



**Compliance, Audit, Risk Management and Legal Affairs (CARL) Committee**  
**February 20, 2024**  
**10:15 a.m.**

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**Discussion Item**

CARL-3      Athletics Compliance Update

**Background Information**

Brian Mackin, Director of Athletics, and Jody Smith, Executive Associate Athletics Director and Senior Woman Administrator, will provide and update on Athletics compliance matters.

**Attachment**

3.1      NCAA Compliance Updates Presentation

# UNC GREENSBORO ATHLETICS

**BOT CARL COMMITTEE**

**FEBRUARY 20, 2024**



**WE DISCOVER AND DEVELOP CHAMPIONS IN LIFE**

The image features a large, circular logo for the Southern Conference, rendered in a dark, semi-transparent style. The logo is set against a background of a wooden floor covered in red, white, and blue confetti. The logo itself has a blue outer ring with the word "SOUTHERN" in white, serif, all-caps letters at the top and "CONFERENCE" in white, serif, all-caps letters at the bottom. The center of the logo is a dark blue circle containing the word "SOUTHERN" in white, serif, all-caps letters. Overlaid on the center of the logo is the text "SOUTHERN CONFERENCE" in a large, bold, white, sans-serif, all-caps font.

# SOUTHERN CONFERENCE



## **SOUTHERN CONFERENCE FACTS**

**Member of SoCon  
since 1992.**

**10 full-time members  
in the SoCon & 24  
affiliate members.**

**Celebrated 100 Years  
in 2021.**



# **SOUTHERN CONFERENCE MEMBERS**

UNCG – GREENSBORO, N.C.

Univ. of Tenn. at Chattanooga – CHATTANOOGA, TN.

East Tennessee State Univ. – JOHNSON CITY, TN.

Furman University – GREENVILLE, S.C.

Mercer University – MACON, GA.

Samford University – BIRMINGHAM, AL.

The Citadel – CHARLESTON, S.C.

Virginia Military Institute – LYNCHBURG, VA.

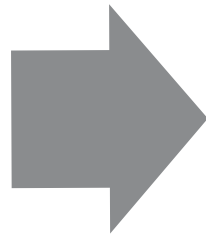
Western Carolina University – CULLOWHEE, N.C.

Wofford College – SPARTANBURG, S.C.



# UNCG FACTS

**UNCG SOCON  
MEMBER SINCE  
1992**



**UNCG 17 SPORTS  
(8 MEN, 9 WOMEN)  
(240 STUDENT-  
ATHLETES)**



# UNCG ATHLETIC TEAMS

## MEN'S

**Baseball**

**Basketball**

**Cross Country**

**Golf**

**Soccer**

**Tennis**

**Indoor/Outdoor Track**



## WOMEN'S

**Basketball**

**Cross Country**

**Golf**

**Soccer**

**Softball**

**Tennis**

**Indoor/Outdoor Track**

**Volleyball**



# ACADEMIC EXCELLENCE







## ACADEMIC STATISTICS

- **Fall 2023 Department GPA – 3.40**
- **81% Student-Athletes with a 3.0 GPA or higher in Fall 2023**
- **44 unique majors across UNCG**
- **94% NCAA Graduation Success Rate**



