



PRESENTS

# NCAA Rule Change: How will it affect athletics?

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# Disclosure Statement

- I have nothing to disclose



## The College & HS Sports Shake Up


- On July 21<sup>st</sup>, 2021, a mixture of new state laws and NCAA rule changes went into effect providing student athletes with varying degrees of new protection and opportunities to make money by selling their name, image, and likeness (NIL) rights
- On January 1<sup>st</sup>, 2022, NJSIAA proposal passed allowing HS athletes to profit from their NIL

# Where have the rules been?

Bylaw 12 (governs amateurism and athletic eligibility):

- The N.C.A.A. has long barred players from being paid “to advertise, recommend or promote directly the sale or use of a commercial product or service of any kind”
- A prospective or enrolled student-athlete shall not receive more than actual and necessary expenses for his or her participation in athletics competition
- The association has also said that players, with a handful of exceptions, could not participate in a sport if they had agreed to have an agent represent them





# How have the rules changed?

**Bylaw 12 will not be enforced if a student receives payment in exchange for use of the athlete's name, image or likeness**

What does this mean for the student athlete?

- Endorsement Deals
  - Paid appearances
  - Commercials
  - Gear sponsorships (i.e. shoes)
  - Sale of autographs, used gear, etc.
  - Sponsor posts on social media

## **The top-10 college athletes by earning potential**

College athletes are now permitted to cash in on their profile, but which 10 could be earning the most?

### **1. Shareef O'Neal, LSU Basketball**

With an incredible Instagram following of over 2.7 million, Shaquille O'Neal's oldest son could be cashing in over \$10.8K per sponsored post.

### **2. Sunisa Lee, Auburn Gymnastics**

With the second-highest engagement rate of all athletes (behind football player Caden Woodall), Olympic gold gymnast Sunisa Lee could be earning as much as \$6,400 for each post she makes on Instagram.

### **3. Olivia Dunne, LSU Gymnastics**

With over 1.3 million Instagram followers to her name, LSU gymnast Olivia Dunne is positioned to charge more than \$5,200 for a sponsored post.

### **4. Shaqir O'Neal, TSU Basketball**

Like his brother Shareef, Shaqir is continuing the O'Neal basketball dynasty. On top of that, the Texas Southern athlete's 974K Instagram following should earn him a healthy \$3,895 per post.

### **5. Paige Bueckers, UConn Basketball**

A star for the incredible Huskies program, UConn's Paige Bueckers could make over \$3,600 for each Instagram post thanks to her 908K strong following.

### **6. Hailey Van Lith, Louisville Basketball**

Making a name for herself playing for the Louisville women's college basketball team, Hailey Van Lith has earned 706K Instagram followers and could charge up to \$2,825 for each ad collaboration.

### **7. Jordan Chiles, UCLA Gymnastics**

Olympian Jordan Chiles earned a silver medal in Tokyo 2020 as part of the successful U.S. gymnastics team. Her success has helped her pick up over 446K followers on Instagram, which allows her to charge \$1,784 for a single paid promotion.

### **8. Jahvon Quinerly, Alabama Basketball**

Transferring to the University of Alabama from Villanova in 2019, Jahvon Quinerly's college prominence has helped him generate a healthy Instagram following of 444K. With this, the basketball star is set to earn \$1,777 per post.

### **9. Spencer Rattler, Oklahoma Football**

In a list dominated by basketball players and gymnasts, Oklahoma's Spencer Rattler is the lone football representative in our top-10. It's this fame that's earned him 383K Instagram followers and an estimated potential rate of \$1,532 per paid promotion.

### **10. JD Davison, Alabama Basketball**

Eighteen-year-old JD Davison might have just started his college basketball career, but he's already accumulated over 348K Instagram followers and could be banking \$1,394 per post.

# How have the rules changed?

**Student athletes are now allowed to have representation in connection with their NIL activities**

What does this mean for the student athlete?

- Agent Representation
  - Negotiations
  - Contracts



# How have the rules changed?

**The NCAA has instructed schools to set their own policy for what should be allowed (effective July 1, 2021)**

What does this mean for the student athlete?

- Policies will now be school specific
  - Example: School may dictate whether a student athlete may wear a university logo in a paid advertisement
- The school will have to abide by state law
  - 28 states have implemented state law regarding NIL
  - Remaining states either have bills in process or have no laws at all

## What you should know about the NCAA athlete...

1

College athletes can engage in NIL activities that are consistent with the law of the state where the school is located.

2

Colleges and universities are responsible for determining whether those activities are consistent with state law.

3

Student-athletes who attend a school in a state without a NIL law can engage in this type of activity without violating NCAA rules related to name, image and likeness.

4

College athletes can use a professional services provider for NIL activities.

5

Student-athletes should report NIL activities consistent with state law or school and conference requirements to their school.



# What you should know about the NJSIAA athlete...

Can a school employee be involved in a student-athlete's NIL activity?

- No

Which products or services are "off-limits"

- Adult entertainment products, alcohol products, tobacco and nicotine products, cannabis products, controlled dangerous substances, prescription pharmaceuticals, casinos and gambling, weapons, firearms, and ammunition

Are student-athletes able to work with professional service providers, such as agents and advisors?

- Yes

Can a student athlete get paid to promote a product or service on social media or appear in a tv or radio commercial?

- Yes

Can a student-athlete get paid to run a camp, clinic, or private lesson?

- Yes. This can not occur at their home school.

Can a student athlete be shown in their school uniform or use a photo from their high school competitions as part of an advertising campaign?

