

# NCAA 2022 Basketball Championship

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**President Mark Emmert**

**Senior VP Dan Gavitt**

Final Four News Conference



THE MODERATOR: We'll start out with comments from president Emmert followed by comments by Dan Gavitt.

MARK EMMERT: It's good to be with people in a three-dimensional space. It's been three years since we got to do a tournament in normal fashion with normal fan bases and it's been wonderful to see everything work out the way it is now.

We're set up for an extraordinary Final Four. The tournament to date has been remarkable. And I'll have Dan talk a little bit about the tournament and how it's gone so far and what we can look forward to.

I wanted to make a couple of comments not just about basketball but also about where we are in college sports overall. And then we can turn to some questions when we're finished.

First of all, I think it's critical to note that we're in an extraordinary moment in the history of college sports. We've had, over the past 24, 36 months, setting aside the great challenges of COVID, we've seen enormous movement in the political landscape, in the legal landscape, in the social and economic landscape, all of which has had pretty significant impacts on college sports, society in general and college sports in particular.

We've now got to about nine years of experience under our belt around name, image and likeness, and are seeing how that's working. And we've got, of course, a lot of new experiences around the transfer rules and the opportunities that's provided students.

We've seen 35 or so states pass NIL bills. We've seen Congress be engaged in a variety of ways around college sports and continuing even today with a number of activities there. And we've also had a series of legal actions, most notably, of course, the Supreme Court decision in the Alston case, all of which is providing an inflection point that the schools and the national office are

using to make pretty dramatic transformations in what college sports is and how it operates.

The beginnings of, about this time last year, after the tournament, some of my board members sat down for the need for making more than just incremental change. We agreed what needed was a constitutional convention. We went forth and did that. And a really good, hardworking group of people came forward last fall, as all of you know, and produced a draft constitution that the membership put in place.

What that constitution really does, most fundamentally, is it lays the ground work for change that can now occur within the three divisions. So in Division I, where the largest amount of change is likely to occur, there's now a team of individuals representing all of Division I, providing experiences from commissioners and ADs and students and athletic directors, faculty reps, et cetera are all working together to make some core determinations about what it is that Division I stands for, what it is that holds the division together, what are those elements of college sports that are fundamental to the continuation of sports. And they're going to be bringing forward recommendations relative near future to the rest of the division to vote on and to help provide the leverage needed to adapt to the new and ever-changing environment.

And that's nerve-racking and angst-filled, but it's also very exciting. And I think it's going to provide some key opportunities for students. And at the end of the day that's the single most important thing here.

Why that's especially relevant today here on the eve of another Final Four is that the men's basketball tournament and the women's basketball tournaments have really become these iconic events in American culture. They are in many people's minds what college sports always has been and always should be about. The games that we've all enjoyed over the past few weeks have been extraordinary. It's been really remarkable tournament with every kind of upset and every kind of outcome you can imagine. It's been fabulous to have full stands and cheering fans and all the engagement that we get around the tournament.



And so as we're thinking about, and as the schools are debating and discussing how they want to move forward from this point on, it's great to be able to just hold up the tournament and say, well, we want to make sure we continue this, this kind of competitive engagement, this kind of opportunity for students. This kind of chance to go out and demonstrate your skill and your prowess around your school and your engagement with your school, and everyone knows it when they see it.

And so it's an appropriate time to have that conversation. And we can answer questions about it as we go forward. But before we do, I want Dan to talk about the state of basketball right now and where we are with this tournament, again, because it's been a remarkable one. And it's so great to be back to something that looks and feels like normal. So, Dan.

DAN GAVITT: Thanks, Mark. Good afternoon, everybody. Good to be with you. Just a couple of thank yous to start here. I wanted to thank Tom Burnett, chair of the men's basketball committee, and his colleagues, most of them are sitting over here, their exceptional work on setting up a great tournament.

Also want to thank our host institutions here in New Orleans, University of New Orleans and Tulane University, the New Orleans Organizing Committee and the New Orleans Sports Foundation as well. And I want to thank JoAn Scott and all the NCAA staff that worked to put on this great event.

It's just great to be back in New Orleans after a decade. This has been a memorable place for the men's Final Four. And I have no doubt that it will continue this year.

