THE DRAKE GROUP EDUCATION FUND
Realizing The Promise Of College Athletics

FOLLOW-UP NOTES

NIL Education --

Are Collegiate Athletics Programs Delivering?

The Drake Group Education Fund Webinar Series – Critical Issues in College Athletics

Hosted by

2aDays RATINGS + TIPS FOR STUDENT ATHLETES

Thanks for attending or registering for our December 7, 2023, webinar on critical issues in intercollegiate athletics. A regular feature of our webinar series is "Follow-Up Notes" which provides links to the recorded webinar, answers to questions from the audience which panelists did not have the time to address or those emailed to us from telephone participants, and information on our next webinar.

1. Webinar #30 RECORDING

In case you missed any part of the December 7, 2023 webinar, you may access the recorded video here:

"NIL Education – Are Collegiate Athletics Programs Delivering"
ACCESS RECORDING HERE

2. UNADDRESSED QUESTIONS FROM WEBINAR ATTENDEES

Following are answers to questions from the audience symposium that panelists did not have time to address. Responses are from The Drake Group Education Fund and The Drake Group experts and/or panelists. All audience questions specific to NIL Education were answered during the webinar. The following questions were not and relate to NIL collectives and Title IX.

Q1: How can we make collectives more equitable with the distribution of money to male athletes versus female athletes? Are there any incentives (or laws such as Title IX) that can encourage more equitable distribution of funds?

A1: The short answer is that if the institution is entwined with the NIL collective either by recognizing it as an "official" entity of the institution or otherwise providing substantial support or direction to the entity, the collective would be obligated to treat male and female athletes equally as if it were the institution. The Drake Group (TDG), the sister organization of The Drake Group Education Fund (TDGEF) that is a 501(c)(4) advocacy and lobbying organization, initiated a series of meetings and communications in 2023 with the U.S. Department of Education Office for Civil Rights (DOE/OCR) on this topic which may answer many of your questions. See:

- Our **January 10, 2023, letter** to DOE/OCR requested issuance of Title IX guidance addressing the recruiting practices of NIL booster collectives
- On March 9, 2023, a delegation of Drake Title IX and NIL experts met with DOE/OCR staff to ask the agency to assist colleges and universities by issuing formal guidance on the relationship between institutions and NIL collectives and how Title IX complies. See **a review of that meeting and specific requests**.
- On August 1, 2023, the TDG sent **another request to DOE/OCR reiterating these concerns**, new developments, and again asking for formal guidance to be issued.

Q2: To what extent does equal treatment of female athletes depend on the institution's predicate decision to promote, INVEST in publicity and marketing, and put women's sport on TV?

A2: The current NIL marketplace overwhelmingly favors male athletes both in numbers of opportunities and average value of such employment. This reality reflects the historically under-resourced treatment of women's sports with regard to the institution's promotion, publicity, financial aid (female athletes are shortchanged over $1 billion in athletics scholarships each year) and recruiting efforts. Colleges and universities must provide an equal percentage of male and female athletes (not teams) with equal publicity and promotion benefits and must undertake equal recruiting efforts. They are not. If inequities are identified, the institution is obligated to immediately act to remedy these inequities. They are not. Also, the institution has a Title IX obligation to demonstrably seek equal television exposure at fair market value for its male and female athletes. Similarly, institutions must make the same effort to support NIL opportunities for male and female athletes rather than generating the same compensation. For a detailed discussion of these obligations, see the Drake position statement "**NILs and Title IX: Educational Institutions Must Fix their Promotion, Publicity, and Recruiting Inequities Critical to the NIL Monetization Success of College Female Athletes and Must Not Use Third Parties to Evade Their Title IX Obligations**."

OUR NEXT WEBINAR – "DOES BAKER'S PROPOSAL INVITE THE POWER 4 TO LEAVE THE NCAA AND WHAT MIGHT HAPPEN IF IT DOES?"

