

Sent via email

July 30, 2021

President Brian Hemphill
Old Dominion University
NCAA Division I Presidential Forum Chair

President Adela de la Torre
San Diego State University
Incoming NCAA Division I Presidential Forum Chair

Dear Presidents Hemphill and de la Torre,

Thank you for your leadership of the important work that the DI Presidential Forum is conducting to identify priorities and approaches necessary to sustain the Division I collegiate model. The purpose of this letter is to update you on two significant advances in the Knight Commission's work since our last communication.

As we shared previously, the Knight Commission conducted [a year-long examination](#) of how the governance and structure of Division I sports can better serve college athletes, their institutions, and the mission of intercollegiate athletics. In December 2020, the Commission released its *Transforming the D-I Model* [report](#).

As a result of feedback received from leaders, including members of the Presidential Forum regarding our proposed structural overhaul, the Commission engaged independent law firms to take a deeper look at the potential legal implications of our proposed model. Further, the Commission has strengthened its stance on the importance of needed change to Division I revenue distributions. Below is a brief summary of each.

1. **Legal analysis of proposed Division I governance and structure changes**: The Knight Commission engaged two leading national firms to conduct thorough antitrust and Title IX legal analyses of implementing the governance and structure recommendations made in our *Transforming the D-I Model* report. An executive summary of the legal analysis by Winston & Strawn on antitrust matters and Church, Church, Hittle + Antrim on Title IX implications is attached for your information. Note: These analyses were completed prior to the June 21, 2021 ruling of the Supreme Court in *NCAA v. Alston*.

The general conclusions are as follows:

- The creation and operation of a separate entity to govern the sport of FBS Football (dubbed the National Collegiate Football Association or NCFA) should not increase the legal risk regarding antitrust or Title IX;

- For the NCAA and non-NCFA institutions, the creation and operation of the NCFA eliminates future legal exposure to potential antitrust litigation related to NCFA football because the NCAA would no longer regulate, and non-NCFA institutions would not participate in, FBS football; and,
 - The creation of the NCFA may enhance opportunities for gender equity.
2. **NCAA and CFP Division I revenue distribution:** As we shared in our [correspondence](#) earlier this year, the Knight Commission recommends that the NCAA eliminate the policy exception that allows the sport of FBS football to count in the NCAA Division I distribution, since the sport does not meet the NCAA’s qualifying criterion—namely, that the NCAA operate a sport’s postseason championship.

While we understand that the NCAA has no authority over the College Football Playoff (CFP) revenue distribution, we believe it is important to inform you that the [Commission continues to call on the CFP Board of Managers](#) to revise its revenue distribution to support national initiatives to support football athlete health and safety initiatives and to boost diversity in football coaching leadership.

The Commission believes its past recommendations for changes to the NCAA and CFP’s revenue distributions are merely starting points. With the CFP ready to expand, and its corresponding revenues likely to soar past the NCAA’s \$1 billion annual budget, it is time for a more accountable approach.

To this end, the Commission is working on additional ways that DI revenue distribution entities can create a stronger alignment of shared revenue distribution with the educational mission of Division I athletic programs, particularly with the core values of transparency, gender equity and financial responsibility. We will share our additional recommendations as they become available shortly.

Again, thank you for your leadership during this transformative time for college sports.

The Knight Commission’s roster can be accessed [here](#) so that you are aware of the leaders who approved advancing this information for your consideration. We are glad to participate in any additional conversations or meetings to answer any questions you might have.

Sincerely,



Amy Privette Perko
Chief Executive Officer

Attachment: Executive Summary of Legal Reviews

Cc: Mark Emmert, NCAA President
Kevin Lennon, NCAA Vice President of Division I
Jack DeGioia, Chair, NCAA Board of Governors
Denise Trauth, Chair, NCAA Division I Board of Directors
Shane Lyons, Chair, NCAA Division I Council
Division I Commissioners
Members of the Knight Commission on Intercollegiate Athletics