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2020-21 NCAA Division I Council-Governance Publication of Proposed Legislation

The Council-Governance POPL presents all proposed amendments to the NCAA legislation in areas of Council governance that have been properly sponsored for the 2020-21 legislative cycle.

The publication is updated from the Legislative Services Database for the Internet (LSDBI) once a day. As modifications or corrections are made to proposals during the sponsor modification period, updates will be made to LSDBI and those changes will be reflected in the POPL.

Because changes to the POPL will occur on a regular basis, there is no table of contents or index; however, users may use the "Bookmark" feature of the Adobe Reader to quickly scan the proposal numbers and titles and go directly to those proposals within the document. Users may also use the "Search" feature to find particular proposals. The proposals are presented by topical area by bylaw numbers and by proposal number within topical areas.

Division I Council-Governance Legislative Process for the 2020-21 Legislative Cycle

The following provides key deadlines and information regarding the 2020-21 NCAA Division I Council-governance legislative process. For more information regarding the legislative process, see NCAA Division I Constitution 5.3.2.

December 15:

• Deadline for amendments to proposals identified for January vote.
  • Only proposals introduced by the Council may be identified for a January vote. Additionally, such proposals must impact student-athlete well-being and must be time sensitive.
  • Amendments may not expand the scope of the original proposal.

NCAA Convention/January Council Meeting:

• Council votes on proposals identified for January vote. Council may introduce amendments to any proposal (Council-introduced or conference-sponsored) scheduled for April vote.
• All modifications of Council-introduced proposals are permissible, provided they are germane to the original proposal. Amendments to conference-sponsored amendments may not expand the scope of the original proposal.
• Division I Issues Forum includes opportunity for discussion of proposals in legislative cycle.

February 1 (5 p.m. Eastern time):

• Deadline for sponsors to refine/adjust their own proposals (sponsor modification period).
• All modifications permissible, provided they are germane to the concept of the original proposal.
• Deadline for conferences to submit amendments to proposals (amendment-to-amendment period).
• Amendments may not expand the scope of the original proposal.

February 8:

• NCAA Division I Official Notice available, which includes final version of proposals for Council’s April vote.

April Council Meeting:

• Council votes on all remaining proposals.
Council-Governance Proposals in the 2020-21 Legislative Cycle

[Note: In the following proposals, those letters and words that appear in italics and strikethrough are to be deleted; those letters and words that appear in bold and are underlined are to be added; and those words that appear in normal text are unchanged from the current Division I legislation.]
NCAA Membership

No. 2020-5 NCAA MEMBERSHIP -- CONDITIONS AND OBLIGATIONS OF MEMBERS -- EQUITY, DIVERSITY AND INCLUSION REVIEW -- EVERY FOUR YEARS

Intent: To increase the frequency, from every five years to every four years, in which an active member institution or active member conference shall complete an equity, diversity and inclusion review.

Constitution: Amend 3, as follows:

3 NCAA Membership

[3.01 through 3.1 unchanged.]

3.2 Active Membership.

[3.2.1 through 3.2.3 unchanged.]

3.2.4 Conditions and Obligations of Membership.

[3.2.4.1 through 3.2.4.2 unchanged.]

3.2.4.3 Equity, Diversity and Inclusion Review. An active member institution shall complete an equity, diversity and inclusion review at least once every four years and provide written confirmation of completion to the national office. Failure to complete an equity, diversity and inclusion review at least once every four years shall subject an institution to a penalty pursuant to a penalty structure and timeline maintained by the Strategic Vision and Planning Committee.

[3.2.4.4 through 3.2.4.26 unchanged.]

[3.2.5 through 3.2.6 unchanged.]

3.3 Member Conference.

[3.3.1 through 3.3.3 unchanged.]

3.3.4 Conditions and Obligations of Membership.

[3.3.4.1 unchanged.]

3.3.4.2 Equity, Diversity and Inclusion Review. An active member conference shall complete an equity, diversity and inclusion review of its internal policies, procedures and programming at least once every four years and provide written confirmation of completion to the national office. Failure to complete an equity, diversity and inclusion review at least once every four years shall subject a member conference to a penalty pursuant to a penalty structure and timeline maintained by the Strategic Vision and Planning Committee.

[3.3.4.3 through 3.3.4.9 unchanged.]

[3.3.5 through 3.3.6 unchanged.]

[3.6 unchanged.]

Source: NCAA Division I Council (Strategic Vision and Planning Committee)

Effective Date: Immediate

Category: Amendment

Topical Area: NCAA Membership

Rationale: Currently, institutions and conferences are required to complete an equity, diversity and inclusion review once every five years. Reducing the time frame for completing the review to once every four years would ensure that institutions and conferences conduct the review at least once during a typical student-athlete’s four years of eligibility. An institution or conference that has not yet conducted a review must complete its first review within four years of the effective date of the original legislation (by August 1, 2023 for institutions and August 1, 2024 for conferences). An institution or conference that has completed a review must complete its next review within four years of the completion of the first review.

Division I Commitment addressed by proposal: The Commitment to Diversity and Inclusion.
Is the proposal consequential or nationally significant?: Yes.

Is the proposal enforceable and how do the merits outweigh monitoring burdens?: Yes. This proposal would not create additional burden. The potential benefits derived from the review outweigh any continuing monitoring burdens.

How does the proposal support student-athlete success/well-being?: This proposal would support student-athlete well-being by ensuring that a equity, diversity and inclusion review would occur at least once during a typical student-athlete’s period of eligibility.

Estimated Budget Impact: The cost of conducting the review every four years rather than every five years.

Impact on Student-Athlete’s Time (Academic and/or Athletics): None.

Position Statement(s):
None

History:

Nov 12, 2020: In Progress

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**Amateurism**

No. 2020-6 AMATEURISM -- USE OF NAME, IMAGE AND LIKENESS -- STUDENT-ATHLETES

**Intent:** To permit a student-athlete to use his or her name, image and likeness for compensation, as specified.

A. **Bylaws:** Amend 12, as follows:

12 Amateurism and Athletics Eligibility

[12.01 unchanged.]

12.02 Definitions and Applications.

12.02.1 Agent. An agent is any individual who, directly or indirectly:

(a) Represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation for financial gain as a professional athlete; or

[12.02.1-(b) unchanged.]

[12.02.1.1 through 12.02.1.2 unchanged.]

[12.02.2 through 12.02.8 unchanged.]

12.02.9 Name, Image and Likeness Activity. A name, image and likeness activity is any activity in which a prospective student-athlete or student-athlete’s name, image, likeness or personal appearance is used for promotional purposes by an noninstitutional entity, including the individual prospective student-athlete or student-athlete, a commercial entity or a noninstitutional nonprofit or charitable entity. Such use may be compensated (e.g., cash, product or other benefit) or uncompensated.

[12.02.9 through 12.02.16 renumbered as 12.02.10 through 12.02.17, unchanged.]

12.1 General Regulations. An individual must comply with the following to retain amateur status. (See Bylaw 12.12 regarding the eligibility restoration process.)

[12.1.1 unchanged.]

12.1.2 Amateur Status. An individual loses amateur status and thus shall not be eligible for intercollegiate competition in a particular sport if the individual:

(a) Uses his or her athletics skill (directly or indirectly) for pay in any form for participation in that sport;

(b) Accepts a promise of pay for participating in that sport even if such pay is to be received following completion of intercollegiate athletics participation;

[12.1.2-(c) through 12.1.2-(f) unchanged.]

(g) Enters into an agreement with an agent to secure an opportunity as a professional athlete.
12.1.2.1 through 12.1.2.4 unchanged.

[12.1.3 unchanged.]

12.2 unchanged.

12.3 Use of Agents.

12.3.1 General Rule. An individual shall be ineligible for participation in an intercollegiate sport if he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport to secure an opportunity as a professional athlete. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.

[12.3.1.1 through 12.3.1.5 unchanged.]

[12.3.2 through 12.3.4 unchanged.]

12.4 Employment Unrelated to Name, Image or Likeness.

12.4.1 Criteria Governing Compensation to Student-Athletes. Compensation may be paid to a student-athlete: [R]

12.4.1.(a) through 12.4.1.(b) unchanged.

12.4.1.1 Athletics Reputation. Such compensation may not include any remuneration for value or utility that the student-athlete may have for the employer because of the publicity, reputation, fame or personal following that he or she has obtained because of athletics ability.

12.4.2 Specific Athletically Related Employment Activities.

12.4.2.1 Fee-for-Lesson Instruction. A student-athlete may receive compensation for teaching or coaching sport skills or techniques in his or her sport on a fee-for-lesson basis, provided: [R]

(a) Institutional If institutional facilities are not used, institutional policies and procedures for renting such facilities apply.

[12.4.2.1-(b) unchanged.]

(c) The compensation is paid by the lesson recipient (or the recipient’s family member) and not another individual or entity, and

(d) Instruction to each individual is comparable to the instruction that would be provided during a private lesson when the instruction involves more than one individual at a time; and,

(e) The student-athlete does not use his or her name, picture or appearance to promote or advertise the availability of fee-for-lesson sessions.

12.4.2.2 National Team Practice and Competition A student-athlete may receive actual and necessary expenses and reasonable benefits associated with national team practice and competition (e.g., health insurance, breaken-time payments). [R]

12.4.2.3 Athletics Equipment Sales. A student-athlete may not be employed to sell equipment related to the student-athlete’s sport if his or her name, picture or athletics reputation is used to advertise or promote the product, the job or the employer. If the student-athlete’s name, picture or athletics reputation is not used for advertising or promotion, the student-athlete may be employed in a legitimate sales position, provided he or she is reimbursed at an hourly rate or set salary in the same manner as any nonathlete salesperson. [R]

12.4.2.43 Goodwill Tour Commissions. A student-athlete representing the institution in a goodwill tour during summer months, in conjunction with the tour, may sell such items as jackets, blazers or similar institutional promotional items to booster groups or other friends of the institution on a salary, but not a commission, basis. [R]

12.4.2.4 Camp/Clinic Employment, General Rule. A student-athlete may be employed by his or her institution, by another institution, or by a private organization to work in a camp or clinic as a counselor, unless otherwise restricted by NCAA legislation (see Bylaw 13.12 for regulations relating to camps and clinics).

12.4.4 Self-Employment. A student-athlete may establish his or her own business, provided the student-athlete's name, photograph, appearance or athletics reputation is not used to promote the business.
12.5 Promotional Name, Image and Likeness Activities.

12.5.1 Permissible.

12.5.1.1 Promotions Involving NCAA Championships, Events, Activities or Programs. The NCAA (or a third party acting on behalf of the NCAA [e.g., host institution, conference, local organizing committee]) may use the name or picture of an enrolled student-athlete to generally promote NCAA championships or other NCAA events, activities or programs.

12.5.1.1.4 Exception - Olympic, Paralympic or National Team. A national governing body may sell player/trading cards that bear the name or picture of a student-athlete who is a member of the Olympic, Paralympic or national team in that sport, provided all of the funds generated through the sale of such cards are deposited directly with the applicable Olympic, Paralympic or national team.

