

**THE NCAA PLAYER RIGHTS INITIATIVE: MODERNIZING
NCAA ATHLETE REPRESENTATION**

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ABSTRACT

The evolving landscape of collegiate sports, marked by the transformative Name, Image, and Likeness (“NIL”) reform, has ushered in unprecedented opportunities and challenges for NCAA athletes. This legal note dives into the pressing issues of Athlete Exploitation and Contract Complexity, exploring the exploitative practices and intricate contractual agreements that leave student-athletes vulnerable. It emphasizes the urgent need for comprehensive regulations and tailored support mechanisms to protect the rights and well-being of young athletes. Additionally, this note proposes a balanced solution through the innovative Player Envoy model.

This note aims for the NCAA's response, advocating for the implementation of the "NCAA Player Envoy." The proposed solution aligns with the NCAA's mission and priorities, emphasizing transparency, fairness, and athlete well-being. By establishing a voluntary registry for NIL service providers, enforcing disclosure and transparency requirements, standardizing contract terms, and providing comprehensive athlete education, the NCAA will empower student-athletes while preserving collegiate sports' integrity. The internal governance structure of the NCAA allows for tailored regulations, ensuring a world-class experience for student-athletes and contributing to the financial stability of the

organization. Ultimately, these regulations safeguard the core values of the NCAA, fostering an environment where student-athletes can thrive academically, athletically, and personally, thus upholding the integrity of collegiate athletics.

I. INTRODUCTION

The Name, Image, and Likeness (“NIL”) rights for college athletes have certainly propelled collegiate sports into a new era—an era that is fraught with both opportunities and significant challenges. This transformative shift in the landscape of college sports has brought to the forefront concerns that, if left unaddressed, could fundamentally alter the nature of college athletics as we know it. The stakes are high, and the potential negative ramifications of inaction or inadequate action are profound.

At the heart of these concerns is the potential erosion of the amateurism that has historically defined college sports.¹ Amateurism, with its emphasis on student-athletes competing primarily for the love of the sport and for the pride of their schools, stands at risk of being overshadowed by the commercial and

¹ NCAA, *Amateurism*, <https://www.ncaa.org/> [<https://perma.cc/EQ9L-U4VD>].

financial interests that NIL rights introduce. This shift not only threatens to change the essence of college sports but also risks widening the gap between institutions based on their financial capabilities, thereby undermining the competitive balance that is crucial for the integrity of collegiate competitions.

Furthermore, the focus on NIL earnings has the potential to distract athletes from their academic pursuits. College sports have always been predicated on the notion of the student-athlete, with education being paramount. However, with the increasing commercialization of NIL activities, there is a legitimate concern that schooling may take a backseat to financial gains. This could detrimentally impact the academic success and future career prospects of student-athletes, eroding the very foundation upon which college athletics is built.

The possibility of athletes unionizing and pushing to be recognized as employees rather than student-athletes introduces another layer of complexity. Such a shift could fundamentally alter the relationship between athletes and their institutions, transforming a system designed to integrate sports and education into a purely employment-based model. This would not only challenge the traditional collegiate model but could also lead to increased legal and financial complexities for universities, potentially diverting

resources away from educational pursuits and into litigation and salary negotiations.

The warnings of Nick Saban, one of college football's most respected figures, underline the urgency and gravity of these issues. Saban's critique of the current NIL system emphasizes the need for equitable solutions that preserve the integrity of college sports while ensuring that student-athletes are fairly compensated.² His call for a level playing field across all institutions and conferences highlights the need for regulatory frameworks that maintain competitive balance and safeguard the interests of all student-athletes, regardless of their institution's financial might.

The implications of failing to address these challenges are far-reaching. Without concerted efforts to regulate NIL rights effectively, we risk not only the loss of amateurism but also the potential for increased inequality, distraction from academic goals, and a shift towards a professionalized model that may strip college sports of its unique character and values. The path forward requires a delicate balancing act—embracing the benefits of NIL rights

² James Parks, *Nick Saban Tells Congress How to Fix NIL in College Football*, SPORTS ILLUSTRATED (Mar. 12, 2024, 2:50 PM), <https://www.si.com/> [<https://perma.cc/9GRB-SZ73>].

while vigilantly guarding against their potential to undermine the foundational principles of collegiate athletics. In navigating this complex landscape, the NCAA, institutions, and stakeholders must work collaboratively to forge solutions that honor the legacy of college sports while adapting to its evolving future.

It is crucial to acknowledge that this note does not aspire to resolve all these complex issues comprehensively. Instead, its focus is narrower, advocating for the idea that the NCAA, rather than Congress, is better positioned to implement regulations that directly address the nuances of NIL rights. This perspective is rooted in the belief that the NCAA, with its deep understanding of the collegiate sports ecosystem and its stakeholders, can tailor policies that are both effective and sensitive to the unique challenges and opportunities presented by NIL rights. Moreover, this note will delve into specific aspects such as representation regulations for NIL representatives, highlighting the importance of safeguarding athlete welfare and ensuring fair and transparent dealings in the burgeoning NIL landscape.

In navigating the intricate web of NIL rights, the NCAA's role is pivotal. By assuming a proactive stance in self-regulation, the NCAA can ensure that the transition into this new era of collegiate sports is managed with foresight, equity, and a steadfast

commitment to the values that have long defined the spirit of college athletics.

A. HISTORICAL CONTEXT AND EVOLUTION

The landscape of college athletics has experienced significant transformations over the years, especially in the areas of athlete representation and compensation. This evolution is exemplified by the landmark 2021 U.S. Supreme Court ruling in *NCAA v. Alston*, which posed a direct challenge to the NCAA's longstanding amateurism rules.³ This decision represents a critical juncture in the evolution of student-athlete rights and offers a crucial context for comprehending the present dynamics of NCAA athlete representation.

³ See *NCAA v. Alston*, 141 S. Ct. 2141 (2021). Marked a watershed moment in the realm of NCAA athlete representation, fundamentally challenging the NCAA's traditional amateurism model. The Court unanimously ruled that the NCAA's restrictions on education-related benefits for student-athletes violated federal antitrust laws. This significant ruling legitimized the concept of compensating student-athletes beyond traditional scholarships, specifically for education-related expenses, setting a precedent for future policy changes within the NCAA regarding athlete compensation.

Historically, the NCAA adhered to an amateurism model that barred student-athletes from receiving any form of compensation beyond educational scholarships and stipends.⁴ This policy held firm for decades, even as college sports became increasingly profitable through lucrative television deals and sponsorships.⁵ As athletes gained more visibility through social media and other digital platforms, the disparity between the substantial financial gains of universities and the NCAA and the minimal compensation for athletes came under intense scrutiny. Critics argued that this imbalance was unjust, leading to significant debates over the fairness of the amateurism model.⁶

⁴ NCAA, *supra* note 1.

⁵ *Id.*

⁶ Lawrence Hurley, *U.S. Supreme Court Backs College Athletes in NCAA Compensation Fight*, REUTERS (June 21, 2021, 2:53 PM), <https://www.reuters.com/> [<https://perma.cc/EXP4-MKQY>]. "Those who run this enterprise profit in a different way than the student-athletes whose activities they oversee. The president of the NCAA earns nearly \$4 million per year," Gorsuch wrote. Commissioners of the leading collegiate conferences take home between \$2 to \$5 million annually,

The NCAA's emphasis on amateurism in college sports can be traced back to its establishment in the early 20th century.⁷ Initially, the organization focused on maintaining the status of athletes as students first, with the primary goal being educational rather than commercial.⁸ However, from the 1960s through the 1980s, as sports like football and basketball began generating significant television revenue, this stance increasingly came into question.⁹ The contrast between the commercial success of these sports and the NCAA's amateurism rules became more pronounced, sparking debates about athlete compensation.

