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Board of Governors starts process to enhance name, image and likeness opportunities

Each NCAA division directed to immediately consider modernization of bylaws and policies

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In the Association's continuing efforts to support college athletes, the NCAA's top governing board voted unanimously to permit students participating in athletics the opportunity to benefit from the use of their name, image and likeness in a manner consistent with the collegiate model.

The Board of Governors' action directs each of the NCAA's three divisions to immediately consider updates to relevant bylaws and policies for the 21st century, said Michael V. Drake, chair of the board and president of The Ohio State University.

"We must embrace change to provide the best possible experience for college athletes," Drake said. "Additional flexibility in this area can and must continue to support college sports as a part of higher education. This modernization for the future is a natural extension of the numerous steps NCAA members have taken in recent years to improve support for student-athletes, including full cost of attendance and guaranteed scholarships."

Specifically, the board said modernization should occur within the following principles and guidelines:

- 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.

The board's action was based on comprehensive recommendations from the NCAA Board of Governors Federal and State Legislation Working Group, which includes presidents, commissioners, athletics directors, administrators and student-athletes. The group gathered input over the past several months from numerous stakeholders, including current and former student-athletes, coaches, presidents, faculty and commissioners across all three divisions. The board also directed continued and productive engagement with legislators.

The working group will continue to gather feedback through April on how best to respond to the state and federal legislative environment and to refine its recommendations on the principles and regulatory framework. The board asked each division to create any new rules beginning immediately, but no later than January 2021.

"As a national governing body, the NCAA is uniquely positioned to modify its rules to ensure fairness and a level playing field for student-athletes," NCAA President Mark Emmert said. "The board's action today creates a path to enhance opportunities for student-athletes while ensuring they compete against students and not professionals."

Questions and Answers on Name, Image and Likeness

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Why didn't the NCAA take immediate action on name, image and likeness rules?

The Board of Governors took a very important step forward at its meeting Oct. 29 by modernizing NCAA policy. It further directed all 1,100 members to create a structure for future name, image and likeness opportunities for student-athletes that is consistent with the college environment in each NCAA division.

Now that the NCAA Board of Governors Federal and State Legislation Working Group has provided its report to the board, what happens next?

Member schools in each division will continue to examine the issue, provide feedback to the working group and prepare for future rules changes. The working group is expected to provide updated recommendations to the Board of Governors in April.

Why was a working group formed to review this issue?

As a voluntary member-led organization with 1,100 schools in three divisions, the NCAA develops rules that create fairness and a level playing field for campuses in all 50 states, plus Canada and Puerto Rico. To represent the diversity of the NCAA membership, the working group comprised presidents, athletics directors, commissioners, faculty and student-athletes from all three divisions.

Why didn't the NCAA address this issue before now?

NCAA members continually strive to improve the student-athlete experience, including paying thorough attention to the changing environment of the student body and within higher education. After improving academic support, providing cost of attendance, guaranteeing scholarships and strengthening health and safety, among many changes, the NCAA membership

determined that exploring this issue was an important step to support student-athletes within the context of higher education. NCAA leadership also determined that the membership must come together to respond to federal and state legislative proposals that would be harmful to a national, uniform college athletics model.

Was the Olympic model considered and, if it was rejected, why?

The working group reviewed extensive feedback and challenges and opportunities related to name, image and likeness benefits. It reviewed the Olympic model, which provides specific opportunities for athletes to secure endorsements and to accept money for athletic performance, in order to pay for training and coaching and to further their athletic careers. Although many Olympians are or were NCAA student-athletes, many other Olympians have chosen to professionalize and to compete as professionals. The recommendation from the working group, and the direction from the Board of Governors, is for NCAA members to consider future name, image and likeness opportunities for student-athletes consistent with the values of college sports within higher education. Elements of the Olympic model that are consistent with the college environment may be incorporated.

Why doesn't the working group report mention specific name, image and likeness elements, such as autographs or jerseys?

More discussion and examination by all three NCAA divisions is needed before deciding on specific approaches to future name, image and likeness opportunities for student-athletes.

The working group says more feedback is needed. Didn't it already collect feedback?

The working group collected extensive input over several months. But with three divisions, 1,100 member campuses and nearly 500,000 student-athletes, the issues are complex and challenging. Continued dialogue is necessary to determine the proper scope and implementation methods to include in additional recommendations.

Are the three NCAA divisions going to develop separate approaches (versus one NCAA approach for all student-athletes)?

There are many examples now where each NCAA division has differences in rules, including areas such as recruiting, financial aid, and playing and practice seasons. As a fundamental framework of the Association, member schools choose the division in which they compete and agree to follow the rules within that division. All three divisions will implement change consistent with the principles within the NCAA constitution and articulated by the Board of Governors. The working group provided overarching principles and framework that define Association-wide policy within this space.

How does the uniqueness of the college sports recruiting environment affect this issue?

Recruiting is one of the key principles that sets apart the college student model of sports from professional sports. Changes to name, image and likeness rules for student-athletes should support the integrity of the recruiting environment and not result in any undue influence on a student's choice of where to attend college.

Why does the NCAA oppose newly enacted California Senate Bill 206 and other potential state or federal legislation on name, image and likeness of college athletes?

It is critical that college sports are regulated at a national level. This ensures the uniformity of rules and a level playing field for student-athletes. The California law and other proposed measures ultimately would lead to pay for play and turn college athletes into employees. This directly contradicts the mission of college sports within higher education — that student-athletes are students first and choose to play a sport they love against other students while earning a degree.

The NCAA said newly enacted California SB 206 may be unconstitutional. Is the NCAA challenging it in court?

The action taken by California likely is unconstitutional, and the actions proposed by other states make clear the harmful impact of disparate sets of state laws. The NCAA is closely monitoring the approaches taken by state governments and the U.S. Congress and is considering all potential next steps.