

**Board of Trustees
Meeting Minutes
August 5, 2021**

CALL TO ORDER AND WELCOME:

Kelvin Lawson, Chair

Chair Lawson called the Board of Trustees (BOT) meeting to order. Linda Barge-Miles called the roll and a quorum was established. The following trustees were present: Cavazos, Cliatt, Dubose, Harper, Lawrence, Lawson, Moore, Perry, Reed, Stone, Washington, and Whigham.

PUBLIC COMMENTS:

There were no public comments.

PROPOSED REGULATION 2.034

The next item on the agenda was consideration of the proposed regulation regarding an athletes' names, image and likeness. Chair Lawson recognized Attorney David Self, Director of Government Relations Danielle McBeth, and Athletic Director Kortne Gosha.

Mrs. McBeth provided an overview of SB 1028, the Name, Image and Likeness (NIL) bill, which was signed into law by the Governor, with an effective date of July 1, 2021. The Board of Governors' NIL regulation was finalized at its June 22, 2021 meeting. She shared that Congress has not passed legislation regarding NIL.

VP Kortne Gosha addressed the impact of this law on FAMU's student athletes. He stated that NIL refers to a student athletes ability to benefit or earn compensation in ways that are consistent with the general student body, while participating in intercollegiate athletics.

Students:

- Students must disclose all NIL agreements and compensation.
- Student athletes cannot enter into NIL agreements in exchange for athletic performance or anything athletic-related and must disclose all NIL agreements and compensation to the athletics compliance officer.
- Student athletes are not permitted to use any athletic facilities or marks in the promotion of their NIL, which includes the University's facilities, uniforms, registered trademark products protected by copyright, official logos and colors
- NIL opportunities cannot conflict with academic or team related activities
- International athletes cannot participate in NIL
- Student athletes cannot enter into contracts that involve gambling or vendors associated with performance enhancing drugs.

University:

- FAMU has the right to prohibit student athletes from using their name image and likeness for compensation and such uses that violates the University's policies and regulations.
- The University cannot assist or be involved in the arrangement of any NIL.
- Direct Support Organizations, including Boosters, cannot create or facilitate NIL opportunities for student athletes
- FAMU must provide education to athletes regarding financial literacy. A student's need-based financial aid could be impacted. FAMU athletics currently has programming which includes monthly mandatory financial literacy training for all student athletes. It also has partnerships with three major banks, which facilitate that training.
- The University must promptly notify the student of any NIL violation. (Note: Promptly has been defined by some universities as five to seven days. FAMU has not defined it yet, but the Office of the General Counsel is recommending five-days.)

VP Gosha shared that FAMU has partnered with Influencer, which is a management tool that will track when a student is solicited by a company. A student athlete's social media will be linked to Influencer. FAMU currently has approximately 12 student athletes who indicated their potential involvement with NIL.

Attorney David Self shared that other State University System institutions have either adopted NIL policies or guidelines. He stated that staff is recommending that the Board of Trustees authorize the President to adopt policies consistent with the NIL guidance by the Board of Governors (BOG) and by state statute.

When queried about branding, Attorney Self indicated that according the statute and BOG regulation, a student athlete's contract cannot conflict with University contracts. He shared that since FAMU is a Pepsi campus, a student athlete cannot promote other beverage brands. He stated that penalties for violations of the NIL are still being discussed nationally.

Chair Lawson reiterated that since NIL is such a new evolving issue, the University should be allowed to continue working on the policy and that no action was required by the Board.

CONSENT AGENDA:

Chair Lawson reviewed the Consent Agenda with the Board. He noted that the following items were removed from the agenda:

- BOT1 2021/2022 President Robinson's Goals – The Board agreed that it needed more time to develop the "big rock" issues and ensure that they are tied to the strategic plan and the president's goals. The Board will revisit the goals at the next board meeting.
- BOT5 Regulation 2.034, Student-Athletes: Name, Image and Likeness – The Office Legal Affairs will continue to work on the policy.

Trustee Moore moved approval of the Consent Agenda. The motion was seconded by Trustee Perry and the motion carried, without opposition.

The consent agenda included the following items:

BOT2 2020/2021 President Robinson's Evaluation
BOT3 2020/2021 Board of Trustees Self-Evaluation
BOT4 2022/2023 Legislative Budget Request
BFF1 2021/2022 University Budget
BFF2 Banking Resolution

ADJOURNMENT:

There being no further business for the Board, the meeting adjourned.