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Sent Via Email

June 23, 2022

President Jere Morehead
Chair, NCAA Division I Board of Directors

Dear President Morehead:

On this historic day commemorating the 50th Anniversary of Title IX of the Education Amendments Act of 1972 (Title IX), we write to urge the NCAA Division I Board of Directors to eliminate the current gender discrimination that exists in the NCAA's annual revenue distribution plan.

Specifically, the Commission reiterates its recommendation that the Board should immediately commit to gender equity in any NCAA athletics performance-based revenue distribution to ensure it provides equal rewards for the *performance* of women's and men's teams. The Commission initially proposed this modification and gender equity principle in September 2021 as part of its comprehensive [financial C.A.R.E. Model](#), a model that connects athletics revenues to the educational model of college sports.

As you know, the NCAA awards 28 percent of its annual revenue distribution—more than \$160 million—based on Division I men's basketball teams' wins and participation in the NCAA Men's March Madness tournament. By stark contrast, the NCAA awards \$0 for performance by women's basketball teams in the NCAA Women's March Madness tournament.

At the [Commission's May 16, 2022 public meeting](#), Roberta Kaplan, founding partner of Kaplan Hecker & Fink LLP (KHF), reviewed the findings from the 2021 [KHF Report](#), an independent gender equity analysis commissioned by the NCAA Board of Governors. KHF found that the NCAA's current revenue distribution is "inconsistent with the NCAA's stated commitment to gender equity."

The report additionally noted that "the NCAA is a not-for-profit membership organization, not an 'eat what you kill' business enterprise." For a nonprofit collegiate association, in other words, it should not matter which sport or sports generate the money in ensuring that revenue distributions are gender equitable and in compliance with the spirit, if not the letter of Title IX.

Despite acting on most other recommendations in the August 2021 KHF Report, the NCAA has not adjusted its revenue distribution formula. As part of our May 16 meeting, the Commission discussed a variety of remedies for correcting this gender-based inequity, including equalizing or eliminating athletics performance-based incentives altogether.

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We understand that the NCAA's revenue distribution formula is a topic that the Division I Transformation Committee intends to study in its ongoing work. While we understand the committee's stated intentions, the NCAA should not continue to delay action on redressing an inequity that is both flagrantly at odds with an NCAA bedrock principle of gender equity and within the NCAA's power to quickly correct. As is the case with other educational nonprofits, the NCAA's financial incentives inevitably reflect the association's values and priorities, and further delay is likely to continue to raise questions about the NCAA's commitment to gender equity.

The implementation of Title IX not only revolutionized college sports but also opened unparalleled economic opportunities for women and has an enduring, positive impact on American civic life. We know that you and many members of the Board have been proud to support gender equality and we thank you for your leadership in the ongoing work to ensure gender equity in all aspects of college sports.

We would be glad to discuss our recommendation and views with you and other members of the Board.

Best regards,



Arne Duncan
Co-Chair



Len Elmore
Co-Chair



Nancy Zimpher
Co-Chair

Cc: Mark Emmert, president, NCAA
Jack DeGioia, chair, NCAA Board of Governors
Kevin Lennon, vice president, NCAA Division I
Members of the NCAA Division I Board of Directors
Members of the Knight Commission on Intercollegiate Athletics