

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

Tuesday, October 20, 2020

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

Zoom Virtual Meeting:

<https://cccconfer.zoom.us/j/95582695409?pwd=WDVKZmVRMkpFUxpObXBOWUROWkcyZz09>

(669) 900-6833 | **Webinar ID:** 955 8269 5409

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

This item presents the September 24, 2020 SB 206 Working Group meeting minutes for review and approval by the SB 206 Working Group.

Information and Reports

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)

This item provides the SB 206 Working Group with presentations from panelists who are expert witnesses on the topic of name, image, and likeness (NIL)-based marketing and business opportunities 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:

- Ms. Krystal Beachum – Founder/CEO, Student-Athletes Unite

- Ms. Kristi Dosh – Attorney, Journalist, Sports Business Analyst, SportsBizMiss Enterprises, LLC
- Mr. Blake Lawrence – Co-Founder/CEO, Opendorse

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)

This item provides the SB 206 Working Group with presentations from panelists who are expert witnesses on the topic of legal issues 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:

- Prof. Marc Edelman – Attorney and Sport Law Professor, Zicklin School of Business, Baruch College
- Mr. Ramogi Huma – Executive Director, National College Players Association
- Prof. Alicia Jessop – Associate Professor and Sport Law Attorney, Pepperdine University

Action

New Business

Item 4.1: 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. 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 no less than five working days prior to the meeting.

Item 1.1: September 24, 2020 Senate Bill 206 Statutory Community College Athlete Name, Image, and Likeness Working Group

Standing Orders of Business

- Call to order. Dr. LeBaron Woodyard called the meeting to order at 10:01 am.
- Roll call. The following committee members were present on Thursday, September 24, 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.

The following committee members were absent during roll call: Hayley Hodson and Stephen Kodur.

- Introductions. Dr. LeBaron Woodyard announced that committee member Gabriella Knudsen resigned from the SB 206 Working Group due to schedule conflicts.

Consent Calendar

Item 1.1: August 31, 2020, SB 206 Working Group Minutes (Dr. LeBaron Woodyard)

Dr. Woodyard presented the August 31, 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: August 31, 2020, SB 206 Working Group Minutes; Susan Armenta seconded the motion. The motion passed with a vote of 11-0 (Hayley Hodson and Stephen Kodur were absent during the vote).

Item 3.1: Meeting Norms for SB 206 Working Group (Dr. Rod Githens and Nileen Verbeten)

Due to time constraints during the August 31, 2020 meeting, a motion was made and approved to table this item for discussion during the September 24, 2020 meeting.

Jennifer Cardone moved to change the order of the agenda and discuss Item 3.1: Meeting Norms for SB 206 Working Group as the first item of business; Dr. Erika Endrijonas seconded the motion. The motion passed with a vote of 10-0 (Hayley Hodson, Joycie Kaliangara and Stephen Kodur were absent during the vote).

No public comments were received.

Action

Item 3.1: Meeting Norms for SB 206 Working Group (Dr. Rod Githens and Nileen Verbeten)

Four focus areas were identified during the August 31, 2020 meeting, which are as follows; positional power, future focus, consuming information and intent. Dr. Rod Githens and Nileen Verbeten continued a guided discussion which engaged the working group members to develop a framework for the SB 206 Working Group to work together and adopt a set of norms and shared agreements that included one agreement for each of the four focus areas.

Dr. Erika Endrijonas moved to approve Item 3.1: Meeting Norms for SB 206 Working Group; Jennifer Cardone seconded the motion. The motion passed with a vote of 11-0 (Hayley Hodson and Stephen Kodur were absent during the vote).

No public comments were received.

Information and Reports

Item 2.1: Name, Image, and Likeness Consultant Research (Anita Moorman and Dr. Adam Cocco)

Anita Moorman and Dr. Adam Cocco provided the SB 206 Working Group with policy and analysis updates, including athletes' name, image, and likeness (NIL) national and state legislation, athletic association policies, and progress of an NIL market analysis examining the role of economic impact and demand related to compensation for the use of athletes' NIL. The facilitators also engaged members of the SB 206 Working Group in exploring issues and analyzing law and policy factors, administrative burden and processes, and the mission and role of athletics in community colleges.

No public comments were received.

New Business

Item 4.1: Role With the Public (Dr. Rod Githens and Nileen Verbeten)

Dr. Rod Githens and Nileen Verbeten facilitated a discussion that helped members of the SB 206 Working Group prepare to be effective when interacting with members of the public and expert witnesses, as well as utilizing techniques for processing and analyzing information presented throughout this project and during the upcoming public hearings.