By the 1990s and continuing into the 2010s, there was a noticeable shift in public opinion towards supporting athlete compensation,

college athletic directors average more than \$1 million annually and top football coaches can earn nearly \$11 million a year.

⁷ NCAA, *History*, <https://www.ncaa.org/> [<https://perma.cc/U66W-VRST>].

⁸ *Id.*

⁹ *Id.*

coinciding with legal challenges to the NCAA's rules.¹⁰ This shift was largely driven by a growing awareness of the substantial profits earned by universities and the NCAA from college sports. In a landmark move, the NCAA introduced the NIL policy in 2021.¹¹ This policy represented a major departure from its previous stance, allowing athletes to monetize their personal brands while still maintaining their amateur status.¹² This change reflects the evolving perspectives on athlete rights in the context of the economic realities of college sports.

Throughout its history, the NCAA's role has been both pivotal and controversial in shaping the world of college athletics. Initially focused on protecting the amateur status of student-athletes, the organization's policies have increasingly come under fire due to the

¹⁰ These developments led to legal challenges, including cases like *O'Bannon v. NCAA*, which contested the NCAA's restrictions on athlete compensation and rights to their public likeness.

¹¹ Michelle B. Hosick, *NCAA Adopts Interim Name, Image and Likeness Policy*, NCAA (June 30, 2021, 4:20 PM), <https://www.ncaa.org/> [<https://perma.cc/L8J4-L6QB>].

¹² *Id.*

commercial success of college sports. The evolution of athlete rights and regulations within the NCAA mirrors a broader recognition of the need to balance athletic commitments with fair compensation and educational opportunities, acknowledging the complex economic landscape of modern college sports.

II. IMPLEMENTING FEDERAL LEGISLATION FRAMEWORK PRESERVING NCAA'S AUTONOMY AND POWER

The NCAA, as a central figure in the world of college athletics, is presented with a critical opportunity to shape the future landscape of athlete compensation and rights, particularly in relation to NIL. At this pivotal moment, the NCAA has the potential to take the lead by devising a comprehensive set of regulations. This regulatory framework would integrate the key strengths and perspectives of various federal legislative proposals, creating a balanced approach that respects the unique characteristics and values of college sports while effectively addressing the economic and personal rights of athletes.

The landscape of college athletics is currently influenced by several proposed NIL bills, each offering distinct approaches to managing student-athlete rights. These legislative efforts highlight the complexity of reconciling athlete compensation with the educational mission and amateur ethos of collegiate sports. A closer

examination of these proposals allows for the extraction of essential elements that could form the basis of an integrated, NCAA-led regulatory framework. Such a framework could adeptly manage the multifaceted aspects of college athletics, accommodating the diverse interests and concerns of athletes, institutions, and the broader sports community.

Among the notable proposals, the College Athlete Economic Freedom Act stands out for its advocacy of group licenses and collective bargaining rights for athletes.¹³ This focus on equitable compensation is pivotal, as it seeks to ensure that all athletes, regardless of the visibility of their sport, have the opportunity to benefit from their NIL rights.¹⁴ This proposal underscores the importance of fairness and inclusivity in athlete compensation.¹⁵ However, its broad sweep across diverse sports and educational institutions signals the need for nuanced, contextually adapted

¹³ Saul Ewing, *Your Guide to Federal and State Laws on Name, Image, and Likeness Rules for NCAA Athletes*, NIL LEGISLATION TRACKER, <https://www.saul.com/> [<https://perma.cc/FT8M-CNW3>].

¹⁴ *Id.*

¹⁵ *Id.*

regulations. The NCAA, with its extensive history and understanding of the unique dynamics of collegiate sports, is ideally positioned to develop such nuanced solutions. Its regulatory framework could incorporate the principle of equitable compensation while tailoring its application to the specific contexts and needs of different sports and academic programs.

Senator Ted Cruz's legislative proposal, with its emphasis on creating a centralized database for NIL deals and preserving the non-employee status of athletes, adds another dimension to the conversation.¹⁶ This proposal highlights critical issues of transparency, oversight, and the clear demarcation between student-athletes and professional athletes.¹⁷ By integrating such a database within its governance structures, the NCAA can enhance transparency and fairness in the management of NIL agreements. This move would address the need for a systematic approach to oversight while ensuring that the regulatory framework remains

¹⁶ Sen. Ted Cruz, *Sen. Cruz Releases Discussion Draft of Bill to Codify NIL Rights for Athletes, Provide Legal Certainty for College Athletics*, (Aug. 2, 2023), <https://www.cruz.senate.gov/> [<https://perma.cc/YTZ9-EW7G>].

¹⁷ *Id.*

flexible enough to adapt to the unique requirements of collegiate sports. Importantly, it would also uphold the amateur status of student-athletes, a foundational principle of NCAA sports.

The discourse surrounding athlete compensation and NIL rights is further enriched by proposals like the Protecting Athletes, Schools, and Sports Act and the College Athletes Protection and Compensation Act.¹⁸ These acts emphasize transparency, athlete protection, and equitable compensation, pointing to the necessity of a regulatory approach that is both adaptable and sensitive to the varied landscapes of collegiate sports.¹⁹ The NCAA's vast experience and insight into the sector position it uniquely to customize these broad legislative mandates. By doing so, the NCAA can ensure that the legislative goals are realized in a manner that does not compromise the sustainability or integrity of collegiate sports programs. This customization is crucial for accommodating the diversity of resources and operational scales among institutions,

¹⁸ See S.2495, *Protecting Athletes, Schools, and Sports Act of 2023*, 118th Cong. (July 25, 2023); see also S.4724, *College Athletes Bill of Rights*, 117th Cong. (Aug. 2, 2022).

¹⁹ *Id.*

ensuring that all athletes and programs can thrive under the new regulatory paradigm.

Proposals such as the NIL Clearinghouse Act and the FAIR College Sports Act suggest the establishment of structured systems to oversee NIL activities.²⁰ These initiatives underscore the demand for standardized, transparent processes to manage NIL deals.²¹ The advocacy for a centralized system reflects a collective desire for consistency and fairness in the treatment of NIL agreements across the board.²² The NCAA, with its comprehensive governance framework and deep understanding of collegiate athletics, could effectively incorporate such a centralized system. This would allow for the equitable management of NIL activities, ensuring all student-athletes, regardless of their sport or institution size, are treated fairly

²⁰ See Nicole Auerbach, *The NCAA's Hopes to Control NIL Laws Hinge on Congress. Will It Get What It Wants?*, THE ATHLETIC (June 2, 2023), <https://theathletic.com/> [<https://perma.cc/QS7Y-PHKC>]; see also Discussion Draft, *Fairness, Accountability, and Integrity in Representation of College Sports Act or the FAIR College Sports Act*, introduced by Mr. Bilirakis, 118th Cong. (1st Sess. 2023).

²¹ *Id.*

²² *Id.*

and transparently. Moreover, this approach would enable the NCAA to maintain a degree of flexibility necessary to respond to the rapidly changing landscape of college sports and the evolving needs of student-athletes.

In conclusion, the ongoing discussions around NIL rights and athlete compensation illuminate the necessity for a leadership-driven, proactive approach by the NCAA. By combining the core elements of these diverse federal proposals into a cohesive regulatory framework, the NCAA can establish a model that harmonizes the economic rights and personal values of student-athletes with the traditions and integrity of college sports. This regulatory framework would not only address the present complexities of athlete compensation but also anticipate and adapt to future developments. The NCAA's position of authority and its comprehensive understanding of college athletics provide it with a unique capability to lead this transformative effort. This leadership could foster an environment where both athletes and institutions can achieve success, benefiting from a regulatory regime that is fair, adaptable, and reflective of the diverse realities of collegiate sports.