12.5.1.2 U.S. Olympic and Paralympic Committee/National Governing Body Advertisement Prior to Collegiate Enrollment. Prior to initial, full-time collegiate enrollment, an individual may receive payment for the display of athletics skill in a commercial advertisement, provided:

(a) The individual receives prior approval to appear in the advertisement from the U.S. Olympic and Paralympic Committee or the applicable national governing body;

(b) The U.S. Olympic and Paralympic Committee or national governing body approves of the content and the production of the advertisement;

(c) The individual forwards the payment to the U.S. Olympic and Paralympic Committee or national governing body for the general use of the organization(s); and

(d) The funds are not earmarked for the individual.

12.5.1.3 Continuation of Modeling and Other Nonathletically Related Promotional Activities After Enrollment. If an individual accepts remuneration for or permits the use of his or her name or picture to advertise or promote the sale or use of a commercial product or service prior to enrollment in a member institution, continued remuneration for the use of the individual's name or picture (under the same or similar circumstances) after enrollment is permitted without jeopardizing his or her eligibility to participate in intercollegiate athletics only if all of the following conditions apply:

(a) The individual's involvement in this type of activity was initiated prior to his or her enrollment in a member institution;

(b) The individual became involved in such activities for reasons independent of athletics ability;

(c) No reference is made in these activities to the individual's name or involvement in intercollegiate athletics;

(d) The individual does not endorse the commercial product; and

(e) The individual's remuneration under such circumstances is at a rate commensurate with the individual's skills and experience as a model or performer and is not based in any way upon the individual's athletics ability or reputation.

12.5.1.4 Congratulatory Advertisement. It is permissible for a student-athlete’s name or picture, or the group picture of an institution's athletics squad, to appear in an advertisement of a particular business, commercial product or service, provided:

(a) The primary purpose of the advertisement is to publicize the sponsor's congratulations to the student-athlete or team;

(b) The advertisement does not include a reproduction of the product with which the business is associated or any other item or description identifying the business or service other than its name or trademark;

(c) There is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution endorses the product or service of the advertiser;

(d) The student-athlete has not signed a consent or release granting permission to use the student-athlete's name or picture in a manner inconsistent with the requirements of this section; and

(e) If the student-athlete has received a prize from a commercial sponsor in conjunction with participation in a promotional contest and the advertisement involves the announcement of receipt of the prize, the receipt of the prize is consistent with the provisions of Bylaw 12.5.2.3.3 and official interpretations.
12.5.1.5 Educational Products Related to Sport-Skill Instruction. It is permissible for a student-athlete’s name or picture to appear in books, articles and other publications, films, videotapes, and other types of electronic reproduction related to sport-skill demonstration, analysis or instruction, provided:

(a) Such print and electronic media productions are for educational purposes;

(b) There is no indication that the student-athlete expressly or implicitly endorses a commercial product or service;

(c) The student-athlete does not receive, under any circumstances, any remuneration for such participation; however, the student-athlete may receive actual and necessary expenses related to his or her participation; and

(d) The student-athlete has signed a release statement ensuring that the student-athlete’s name or image is used in a manner consistent with the requirements of this section.

12.5.1.6 Camps. An institutional or privately owned camp may use a student-athlete’s name, picture and institutional affiliation only in the camp counselor section in its camp brochure to identify the student-athlete as a staff member. A student-athlete’s name or picture may not be used in any other way to directly advertise or promote the camp. [D]

12.5.1.7 Promotion by Third Party of Highlight Video or Media Guide. Any party other than the institution or a student-athlete (e.g., a distribution company) may sell or distribute an institutional highlight video or an institutional or conference media guide that contains the names and pictures of enrolled student-athletes only if:

(a) The institution specifically designates any agency that is authorized to receive orders for the video or media guide;

(b) Sales and distribution activities have the written approval of the institution’s athletics director;

(c) The distribution company or a retail store is precluded from using the name or picture of an enrolled student-athlete in any poster or other advertisement that promote the sale or distribution of the video or media guide; and

(d) There is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution endorses the product or services of the advertiser.

12.5.1.8 Promotion of NCAA and Conference Championships. The NCAA [or a third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee)] may use the name or picture of a student-athlete to generally promote NCAA championships. A student-athlete’s name or picture may appear in a poster that promotes a conference championship, provided the poster is produced by a member that hosts a portion of the championship or by the conference.

12.5.1.9 Olympic, Paralympic, Pan American, Parapan American, World Championships, World Cup, World University Games (Universiade) and World University Championships. A student-athlete’s name or picture may be used to promote Olympic, Paralympic, Pan American, Parapan American, World Championships, World Cup, World University Games (Universiade) or World University Championships as specified in this section.

12.5.1.9.1 Sale and Distribution of Promotional Items. Promotional items (e.g., posters, postcards, film, videotapes) bearing the name or picture of a student-athlete and related to these events may be sold or distributed by the national or international sports governing body sponsoring these events or its designated third-party distributors. It is not permissible for such organizations to sell player/trading cards that bear a student-athlete’s name or picture, except as noted in Bylaw 12.5.1.1.4.1. Promotional items may include a corporate sponsor’s trademark or logo but not a reproduction of the product with which the business is associated. The name or picture of the student-athlete may not be used by the distribution company or retail store on any advertisement to promote the sale or distribution of the commercial item.

12.5.1.9.1.1 Corporate Sponsors. A corporate sponsor may sell a promotional item related to these events that uses the name or picture of a team but not an individual student-athlete.

12.5.2 Nonpermissible.

12.5.2.1 Advertisements and Promotions After Becoming a Student-Athlete. After becoming a student-athlete, an individual shall not be eligible for participation in intercollegiate athletics if the individual:

(a) Accepts any remuneration for or permits the use of his or her name or picture to advertise, recommend or promote directly the sale or use of a commercial product or service of any kind; or

(b) Receives remuneration for endorsing a commercial product or service through the individual’s use of such product or service.
12.5.2.1 Exceptions. The individual's eligibility will not be affected, provided the individual participated in such activities prior to enrollment and the individual:

(a) Meets the conditions set forth in Bylaw 12.5.1.3 that would permit continuation of such activities; or

(b) Takes appropriate steps upon becoming a student-athlete to retract permission for the use of his or her name or picture and ceases receipt of any remuneration for such an arrangement.

12.5.2.1.2 Improper Use of Student-Athlete's Name or Picture. If an institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name or picture in a manner contrary to Bylaw 12.5.2.1, the violation shall be considered an institutional violation; however, the student-athlete's eligibility shall not be affected.

12.5.2.2 Use of a Student-Athlete’s Name or Picture Without Knowledge or Permission. If a student-athlete's name or picture appears on commercial items (e.g., T-shirts, sweatshirts, serving trays, playing cards, posters) or is used to promote a commercial product sold by an individual or agency without the student-athlete's knowledge or permission, the student-athlete (or the institution acting on behalf of the student-athlete) is required to take steps to stop such an activity in order to retain his or her eligibility for intercollegiate athletics. Such steps are not required in cases in which a student-athlete's photograph is sold by an individual or agency (e.g., private photographer, news agency) for private use.

12.5.2.3 Specifically Restricted Activities. A student-athlete's involvement in promotional activities specified in this section is prohibited.

12.5.2.3.1 Name-the-Player Contest. A student-athlete may not permit use of his or her name or picture in a "name-the-player" contest conducted by a commercial business for the purpose of promoting that business.

12.5.2.3.2 Athletics Equipment Advertisement. A student-athlete's name or picture may not be used by an athletics equipment company or manufacturer to publicize the fact that the institution's team uses its equipment.

12.5.2.3.3 Promotional Contests. Receipt of a prize for winning an institutional or noninstitutional promotional activity (e.g., making a half-court basketball shot, being involved in a money scramble) by a prospective or enrolled student-athlete (or his or her family member) does not affect his or her eligibility, provided the prize is won through a random drawing in which all members of the general public or the student body are eligible to participate.

12.5.2.4 Other Promotional Activities. A student-athlete may not participate in any promotional activity that is not permitted under Bylaw 12.5.1.

12.5.1 Institutional, Charitable, Educational or Nonprofit Promotions. An institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), or a conference or a noninstitutional charitable, educational or nonprofit agency, may use a student-athlete’s name, picture image or likeness or appearance to support its charitable or educational activities or to support activities considered incidental to the student-athlete’s participation in intercollegiate athletics, provided the following conditions are met:

(a) The student-athlete’s participation is subject to the limitations on participants in such activities as set forth in Bylaw 17;

(b) The specific activity or project in which the student-athlete participates does not involve co-sponsorship, advertisement or promotion by a commercial agency other than through the reproduction of the sponsoring company’s officially registered regular trademark or logo on printed materials such as pictures, posters or calendars. The company’s emblem, name, address, telephone number and website address may be included with the trademark or logo. Personal names, messages and slogans (other than an officially registered trademark) are prohibited;

(c) The name, or picture image or likeness of a student-athlete with remaining eligibility may not appear on an institution’s printed promotional item (e.g., poster, calendar) that includes a reproduction of a product with which a commercial entity is associated if the commercial entity’s officially registered regular trademark or logo also appears on the item;

(d) The student-athlete does not miss class;

(e) All moneys derived from the activity or project go directly to the institution, or conference or the charitable, educational or nonprofit agency;
(f) The student-athlete may accept actual and necessary expenses from the institution, or conference or the charitable, educational or nonprofit agency related to participation in such activity; and

(g) The student-athlete’s name, picture or appearance is not used to promote the commercial ventures of any nonprofit agency;

(h) Any commercial items with names, images or likenesses or pictures of multiple student-athletes (other than highlight films or media guides per Bylaw 12.5.1.7) may be sold only at the institution in which student-athletes are enrolled, the institution’s conference, or institutionally controlled (owned and operated) outlets or outlets controlled by the charitable, educational or nonprofit organization (e.g., location of the charitable or educational organization, site of charitable event during the event). Items that include an individual student-athlete’s name, picture image or likeness (e.g., name on jersey, name or likeness on a bobble-head doll), other than informational items (e.g., media guide, schedule cards, institutional publications), may not be sold; and

(i) The student-athlete and an authorized representative of the charitable, educational or nonprofit agency affirm that the student-athlete’s name, image or appearance is used in a manner consistent with the requirements of this section.

12.5.1.2 Promotions Involving Commercial Locations/Sponsors. An institution, or a conference or a charitable, educational or nonprofit organization may use the appearance, name, or picture image or likeness of an enrolled student-athlete to promote generally its fundraising activities at the location of a commercial establishment, provided the commercial establishment is not a co-sponsor of the event and the student-athlete does not promote the sale of a commercial product in conjunction with the fundraising activity. A commercial establishment would become a co-sponsor if the commercial establishment either advertises the presence of the student-athlete at the commercial location or is involved directly or indirectly in promoting the activity.

12.5.1.3 Distribution of Institutional Items through Commercial Outlets. An institution may distribute noncommercial items that include names, images or likenesses or pictures of student-athletes (items not for sale) at commercial establishments, provided the institution generally distributes such items to other commercial establishments in the community and the distribution of the items does not require the recipient to make a purchase at the commercial establishment.

12.5.1.4 Player/Trading Cards. An institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), or a conference or a noninstitutional charitable, educational or nonprofit agency may distribute but may not sell player/trading cards that bear a student-athlete’s name or picture.

