

NCSL Research Request: Student Athlete Compensation Follow-Up

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**Follow Up Responses and Resources for Committee on to Conduct an Interim Study Concerning the Use of the Name, Image, and Likeness of a Student Athlete**

**1. Would it be possible to see if there is any hard or specific data on recruiting, specifically concerning whether specific NIL legislation or practices at the state level have impacted recruiting either positively or negatively?**

- We did not find much clear data on recruiting but there have been several articles (linked below) discussing the phenomenon on student athlete compensation and the potential impacts it will have on recruiting.
  - [NIL Laws Add New Variable to Recruiting Decisions](#)- ESPN- October 21, 2021
  - [The First Thing to Understand About NIL Is That Nobody Fully Understands NIL](#) – Sports Illustrated – August 26, 2021
  - [College Coaches Working to Learn NIL Impact On Recruiting](#) – AP – July 23, 2021

**2. Have you found anything coming out of the California provision in terms of community college practices? (I know you had mentioned the timing for these provisions was shifting, but we did want to check whether it would be possible to obtain this information at this time or whether that might require later follow-up.)**

- As outlined in California [SB 206](#), California Community Colleges created a working group to develop recommendations for community college NIL issues. The working group met several times in 2020 and 2021 and has available resources, agendas, and minutes on [this website](#). The culmination of this process was [this report](#) which was published last May.
- In August 2021, the legislature passed [SB 26](#) which made the NIL provisions operative on September 1, 2021, and made them applicable to the California Community Colleges.

**3. Are there penalties or sanctions for noncompliance regarding NIL issues, both for athletes and for institutions?**

We did not find explicit mentions of this since this is largely driven at the institutional level and these processes seem to be largely still being developed. The articles below provide some context around these challenges and how some institutions are addressing these challenges.

- [How Compliance Administrators are Navigating the Early Days of NIL Rights](#)- Business of College Sports – July 19, 2021
- [The ABC's of College Sports Compliance](#) – Spry – 2021

**4. How does an athlete's social media following prior to an NIL offer play into the process for attaining an NIL deal?**

- The [latest data from Opendorse](#), found that posting content is the top activity for NIL athletes with 68.9% of NIL activity since July 1, 2022, being related to posting content. Additionally, 35.7% of total compensation is from posting content.

- Companies such as [Opendorse](#) and [INFLCR](#), have some data around how athletes can leverage their social media followers into financial returns. Opendorse collaborated with 538 to [estimate potential earnings](#) for some notable famous collegiate athletes.
- A [research paper](#) from the Sports Management Review found that compensation depends on a variety of metrics including followers, engagement, and the institution that students attend. The paper also provides some data and estimated ranges for compensation based on number of followers that an athlete has.

**5. Are there any provisions in state laws that address mental health or gender parity?**

The only statutory mention of gender parity related to NIL issues is included below. There were no statutory mentions of mental health related to NIL.

- **GA** – “The postsecondary educational institution shall provide for the implementation of the provisions of this paragraph in a manner that does not discriminate against or treat differently individuals based upon race, gender, or other personal status protected by federal or state law.”

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