NCAA Set to Vote On, Likely Adopt Name, Image, and Likeness Legislation Ahead of Important Date



June 30, 2021

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On Monday, the NCAA Division I Council formally recommended that the NCAA Board of Directors adopt an interim name, image, and likeness ("NIL") policy during its impending Wednesday meeting. All three NCAA divisions will have to adopt the change through their respective governance processes, and it is expected that each will vote on the recommendations on Wednesday.

The interim plan, if approved, would go into effect on July 1, 2021, at the same time NIL laws of eight states – Alabama, Florida, Georgia, Kentucky, Mississippi, New Mexico, Ohio, and Texas – will go into effect, while others (Nebraska and Oklahoma, to name a couple) have NIL laws that will govern the NIL rights of student-athletes at schools who choose to permit their student-athletes to be compensated for their NIL, though the true effective date of the laws is not until some point in the future.

Effectively, the NCAA proposal would shift governance – at least in the interim – to individual schools and states. NCAA member institutions in states that have passed NIL laws would be ultimately responsible for determining whether NIL activities are consistent with state laws. And in states that have not passed NIL laws, student-athletes in those states would be able to benefit from their NIL without violating NCAA rules, subject to any NIL policies adopted by their respective schools. According to the NCAA, the plan would keep intact the NCAA's "commitment to avoid pay-for-play and improper inducements tied to choosing to attend a particular school," and the plan would remain in place "until federal legislation or new NCAA rules are adopted."

The NCAA Board of Directors vote notwithstanding, July 1, 2021 appears as though it will be a momentous date in modern day collegiate athletics. Stay tuned for more updates in the constantly evolving world of NIL.

This article is general in nature and does not constitute legal advice. The authors of this article, Curry

Sexton and Greg Whiston, are members of Seigfreid Bingham's Sports and Entertainment Group and routinely represent clients in collegiate athletics. If you or your organization have questions about the impact of the NCAA's most recent announcement, please contact either author at 816-421-4460.