12.5.1.5 Schedule Cards. An advertisement on an institution’s wallet-size playing schedule that includes the name, image or likeness or picture of a student-athlete may include language other than the commercial product’s name, trademark or logo, provided the commercial language does not appear on the same page as the picture of the student-athlete. [D]

12.5.1.6 Effect of Violations. The following violations A violation of Bylaw 12.5.1.1 in which the institution, without the student-athlete’s knowledge or consent, uses or permits the use of the student-athlete’s name, image or likeness in a manner contrary to Bylaw 12.5.1.1 shall be considered an institutional violations violation; however, the student-athlete’s eligibility shall not be affected:

(a) An institution, without the student-athlete’s knowledge or consent, uses or permits the use of the student-athlete’s name or picture in a manner contrary to Bylaw 12.5.1.1; or

(b) A violation in which the only condition of the legislation not satisfied is the requirement that the student-athlete and an authorized representative of the charitable, educational or nonprofit agency affirm that the student-athlete’s name, image or appearance is used in a manner consistent with the requirements of Bylaw 12.5.1.1, provided the affirmation would have been given if requested.

12.5.2 Promotion of NCAA Championships, Events, Activities or Programs and Conferences Championships. The NCAA for a third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee) may use the name, image or likeness of a student-athlete to generally promote NCAA championships or other NCAA events, activities or programs. A conference for a third party acting on behalf of the conference (e.g., host institution, local organizing committee) may use the name, image or likeness of a student-athlete to generally promote conference championships.

12.5.3 Noninstitutional Name, Image and Likeness Activities. A student-athlete may permit the use of his or her name, image or likeness in noninstitutional promotional activities and receive compensation for such activities,
12.5.3.1 Institutional Involvement. An institution shall not be involved in the development, operation or promotion of a noninstitutional name, image and likeness activity and shall not purchase a student-athlete’s work product or service. A product or service that is developed as part of a student-athlete’s coursework is not subject to these restrictions.

12.5.3.1.1 Use of Institutional Marks. A student-athlete shall not use and an institutional shall not permit the use of institutional marks in noninstitutional name, image and likeness activities.

12.5.3.1.2 Use of Institutional Facilities. A student-athlete shall not use institutional facilities for noninstitutional name, image and likeness activities other than those permitted in Bylaws 12.5.3.1 and 12.4.2.1.

12.5.3.1.3 Reference to the Institution. A noninstitutional name, image and likeness activity may not include a reference to the institution the student-athlete attends, except for the promotion of a student-athlete’s personal name, image and likeness activities, consistent with institutional policies applicable to any student.

12.5.3.1.4 Institutional Content. A student-athlete may use content created by the institution or one of its vendors (e.g., photos, video), provided the institution retains the rights to the content and the student-athlete does not use the content in any activities for which the student-athlete is compensated.

12.5.3.1.5 Merchandise and Memorabilia. A student-athlete is not permitted to sell items provided by the institution, including awards and apparel retained by the student-athlete at the end of a season that the institution will not reuse, until the student-athlete has exhausted eligibility for intercollegiate competition or has become permanently ineligible for competition. A student-athlete may sell institutional merchandise he or she has purchased, subject to institutional restrictions related to the resale of items that include institutional marks.

12.5.3.2 Specifically Prohibited Promotional Activities. A student-athlete shall not engage in name, image and likeness activities involving a commercial product or service that conflicts with NCAA legislation (e.g., sports wagering, banned substances).

12.5.3.3 Conflicts With Institutional Agreements and Other Considerations. An institution may prohibit a student-athlete’s involvement in name, image and likeness activities that conflict with existing institutional sponsorship arrangements. An institution, at its discretion, may prohibit a student-athlete’s involvement in name, image and likeness activities based on other considerations, such as conflict with institutional values, as defined by the institution. An institution shall have policies that set forth the name, image and likeness activities in which student-athletes may or may not engage.

12.5.3.4 Autographs. A student-athlete may receive compensation for his or her autograph; however, a student-athlete is not permitted to receive compensation for signing an autograph while he or she is participating in required athletically related activities or otherwise representing the institution and no institutional marks may be used in conjunction with the sale of an autograph.

12.5.3.5 Crowdfunding.

12.5.3.5.1 Crowdfunding for Educational Expenses. A student-athlete may use his or her name, image or likeness through a crowdfunding service (e.g., website) to raise funds for educational expenses that are not included in his or her cost of attendance (e.g., mission trips, internships), provided there is no institutional involvement. It is not permissible for a student-athlete to use his or her name, image or likeness through a crowdfunding service to raise funds to cover educational expenses that are included in the definition of cost of attendance.

12.5.3.5.2 Crowdfunding for a Specific Charitable Purpose. A student-athlete’s name, image or likeness may be used through a crowdfunding service (e.g., website) to raise funds for a specific charitable purpose (e.g., relief efforts for victims of a catastrophic event, family hardship), provided any excess proceeds are given to a not-for-profit organization.

12.5.3.5.3 Crowdfunding for Actual and Necessary Expenses. A student-athlete’s name, image or likeness may be used through a crowdfunding service (e.g., website) to raise funds to cover actual and necessary expenses pursuant to Bylaw 12.1.2.1.4.3.
12.5.3.7 Disclosure of Name, Image and Likeness Activities. A student-athlete shall disclose all name, image and likeness activities, including information related to transactions, compensation arrangements and details of relationships with an involved individual, commercial entity and third parties (e.g., contact information, identification of role). A student-athlete shall disclose information related to a prospective agreement to promote a commercial product or service in advance. If arrangements and details of agreements to promote a commercial product or service are amended, the student-athlete shall provide updates within 14 days of the change.

12.5.24 Media Activities. A student-athlete may participate in media activities, including but not limited to, radio, television and internet-based programs (e.g., coaches’ shows), and writing projects when the student-athlete’s appearance or participation is related in any way to his or her status as a student-athlete. The student-athlete shall not receive any remuneration for participation in the activity. The student-athlete shall not make any endorsement, expressed or implied, of any commercial product or service. The student-athlete may, however, receive actual and necessary expenses directly related to the appearance or participation in the activity. A student-athlete participating in such media activities may not miss class, except for class time missed in conjunction with away-from-home competition or to participate in an NCAA or conference-sponsored media activity.

[12.5.4 renumbered as 12.5.6, unchanged.]

[12.6 through 12.12 unchanged.]

B. Bylaws: Amend 13.2, as follows:

13.2 Offers and Inducements.

13.2.1 General Regulation. An institution’s staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her family members or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her family members or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution’s prospective students or their family members or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability. [R]

13.2.1.1 Specific Prohibitions. Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following: [R]

[13.2.1.1-(a) through 13.2.1.1-(i) unchanged.]

(j) Sponsorship of or arrangement for an awards banquet for high school, preparatory school or two-year-college athletes by an institution, representatives of its athletics interests or its alumni groups or booster clubs; and

(k) Expenses for academic services (e.g., tutoring, test preparation) to assist in the completion of initial-eligibility or transfer-eligibility requirements or improvement of the prospective student-athlete’s academic profile in conjunction with a waiver request; and

(l) An arrangement for the use of a prospective student-athlete’s name, image or likeness in business activities or noninstitutional promotional activities (see Bylaws 12.4.2.1.1 and 12.5.3.1.1).

[13.2.1.2 through 13.2.1.5 unchanged.]

[13.2.2 through 13.2.11 unchanged.]

C. Bylaws: Amend 13.12.2, as follows:

13.12.2 Employment at Camp or Clinic.

13.12.2.1 Student-Athletes. A student-athlete may be employed in any sports camp or clinic, provided compensation is provided pursuant to the criteria of Bylaw 12.4.1. A student-athlete who only lectures or demonstrates at a camp/clinic may not receive compensation for his or her appearance at the camp/clinic.

13.12.2.1.1 Self-Employment. A student-athlete with remaining eligibility is not permitted to conduct his or her own camp or clinic. [R]

[13.12.2.2 through 13.12.2.3 unchanged.]

D. Bylaws: Amend 15.2.7, as follows:
15.2.7 Employment. Earnings from a student-athlete's on- or off-campus employment that occurs at any time is exempt and is not counted in determining a student-athlete's cost of attendance or in the institution's financial aid limitations, provided:

(a) The student-athlete's compensation does not include any remuneration for value or utility that the student-athlete may have for the employer because of the publicity, reputation, fame or personal following that he or she has obtained because of athletics ability;

(b) The student-athlete is compensated only for work actually performed; and

(c) The student-athlete is compensated at a rate commensurate with the going rate in that locality for similar services (see Bylaw 12.4).

Source: NCAA Division I Council (Name, Image and Likeness Legislative Solutions Group)

Effective Date: August 1, 2021

Category: Amendment

Topical Area: Amateurism

Rationale: This proposal would permit student-athletes to benefit from the use of their names, images and likenesses in a manner that is consistent with the NCAA Board of Governors' guiding principles and with the direction to consider appropriate rules changes based on recommendations from the Federal and State Legislation Working Group. These recommendations fall into two categories: (1) activities related to student-athlete business activities; and (2) promotion/endorsement of products and services. Student-athletes should have full use of their names, images and likenesses related to their own business activities, including autographs and appearances, noting the direct tie between these activities and a student-athlete's identity. Allowing student-athletes to use their names, images and likenesses to promote their own business activities will provide student-athletes the opportunity to pursue entrepreneurial activities in the same manner as their peers who are not student-athletes. Many student-athletes may have limited opportunities in their lifetimes to profit from their names, images and likenesses. If a market exists for a student-athlete to be compensated for an appearance, he or she should be permitted to capitalize on that potential, provided the compensation is not an inducement to attend an institution or "pay for play" compensation. Moreover, an institution is permitted to request student-athletes to appear voluntarily on its behalf as part of being a member of an athletic team (e.g., institution fundraiser). Allowing student-athletes to be compensated for their independent appearances provides opportunities outside of official institutional appearances. Permitting student-athletes to use their names, images and likenesses for crowdfunding allows student-athletes to engage in activities in the same manner as their peers who are not student-athletes, supports student-athlete well-being and removes bureaucracy surrounding such activities. Importantly, these opportunities may occur in a manner that is consistent with the NCAA's core values, mission and principles, while prioritizing student-athlete well-being. Further, the recommended administrative framework for these legislative changes ensures that the legislation will be transparent and enforceable, consistent with the Board of Governors' principles. During the development of this proposal, representatives of institutions and conferences, including student-athletes, and constituent groups provided feedback on ways to modernize NCAA legislation to allow for student-athletes to receive compensation for their names, images and likenesses. Student-athlete voices were prioritized throughout the process.

Division I Commitment addressed by proposal: The Commitment to Student-Athlete Well-Being.

Is the proposal consequential or nationally significant?: Yes. The NCAA Board of Governors directed the divisions to consider appropriate rules changes to provide student-athletes the opportunity to benefit from the use of their names, images and likenesses in a manner consistent with the values and beliefs of intercollegiate athletics.

Is the proposal enforceable and how do the merits outweigh monitoring burdens?: Yes. The merits of providing significant opportunities to student-athletes outweighs the potential monitoring burden.

How does the proposal support student-athlete success/well-being?: This proposal would allow student-athletes to take advantage of opportunities to support themselves through the use of their names, images and likenesses.

Estimated Budget Impact: TBD.

