

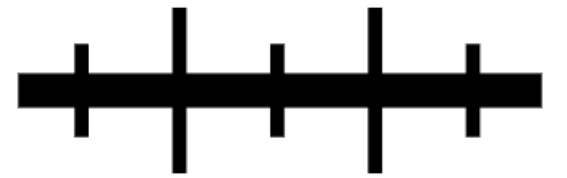
# THREE PRIMARY DIRECTIONAL DECISIONS

General Direction

Specific Recommendations to Legislature

Specific Recommendations to CCCAA

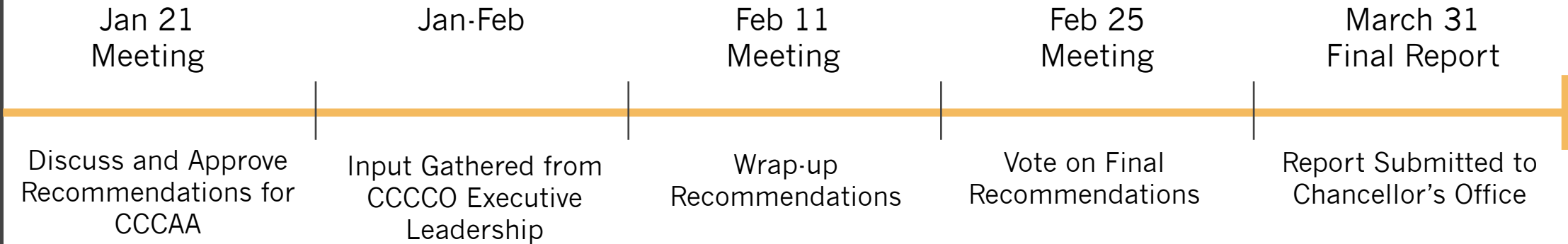
**PATH TO  
MARCH 31**



# PROCESS TIMELINE



# PROCESS TIMELINE





# CONSENSUS- BUILDING PROCESS

Photo by [Juan Burgos](#) on [Unsplash](#)



# **NIL POLICY RECOMMENDATIONS**

1. Notification/Reporting Requirements
2. Use of Institutional Marks/Intellectual Property
3. Athletic Status and Team Uniforms
4. Use of Institutional Facilities
5. Crowdfunding
6. Professional Service Providers
7. Institutional Support for NIL
8. Institutional Staff Members as PSPs
9. Revisions to Current Bylaws

# TODAY'S PROCESS FOR PARTICIPATION



Use voice ...

- Judiciously
- Concisely
- In a Distributed Manner

Use chat for...

- Affirming What Someone Says
- Adding to What Others Say

# RESPONSE TO RECOMMENDATION

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with this.

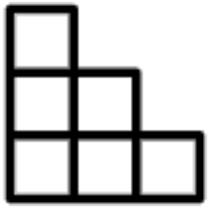
2 I need us to discuss this further  
before we move forward.



# SECOND RESPONSE TO RECOMMENDATION

1 I'm okay  
with this.

2 I can't support  
this today.



# UNDERLYING FRAMEWORK FOR RECOMMENDATIONS

SB206 used as guidepost for policy recommendations together with NIL policy proposals from NAIA/NCAA.

## *SB206 Permits CCCAA Rules that...*

- Restrict NIL agreements in conflict with institutional agreements
- Require athlete disclosure of NIL arrangements and agreement

## *SB206 Prohibits CCCAA from...*

- Adopting/enforcing rules preventing students from earning compensation in relation to NIL
- Providing a prospective athlete compensation in relation to NIL
- Adopting/enforcing rules that prevent athletes from obtaining professional representation in relation to NIL

**POLICY  
RECOMMENDATIONS**





# NOTIFICATION/REPORTING REQUIREMENTS

**Draft Recommendation 1:** 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> .

# RESPONSE TO RECOMMENDATION 1

**Draft Recommendation 1:** 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.

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# SECOND RESPONSE TO RECOMMENDATION 1

