



# **Update on Work of the NCAA Division I Council Working Group on Name, Image and Likeness**

## **Timeline for NCAA Division II to Review and Discuss Proposals Developed by NCAA Division I**

# NCAA Division I - Background



- NCAA Division I Board of Directors charged the NCAA Division I Council Working Group on Name, Image and Likeness (NIL) with developing name, image and likeness proposals intended to improve the NIL environment for student-athletes.
- On behalf of the working group, the Student-Athlete Protections Subgroup developed a set of proposals in the following areas:
  1. Voluntary registration process for professional service providers;
  2. Disclosure requirements surrounding NIL activities;
  3. Recommended contract terms between student-athletes and NIL entities; and
  4. Education to student-athletes and other involved individuals.
- Focused on providing resources to help student-athletes make informed decisions, not control decisions or impact NIL opportunities.
- Reviewed draft federal framework and attempted to align recommendations, where possible, and noted that congressional action and/or state laws could help regulate the environment.

# NCAA Division I - Background



- Recommendations are the first step in creating protections for student-athletes and should be regularly monitored to ensure needs are met.
- NCAA Division I Council introduced proposals in October with a vote anticipated in January 2024. Seeking feedback from the Division I membership through its conference structure.
- If adopted, national office team is actively working to ensure technology is functional by spring/summer 2024.



**For the NCAA Division I concepts noted on the upcoming slides, select NCAA Division II groups are asked to consider whether any of these elements should be considered for NCAA Division II.**



# **NCAA Division I Concepts - Student-Athlete Protections Proposals**

# NCAA Division I - Registration of Service Providers



- NCAA Division I to establish a voluntary registration process for NIL professional service providers (e.g., agents, financial advisors).
- Required and recommended information as part of registry:
  - Required information - Business name, contact information, educational background, experience, description of services, fee structure (e.g., fee ranges).
  - Recommended – Background check, client references, credentials, state where registered (if applicable), professional liability insurance, agreement to include standard elements of a contract.
- Exploration of a student-athlete ratings system of service provider.
- Dispute resolution system (e.g., student-athlete grievance hotline).





# NCAA Division I - Disclosure and Transparency

- Establish mandatory student-athlete disclosure\* no later than 30 days after entering or signing an agreement.
- Applies to all NIL agreements, including those with collectives, which provide more than \$600.
- Institutions must report disclosed information in a de-identified aggregate data set to the NCAA (or its designee) at least twice per year.





# Disclosure and Transparency (cont.)

- Institutions required to determine mechanics of disclosure process on campus.
  - Institutions must withhold student-athletes from all athletics activities until requisite information is disclosed.
  - Institutions accountable through NCAA infractions process only when clear disregard for its stated policies.
- \* Recognition that several state laws currently require disclosure to the institution.







# NCAA Division I Standardized Contract Terms

- NCAA to establish recommended contract terms for use in NIL agreements.
- NCAA to provide robust education on contractual obligations, including a contract template and contract terms.
- Service providers participating in registration process can commit to using these contractual best practices.







# NCAA Division I Education

- NCAA national office to manage a comprehensive NIL educational plan.
- NCAA education initiative meant to compliment local NIL educational efforts as required by new NCAA Division I “holistic model.”



# NCAA Division I – Next Steps



- NCAA Division I Council Working Group on Name, Image and Likeness will continue its discussions.
  - NIL-related recruiting concerns; and
  - Institution's role in student-athlete NIL activities.
- Provide an update to the NCAA Division I Council at their January 2024 meeting.

# NCAA Division II – Next Steps



- Between now and November, select NCAA Division II committees (e.g., NCAA Division II Student –Athlete Advisory Committee) and external affiliate groups (e.g., Division II CCACA) will provide feedback.
- NCAA Division II Legislation Committee will review the feedback at their November 29-30, 2023, in-person meeting.
- Update provided to the NCAA Division II Presidents Council and NCAA Division II Management Council at their January 2024, in-person meetings.