Impact on Student-Athlete's Time (Academic and/or Athletics): A student-athlete's time may be impacted by engaging in name, image and likeness activities.

Position Statement(s):

Student-Athlete Experience Committee Supports
History:

Nov 13, 2020: In Progress

No. 2020-7 AMATEURISM – USE OF NAME, IMAGE AND LIKENESS – PROSPECTIVE STUDENT-ATHLETES

Intent: To permit a prospective student-athlete to use his or her name, image and likeness for compensation, as specified.

A. Bylaws: Amend 12, as follows:

12 Amateurism and Athletics Eligibility

[12.01 unchanged.]

12.02 Definitions and Applications.

12.02.1 Agent. An agent is any individual who, directly or indirectly:

(a) Represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation for financial gain as a professional athlete; or

[12.02.1-(b) unchanged.]

[12.02.1.1 through 12.02.1.2 unchanged.]

[12.02.2 through 12.02.8 unchanged.]

12.02.9 Name, Image and Likeness Activity. A name, image and likeness activity is any activity in which a prospective student-athlete or student-athlete’s name, image, likeness or personal appearance is used for promotional purposes by an noninstitutional entity, including the individual prospective student-athlete or student-athlete, a commercial entity or a noninstitutional nonprofit or charitable entity. Such use may be compensated (e.g., cash, product or other benefit) or uncompensated.

[12.02.9 through 12.02.16 renumbered as 12.02.10 through 12.02.17, unchanged.]

12.1 General Regulations. An individual must comply with the following to retain amateur status. (See Bylaw 12.12 regarding the eligibility restoration process.)

[12.1.1 unchanged.]

12.1.2 Amateur Status. An individual loses amateur status and thus shall not be eligible for intercollegiate competition in a particular sport if the individual:

(a) Uses his or her athletics skill (directly or indirectly) for pay in any form for participation in that sport;

(b) Accepts a promise of pay for participating in that sport even if such pay is to be received following completion of intercollegiate athletics participation;

[12.1.2-(c) through 12.1.2-(f) unchanged.]

(g) Enters into an agreement with an agent to secure an opportunity as a professional athlete.

[12.1.2.1 through 12.1.2.4 unchanged.]

[12.1.3 unchanged.]

[12.2 unchanged.]

12.3 Use of Agents.

12.3.1 General Rule. An individual shall be ineligible for participation in an intercollegiate sport if he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport to secure an opportunity as a professional athlete. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.

[12.3.1.1 through 12.3.1.5 unchanged.]

[12.3.2 through 12.3.4 unchanged.]
12.5 Promotional Name, Image and Likeness Activities.

12.5.1 Permissible.

12.5.1.2 U.S. Olympic and Paralympic Committee/National Governing Body Advertisement Prior to Collegiate Enrollment. Prior to initial, full-time collegiate enrollment, an individual may receive payment for the display of athletics skill in a commercial advertisement, provided:

(a) The individual receives prior approval to appear in the advertisement from the U.S. Olympic and Paralympic Committee or the applicable national governing body;

(b) The U.S. Olympic and Paralympic Committee or national governing body approves of the content and the production of the advertisement;

(c) The individual forwards the payment to the U.S. Olympic and Paralympic Committee or national governing body for the general use of the organization(s); and

(d) The funds are not earmarked for the individual.

12.5.3 Noninstitutional Name Image and Likeness Activities – Prospective Student-Athletes. A prospective student-athlete may permit the use of his or her name, image or likeness in noninstitutional promotional activities and receive compensation for such activities, including for personal appearances. A prospective student-athlete shall not receive compensation for athletics performance or participation as an inducement for enrollment (see Bylaws 13.2 and 16.11.2.1).

12.5.3.1 Institutional Involvement. An institution shall not be involved in the development, operation or promotion of a noninstitutional name, image and likeness activity and shall not purchase a prospective student-athlete’s work product or service.

12.5.3.1.1 Use of Institutional Marks. A prospective student-athlete shall not use and an institution shall not permit the use of institutional marks in noninstitutional name, image and likeness activities.

12.5.3.1.2 Use of Institutional Facilities. A prospective student-athlete shall not use institutional facilities for noninstitutional name, image and likeness activities.

12.5.3.2 Specifically Prohibited Promotional Activities. A prospective student-athlete shall not engage in name, image and likeness activities involving a commercial product or service that conflicts with NCAA legislation (e.g., sports wagering, banned substances).

12.5.3.3 Conflicts With Institutional Agreements and Other Considerations. An institution shall have policies that set forth the name, image and likeness activities in which student-athletes may or may not engage. An institution shall provide such policies to a prospective student-athlete by the point in which an offer of financial aid and/or admission is provided to the prospective student-athlete.

12.5.3.4 Autographs. A prospective student-athlete may receive compensation for his or her autograph.

12.5.3.5 Crowdfunding.

12.5.3.5.1 Crowdfunding for Educational Expenses. A prospective student-athlete may use his or her name, image or likeness through a crowdfunding service (e.g., website) to raise funds for educational expenses that are not included in his or her cost of attendance (e.g., mission trips, internships), provided there is no institutional involvement. It is not permissible for a prospective student-athlete to use his or her name, image or likeness through a crowdfunding service to raise funds to cover educational expenses that are included in the definition of cost of attendance per Bylaw 15.02.2.

12.5.3.5.2 Crowdfunding for a Specific Charitable Purpose. A prospective student-athlete’s name, image or likeness may be used through a crowdfunding service (e.g., website) to raise funds for a specific charitable purpose (e.g., relief efforts for victims of a catastrophic event, family hardship), provided any excess proceeds are given to a not-for-profit organization.
12.5.3.5.3 Crowdfunding for Actual and Necessary Expenses. A prospective student-athlete's name, image or likeness may be used through a crowdfunding service (e.g., website) to raise funds to cover actual and necessary expenses pursuant to Bylaw 12.1.2.1.4.3.

12.5.3.6 Disclosure of Name, Image and Likeness Activities. A prospective student-athlete who has received an offer of athletically related financial aid is required to report all name, image and likeness activities to an entity, as determined by the NCAA. Disclosure shall include information related to transactions, compensation arrangements and details of relationships with an involved individual, commercial entity and third parties (e.g., contact information, identification of role).

[12.5.3 through 12.5.4 renumbered as 12.5.4 through 12.5.5, unchanged.]

[12.6 through 12.12 unchanged.]

B. Bylaws: Amend 13.2, as follows:

13.2 Offers and Inducements.

13.2.1 General Regulation. An institution’s staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her family members or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her family members or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution’s prospective students or their family members or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability. [R]

13.2.1.1 Specific Prohibitions. Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following: [R]

[13.2.1.1-(a) through 13.2.1.1-(i) unchanged.]

(j) Sponsorship of or arrangement for an awards banquet for high school, preparatory school or two-year-college athletes by an institution, representatives of its athletics interests or its alumni groups or booster clubs; and

(k) Expenses for academic services (e.g., tutoring, test preparation) to assist in the completion of initial-eligibility or transfer-eligibility requirements or improvement of the prospective student-athlete’s academic profile in conjunction with a waiver request; and

(l) An arrangement for the use of a prospective student-athlete’s name, image or likeness in business activities or noninstitutional promotional activities (see Bylaws 12.4.2.1.1 and 12.5.3.1.1).

[13.2.1.2 through 13.2.1.5 unchanged.]

[13.2.2 through 13.2.11 unchanged.]

Source: NCAA Division I Council (Name, Image and Likeness Legislative Solutions Group)

Effective Date: August 1, 2021

Category: Amendment

Topical Area: Amateurism

Rationale: The recommended regulatory approach to name, image and likeness addresses both prospective student-athletes and student-athletes given that name, image and likeness-related relationships and agreements can be developed well before collegiate enrollment. This model would ensure consistency and clarity for prospective student-athletes and student-athletes, as well as other entities involved in name, image and likeness-related activities (e.g., professional service providers). It also minimizes the risk of prospective student-athletes entering into agreements or relationships before full-time enrollment that could render them ineligible when they become student-athletes.

Division I Commitment addressed by proposal: The Commitment to Student-Athlete Well-Being.

Is the proposal consequential or nationally significant?: Yes. The NCAA Board of Governors directed the divisions to consider appropriate rules changes to provide student-athletes the opportunity to benefit from the use of their names, images and likenesses in a manner consistent with the values and beliefs of intercollegiate athletics.

Is the proposal enforceable and how do the merits outweigh monitoring burdens?: Yes. The merits of providing significant opportunities to prospective student-athletes outweighs the potential monitoring burden.
How does the proposal support student-athlete success/well-being?: This proposal would allow prospective student-athletes to take advantage of opportunities to support themselves through the use of their names, images and likenesses.

Estimated Budget Impact: TBD.

Impact on Student-Athlete's Time (Academic and/or Athletics): A student-athlete's time may be impacted by engaging in name, image and likeness activities.

Position Statement(s):

Student-Athlete Experience Committee Supports

History:

Nov 13, 2020: In Progress

No. 2020-8 AMATEURISM -- NAME, IMAGE AND LIKENESS ACTIVITIES -- USE OF PROFESSIONAL SERVICE PROVIDERS

Intent: To permit an individual to use the services of a professional service provider in name, image and likeness activities, as specified.

A. Bylaws: Amend 11.1, as follows:

11.1 Conduct of Athletics Personnel.

[11.1.1 through 11.1.3 unchanged.]

11.1.4 Professional Service Provider for Name, Image and Likeness Activities. An institutional staff member shall not provide professional services related to a prospective student-athlete or student-athlete’s name, image and likeness activities.

[11.1.4 through 11.1.5 renumbered as 11.1.5 through 11.1.6, unchanged.]

B. Bylaws: Amend 12, as follows:

12 Amateurism and Athletics Eligibility

[12.01 unchanged.]

12.02 Definitions and Applications.

12.02.1 Agent. An agent is any individual who, directly or indirectly:

(a) Represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation for financial gain as a professional athlete; or

[12.02.1-(b) unchanged.]

[12.02.1.1 through 12.02.1.2 unchanged.]

[12.02.2 unchanged.]

12.1 General Regulations. An individual must comply with the following to retain amateur status. (See Bylaw 12.12 regarding the eligibility restoration process.)

[12.1.1 through 12.1.3 unchanged.]

[12.2 unchanged.]

12.3 Use of Agents.

12.3.1 General Rule. An individual shall be ineligible for participation in an intercollegiate sport if he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport to secure an opportunity as a professional athlete. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.

[12.3.1.1 through 12.3.1.5 unchanged.]

[12.3.2 through 12.3.4 unchanged.]
12.5 Promotional Activities.

[12.5.1 through 12.5.3 unchanged.]

12.5.4 Use of Professional Service Provider for Name, Image and Likeness Activities.

12.5.4.1 Use of Professional Service Provider. An individual may use the services of a professional service provider in the following name, image and likeness activities:

(a) Advice regarding name, image and likeness activities;

(b) Representation in contract negotiations related to name, image and likeness activities; and

(c) Marketing of the student-athlete’s name, image and likeness activities.

12.5.4.1.1 Limitations on Marketing Athletics Ability or Reputation. A professional service provider who represents an individual in name, image and likeness activities may not also represent a student-athlete for the purpose of marketing his or her athletics ability or reputation in a sport to secure an opportunity as professional athlete.