As Mark said, it's been a joy to have the pageantry of March Madness back, the fans, with cheer squads and mascots even keeping it light. To have the teams be able to compete in 14 different locations across the country, to do it in a less restricted way than we had to do it last year in a controlled environment, to not be subject to testing, to be able to have that experience with their family and friends, it's just been so joyful. Whether it's from Saint Peter's Cinderella run to this blue blood Final Four, it's been an incredible tournament.

Numbers to back that up. Attendance has been incredible. Sold out the first four nights in Dayton, both nights, all the way there to selling out all four regionals -- 17,000-plus in San Antonio, in San Francisco the first time, 20,000-plus in Philadelphia and Chicago. And we're expecting, it is a sold-out Final Four, 71,500 expected.

There are still some tickets available by Ticket Exchange and by our hospitality packages, but we are pre-sold out and that's a pretty remarkable feat as well.

We've had incredible engagement as well outside of the attendance. But I want to note the women's championship has also had that kind of attendance. We broke a record this year for first- and second-round attendance on campus sites, first and second rounds, and likely a sellout in Minneapolis for the Women's Final Four as well. So March Madness for all has been a great thing.

Our social channels, @MarchMadnessMBB, for the men's championship, have delivered the most engaged tournament ever. To date, March Madness Live has attracted the largest audience in its history, narrowly beating out 2019 in that case. There were 11.4 million unique users of March Madness Live, which already beats any other tournament before we even get to the last three games of this tournament.

And TV ratings have been very strong as well, averaging 3.8 million viewers across all games headed into the Final Four, which is up pretty significantly from last year's COVID kind of shifted event. But also just down 1 percent from 2019, three years ago, as we all know, the last time we did this in any kind of normal fashion, and up 7 percent from 2018.

So really incredible engagement. Not surprising given the incredible gains we've seen and the competition. And of course we're excited to hopefully develop and deliver on providing Duke and North Carolina and Kansas and Villanova with lifetime memories here in New Orleans.

**Q. Mark, one of the four schools here, two and a half years ago received a notice of allegations with five Level 1 violations. In the meantime they've basically given their coach a lifetime contract while this case is still being adjudicated. What does it suggest to you about how your member schools view the enforcement process as it's currently constructed?**

MARK EMMERT: First of all, I'll leave it to the school to make decisions about their coaches' contracts. That's their business, obviously. They can do that as they see fit.

The enforcement process that you're referring to, of course, is the cases that came out of the Southern District of New York. Those cases moved into a brand new, independent process. I think by anybody's estimation they've taken way too long. It took two years before anything could be done with those cases because of the engagement of the Department of Justice. And so you automatically start out two years behind the curve, which is

crazy, obviously.

And then it's just been really slow in getting through that new independent process that's wound up reinvestigating the entire case.

So I think that the work that's going on right now, especially with the transformation committee and a group that's working with the membership to try and accelerate the enforcement model is going to be really important. To me there's a few things that need to be included in enforcement. And first it's got to be fair. It's got to be swift. And it's got to not punish the innocent, if you will, those that weren't involved in those activities.

And that's where the membership's got to be in all of this, as they shape a new process or rebuild the one that's in place.

And it's fascinating to watch and be a part of a system where the schools themselves are -- and they've been doing this for, gosh, since the 1950s, so more than 60 years now -- where they are holding themselves accountable for following the rules. And how do you craft a model that does all three of those things? It's fair and swift and at the same time goes after the misconduct and not those that weren't involved.

And we've seen in that 40-, 50-year period a swing of that pendulum back and forth and back and forth. We've got to get it in a place that's right. And I don't think there's anybody right now that thinks it is.

**Q. Does the NCAA have any sort of plan for smaller colleges and universities to be able to compete with major schools when it comes to NIL deals?**

MARK EMMERT: Well, when it comes to NIL deals, the name, image and likeness issues are relationships between the student-athlete and a third party. And so what they represent in the marketplace is between those two entities. And the association doesn't have anything to do with that, nor should it.

So if an individual at a small school also happens to be somebody who has a large social media following, they can certainly monetize that and take advantage of it. And in fact we've seen a lot of those things even coming out of the tournament. So that's strictly a market function, as it should be.

And I've not heard anything from the schools that suggest they want to try and engage on regulating that. And, in fact, they probably can't even if they wanted to.

**Q. How is the failure of the Board of Governors and the NCAA to put in any NIL guidelines in place before last July 1st, how is that impacting, I guess, the circumstances -- the present at which is trying to I guess come up with some rules that will allow athletes to make money off the use of their NIL, but also, as you've said, not lead to them becoming employees?**

MARK EMMERT: Well, I wouldn't characterize it as a failure on the board's or the members' behalf. It is unfortunately -- and we've talked about this many times -- it's unfortunately a circumstance where we've now got 30-plus different states with different laws.