# NCAA COMPLIANCE

## PLAY BY THE RULES



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# INSTITUTIONAL CONTROL

Commitment  
to  
Compliance

Monitoring  
and  
Enforcement

Rules  
Education

Institutional  
Control  
Analysis



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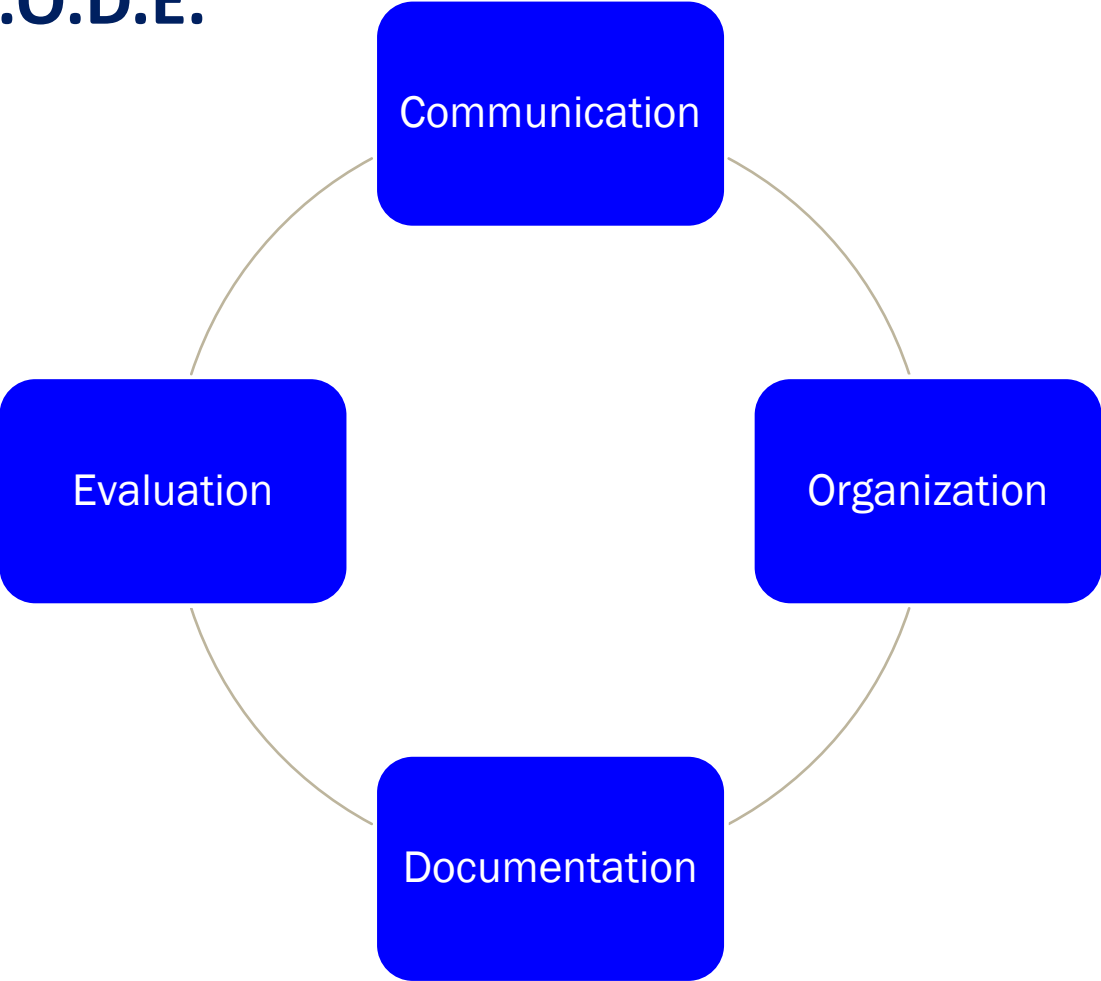
# UNCG COMPLIANCE

- **TWO FULL-TIME POSITIONS**
- **COMPLIANCE = SHARED RESPONSIBILITY**
  - ✓ **Customer Service-Oriented**
  - ✓ **Building Relationships**
  - ✓ **Communication**
  - ✓ **Protect UNCG & Athletics Department**



# KEY ELEMENTS OF A COMPLIANCE PROGRAM

Know the C.O.D.E.



# DEFINING ROLE OF COMPLIANCE



# NCAA CHALLENGES

- TRANSFERS
- NAME, IMAGE & LIKENESS (NIL)
- ALSTON AWARDS
- OTHERS & UNKNOWNNS



# TRANSFERS

## Flexibility for Four-Year Transfers

- **Transfer Portal – Institution Cannot Deny Transfer**
- **Multiple Four-Year Transfer**
  - ✓ **December 2023 Temporary Restraining Order**
  - ✓ **Converted to Preliminary Injunction**
  - ✓ **Multiple Four-Year Transfers Could Compete Immediately (big impact in Basketball)**
  - ✓ **NCAA reviewing this Spring**





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# NAME, IMAGE & LIKENESS (NIL)

Effective July 1, 2021, NCAA stated student-athletes are permitted to engage in activities where they can benefit financially or non-financially (e.g., receive cash, product or other benefit) by using their name, image and/or likeness for promotional purposes.

## Definition of Name, Image, and Likeness (NIL)

Any activity in which a prospective or current student-athlete's name, image, likeness or personal appearance is used for promotional purposes by a **noninstitutional** entity, including the individual prospective or current student-athlete, or a commercial, noninstitutional nonprofit or charitable entity. Such use may be compensated (e.g., cash, product or other benefit) or uncompensated.