III. HARMONIZING NCAA INITIATIVES WITH STATE NIL

LAWS: A PATH FORWARD

As the landscape of college athletics undergoes significant changes with the introduction of NIL laws across various states, the NCAA is at a crossroads. With 32 states having already passed NIL laws, largely modeled after California’s pioneering “Fair Pay to Play Act,” the NCAA faces a complex regulatory environment.²³ These state laws, each with its unique provisions and effective dates, establish the rights of student-athletes to earn compensation for the use of their NIL while setting guidelines for institutions and athletic associations.²⁴ As such, the current scenario underscores a pivotal moment for the NCAA to navigate these regulations effectively, without the necessity to rely on federal laws for guidance.

Given this backdrop, it’s important to recognize that while state laws currently govern NIL activities, the NCAA has the capability to introduce its regulations that align with these state mandates. The primary avenue through which state laws could be superseded or unified would be through federal legislation. However, considering

²³ Saul Ewing, *supra* note 13.

²⁴ *Id.*

the vast array of priorities facing Congress, both within the United States and on the global stage, it is optimistic yet pragmatic to envision the NCAA taking a proactive stance in this regulatory space without awaiting federal intervention.

The NCAA is thus positioned to craft a set of regulations that not only comply with the varying state laws but also embody a cohesive approach to managing NIL rights across the nation. This endeavor is not without its challenges, given the diversity of the state laws in effect. Yet, the NCAA's unique role and its comprehensive understanding of the collegiate sports ecosystem equip it with the tools necessary to develop a regulatory framework that respects the nuances of state legislations while promoting fairness and consistency in NIL practices across all states.

By adhering to the foundational aspects of state NIL laws—such as ensuring student-athletes can obtain professional representation, cannot enter into contracts that conflict with team contracts, and must disclose NIL contracts to their institutions—the NCAA can establish guidelines that harmonize these principles. Furthermore, by recognizing the rights of institutions and athletic associations as outlined in state laws, the NCAA can foster an environment where the rights of all parties are protected, and the integrity of collegiate sports is maintained.

This initiative would not only demonstrate the NCAA's commitment to adapting to the evolving landscape of athlete compensation but also its capacity to lead with innovative policies that ensure student-athletes can fully leverage their NIL rights. The optimistic outlook here rests on the NCAA's ability to navigate this complex regulatory environment effectively, crafting a set of guidelines that resonate with the overarching spirit of state laws while fostering an equitable and transparent framework for NIL compensation.

The steps taken by the NCAA in this regard will be instrumental in shaping the future of college athletics, ensuring that the rights of student-athletes are at the forefront of its mission. By taking a proactive approach, the NCAA can establish a model for governance that mitigates the need for federal oversight, thereby allowing collegiate sports to continue thriving under the stewardship of an organization that understands its intricacies and challenges. This endeavor will not only reinforce the NCAA's leadership in collegiate sports but also ensure that student-athletes can navigate the NIL landscape with confidence and clarity, benefiting from a system that supports their ambitions both on and off the field.

IV. CHALLENGES ENTANGLED WITH NIL

In the realm of collegiate athletics, the advent of NIL deals has ushered in a complex landscape. Tactics such as intricate and confusing nature of contracts have far-reaching consequences, affecting financial stability and overall well-being of NCAA athletes.²⁵ The explosion of opportunities has overwhelmed student-athletes, leading them to sign contracts without fully understanding the implications.²⁶ The rush to capitalize on these deals, combined with the absence of legal scrutiny for smaller contracts, leaves athletes vulnerable to exploitation.²⁷ Even when institutions offer educational programs and resources, the sheer volume of deals and the complexity of the legalities involved make it challenging for

²⁵ Jay Bilas, Why NIL has been good for college sports ... and the hurdles that remain, ESPN (June 29, 2022), <https://www.espn.com> [<https://perma.cc/5KB2-RHY9>].

²⁶ Alan Green, NIL era creates opportunity, challenges for athletes, USC ROSSIER (Mar. 24, 2023), <https://rossier.usc.edu> [<https://perma.cc/77QY-WAXN>].

²⁷ *Id.*

athletes to make informed decisions.²⁸ This section examines the multifaceted issues surrounding NIL agreements and their impact on athletes and the sports industry.

In the article penned by Mark Schlabach of ESPN, a comprehensive exploration is conducted into the intricate and challenging landscape of NIL deals within collegiate athletics.²⁹ The focal point of the article centers on the case of Gervon Dexter's contractual arrangement with Big League Advance Fund (BLA). Gervon Dexter, transitioned from being a University of Florida athlete to a rookie with the Chicago Bears. Dexter's pact with BLA stipulated that he would pay them 15% of his pre-tax NFL earnings over a span of 25 years, in return for a sum of \$436,485 in 2022. This arrangement, however, sparked controversy as it was deemed to contravene Florida's NIL law at the time. One of the legislative concerns highlighted in the article was the violation of Florida's NIL

²⁸ Ezzat Nsouli, *How Schools and Private Entities Have Engaged in NIL Activity*, SQUIRE PATTON BOGGS (July 19, 2022), <https://www.sports.legal> [<https://perma.cc/RLL7-KE8M>].

²⁹ Mark Schlabach, *Florida legislator says Bears DT Gervon Dexter's NIL deal violated law*, ESPN (Sept. 5, 2023, 6:38 PM), <https://www.espn.com/> [<https://perma.cc/NLZ3-9ER5>].

law, which Florida Representative Chip LaMarca described as a "predatory loan." The initial NIL law in Florida, Senate Bill 646, had explicitly stated that NIL contracts should not extend beyond an athlete's collegiate career. Dexter's deal with BLA raised questions about its compliance with this legal framework.

The nature of Dexter's contract with BLA also merits scrutiny. Unlike many NIL deals, it did not involve an agent, compliance oversight, or a thorough contract review process. The agreement required Dexter to engage in activities such as making social media posts and personal appearances, while also granting BLA a license to utilize his name, image, and likeness for their own purposes. Legal actions have been initiated in response to this contentious agreement, with Dexter's attorneys seeking to void the contract on the grounds that it violates Florida's NIL and athlete agent statutes. On the other hand, BLA and its representatives have remained silent on the matter.

A. ATHLETE EXPLOITATION

The article "'There's no rules. It's crazy': New money in NCAA recruiting leaves elite athletes ripe for exploitation" by Kit Ramgopal from NBC News, provides additional insight into the challenges and ethical complexities emerging in the wake of the

NCAA's NIL deals.³⁰ Central to the article is the story of 16-year-old T.A. Cunningham, whose NFL aspirations led him into a convoluted and exploitative situation under the NIL framework.³¹ This narrative underscores the lack of clear guidelines and the presence of opportunistic individuals in the NIL marketplace, which, while promising massive profits, also poses significant risks and career damaging consequences for young athletes due to state-level restrictions and exploitative contracts. The article vividly illustrates the exploitation and vulnerability of young athletes in the NIL era.³² Courtney Altemus, a former financial manager for professional athletes, comments on the surge of inexperienced companies and individuals in the NIL space, which frequently leads to exploitative contracts.³³ This situation is exacerbated by the lack of regulations in the field, as highlighted by an anonymous athletic

³⁰ Kit Ramgopal, 'There's no rules. It's crazy': New money in NCAA recruiting leaves elite athletes ripe for exploitation, NBC NEWS (Nov. 27, 2022), <https://www.nbcnews.com> [<https://perma.cc/C6M3-6UYM>].

³¹ *Id.*

³² *Id.*

³³ *Id.*

department administrator who compares the post-NCAA court loss scenario to a lawless environment with no rules, likening it to the situation in Afghanistan.³⁴ Further complicating matters are the complex contracts and inducements that young athletes like Cunningham face. Despite his talent and potential, Cunningham's journey was fraught with unexpected legal and ethical challenges, including being benched due to state regulations. The influence of boosters and agents in this market, as seen in universities like Miami, Texas, and Tennessee, is also a cause for concern, with these entities often operating in grey areas of legality and morality. These young athletes' stories reflect the broader issues in the NIL landscape: athlete exploitation due to a lack of understanding and predatory practices by agents and companies, and the complexity of NIL contracts overloaded with legal jargon and complex terms.

