

# **Senate Bill 206 (Skinner-D, 2019) Statutory Community College Athlete Name, Image, and Likeness Working Group Public Hearing Agenda**

Tuesday, November 10, 2020  
10:00 a.m. to 3:00 p.m.\*

## **Zoom Virtual Meeting:**

<https://cccconfer.zoom.us/j/97282347729?pwd=aHRGK1B6SStaNWtHQzI2Q3FQMkR3QT09>

(669) 900-6833 | **Webinar ID:** 972 8234 7729

**Webinar Passcode:** 208980

Captions are provided during the webinar

\*All times are approximate and subject to change

Order of items is subject to change

## **ORDER OF AGENDA**

### **Standing Orders of Business**

- Roll Call
- Introductions

### **Consent Calendar**

#### **Item 1.1: October 20, 2020, SB 206 Working Group Minutes (Dr. LeBaron Woodyard)**

This item presents the October 20, 2020 SB 206 Working Group public hearing minutes for review and approval by the SB 206 Working Group.

#### **Item 1.2: October 22, 2020, SB 206 Working Group Minutes (Dr. LeBaron Woodyard)**

This item presents the October 22, 2020 SB 206 Working Group public hearing minutes for review and approval by the SB 206 Working Group.

### **Information and Reports**

#### **Item 2.1: Hearing 3, Session 1 – Issues Associated with Compliance and Oversight of Name, Image, and Likeness Activities in College Athletics (Anita Moorman and Dr. Adam Cocco)**

This item provides the SB 206 Working Group with presentations from panelists who are legal and policy experts on the topic of compliance implications associated with name,

image, and likeness (NIL) compensation for community college athletes. It will also provide a facilitated panel discussion and an opportunity for members of the SB 206 Working Group to ask questions of the panelists. The panelists for this item are as follows:

- Mr. Matt Banker – Associate Athletic Director for Compliance, University of Louisville Athletics
- Dr. Daniel Rascher – Director of Academic Programs, Sport Management, University of San Francisco/Founder & President, SportsEconomics, LLC
- Dr. Ellen Staurowsky – Professor of Sports Media, Roy H. Park School of Communication, Ithaca College

### **Item 2.2: Hearing 3, Session 2 – Name, Image, and Likeness Policy Development Efforts of National and Regional Governing Bodies for College Athletics (Anita Moorman and Dr. Adam Cocco)**

This item provides the SB 206 Working Group with presentations from panelists who are leaders and practitioners in college athletics on the topic of policy development and implementation for name, image, and likeness (NIL) association rules for college athletes. It will also provide a facilitated panel discussion and an opportunity for members of the SB 206 Working Group to ask questions of the panelists. The panelists for this item are as follows:

- Mr. Jim Carr – President/CEO, National Association of Intercollegiate Athletics
- Mr. Jay Jones – Commissioner, Heartland Collegiate Athletic Conference
- Mr. Jeff White – Vice President of Legal, Diversity, IT & Resources, National Junior College Athletic Association

### **Item 2.3: Hearing 3, Session 3 – Public Testimony on Name, Image, and Likeness**

This item provides the public an opportunity to present testimony to the SB 206 Working Group about their perspective on California Community College athlete compensation for their name, image, and likeness. Members of the public may interact with the SB 206 Working Group via one of three methods: verbally by raising their hand and being recognized, entering their comment into the Q&A function of the webinar platform, or sending an email to [SB206@cccco.edu](mailto:SB206@cccco.edu). Written comments will be read by a Chancellor's Office staff member. All comments either verbal or written are limited to 3 minutes.

## **Action**

### **New Business**

#### **Item 3.1: Agenda Items for Future Meetings (Dr. LeBaron Woodyard)**

This item provides members of the SB 206 Working Group an opportunity to request specific agenda items for a future meeting.

## Public Forum

Members of the public wishing to comment on specific items or matters not on the agenda during the Public Forum may do so using one of the following methods.

