



**REPORT OF THE NCAA DIVISION III OVERSIGHT GROUP
TO IMPLEMENT RECOMMENDATIONS OF FEDERAL AND STATE LEGISLATIVE
WORKING GROUP (NAME, IMAGE AND LIKENESS)
MAY 13, 2020, TELECONFERENCE**

ACTION ITEM.

- **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. **Association-wide Report.** The Oversight Group reviewed the final report from the Federal and State Legislation Working Group (FSLWG), which was endorsed by the Board of Governors. The Oversight Group noted the Board endorsed a timeline for each division to act so that legislative proposals are fully drafted not later than October 31, 2020; voted on not later than January 31, 2021; and effective not later than the start of the 2021-22 academic year.
4. **Input from the Federal and State Legislative Working Group Members.** The Oversight Group received an update from the FSLWG members regarding the recommendations of the report that need additional attention by the divisions.
 - a. Use of logos. Noted Division III may want to carve out space around the use of school logos and brands to allow for flexibility that is consistent with institutional policies.
 - b. Endorsements. Noted the governance structure should consider whether student-athletes should be precluded from endorsing a product that the university concludes is inconsistent with its values, or directly conflicts with products or services endorsed by the school.
 - c. Compliance and education. Agreed the division should consider the need to develop proper compliance and educational tools for college administrators and student-athletes, including services possibly provided by an independent third party.
5. **Name, Image and Likeness May 5 Webinar.** The Oversight Group reviewed PowerPoint slides from a May 5 webinar, which summarize the current legislative concepts endorsed by the Division III Interpretations and Legislation Committee (ILC), Student-Athlete Advisory Committee (SAAC), Management Council and Presidents Council. The two main concepts include Academic and Work Product, and Endorsements. The main theme is that student-athletes should be able to pursue the same opportunities available to other students in general.

6. **Interpretations and Legislation Committee Update.** The Oversight Group received an update from ILC noting the committee's continuing NIL discussions include the following four issues:
 - a. Trademarks. Student-athlete trademark and logo access should be consistent with the general student-body. What does that mean, in practice, for Division III? Student-athletes should have access or institutional marks the same as students in general do.
 - b. Inappropriate categories of promotion (e.g., tobacco, alcohol). ILC believes this is an institutional decision and did not feel there should be a specific list placed in the legislation.
 - c. Pre-enrollment. What NIL opportunities should be available to prospective student-athletes (PSAs) without affecting their subsequent Division III eligibility? ILC noted that PSAs should not be held to a higher than enrolled student-athletes.
 - d. Compliance and education. Additional discussion is necessary regarding how to best address the anticipated administrative and educational burden created for athletics staff and student-athletes by the implementation of this legislation.

7. **Divisional Comparison Chart.** Staff reviewed a comparison chart which reflects where each division currently is positioned regarding various NIL concepts. The working group noted that all divisions ultimately do not need to end up at exactly the same place; however, consistency is beneficial.

8. **Future Division III Meeting/Timetable.**
 - a. May 27/28 – NIL webinar on NADIII AA platform.
 - b. June 1 – Distribute NIL feedback form to presidents, ADs and commissioners.
 - c. June 19 – NIL webinar on Regional Rules Seminar platform, including feedback results.
 - d. July 18-19 – Division III Student-Athlete Advisory Committee.
 - e. July 20-21 – Division III Management Council.
 - f. August 3– Division III Presidents Advisory Group.
 - g. August 5 – Division III Presidents Council.

9. **Other Business.**
 - None.

10. Adjournment. The meeting was adjourned at 11:58 a.m.

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

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

NCAA Division III Oversight Working Group on NIL May 13, 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	
Angela Marin, University of Texas at Dallas	
Angie Morenz, Blackburn College	
Tori Murden McClure, Spalding University	
Daryl Sims, University of Wisconsin-Oshkosh	
Absentees:	
None.	
NCAA Staff Support in Attendance:	
Debbie Kresge, Louise McCleary, Jeff Myers, Ali Spungen and Jeremy Villanueva	