B. CONTRACT COMPLEXITY

In Nicole Sadek's article, "College Athletes Lured by NIL Deals, Exploited by Fine Print," she provides one last critical examination of the challenges faced by college athletes in the new era of NIL

³⁴ *Id.*

deals.³⁵ The article brings to the forefront issues such as athlete exploitation due to complexity of NIL contracts, significantly impacted by the NCAA's policy changes.³⁶ Savannah Schoenherr, a University of Florida gymnast, proves example to this as she narrowly escaped a scam, highlighting the vulnerability of student-athletes to deceptive practices in the NIL space.³⁷

Due to the NCAA's restrictions, which bar universities from offering legal advice to students, it is up to them to spot out scams and unfair contractual agreements.³⁸ This is vividly illustrated in Schoenherr's experience, where she states, "It was a really scary situation," reflecting on her experience as she was almost scammed out of \$1,500 after accepting an NIL deal from a New York clothing

³⁵ Nicole Sadek, *College Athletes Lured by NIL Deals, Exploited by Fine Print*, BLOOMBERG LAW (July 18, 2023), <https://news.bloomberglaw.com> [<https://perma.cc/U5GS-22MJ>].

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

brand.³⁹ The incident highlights the lack of safeguards in place, allowing fraudulent entities to take advantage of young athletes' eagerness to capitalize on their newfound earning potential.

Many of these agreements are crafted without legal oversight, leading to terms that can be highly detrimental to athletes.⁴⁰ For example, contracts obtained by Bloomberg Law revealed instances of companies taking exorbitant commissions or failing to clearly define intellectual-property rights.⁴¹ Jill Bodensteiner, a former member of the NCAA's NIL legislation working group, emphasizes this concern, noting, "The environment is ripe for student-athletes to be taken advantage of."⁴² The lack of adequate legal and advisory support for athletes is a glaring problem in the NIL era.

The NCAA's rules prevent universities from providing crucial legal and advisory services, leaving athletes to fend for themselves in a

³⁹ *Id.*

⁴⁰ Nicole Sadek, *supra* note 35.

⁴¹ *Id.*

⁴² *Id.*

complex and often predatory environment.⁴³ The disparity in regulations between professional and NIL agents, as criticized by sports agent and attorney Ellen Zavian, further exacerbates this issue.⁴⁴ These challenges have broader implications, suggesting potential long-term financial and legal complications for athletes.⁴⁵ The article draws a parallel to concussion issues, indicating that the detrimental effects of poorly managed NIL deals may not be immediately visible but could have lasting impacts.⁴⁶ This situation underscores the need for regulatory reform and better educational resources for athletes.⁴⁷ Clear guidelines on contract terms and greater institutional support are essential to help athletes make informed decisions and protect their interests in the NIL landscape.

⁴³ Ashley Jackson, NCAA Clarifies NIL Rules for Division I Schools, NACUBO (Oct. 28, 2022), <https://www.nacubo.org> [<https://perma.cc/85B2-FSPH>].

⁴⁴ Nicole Sadek, *supra* note 35.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

V. THE 'PLAYER ENVOY' SOLUTION

The implementation of NIL reforms has surfaced specific problems in NCAA athlete representation. First, being a notable lack of standardized regulations. The absence of a uniform framework across different states and institutions creates confusion and potential inequities among athletes, affecting the fairness and balance of opportunities available to them. Second, being the reforms expose athletes, particularly those inexperienced in financial and legal matters, to the risk of exploitation. Athletes may fall prey to unscrupulous agents or entities seeking to capitalize on their fame and marketability, potentially leading to unfair deals and inadequate legal protection.⁴⁸

In this context, the concept of a 'Player Envoy' becomes increasingly relevant. A Player Envoy would serve as a knowledgeable and trusted intermediary between NCAA athletes and external parties involved in NIL deals. Their role would be to help athletes navigate the complexities of these agreements, ensuring compliance with varying state and NCAA regulations and

⁴⁸ Thomas Baker, *New NCAA NIL Clarifications Expose College Athletes To Risk By Removing Schools From The Process*, FORBES (Oct. 31, 2022), <https://www.forbes.com> [<https://perma.cc/ZBW6-BUH7>].

advocating for fair and beneficial arrangements. This approach could mitigate the risks of exploitation and confusion arising from a lack of standardized regulations, providing much-needed support and guidance to NCAA athletes in the evolving landscape of college sports.

A. NCAA AND THEIR GOVERNANCE STRUCTURE IS BEST
SUITED TO RESOLVE THE NIL ISSUE

In light of the recent developments within the NCAA regarding student-athlete protections and NIL rights, the organization has taken significant strides to enhance the well-being and opportunities for college athletes.⁴⁹ Proposals recently introduced by the Division I Council, represent a proactive approach by the NCAA to address the evolving landscape of NIL activities.⁵⁰

⁴⁹ Media Center, DI Council introduces proposals to boost student-athlete NIL protections, NCAA (Oct. 3, 2023), <https://www.ncaa.org> [<https://perma.cc/2P3Z-GWLW>].

⁵⁰ *Id.*; These proposals align closely with the proposed, ‘Player Envoys’ which include the development of a voluntary registry for NIL service providers, disclosure and transparency requirements, standardized contract terms, and comprehensive student-athlete education, reflect the

The NCAA's mission revolves around fostering an environment where student-athletes can thrive academically, athletically, and personally.⁵¹ By taking control of the NIL regulations, the NCAA demonstrates its dedication to fulfilling this mission.⁵² The organization's governance structure, characterized by association-wide committees and the Board of Governors, provides a framework for enacting regulations governing player envoys without direct reliance on federal legislation.⁵³ This internal approach allows the NCAA to tailor its policies to the specific needs and aspirations of college athletes, ensuring that the regulations put in place align seamlessly with the organization's core values and objectives.⁵⁴

NCAA's commitment to safeguarding the interests of its athletes while maximizing their potential in the NIL market.

⁵¹ NCAA, *Mission and Priorities*, <https://www.ncaa.org> [<https://perma.cc/LKJ8-SVP8>].

⁵² *Id.*

⁵³ NCAA, *Governance*, <https://www.ncaa.org> [<https://perma.cc/W4TC-23EL>].

⁵⁴ *Id.*; NCAA, *supra* note 18.

B. THE SOLUTION TO LACK OF NCAA REGULATIONS

In response to the challenges posed by NIL reform, this discussion advocates for the implementation of the Player Envoy to protect amateurism, address athlete exploitation, and maintain competitive balance. This comprehensive and adaptable solution ensures that collegiate athletes and universities navigate the evolving landscape of NIL opportunities while upholding the integrity of collegiate sports.

The implementation of the "NCAA Player Envoys" and regulations that these actors must follow will present a comprehensive framework aimed at regulating the representation of college athletes. This initiative comprises ten essential sections, each meticulously designed to ensure fairness, transparency, and ethical conduct within the realm of collegiate sports representation.

One of the key proposals introduced by the NCAA is the establishment of a voluntary registry for NIL service providers. This registry will enable agents, financial advisors, and other entities involved in NIL arrangements to voluntarily register with the NCAA. By publishing essential information such as business and education background, service descriptions, and fee structures, the registry empowers student-athletes to make informed decisions when selecting service providers. Additionally, the inclusion of a

"rate my professor" style platform within the registry allows athletes to share their experiences, further enhancing transparency and accountability within the NIL market.

