

Chair Lively and Member of the House Higher Education Committee,

College athletics are a storied tradition at each of our colleges and universities. They bring together students, alumni, faculty, staff, and communities around a common interest and play a critical role in athletic revenue development for our institutions.

In 2021 and 2022, the State of Oregon recognized the important role that our student-athletes play for our colleges and universities and passed NIL (name, image, and likeness) legislation to protect student-athletes and the institutions they represent. However, over the past two and a half years, the NCAA has failed to do its part to provide clear, comprehensive, and fair guidance on how to manage NIL. Under current NCAA investigative rules, if a student-athlete is accused of violating NIL rules – with evidence that’s circumstantial at best – both the student-athlete and their college or university is deprived of due process by requiring them to prove their innocence.

Unless Oregon acts, the NCAA will continue to have broad authority to use circumstantial evidence to determine an Oregon student-athlete ineligible to compete and impose punitive sanctions against colleges and universities, including post-season bans, scholarship reductions, coach suspensions, recruiting restrictions, and fines.

Many states have already acted to protect their student-athletes by implementing legislation that provides clear operational rules on NIL activities. To ensure Oregon colleges and universities remain competitive when recruiting against other schools that have already enacted comprehensive NIL legislation, we urge you to support the proposed NIL amendments in LC 149. Those amendments ensure that:

- Oregon student-athletes and colleges and universities can rely exclusively on Oregon law to guide their NIL activities and may not be investigated or sanctioned by the NCAA, so long as they comply with Oregon state law; and
- Oregon colleges and universities can assist student-athletes in identifying, facilitating, enabling, and supporting NIL opportunities; and
- Oregon colleges and universities and their employees will be shielded from liability for any damages relating to a student athlete’s exercise of NIL rights which results from decisions or actions routinely taken during intercollegiate sports.

We know that many of you are deeply supportive of our colleges and universities and the student-athletes that bring so much pride to each of our schools and to our state. Now, more than ever before, our institutions and our student-athletes need your support to protect them from unsubstantiated NCAA investigations and to ensure their continued competitiveness on the national stage.

Thank you for your continued support.