- No

Can a student athlete wear an accessory in a competition that is part of an NIL agreement?

- No

# What have we seen?

On January 1<sup>st</sup> 2022, NJ saw its first high school athlete with a NIL deal. Junior heavyweight wrestler and football player signed with Eat Clean Bro, a nutritious food delivery company. Athlete must post about Eat Clean Bro once a month and 3 times in stories. He receives complimentary food weekly and a profit share when someone uses his discount code to purchase food.

LSU freshman gymnast Olivia Dunne is widely expected to become the highest paid college athlete. The day the NIL was announced, she was in New York City meeting with potential brands while her likeness was on display in Times Square. With a large following on social media with over 5 million across Instagram and Tik Tok combined, she has endorsement deals on the horizon that will rival those of full-time professional athletes. It has been reported that she made approximately \$1 million to date.

# What have we seen?

- **Data collected from July 1<sup>st</sup>- December 31<sup>st</sup>**
  - Male athlete have more NIL deals than female athletes
    - Male athletes in D1 have received about 59% of all NIL deals and approximately 67.4% of total NIL compensation
    - This number is significantly skewed due to football
  - When removing football, NIL activities make up more than 50% of the total for all other sports
  - The Power Five schools saw significantly more NIL deals for both genders
  - Sports leading in NIL deals: Football (45.7%), women's basketball (26.2%), men's basketball (18%)
    - These sports combined make up about 90% of all NIL compensation



# What's Next?

## **Will congress provide a uniform federal law to simplify and clarify?**

- At least five bills have been proposed recently on Capitol Hill to set uniform policies, but none have passed
  - Collegiate Athlete Compensation Rights Act
  - Fairness in Collegiate Athletics Act
  - Student Athlete Level Playing Field Act
  - The College Athlete Economic Freedom Act
  - College Athletes Bill of Rights
- Under the interim policy, athletes are facing the confusion of following and understanding each individual state law or figuring out how to function in states with no laws at all

# How will this affect athletics?

## Recruiting

- Recruiting efforts previously highlighted academics, facilities, and winning records, but will now entail revenue possibilities in attending one school vs. another

## Transfers

- Higher transfer rates as players will look for earlier playing time to build their brand and increase their earnings

## Contract Negotiations

- Sponsorship negotiations, contract guidelines, and agent selection is an added responsibility for college and HS athletes

## Increased mental and physical toll

- The ability to perform and be successful is now even more important with money on the line. Athletes will be facing increased pressure and visibility from the public and their sponsors.

## Status

- What will change if the “student-athlete” status changes to employee of the institution. Will insurance claims fall under worker’s compensation?

# Does this affect the sports medicine team?

- Increased pressure from outside influences to prevent injury, rehabilitate athlete, and return athlete to sport quickly
  - Involvement of sponsors, agents, media, and school officials
  - Documentation of the injury recovery process through media channels
  - *With most NIL deals revolving around social media, will the sports medicine team be asked to participate on stories or posts?*
  - *Are you prepared if a sponsor or agent calls looking for an update on the student-athlete's injury rehab progress? Or if they would like to you utilize a certain product?*



# Health Insurance Portability & Accountability Act

**A FEDERAL LAW DESIGNED TO PROVIDE PRIVACY STANDARDS TO PROTECT PATIENT'S MEDICAL RECORDS AND OTHER HEALTH INFORMATION PROVIDED TO HEALTH PLANS, DOCTORS, HOSPITALS AND OTHER HEALTH CARE PROVIDERS.**

- How can you be held liable?
- Sharing of information on social media networks (i.e. Facebook, Twitter, Instagram)
- Sharing of information with local news outlets (i.e. school newspaper, town newspaper, local news)



# Family Educational Rights & Privacy Act

**A FEDERAL LAW DESIGNED TO PROTECT THE PRIVACY OF STUDENT EDUCATION RECORDS AND ESTABLISH THE RIGHT OF STUDENTS TO INSPECT AND REVIEW THEIR EDUCATION RECORDS.**

These records include, but are not limited to:

- Transcripts
- Health records
- Grades
- Student discipline files

How can you be held liable?

- Sharing of information which would not be otherwise known if not for a school record (i.e. athletic trainer injury reports, treatment records)



# FERPA

Family Educational  
Rights & Privacy Act

**JAG-ONE**  
PHYSICAL THERAPY



# Does this affect the sports medicine team?

## Selection of sports medicine team:

- Athlete request of their own choice in medical staff
  - *Can an athlete hire their own athletic trainer, massage therapist, strength and conditioning coach, etc.?*
- Other outside influence on medical staff personnel, such as sponsors or agents
  - *Will sponsors or agents begin to make recommendations on sports medicine professionals based on their relationships?*



# Does this affect the sports medicine team?

- Application of taping, braces, or other equipment as provided by individual athlete contract or sponsorship
  - *Are you prepared if an athlete or agent asks you to apply a specific brand of tape?*
  - *How will you respond if an athlete, agent, or sponsor sends complimentary sponsored materials to the ATR for you to use?*



# Does this affect the sports medicine team?

- Workers Compensation Claims
  - If athletes become employees of the school, will injuries have to be filed through workers compensation?
    - *Who is responsible?*
    - *Will this be processed through the sports medicine team or through Human Resources?*



## Summary

- Stay informed: Stay up to date on all federal, state, and organizational rules and rule changes
- HIPAA and FERPA: These federal laws still apply and must be abided by
- Remember your role: You are a healthcare professional, and the health, safety and privacy of your athlete is your top concern!

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# THANK YOU!

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