



DIVISION III

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Division III Issues Forum

Thursday, January 16, 2025



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**20
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Presenters

- Luke Schultheis, Associate Director, NCAA Office of Legal Affairs.
- Jeff Myers, Director, Academic and Membership Affairs.
- Jobrina Marques, Director, Academic and Membership Affairs.
- Mike Snyder, Director of Athletics and Recreation, Pacific Lutheran University.



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Name, Image and Likeness

Current Legal Environment and Name,
Image and Likeness



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Name, Image and Likeness

NCAA NIL Legislation



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NCAA Division III Article 22

Name, Image and Likeness Activities

Name, image and likeness activity is any activity that involves the commercial use of an individual's name, image or likeness to advertise or endorse the sale or use of a product or service. NIL compensation must:

- Include Quid Pro Quo.
- Not be contingent upon initial or continued enrollment.
- Not be in return for athletics participation or achievement.

Bylaw 22.02.1



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NIL Activity

Two primary resources developed by the Division III Interpretations and Legislation Committee and approved by the Division III Management Council:

- [October 2022 NIL Guidance \(Third party involvement\).](#)
- [April 2023 Guidance \(Institutional involvement in a student-athlete's NIL activities\).](#)



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Third Party Involvement

- [October 2022 NIL Guidance \(Third party involvement\)](#).
- A collective is typically a group of individuals or businesses that pool funds to help facilitate NIL deals for student-athletes at a particular institution.
- Collectives are boosters.
 - Promoted the institution's athletics program;
 - Made financial contributions;
 - Been asked or actively assisted in the recruitment of prospect students; or
 - Provided benefits to enrolled student-athletes.



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Third Party Involvement cont.

- A booster may:
 - Enter into an NIL agreement with a prospective or current student-athlete.
- A booster may not:
 - Make that agreement contingent on initial or continued enrollment.



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Institutional Involvement

- [April 2023 Guidance \(Institutional involvement in a student-athlete's NIL activities\).](#)
 - Education and monitoring.
 - Guidance on institutional support for a collective.
 - Guidance on institutional support for student-athlete's NIL activity.
 - Prohibition on negotiating, revenue sharing, and compensation.



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Involvement: Education

- The institution can hold educational sessions for:
 - Student-athletes;
 - Collectives;
 - Other boosters; and
 - Prospective student-athletes.
- The institution can complete required reporting.



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Involvement: Collectives

- Permissible:

- Institutions can:
 - > Assist in raising money.
 - > Connect donors with the collectives.
- Sponsorship Agreements.

- Impermissible:

- Institutional staff cannot:
 - > Be employed by or own a group providing NIL opportunities for student-athletes.
 - > Donate to the collective.
 - > Incentivize donors to fund a collective.



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Involvement: Student-Athlete Support

- **Permissible:**

- Administer a marketplace.
- Provide contact information or connect student-athletes with collectives and others seeking to engage student-athletes.
- Promote student-athlete's NIL activities (e.g., retweeting).
- Purchase items related to a student-athlete's NIL deal.

- **Impermissible:**

- Negotiate for the student-athlete.
- Allow student-athletes to promote their NIL activities during required athletically related activity.
- Provide assistance, services or access beyond what is available to all students for NIL activities.



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Division I and II Institutional Involvement

An institution (Division I and II) may provide assistance and services to currently enrolled student-athletes pursuing NIL opportunities, provided:

- Institutions do not compensate students for use of their NIL.
- Students maintain independent authority over the NIL agreement.
- Students are not required to accept institutional assistance or services.

NCAA Div. I Bylaw 22.1.1
NCAA Div. II Bylaw 14.1.5.3



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Name, Image and Likeness

NIL Assist and other NIL resources



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Background

- NCAA NIL policy adopted July 1, 2021.
- NIL legislation adopted in all 3 divisions.
- With the new opportunity, student-athletes requested more transparency and education related to name, image and likeness.
- NCAA, in partnership with Teamworks, developed NCAA NIL Assist.
 - Mobile-friendly, web-based platform connects student-athletes with service providers, delivers education, and provides insight into evolving NIL trends.



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NCAA NIL Assist – 3 Pillars

- Professional Service Provider Registry
 - Directory of information about NIL service providers (name, contact information, experience, credentials).
 - Ratings and reviews from student athletes.
 - App-based.
- NIL Data Dashboard
 - Provides average and median data about reported NIL deals.
 - Additional transparency to the NIL environment.
- Comprehensive Education
 - Industry leaders provide education.
 - Topics include tax implications, contractual obligations, intellectual property, social media engagement etc., by a variety of mediums such as modules, webinars, podcasts, etc.



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NCAA NIL Assist

<https://nilassist.ncaa.org>



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NIL information on
NCAA.org

Name, Image, Likeness -
NCAA.org



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Name, Image and Likeness

Table Discussion



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Table Discussion

- What types of NIL opportunities are your student-athletes being offered and how are you planning to manage those opportunities?
- What issues are you encountering with NIL on your campus?
- What role should DIII institutions have with their student-athletes' NIL?

Countdown timer – 20 minutes



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Open Dialogue



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Thank You



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