



NCAA Division I Update on the review of Name, Image and Likeness – December 2019

Agenda

- NCAA Division I Legislative Solutions Group and subgroups.
- Overview of current rules.
- Overview of current waivers.
- NCAA Division I Student-Athlete Advisory Committee efforts.
- Update on state and federal legislative and political landscape.
- Timing and process.

Federal and State Legislation Working Group

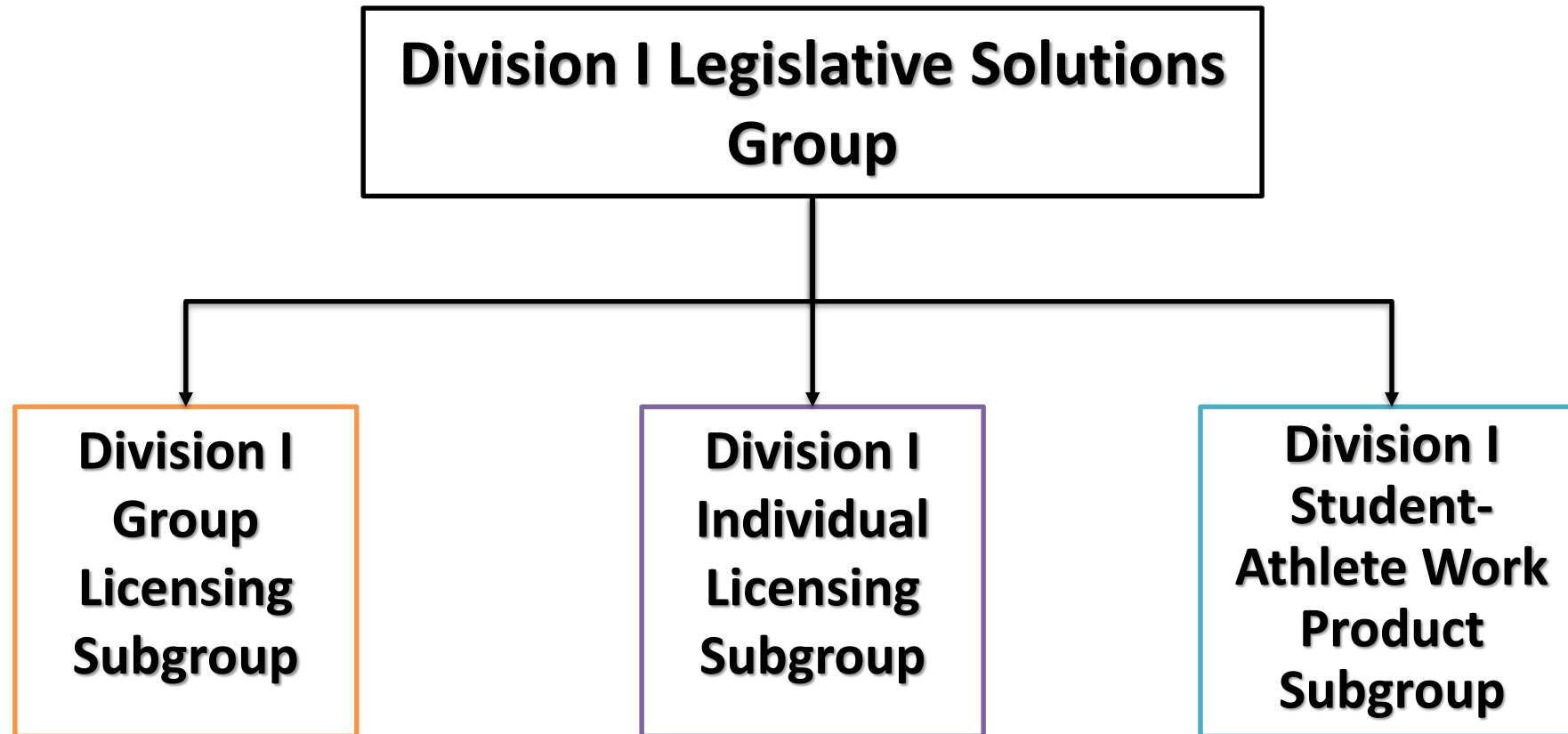
**NCAA Board of Governors Federal and
State Legislation Working Group**

**Division I Feedback
on Principles and
Regulatory
Framework**

**Division II Feedback
on Principles and
Regulatory
Framework**

**Division III Feedback
on Principles and
Regulatory
Framework**

Division I Legislative Solutions Group and Subgroups



Division I Legislative Solutions Group

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Overview of Current Rule – Pre-Enrollment

- Before enrolling at a Division I school and becoming a student-athlete, an athlete may use his or her name, image or likeness to promote or endorse commercial products or services; however, the athlete may not receive any compensation, other than expenses, to participate in these activities if he or she was chosen to participate based on athletics ability, participation or reputation.

Overview of Current Rule – Post-Enrollment

- In Division I, after enrollment, an athlete is not allowed to use his or her name, image or likeness to promote or endorse a commercial product or service, even if he or she is not paid to participate in the activities.
- This restriction also extends to an athlete creating his or her own business, regardless of whether the business is related to athletics.

