



**EXCERPT FROM REPORT OF THE  
NCAA DIVISION III INTERPRETATIONS AND LEGISLATION COMMITTEE  
FEBRUARY 20-21, 2020, MEETING**

**KEY ITEM.**

**Recommendation:** That the Division III Management Council, Division III Presidents Council and relevant committees and membership groups discuss and consider potential legislative action allowing Division III student-athletes to use their student-athlete status in the following settings:

- The promotion of various academic and other endeavors involving their work product (e.g., research, book publishing, class projects, tutoring, personal business, creative endeavors, media activities, private lessons).
- Participation in promotions and other endorsements (e.g., brand ambassador, commercials, appearances/autographs, modeling) provided payment is commensurate with the going rate, the institution is not involved in securing the promotion and these opportunities are not part of the recruiting process.

The Division III Interpretations and Legislation Committee acknowledged the continued need to refine these concepts, including potential monitoring/reporting.

The committee does not recommend any changes to permit the use of student-athlete status in crowdfunding. The concern was that crowdfunding does not represent "work product" and that sources of contributions to these fundraising efforts are difficult to monitor and could reflect "pay for participation." The committee agreed to continue to discuss this issue.

**Rationale:** The Board of Governors, upon recommendation of its Federal and State Legislation Working Group, directed the divisions to review the current legislative status regarding the use of student-athlete name, image and likeness, and pursue change based on the following three principles:

1. Payment to a student-athlete for use of their name, image or likeness should not be pay for athletics performance or participation; nor should the payment serve as an inducement to select a particular school.
2. Regulation of a student-athlete's name, image or likeness use should be transparent, narrowly tailored and enforceable, and it should facilitate the principle of fair competition among schools in a division, including the integrity of the recruiting process.
3. A student-athlete should be able to use their name, image or likeness similar to college students who are not student-athletes, unless there is a compelling reason to differentiate.

The committee balanced these principles against perceived concerns with granting greater flexibility. In addition to these principles, the committee reviewed input from the membership obtained during the Division III Issues Forum at the annual 2020 NCAA Convention, as well as from the Division III National Student-Athlete Advisory Committee. The concepts put forward reflect this deliberation.