

## HUSCH BLACKWELL

# NCAA Legal and Regulatory Compliance

College athletics today play a central role in an institution's identity, public profile, prestige and student experience—making the management of the legal aspects of college sports a matter of great institutional importance. At the same time, these legal aspects are undergoing a period of transition. The current National Collegiate Athletic Association (NCAA) self-regulatory model is under significant stress, with institutional, state and federal authorities considering changes in the near future. Potential shifts include the scope and role of self-regulation as well as the definition of amateurism.

Husch Blackwell has the experience necessary to guide clients through the complex and shifting world of NCAA legal and regulatory compliance. Led by a former NCAA investigator, our team represents colleges, universities and student-athletes nationwide in enforcement, eligibility and compliance matters. We guide clients through NCAA regulatory processes, assisting with proactive planning and spotting potential conflicts. When disputes do arise, we work closely with clients to achieve the best possible outcomes.

The Husch Blackwell team provides guidance on matters including:



Name, Image and Likeness



Title IX Gender Equity in Athletics



Contracts



NCAA policy on campus sexual violence and Title IX



Comprehensive athletics compliance and climate reviews



Athletics policies and procedures evaluations



NCAA enforcement investigations and alleged infractions



Independent investigations related to coaches' conduct and student-athlete health and well-being



Student-athlete eligibility



NCAA waivers and NCAA rules interpretations

28

state college athlete Name, Image and Likeness laws

30

attorneys on Husch Blackwell's higher education team

250+

higher education institutions served by Husch Blackwell

## Practice Highlights

- Counseled NCAA member institutions on state law, NCAA policy and other legal issues related to Name, Image and Likeness.
- Conducted privileged Gender Equity in Athletics Review for Division I member institution.
- Represented Olympic and Division I athlete in issues related to NCAA rules and negotiation of contract of the use of the athlete's Name, Image and Likeness
- Conducted independent review on behalf of Big 10 university of potential NCAA violations involving head coach's provision of extra benefits to student-athlete and worked with NCAA enforcement staff on behalf of university to resolve infractions case.
- Represented Division III college in NCAA investigation related to impermissible financial aid awards provided to student-athletes and successfully resolved case on behalf of college with Division III Committee on Infractions.
- Represented Pac 12 institution in NCAA amateurism review of Division I men's basketball student-athlete and successfully advocated for student-athlete's immediate eligibility.
- Successfully advocated for multiple student-athletes through NCAA waiver and student-athlete reinstatement processes addressing issues related to transfer eligibility, medical hardships, seasons of competition and penalties for violations.
- Represented Division I member institution before Division I Committee on Infractions in contested case and successfully defended institution against charge of lack of institutional control.
- Conducted independent investigation of Division I coach's conduct that allegedly negatively impacted health and safety of student-athletes.
- Represented Southeastern Conference (SEC) university before Division I Committee on Infractions and successfully resolved recruiting violations alleged as Level II with committee, accepting university's self-imposed penalties.

## Athletics Compliance and Climate Reviews

Our team conducts comprehensive athletics compliance and climate reviews, providing clients with an independent analysis of their compliance systems both based on traditional NCAA compliance standards and evolving legal and industry requirements. We customize our reviews to the needs of the client and focus on practical solutions that improve the overall functioning of the athletics department.

## Name, Image and Likeness Developments

On June 21, 2021, the U.S. Supreme Court ruled unanimously in *NCAA v. Alston* that certain rules limiting compensation to athletes violated antitrust law. Shortly thereafter, on July 1, 2021, the NCAA issued an interim policy that deregulated rules that prohibited athletes from receiving compensation from third parties based on their name, image and likeness (NIL). At the same time, several state laws became effective with various frameworks permitting college athletes to profit off of their NIL. Our team has worked with a variety of schools to assist with implementation of NIL on their campus and navigation of the variety of legal, regulatory and policy issues associated with NIL.

## Aligned by industry. Built on relationships.

Husch Blackwell is an industry-focused business and litigation law firm delivering innovative and strategic solutions to organizations around the world. Drawing on extensive industry knowledge and experience, we move clients forward.

### ATTORNEY CONTACT

**Jason Montgomery**, Partner

Kansas City | 816.983.8291

[jason.montgomery@huschblackwell.com](mailto:jason.montgomery@huschblackwell.com)