- A.** Once the Public Forum is open, you may use the Raise Hand feature on the Zoom platform to make a verbal public comment to the Working Group. A Chancellor's Office employee will announce your name and grant you the ability to speak to the Working Group. At that time, you are requested to unmute your microphone, identify yourself and the item you wish to comment on, and present your public comment.
- B.** You may submit your comment using the Question and Answer (Q&A) feature on the Zoom platform. You can identify yourself based on the name you used to join the webinar or you may select the "Send Anonymously" option in the Q&A form if you wish to remain anonymous. A Chancellor's Office employee will read your comment to the Working Group.
- C.** You may submit your comment by email to [SB206@cccco.edu](mailto:SB206@cccco.edu). In the email subject line, specify the item number you wish to comment on or indicate "Public Forum" for items not on the agenda. You may identify yourself or specify that you wish to remain anonymous at the top of your email. A Chancellor's Office employee will read your comment to the Working Group.

Written public comments are accepted until the conclusion of the agenda item. Regardless of the method of comment, all comments will be limited to three minutes.

## Adjournment

Persons requesting reasonable accommodations should notify [SB206@cccco.edu](mailto:SB206@cccco.edu) no less than five working days prior to the meeting.

# **OCTOBER 20, 2020 SENATE BILL 206 STATUTORY COMMUNITY COLLEGE ATHLETE NAME, IMAGE, AND LIKENESS (NIL) WORKING GROUP PUBLIC HEARING AGENDA MINUTES**

## **Standing Orders of Business**

- Call to order. Dr. LeBaron Woodyard called the meeting to order at 10:02am.
- Roll call. The following committee members were present on Tuesday, October 20, 2020: Susan Armenta, Jennifer Cardone, Taylor DeBenedictis, Rob Dewar, Dr. Erika Endrijonas, Brian Harper, Joycie Kaliangara, Juliana Garcia Man, Randy Totorp, and Dr. LeBaron Woodyard.

The following committee members were absent during roll call: Hayley Hodson and Genaro Trejo.

- Introductions. Dr. LeBaron Woodyard indicated he would introduce guest speakers at the time they present.

## **Consent Calendar**

### **Item 1.1: September 24, 2020, SB 206 Working Group Minutes (Dr. LeBaron Woodyard)**

Dr. Woodyard presented the September 24, 2020 SB 206 Working Group meeting minutes for review and approval by the SB 206 Working Group.

Dr. Erika Endrijonas moved to approve Item 1.1: September 24, 2020, SB 206 Working Group Minutes; Jennifer Cardone seconded the motion. The motion passed with a vote of 11-0 (Hayley Hodson and Genaro Trejo were absent during the vote).

Called for public comment. No public comments were received.

Dr. LeBaron Woodyard renumbered item 4.1 to item 3.1 and requested a motion to hear Public Forum following Item 2.2 and again following Item 3.1.

Motion made to renumber items and reorder public forum

Dr. Erika Endrijonas moved the motion; Rob Dewar seconded the motion. The motion carried.

### **Item 2.1: Hearing 1, Session 1 – Name, Image, and Likeness-Based Marketing and Business Opportunities for Community College Athletes (Anita Moorman and Dr. Adam Cocco)**

Anita Moorman reminded everyone that our presenters will be speaking about the monetarization of name, image, and likeness (NIL), and also presented Athletic Associations Policy updates from the National Association of Intercollegiate Athletics (NAIA) and National Collegiate Athletic Association (NCAA) pertaining to NIL.

Dr. Woodyard stated that questions from the SB 206 Working Group, after each presentation, should be indicated by inserting two question marks in the chat box, addressed to “panelist and all attendees”.

Ms. Kristi Dosh – Attorney, Journalist, Sports Business Analyst, SportsBizMiss Enterprises, LLC. Ms. Dosh is a sports business analyst, and expert on licensing, group licensing, and influencer business opportunities for college athletes.

Mr. Blake Lawrence – Co-Founder/CEO, Opendorse. As a football player for the University of Nebraska Mr. Lawrence wasn’t able to play after his first year due to injury. He reinvented his expertise and now runs a company that allows student athletes early in their short careers to amortize their athletic skills by building an audience to follow the student athlete. They build on their popularity to increase future opportunities outside of playing college sports.