No public comments were received.

Item 4.2: Agenda Items for Future Meetings (Dr. Rod Githens and Nileen Verbeten)

Dr. Rod Githens and Nileen Verbeten provided members of the SB 206 Working Group with a facilitated discussion and opportunity to propose agenda items and/or topics to be discussed during the next scheduled regular meetings following the public hearings in October and November 2020.

No agenda items were proposed by the working group members.

Public Forum

No public comments were received.

Adjournment

The meeting adjourned Thursday September 24, 2020 at 2:55 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.

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 20 PUBLIC HEARING SPEAKERS TOPICS AND QUESTIONS

Hearing 1, Session 1: Name, Image, and Likeness-Based Marketing and Business Opportunities for Community College Athletes

Ms. Kristi Dosh

Attorney, journalist, and sport business analyst. SportsBizMiss Enterprises, LLC. Expert on sport business and issues related to licensing, group licensing, and business opportunities for college athletes

1. What might be some typical types of business relationships California community college athletes would be able to access if restrictions on NIL were removed or relaxed?
2. Could you talk about how community college athletes would create or identify licensing opportunities for their NIL and how group licensing arrangements might be structured for college athletes generally?
3. Do you sense that licensing opportunities would be available for community college athletes if NIL restrictions were relaxed, and how might those opportunities vary based on gender or sport played?

Mr. Blake Lawrence

Co-founder and CEO, Opendorse. Opendorse is an athlete marketing platform specializing in connecting athletes with endorsement opportunities through social media influencer marketing.

1. Please describe the types of services Opendorse provides to athletes and universities.
2. How would California community college athletes be able to monetize their NIL through social media influencer marketing and what is the potential market size of these NIL monetization opportunities for California's community college athletes?
3. Do you perceive any disparate impacts on the NIL monetization opportunities for California community college athletes in relation to institution size (large enrollment vs. small enrollment), college location (urban campus vs. rural campus), athlete gender, or sport played?

Ms. Krystal Beachum

Founder, Student-Athletes Unite. Designs and provides workshops for college athletes to create business and career opportunities and inspire college athletes to create entrepreneurial ventures.

1. Please describe the types of services Student-Athletes Unite provides to athletes.
2. Could you talk about how compensation for NIL rights would fit into general business and entrepreneurial opportunities for California Community College athletes?
3. What differences, if any, do you see among community college athletes seeking to explore business and entrepreneurial opportunities compared to athletes from NCAA Division 1, Division 2, Division 3, NJCAA, or NAIA?

Hearing 1, Session 2: Legal Issues Associated with Maintaining Restrictions on Name, Image, and Likeness Compensation for Community College Athletes

Prof. Marc Edelman

Professor of Sports Law and Attorney, Zicklin School of Business, Baruch College. Expert on the application of federal anti-trust and labor laws in the college sports industry

1. Please describe your background and expertise in the area of anti-trust restraints in the college athletics environments.
2. Could you explain to what extent past court decisions impacting football, men's basketball, and women's basketball in Div. I athletics would apply to restrictions contained in the CCCAA constitution and bylaws related to athlete's NIL rights?
3. How might federal anti-trust law impact the CCCAA system given that the CCCAA is made up exclusively of California community colleges?

Prof. Alicia Jessop

Associate Professor and Sport Law Attorney, Pepperdine University. Expert on federal and state labor law with a focus on sport agents and athlete protection mechanisms.

1. Please describe your expertise in working within the athlete agency and professional athlete development fields.
2. Could you explain the differences between the athlete/university relationship and a traditional employer/employee relationship?
3. How might federal and state labor laws impact the CCCAA system in the event NIL restrictions were lifted and California community colleges actively reviewed and approved agreements between college athletes and third-party endorsers or licensees?

Mr. Ramogi Huma

Executive Director of the National College Players Association (NCPA), a non-profit organization that advocates for college athlete rights.

1. Please describe the types of college athlete rights your organization advocates for on behalf of student-athletes.
2. What types of services does your organization currently provide for college athletes?
3. Currently, California community colleges and community college athletes are not covered by SB 206. Could you explain the position or recommendation of your organization as to whether community college athletes should be covered under SB 206?

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

October 20, 2020

Hearing 1, Session # 1: Name, Image, and Likeness-Based Marketing and Business 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
Ms. Kristi Dosh			
Mr. Blake Lawrence			
Ms. Krystal Beachum			

Hearing 1, Session # 2: Legal Issues Associated with Maintaining Restrictions on Name, Image, and Likeness Compensation 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. Marc Edelman			
Prof. Alicia Jessop			
Mr. Ramogi Huma			

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