

# INITIAL CCCAA RECOMMENDATIONS

## DRAFT

### General Intent/Purpose of NCAA/NAIA NIL Policies

To permit student-athletes to be compensated for the use of their NIL to promote their own work product or service, or to promote third-party commercial products or services.

### Draft Recommendations for CCCAA to use in the development of NIL Policies

#### *Issue 1: Notification/Reporting Requirements*

CCCAA bylaws should address notification/reporting of NIL activities by current and prospective athletes. A current athlete should disclose NIL activities to their Athletic Director (or a designee of the Athletic Director's choosing) prior to receiving compensation or entering into a NIL arrangement or agreement. A prospective athlete should disclose all NIL activities in which he/she participated prior to attending their current institution..

	NAIA	NCAA D-III	NCAA D-II	NCAA D-I
Reporting Requirements	Athlete must notify their Athletic Director in writing of any compensation received due to NIL activities.	Currently, reporting requirements not included in proposal	Athlete must report NIL activities to athletics department on an annual basis (institution may require more frequent reporting)	Athlete must report all NIL activities to independent third-party administrator. Athlete shall disclose agreements to promote commercial products and services <i>in advance</i> .

#### *Issue 2: Use of Institutional Marks/Intellectual Property*

CCCAA bylaws should address the use of institutional marks by current athletes in permissible NIL promotional activities subject to institutional approval. Athletes should be permitted to use institutional marks to the same extent non-athlete students are permitted to use institutional intellectual property.

	NAIA	NCAA D-III	NCAA D-II	NCAA D-I
Use of Institutional References/	Yes, with institutional approval as allowed for general student population	Yes, with institutional approval as allowed for general student population	Yes, for promotion of student-athlete business activities (with institutional approval as	No, student may not use; and institution may not permit IP use

Marks in Promotional Activities?	allowed for general public use).	Yes, reference to institution permitted consistent with policies applicable to general student population
	No for promotion of commercial product/service	

*Issue 3: Athletic Status and Team Uniforms*

CCCAA bylaws should address the ability of current athletes to make reference to their status as an athlete at their institution in permissible NIL promotional activities, including wearing/selling their team uniform/gear. Current athletes should be permitted to reference their athletic status in NIL activities and to sell team-related merchandise provided to them by their institution.

	NAIA	NCAA D-III	NCAA D-II	NCAA D-I
Athlete Allowed to Wear Office Team Uniform/Gear in Promotions?	Yes	No	No	No
Sales of Merchandise provided to Athlete by School Allowed?	Yes	Yes	Yes	Yes, after athlete exhausts athletic eligibility or becomes permanently ineligible

*Issue 4: Use of Institutional Facilities*

CCCAA bylaws should address the use of institutional facilities by current athletes to promote their own work product or services with institutional approval. Current athletes should be permitted to use institutional facilities to the same extent non-athlete students are permitted to use institutional facilities.

	NAIA	NCAA D-III	NCAA D-II	NCAA D-I
Athlete Can Use School Facilities to Conduct Lessons, Clinics, etc.?	Yes, with institutional approval	Yes, with institutional approval and on same terms applicable to general student population	Yes, with institutional approval and on same terms applicable to general student population	Yes, with institutional approval and on same terms applicable to general student population

*Issue 5: Crowdfunding*

CCCAA bylaws should address crowdfunding/fundraising activities of current and prospective athletes. Current and prospective athletes should be permitted to participate in crowdfunding and/or fundraising activities for the purpose of financing their own business; raising money for a nonprofit or charitable entity; or under extenuating circumstances, or for necessary educational and personal expenses, or family emergencies.

	NAIA	NCAA D-III	NCAA D-II	NCAA D-I
Crowdfunding/ Fundraising Allowed?	Currently not addressed in policy	Yes, as a means of financing a business	Only for extreme circumstances beyond athlete's control, as defined by an institution	Allowed for: educational expenses not included in cost of attendance; specific charitable purpose; actual and necessary expenses

*Issue 6: Professional Service Providers*

CCCAA bylaws should address and permit current and prospective athletes to hire PSPs to advise and represent athletes in developing and managing NIL opportunities. CCCAA bylaws should continue to prohibit agents or other PSP hired for the purpose of securing a professional sport contract.

	NAIA	NCAA D-III	NCAA D-II	NCAA D-I
Athlete Allowed to Hire PSPs (agents)?	Yes, except agent may not help athlete secure a pro sports contract	Yes, except PSP may not assist with marketing athletic ability or reputation to secure a professional sport opportunity	Yes, except PSP may not assist with marketing athletic ability or reputation to secure a professional sport opportunity	Yes, except PSP may not assist with marketing athletic ability or reputation to secure a professional sport opportunity

*Issue 7: Institutional Support for NIL*

CCCAA bylaws should address and prohibit direct institutional involvement in the development, operation, promotion, or facilitation of current or prospective athlete NIL promotional arrangements, agreements, or activities. Institutions should be permitted to provide educational programming to help current athletes with compliance, reporting, and vetting of PSPs.

