlier this week to those groups. There's multiple conferences that have also approached me after they read that letter that would also like to sign on board a second version of that letter should the Board of Directors have interest in additional conferences and their input.

The nine conferences that did sign on to that letter represent thousands of student-athletes who aren't currently in the room where it happens, for those of you Hamilton fans.

We are in the process now, as we heard earlier in the session today, there's a lot of distrust amongst Division II, Division III, Division I, and there's a lot of distrust in the room among us about what the future of Division I should be. That distrust could be eliminated in some ways should all 32 conferences have a voice in the board of directors particularly during this process of transformation.

As you are well aware and everyone in this room is well aware, if you're in the room, you directly hear the conversation, you can have input on the conversation, and you can have feedback brought back to your membership rather than hearing it second, third, or fourth hand in many ways.

So on behalf of the nine conferences that we represented in the letter, other conferences that have indicated they would like to sign on board that letter, we kindly request the Board of Directors to strongly consider our recommendation for full 32-member conference representation on the Division I Board of Directors as part of the transformation process. Thank you.

JERE MOREHEAD: Thank you. Any other final

comments?

Seeing none, thank you all for your participation today.
The Division I business session of the 2022 NCAA
Convention is now closed. The delegates reception will
begin at 6:00 p.m. in exhibit hall B. Have a great evening.

(Adjourned 4:59 p.m.)

