

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

Tuesday, December 8, 2020

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

## **Zoom Virtual Meeting:**

Please click the link below to join the webinar:

**[SB 206 Hearing December 8, 2020](#)**

**Dial US:** +1 669 900 6833 | **Webinar ID:** 966 7374 4260 | **Webinar Passcode:** 208980

International numbers available: <https://cccconfer.zoom.us/j/acSJ8EXh75>

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
- Chairman's Update

### **Consent Calendar**

#### **Item 1.1: November 10, 2020, SB 206 Working Group Minutes (Dr. LeBaron Woodyard)**

This item presents the November 10, 2020 SB 206 Working Group public hearing minutes for review and approval by the SB 206 Working Group.

## **Item 1.2: November 12, 2020, SB 206 Working Group Minutes (Dr. LeBaron Woodyard)**

This item presents the November 12, 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 5, Session 1 – College Athletes presentations relating to the SB 206 legislation regarding Name, Image, and Likeness Activities in College Athletics (Anita Morrman and Dr. Adam Coco)**

This item provides the SB 206 Working Group with presentations from college athlete panelists who will share their perspective related to renumberation for name, image, and likeness (NIL) 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 college athlete panelists. The panelists for this item are as follows:

- Karlee Hodges-Soccer
- Marshal Brose-Football
- Cole Brooks-Football
- Karvin Li-Cross-Country Team

#### **Item 2.2 Hearing 5, Session 2 – College Athletes presentations relating to the SB 206 legislation regarding 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 college athlete panelists who will share their perspective related to renumberation for name, image, and likeness (NIL) 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 college athlete panelists. The panelists for this item are as follows:

- Tayvian Cunningham-Football/Track
- Dupree Allen-Basketball
- Kamil Jones-Track and Field
- Julian Lafond-Tennis
- Connor Obrien-Golf

#### **Item 2.3: Hearing 5, 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.

### **Item 2.4: Name, Image, and Likeness - Personal Service Providers and Third Party Administrators (Anita Moorman)**

This item provides the SB 206 Working Group updated information and discussion related to the role of personal service providers and third party administrators in the name, image and likeness policy models recommended by other amateur athletic governing bodies.

## **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.

# **NOVEMBER 10, 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 10:02 am.
- Roll call. The following committee members were present on Tuesday, November 10, 2020: Susan Armenta, Jennifer Cardone, Taylor DeBenedictis, Rob Dewar, Dr. Erika Endrijonas, Brian Harper, Joycie Kaliangara, Juliana Garcia Man, Randy Totorp, Genaro Trejo, and Dr. LeBaron Woodyard. Hayley Hodson and Stephen Kudor were absent during roll call.

## **Consent Calendar**

Dr. Woodyard presented the October 20, 2020 and October 22, 2020 SB 206 Working Group public hearing minutes for review and approval by the SB 206 Working Group.

Dr. Erika Endrijonas moved to approve Items 1.1: October 20, 2020, SB 206 Working Group Minutes and Item 1.2: October 22, 2020, SB 206 Working Group Minutes; Rob Dewar seconded the motion. The motion passed with a vote of 11-0 (Hayley Hodson and Stephen Kodur were absent during the vote).

Called for public comments on Items 1.1 and 1.2: No public comments were received.

## **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)**

Dr. Woodyard introduced hearing 3, session 1 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. Presenters for this public hearing were as follows:

Dr. Ellen Staurowsky – Professor of Sports Media, Roy H. Park School of Communication, Ithaca College. Dr. Staurowsky is an internationally recognized expert on social justice issues in sports related to gender-equity, title IX, pay equity and equal employment opportunities. Dr. Staurowsky presented on the advancement of female athletes and the benefits of creating a Player’s Association.

Mr. Matt Banker – Associate Athletic Director for Compliance, University of Louisville Athletics. Mr. Banker presented on best-practices for colleges to prepare for NIL policies; including, engaging stakeholders, roles of third party administrators and student athlete recruitment, education and transfer.

Dr. Daniel Rascher – Director of Academic Programs, Sport Management, University of San Francisco/Founder & President, SportsEconomics, LLC. Dr. Rascher has provided expert testimony in numerous federal court trials involving antitrust lawsuits against the NCAA. Dr. Rascher presented on sponsorship and advertisement opportunities for college athletes and use of their NIL.

Following each panelist’s presentation, Anita Moorman and Dr. Adam Cocco facilitated a panel discussion which allowed committee members of the SB 206 Working Group the opportunity to ask the panelists questions.

Called for public comment. No public comments were received.

Anita Moorman provided the SB 206 Working Group with a brief Law and Policy Updates including state and federal proposed legislation as well as new federal trade commission regulations which would prohibit college athletes from endorsing tobacco, vaping, alcohol, controlled substances, gambling and adult entertainment.

### **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)**

Dr. Woodyard introduced hearing 3, session 2 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. Presenters for this public hearing were as follows:

Mr. Jeff White – Vice President of Legal, Diversity, IT & Resources, National Junior College Athletic Association. Mr. White presented on the potential burden on colleges from the proposed national legislation and financial disparities between colleges located in rural versus metropolitan areas.

Mr. Jim Carr – President/CEO, National Association of Intercollegiate Athletics. Mr. Carr presented on NAIA process and protocol in preparation of upcoming NIL legislation.

Mr. Jay Jones – Commissioner, Heartland Collegiate Athletic Conference. Mr. Jones presented on Division 3 NIL proposed legislation vote coming up on January 15, 2021. Mr. Jones also discussed practical issues including private lessons by student athletes, camper clinics, monetization on social media and brand ambassadorship.

