



**REPORT OF THE NCAA DIVISION III OVERSIGHT GROUP
TO IMPLEMENT RECOMMENDATIONS OF FEDERAL AND STATE LEGISLATIVE
WORKING GROUP (NAME, IMAGE AND LIKENESS)
JULY 16, 2020, VIDEOCONFERENCE**

ACTION ITEM.

1. Legislative Item.

- **Divisional Proposed Legislative Concepts—Student-Athlete Name, Image and Likeness.**

- (1) Recommendation. That the Management and Presidents Council sponsor legislation that includes two legislative concepts for the 2021 NCAA Convention Division III Business Session:
 - a. Concept One – Allow student-athletes to use their status as athletes to promote their own work product or service.
 - b. Concept Two – Student-athletes may use their status as athletes to endorse third party products or services provided (1) There is no institutional involvement in procuring promotional opportunities for student-athletes (except to the extent the institution is involved with assisting students generally; (2) NIL opportunities are not part of the recruiting.
- (2) Effective date. August 1, 2021.
- (3) Rationale. The recommendations are consistent with the recommendations of the Board of Governors’ Federal and State Legislative Working Group and were supported in a June DIII online survey and related membership feedback.
- (4) Estimated budget impact. None.
- (5) Estimated student-athlete impact. None.

2. Nonlegislative items.

- **None.**

INFORMATIONAL ITEMS.

1. **Welcome.** President Tori Murden McClure welcomed the working group to the teleconference and reviewed the roster.

2. **Charge and Background Information.** The Oversight Group reviewed its charge and composition, as established by the Division III Administrative Committee.
3. **Interpretations and Legislation Committee Update.** Staff updated the Oversight Group with recent conversations regarding the June NIL survey results. Areas of concern for future discussion are around professional advisors, autographs and crowd funding. Additional education and clarification for members institutions will be addressed in the legislative Q & A.
4. **NIL Survey Executive Summary and Detailed Report.** The Oversight Group received a detailed summary of the NIL survey results on potential legislative concepts that would allow greater flexibility for a student-athlete to use their name, image and likeness to promote their own business activities and to endorse third-party products or services:

- Concept 1. Allow student-athletes to use their status as athletes to promote their own work product or service.
- Concept 2. Student-athletes may use their status as athletes to endorse third party products or services provided: (1) There is no institutional involvement in procuring promotional opportunities for student-athletes (except to the extent the institution is involved with assisting students generally); (2) NIL opportunities are not part of the recruiting process; and (3) Market rate is a tool to ensure compensation is not a substitute for pay-for-play.
- Additional topics. The group also reviewed feedback related to categories of promotion, use of institutional marks, compliance, and professional services.

Survey responses included presidents/chancellors, director of athletics, conference commissioners and national SAAC members. Overall, survey responses reflected significant support for the legislative concepts.

5. **Input from Federal and State Legislative Working Group (FSLWG) on NIL Issues.** The members of the FSLWG indicated their belief that the legislative concepts are consistent with the working group's recommendations. They encouraged the Oversight Group to continue its work in the specific areas noted above. Members noted a discrepancy between responses from SAAC and presidents regarding student-athlete endorsements for commercial products or services. President Cooper will engage the Presidents Council on this topic during its upcoming meeting and report out on the next videoconference.

6. Future Division III Meeting/Timetable.

- a. July 18-19 – Division III Student-Athlete Advisory Committee.
- b. July 20-21 – Division III Management Council.
- c. August 3– Division III Presidents Advisory Group.
- d. August 5 – Division III Presidents Council.

7. Other Business.

- None.

8. Adjournment. The meeting adjourned at 3:36 p.m. Eastern time.

Committee Chair: Tori Murden McClure, Spalding University, St. Louis Intercollegiate Athletic Conference

*Staff Liaisons: Dan Dutcher, Division III Governance
 Debbie Kresge, Division III Governance
 Louise McCleary, Division III Governance
 Jeff Myers, Academic and Membership Affairs
 Ali Spungen, Division III Governance*

NCAA Division III Oversight Working Group on NIL July 16, 2020, Teleconference
Attendees:
Heather Benning, Midwest Conference
Mary-Beth Cooper, Springfield College
Jackson Erdmann, Saint John’s University, student-athlete
Jason Fein, Bates College
Braly Keller, Nebraska Wesleyan University, SAAC
Angie Morenz, Blackburn College
Tori Murden McClure, Spalding University
Daryl Sims, University of Wisconsin-Oshkosh
Absent:
Angela Marin, University of Texas at Dallas
NCAA Staff Support in Attendance:
Dan Dutcher, Eric Hartung, Debbie Kresge, Louise McCleary, Jeff Myers, Ali Spungen and Jeremy Villanueva