Ms. Krystal Beachum – Founder, Student Athletes Unite. Ms. Beachum, a former athlete, believes that an athlete should be able to be paid for their NIL. She has created a workshop that teaches students how to start up their own business that will allow them to use their talents to make money, and transition their life after sports in college.

Called for public comment. No public comments were received.

## Information and Reports

### **Item 2.2: Hearing 1, Session 2 – Legal Issues Associated with Maintaining Restrictions on Name, Image, and Likeness Compensation for Community College Athletes (Anita Moorman and Dr. Adam Cocco)**

Anita Moorman introduced the afternoon presenters as expert witnesses on the topic of legal issues associated with name, image, and likeness (NIL) compensation for community college athletes.

Prof. Marc Edelman – Attorney and Sport Law Professor, Zicklin School of Business, Baruch College. Mr. Edelman holds four degrees; a Bachelor's in Economics from the Wharton School of Business at the University of Pennsylvania, a Master's degree in Sports Management from the University of Michigan, a Master's in Higher Education Administration from Baruch College, and a law degree from the University of Michigan Law School. His presentation covered past court cases pertaining to free market use of likeness,

name, and image and related them to the current legal landscape regarding NIL for college students, and in particular California community college student athletes.

Prof. Alicia Jessop – Associate Professor and Sport Law Attorney, Pepperdine University, and Journalist. Ms. Jessop has been in the sports law industry for ten years. While interacting with well-known sports persons she realized there was a disparity in compensation for college athletes. SB 206 is a great opportunity for California community colleges support their student athletes.

Mr. Ramogi Huma – Executive Director, National College Players Association. Mr. Huma is an advocate for college athletes, and his non-profit agency co-sponsored SB 206. The agency, in working for student athletic rights advocates, believe it is unfair to exclude only college athletes from the ability to monetarize their name, image and likeness, while all other students on a college campus are allowed to promote themselves, and make money for themselves using their NIL, while a full time, subsidized student.

Called for public comment. No public comments were received.

Discussion about future Public Hearings on October 22, 2020, as well as November 10<sup>th</sup> and 12<sup>th</sup> Public Hearings. Anita Moorman gave overview of next presenters for future Public Hearings.

Called for public comment. No public comments were received.

## **Action**

### **New Business**

#### **Item 4.1 Agenda Items (Changed to 3.1) for Future Meetings (Dr. LeBaron Woodyard)**

Order of Agenda-Dr. LeBaron Woodyard renumbered item 4.1 to item 3.1 and requested a motion to hear Public Forum following Item 2.2 and again following Item 3.1.

Motion made to renumber items and reorder public forum

Dr. Erika Endrijonas moved the motion; Rob Dewar seconded the motion. The motion carried.

Dr. Erika Endrijonas asked if the committee would receive a template for constructing their recommendations. Dr. Woodyard informed the committee that the contractors we've secured will assist in this effort.

No future agenda items were requested.

Called for public comment. No public comments were received.

## **Public Forum**

No general public comments were received.

## **Adjournment**

Dr. Erika Endrijonas moved to adjourn the meeting; Jennifer Cardone seconded the motion. The motion passed with a vote of 9 members (4 members not present). The meeting adjourned Tuesday October 20, 2020 at 2:45 pm.

## **Documents**

The following documents were provided at the meeting and were not included in the published agenda. These documents are available to members of the public upon request by emailing [SB206@cccco.edu](mailto:SB206@cccco.edu).

- Meeting Norms Outcomes (PDF)
- Legislative Updates (PDF)
- Athletic Association Policy Updates (PDF)
- NIL Market Analysis Update (PDF)
- Group Agreements Presentation (PDF)
- Issue Exploration and Analysis (PDF)

# **OCTOBER 22, 2020 SENATE BILL 206 STATUTORY COMMUNITY COLLEGE ATHLETE NAME, IMAGE, AND LIKENESS WORKING GROUP PUBLIC HEARING AGENDA MINUTES**

## **Standing Order of Business**

- Call to order. Dr. LeBaron Woodyard called the meeting to order at 10:01am.
- Roll call. The following committee members were present on Thursday, October 22, 2020: Susan Armenta, Jennifer Cardone, Taylor DeBenedictis, Rob Dewar, Dr. Erika Endrijonas, Brian Harper, Joycie Kaliangara, Stephen Kudor, Juliana Garcia Man, Randy Totorp, Genaro Trejo, and Dr. LeBaron Woodyard. Twelve committee members present. One absent during roll call: Hayley Hodson
- Introductions. Dr. LeBaron Woodyard indicated he would introduce guest speakers at the time they present.

