



**REPORT OF THE  
NCAA DIVISION II LEGISLATION COMMITTEE  
REVIEW OF ISSUES RELATED TO NAME, IMAGE AND LIKENESS  
MARCH 9-10, 2020, IN-PERSON MEETING**

**ACTION ITEMS.**

**1. Legislative Item.**

- **Noncontroversial Legislation – NCAA Division II Bylaw 16.1.4.4 – Awards and Benefits – Awards – Purchase Restrictions – Elimination of Student-Athlete Contribution to Cost of Awards.**
  - (1) Recommendation. Adopt noncontroversial legislation to amend NCAA Division II Bylaw 16.1.4.4 (student contribution to purchase) to eliminate the restriction on a student-athlete contributing to the purchase of an award.
  - (2) Effective date. Immediate.
  - (3) Rationale. Current legislation precludes a student-athlete from making a financial contribution to the purchase of an award, regardless of whether the value of the award remains within the legislated limitations. Financial constraints may limit the value of an award that an institution or conference can provide to student-athletes, especially for teams that have large squad sizes. Permitting student-athletes to contribute to the purchase of their awards ensures that those individuals can commemorate their accomplishments when institutional or conference resources are limited.
  - (4) Estimated budget impact. None.
  - (5) Student-athlete impact. Will vary.

**2. Nonlegislative Item.**

- **Awards Legislation – Student Contribution to Purchase – Request for Not Reporting Violations of and Relief of Penalties from the Misapplication of Bylaw 16.1.4.4.**
  - (1) Recommendation. That the NCAA Management Council specify that institutions are not required to report a violation(s) resulting from the misapplication of Bylaw 16.1.4.4 (student contribution to purchase) for a five-year period from the 2015-16 through the 2019-20 academic years; further, to provide relief from the penalties associated with the misapplication of Bylaw 16.1.4.4.

- (2) Effective date. Immediate, for any violations that occurred during the 2015-16 academic year through the 2019-20 academic year.
- (3) Rationale. During the review of the potential legislative concepts regarding name, image and likeness, it became clear that many institutions misapplied Bylaw 16.1.4.4 by allowing student-athletes to contribute to the purchase of an award (e.g., ring). Considering the misapplication of the legislation, the committee requested that the Management Council consider not requiring institutions to report a violation from the misapplication of the legislation and providing relief for penalties associated with the misapplication of Bylaw 16.1.4.4. Per the request, the relief would apply for violations that occurred during the 2015-16 academic year through the 2019-20 academic year.
- (4) Estimated budget impact. None.
- (5) Student-athlete impact. None.

### **INFORMATIONAL ITEMS.**

1. **Update from the NCAA Board of Governors Federal and State Legislation Working Group.** The committee received an update on the work of the NCAA Board of Governors Federal and State Legislation Working Group.
2. **Update from the NCAA Office of Legal Affairs.** The committee received an update from the Office of Legal Affairs regarding the legal landscape surrounding name, image and likeness.
3. **Update on Current Federal and State Legislative Landscape.** The committee received an update on the current federal and state legislative landscape surrounding name, image and likeness.
4. **Review of Feedback Gathered Since the November 4-5, 2019, Division II Legislation Committee In-Person Meeting.** The committee received an overview of the educational materials provided to the Division II membership regarding the review of name, image and likeness. Further, the committee received an overview of feedback from various Division II conference offices.
5. **Discussion Regarding Potential Legislative Solutions.** The committee discussed potential legislative solutions surrounding the issue of name, image and likeness, and determined which concepts to seek feedback from the Division II membership. [See Attachment]

- 6. Discussion Regarding Future Topics.** The committee determined future topics to discuss during its June in-person meeting. The committee agreed to discuss the following topics:
- a. The ability for institutions to arrange opportunities for student-athletes to receive compensation for use of their name, image and likeness for promoting and endorsing a third party’s commercial product; and
  - b. The use of professional services (e.g., agents) pre- and post-enrollment.
- 7. Future Meeting Date.**
- June 22-23, in-person meeting; (Indianapolis).

*Committee Chair:* Scott Larson, Lubbock Christian University.  
*Staff Liaison(s):* Karen Wolf, Academic and Membership Affairs  
 Chelsea Hooks, Academic and Membership Affairs  
 Michael Woo, Academic and Membership Affairs

<b>NCAA Division II Legislation Committee Name, Image and Likeness Review March 9-10, 2020 In-Person Meeting</b>
<b>Attendees:</b>
Carlin Chesick, Pennsylvania State Athletic Conference.
*Grant Foley, Delta State University.
Chris Graham, Rocky Mountain Athletic Conference.
*Glen Jones, Henderson State University.
Diana Kling, Peach Belt Conference.
Scott Larson, Lubbock Christian University.
*Michelle Latimer, Bowie State University.
Christine Lowthert, Assumption College.
*Matt Margenthaler, Minnesota State University, Mankato.
David Marsh, Northwood University.
*Jacie McWilliams, Central Intercollegiate Athletic Association.
*Dean O’Keefe, Stonehill College.
Mackenzie O’Neill, Missouri Western State University.
Pennie Parker, Rollins College.
*Alex Shillow, Texas A&M University-Commerce.
*J.R. Smith, Chadron State College.
*Bren Stevens, University of Charleston (West Virginia).
Jason Stock, California State University, San Marcos.
Brian Summers, Christian Brothers University.

*Kim Sutton, California State University, Chico.
Keith Vitense, Cameron University.
*John Wristen, Colorado State University-Pueblo.
Scott Young, University of Indianapolis.
<b>Absentees:</b>
Brenda Cates, University of Mount Olive.
*Rex Fuller, Western Oregon University.
<b>NCAA Staff Support in Attendance:</b>
Chelsea Hooks, Karen Wolf and Michael Woo.
<b>Other NCAA Staff Members in Attendance:</b>
Ashley Beaton, Dawn Buth (via teleconference), Curtis Franks, Terri Steeb Gronau, Maritza Jones, Jordan Lysiak, Stephanie Quigg, Rachel Stark-Mason and Cari Van Senus.

[Note: Individuals marked with an asterisk (\*) are institutional and conference administrators or coaches who participated in the Legislation Committee meeting to provide additional voices to the discussion on name, image and likeness.]