Post-Enrollment – Exceptions to the Rule

- In Division I, after enrollment, an athlete may use his or her image and receive compensation (i.e., going rate) to continue participating in modeling and other nonathletically related promotional activities if those activities were initiated prior to collegiate enrollment, the athlete became involved for reasons independent of athletics ability, no reference is made to the athlete's name or involvement in intercollegiate athletics and the athlete does not endorse the commercial product.
- Additional exceptions include: (1) Institutional, charitable, educational or nonprofit promotions; (2) Media activities; (3) National Governing Body promotions; and (4) Camp and congratulatory advertisements.

Overview of Current Waivers

- Since 2015, over 200 legislative relief waivers have been submitted to the national office requesting relief to allow Division I student-athletes to use their name, image and likeness to promote a business or product. Approximately 98% of the waivers have been approved, provided certain conditions were met (e.g., the student-athlete became involved in the business for reasons unrelated to athletics; no reference made to the student-athlete's involvement in intercollegiate athletics).
- Waivers requesting relief to allow Division I student-athletes to promote an “athletically-related” business have not been approved.

Student-Athlete Advisory Committee

- Will lead the education of student-athletes.
- Creating a plan to prepare student-athletes to engage in providing ideas, solutions and feedback to Legislative Solutions Group.
- Will serve as spokespersons.

Current Legislative Landscape

- California: Senate Bill 206, also known as the Fair Pay to Play Act, signed into law September 30, 2019. The law prohibits the NCAA, conferences or California-based member schools from enforcing a rule that prevents a student-athlete from being compensated for the use of their name, image or likeness. The proposal also allows a student-athlete to engage an agent. The bill has an effective date of January 2023.
- Thirty-one additional states have introduced or are expected to introduce name, image and likeness-related legislation. The introduction and consideration of additional state legislative proposals is likely in 2020.
- The effective dates of the state bills vary – some are effective immediately upon enactment, whereas others follow the California legislation and are effective on January 1, 2023.
- On December 5, 2019, Senators Chris Murphy (D-CT) and Mitt Romney (R-UT) announced the creation of a Congressional working group. The group was developed to facilitate ongoing discussions about student-athlete compensation and related issues and includes Senators Marco Rubio (R-FL), David Perdue (R-GA) and Cory Booker (D-NJ).

Update on Federal and State Legislative Landscape

- Recent membership communications from NCAA government relations office.
- Institution president, chancellor and/or director of athletics might consider reaching out – in collaboration with your campus government relations office – to your respective legislative leaders in advance of the 2020 legislative sessions.
- Resources included in the communication included:
 - NIL Fact Sheet.
 - NIL Federal and State Legislative Landscape.
 - NIL State Legislation Comparative Chart.
 - 2020 State Legislative Session Calendar.
 - 2020 Congressional Legislative Calendar.
- Contact Government Relations staff at (202) 293-3050 or governmentrelations@ncaa.org.

Timing and Process

October 29, 2019.

Board of Governors directs divisions to create flexibility in name, image and likeness rules.

December 2019.

NCAA Division I Council Name, Image and Likeness Legislative Solutions Group appointed. Three topical areas identified:

- Student-Athlete Work Product;
- Individual Licensing; and
- Group Licensing.

January 2020.

Feedback opportunities on NCAA Board of Governors Federal and State Legislation Working Group principles and framework and general concepts during the NCAA Convention:

- Governance meetings;
- Conference meetings; and
- Division I delegate session.

Membership feedback opportunity: Division I conferences and affiliate professional organizations are invited to submit feedback on the FSLWG principles and framework from post-Convention through April 1.

February 2020.

Division I Legislative Solutions Group meeting.

March 2020.

Division I Legislative Solutions Group meeting.

April 2020.

Division I Legislative Solutions Group makes final recommendations on concepts.

Timing and Process

April 2020.

Division I governance committee meetings.

Membership feedback opportunity: Division I conferences and affiliate professional organizations are invited to submit feedback on Division I legislative concepts between April and July 15.

Spring 2020.

Feedback on initial recommendations from:

- Committees and councils in the Division I governance structure;
- Division I conferences;
- Associations/affiliated organizations;
- Student-athletes; and
- Membership at-large via webinars and conference meetings.

June 17-18, 2020.

Division I Council meeting.

August 2020.

NCAA Division I Board of Directors meeting.

October 6-7, 2020.

Division I Council makes final recommendations for introducing legislation.

November 1, 2020.

Legislative deadline for introduction of proposals.

January 13-16, 2021.

Anticipated vote on legislative solutions at the NCAA Convention.

What Can I Do?

- Familiarize yourself with principles and regulatory framework. [FSLWG Report](#)
 - Submit feedback to [FSLWG Portal](#).
- Be prepared to provide timely feedback. [Timeline](#)
- Regularly go to NCAA landing page for information. [Taking Action](#)
- Help inform and educate colleagues and public. [Q&A](#)
- Ask questions. NILQuestions@ncaa.org.



Questions



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