

LEGISLATIVE RECOMMENDATIONS FINAL APPROVAL ON FEBRUARY 25, 2021

Issue 1: Applicability of SB206 to California Community Colleges

Athletes in California Community Colleges should not be excluded from the protections afforded athletes attending 4-year degree granting institutions pursuant to SB206. The Working Group recommends SB206 be amended as follows:

Section 1.(c): deleted

Section 2.(h): California Community Colleges comprise two-year institutions of higher education and serve as a component of postsecondary education for the State of California. California Community Colleges were originally excluded from SB206 and have not had a meaningful opportunity to begin reviewing and revising name, image, and likeness (NIL) governing policies and procedures.

Therefore, this section shall become operative for California Community Colleges on January 1, 2023.

(Based on Working Group Consensus on December 10, 2020; January 7, 2021; February 11, 2021, approved February 25, 2021)

Issue 2: Recognition of Nature/Scope of Athlete's Right of Publicity

The Working Group supports current language proposed in SB26 amending Section 67456(a)(1) to permit student athletes to earn compensation as a result of the use of their athletic reputation.

(Based on January 7, 2021 discussion; approved February 11, 2021)

Issue 3: Limiting Compensation Based on Athletic Ability or Performance

To maintain the separation between amateur and professional sports at the community college level, Section 67456(b) should be amended to add the following: "A postsecondary educational institution, athletic association, or conference in the California Community Colleges shall not provide a prospective or current student athlete with compensation in relation to the athlete's name, image, likeness, or athletic reputation."

(Based on January 7, 2021 discussion; approved February 11, 2021)

Issue 4: Limitations on Nature or Character of Permitted Promotional Activities

An institution may prohibit NIL activity if such activity would be prohibited under the general policies of the institution that apply to all students at the institution and the institution is also prohibited from engaging in the activity.

(Based on January 7, 2021 discussion; approved February 11, 2021)

Issue 5: Educational Programming to Support Athlete NIL Activities

SB206 should be amended to authorize and appropriate necessary funding for the Board of Governors to provide targeted educational programming to support California community college athletes in understanding the development and management of their NIL.

(Approved January 7, 2021)

CCCAA RECOMMENDATIONS

FINAL APPROVAL ON FEBRUARY 25, 2021

Final Recommendations for CCCAA to use in the Development of NIL Policies

Issue 1: Notification/Reporting Requirements

Current athletes should be required to 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; and prospective athletes should be required to disclose all NIL activities for which he/she received compensation prior to attending their current institution.

Issue 2: Use of Institutional Marks/Intellectual Property

Athletes should be permitted to use institutional marks with institutional approval as allowed by the general student population at individual institutions in California Community Colleges.

Issue 3: Athletic Status and Team Uniforms/Merchandise

Issue 3(a): References to Athletic Status in NIL Activities

Current athletes should be permitted to reference both (a) their athletic involvement and (b) their institution, in NIL activities to the same extent non-athletes in the general student population are permitted to reference their student status and institutions.

Issue 3(b): Selling Team Related Merchandise

Current athletes should be permitted to sell their personal team-related merchandise (equipment/apparel/shoes) provided to them by their institution if such merchandise is normally retained by the athlete and not to be reused by the institution.

Issue 3(c): Wearing Team Uniforms in NIL Activities

Institutions should be permitted to prohibit athletes from wearing official team uniforms in the athlete's NIL promotional activities.

Issue 4: Use of Institutional Facilities

Current athletes should be permitted to use institutional facilities subject to all applicable institutional processes for facility usage or rentals in a manner consistent for members of the general student population and the general public.

Issue 5: Crowdfunding

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 beyond the student's control for necessary educational and personal expenses, or family emergencies.

Issue 6: Professional Service Providers

Issue 6(a): PSPs related to development of NIL opportunities

Current and prospective athletes should be permitted to hire PSPs to advise and represent athletes in developing and managing NIL opportunities.

Issue 6(b): Agents/PSPs related to professional sport opportunities

Current and prospective athletes should continue to be prohibited from hiring agents or other PSPs for the purpose of securing a professional sport contract or opportunity.

Issue 7: Institutional Involvement Related to NIL Activities

Issue 7a: Institutional Involvement with NIL Activities

Direct institutional involvement in the development, operation, promotion, or facilitation of current or prospective athlete NIL promotional arrangements, agreements, or activities should be prohibited.

Issue 7b: Institutional Provision of Educational Programming

Institutions should be permitted to provide educational programming to help current athletes with compliance, reporting, and vetting of PSPs.

Issue 8: Institutional Employees as PSPs

Institutional employees should be prohibited from arranging for or serving as a PSP for a current or prospective athlete; and institutions and institutional employees should only be permitted to assist in the vetting of PSPs.

Recommendations to Revise 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.~~