

NCAA Board of Governors Resolution on Name, Image and Likeness Postponement

On May 8, 2019, the NCAA Board of Governors approved the creation of an NCAA Federal and State Legislation Working Group to study whether the Association should work to develop a process whereby student-athletes could monetize name, image and likeness in a fashion that would be consistent with the NCAA's core values, mission and principles.

On October 29, 2019, the Board of Governors received and accepted a report of the Federal and State Legislation Working Group and voted to permit students participating in athletics the opportunity to benefit from the use of their name, image and/or likeness in a manner consistent with the values and beliefs of intercollegiate athletics. To effectuate this change, the Board of Governors directed each of the three divisions to immediately begin considering modification and modernization of relevant NCAA bylaws and rules in harmony with an agreed-upon set of principles and guidelines. Further, it directed that the divisions work to create new NCAA bylaws reflecting divisional priorities commencing immediately and concluding not later than January 2021.

On April 29, 2020, the Federal and State Legislation Working Group presented its final report to the Board of Governors, including its updated recommendations to allow student-athletes to receive compensation for activities related to name, image and likeness. The Board of Governors accepted the report and reinforced the importance of the divisions making significant progress on related rules changes consonant with the amended principles and guidelines and make those changes by January 2021, to be effective no later than the 2021-22 academic year.

WHEREAS all three divisions were charged with developing legislative proposals that would permit student-athletes to receive compensation for the use of their name, image and likeness.

WHEREAS all three divisions have developed legislative proposals that were ready to be voted on during the 2021 NCAA Convention.

WHEREAS in December 2020 and January 2021 a series of judicial, political and governmental enforcement events occurred that call into question moving forward at this time with the anticipated votes on changing name, image and likeness rules in each division.

WHEREAS the NCAA believes its legislative proposals are fully compliant with U.S. antitrust laws, taking time to better understand the landscape and specific concerns of regulators would be prudent prior to moving forward with voting on legislative proposals.

NOW THEREFORE BE IT RESOLVED that although each of the divisions was prepared to vote on the proposals in January 2021, given the current environment the Board of Governors believes it is responsible and prudent for the divisions to postpone votes until such time that the NCAA can gather additional relevant information about the potential impact of the various concerns at issue. The Board of Governors supports and agrees with the divisional positions to postpone votes until that additional due diligence is completed. Further, the Board of Governors reaffirms the Association's commitment to providing name, image and likeness opportunities to all its student-athletes at the first practicable opportunity; and nothing about postponement should be taken as a sign that the NCAA is retreating from its public positions and months of hard work to develop name, image and likeness opportunities for student-athletes in a manner consistent with the collegiate model of athletics, without pay for play and distinguished from professional sports models.