## **Consent Calendar**

No consent calendar items. No minutes from Oct 20, 2020 Public Hearing. The minutes will be presented at November 10, 2020 Public Hearings.

## **Information and Reports**

### **ITEM 2.1: HEARING 2, SESSION 1 – ADMINISTRATIVE AND OPERATIONAL ISSUES FOR ATHLETIC ADMINISTRATORS AT CALIFORNIA COMMUNITY COLLEGES (ANITA MOORMAN AND DR. ADAM COCCO)**

Dr. Woodyard announced that these presenters were experts in their field and are currently or in the past, part of our California Community College system, or have worked closely with California Community Colleges.

Anita Moorman presented updates pertaining to Name, Image, and Likeness (NIL) – National College Association (NCAA) Policies and ongoing legal cases.

Dr. Christine Worsley – Dean of Kinesiology, Athletics and Dance/Athletic Director, Diablo Valley College.

Dr. Worsley shared her personal and professional knowledge about the affect social media does have on student athletes, and the advantages social media can provide for student athletes today. She mentioned how the “Last Chance” Netflix program on Laney College football illuminated the ease in which students can have many benefits with the tool of social media.



Ms. Kim Duyst – Former Interim Athletics Director/Senior Associate Athletics Director, California State University, Stanislaus

Ms. Duyst contracts with the NCAA and works with them to assist coaches and student athletes. The educational piece regarding NIL compliance is the most important thing for the student who may be transferring. Student well-being is important and that they graduate and or transfer.

Dr. Mitch Campbell – Dean of Kinesiology, Health and Athletics/Athletic Director, Sacramento City College

Dr. Campbell has been with Sacramento City College for 14 years and his number one concern is protecting the infrastructure for the 24,000 California Community College student athletes. The Community Colleges should move slowly and not get involved too soon with the SB 206 legislation. The legislation may not have any negative affect on our colleges, but may diminish our student athletic base if the California Community Colleges moves too quickly into this area... Suggested third party administrator would be key if the System does go forward.

Called for public comment. Ryan McElhinney inserted a comment in the Q&A and also made a verbal public comment via the zoom platform.

## **Action**

Dr. Woodyard called for roll after the lunch break to establish a quorum. Nine members were present.

Dr. Woodyard asked for and entertained a motion per the last Public Hearing on Oct 20, 2020, to move the public forum to immediately follow Item 2.2 for a broader public forum, and still retain our last general public forum element.

Erika Endrijonas motion to move. Jennifer Cardone seconded motion. Ten ayes, motion passes.

## **Information and Reports**

### **Item 2.2: Hearing 2, Session 2 – Administrative and Operational Issues for California-Based Athletic Conferences and Governing Associations (Anita Moorman and Dr. Adam Cocco)**

Dr. Woodyard opened Session 2 with the second set of speakers. This opened Item 2.2 hearing session to administrative and operational issues for California base athletic conferences and government associations.

Anita Moorman announced that they have scheduled two difference panels to get different perspectives.

Dr. Keith Shackelford – Dean of Kinesiology, Health and Athletics, Irvine Valley College  
Prof.

Dr. Shackelford encourages the California Community College System to support SB 206 legislation for community college students. The primary responsibility is to students and we should not allow California Community College athletes to be held to a higher level of scrutiny than other athletes who are able to appreciate and benefit SB 206 advantages if they are so interested.

Mr. John Woods – Commissioner, Pacific Coast Athletic Conference.

Mr. Woods’s overall presentation spoke to the SB206 legislation as an opportunity for students, especially for those struggling financially. The California Community Colleges need to align with NCAA and National Association of Intercollegiate Athletics (NAIA) to make sure we don’t jeopardize the athlete’s potential.

Ms. Carol Rivera – Associate Commissioner, Compliance and Internal Operations/SWA,  
California Collegiate Athletic Association.