Furthermore, the NCAA's emphasis on disclosure and transparency in NIL agreements exceeding a certain value underscores its commitment to providing clear guidelines for student-athletes. By requiring athletes to report specified information about their agreements to their schools, the NCAA ensures that all parties involved have a comprehensive understanding of the terms and conditions. This transparency not only protects the interests of student-athletes but also promotes fairness and integrity within the NIL landscape.

Standardizing contract terms is another crucial step taken by the NCAA to enhance the NIL experience for college athletes. By recommending specific contractual terms and information, the NCAA aims to simplify the negotiation process and facilitate a better understanding of the agreements. This standardization minimizes the potential for misunderstandings and disputes, creating a more stable environment for student-athletes to engage in NIL activities confidently.

Additionally, the NCAA's commitment to student-athlete education is paramount in ensuring their holistic development. By providing

comprehensive resources on federal, state, and local laws, types of NIL opportunities, elements of NIL agreements, and personal branding strategies, the NCAA equips athletes with the knowledge and skills needed to navigate the complex world of NIL activities. This education empowers athletes to make well-informed decisions, strike a balance between their sports commitments, self-care, and NIL opportunities, and leverage their personal brand effectively.

NCAA's proactive approach to addressing NIL regulations through its internal mechanisms aligns seamlessly with its mission and priorities. By focusing on transparency, education, and standardized terms, the NCAA not only safeguards the interests of its athletes but also fosters an environment where they can flourish both on and off the field. This internal control allows the NCAA to tailor its policies to the unique needs of college athletes, ensuring that they have the support and resources necessary to make informed decisions and succeed in the evolving landscape of NIL opportunities.

NCAA governance is built on a structure that highlights the roles of association-wide committees and the Board of Governors. These bodies can influence and recommend legislation from within its organization and can set in place Regulations Governing Player Envoys without having to rely on the federal government which in no way have as much knowledge on college athletes nor share the same mission and priorities as NCAA.

C. PROPOSED RECOMMENDATIONS FOR NCAA REGULATIONS
GOVERNING PLAYER ENVOYS

Introduction and Objectives

I believe the NCAA should establish regulations to govern Player Envoys' activities. These regulations would aim to protect student-athletes, uphold the integrity of collegiate athletics, and ensure fairness in recruitment and representation. Key goals should include safeguarding athletes, promoting fairness, enabling informed decisions, preventing exploitation, maintaining uniform standards, and offering dispute resolution.⁵⁵

Conduct and Certification

It is recommended that the NCAA require Player Envoys to adhere to specific conduct standards for certification. This should include ethical conduct, fair treatment of athletes, and adherence to NCAA rules.⁵⁶

⁵⁵ Appendix A, §1, 49–52.

⁵⁶ *Id.* at §2, 52–53.

Certification Process and Fee Restrictions

I propose that the certification process involve an application, educational requirements, and a certification examination. Additionally, fee restrictions should be implemented to prevent the exploitation of student-athletes.⁵⁷

Standards of Conduct

Player Envoys should be held to high standards of conduct, including ethical behavior, transparency, compliance with regulations, informed decision-making, confidentiality, avoidance of conflicts of interest, and ongoing education.⁵⁸

Prohibited Conduct and Disciplinary Actions

Certain activities should be prohibited for Player Envoys, such as misrepresentation, undue influence, offering unauthorized benefits, and engaging in conflicts of interest. Violations should lead to

⁵⁷ *Id.* at §3, 54–55.

⁵⁸ *Id.* at §4, 56–57.

disciplinary actions, including suspension or revocation of certification.⁵⁹

Formal Procedures and Agreements

Formal procedures and agreements, such as Envoy Designation Forms and Representation Agreements, should be standardized and made mandatory. These agreements must be clear, fair, and require annual renewal.⁶⁰

Dispute Resolution

A specific arbitration procedure should be established to resolve disputes related to Player Envoys and their activities.⁶¹

⁵⁹ *Id.* at §5, 58–59.

⁶⁰ *Id.* at §6, 59–64.

⁶¹ *Id.* at §7, 64–67.

Administration and Enforcement

The NCAA should be given the authority to administer and enforce these proposed regulations, with periodic reviews and amendments as needed.⁶²

NCAA Player Envoy Advisory Committee

The establishment of an NCAA Player Envoy Advisory Committee is recommended to ensure effective regulation implementation, offering expertise and recommendations.⁶³

Effective Date

These recommendations should be effective from a specified future date, requiring all Player Envoys to adhere to them from that date onwards.⁶⁴

D. ALIGNING WITH NCAA'S MISSION AND PRIORITIES

In examining the pressing issue of regulating athlete representation, it becomes evident that the NCAA must take proactive measures to

⁶² *Id.* at §8, 67–68.

⁶³ *Id.* at §9, 69–72.

⁶⁴ *Id.* at §10, 72.

align its mission and priorities with the rapidly evolving landscape of college sports. The proposed solution of implementing Regulations Governing Player Envoys is not merely a response to the challenges faced by student-athletes but a strategic move to safeguard the core values of the NCAA.

One of the fundamental aspects of the NCAA's mission is to provide a world-class athletics and academic experience that fosters lifelong well-being for student-athletes.⁶⁵ By establishing clear regulations for athlete representation through the concept of an "NCAA Player Envoy," the NCAA can ensure that student-athletes receive comprehensive support, both on and off the field.⁶⁶ These regulations can facilitate an environment where athletes can focus on their academic and athletic pursuits while having access to ethical and transparent representation, thereby fostering their overall well-being.⁶⁷

⁶⁵ NCAA, *supra* note 18.

⁶⁶ *Id.*

⁶⁷ *Id.*

Additionally, the NCAA's priorities underscore the importance of safe, fair, and inclusive competition.⁶⁸ By setting rules and guidelines for athlete representation and enforcing them, the NCAA can create a level playing field for all student-athletes.⁶⁹ This approach not only promotes fairness but also aligns with the NCAA's commitment to outstanding performance both on and off the field.⁷⁰ The regulations governing Player Envoys can serve as a mechanism to uphold the integrity of college sports, ensuring that the competition remains fair and transparent for everyone involved.

The proposed regulations emphasize the delivery of world-class services to student-athletes and members. By leading research and promoting innovation related to athlete representation, the NCAA can provide valuable resources and guidance to athletes, helping them navigate the complex landscape of NIL deals and representation agreements.⁷¹ This proactive approach aligns with the NCAA's mission to provide capabilities and programming that

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ NCAA, *supra* note 18.

support its members, filling in the gaps and enhancing the overall experience for student-athletes.⁷²

In light of the NCAA's goal to grow the college sports ecosystem, the regulations governing Player Envoys can play a pivotal role. By inspiring the next generation of athletes and ensuring quality access to sports, the NCAA can cultivate a sustainable and inclusive sports community.⁷³ These regulations can serve as a model for ethical athlete representation, encouraging young talents to participate in college sports with confidence, knowing that their interests and rights are protected.⁷⁴

The Regulations Governing Player Envoys are essential in the context of delivering sustainable funding for the NCAA mission. By establishing a culture of cost discipline and innovating new revenue streams, the NCAA can secure the financial resources necessary to support its programs and initiatives. The transparent and regulated athlete representation framework can attract sponsors and partners

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

who value the ethical treatment of student-athletes, thereby contributing to the financial stability of the NCAA.

The implementation of Regulations Governing Player Envoys is not merely a solution to a pressing issue but a strategy imperative for the NCAA. By aligning with the NCAA's mission and priorities, these regulations can foster a collegiate sports environment that is safe, fair, inclusive, and financially sustainable.⁷⁵ It is through such proactive measures that the NCAA can continue to provide a world-class athletics and academic experience for student-athletes, fulfilling its mission and upholding the values that define collegiate athletics.⁷⁶

CONCLUSION

In summary, the introduction of the "NCAA Regulations Governing Player Envoys" represents a vital step toward modernizing NCAA athlete representation. The challenges posed by the NIL reform, including athlete exploitation and contract complexity, demand urgent attention and strategic solutions. The exploitative practices

⁷⁵ *Id.*

⁷⁶ NCAA, *supra* note 18.

and complex contractual agreements have left student-athletes vulnerable, emphasizing the need for comprehensive regulations.