12.5.4.1.2 Institutional Employees or Independent Contractors. A student-athlete is not permitted to use a professional service provider in name, image and likeness activities who is an employee or independent contractor of the institution. For purposes of this provision, an entity that contracts with an institution for the primary purpose of providing products but not services is not considered to be an independent contractor.

12.5.4.1.3 Fees and Payment Arrangements for Services. A fee arrangement for professional services shall be consistent with typical industry arrangements and must not be discounted as a result of athletics ability. Fees must be disclosed pursuant to a written agreement (e.g., flat fee, profit share, upfront guarantee) with the service provider. A student-athlete may receive the same de minimis benefits (e.g., meals, copies, mailing) from a professional service provider that nonstudent-athletes receive.

12.5.4.2 Institutional Involvement. An institution may provide information and education related to name, image and likeness activities and may assist a student-athlete with evaluating professional service providers related to such activities. However, an institution may not identify or select a professional service provider or arrange for or provide payment for services rendered to the student-athlete.

[12.5.4 renumbered as 12.5.5, unchanged.]

[12.6 through 12.12 unchanged.]

Source: NCAA Division I Council (Name, Image and Likeness Legislative Solutions Group)

Effective Date: August 1, 2021

Category: Amendment

Topical Area: Amateurism

Rationale: Any use of a student-athlete’s name, image or likeness for an activity that has an athletics nexus could result in the student-athlete being paid, at least in part, based on athletics reputation. Many of these activities will necessitate a student-athlete securing professional services to navigate a complex business environment. It is imperative that student-athletes receive guidance from qualified professionals in name, image and likeness activities and that the collegiate model is upheld by not allowing an agent to promote the student-athlete’s athletics ability for future professional sports opportunities. To fall into the category of “no institutional involvement,” at a minimum, an institution may not be involved in the development, operation or promotion of a name, image or likeness activity. In addition, it would not be permissible for institutional marks or institutional facilities to be used. However, it is in the best interests of student-athlete well-being for institutions to be permitted to provide some assistance and support to student-athletes involved in name, image and likeness activities to facilitate appropriate compliance, ensure integrity and protect student-athlete well-being.

Division I Commitment addressed by proposal: The Commitment to Student-Athlete Well-Being.

Is the proposal consequential or nationally significant?: Yes. The NCAA Board of Governors directed the divisions to consider appropriate rules changes to provide student-athletes the opportunity to benefit from the use of their names, images and likenesses in a manner consistent with the values and beliefs of intercollegiate athletics.
Is the proposal enforceable and how do the merits outweigh monitoring burdens?: Yes. The merits of providing significant opportunities to student-athletes outweighs the potential monitoring burden.

How does the proposal support student-athlete success/well-being?: This proposal would allow student-athletes to take advantage of opportunities to support themselves through the use of their names, images and likenesses.

Estimated Budget Impact: TBD.

Impact on Student-Athlete's Time (Academic and/or Athletics): A student-athlete's time may be impacted by engaging in name, image and likeness activities.

Position Statement(s):

Student-Athlete Experience Committee Supports

History:

Nov 13, 2020: In Progress

No. 2020-9 AMATEURISM – NAME, IMAGE AND LIKENESS ACTIVITIES – THIRD-PARTY ADMINISTRATOR

Intent: To require an individual involved in name, image and likeness activities to disclose such activities to an independent third-part administrator, as specified.

Bylaws: Amend 12, as follows:

12 Amateurism and Athletics Eligibility

[12.01 through 12.4 unchanged.]

12.5 Promotional Name, Image and Likeness Activities.

[12.5.1 through 12.5.2 unchanged.]

12.5.3 Noninstitutional Name Image and Likeness Activities.

12.5.3.1 Disclosure of Name, Image and Likeness Activities – Prospective Student-Athletes. A prospective student-athlete who has received an offer of athletically related financial aid is required to report all name, image and likeness activities to an independent third-party administrator. Disclosure shall include information related to transactions, compensation arrangements, and details of relationships with an involved individual, commercial entity and third parties (e.g., contact information, identification of role).

12.5.3.2 Disclosure of Name, Image and Likeness Activities – Student-Athletes. A student-athlete shall disclose all name, image and likeness activities, including information related to transactions, compensation arrangements, and details of relationships with an involved individual, commercial entity, and third parties (e.g., contact information, identification of role) to an independent third-party administrator. A student-athlete shall disclose information related to a prospective agreement to promote a commercial product or service in advance. If arrangements and details of agreements to promote a commercial product or service are amended, the student-athlete shall provide updates within 14 days of the change.

[12.5.3 through 12.5.4 renumbered as 12.5.4 through 12.5.5, unchanged.]

[12.6 through 12.12 unchanged.]

Source: NCAA Division I Council (Name, Image and Likeness Legislative Solutions Group)

Effective Date: August 1, 2021

Category: Amendment

Topical Area: Amateurism

Rationale: Prospective student-athletes and student-athletes should be required to disclose involvement in name, image, and likeness activities. Disclosure requirements will help to provide support to student-athletes, monitor booster involvement, ensure integrity of the recruiting process, and identify activities that may not align with the values of the NCAA, conferences or institutions. A third-party administrator could develop a web-based platform for individuals to submit information to satisfy new disclosure requirements, report to an oversight entity (e.g., NCAA) national trends and monitor and evaluate NIL activities for possible malfeasance. In addition, the third-party administrator could help ease the burden on campuses by providing education to student-athletes, prospective student-athletes and key stakeholders (e.g., boosters, professional service providers). The NCAA
Board of Governors Federal and State Legislation Working Group encouraged the exploration of whether disclosure or enforcement efforts in this area should utilize the assistance of third-party entities at the local, conference or Association-wide levels, in part to help relieve the burden that campus compliance personnel may face attempting to monitor the newly permitted activities. In addition, feedback from various groups included concern related activities of boosters and other involved individuals and entities. Integrity and disclosure requirements are designed to monitor and minimize impermissible booster activity and recruiting inducements. The Legislative Solutions Group recognizes in many cases, boosters may be the most likely sources of opportunities for student-athletes to engage in name, image and likeness activities. Student-athletes should be permitted take advantage legitimate opportunities, even if the source of the opportunity comes from a booster of the institution.

Division I Commitment addressed by proposal: The Commitment to Student-Athlete Well-Being.

Is the proposal consequential or nationally significant?: Yes. The NCAA Board of Governors directed the divisions to consider appropriate rules changes to provide student-athletes the opportunity to benefit from the use of their names, images and likenesses in a manner consistent with the values and beliefs of intercollegiate athletics.

Is the proposal enforceable and how do the merits outweigh monitoring burdens?: Yes. The merits of providing significant opportunities to student-athletes outweighs the potential monitoring burden.

How does the proposal support student-athlete success/well-being?: This proposal would allow student-athletes to take advantage of opportunities to support themselves through the use of their names, images and likenesses.

Estimated Budget Impact: TBD

Impact on Student-Athlete's Time (Academic and/or Athletics): A student-athlete's time may be impacted by engaging in name, image and likeness activities.

Position Statement(s):
Student-Athlete Experience Committee Supports

History:
Nov 13, 2020: In Progress

Recruiting

No. 2020-10 RECRUITING -- OFFICIAL AND UNOFFICIAL VISITS, CAMPS AND CLINICS -- CONFLICTS WITH NCAA COLLEGE BASKETBALL ACADEMY

Intent: In men's basketball, to prohibit institutional camps and clinics and official or unofficial visits during the NCAA College Basketball Academy, as specified.

Bylaws: Amend 13, as follows:

13 Recruiting
[13.01 through 13.5 unchanged.]

13.6 Official (Paid) Visit.
[13.6.1 unchanged.]

13.6.2 Limitations on Official Visits.
[13.6.2.1 through 13.6.2.5 unchanged.]

13.6.2.6 NCAA College Basketball Academy -- Men's Basketball. In men's basketball, a prospective student-athlete may not be provided an expense-paid visit during the NCAA College Basketball Academy.
[13.6.3 through 13.6.9 unchanged.]

13.7 Unofficial (Nonpaid) Visit.
[13.7.1 unchanged.]

13.7.2 Number Permitted. A prospective student-athlete may visit a member institution's campus at his or her own expense an unlimited number of times.
13.7.2.1 Exception – Men’s Basketball. In men’s basketball, a prospective student-athlete who has not signed a National Letter of Intent or the institution’s written offer of admission and/or financial aid or for whom the institution has not received a financial deposit in response to an offer of admission may not make an unofficial visit during the month of July or during the NCAA College Basketball Academy. A prospective student-athlete who has signed a National Letter of Intent or the institution’s written offer of admission and/or financial aid, or the institution has received a financial deposit from the prospective student-athlete in response to an offer of admission may make an unofficial visit during days in July that do not include the NCAA College Basketball Academy.

[13.7.2.2 unchanged.]

[13.7.3 through 13.7.5 unchanged.]

[13.8 through 13.11 unchanged.]


13.12.1 Institution’s Sports Camps and Clinics.

13.12.1.1 Definition. An institution’s sports camp or instructional clinic shall be any camp or clinic that is owned or operated by a member institution or an employee of the member institution’s athletics department, either on or off its campus, and in which prospective student-athletes participate.

[13.12.1.1.1 through 13.12.1.1.5 unchanged.]

13.12.1.6 Basketball. An institution’s basketball camp or clinic shall be conducted only during June, July and August, or any calendar week (Sunday through Saturday) that includes days of those months (e.g., May 28-June 3). Additionally, in men’s basketball, an institution’s camp or clinic may not be conducted during the dates when the NCAA College Basketball Academy occurs. [D]

[13.12.1.2 through 13.12.1.7 unchanged.]

[13.12.2 through 13.12.4 unchanged.]

[13.13 through 13.18 unchanged.]

Source: NCAA Division I Council (Men’s Basketball Oversight Committee)

Effective Date: Immediate

Category: Amendment

Topical Area: Recruiting

Rationale: The purpose of the NCAA College Basketball Academy is to provide a valuable athletic and educational experience for prospective student-athletes. Eliminating the conflicts of institutional visits and camps and clinics would increase the opportunities for prospective student-athletes to attend and would improve the field of prospective student-athletes for coaches to evaluate at the academy.

Division I Commitment addressed by proposal: The Commitment to Student-Athlete Well-Being.

Is the proposal consequential or nationally significant?: Yes. The NCAA College Basketball Academy was established in response to the recommendations of the Commission on College Basketball.

Is the proposal enforceable and how do the merits outweigh monitoring burdens?: Yes. The support of the purposes of the NCAA College Basketball Academy outweighs the monitoring burden.

How does the proposal support student-athlete success/well-being?: This proposal would eliminate conflicts with the NCAA College Basketball Academy and allow more prospective student-athletes to attend the event.

Estimated Budget Impact: None.

Impact on Student-Athlete’s Time (Academic and/or Athletics): None.

Position Statement(s):

None

History: 
Academic Eligibility

No. 2020-11 ACADEMIC ELIGIBILITY -- EXCEPTIONS FOR TRANSFERS FROM FOUR-YEAR COLLEGES -- ONE-TIME TRANSFER EXCEPTION -- UNIFORM APPLICATION

Intent: To revise the one-time transfer exception to apply to all sports, as specified.