We've been working with Congress, and we need to work with Congress to create one single federal landscape so that you can have a regulatory structure in place. And then of course we've had a variety of legal actions in the courts around all of it. So those events just completely superseded the ability of the board to put in place the kind of policies that, I think, everyone would like to see.

It has been and it's still the case that we have got to have Congress help us find a single legal model by which NIL and other relationships with student-athletes can be regulated. And that's going to be a big task. It's obviously hard to get things through Congress right now. It's a very difficult political moment. But I also know that there's many, many members, both sides of the aisle, both Chambers of Congress, they understand the issue and want to help us.

We continue to engage with them and all the schools do as well. So until we get that in place, I think we're in this landscape where it's much, much harder to determine, first of all, exactly what's going on, because the data's not widely available, and secondarily to determine whether or not the actions are consistent with the policies that are in place.

**Q. Coach Krzyzewski just left here asked if he had questions for you. I'll ask them for him. He sounded slightly less than disenchanted. He said my questions would be, where are we going, who is in charge and where are we going. I'm asking on behalf of Coach Krzyzewski in terms of those questions?**

MARK EMMERT: In terms of where we are and where we're going, as I started to say in my opening comments, we're at a place of a huge disjuncture, if you will, around college sports. This is just my opinion, we have a relatively short window of time during which the schools, especially in Division I, need to decide what they want -- and this is where Congress needs to come in as well -- what they want the relationship between student-athletes and their

schools to be, what the governance structures can be currently in the legal environment, and similarly how the rules and structures at a national level, at a divisional level, at a conference level, can be made and should be made.

To me, this all means -- and I've said it for a good while now, as many others -- we've got to have a dramatic decentralization of a lot of the rules. The national rules need to be much, much more streamlined than they are. They need to focus solely on those things that are critical to the integrity of the games and the conduct of the games, that subdivisions or conferences need to have greater responsibility for establishing many of their own rules and their own processes around some of those boundary and constraints.

And anything that's done has got to be done in the fashion that focuses on the students and their opportunities, their success as athletes, their successes as students and their health and well-being. And that's a model that probably will look very different than where we are today.

You know, who is in charge is the same group that's always been in charge. And that's the schools. There's an enormous amount of misunderstanding about what the NCAA is. People speak of the NCAA as if it's some monolithic entity. As you know, Dana, it's not. It's 1100 schools that come together and make decisions in a collaborative, representative democracy.

Those schools always have been in charge and those schools will be in charge moving forward. And they collectively, with the help of us in the national office, have to make decisions in this new legal context.

We also have to help them determine what it is they want to ask from Congress. The legal landscape as it exists today simply will not support and sustain the way college sports is conducted today. And so we need to help change that landscape if people want to continue to see events like this championship being conducted the way it's being conducted this tournament.

I think this tournament's put on full display the beauty of college sport. And as has the women's tournament. It's been two really great tournaments, eight really great teams moving forward now. And people love it and enjoy it, and we've got to work with the schools and with Congress to make sure we can continue that.

That's the direction that we've got to go. And we've got again a relatively short window of time, in my estimate. One and two years these decisions have to be made because of the dynamics that are underway right now that are far beyond the control of schools, coaches, ADs or

presidents.

**Q. In terms of compensation, the NCAA's tack has been for years going back, interest will go down, fans will stop coming, ratings will go down. What evidence have you seen of that since July 1st if any?**

MARK EMMERT: First of all, we're always in litigation, it seems. And so I will refrain from commenting on anything that involves any ongoing litigation.

Clearly the social and political landscape has shifted pretty significantly in a whole variety of ways over the past 12, 24 months. And so most importantly we went through the Alston case, and that too changed the legal landscape. So we're going to have to, as I was just saying to Dana, we have to be ready, willing and able to shift, and shift in dramatic ways, not in marginal ways.

When I say "we," I mean the schools that make these decisions. Collectively we've got to sit down and figure out what the appropriate path forward is.

As I mentioned, there's a Division I transformation committee, as you're well aware, that's working on these questions. And they hope to have some answers to some of these questions as early as August. But they've got a lot of work in front of them.

