

# **Name, Image and Likeness Update**

**Jill Bodensteiner (Saint Joseph's University)  
Cari Van Sensus (NCAA)**

**July 16, 2020**

# **Name, Image and Likeness (NIL) 101**

# Federal Level

---

- Bipartisan interest in from Senators and Representatives.
- Fairness in Collegiate Athletics Act – Sen. Rubio (R-FL).
- Senate Commerce Committee hearing.
  - Featured Dr. Michael Drake, Greg Sankey, Keith Carter, Dionne Koller and Eric Winston.
  - Chairman Wicker is expected to develop NIL-related legislation.
- Anticipated legislation from Rep. Gonzalez (R-OH).

# State Level

---

- Three states have passed NIL legislation (CA, CO, FL).
  - Legislation prohibits schools, conferences or NCAA from preventing student-athletes from being compensated for use of NIL.
  - CA and CO take effect January 2023.
  - FL takes effect July 2021 – more restrictive provisions.
- Thirty-three additional states have introduced NIL legislation.
  - Seven bills have passed the first chamber.

# Federal and State Legislation Working Group 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

\*Student-athlete

- 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



# FSLWG Recommended Principles and Board Actions

---

- Assure student-athletes are treated similarly to non-athlete 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.
- 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.

# Categories of NIL

---

## NIL Activities Without Institutional Involvement

```
graph TD; A[NIL Activities Without Institutional Involvement] --> B[Student-Athlete Athletically and Nonathletically Related Business Activities]; A --> C[Third Party Promotional Activities (includes commercial and charitable endorsements)];
```

### Student-Athlete Athletically and Nonathletically Related Business Activities

- Fee for lessons and camps and clinics.
- Promotion of a student-athlete's athletically or nonathletically related business activities.
- Sale of memorabilia owned by the student-athlete.
- Autographs.

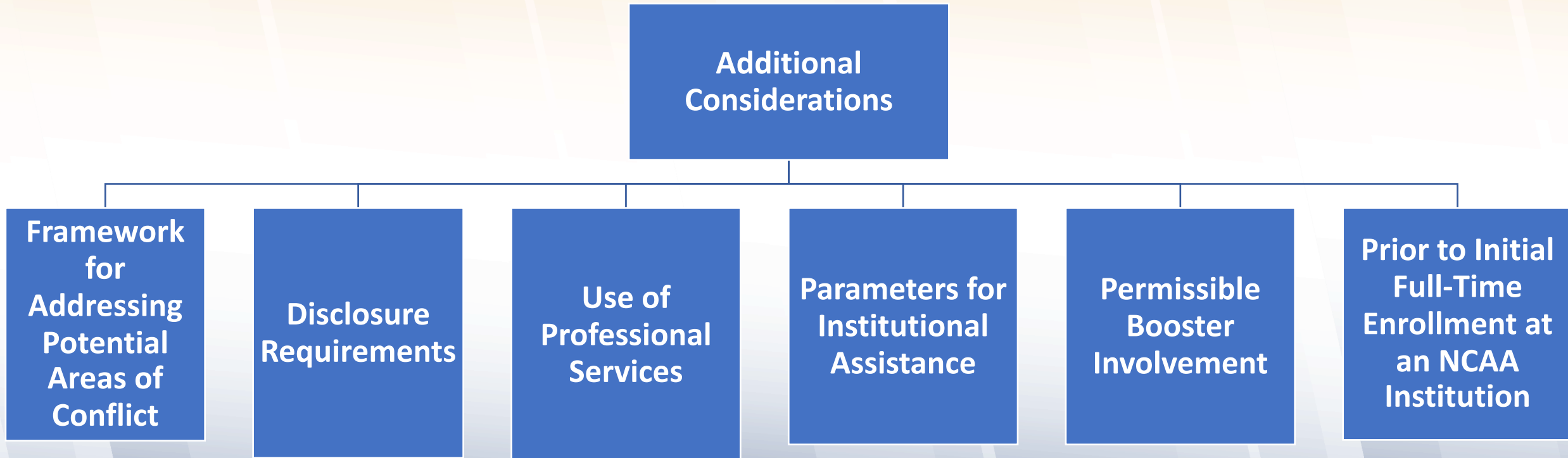
### Third Party Promotional Activities (includes commercial and charitable endorsements)

- Includes compensation for endorsement of a commercial and/or charitable, educational or nonprofit entity.
- Institutions may not be involved in securing the arrangement for a student-athlete.
- No institutional marks may be used.
- Modeling noninstitutional athletics and nonathletics apparel.
- Endorsement of a commercial product or service.
- Personal appearances.



# Additional Considerations

---





# Social Media Example

## There's money to be made for college athletes

Selected student-athletes by potential annual earnings under rules allowing profiting from name, image and likeness branding

ATHLETE, SCHOOL	SPORT	TWITTER/INSTAGRAM		POTENTIAL EARNINGS
		TOTAL FOLLOWERS	POST VALUE	
Paige Bueckers, UConn*	WBB	502,512	\$20,962	\$670,783
Trevor Lawrence, Clemson	CFB	578,027	11,371	454,855
Justin Fields, Ohio St.	CFB	525,058	12,721	407,087
Haley Cruse, Oregon	SOF	290,150	4,210	117,891
Anthony Edwards, Georgia	MBB	192,763	3,865	92,749
Obi Toppin, Dayton	MBB	70,102	1,589	50,832
Spencer Lee, Iowa	WRE	122,422	1,645	26,316
Dana Rettke, Wisconsin	VOL	25,475	438	12,251
Austin Martin, Vanderbilt	CBB	32,264	519	10,372
Rhyne Howard, Kentucky	WBB	12,439	268	6,441
Kendyl Lindaman, Florida	SOF	9,719	164	3,282
Yossiana Pressley, Baylor	VOL	9,550	158	3,165
Patrick Glory, Princeton	WRE	12,560	211	2,533
Spencer Torkelson, ASU	CBB	8,501	155	2,478
Catarina Macario, Stanford	WSOC	11,341	117	2,332
David Egbo, Akron	MSOC	1,923	41	495
Giovanni MontesDeOca, UNC	MSOC	1,200	30	355
Mikayla Colohan, BYU	WSOC	2,629	22	267

Source: Josh Planos, *How Much Money Could Student-Athletes Make as Social Media Influencers?*, FiveThirtyEight (May 15, 2020)

# **NCAA Divisional Processes and Timelines**

# **Tips for Coaches**

## **Q&A**