

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

Thursday, November 12, 2020

10:00 a.m. to 3:00 p.m.\*

**Zoom Virtual Meeting:**

<https://cccconfer.zoom.us/j/95095053521?pwd=QXMxZUxoamZwb2pQVi9pajhyNnhrQT09>

(669) 900-6833 | **Webinar ID:** 950 9505 3521

**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**

### **Information and Reports**

#### **Item 1.1: Hearing 4, Session 1 – Updates on Economic and Legal Perspectives Related to Name, Image, and Likeness Opportunities for Community College Athletes (Anita Moorman and Dr. Adam Cocco)**

This item provides the SB 206 Working Group with presentations from panelists who are economic and legislative experts on the topic of economic implications associated with name, image, and likeness (NIL) compensation for community college athletes and the impact of related state-based legislation. 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. Darren Heitner, Esq. – Founder, Heitner Legal, P.L.L.C.
- Prof. Dionne Koller – Associate Dean of Academic Affairs/Professor of Law/Director, Center for Sports and the Law, University of Baltimore School of Law
- Dr. Thilo Kunkel – Associate Professor, School of Sport, Tourism and Hospitality Management/Director, Sport Industry Research Center, Temple University

### **Item 1.2: Hearing 4, Session 2 – Report of Name, Image and Likeness Market Analysis and Valuations for California Community College Athletes (Dr. Adam Cocco)**

This item provides the SB 206 Working Group with a report of the findings and conclusions of the Name, Image, and Likeness (NIL) Market Analysis performed on current California Community Colleges Athletic Association (CCCAA) athletes. It also provides a facilitated discussion that will engage members of the SB 206 Working Group in the provided content.

### **Item 1.3: Hearing 4, 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 2.1: 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.

## NOVEMBER 12, 2020 PUBLIC HEARING SPEAKERS TOPICS AND QUESTIONS

### Hearing 4, Session 1: Updates on Economic and Legal Perspectives Related to Name, Image, and Likeness Opportunities for Community College Athletes

This item provides the SB 206 Working Group with presentations from panelists who are economic and legislative experts on the topic of economic implications associated with name, image, and likeness (NIL) compensation for community college athletes and the impact of related state based legislation. 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:

*Prof. Dionne Koller*

Associate Dean for Academic Affairs & Professor of Law

Director, Center for Sports and the Law

University of Baltimore School of Law, Baltimore, Maryland

1. If colleges and universities across the United States relax restrictions on athlete compensation for use of their NIL in marketing and third-party endorsements, what aspects of Title IX compliance would this impact?
2. If colleges were not involved in securing or brokering endorsement deals for athletes enrolled at their institution or prospective athletes, will this “hands off” approach alleviate concerns related to equal and equitable treatment of male and female athletes in college athletics programs?
3. Could you discuss whether you envision any specific Title IX compliance challenges that may be experienced by the California community college system if they either did or did not adopt more relaxed restrictions on athlete’s ability to be compensated for the use of their NIL.

*Dr. Thilo Kunkel*

Associate Professor, School of Sport, Tourism and Hospitality Management

Director, Sport Industry Research Center

Temple University, Philadelphia, Pennsylvania

1. Can you explain your work as a researcher and consultant on athlete branding and sponsorship? What types of work have you performed specifically on NIL monetization opportunities for college athletes?
2. Can you discuss, in general terms, the methodology you utilize to estimate the NIL monetization potential of athletes via social media marketing and 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?
3. In your opinion, what is the likelihood that economic opportunities exist for California’s community college athletes to significantly monetize their NIL rights?

*Mr. Darren Heitner, Esq.*

Founder, Heitner Legal, P.L.L.C.

Fort Lauderdale, Florida

1. Could you briefly describe your role in drafting language for the Florida NIL legislation and your background in consulting related to NIL issues in college athletics. Could you please provide any updates as to how the Florida Board of Education has proceeded to implement the Florida legislation.

2. What issues or concerns do you envision for states who have already enacted legislation in the event Congress similarly enacts federal NIL legislation which may pre-empt state laws. How do you envision state legislation to continue to develop with the formation of a drafting committee from the Uniform Law Commission?
3. Can you discuss the impact of the most recently proposed rules changes for colleges athletes at the NAIA and NCAA (DI, DII, and DIII) in terms of whether institutions adopting those new rules or regulations would be in conformity with the Florida legislation scheduled to become effective in summer 2021?

#### Hearing 4, Session 2: Report of NIL Market Analysis and Valuations for California Community College Athletes (Dr. Adam Cocco)

This item provides the SB 206 Working Group with a report of the findings and conclusions of the NIL Market Analysis performed on current CCCAA athletes by the expert consultants. It also provides a facilitated discussion that will engage members of the SB 206 Working Group in the provided content.

*Dr. Adam Cocco*

Assistant Professor, Sport Administration, University of Louisville  
Director, University of Louisville Sport Analytics Certificate Program

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 12, 2020

Hearing 4, Session # 1: Updates on Economic and Legal Perspectives Related to Name, Image, and Likeness Opportunities for Community College Athletes

Speaker	Key Points <i>(place check next to new insights)</i>	Questions <i>(for speaker, for consultant)</i>	Take-Aways for Working Group
Prof. Dionne Koller			
Dr. Thilo Kunkel			
Mr. Darren Heitner, Esq.			

Hearing 4, Session # 2: Report of NIL Market Analysis and Valuations for California Community College Athletes

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Dr. Adam Cocco			

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