**Q. Mark, what's your prognosis of the transfer rule, and has there been any clamoring for specific change moving forward? And, Dan, do you think they might tweak this tournament in any way, and about the women's tournament as well? I don't know if you can answer that.**

MARK EMMERT: Well, the one issue I know that is an evergreen issue is transfer rules. I've been doing this for a little over 12 years, and in those 12 years the one thing that everybody asks is when are we going to change the transfer rule. And every time it's changed, they say, when are we going to change it back. And that's certainly the case right now.

Dan and I were just with the Basketball Coaches Association and we spent a great deal of time about what are we going to do about the transfer rules. And the only thing that I can say right now is that it's clear that students are getting more opportunities to play. They're getting more freedom of movement in some respects. And that's what the committee that put that in place and the NCAA Division I Council put in place. And it's having a positive effect for a lot of those young men and women in their ability to play.



Now, what I'm concerned about, and many are concerned about is what's going to be the academic impact of that, especially around basketball. One of the insufficiently reported -- not taking any shots at anybody -- but one of the inefficiently noted phenomena of the past decade has been the extraordinary academic success in many sports, but especially basketball and especially for minority players.

The graduation rates have been a stunning success. And I don't want -- I know the coaches don't want -- and we sure don't want to have the athletes see that decline. So there's a close eye on what are going to be the realities of this new transfer environment around students being able to finish their degrees in a timely fashion and go on and lead productive lives, because we know how few of them will be professional basketball players. It's a constant point of discussion. I don't anticipate it going away too soon.

DAN GAVITT: We've already seen some changes in the women's tournament this year, expanding from 64 to 68 teams. Very likely next year, we might see a First Four at a predetermined site, women's championship, like we have in Dayton for the men's championship.

And next year, a reminder that the women's regionals will go from four sites to two and be the super regional concept that was put in place just a few years ago.

No dramatic changes like that planned at the moment for the men's championship, but we have the men's committee. It always works every summer to tweak and improve the experience, improve the tournament, works collaboratively with the women's championship. No plans at the moment, but we'll always work hard to make it an even better tournament than it is if possible.

**Q. Mike Krzyzewski is arguably the greatest coach that's coached this sport. He's told me several times that you've never reached out to him to get his views or thoughts or suggestions on how to improve the sport. Why?**

MARK EMMERT: Well, I'm a little disappointed he doesn't remember when I was sitting in his office talking with him about basketball (laughter).

I've talked to a lot of coaches over a lot of time. And I'm sorry that Coach K doesn't recall that.

**Q. With all the new changes with the transfer, a little more freedom, the NIL, are there any thoughts as to what would happen with the minimal requirements to play college basketball before entering the NBA draft? I'm just wondering, we've had the one-and-done for a**

**long time. What are your thoughts on that?**

MARK EMMERT: Of course, as you know, the one-and-done rule isn't ours. It's the NBA's. And it's a topic that Adam Silver and I and others have talked about for a long, long time. They occasionally, of course, re-engage on that question. It's embedded in their labor contract. So it's not something that we're involved in.

We've been providing greater flexibility for our athletes when it comes to going into the tryouts and having an opportunity to come back. Personally I think that the more opportunity there is for our athletes to get a fair and honest assessment of what their abilities are to get drafted and go into professional ball, the better off they are.

They need as much information, honest information about what those prospects look like, because to me one of the most frustrating elements of the relationship, and it's more true in basketball than most sports, is when a young man leaves early, goes into the draft, winds up not getting drafted or winds up going into the G League for a short period of time or doesn't make any league and now they're out to sea. And their talent and their ability as a student isn't realized.

And I think there's far too many of those stories. And we need to make sure that student-athletes and their families can make really thoughtful decisions. And that they have a lot of flexibility in that. I think they should have as much flexibility as we can while still recognizing the need for clarity about who is on rosters and who is not and how teams can be formed in an intelligent way.

But I've long been an advocate that the NBA, encourage the NBA to allow athletes to have an opportunity to try out for the NBA and see whether they really belong.

**Q. Yesterday, the governors of Oklahoma and Arizona signed into law bills that will bar transgender athletes from competing on women's teams, including at the college level. Given the nondiscrimination policy the NCAA has adopted for its championship hosting and bidding process, what is the association's position on continuing to stage championships in states with these type of laws that cover college sports?**

MARK EMMERT: As you've seen, there have been a number of states that have done similarly. I think it was Oklahoma, yesterday or the day before, that passed a similar bill.