The proposed solution of the "NCAA Regulations Governing Player Envoys" aligns seamlessly with the NCAA's mission and priorities. By establishing clear regulations for athlete representation and implementing measures such as a voluntary registry for NIL service providers, disclosure and transparency requirements, and standardized contract terms, the NCAA aims to protect the interests of student-athletes. This internal approach, utilizing association-wide committees and the Board of Governors, enables the NCAA to tailor its policies to the specific needs of college athletes. By striking a balance between a free-market economy and necessary regulations, the NCAA can ensure fair, inclusive, and financially sustainable collegiate sports. Ultimately, these regulations safeguard the core values of the NCAA, fostering an environment where student-athletes can thrive academically, athletically, and personally, and upholding the integrity of collegiate athletics.

APPENDIX A

NCAA REGULATIONS GOVERNING PLAYER ENVOYS⁷⁷

SECTION 1: INTRODUCTION AND OBJECTIVES IN REGULATING PLAYER ENVOYS

These “Regulations Governing Player Envoys” are established by the National Collegiate Athletic Association (“NCAA”) to govern the activities of individuals acting as Player Envoys for college athletes. The NCAA, as the governing body for college sports, recognizes the critical role played by Player Envoys and acknowledges the necessity of setting forth comprehensive guidelines to ensure the welfare of student-athletes, maintain the

⁷⁷ These NCAA Regulations Governing Player Envoys were crafted using the structural framework established by the Major League Baseball Players Association (MLBPA) in their “Regulations Governing Player Agents” and the National Football League Players Association (NFLPA) in their “Regulations Governing Contract Advisors.” The MLBPA and NFLPA are widely regarded as two of the most trusted players’ associations, providing comprehensive guidelines for the representation of professional athletes. *See* MLBPA Regulations Governing Player Agents; *see also* NFLPA Regulations Governing Contract Advisors.

integrity of collegiate athletics, and promote fairness in the recruitment and representation process.

§1(A) – Objectives in Regulating Player Envoys

My primary objective in issuing, maintaining, and enforcing these Regulations include:

To Safeguard Athletes: Establish and enforce minimum eligibility requirements for individuals acting as Player Envoys, ensuring they operate with integrity and prioritize the best interests of student-athletes.

To Promote Fairness: Provide student-athletes the opportunity to choose certified Player Envoys who adhere to ethical standards and represent athletes honestly, competently, and loyally.

To Ensure Informed Decisions: Facilitate transparency by disclosing relevant information about Player Envoys, allowing athletes to make well-informed decisions regarding their representation.

To Prevent Exploitation: Regulate the conduct of Player Envoys and affiliated individuals to prevent exploitation and ensure athletes are not subject to unfair practices or manipulation.

To Maintain Uniformity: Establish uniform standards applicable nationwide, ensuring consistency in the rules governing Player Envoys, despite variations in local laws and regulations.

To Provide Dispute Resolution: Offer fair, efficient procedures for resolving disputes between athletes, Player Envoys, and other parties involved in their representation, fostering a supportive environment for conflict resolution.

§1(B) – NCAA's Authority to Regulate Player Envoys

The NCAA derives its authority to regulate Player Envoys from its role as the governing body for college athletics. Recognized as the sole authority overseeing collegiate sports, the NCAA has the responsibility to establish and enforce reasonable rules and regulations that protect the interests of student-athletes. This authority allows the NCAA to oversee the conduct of Player Envoys, ensuring they operate in alignment with the principles of fairness, honesty, and integrity.

By implementing these Regulations, the NCAA aims to create a framework where student-athletes can engage with Player Envoys who uphold ethical standards, thereby safeguarding the collegiate sports experience for athletes and preserving the integrity of college athletics. These regulations are subject to periodic review and

amendment by the NCAA to adapt to the evolving needs and challenges faced by student-athletes in the realm of representation.

SECTION 2: CONDUCT THAT REQUIRES CERTIFICATION

In order to be eligible for certification as a Player Envoy under these Regulations, an individual must adhere to the following conduct standards, which necessitate certification from the NCAA. Failure to comply with these standards may result in denial, suspension, or revocation of certification:

§2(A) – Representation and Negotiation with Athletes

Conducting, on behalf of any student-athlete, or assisting, advising, or representing any student-athlete in:

§2(A)(1) – Contract Negotiations

Negotiating terms related to any agreements, contracts, or endorsements on behalf of the student-athlete, including but not limited to NIL agreements, sponsorship deals, or any other contractual arrangements that involve the student-athlete's participation in commercial activities.

§2(A)(2) – Recruitment or Maintenance of Athletes as Clients

Recruiting, or providing representation services for, any student-athlete on behalf of any Player Envoy, unless the person providing such services does so occasionally and incidentally, and is primarily engaged in work unrelated to representation services, such as clerical or secretarial support. Representation services do not include occasional and informational talks or presentations to student-athletes about the representation process, provided such talks are not accompanied by efforts to recruit the student-athletes.

§2(B) – Ethical Conduct and Fair Treatment

Ensuring fair and ethical treatment of student-athletes at all times, refraining from any exploitative practices, manipulative behavior, or any action that may compromise the student-athlete's eligibility, well-being, or reputation.

§2(C) – Compliance with NCAA Rules

Complying with all NCAA regulations, guidelines, and policies related to student-athlete representation, amateurism, and eligibility. Player Envoys must have a comprehensive understanding of NCAA rules and ensure that the student-athletes they represent remain in compliance with these rules.

SECTION 3: CERTIFICATION, EDUCATION, AND FEE

RESTRICTIONS

§3(A) – Certification Process

To become a certified Player Envoy under these Regulations, an applicant must complete the following steps:

§3(A)(1) – Application Submission

Submit a verified Application for Certification as a Player Envoy to the NCAA, providing all necessary information and documentation required by the application guidelines.

§3(A)(2) – Education Requirement

Attend and successfully complete an NCAA-approved education program designed to educate prospective Player Envoys about NCAA rules, student-athlete welfare, ethical representation, and other relevant topics.

§3(A)(3) – Certification Examination

Pass a written examination administered by the NCAA, demonstrating a comprehensive understanding of NCAA regulations, ethical standards, and best practices in student-athlete representation.

§3(B) – Fee Restrictions

Player Envoys are subject to the following fee restrictions to prevent exploitative practices while allowing reasonable compensation for their services:

§3(B)(1) – NIL Agreement Cap

A Player Envoy shall not receive compensation exceeding 20% of the total value of any NIL agreement negotiated on behalf of a student-athlete.

§3(B)(2) – Legal Representation Exception

Legal representation fees are exempt from the 20% cap. If a student-athlete chooses to be represented legally in matters unrelated to their athletic career, standard legal fees apply and are not subject to the fee restriction outlined in this section.

Failure to comply with the certification requirements or fee restrictions may lead to disciplinary action, including but not limited to suspension, revocation of certification, or financial penalties, as determined by the NCAA. These regulations are subject to periodic review and amendment by the NCAA to adapt to the evolving needs and challenges faced by student-athletes and their representatives in the realm of representation.

SECTION 4: STANDARDS OF CONDUCT FOR NCAA ENVOYS

§4(A) General Requirements for NCAA Player Envoys

Ethical Representation: NCAA Player Envoys shall act with integrity, honesty, and professionalism at all times, prioritizing the best interests of student-athletes they represent.