Ms. Rivera is currently in the process of preparing our four year schools to enact SB 206.

Called for public comment. No public comments were received.

## Action

### New Business

#### **Item 4.1: Agenda Items for Future Meetings (Dr. LeBaron Woodyard)**

Stephen Kudor wanted to know if student athletes are going to be presenting.

Jennifer Cardone made a motion to plan to have student athletes to appear at a December meeting for student panel discussion.

Dr. Erika Endrijonas seconded motion.

Public comment on Item 4.1. No public comments.

Motion passed ten ayes. Three members absent.

## Public Forum

No general public comments were received.

## Adjournment

Dr. Erika Endrijonas moved to adjourn the meeting; Rob Dewar seconded the motion. The motion passed with a vote of 11 members (2 members not present).

The meeting adjourned Tuesday October 22, 2020 at 2:51 pm.

## Documents

The following documents were provided at the meeting and were not included in the published agenda. These documents are available to members of the public upon request by emailing [SB206@cccco.edu](mailto:SB206@cccco.edu).

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- Athletic Association Policy Updates (PDF)
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## NOVEMBER 10, 2020 PUBLIC HEARING SPEAKERS TOPICS AND QUESTIONS

### Hearing 3, Session 1: Issues Associated with Compliance and Oversight of Name, Image, and Likeness Activities in College Athletics

This item provides the SB 206 Working Group with presentations from panelists who are legal and policy experts on the topic of compliance implications associated with name, image, and likeness (NIL) compensation for community college athletes. It will also provide a facilitated panel discussion and an opportunity for members of the SB 206 Working Group to ask questions of the panelists. The panelists for this item are as follows:

*Dr. Ellen Staurowsky*

Professor, Sports Media, Roy H. Park School of Communication  
Ithaca College, Ithaca, New York

1. Could you provide a brief description of your background in advocating for athletes' rights related to receiving compensation for the use of their name, image, and likeness; and advocating on issues related to gender equity in athletics?
2. If colleges within the California community college system were to contract with third-party companies to provide athletes with educational and logistical resources relating to NIL monetization opportunities, what aspects of these resources would need to be considered to assure equal or equitable treatment of male and female athletes?
3. From a policy or equity perspective, what types of issues or challenges do you envision that college athletics administrators need to be aware of if their athletes are permitted to receive compensation for the use of their NIL rights? And what, if any, recommendations would you have for administrators charged with implementation of new NIL rules to ensure equitable opportunities?

*Mr. Matt Banker*

Associate Athletic Director for Compliance  
University of Louisville Athletics  
Louisville, Kentucky

1. With the NCAA likely to introduce legislation that would relax NIL monetization restrictions placed upon college athletes, what types of educational, professional development, and administrative programs and/or processes will your institution likely need to put in place to ensure compliance with these new rules?
2. It appears as though the NCAA is currently considering the use of a Third Party Administrator to centralize some oversight and educational services specifically related to managing NIL activities of athletes, could you briefly explain how that system would function from a Compliance administrator's perspective in comparison to existing clearinghouse or initial eligibility systems?
3. As a NCAA Division I program, athletic teams receive transfers from other college athletic divisions including community and junior colleges. How do you envision the transfer and eligibility determination process to function for athletes from outside Division I (such as the CCCAA) who may be seeking entry into a Division I program but have been subjected to different NIL rules at their current university/college?

*Dr. Daniel Rascher*

Director of Academic Programs, Sport Management, University of San Francisco  
Founder & President, SportsEconomics, LLC

San Francisco, California

1. Can you explain your role as an expert witness in recent NCAA anti-trust cases before the federal court system? Can you briefly describe how economic expert testimony is utilized by the court when resolving anti-trust challenges to athletic association rules?
2. In your opinion, do amateurism rules promote pro-competitive purposes within college athletics? Does your opinion differ at all in respect to the level of college athletics being discussed (that is, is there a difference on this topic regarding California Community College athletics compared to, for example, NCAA Division I athletics)?
3. In general, what types of economic opportunities may be made available to athletes, athletic departments, colleges, or the California community college system as a whole if NIL restrictions on California's community college athletes were removed or relaxed?