So let me mention two things. First of all, on the issue of transgender athlete participation, the position that the Board of Governors has taken, the highest body in the

NCAA governance system, has been that they want to make sure that there's two core, three core values in higher education and college sports that are honored.

One is that there's an inclusive opportunity for student-athletes to participate in college sports. The second, of course, is fairness; that when you get on a field or in a field of competition, that it's as fair as it can possibly be for all of the participants. And thirdly, it's got to be done in a way that promotes the health and wellness of those competitors.

Striking a balance between all those three things is always challenging, no matter what the topic is. And so where the board wound up in February was continuing to follow the basic model of the Olympic movement, the International Olympic Committee and USOPC, and that is to say there are opportunities for transgendered women to participate in women's sports, for example, but they have to hit certain biomedical guidelines.

And those guidelines now are varying at the federal level, at the national level, and at the international level by sport.

The IOC changed that policy in '19 and '20. The individual federations, sport federations, are now putting into place their individual guidelines.

And our board said essentially those will be our default options, but we also want to reserve the ability to accept or not accept those standards based upon the advice of our own medical advisors and the committee for medical aspects, of medical aspects of sport.

And so they have a set of guidelines that allow for competition but trying to make sure that it's fair. Understand the debate around that completely. It's a very difficult, very challenging issue that nobody's hit perfectly right now.

When it comes to then saying, okay, how do we want that to affect our participation or our hosting of events in various states or locales? What's in place right now is a survey process by which a city or a community wants to host an event, they have to be able to explain how it is that they're going to make sure that the participants in that sport will be allowed to do that in a nondiscriminatory way.

So in any of the states that you're talking about, if a school, for example, is hosting a championship event and they need to be able to explain here's how we will be able to conduct this with these participants and this site without any difficulties. And if they can do that, then we'll be in those states.

**Q. This is our first opportunity since the Alston decision to ask you really anything. So what I wanted to find out was the process behind taking the case all the way to the Supreme Court, what the value in it was for the NCAA; who makes those decisions; is it you, is it the board? And ultimately did losing that decision in the way that you did, has it impacted the way the NCAA wants to operate and do business?**

MARK EMMERT: Well, if I may, let me answer it in bit of reverse order. So nobody's going to ever describe losing a Supreme Court case 9-0 as a win. It certainly isn't. But on the other hand, what the case did do is it provided greater clarity on what the legal landscape is.

In that sense, it's been incredibly useful, because it takes away some of the guesswork in what that environment looks like, because since the -- I don't want to get geeked out on legal cases, but since Board of Regents back in '83, it's been one thing. It's been debated in multiple cases at the federal level and even at the state level as to what that landscape looks like.

And now the Supreme Court has laid down a marker on one set of those issues. And so it has allowed the association, the school -- by that I mean the schools and conferences. To sit down and say, okay, if we now know what the world looks like, now how do we want to organize and operate and what makes sense in that legal landscape can be a national rule, that can be settled via the NCAA, what parts need to be delegated to individual schools. What parts need to be delegated to conferences and start to sort that out.

While I think that's difficult in the sense those are hard conversations, they're the necessary conversations. And we're seeing some really good -- the beginnings of some really good debate and discussion about how that's going to move forward.

In terms of the legal strategy there, we were coming out of the Alston case in limbo, as to what really did that ruling mean? And does it have standing? Because it was, from a non-lawyerly perspective, inconsistent with a whole variety of other cases, and it was consistent with some others. That's the reason the Supreme Court picked it up was because there was that clear conflict between cases that had been settled. And of course it's very rare that they take a case up and it was because it was unsettled.

So the decisions around those things are made by the board. I don't have the authority, nor should I have the authority, to say, okay, fine, we're going to go appeal to the Supreme Court. That's a decision that's made in debate and discussion with the board.

In this particular case, it involved the other plaintiffs, which included a number of conferences.

So it was the conference lawyers, the NCAA lawyers and our external lawyers, all sitting down and making a decision and then working with the Board of Governors of the NCAA to move forward on it.

And again, while I would have much preferred that we won that case, and I still believe that our legal arguments were really sound, nonetheless, some of that law is now settled on and we can move forward.

We also know the places where we need the help of Congress. Where we can now say, okay, look, if you, Congress, want college sports to continue in these fashions over here, we need your help and assistance to do that.

And that provides a little more vision and through sight into what we can and need to do.

THE MODERATOR: Thank you very much.

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