**Draft Recommendation 1:** 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.

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# USE OF INSTITUTIONAL MARKS/ INTELLECTUAL PROPERTY

**Draft Recommendation 2:** 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 IP.

	NAIA	NCAA D-III	NCAA D-II	NCAA D-I
Use of Institutional References/Marks in Promotional Activities?	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 allowed for general public use).  No for promotion of commercial product/service	No, student may not use IP; and institution may not permit IP use  Yes, reference to institution permitted consistent with policies applicable to general student population

# RESPONSE TO RECOMMENDATION 2

**Draft Recommendation 2:** 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 IP.

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# SECOND RESPONSE TO RECOMMENDATION 2

**Draft Recommendation 2:** 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 IP.

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# ATHLETIC STATUS AND TEAM UNIFORMS

**Draft Recommendation 3:** 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

# RESPONSE TO RECOMMENDATION 3

**Draft Recommendation 3:** 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.

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# SECOND RESPONSE TO RECOMMENDATION 3

**Draft Recommendation 3:** 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.

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## USE OF INSTITUTIONAL FACILITIES

**Draft Recommendation 4:** 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

# RESPONSE TO RECOMMENDATION 4

**Draft Recommendation 4:** 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.

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# SECOND RESPONSE TO RECOMMENDATION 4

**Draft Recommendation 4:** 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.

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# CROWDFUNDING

**Draft Recommendation 5:** 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



# RESPONSE TO RECOMMENDATION 5

**Draft Recommendation 5:** 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.

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# SECOND RESPONSE TO RECOMMENDATION 5

**Draft Recommendation 5:** 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.

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## PROFESSIONAL SERVICE PROVIDERS PERMITTED

**Draft Recommendation 6:** 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

# RESPONSE TO RECOMMENDATION 6

**Draft Recommendation 6:** 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.

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# SECOND RESPONSE TO RECOMMENDATION 6

**Draft Recommendation 6:** 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.

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# INSTITUTIONAL SUPPORT FOR NIL

**Draft Recommendation 7:** 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, not clearly addressed in policy.	No	No	No
Institutional Involvement Allowed for Educational Programming related to NIL	Probably, not currently addressed in policy	Yes; Assistance with evaluating opportunities (including compliance); Assistance with reporting; Assistance with evaluation of PSPs	Yes; Assistance with evaluating opportunities (including compliance); Assistance with reporting; Assistance with evaluation of PSPs	Yes; Assistance with evaluating opportunities (including compliance); Assistance with reporting; Assistance with evaluation of PSPs

# RESPONSE TO RECOMMENDATION 7

**Draft Recommendation 7:** 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.

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# SECOND RESPONSE TO RECOMMENDATION 7

**Draft Recommendation 7:** 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.

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## INSTITUTIONAL STAFF MEMBERS AS PSP

**Draft Recommendation 8:** 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.



## INSTITUTIONAL STAFF MEMBERS AS PSP

	NAIA	NCAA D-III	NCAA D-II	NCAA D-I
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 services are not provided by Athletics Dept. or an individual athletics staff member	No employee or independent contractor of university may be PSP

# RESPONSE TO RECOMMENDATION 8

**Draft Recommendation 8:** 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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# SECOND RESPONSE TO RECOMMENDATION 8

**Draft Recommendation 8:** 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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**CURRENT BYLAW**  
**RECOMMENDED REVISIONS**





## AMEND BYLAW 1.1.3.

### **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.~~



## AMEND BYLAW 1.1.2.

### Draft Recommendation 9:

#### Bylaw 1.1.2.

**Move Language from 1.1.3 as 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)*

# RESPONSE TO RECOMMENDATION 9

## **Bylaw 1.1.2.**

**Move Language from 1.1.3 as 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.~~

1 I'm okay  
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2 I need us to discuss this further  
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# SECOND RESPONSE TO RECOMMENDATION 9

## Bylaw 1.1.2.

**Move Language from 1.1.3 as 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”...

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