



## **Recent NCAA Board of Governors Actions on Name, Image and Likeness**

# Improve Benefits for Student-Athletes

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- Share how we support students.
- Continue to modernize rules.
- Make changes in rules or policies governing name, image and likeness as the potential next step.
- Maintain uniformity and fair national competition.
- Created NCAA Board of Governors Federal and State Legislation Working Group to address.

# Legislative Landscape

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- Federal.
  - One federal bill introduced.
  - Sixteen presidential candidates or members of Congress actively engaged on topic.
- State.
  - CA SB 206 passed into law; Effective 2023.
  - 22 additional states engaged.
    - Nine pre-filed legislation.
    - 13 expected to introduce legislation this cycle.

# Charge

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- Consider modifications to NCAA rules, policies and practices.
- Be mindful that NIL payments must not be compensation for athletics participation.
- Examine whether any modifications to allow for NIL payments would be achievable and enforceable without undermining the distinction between professional sports and collegiate sports.
- Keep in mind how student-athlete benefits could be tethered to educational expenses or incidental to participation.

The NCAA Board of Governors also requested the working group produce a set of Association-wide principles to provide each division guidance to a consistent approach on legislation.

# Members

- Val Ackerman, Big East Conference (co-chair)
- Jill Bodensteiner, Saint Joseph's University
- Bob Bowlsby, Big 12 Conference
- Don Bruce, University of Tennessee
- Rita Cheng, Northern Arizona University
- Mary Beth Cooper, Springfield College
- Lauren Cox,\* Baylor University
- John DeGioia, Georgetown University
- Jackson Erdmann,\* Saint John's University
- Rick George, University of Colorado
- Carolayne Henry, Mountain West Conference
- Glen Jones, Henderson State University
- Scott Larson, Lubbock Christian University
- Brandon Lee,\* University of Missouri
- Jacqie McWilliams, Central Intercollegiate Athletic Association
- Jere Morehead, University of Georgia
- Darryl Sims, University of Wisconsin – Oshkosh
- Gene Smith, The Ohio State University (co-Chair)
- Tim White, California State University System
- Carla Williams, University of Virginia

\*Student-athlete

# Process

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- Established May 14, 2019.
- Three in-person meetings and four teleconferences.
- Input from variety of stakeholders.
  - In-person testimony.
  - Invitation to submit input via online portal.
  - Conversations on campus.
- Outcome.
  - Six recommendations.
  - Three principles.
  - A regulatory framework.

# Recommendations

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1. Authorize change in policy and bylaws to permit name, image and likeness benefits consistent with NCAA values and principles as well as with legal precedent.
2. Reject any approach that would make student-athletes employees or use likeness as a substitute for compensation related to athletic participation and performance.
3. Reaffirm the integrity of the student-athlete recruitment process, which is unique to college sports. Changes to NCAA name, image and likeness rules should support this principle and not result in undue influence on a student's choice of college.

## Recommendations - continued

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4. Extend the timeframe of this working group through April 2020 to continue to gather feedback and work with the membership on the development and adoption of new NCAA legislation.
5. Endorse the regulatory framework described in this report as appropriate guardrails for future conversations and possible NCAA legislation.
6. Instruct NCAA leadership on engagement with state and federal lawmakers.



# Association-Wide Principles

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1. Payment to a student-athlete for use of his or her name, image or likeness should not be pay for athletic 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 his or her name, image or likeness similar to college students who are not student-athletes, unless there is a compelling reason to differentiate.

# Regulatory Framework

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**Benefits related to NIL are on a continuum.**

***At one end of the spectrum of activity:***

- Student-athletes should be permitted to use their name, image or likeness to promote their own work product or business, particularly when the work product or business is not related to athletics.  
Examples include:
  - Student-athlete uses NIL to promote his or her legitimate commercial activity (e.g., writing and publishing a book or charging a fee for a lesson).

# Regulatory Framework

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## *At the other end of the spectrum of activity:*

- The working group believes that the commercial value of a student-athlete's name, image or likeness may be derived largely through that student-athlete's association with his or her school and/or participation in NCAA athletics.
  - In many cases, allowing student-athletes to be paid for the right to use their name, image or likeness in these circumstances could be tantamount to allowing compensation for athletic participation.
  - Without mitigation, these activities would be inconsistent with the collegiate model.

# Board of Governors Actions

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The Board of Governors directs each of the three divisions to immediately begin considering modification and modernization of relevant NCAA bylaws and rules in harmony with the following principles and guidelines:

- Assure student-athletes are treated similarly to nonathlete students unless a compelling reason exists to differentiate.
- Maintain the priorities of education and the collegiate experience to provide opportunities for student-athlete success.
- Ensure rules are transparent, focused and enforceable and facilitate fair and balanced competition.

# Board of Governors Actions - continued

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- Make clear the distinction between collegiate and professional opportunities.
- Make clear that compensation for athletics performance or participation is impermissible.
- Reaffirm that student-athletes are students first and not employees of the university.
- Enhance principles of diversity, inclusion and gender equity.
- Protect the recruiting environment and prohibit inducements to select, remain at, or transfer to a specific institution.

# Next Steps

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- Informational and feedback sessions on Association-wide principles and regulatory framework.
  - NCAA Convention.
  - Other opportunities.
- Divisional updates to the Board of Governors.
  - January 2020.
  - April 2020.
  - August 2020.
- Federated approach to legislation.



# Division I Process and Timeline

# Division I Process

- NCAA Division I Council-led working group.
  - Combination of NCAA Division I Council Coordination Committee and Division I Federal and State Legislation Working Group members.
  - Will build legislative solutions between January and April. Additional work to occur between April and August.
- Timing.
  - Between now and Convention: Education will begin immediately. Additional webinar in December.
  - Session at Convention for Division I delegates on January 23 (1 to 2:30 p.m.).
  - Governance meetings during Convention.
  - Council working group will build foundation and develop concepts. Legislative solutions considered not later than January 2021.



# Division I Process

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- Legal.
  - Legal analysis will shape legislative solutions.
- Political.
  - Concurrent political efforts.

# Communications

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- National office actively engaged proactively and reactively.
  - Regularly educating and correcting the record with media.
  - National media opportunities.
  - Speaking engagements.
  - Working group periodic updates.
  - Upcoming opportunities at Convention and beyond.
- Member opportunities.
  - Actively engage with media that cover you to educate and correct the record.
  - Campus audience engagement (faculty/alumni/employees/trustees).
  - Share/push how your campus is supporting student-athletes.

# What Can I Do?

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- Familiarize yourself with principles and regulatory framework.
- Be prepared to provide timely feedback.
- Regularly go to NCAA landing page for information ([ncaa.org/NIL](https://ncaa.org/NIL)).
- Help inform and educate colleagues and public.
- Participate in future webinars.
- Ask questions.

# Key Takeaways

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- The NCAA continues to modernize its rules consistent with the collegiate model.
- The Board of Governors has authorized policy to allow the divisions to examine how to allow student-athletes to benefit from their name, image and likeness.
- The Board also indicated it will not support unrestricted NIL or pay for play.
- There is more work to be done and membership plays a key role.
  - Working group.
  - Divisional bodies.
  - Federal level.
- The NCAA is best positioned to provide a uniform and fair approach to name, image and likeness for all student-athletes across the nation.



# Questions



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