	NAIA	NCAA D-III	NCAA D-II	NCAA D-I
Institutional Involvement in Development, Operation, Promotion, or Facilitation of Athlete Work Product/Service Allowed?	Probably, currently not addressed in policy	No	No	No
Institutional Involvement Allowed for Educational Programming related to NIL	Probably, currently not addressed in policy	Yes; Assistance with evaluating opportunities (including compliance); Assistance with reporting;	Yes; Assistance with evaluating opportunities (including compliance); Assistance with reporting;	Yes; Assistance with evaluating opportunities (including compliance); Assistance with reporting;

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Assistance with evaluation  
of PSPs

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Assistance with evaluation  
of PSPs

Assistance with evaluation  
of PSPs

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*Issue 8: Institutional Staff Members as PSPs*

CCCAA bylaws should address and prohibit athletic department staff members arranging for or serving as a PSP for a current or prospective athlete. Institutions should only be permitted to assist in the vetting of PSPs. Institutional employees outside the Athletics Department may be permitted to serve as a PSP for a current athlete.

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	<b>NAIA</b>	<b>NCAA D-III</b>	<b>NCAA D-II</b>	<b>NCAA D-I</b>
Institutional Involvement in Identifying, Selecting, or Arranging PSP for Athlete Allowed?	Currently not addressed in policy	No. However, institution can help athlete vet PSPs	No. However, institution can help athlete vet PSPs	No. However, institution can help athlete vet PSPs
Institutional Staff Member Allowed to Serve as PSP for Prospective Athlete?	Currently not addressed in policy	No	No	No employee or independent contractor of university may be PSP
Institutional Staff Member Allowed to Serve as PSP for Current Athlete?	Currently not addressed in policy	Unclear, rule appears to only limit as to prospective athletes	Unclear, but appears to be permitted so long as the serviced are not provided by Athletics Dept. or an individual athletics staff member	No employee or independent contractor of university may be PSP

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## Draft Recommendations to Existing CCCAA Bylaws

CCCAA should amend BYLAW 1 as follows:

### **Bylaw 1.1.2.**

**Move deleted language from 1.1.3(E) to become new sub-section (I):** A prospect may allow a scouting service or agent to distribute personal information (e.g., high-school academic and athletic records, physical statistics), to member institutions without jeopardizing his or her eligibility, provided the fee paid to such an agent is not based on placing the prospect in a collegiate institution as a recipient of institutional financial aid. *(Adopted 3/29/18 effective 7/1/18)*

### **Bylaw 1.1.3.**

“Students shall not represent a college in any athletic competition unless they are an amateur athlete in the sport(s) in which they compete. Students shall be deemed professional and ineligible to participate in that sport if any one (1) of the following exists—If the student” ...

**Delete sub-section (E):** ~~Has agreed to be represented by an agent of an organization in the marketing of his/her athletic ability.~~  
~~Exception: A prospect may allow a scouting service or agent to distribute personal information (e.g., high school academic and athletic records, physical statistics), to member institutions without jeopardizing his or her eligibility, provided the fee paid to such an agent is not based on placing the prospect in a collegiate institution as a recipient of institutional financial aid. *(Adopted 3/29/18 effective 7/1/18)*~~

**Delete sub-section (F):** ~~Subsequent to becoming an athlete at the collegiate level, has accepted any remuneration for or permitted use of his/her name or likeness to advertise or endorse a product or service of any kind.~~

## Additional Policy Comparisons

### Restrictions on NIL Activities

	NAIA	NCAA D-III	NCAA D-II	NCAA D-I
Pay for Play Prohibited?	Yes	Yes	Yes	Yes
Recruiting Inducements/Inducements for Enrollment Prohibited?	Yes	Yes	Yes	Yes
Restrictions on Nature or Character of Promotional Activities?	No. However, schools/conference can create own restrictions	Yes, shall not engage in promotional activities that are specifically prohibited by NCAA policies during NCAA championships. Institutions may prohibit at its discretion to the same extent as general student population	Yes, cannot promote products prohibited by NCAA or prohibited by institution as it applies to all students	Yes, athlete cannot engage in promotional activities in conflict with NCAA legislation. Institutions may prohibit other activities but must have policies setting forth restrictions
Restrictions on Promotions that Conflict with School Contracts?	Institutions may prohibit this activity	Institutions may prohibit at its discretion to the same extent as general student population	Institutions can implement policies to restrict this activity. Institution would need to disclose restrictions to athlete prior to signing or during recruitment	Institutions may prohibit agreements that conflict with existing institutional arrangements
NIL Agreements with Boosters Allowed for Current Athletes?	Yes	Yes	Yes	Yes, but subject to extra benefit review
NIL Agreements with Boosters Allowed for Prospective Athletes?	No	No	No	No
<b>Transfers</b>				
Transfer Considerations	Unclear	Unclear	An athlete that engages in activity consistent with NIL legislation of his/her division does not need to seek reinstatement if such activity is later deemed inconsistent with D-II legislation	Unclear
Policies Apply to Prospective	Currently not	Yes	Yes	Yes

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Athletes?	addressed in policy
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**Emergency Powers**

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Emergency Executive Powers to Amend NIL Policies As Needed?	Yes	No	No	No
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