



College Sports Landscape Update

INTERCOLLEGIATE ATHLETICS COMMITTEE OF THE UNIVERSITY SYSTEM OF MARYLAND BOARD OF REGENTS

MONDAY, JUNE 3, 2024

CHAD HAWLEY, BIG TEN CONFERENCE, SVP – POLICY & COMPLIANCE

OUTLINE

- **Past Tense (Briefly)**
- **Present Tense**
- **Future Tense**

PAST TENSE

- Pre-2021: “Bright-line” Approach but Shifting Winds
 - No NIL, much less payment beyond cost-of-attendance or actual/necessary expenses
 - Significant litigation and intensifying public scrutiny
- 2021: A Year of Change
 - State-level NIL legislation
 - NCAA allowing NIL (but chastened by the DOJ)
 - Alston Supreme Court decision (incl. Kavanaugh concurrence)

PAST TENSE

- Post-2021 to Present: Activity in the Four Realms
 - Courtrooms
 - State legislatures
 - Congress
 - NCAA World

PRESENT TENSE - COURTROOMS

- “House” Settlement
 - Settles 3 lawsuits: House/Oliver (NIL restrictions), Hubbard (“Alston” back pay), and Carter (pay for play)
 - Interplay with Fontenot (pay for play)
 - 2 general components:
 - Backward-looking damages
 - Forward-looking injunction

PRESENT TENSE - COURTROOMS

- “House” Settlement
 - 2 general components:
 - Backward-looking damages (\$1.776B)
 - Withheld from NCAA distributions over next 10 years
 - Amounts withheld in proportion to D1 distributions
 - No impact on D2 or D3
 - Forward-looking injunctive relief

PRESENT TENSE - COURTROOMS

- “House” Settlement

- 2 general components:

- Backward-looking damages

- Forward-looking injunctive relief

- Allows payment up to 22% of avg athletics revenue (media, gate, and sponsorships) among Autonomy (aka, Power 5) institutions in addition to existing scholarships and benefits

- Shifts from scholarship limits to roster limits

- Allows institutions to pay student-athletes for NIL

- Allows NCAA to have and enforce rules related to years of eligibility, progress toward degree, and booster payments unrelated to legitimate NIL

- Reporting requirements

PRESENT TENSE - COURTROOMS

- Employment Cases
 - NLRB – Dartmouth
 - NLRB – USC
 - FLSA – Johnson v. NCAA

- Other Cases
 - Transfer rules (DOJ Consent Decree)
 - Booster inducements (TN injunction)
 - Prize money (Brantmeier v. NCAA)

PRESENT TENSE – STATE LEGISLATURES

- NIL
- Revenue Sharing
- Employment Status
- Enforcement Restrictions

PRESENT TENSE – CONGRESS

- Federal legislation needs (even with the settlement):
 - Preemption of state law
 - Limited liability protection for rules
 - Nonemployment status
- Active engagement:
 - House
 - Senate

PRESENT TENSE – NCAA WORLD

- Settlement Implementation:
 - Modifying current rules
 - Creating new regulatory framework
 - Enhanced enforcement
- D1 Governance
 - Increased autonomy for A4/Power 4 conferences

FUTURE TENSE

- Operationalizing the Settlement
- Continued Congressional Effort
- Reformed D1 Governance

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