A. Bylaws: Amend 13.1, as follows:

13.1 Contacts and Evaluations. Recruiting contacts (per Bylaw 13.02.4) and telephone calls by institutional staff members or representatives of the institution’s athletics interests are subject to the provisions set forth in this bylaw. [D]

[13.1.1 unchanged.]

13.1.1.3 Four-Year College Prospective Student-Athletes. An athletics staff member or other representative of the institution’s athletics interests shall not communicate or make contact with the student-athlete of another NCAA Division I institution, or any individual associated with the student-athlete (e.g., family member scholastic or nonscholastic coach, advisor), directly or indirectly, without first obtaining authorization through the notification of transfer process. Before making contact, directly or indirectly, with a student-athlete of an NCAA Division II or Division III institution, or an NAIA four-year collegiate institution, an athletics staff member or other representative of the institution’s athletics interests shall comply with the rule of the applicable division or the NAIA rule for making contact with a student-athlete. [See Bylaw 19.1.2-(f).]

13.1.1.3.1 Notification of Transfer. A student-athlete may initiate the notification of transfer process by providing his or her institution with a written notification of transfer at any time. The student-athlete must complete an educational module related to transferring before the institution may enter his or her information into the national transfer database. The student-athlete’s institution shall enter his or her information into the national transfer database within two business days of receipt of a written notification of transfer from the student-athlete or receipt of confirmation of the student-athlete’s completion of the educational module, whichever occurs later. [D]

[13.1.1.3.2 through 13.1.1.3.6 unchanged.]

[13.1.2 through 13.1.10 unchanged.]

B. Bylaws: Amend 14.5.5, as follows:

14.5.5 Four-Year College Transfers. See Bylaw 13.1.1.3 for the prohibition against contacting student-athletes of another four-year collegiate institution without permission of that institution’s athletics director.

14.5.5.1 General Rule. A transfer student from a four-year institution shall not be eligible for intercollegiate competition at a member institution until the student has fulfilled a residence requirement of one full academic year (two full semesters or three full quarters) at the certifying institution.

[14.5.5.1.1 through 14.5.5.1.3 unchanged.]

14.5.5.2 Exceptions for Transfers From Four-Year Colleges. A transfer student (other than one under disciplinary suspension per Bylaw 14.5.1.2) from a four-year collegiate institution is not subject to the residence requirement for intercollegiate competition, provided the student does not have an unfulfilled residence requirement at the institution from which he or she is transferring (except for the return to original institution without participation or with minimal participation exception) and any of the following exceptions is satisfied. During the student-athlete’s first academic year of full-time collegiate enrollment, such conditions may serve as a basis for an exception to the residence requirement only for transfer students who, at the time of initial collegiate enrollment, met the requirements for qualifiers (set forth in Bylaw 14.3.1) in Division I.

[14.5.5.2.1 through 14.5.5.2.9 unchanged.]

14.5.5.2.10 One-Time Transfer Exception. The student transfers to the certifying institution from another four-year collegiate institution, and all of the following conditions are met (for postgraduate students, see Bylaw 14.6.1):
(a) The student is a participant in a sport other than baseball, basketball, bowl subdivision football or men’s ice hockey at the institution to which the student is transferring. A participant in championship subdivision football at the institution to which the student is transferring may use this exception only if the participant transferred to the certifying institution from an institution that sponsors bowl subdivision football and has two or more seasons of competition remaining in football or the participant transfers from a Football Championship Subdivision institution that offers athletically related financial aid in football to a Football Championship Subdivision institution that does not offer athletically related financial aid in football;

(b) The student has not transferred previously from one four-year institution unless, in the previous transfer, the student-athlete received an exception per Bylaw 14.5.5.2.6 (discontinued/nonsponsored sport exception);

(c) At the time of transfer to the certifying institution (see Bylaw 14.5.2), the student would have been academically eligible had he or she remained at the institution from which the student transferred, except that he or she is not required to have fulfilled the necessary percentage-of-degree requirements at the previous institution; and

(d) If the student is transferring from an NCAA or NAIA member institution, the student’s previous institution shall certify in writing that it has no objection to the student being granted an exception to the transfer-residence requirement. If an institution receives a written request for a release from a student-athlete, the institution shall grant or deny the request within seven business days. If the institution fails to respond to the student-athlete’s written request within seven business days, the release shall be granted by default and the institution shall provide a written release to the student-athlete. The head coach of the certifying institution and the student shall certify that no athletics staff member or other representative of the institution’s athletics interest communicated or made contact with the student-athlete, or any individual associated with the student (e.g., family member, scholastic or nonscholastic coach, advisor), directly or indirectly, without first obtaining authorization through the notification of transfer process (see Bylaw 13.1.1.3).

(d) The student must provide written notification of transfer to the institution by the following dates:

1. Fall and winter sports: May 1.
2. Spring sports: July 1.

14.5.5.2.10.1 Hearing Opportunity. If the student’s previous institution denies his or her written request for the release or enters a denial of the release in the NCAA Transfer Portal, the institution shall inform the student-athlete in writing that he or she, upon written request, shall be provided a hearing conducted by an institutional entity or committee outside the athletics department (e.g., the office of student affairs; office of the dean of students; or a committee composed of the faculty athletics representative, student-athletes and nonathletics faculty/staff members). The institution shall conduct the hearing and provide written results of the hearing to the student-athlete within 15 business days (see Bylaw 14.02.4) of receipt of the student-athlete’s written request for a hearing. The student-athlete shall be provided the opportunity to actively participate (e.g., in person, via telephone) in the hearing. If the institution fails to conduct the hearing or provide the written results to the student-athlete within 15 business days, the release shall be granted by default and the institution shall provide a written release to the student-athlete.

14.5.5.2.10.1 Exceptions to Notification of Transfer Dates -- Fall and Winter Sports. A student-athlete who participates in a fall or winter sport is not required to provide written notification of transfer prior to May 1 if either of the following occur on or before July 1 of the same academic year:

(a) The student-athlete’s athletics aid is reduced, canceled or not renewed (except as permitted per Bylaws 15.3.4.2 or 15.3.5.1); or

(b) The head coach of the student-athlete’s team departs or announces departure from the institution.

[14.5.5.2.11 unchanged.]

[14.5.5.3 through 14.5.5.5 unchanged.]

C. Bylaws: Amend 14.6, as follows:

14.6 Graduate Student/Postbaccalaureate Participation. A student-athlete who is enrolled in a graduate or professional school of the same institution from which he or she previously received a baccalaureate degree, a student-athlete who is enrolled and seeking a second baccalaureate or equivalent degree at the same institution, or a student-athlete who has graduated and is continuing as a full-time student at the same institution while taking course
work that would lead to the equivalent of another major or degree as defined and documented by the institution, may participate in intercollegiate athletics, provided the student has eligibility remaining and such participation occurs within the applicable five-year period set forth in Bylaw 12.8 (see Bylaw 14.2.2.1.5).

14.6.1 One-Time Transfer Exception. A student-athlete who is enrolled in an institution other than the institution from which he or she previously received a baccalaureate degree and is enrolled in a graduate or professional school, is seeking a second baccalaureate or equivalent degree, or is enrolled as a full-time student while taking course work that would lead to the equivalent of a major or degree may participate in intercollegiate athletics if he or she fulfills the conditions of the one-time transfer exception set forth in Bylaw 14.5.5.2.10, and has eligibility remaining per Bylaw 12.8. A student athlete who does not meet the one-time transfer exception due to the restrictions of Bylaw 14.5.5.2.10 shall qualify for this exception, provided:

(a) The student fulfills the remaining conditions of Bylaw 14.5.5.2.10;

(b) The student has at least one season of competition remaining; and

(c) Either the student's previous institution did not renew his or her athletically related financial aid for the following academic year or did not offer athletically related financial aid in the student's sport, or the student never received athletically related financial aid as an undergraduate student.

[14.6.1.1 unchanged.]

[14.6.2 through 14.6.4 unchanged.]

Source: NCAA Division I Council (Working Group on Transfers)

Effective Date: Immediate; applicable to transfer student-athletes seeking eligibility during the 2021-22 academic year. Mandatory education related to transferring will be applicable upon its availability.

Category: Amendment

Topical Area: Academic Eligibility

Rationale: In May 2020, the Council resolved to modernize the four-year transfer eligibility legislation by establishing a uniform and equitable approach for student-athletes across all sports to qualify for a one-time transfer exception. Currently, student-athletes who participate in five sports do not qualify for the existing one-time transfer waiver exception. This proposal removes the existing sport-specific limitation and creates a mechanism for student-athletes in all sports to be eligible for competition immediately at another four-year institution provided certain objective criteria are met. Specifically, to encourage informed transfer decisions, a student-athlete will be required to complete a mandatory educational module before a notification of transfer may be entered into the NCAA Transfer Portal. To further deter the impermissible influence by individuals from or on behalf of other institutions on a student-athlete’s desire to transfer, an institution’s head coach and the student-athlete will be required to certify that no contact occurred prior to the student-athlete’s entry into the NCAA Transfer Portal. To provide stability and finality to those impacted by transfer decisions, the proposal includes notification of transfer dates by which a student-athlete must indicate intent to transfer in order to qualify for the proposed exception. The Working Group on Transfers has recommended that the notification of transfer date component of this proposal be voted on separately from the rest of the proposal. If the Council agrees to take separate votes, the vote on the primary concept (mandatory student-athlete education on transferring, undergraduate and postgraduate transfer exception) would occur first. Then a separate vote on whether the notification of transfer dates (May 1 and July 1) would be taken.

Division I Commitment addressed by proposal: The Commitment to Student-Athlete Well-Being.

Is the proposal consequential or nationally significant?: Yes. Legislation related to transfers is significant to the entire Division I membership.

Is the proposal enforceable and how do the merits outweigh monitoring burdens?: Yes. The need to create an equitable approach to transfer and to reduce burden associated with transfer waivers would outweigh the increased monitoring burden.

How does the proposal support student-athlete success/well-being?: This proposal would create a uniform, equitable approach to transfer eligibility in all sports.

Estimated Budget Impact: Potential decreased impact on overall budgets by allowing a student-athlete from any sport to compete without serving a year of residence.
Impact on Student-Athlete's Time (Academic and/or Athletics): Would remove the year of residence requirement for those who qualify in baseball, basketball, bowl subdivision football and men's ice hockey.

Position Statement(s):

Student-Athlete Experience Committee Supports

Men's Basketball Oversight Committee Supports The committee noted strong support of the May 1 notification of transfer date.

History:

Nov 13, 2020: In Progress

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### Playing and Practice Seasons

<table>
<thead>
<tr>
<th>No. 2020-12</th>
<th>PLAYING AND PRACTICE SEASONS -- BASKETBALL -- FIRST CONTEST -- REQUIRED DAY OFF FOR CIVIC ENGAGEMENT</th>
</tr>
</thead>
</table>

**Intent:** In basketball, to specify that if the first permissible contest date falls on the required day off for civic engagement, an institution shall not play its first contest (game or scrimmage) with outside competition prior to the Monday immediately before the second Friday in November.

**Bylaws:** Amend 17.4, as follows:

17.4 Basketball. Regulations for computing the basketball playing season are set forth in Bylaw 17.1. (See Figure 17-1 and Figure 17-2.)