### Hearing 3, Session 2: Name, Image, and Likeness Policy Development Efforts of National and Regional Governing Bodies for College Athletics

This item provides the SB 206 Working Group with presentations from panelists who are leaders and practitioners in college athletics on the topic of policy development and implementation for name, image, and likeness (NIL) association rules for college athletes. It will also provide a facilitated panel discussion and an opportunity for members of the SB 206 Working Group to ask questions of the panelists. The panelists for this item are as follows:

*Mr. Jeff White*

Vice President, Legal, Diversity, IT, & Resources  
National Junior College Athletic Association (NJCAA)  
Charlotte, North Carolina

1. Could you describe current efforts among the NJCAA and/or your membership related to drafting or modifying rules related to permitting college athletes to receive compensation from the use of their name, image, and likeness while retaining their amateur status?
2. Could you discuss challenges that you envision for your membership to comply with NIL legislation that has been adopted in several states and is currently pending adoption in many more states? And what, if any, recommendations are under consideration in order to adapt to this landscape?
3. Additionally, do you have any concerns about financial disparities this legislation might create in regard to sport, gender, or type of institution within your association membership (large vs. small, rural vs. metro)?

*Mr. Jim Carr*

President & CEO  
National Association of Intercollegiate Athletics (NAIA)  
Kansas City, Kansas

1. After considering the topic of college athlete NIL rights for over a year, your organization recently passed landmark legislation allowing athletes to receive compensation for the use of their NIL. What were the main reasons for coming to this decision and why do you feel this was the right time to make this decision?
2. What discussions, if any, were had with members of NIL working groups from the NCAA (D-1, D-II, and/or D-III) or any other college athletic governing body prior to passing NAIA NIL legislation? Did these conversations alter your final NIL legislative position at all?

3. What challenges or issues, if any, do you or your member institutions anticipate regarding implementation of this legislation from a logistical, administration, or oversight standpoint? Additionally, do you have any concerns about financial disparities this legislation might create in regard to sport, gender, or type of institution (large vs. small, rural vs. metro)?

*Mr. Jay Jones*

Commissioner, Heartland Collegiate Athletic Conference  
Carmel, Indiana

1. Recently, the NCAA D-III Presidents Council voted to sponsor two legislative concepts on college athlete use of their NIL for compensation. Can you briefly outline these two concepts and, if able, offer your opinion on the likelihood of each proposal being accepted by the NCAA D-III Board of Governors?
2. If California's community college system were to relax restrictions on NIL opportunities for athletes, how important would it be for new regulations surrounding this topic to mimic those found within NCAA D-III to protect athletic eligibility when athletes transfer from a California community college to a D-III institution?
3. If the NCAA D-III Board of Governors approves new NIL legislation for athletes, what issues or challenges, if any, do you or your member institutions anticipate regarding the implementation of this legislation from a logistical, administration, or oversight standpoint? Additionally, do you have any concerns about financial disparities this legislation might create in regard to sport, gender, or type of institution (large vs. small, rural vs. metro)?

Prepared by

Anita Moorman, J.D.

Adam Cocco, Ph.D

Githens and Associates LLC

For the Athlete Name, Image, and Likeness Working Group

PUBLIC HEARING  
NOTE-TAKING TEMPLATE

November 10, 2020

Hearing 3, Session # 1: Issues Associated with Compliance and Oversight of Name, Image, and Likeness Activities in College Athletics

Speaker	Key Points <i>(place check next to new insights)</i>	Questions <i>(for speaker, for consultant)</i>	Take-Aways for Working Group
Dr. Ellen Staurowsky			
Mr. Matt Banker			
Dr. Daniel Rascher			

Hearing 3, Session # 2: Name, Image, and Likeness Policy Development Efforts of National and Regional Governing Bodies for College Athletics

Speaker	Key Points <i>(place check next to new insights)</i>	Questions <i>(for speaker, for consultant)</i>	Take-Aways for Working Group
Mr. Jeff White			
Mr. Jim Carr			
Mr. Jay Jones			

Prepared by  
Githens and Associates LLC  
For the Athlete Name, Image, and Likeness Working Group