

April 2, 2021



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VIA EMAIL

The Honorable Mikie Sherrill  
United States House of Representatives  
1414 Longworth House Office Building  
Washington, D.C. 20515

Dear Representative Sherrill:

Thank you for your letter and for voicing your concerns related to the 2021 Division I Women's Basketball Championship. Please know that I and all of those involved in our championships share your concerns and have begun to immediately address and rectify these issues.

As you noted, there have been several areas of concern related to this year's women's basketball tournament that have circulated among the public and media. I appreciate the opportunity to address each of these and attached to this letter are responses to the areas you noted. As is described in the comments below, we have retained an independent firm to conduct a comprehensive, thorough and external review of gender equity issues in connection with the NCAA, focusing on NCAA championships. While the immediate focus of the review is on women's and men's basketball, the full review will include an examination across other sports and championships more broadly, examining challenges that may be unique to those programs.

Thank you again for your letter, the opportunity to address the concerns you have raised, and for your support of our student-athletes. The NCAA has a long history of supporting and providing exceptional championships and athletics experiences for nearly 500,000 women and men student-athletes each year. Gender equity is at the core of this work, and it is imperative we are doing all we can to ensure this commitment continues to be met. We are eager to aggressively address material and impactful differences between the Division I Women's and Men's Basketball Championships, as well as any substantial differences across all of our 90 championships.

If you or your staff have any additional questions please do not hesitate to reach out to Dawn Buth, NCAA Interim Director of Government relations at [dbuth@ncaa.org](mailto:dbuth@ncaa.org).

Sincerely,

A handwritten signature in black ink that reads "Mark A. Emmert".

Mark A. Emmert  
NCAA President

MAE:dab

National Collegiate Athletic Association

*Creating a pathway to opportunity for college athletes*

The NCAA is an equal opportunity employer that values inclusive excellence in the workplace.

cc:

Rep. Alma S. Adams	Rep. Al Lawson
Rep. Colin Allred	Rep. Andy Levin
Rep. Lisa Blunt Rochester	Rep. Carolyn B. Maloney
Rep. Suzanne Bonamici	Rep. Doris Matsui
Rep. André Carson	Rep. Grace Meng
Rep. Kathy Castor	Rep. Jerrold Nadler
Rep. Katherine Clark	Rep. Grace F. Napolitano
Rep. Jim Cooper	Rep. Chellie Pingree
Rep. Bill Foster	Rep. Deborah K. Ross
Rep. Lois Frankel	Rep. Jan Schakowsky
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Rep. John B. Larson	Rep. Nydia M. Velázquez
Rep. Brenda L. Lawrence	Rep. Debbie Wasserman Schultz

### **Requested Information**

**COVID-19 Tests:** Maintaining the health and safety of all student-athletes at all of our championships is the Association's highest priority. Standard testing requirements for all 2020-21 NCAA championships were established based upon the recommendations of the [NCAA COVID-19 Medical Advisory Group](#) and its collaboration with the U.S. Centers for Disease Control and Prevention. Local medical authorities at each location help the NCAA to determine whether additional testing requirements are necessary, depending on location. The NCAA COVID-19 Medical Advisory Group advised that either daily polymerase chain reaction or daily antigen testing were equally effective testing models for the women's and men's basketball championships, and they recommended adopting the testing approach that worked best with the local health officials and local providers. Accordingly, the NCAA adopted the approach that worked best with providers in Indianapolis and San Antonio, respectively, consistent with the preferences of local health officials. The directors of public health of Marion County and the San Antonio Metropolitan Health District stated that either test was equally acceptable, and both stated they wanted one test to be PCR. The protocol of daily antigen tests and weekly PCR tests for the women's championship was reviewed and approved by the director of the San Antonio Metropolitan Health District. The health and safety of student-athletes is of the utmost concern to the Association and its member schools, and I emphatically believe that the testing protocols for all of our championships, including the NCAA Division I men's and women's basketball tournaments, reflect this commitment and responsibility. I would like to underscore that cost is unequivocally not a factor in determining testing protocols.

**Conditioning Facilities:** Your letter also appropriately raised concerns regarding the weight training facilities for the women's basketball tournament. We acknowledge that what was initially provided in San Antonio was insufficient, and we immediately corrected this. While the facilities referenced in your letter were not intended to serve as a weight room (they were designed to serve as a warm-up area), we regret the decision to make the women's weight training facilities available at the start of the Sweet 16 round of play rather than at the time of team arrival. The timing of the availability of a private weight facility was communicated to participating teams prior to the tournament. Upon learning of the concerns raised by participants, we immediately assessed and rectified these issues by converting an open space to a weight training area. Further details about the factors leading to this issue, and the specific steps taken to remedy it, are addressed on Page 2 of this letter. These disparities also make clear that we need to address these issues in a more in-depth and thorough manner.

