

# HIGHER EDUCATION INFORMATION MEMO

JULY 19, 2023

## November 3, 2023 Deadline for NCAA Division I DEI Self-Assessment and Attestation

As part of the NCAA's efforts to promote diversity and gender equity in intercollegiate athletics, NCAA Bylaw 20.2.4.3 requires that all Division I athletic departments perform a diversity, equity and inclusion (DEI) assessment and file an attestation of completion of the review with the NCAA by November 3, 2023.

This review should assess whether your existing DEI efforts are effective in creating a culture that welcomes and respects student-athletes, coaches, administrators and staff both on and off the field of play, and identify areas for improvement and growth. While each school is empowered to design and conduct their own assessment, the NCAA recommends, in its [Diversity, Equity and Inclusion Review Framework](#), a collaborative approach to:

- Review demographics, educational and career outcomes and experiential data;
- Review athletic department policies in hiring, student-athlete recruiting, professional development, student-athlete and staff retention efforts and educational support for student-athletes and staff;
- Identify action items and timeline to remedy shortfalls; and
- Work with legal counsel to assess legal and NCAA rules compliance.

Institutions will want to consult with counsel early in the process, not just to ensure compliance metrics are met, but also to discuss how this NCAA self-assessment may impact Title IX compliance, state and federal nondiscrimination laws and any investigations and/or litigation in this area.

Further, on June 29, 2023, the U.S. Supreme Court in [Students for Fair Admissions, Inc. v. President and Fellows of Harvard College](#) significantly restricted higher education institutions' ability to use race as a factor in admissions decisions. While this case focused on public and private institutions' use of race in admissions to achieve a more diverse student body, the reach of this case is likely to extend beyond admissions into other areas where DEI programs and efforts exist, such as student-athlete recruitment and athletic department hiring and employment practices – both areas that the NCAA expects will be included in the DEI self-assessment.

The NCAA self-assessment, therefore, sits within a larger compliance context and a very new set of legal standards that have reframed how institutions may work toward a more diverse, inclusive and equitable environment.

Bond attorneys are ready to help your institution meet the November 3, 2023 NCAA deadline and provide guidance on how to structure a NCAA self-assessment in light of the issues noted above.

For assistance with this process, or if you have questions about the information provided above, please contact [E. Katherine Hajjar](#), [John Long II](#), [Kristen Thorsness](#), any attorney in Bond's [collegiate sports](#) or [higher education](#) practice or the Bond attorney with whom you are regularly in contact.