# NCAA INTERIM NIL POLICY

*EFFECTIVE JULY 1, 2021*



- Student-athletes can engage in NIL activities that are consistent with the laws of the state where the school is located
- Student-athletes who attend a school in a state without an NIL law can engage in NIL activity without violating NCAA rules related to NIL
- Student-athletes can use a professional services provider (i.e. agent, tax advisor, etc.) for NIL activities
- State law and schools/conferences may impose reporting requirements
- No pay for play/recruiting inducements
- Must be quid pro quo
- Cannot provide compensation based on athletic achievements



# GOVERNOR COOPER'S EXECUTIVE ORDER

*ISSUED JULY 2, 2021*



- Student-athletes cannot be compensated as a form of inducement to enroll or continue to be enrolled at an institution.
- A student-athlete's authorized representative must comply with the North Carolina Uniform Athlete Agents Act.
- Colleges and Universities may not pay student-athletes for the use of their NIL, but may impose regulations and limitations on student-athletes' ability to receive compensation.

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# UNCG NIL INTERIM GUIDELINES

Chancellor charged NIL Working Group to evaluate and create guidelines. Working group includes Athletics, General Counsel, Academic Affairs, Communications, Finance and Administration, Enrollment Management, Student Affairs, and Strategy and Policy.

UNCG NIL Interim Guidelines were created and are evaluated at least once a semester as changes are occurring within the NCAA on their interim policy and legislation.

On September 5, 2023, Spartans Unite NIL Collective announced its creation to support UNCG student-athletes by providing NIL opportunities. This Collective is an outside entity and does not fall under UNCG Athletics. See announcement here: [Spartans Unite](#)



# UNCG NIL INTERIM GUIDELINES - SUMMARY

- UNCG student-athletes still participate in promotional activities for UNCG and UNCG Athletics (those rules have not changed).
- Guidelines require:
  - Fair market value compensation
  - Disclosure of NIL activities to UNCG Athletics
  - NIL-specific educational modules
- Enforcement mechanism:
  - Educational conversations rather than sanctioning
- UNCG employees are permitted to be general consumers of goods and services from UNCG student-athletes, pending additional research



# UNCG NIL INTERIM GUIDELINES – KEY RESTRICTIONS

- No NIL activities that conflict with UNC Greensboro's activities or commitments
- No use of UNC Greensboro facilities for Name, Image & Likeness activities
- No agreements with UNC Greensboro's sponsors' competitors (e.g., Coke, Nike)
- No promotion of (consistent with UNC Greensboro Advertising Policy):
  - Gambling/casinos
  - Tobacco / Alcohol
  - Firearms and associated accessories
  - Illegal and NCAA banned substances
  - Adult Entertainment
  - Any other category that may not align with UNC Greensboro values
- Limited use of UNC Greensboro marks
- Evaluating to allow UNC Greensboro apparel during NIL promotion (using licensing process)



# UNCG NIL ACTIVITIES & CHALLENGES

## NIL ACTIVITIES:

- Averaging 10-15 student-athletes participating in NIL activities
  - Social media posts in exchange for product and/or monetary compensation
  - Working youth camps/clinics
  - Selling non-UNCG apparel

## CHALLENGES:

- Use of NIL in recruiting & retaining student-athletes
- No consistency with NCAA legislation
- States are creating own bills contradicting NCAA policy/legislation
- Enforcement from NCAA



# ALSTON AWARDS

- **NCAA v. Alston.** Alston filed the lawsuit in 2014 in the U.S. District Court for the Northern District of California that challenged the NCAA's rules on education-related benefits for athletes, saying they violated antitrust law.
- **Emergency legislation August 2020; June 2021 US Supreme Court upheld decision.**
- **Provide up to \$5980 annually for academic achievement.**
  - ✓ **Currently, UNCG does not provide.**
  - ✓ **Evaluating to award starting 2024-25 through fundraising dollars.**
  - ✓ **Must keep Title IX in mind.**





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# OTHERS & UNKNOWNNS

- **Lawsuits/State Government Bills Occurring**
- **NCAA's need for national framework for NIL**
- **Are student-athletes employees? (Dartmouth Case)**
- **Legalization of Sports Wagering in North Carolina/Conflict with NCAA legislation**
- **What will the NCAA look like? Creation of another Division? (Project Division I)**





**Questions?**