Transparency and Disclosure: Player Envoys must provide complete and accurate information about their qualifications, experience, and any potential conflicts of interest to student-athletes.

Compliance with Regulations: NCAA Player Envoys must adhere to the NCAA regulations governing their conduct and fully cooperate with any investigations or inquiries conducted by the NCAA.

Informed Decision-Making: Envoys should ensure student-athletes are well-informed about their rights, options, and potential consequences of their decisions, providing them with the necessary information to make informed choices.

Fiduciary Responsibility: Player Envoys shall act in a fiduciary capacity on behalf of student-athletes, putting their interests above all others, including their own.

Confidentiality: Envoys must respect the confidentiality of their interactions with student-athletes and refrain from disclosing sensitive information without proper consent.

Conflict of Interest: NCAA Player Envoys are prohibited from engaging in any activity that may create a conflict of interest with the effective representation of student-athletes.

Compliance with NCAA Guidelines: Envoys must adhere to all NCAA guidelines and policies relevant to their role, ensuring they are well-versed in the rules and regulations governing college athletics.

§4(B) Professional Development and Compliance:

Continued Education: NCAA Player Envoys should engage in ongoing education to stay updated on NCAA rules, regulations, and best practices, ensuring they remain knowledgeable and compliant.

Annual Disclosure: Envoys must annually disclose any changes in their qualifications, affiliations, or financial interests to the NCAA, ensuring transparency and accountability.

Cooperation with Investigations: Player Envoys are obligated to fully cooperate with any NCAA investigations, providing all necessary information and documentation as requested.

SECTIONS 5: PROHIBITED CONDUCT

§5(A) Prohibited Activities and Disciplinary Measures:

Misrepresentation: NCAA Player Envoys are prohibited from providing false or misleading information to student-athletes, colleges, or any affiliated parties. Violation may result in suspension or revocation of certification.

Undue Influence: Envoys must not use undue influence, coercion, or manipulation to persuade student-athletes to make decisions against their best interests. Violation may lead to disciplinary action and loss of certification.

Unauthorized Benefits: Player Envoys shall not offer or provide unauthorized benefits, gifts, or inducements to student-athletes or their families. Violation may result in penalties, fines, or certification revocation.

Conflicts of Interest: NCAA Player Envoys are prohibited from engaging in any activity that constitutes a conflict of interest, impairing their ability to represent student-athletes impartially. Violation may lead to disciplinary measures and certification suspension.

Unethical Recruitment Practices: Envoys must refrain from engaging in unethical recruitment practices, including disparaging

competitors, spreading false information, or using aggressive tactics. Violation may result in disciplinary actions such as fines or certification suspension.

Failure to Cooperate: Player Envoys must fully cooperate with NCAA investigations, providing all necessary information and documentation. Failure to cooperate may result in severe disciplinary measures, including permanent certification revocation.

Violation Reporting: Envoys are obligated to report any violations of these regulations by other Player Envoys promptly. Failure to report violations may lead to disciplinary actions, including fines and certification suspension.

Criminal Offenses: If an NCAA Player Envoy is charged with a criminal offense, they must inform the NCAA within ten (10) business days. Failure to report criminal charges may result in disciplinary measures, including certification revocation.

SECTION 6: NCAA ENVOY DESIGNATION FORMS AND REPRESENTATION AGREEMENTS

§6(A) – NCAA Envoy Designation Form Requirement

In order for an individual to represent a college athlete as an NCAA Envoy, the athlete must designate the person by signing and filing

with the NCAA, an NCAA Envoy Designation Form. The designated person must obtain certification from the NCAA and be recognized as authorized to act as an NCAA Envoy for that athlete. The NCAA Envoy Designation Form must be renewed annually, signed, and filed by the athlete to remain valid.

§6(B) – Validity of NCAA Envoy Designation Form

An NCAA Envoy Designation Form is valid only if:

- It is signed and dated by the athlete on the date of execution.
- It is fully and clearly completed on the official NCAA form.
- It is filed with the NCAA within ten (10) days of execution, except for re-designation between February 1 and April 5, which may be submitted by April 15.
- If the athlete's principal language is not English, an accurate translation of the form into the athlete's principal language is provided, signed, and dated by the athlete, with both versions filed with the NCAA. In case of inconsistency, the English version prevails.

§6(C) – NCAA Envoy Representation Agreement

An NCAA Envoy or Applicant who obtains certification from the NCAA must enter into a written NCAA Envoy Representation Agreement with the athlete. This agreement must clearly specify:

- The services to be provided to the athlete.
- The fees to be charged for those services.
- Any expenses to be reimbursed.

§6(D) – Copies of NCAA Envoy Representation Agreement

The NCAA Envoy Representation Agreement is not enforceable against the athlete unless the athlete receives an executed copy at the time of signing. Within ten days after execution, a copy of the executed NCAA Envoy Representation Agreement and any translations required shall be provided to the NCAA by the NCAA Envoy or Applicant.

§6(E) – Translation of NCAA Envoy Representation Agreement

If English is not the athlete's principal language, an accurate translation of the NCAA Envoy Representation Agreement into the athlete's principal language must be provided, signed, and dated by both parties. A copy of the executed translation must be provided to the NCAA within ten days of execution.

§6(F) – Representation Agreement in the Name of NCAA Envoy's Entity

If the NCAA Envoy Representation Agreement is executed on behalf of an entity, a separate paragraph within the agreement must

state that the entity agrees to comply with all NCAA regulations governing NCAA Envoys. If the designated NCAA Envoy is not authorized by the entity to make such an agreement, a rider executed by an authorized agent of the entity must bind the entity to comply.

§6(G) – Maximum Duration of Representation Agreement

Each NCAA Envoy Representation Agreement shall have a clearly specified duration, not exceeding one year from the date of execution by the athlete, without automatic renewal provisions. However, agreements may include provisions for fees earned or reimbursable expenses incurred during the one-year term but payable after the agreement's expiration or termination.

§6(H) – Prior Representation Agreements

Any representation agreement entered into before an athlete becomes eligible for NCAA participation shall not be recognized or enforceable once the athlete is part of an NCAA program. To be enforceable after joining an NCAA program, the athlete must execute or re-execute a new NCAA Envoy Representation Agreement in compliance with these regulations.

§6(I) – Mandatory Arbitration of Disputes

All disputes between an athlete and an NCAA Envoy or Applicant, or the entity signatory to an NCAA Envoy Representation

Agreement, arising during their agent-athlete relationship, shall be resolved exclusively through final and binding arbitration as per Section 7 of these Regulations. The NCAA Envoy Representation Agreement must contain a paragraph indicating the agreement to this arbitration process.

§6(J) – Revocation of NCAA Envoy Designation

An athlete may revoke an NCAA Envoy Designation at any time by providing a written notice to the NCAA, the designated NCAA Envoy(s), or Applicant(s). Re-designating a new NCAA Envoy effectively revokes the prior designation. Revocation terminates the NCAA Envoy's authority to represent the athlete regardless of any conflicting provisions in the NCAA Envoy Representation Agreement.

§6(K) – Liquidated Damages and Specific Contractual Remedies Prohibited

NCAA Envoy Representation Agreements shall not include provisions for liquidated damages or specify remedies for termination or breach of the agreement.

§6(L) – Approved Standard Form of NCAA Envoy

Representation Agreement

The NCAA may adopt and promulgate a standard form of NCAA Envoy Representation Agreement for use by athletes and NCAA Envoys. Any agreement not conforming to the approved standard form, or these regulations will not be enforceable against athletes.

SECTION 7: NCAA PROCEDURE FOR RESOLVING DISPUTES

§7(A) – Disputes

This section outlines the exclusive arbitration procedure for resolving disputes arising within the National Collegiate Athletic Association ("NCAA") related to Player Envoys and their interactions with student-athletes. The disputes covered under this procedure include, but are not limited to:

- (1) Denial by the NCAA of an applicant's certification as a Player Envoy.
- (2) Disputes between a student-athlete and a Player Envoy concerning individual negotiations.
- (3) The interpretation or enforcement of a representation agreement.