OUR NEXT FREE WEBINAR! Thursday, January 18, 2024 – 2:00-3:30 p.m. EST

At the highest level, the NCAA is governed by a Board of Governors, upon which the NCAA president, Charlie Baker, sits as an ex officio member. As the NCAA itself notes, "The NCAA president gets one vote on the committee, and only for the purpose of breaking a tie." Baker took office in March 2023, and inherited several significant lawsuits regarding pay-to-play, name,

image, and likeness, and health and safety issues. In response, in late 2023, Baker challenged NCAA member schools with a plan to create a new Division I tier in which schools would be required to pay a minimum of their athletes at least $30,000 annually. The proposal, although not binding, represents a new kind of NCAA leadership and implies an acknowledgement that the NCAA's current collegiate model needs significant reform. It may also be a nod to the lawsuits working their way through the courts. Finally, Baker's proposal raises the question of whether the NCAA governance structure itself needs reform, and if so, whether so-called Power 4 – ACC, Big Ten, SEC, and Big 12 – conferences, will seek to secure separate and increased autonomous power within the NCAA, or leave the NCAA altogether, in order to play by their own rules. Join us for this webinar where we hear experts explore the current state of NCAA governance and the future of college sports. **NOTE: You will receive an email notice as soon as the registration area is open.**

3. ACCESS RECORDINGS OF PREVIOUS WEBINARS

CLICK HERE to see the table of contents of The Drake Group Education Fund Video Library for recordings of all 30 previous webinars including the full proceedings of the 2022 and 2023 Allen Sack National Symposium.

4. QUESTIONS ABOUT THE DRAKE GROUP EDUCATION FUND AND 2aDAYS.com

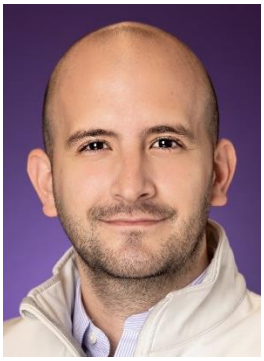
The Drake Group Education Fund (TDGEF) is a new 501(c)(3) non-profit education sister organization of The Drake Group (TDG) whose mission is to ensure that the promise of college athletics is realized for all stakeholders. TDGEF produces *The Allen Sack National Symposium on Integrity in College Sports* and the *Critical Issues in College Sports Webinar Series*, conducts fact-based research on intercollegiate athletics and develops position papers and other educational materials that influence public discourse on current issues and controversies in college sport. To access a full library of print and video educational materials on current issues in intercollegiate athletes, visit **www.thedrakegroupeducationfund.org**. All educational materials are available free of charge. If you believe The Drake Group Education Fund is doing good work, please also consider making a tax-deductible donation to support our webinars, educational research, and programs. You can donate and learn what we do **HERE**.

The Drake Group (TDG), a sister organization to TDGEF, is a 501(c)(4) non-profit organization whose mission is to educate policymakers and advance legislative initiatives that foster academic integrity and athlete well-being in intercollegiate athletics. For the most current information on The Drake Group and college athletics related bills being considered by Congress, visit TDG **HERE**. TDG needs volunteers to contact their senators and representatives to advance collegiate athletics reform legislation. Learn about legislation and **VOLUNTEER/JOIN HERE**.

2aDays.com. Interested in helping high school and college athletes learn more about athletic programs at institutions they are considering attending – and the ratings of coaches in these sport programs? Check out our webinar partner **2aDays.com**. An important note from 2aDays: It is also important to mention, given the focus of Congress on athlete health and welfare, that 2aDays gives athletes the opportunity to rate their coaches and also view ratings of athletes of other coaches. This information could prevent an athlete from playing in unhealthy educational environments.