Following each panelist's presentation, Anita Moorman and Dr. Adam Cocco facilitated a panel discussion which allowed committee members of the SB 206 Working Group the opportunity to ask the panelists questions.

Called for public comment. No public comments were received.

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

Members of the public were given the opportunity to present testimony to the SB 206 Working Group regarding their perspectives on California Community College athlete compensation for their name, image, and likeness.

Called for public comment. No public comments were received.

## **Action**

### **New Business**

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

Dr. Woodyard provided members of the SB 206 Working Group with an opportunity to propose agenda items and/or topics to be discussed during the next scheduled regular meeting on December 10, 2020.

No agenda items were proposed by the working group members.

Called for public comment. No public comments were received.

## **Public Forum**

No general public comments were received.

## **Adjournment**

Jennifer Cardone moved to adjourn the meeting; Rob Dewar seconded the motion. The motion passed with a vote of 10-0 (3 members not present during the vote). The meeting adjourned Tuesday November 10, 2020 at 2:05 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).

- CCC NIL Working Group - Hearing Panel - M Banker - 111020.pptx
- Dr. Staurowsky-SB 206 NIL 11-10-2020 powerpoint.pdf



# **NOVEMBER 12, 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 10:02 am.
- Roll call. The following committee members were present on Thursday, November 12, 2020: Susan Armenta, Jennifer Cardone, Taylor DeBenedictis, Rob Dewar, Dr. Erika Endrijonas, Brian Harper, Joycie Kaliangara, Randy Totorp, Genaro Trejo, and Dr. LeBaron Woodyard. Ten committee members present. Hayley Hodson, Stephen Kudor and Juliana Garcia Man were absent during roll call.
- Legal update. Anita Moorman provided a brief summary of pending legislative proposals regarding student athletes' Name, Image, and Likeness; including the Student-Athlete Level Playing Field Act as well as other pending cases related to student-athlete business activities and work product and services.
- Introductions. Dr. LeBaron Woodyard indicated he would introduce guest speakers at the time they present.

## **Consent Calendar**

No consent calendar items. No minutes from November 10, 2020 Public Hearing. The minutes will be presented at December 8, 2020 Public Hearings.

## **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)**

Dr. Woodyard introduced hearing 4, session 1 panelists who are economic and legislative experts on the topic of economic implications associated with name, image, and likeness; panelists presented on compensation for community college athletes and the impact of related state-based legislation. Presenters for this public hearing were as follows:

Professor Dionne Koller – Associate Dean of Academic Affairs/Professor of Law/Director, Center for Sports and the Law, University of Baltimore School of Law. Professor Koller recently testified before the U.S. Senate committee regarding NIL rights and the student

athlete. Professor Koller presented an in-depth overview of Title IX and athlete NIL related to gender equity and economic compensation opportunities for female athletes.

Dr. Thilo Kunkel – Associate Professor, School of Sport, Tourism and Hospitality Management/Director, Sport Industry Research Center, Temple University. Dr. Kunkel presented on his research of intersectional strategic management and marketing related to student athlete NIL monetization via social media. Research metric for this study included cost-per-mil calculation and cost-per-engagement (like, comment, etc.) values amongst basketball and football student athletes.

Mr. Darren Heitner, Esq. – Founder, Heitner Legal, P.L.L.C. Mr. Heitner specializes on sports law and business; he has had numerous national television appearances discussing student athletes’ publicity rights. Mr. Heitner presented on his role and involvement with the passage of student athletes’ publicity rights legislation in the state of Florida.

Following each panelist’s presentation, Anita Moorman and Dr. Adam Cocco facilitated a panel discussion which allowed committee members of the SB 206 Working Group the opportunity to ask the panelists questions.

Called for public comment. No public comments were received.

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

Dr. Cocco presented his research findings and conclusions of the Name, Image, and Likeness (NIL) Market Analysis conducted on current California Community Colleges Athletic Association (CCCAA) athletes. The purpose of the study was to provide objective and valid analysis of NIL earnings potential of California community college athletes via social media influencer marketing. Following the presentation, Dr. Cocco engaged the committee members in a facilitated discussion of the meta-data metric and analysis’ summary findings.

Called for public comment. No public comments were received.

### **Item 1.3: Hearing 4, Session 3 – Public Testimony on Name, Image, and Likeness**

Members of the public were given the opportunity to present testimony to the SB 206 Working Group regarding their perspectives on California Community College athlete compensation for their name, image, and likeness.

Called for public comment. No public comments were received.

## **Action**

### **New Business**

#### **Item 2.1: Agenda Items for Future Meetings (Dr. LeBaron Woodyard)**

Dr. Woodyard provided members of the SB 206 Working Group with an opportunity to propose agenda items and/or topics to be discussed during the next scheduled regular meeting on December 8 and/or 10, 2020.

Jennifer Cardone motioned to request clarification regarding institutional relationships with third party consultants and facilitators related to projected NCAA during the December 8, 2020 scheduled meeting; Rob Dewar seconded the motion. The motion passed with a vote of 9-0. Taylor DeBenedictis, Hayley Hodson, Stephen Kudor and Randy Totorp were absent during the vote.

Called for public comment. No public comments were received.

### **Public Forum**

No general public comments were received.

### **Adjournment**

Jennifer Cardone moved to adjourn the meeting; Dr. Erika Endrijonas seconded the motion. The motion passed with a vote of 9-0. Taylor DeBenedictis, Hayley Hodson, Stephen Kudor and Randy Totorp were absent during the vote. The meeting adjourned Tuesday November 12, 2020 at 2:24 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.

- CA Workgroup Title IX Presentation.pptx