A Whole New Ballgame: NCAA Likely to Permit Student-Athletes to Profit from Name, Image, and Likeness

By Curry Sexton, Kyle Ritchie, and Greg Whiston

The NCAA sent shock waves throughout the country when it announced on October 29, 2019, that it would finally start the process of allowing student-athletes to profit off their name, image, and likeness. This is a significant departure from the NCAA's longstanding position that student-athletes profiting from their name, image, and likeness would erode the distinction between the collegiate and professional athletics. In its press release, the NCAA Board of Governors has tasked its membership to develop rules and regulations to allow for its student-athletes to profit off their name, image and likeness "in a manner consistent with the collegiate model." These rules and regulations are to go into effect April 2021.

New Guidelines

In directing each of its three divisions to immediately consider updates to modernize relevant bylaws and policies, the NCAA provided guidelines and principles by which updates should occur. The guidelines include, but are not limited to:

- Assuring student-athletes are treated similarly to non-athlete students, unless a compelling reason exists to differentiate;
- Ensuring the rules are transparent, focused, and enforceable and facilitate fair and balanced competition;
- Making clear the distinction between collegiate and professional opportunities; and
- Making clear that compensation for athletic performance or participation is not permissible.

Impact of Guidelines

So what does this mean for college athletics? The NCAA does not intend for its new rules to follow the "California model" of a virtually unrestricted market. Rather, the NCAA will attempt to implement rules that place regulations on endorsement deals for student-athletes. Regardless, this announcement is a significant step towards an Olympics-style model, and student-athletes will likely soon be able to profit off

their name, image, and likeness.

A lot of moving parts remain, and what the future holds is not exactly certain. Institutions, conferences and student-athletes alike should pay close attention to the development of new rules/policies over the next 14 months as everyone will be impacted by this fundamental shift in college athletics. If you have questions about the impact of these new guidelines, please feel free to contact the authors of this article, Curry Sexton, Kyle Ritchie, or Greg Whiston at 816-421-4460.

Watch Kyle Ritchie's interview with 41 Action News – KSHB Kansas City on this trending topic here.

This article is general in nature and does not constitute legal advice.