**Food/Nutrition:** With regard to the respective food options for women's and men's players, both the women and men participants are provided two meals per day at their respective hotels. While there are local and regional cuisine differences at any championships site, all participants assigned to a meeting space within the hotels - whether in San Antonio or Indianapolis - receive two meals per day at the hotels served in to-go containers and have the option for one take-out meal to be delivered to the hotels. Upon learning of food-related concerns from male and female participants, we immediately addressed this issue with the hotels and also identified other flexible food options for participants.

**Gift Bags:** The issue of gift bags was not addressed in your letter, however we would like to take this opportunity to note that our men's and women's basketball staffs work together in developing gift bags for participants. While the gift bags for the men's and women's players may have contained different contents, they had equal dollar values. Despite our belief that these areas were approached in an equitable and thoughtful manner, both will be carefully and deliberatively examined as part of the forthcoming external review.

**Publicity:** Your letter also raised concerns regarding the use of the trademarked "March Madness" phrase and the branding of the women's basketball tournament. As we further examine how best to promote the sport, we will continue to closely listen to the expectations of our membership and women's basketball leadership and also consider our relationships with our valued broadcast partners. We are committed to working with all constituents to determine the best way forward regarding the use of March Madness logos.

### **Requested Responses**

**1. Seek to review all other championship competitions to ensure that they adhere to the gender equity principles of Title IX in affording women athletes fair and equal treatment.**

Immediately upon learning of the reported disparities between the Division I Men's and Women's Basketball Championships, the NCAA national office began conducting an internal assessment of these championships and took action to address any disparities. As part of this assessment, we will also be examining all championships - across sports and divisions - to identify any other gaps that need to be addressed, both qualitatively and quantitatively, to preserve gender equity. To assist in this effort, we have retained the law firm of [Kaplan Hecker & Fink LLP](#) to evaluate our practices and policies and provide recommendations on steps we can take to get better. Kaplan Hecker has significant experience in Title IX and gender equity issues and during its review and assessment, the firm will have direct

access to the NCAA Board of Governors to discuss any issue that may arise during its work. While it is still very early in the process, we hope to have preliminary assessments in late April, with a final report this summer after all championships have been completed.

**2. Provide a detailed timeline of the unequal treatment of the women's and men's basketball teams during the championship tournament, including when it began, its discovery, any investigation of its scope, and notification to the NCAA's senior executives.**

**a. Please describe the NCAA's efforts to identify the scope of the disparities.**

**b. Are there other instances of unequal treatment that have not been stated above? (Response to all below.)**

We were made aware of concerns about the women's basketball workout facilities on March 18, after the circulation of social media posts highlighting this issue. While the facilities referenced in the social media posts were designed to serve as a warm-up area, we regret the decision to wait until the Sweet 16 to make a weight training facility available. As we have stated publicly, the decision was due to the lack of available, undesignated private space at the convention center. The unavailability of weight training facilities was communicated to schools, administrators and coaches before the tournament. However, upon learning of the concerns raised by participants on March 18, we immediately assessed and rectified these issues by converting an open space to a weight training area. The weight training equipment, originally slated to be assembled for the Sweet 16, was promptly constructed in an alternative, repurposed space and made available to players on March 20.

We were made aware of the concerns related to food on March 18. Upon learning of these concerns, we expeditiously worked with the hotels to address this issue and also identified other food and meal alternatives which were available to participants March 20.

Once these concerns were raised, our staff immediately began conducting an internal review to identify the scope of any additional the disparities. While many of the operational issues identified have been resolved, we will continue to make sure we are doing all we can to support gender equity in sports. As part of this effort, we are evaluating the current and previous resource allocation to the women's and men's championships, so we have a clear understanding of costs, expenditures and revenues. We also have begun to examine our procedures and processes for all our championships, across gender, sport and division. To assist us with these efforts – as noted above - we have retained an independent expert law firm to evaluate our practices and policies and provide recommendations on steps we can take to ensure we are doing all we can in this area. We are unaware of any other areas of concern; however, we are committed to proactively and transparently sharing any outcomes of the assessment once all championships have been conducted and the external review is complete.

**3. What steps has the NCAA taken to identify and limit unequal treatment in the current tournament?**

As described above, directly after learning of the concerns raised by participants of the Division I women's basketball tournament, we began an internal assessment of all of our championships and took action to address any significant disparities. As part of this effort, we also are evaluating the current and previous resource allocation to each championship and have retained an independent expert law

firm to evaluate our practices and policies and provide recommendations on steps we can take to ensure we are achieving gender equity in college athletics.