[17.4.1 through 17.4.2 unchanged.]

17.4.3 First Contest. An institution shall not play its first contest (game or scrimmage) with outside competition in basketball prior to the Tuesday immediately before the second Friday of November (see Figure 17-2).

17.4.3.1 **Presidential Election Years Required Day Off -- Civic Engagement.** If the first permissible contest date falls on an Election Day that includes a U.S. general presidential election, the required day off for civic engagement (see Bylaw 17.1.7.6), an institution shall not play its first contest (game or scrimmage) with outside competition prior to the Wednesday Monday immediately before the second Friday of November.

[17.4.3.2 unchanged.]

[17.4.4 through 17.4.8 unchanged.]

**Source:** NCAA Division I Council (Men's and Women's Basketball Oversight Committees)

**Effective Date:** Immediate

**Category:** Amendment

**Topical Area:** Playing and Practice Seasons

**Rationale:** Legislation was recently adopted to provide student-athletes with a day off to allow opportunities for student-athletes to participate in civic engagement on the first Tuesday after the first Monday in November. In years in which the first permissible contest date for basketball falls on the same day as the required day off (e.g., 2022, 2023), institutions would not be permitted to participate in competition until the following day. In such situations, no countable athletically related activities would be permitted on the day before the first competition. This proposal would address the concern and allow for appropriate preparation on the day before the first game of the season. During years in which there is no conflict between the first contest date and election day/civic engagement day off, the start date will remain on the Tuesday immediately before the second Friday of November.

**Division I Commitment addressed by proposal:** The Commitment to Student-Athlete Well-Being.

**Is the proposal consequential or nationally significant?:** Yes.

**Is the proposal enforceable and how do the merits outweigh monitoring burdens?:** Yes. The proposal would have limited monitoring burden.

**How does the proposal support student-athlete success/well-being?:** This proposal would support student-athlete success by allowing flexibility in scheduling to permit time away from athletics to participate in civic activities.
Estimated Budget Impact: None.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

Position Statement(s):
None

History:

Nov 13, 2020: In Progress

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Division Membership

No. 2020-13  DIVISION MEMBERSHIP – CHANGE OF DIVISION MEMBERSHIP – DIVISION III TO DIVISION I

Intent: To establish a process by which a member of Division III may reclassify to Division I, as specified.

Bylaws: Amend 20.5, as follows:

20.5 Change of Division Membership.

20.5.1 Eligibility for Reclassification.

20.5.1.1 Division II Member. A member of Division II may petition to change its membership to Division I subject to the following prerequisites:

(a) The institution shall have been an active Division II member for the preceding five years;

(b) The institution shall be in compliance with all Division I minimum sports sponsorship and financial aid membership requirements; and

(c) The institution shall have received a bona fide offer of membership from an active Division I multisport conference.

20.5.1.2 Division III Member. A member of Division III may petition to change its membership to Division I subject to the following prerequisites:

(a) The institution shall have been an active Division III member for the preceding five years;

(b) The institution shall be in compliance with all Division I minimum sports sponsorship membership requirements;

(c) The institution shall have received a bona fide offer of membership from an active Division I multisport conference;

(d) The institution shall have successfully completed a pre-application process of no less than one year, as established by the Strategic Vision and Planning Committee. The pre-application process shall include, but is not limited to, a feasibility study and the development of a strategic plan and policies and procedures that demonstrate the institution's commitment to Division I membership.

[20.5.2 through 20.5.4 renumbered as 20.5.3 through 20.5.5, unchanged.]

Source: NCAA Division I Council (Strategic Vision and Planning Committee)

Effective Date: June 1, 2021

Category: Amendment

Topical Area: Division Membership

Rationale: The established process for a Division II institution to reclassify to Division I has been successful in ensuring that reclassifying institutions are prepared to meaningfully contribute to Division I. Currently, for a Division III institution to reclassify to Division I, it must first reclassify to Division II and complete five years as an active member of Division II. That process is overly burdensome for Division III institutions that are prepared to uphold Division I philosophy and are able to devote appropriate financial resources to student-athletes and sport programs. The proposed process was designed based on the successful Division II to Division I reclassification process and adjusted based on the additional challenges that Division III institutions could face in reclassifying to Division I. The Strategic Vision and Planning Committee would have the authority to determine whether an
institution has successfully completed the pre-application process, thus ensuring that only those institutions that are prepared may enter the reclassification process. The reclassification process will continue to ensure that the reclassifying institutions are prepared to meaningfully contribute to Division I at the conclusion of the process.

**Division I Commitment addressed by proposal:** The Commitment to Value-Based Legislation.

**Is the proposal consequential or nationally significant?** Yes.

**Is the proposal enforceable and how do the merits outweigh monitoring burdens?** Yes. Providing Division III institutions with a process to seek Division I membership outweights the monitoring burden of ensuring those institutions meet the requirements to pursue membership.

**How does the proposal support student-athlete success/well-being?** This proposal would benefit student-athletes by ensuring that Division III institutions that are prepared to enter the reclassification process and able to contribute meaningfully to Division I have an avenue to do so.

**Estimated Budget Impact:** None.

**Impact on Student-Athlete’s Time (Academic and/or Athletics):** None.

**Position Statement(s):** None

**History:**

Nov 13, 2020: In Progress

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**Committees**

<table>
<thead>
<tr>
<th>No. 2020-14 COMMITTEES – MEN’S AND WOMEN’S BASKETBALL COMMITTEES – COMPOSITION – 12 MEMBERS, AUTONOMY REPRESENTATION AND BASKETBALL SUCCESS</th>
</tr>
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</table>

**Intent:** To increase, from 10 to 12 members, the size of the Men’s and Women's Basketball Committees, including one member from each of the autonomy conferences and seven members selected based on basketball success, as specified.

**Bylaws:** Amend 21.7, as follows:

21.7 Division I Committees.

[21.7.1 through 21.7.6 unchanged.]

21.7.6.1 Men's Basketball Oversight Committee. The composition, duties and substructure of the Men's Basketball Oversight Committee are set forth in the policies and procedures of the Council and the committee's policies and procedures.

21.7.6.1.1 Men's Basketball Committee. The Men's Basketball Committee shall consist of 12 members, including one member from each of the five conferences named in Constitution 5.3.2.1.1, three members selected from the seven highest ranked other conferences based on basketball success and four members from the conferences ranked 13-32 based on basketball success. Basketball success is defined as total conference appearances plus total conference wins in the previous five NCAA championships, excluding First Four Wins. The committee shall include at least one member from each of the five Division I men's basketball regions and five members selected at large. Not more than three committee members shall represent any single region. Six members shall be representatives from Football Championship Subdivision institutions, and four members shall be representatives from Division I Subdivision institutions.

[21.7.6.1.1 unchanged.]

21.7.6.2 Women's Basketball Oversight Committee. The composition, duties and substructure of the Women's Basketball Oversight Committee are set forth in the policies and procedures of the Council and the committee's policies and procedures.

21.7.6.2.1 Women's Basketball Committee. The Women's Basketball Committee shall consist of 12 members, including one member from each of the five conferences named in Constitution 5.3.2.1.1, three members selected from the seven highest ranked other conferences based on basketball success and four members from the conferences ranked 13-32 based on basketball success. Basketball success is
defined as total conference appearances plus total conference wins in the previous five NCAA championships. The committee shall include at least one member from each of the five Division I women's basketball regions and five seven members selected at large. Not more than three four committee members shall be from any single region. Six members shall be representatives from Football Bowl Subdivision institutions, and four members shall be representatives from Football Championship Subdivision and Division I Subdivision institutions.

[21.7.6.2.1.1 unchanged.]

[21.7.6.3 through 21.7.6.9 unchanged.]

[21.7.7 through 21.7.8 unchanged.]

Source: NCAA Division I Council (Men's and Women's Basketball Oversight Committees)

Effective Date: Immediate

Category: Amendment

Topical Area: Committees

Rationale: The recommendation to increase the number of committee members reflects a need to manage additional workload for the Men's and Women's Basketball Committees. This proposal would incorporate a contemporary way of recognizing basketball success as a priority for committee composition compared to the current composition, which places emphasis on football subdivision representation. This proposal would also guarantee representation by autonomy conferences while providing opportunity for all other conferences to nominate individuals to serve. Increasing the committee size and maximum number of representatives per region provides more opportunities for representation by the vast majority of conferences. While not a part of this proposal, both basketball oversight committees agree that diversity of committee members remains a priority. Additional steps have been recommended to help address this priority.

Division I Commitment addressed by proposal: The Commitment to Fair Competition.

Is the proposal consequential or nationally significant?: Yes.

Is the proposal enforceable and how do the merits outweigh monitoring burdens?: Yes. This proposal would not increase monitoring burden.

How does the proposal support student-athlete success/well-being?: Student-athlete well-being is supported by sport committees that are constituted in a way to ensure that opportunities to participate in NCAA championships are appropriately provided.

Estimated Budget Impact: Cost associated with adding additional members to the committees.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

Position Statement(s):

None

History:

Nov 13, 2020: In Progress

No. 2020-15 COMMITTEES – MEN'S AND WOMEN'S BASKETBALL COMMITTEES – COMPOSITION – 12 MEMBERS AND AUTONOMY REPRESENTATION

Intent: To increase, from 10 to 12 members, the size of the Men's and Women's Basketball Committees, including one member from each of the autonomy conferences, as specified.

Bylaws: Amend 21.7, as follows:

21.7 Division I Committees.

[21.7.1 through 21.7.6 unchanged.]

21.7.6.1 Men's Basketball Oversight Committee. The composition, duties and substructure of the Men's Basketball Oversight Committee are set forth in the policies and procedures of the Council and the committee's policies and procedures.
21.7.6.1.1 Men's Basketball Committee. The Men's Basketball Committee shall consist of 12 members, including one member from each of the five conferences named in Constitution 5.3.2.1.1. The committee shall include at least one member from each of the five Division I men's basketball regions and seven members selected at large. Not more than three committee members shall represent any single region. Six Seven members shall be representatives from Football Bowl Subdivision institutions, and four five members shall be representatives from Football Championship Subdivision and Division I Subdivision institutions.

[21.7.6.1.1 unchanged.]

21.7.6.2 Women's Basketball Oversight Committee. The composition, duties and substructure of the Women's Basketball Oversight Committee are set forth in the policies and procedures of the Council and the committee's policies and procedures.

21.7.6.2.1 Women's Basketball Committee. The Women's Basketball Committee shall consist of 12 members, including one member from each of the five conferences named in Constitution 5.3.2.1.1. The committee shall include at least one member from each of the five Division I women's basketball regions and seven members selected at large. Not more than three committee members shall be from any single region. Six Seven members shall be representatives from Football Bowl Subdivision institutions, and four five members shall be representatives from Football Championship Subdivision and Division I Subdivision institutions.

[21.7.6.2.1.1 unchanged.]

[21.7.6.3 through 21.7.6.9 unchanged.]

Source: NCAA Division I Council

Effective Date: Immediate

Category: Amendment

Topical Area: Committees

Rationale: The recommendation to increase the number of committee members reflects a need to manage additional workload for the Men's and Women’s Basketball Committees. This proposal would guarantee representation by autonomy conferences while providing opportunity for all other conferences to nominate individuals to serve. Increasing the committee size and maximum number of representatives per region provides more opportunities for representation by the vast majority of conferences. While not a part of this proposal, both basketball oversight committees agree that diversity of committee members remains a priority. Additional steps have been recommended to help address this priority.