(4) Any other activities of a Player Envoy within the scope of these Regulations.

(5) Disputes between two or more Player Envoys regarding interference with contractual relationships or entitlement to fees owed by a player-client.

§7(B) – Filing

The arbitration process shall be initiated by filing a written grievance by the concerned party, either the student-athlete or the Player Envoy, within 180 days from the date of the event giving rise to the grievance or from the date when the facts became known or reasonably should have become known. The grievance may be filed through certified mail, personal delivery, or email, specifying the details of the dispute and relief sought. A completed Grievance Notification Form shall be attached to the written grievance and sent to the respondent, with a copy to the NCAA.

§7(C) – Answer

The respondent shall respond to the grievance within twenty (20) calendar days of receipt, admitting or denying the facts alleged and presenting reasons for denying the grievance if applicable. The NCAA shall be provided with copies of the grievance, answer, and relevant documents no later than thirty (30) days after receipt of the grievance. Failure to file an answer within the specified time may

result in the Arbitrator issuing an appropriate order upon satisfactory proof of the claim.

§7(D) – Arbitrator Selection

The NCAA shall appoint a skilled and impartial Arbitrator, or the Committee on Athletic Representation Disputes ("CARD") may appoint up to two (2) additional arbitrators as needed for cases arising under this section.

§7(E) – Hearing

After receiving the necessary documents, the Arbitrator shall schedule a hearing, considering the convenience of the parties and the urgency of the matter. Relevant documents in the possession of the NCAA, such as Player Contracts, salary information, and Representation Agreements, shall be provided to the parties upon written request. The hearing shall be conducted in accordance with the Voluntary Labor Arbitration Rules of the American Arbitration Association, allowing all parties and the NCAA to present evidence. Telephone conference call hearings may be conducted if requested and if the disputed amount is less than \$10,000.

§7(F) – Costs

Each party shall bear the costs of its witnesses and counsel. The costs of arbitration, including Arbitrator fees and expenses, shall be

covered by the NCAA. However, the Arbitrator may assign some or all of a party's costs to the opposing party if the Arbitrator deems a party's position to be frivolous and without merit.

§7(G) – Time Limits

The time limits specified in this section may only be extended by written agreement of the involved parties. These procedures aim to ensure a fair, efficient, and transparent resolution of disputes within the NCAA, upholding the integrity of collegiate athletics and protecting the interests of student-athletes and Player Envoys alike.

SECTION 8: ADMINISTRATION, INTERPRETATION, AND
ENFORCEMENT OF REGULATIONS

§8(A) – Authority to Administer and Enforce

The NCAA, as the governing body for college athletics, authorizes its Executive Director, or their designated representatives, to administer, interpret, and enforce these Regulations. This authority encompasses the development and dissemination of necessary forms, such as the Application for certification of Player Envoys, Registration Form, Player Envoy Designation form, Fee Statement, and Standard Player Envoy Representation Agreement. The Executive Director may consult with relevant NCAA committees or individuals, as deemed appropriate, to facilitate the efficient administration of these Regulations.

In any legal or arbitral proceedings where the interpretation and application of these Regulations is in question, the NCAA's interpretation and application of the Regulations shall be afforded deference.

§8(B) – Periodic Review and Amendment

These Regulations are subject to periodic review and potential amendments by the NCAA. The NCAA recognizes the evolving needs and challenges faced by student-athletes in matters of representation and aims to adapt these Regulations to safeguard the interests of student-athletes effectively and preserve the integrity of college athletics.

The use of boldface numbers and headings preceding each section, subsection, paragraph, and subparagraph within these Regulations is for descriptive or reference purposes only and does not carry any legal effect. These headings serve to facilitate ease of navigation and comprehension but do not alter the Regulations' substantive content.

SECTION 9: IMPLEMENTATION OF NCAA PLAYER ENVOY

ADVISORY COMMITTEE

*§9(A) – Establishment and Purpose of the NCAA Player
Envoy Advisory Committee*

The NCAA Player Envoy Advisory Committee (“PEAC”) is hereby established to serve as a consultative body, ensuring effective implementation and evolution of the Regulations Governing Player Envoys for college athletes. The purpose of PEAC is to offer expertise, guidance, and recommendations to the NCAA regarding the regulation, interpretation, and enforcement of the NCAA Regulations related to Player Envoys.

§9(B) – Composition and Appointment

Composition: PEAC shall consist of up to nine members, appointed by the NCAA's governing body, representing diverse backgrounds and expertise in collegiate athletics, legal matters, and athlete representation.

Eligibility: Individuals eligible for appointment to PEAC include former college athletes, legal experts, sports industry professionals, and individuals with experience in athlete representation. Appointees must have a comprehensive understanding of the challenges faced by student-athletes in the realm of representation.

Term of Service: PEAC members shall serve for a term of two years, with the option of reappointment for one additional term. No member may serve more than two successive terms. The initial appointments may vary in duration to ensure staggered terms for continuity.

§9(C) – Responsibilities and Functions

Review and Recommendations: PEAC shall review the NCAA Regulations governing Player Envoys, discuss their implementation, and make recommendations to the NCAA regarding amendments, interpretations, and enforcement. PEAC shall address any concerns raised by student-athletes, Player Envoys, or other stakeholders related to representation.

Conflict Resolution: PEAC shall serve as a resource for resolving disputes arising between student-athletes, Player Envoys, and other involved parties. The committee shall facilitate fair and efficient dispute resolution processes, ensuring the protection of athletes' rights and interests.

Education and Awareness: PEAC shall actively engage in educational initiatives aimed at increasing awareness among student-athletes about their rights, ethical representation, and the role of Player Envoys. This may include organizing seminars, workshops, and informational sessions.

Transparency and Reporting: PEAC shall promote transparency by providing regular reports to the NCAA on its activities, recommendations, and any emerging trends or challenges in athlete representation. These reports shall be instrumental in shaping future regulations and policies.

§9(D) – Meetings and Operations

Frequency: PEAC shall convene at least twice a year to conduct meetings, review matters related to athlete representation, and fulfill its responsibilities.

Presiding Officer: The NCAA shall appoint a presiding officer from among the committee members to lead PEAC meetings. The presiding officer shall facilitate discussions, ensure adherence to the agenda, and maintain decorum during the proceedings.

Participation: In addition to committee members, representatives from the NCAA, student-athlete organizations, and legal experts may attend PEAC meetings as observers. Their participation shall be encouraged to provide diverse perspectives on the matters under discussion.

Expenses: The NCAA shall reimburse PEAC members for their actual and reasonable expenses related to travel, meals, and lodging incurred while attending committee meetings.

§9(E) – Review and Amendments

These provisions governing the NCAA Player Envoy Advisory Committee are subject to periodic review and amendment by the NCAA to adapt to the evolving needs and challenges faced by student-athletes in the realm of representation. Amendments may be made based on the recommendations of PEAC, emerging trends in athlete representation, and changes in applicable laws and regulations.

By establishing the NCAA Player Envoy Advisory Committee, the NCAA reaffirms its commitment to the welfare, rights, and ethical representation of student-athletes, ensuring a fair, transparent, and supportive environment in collegiate athletics.

SECTION 10: EFFECTIVE DATE

*§10(A) – Effective Date of NCAA Regulations on Player
Envoys*

These Regulations governing Player Envoys for college athletes, as outlined in Sections 1 and 10, shall become effective on [Insert Effective Date], hereby referred to as the "Effective Date." All individuals acting as Player Envoys for student-athletes must adhere to these Regulations from the Effective Date onwards.