- 4. Does the NCAA have procedures in place to receive and act on reports of unequal treatment?**
  - a. If so, please describe these procedures, when they were implemented, and how frequently the NCAA acts to remediate unequal treatment.**
  - b. When the NCAA was first notified of unequal treatment, what immediate steps did it take to address these issues? (Response to all below.)**

For any and all concerns related to the women's basketball tournament, the primary administrator of each school's team serves as the conduit for communicating issues and concerns to the women's basketball staff. More broadly, the national office has a reporting mechanism for all student-athletes to report concerns related to their health, welfare or other matters. Additionally, the NCAA has established a [COVID-19 Concern Hotline](#) to allow college athletes, parents or others to report potential return-to-sport concerns. On campus, faculty athletics representatives play an important role in serving as an advocate for student-athletes while members of campus [Student-Athlete Advisory Committees](#) have the opportunity to address issues affecting student-athletes at their institution. Concerns also may be raised and addressed through the three divisional NCAA Student-Athlete Advisory Committees or through the broader NCAA [committee](#) structure. Lastly, following each NCAA championship, a survey is conducted in which student-athletes can provide feedback for and raise concerns related to their championships experience as well as provide recommendations for future championships. We are not aware of any reports to the national office regarding unequal treatment. However, we are committed to undergoing a thorough review, through the external process noted above, to identify and actively address either disparities between the treatment of men and women or improvements that may be made to our reporting procedures.

Regarding steps taken to address the concerns in San Antonio, promptly upon learning of the concerns relating to the differences between the Division I men's and women's accommodations, national office staff and leadership began an internal review to understand and address these concerns. We were notified of these issues on March 18 and solutions to remedy these concerns were implemented within 36 hours on March 20.

- 5. What processes does the NCAA have in place to ensure all other championship competitions adhere to the gender equity principles of Title IX.**
  - a. What specific steps is the NCAA taking to ensure that such unequal treatment is not repeated in future tournaments?**

In a typical (non-pandemic) year, the NCAA hosts 90 championships: 45 women's championships, 42 men's championships and three co-ed championships. Since 2016, and upon the direction of the Board of Governors, the NCAA has taken steps to protect participants and spectators from discrimination at NCAA events by requiring those bidding for NCAA championships to complete a [non-discrimination questionnaire](#). This questionnaire requires participants in the bid process to provide assurances that anyone associated with an NCAA championship event – whether, for example, they are a student-athlete, coach, staff member or fan – will be treated with fairness and respect.

To ensure gender equity is achieved moving forward, the NCAA national office already has begun conducting an internal review to ensure fair and equitable treatment for women and all student-athletes is occurring at the NCAA's other championships. Additionally, and as was noted in previous responses in this letter, the NCAA has retained an independent expert law firm to assist in evaluating our practices and policies and provide recommendations on steps we can take to ensure we are doing all we can to support gender equity in sports moving forward. We expect to have preliminary assessments in late April, with a final report this summer after all championships have been completed.

**6. Please describe the resources that the NCAA dedicates to identifying, investigating and addressing the unequal treatment of its men's and women's sports teams.**

**a. Does the NCAA employ a Chief Diversity Officer? If so, to whom does this person report?**

One of the NCAA's core principles of conduct for intercollegiate athletics focuses on gender equity. In support of this principle, each of the NCAA's 1,100 member schools are responsible for complying with Title IX and ensuring equal treatment of female and male student-athletes on their campuses. Additionally, the Association has devoted [resources](#) and [programs](#) to promote compliance with gender equity laws and the equitable and meaningful participation of women in college sports. Outlined below are additional structures designed to support women and gender equity in all aspects of intercollegiate sport:

- [NCAA Committee on Women's Athletics](#). This association-wide committee provides leadership and assistance to the Association in its efforts to provide equitable opportunities, fair treatment and respect for all women in all aspects of college sports. The committee is charged with studying and making policy recommendations concerning opportunities for, and issues affecting, women in athletics at the campus, conference and national levels. As part of its responsibilities, the committee is also charged with identifying and managing the progress of [emerging sports for women](#) aimed at helping schools provide more athletics opportunities for women, as well as facilitating the [NCAA Woman of the Year](#) program.
- [NCAA Committee to Promote Cultural Diversity and Equity](#): This committee was established to review, endorse and make recommendations regarding diversity and inclusion matters that impact the Association. The committee shall review and react to recommendations from the NCAA Committee on Women's Athletics and the NCAA Minority Opportunities and Interests Committee, receive information and explanations of Association-wide activities, review and react to topics referred to it by the Board of Governors and provide comment to the Board of Governors on Association-wide matters of interest
- [NCAA Gender Equity Task Force](#). This task force serves as a standing advisory group to the NCAA Board of Governors, Committee on Women's Athletics and the greater NCAA governance structure. The task force focuses on engaging the membership, student-athletes, governance committees, the media and affiliate organizations in identifying gender equity strategies to improve the professional and competitive environment for women in intercollegiate athletics at all levels.
- [NCAA Office of Inclusion](#): Since 2005, the NCAA has had a dedicated office of diversity and inclusion which facilitates programming, provides educational resources and advocates for diverse, equitable and

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inclusive environments that enhance the student-athlete experience and provide opportunities for coaches and administrators, including in the area of gender equity.

The NCAA national office has devoted a senior leadership position to the oversight of diversity and inclusion issues for more than fifteen years. Derrick Gragg currently serves as the NCAA Senior Vice President of Inclusion, Education and Community Engagement and the Association's chief diversity and inclusion officer. Dr. Gragg reports to directly to NCAA President, Mark Emmert.