Division I Commitment addressed by proposal: The Commitment to Fair Competition.

Is the proposal consequential or nationally significant?: Yes.

Is the proposal enforceable and how do the merits outweigh monitoring burdens?: Yes. This proposal would not increase monitoring burden.

How does the proposal support student-athlete success/well-being?: Student-athlete well-being is supported by sport committees that are constituted in a way to ensure that opportunities to participate in NCAA championships are appropriately provided.

Estimated Budget Impact: The cost of adding additional members to the committees.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

Position Statement(s): None

History:

Nov 13, 2020: In Progress

Eligibility for Championships
Intent: To eliminate the requirement that conference opponents shall be avoided in the second round of nonrevenue championships.

Administrative: Amend 31.1, as follows:

31.1 Administration of NCAA Championships.

[31.1.1 through 31.1.3 unchanged.]

31.1.3.2 Site Selection. The governing sports committees shall evaluate prospective sites for NCAA championships in terms of the specific criteria approved by the applicable sport oversight committee or the Competition Oversight Committee. The division championships committees may assign specific priorities to these criteria for their respective championships. These criteria shall be specified in the appropriate championships handbooks. A governing sports committee that desires to use additional criteria shall obtain approval before doing so.

[31.1.3.2.1 through 31.1.3.2.4 unchanged.]

31.1.3.2.5 Nonrevenue Championships Site Assignment. In championships that do not generate revenue and for which only 25 percent of the bracket is seeded, seeded teams shall have the opportunity to host preliminary rounds. Conference opponents shall be avoided in the first two rounds round of the championships.

[31.1.3.3 unchanged.]

[31.1.4 through 31.1.13 unchanged.]

Source: NCAA Division I Council (Championships Finance Review Working Group)

Effective Date: August 1, 2021

Category: Amendment

Topical Area: Eligibility for Championships

Rationale: Retaining the restriction on conference matchups in the first round maintain the quality of the championships experience. Eliminating the prohibition on conference matchups in the second round helps to protect the integrity of the championship brackets. Sport committees would still be encouraged to avoid conference matchups in the second round when it is reasonable to do so. Sport committees also would be encouraged to avoid the same pairings in the first round from year to year. Membership feedback on a survey of recommendations indicated general support for this concept.

Division I Commitment addressed by proposal: The Commitment to Fair Competition.

Is the proposal consequential or nationally significant?: Yes.

Is the proposal enforceable and how do the merits outweigh monitoring burdens?: Yes. This proposal includes no additional monitoring burdens.

How does the proposal support student-athlete success/well-being?: This proposal would maintain the quality of the championships experience and protect the integrity of the championships brackets.

Estimated Budget Impact: None.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

Position Statement(s):

None

History:

Nov 13, 2020: In Progress
Intent: To reduce, from two years to one year, the grace period that allows a single-sport conference to remain eligible for automatic qualification following the withdrawal of the institution(s) that causes the conference’s membership to fall below six institutions; further, in sports sponsored by fewer than 50 institutions, to specify that if the number of conferences that meet automatic-qualification criteria exceed 50 percent of the field, the sport committee is granted the authority to select the field in the manner it deems to be in the best interests of the championship and sport.

Administrative: Amend 31.3.4, as follows:

31.3.4 Automatic Qualification. Each governing sport committee shall forward annually to the applicable sport oversight committee or the Competition Oversight Committee those conferences that should receive automatic qualification for their teams or individual student-athletes into NCAA championships. Prior to forwarding the list of conferences to receive automatic qualification, a governing sport committee shall ensure that the member conference meets the requirements specified in Bylaws 31.3.4.1 through 31.3.4.7. A member conference may appeal to the applicable sport oversight committee or the Competition Oversight Committee the automatic-qualification review of the sport committee and the committee’s decision to find, or not find, a conference qualified for automatic-qualification status. The decision on such appeals will be final.

[31.3.4.1 through 31.3.4.3 unchanged.]

31.3.4.4 Additional Requirements – Sports Other Than Basketball.

31.3.4.4.1 Multisport Conference. To be considered eligible for automatic qualification in a particular sport, a multisport conference (see Bylaw 20.02.5) must be a core conference (see Bylaw 31.02.3) and must include six institutions that sponsor the sport and conduct conference competition together.

31.3.4.4.2 Grace Period -- Multisport Conference. A conference shall remain eligible for automatic qualification for two years following the date of the withdrawal of the institution(s) that causes the conference’s membership to fall below six institutions that sponsor the sport and conduct conference competition together provided the conference maintains at least five Division I members.

31.3.4.4.2.1 Grace Period -- Single Sport Conference. A single sport conference shall remain eligible for automatic qualification for one year following the date of the withdrawal of the institution(s) that causes the conference’s membership to fall below six institutions that sponsor the sport and conduct conference competition together provided the conference maintains at least five Division I members.

[31.3.4.5 through 31.3.4.6 unchanged.]

31.3.4.7 Limitations on Automatic-Qualifying Positions.

31.3.4.7.1 Team Sports Other Than Men’s Basketball. In team sports, per Bylaw 31.3.4.6-(a), excluding football and any team sport in which automatic qualification is not offered, the sport committee must award, if a sufficient number of applications for automatic qualification exist, at least 50 percent of the championship field to conferences that meet automatic-qualification criteria and provide play-in criteria. In sports other than men's volleyball, men's water polo and women's water polo, the remaining 50 percent of the championship field shall be reserved for at-large teams. In sports sponsored by fewer than 50 institutions, if the number of conferences that meet automatic-qualification criteria exceed 50 percent of the field, the sport committee is granted the authority to select the field in the manner it deems to be in the best interests of the championship and sport (e.g., use preset criteria to select among the automatic-qualifying conferences to maintain the 50 percent limit, select all teams at large). It will be the responsibility of the applicable sport oversight committee or the Competition Oversight Committee to determine if a conference play-in to a championship field is to be administered by the NCAA championships staff or by the member conferences.

[31.3.4.7.2 unchanged.]

Source: NCAA Division I Council (Championships Finance Review Working Group)

Effective Date: August 1, 2021
Category: Amendment

Topical Area: Executive Regulations

Rationale: Given the impact of single-sport conferences on field sizes and championships finances it is appropriate to adjust the legislation related to automatic qualification for single-sport conferences. While there is sound rationale for permitting single-sport conferences to receive automatic qualification, there have been cases in which conferences have been formed only to allow another institution to receive an automatic qualification to a championship. Such cases increase costs to fund bracket expansion (and create play-in games); oftentimes in sports with decreasing sponsorship. Accordingly, this proposal will help to properly manage automatic qualification for single-sport conferences.

Division I Commitment addressed by proposal: The Commitment to Fair Competition.

Is the proposal consequential or nationally significant?: Yes.

Is the proposal enforceable and how do the merits outweigh monitoring burdens?: Yes. This proposal would not increase monitoring burden.

How does the proposal support student-athlete success/well-being?: The proposal would strengthen automatic qualification legislation, which would protect or improve the quality of NCAA championships.

Estimated Budget Impact: None.

Impact on Student-Athlete’s Time (Academic and/or Athletics): None.

Position Statement(s):
None

History:

Nov 13, 2020: In Progress

No. 2020-18 EXECUTIVE REGULATIONS -- AUTOMATIC QUALIFICATION -- MULTISPORT CONFERENCES -- THREE CORE MEMBERS -- SPORTS OTHER THAN BASKETBALL

Intent: In sports other than basketball, to define a “core member” as an institution that has been an active member of Division I the preceding eight years or has sponsored the sport at the Division I level the preceding eight years; further, to specify that for a multisport conference to be considered eligible for automatic qualification in a particular sport, at least three of its institutions must be core members that have conducted conference competition together in Division I during a one-year continuity-of-competition period, as specified.

Administrative: Amend 31, as follows:

31 Executive Regulations

[31.01 unchanged.]

31.02 Definitions and Applications.

[31.02.1 through 31.02.3 unchanged.]

31.02.4 Core Member. A core member is an institution that has been an active member of Division I the preceding eight years or has sponsored the sport at the Division I level the preceding eight years.

[31.02.4 renumbered as 31.02.5, unchanged.]

[31.1 through 31.3 unchanged.]

31.3.4 Automatic Qualification. Each governing sport committee shall forward annually to the applicable sport oversight committee or the Competition Oversight Committee those conferences that should receive automatic qualification for their teams or individual student-athletes into NCAA championships. Prior to forwarding the list of conferences to receive automatic qualification, a governing sport committee shall ensure that the member conference meets the requirements specified in Bylaws 31.3.4.1 through 31.3.4.7. A member conference may appeal to the applicable sport oversight committee or the Competition Oversight Committee the automatic-qualification review of the sport committee and the committee’s decision to find, or not find, a conference qualified for automatic-qualification status. The decision on such appeals will be final.

[31.3.4.1 through 31.3.4.3 unchanged.]
Additional Requirements – Sports Other Than Basketball.

31.3.4.1 Multisport Conference. To be considered eligible for automatic qualification in a particular sport, a multisport conference (see Bylaw 20.02.5) must **meet the following requirements:** be a core conference (see Bylaw 31.02.3) and must include six institutions that sponsor the sport and conduct conference competition together.

(a) The conference must be a core conference (see Bylaw 31.02.3);

(b) The conference must include six institutions that sponsor the sport at the varsity level and conduct conference competition together. At least three of the six institutions must be core members (see Bylaw 31.02.4); and

(c) The conference must complete a one-year continuity-of-competition period during which at least three core members conduct conference competition together.

[31.3.4.2 through 31.3.4.4.3 unchanged.]

31.3.4.6 Sports Groupings for Automatic Qualification. For purposes of evaluating criteria for automatic qualification, the various sports shall be grouped as follows:

(a) Team Sports -- baseball, basketball, bowling, field hockey, football, ice hockey, lacrosse, rowing, soccer, softball, volleyball and water polo. In this category, subject to the approval of the applicable sport oversight committee or the Competition Oversight Committee, a sport committee may grant exceptions to the six-team requirement for sports that are sponsored by less than 30 percent of the membership, provided the conference previously included six teams that sponsored the sport;

[31.3.4.6-(b) through 31.3.4.6-(c) unchanged.]

[31.3.4.7 unchanged.]

[31.3.5 through 31.3.6 unchanged.]

[31.4 through 31.9 unchanged.]

Source: NCAA Division I Council (Championships Finance Review Working Group)

Effective Date: August 1, 2021

Category: Amendment

Topical Area: Executive Regulations

Rationale: This proposal would add consistency to and strengthen the intent of the current automatic qualification legislation.

Division I Commitment addressed by proposal: The Commitment to Fair Competition.

Is the proposal consequential or nationally significant?: Yes.

Is the proposal enforceable and how do the merits outweigh monitoring burdens?: Yes. This proposal would not add monitoring burdens.

How does the proposal support student-athlete success/well-being?: This proposal would strengthen automatic qualification legislation and would protect or improve the quality of NCAA championships.

Estimated Budget Impact: None.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

Position Statement(s):

None

History:

Nov 13, 2020: In Progress