Name, Image and Likeness Update

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Cari Van Senus (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.
  o Featured Dr. Michael Drake, Greg Sankey, Keith Carter, Dionne Koller and Eric Winston.
  o 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

- 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
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

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

- Framework for Addressing Potential Areas of Conflict
- Disclosure Requirements
- Use of Professional Services
- Parameters for Institutional Assistance
- Permissible Booster Involvement
- Prior to Initial Full-Time Enrollment at an NCAA Institution
# 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

<table>
<thead>
<tr>
<th>ATHLETE, SCHOOL</th>
<th>SPORT</th>
<th>TWITTER/INSTAGRAM</th>
<th>TOTAL FOLLOWERS</th>
<th>POST VALUE</th>
<th>POTENTIAL EARNINGS</th>
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<tbody>
<tr>
<td>Paige Bueckers, UConn*</td>
<td>WBB</td>
<td></td>
<td>502,512</td>
<td>$20,982</td>
<td>$670,783</td>
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<tr>
<td>Trevor Lawrence, Clemson</td>
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<td>525,058</td>
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<td>Haley Cruse, Oregon</td>
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<td>290,150</td>
<td>4,210</td>
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<tr>
<td>Anthony Edwards, Georgia</td>
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<td>192,783</td>
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<td>92,749</td>
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<tr>
<td>Obi Toppin, Dayton</td>
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<td>70,102</td>
<td>1,589</td>
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<tr>
<td>Spencer Lee, Iowa</td>
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<td>122,422</td>
<td>1,645</td>
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<tr>
<td>Dana Rettke, Wisconsin</td>
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<td>25,475</td>
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<td>Catarina Macario, Stanford</td>
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<td>2,629</td>
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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