5. THANKS TO OUR WEBINAR #30 PANELISTS

KASSANDRA RAMSEY, Esq., Moderator, is the founder of The Law Office of Kassandra Ramsey, P.L.L.C., assisting entrepreneurs, athletes, entertainers, and social media influencers with creating, operating, and protecting their businesses. Ramsey is the Sports Law Chair for the District of Columbia Bar's Arts, Media, Entertainment, and Sports Law Community and an advocate for college athletes' rights. She has written extensively on the name, image, and likeness (NIL) issue in college sports and has authored two e-books to assist current and prospective college athletes to advance their emerging NIL opportunities. She is passionate about educating athletes and their families on the ways college athletes may use these new opportunities to advance themselves for life after sports. Formerly, Ramsey served as the Compliance Assistant for the University of Maryland, College Park Athletics Department. She received her Bachelor of Arts in Political Science from Virginia State University and her J.D. from Howard University School of Law.



ANTONIO BANOS, M.Ed., Instructor, Associate Director, Institute for Entrepreneurship and Innovation, Neeley School of Business, Texas Christian University. Banos is leading the new Entrepreneurial NIL class as well as the cross-campus NIL initiative, a partnership between TCU Athletics and The Neeley School of Business, which offers student-athletes NIL workshops, certifications, classes, mentorships, and resources. For the past 20 years, working with businesses, brands, and influencers ranging from startups to Fortune 100 companies, he has helped companies grow by incorporating and implementing profitable business models, customer acquisition strategies, brand triggers, digital strategies, and storytelling in addition to growth hacking techniques. Banos is the recipient of the Bloxom Foundation Professor of Sports Entrepreneurship. He received his M.Ed. from Southern Methodist University and BA from Texas State University.

JEREMY JONES, Director, Athlete Marketing, Octagon. With over a decade of experience in sports and entertainment marketing, elevating the brands and careers of clients, Jones oversees brand marketing and endorsement deals for a roster of NFL and Collegiate (NIL) football clients, leveraging his expertise in contract negotiation, project management, and talent booking. He has a proven track record of securing and managing successful brand partnerships ranging from global corporations to local businesses, across various platforms and channels, including social media, events, and cause marketing. Jones also has a strong background in diversity, equity, and inclusion, having served as the Committee Chair and Director of Brand and Influencer Partnerships for the V Foundation, where he led initiatives to promote and support diverse voices and causes in the sports and entertainment industry. Jones played football at the University of Kentucky, graduating with a degree in Communications and Information.

ANGELICA McDONALD, Esq., **is the founder of McDonald Law, P.L.L.C.** with a diverse background in entertainment, media, sports law, and business. She represents entrepreneurs and athletes on everything from contract negotiation to intellectual property matters, ensuring anything they've built is protected. In 2022, Angelica co-founded Rise HBCU, the second HBCU-focused NIL collective in the country, where she has helped negotiate, secure, and facilitate endorsement deals for HBCU athletes and educate them on personal branding, NIL, content creation, and more. She holds a Bachelor of Science in Business Administration, Management and Marketing from University of North Carolina at Charlotte, a Juris Doctor from North Carolina Central University School of Law, and a Master of Laws in Entertainment and Media Law from Southwestern Law School in Los Angeles, California. She is a registered sports agent with the National Basketball Player Association.

CEYDA MUMCU, Ph.D., Associate Professor, Chair, Sport Management Department, Pompea College of Business, University of New Haven. An expert in data analytics, Dr. Mumcu co-edited the first textbook on analytics in sport management which is sold over 30 countries around the world and in every continent. An expert in fan behavior, sport marketing, women's sports marketing, media representation of female athletes and marketing analytics, she was the co-author of the first study on marketing sport to LGBT fans. She is the recipient of the Sport Marketing Association's 2022 Lough Award, recognizing her commitment to research and teaching focused on promoting diversity, equity, and inclusion in sport marketing. A former member of the Turkish Women's Professional Basketball League, she played for eight years before moving to the United States. She received her Ph.D. in sports administration from the University of New Mexico and her M.S. degrees from University of New Haven and Middle East Technical University, in Ankara, Turkey.