

Path Forward Task Force Report

In April 2025, the Council of Presidents requested the formation of a task force to examine the potential impact on the NAIA resulting from complex issues related to Name, Image, and Likeness; eligibility limits; transfer policies; and other pressing matters in collegiate athletics. The task force was also charged with taking advantage of this pivotal time, identifying potential differentiators, and proposing bylaw changes to position the NAIA as the association of education-based athletics.

Purpose/Guiding Principles

1. Gain a clear understanding of the threats posed to the NAIA by the NCAA's recent actions,
2. Ensure that NAIA rules and policies codify and strengthen its identity as an education-based athletics association,
3. Anticipate emerging challenges, and
4. Position the NAIA to lead with integrity, clarity, and strength.

Objectives

Task force members will partner with NAIA staff to evaluate the following critical areas:

- Name, Image, and Likeness (NIL)/Collectives
- Transfer Frequency
- Reduction or Elimination of Eligibility Limits
- Commercialization and Antitrust Issues
- Classification of Student-Athletes as Employees

Task Force Members

Paul Maurer (chair)	President, Montreat
Karl Einolf	President, Indiana Tech
Rick Bailey	President, Southern Oregon
Erik Hoekstra	President, Dordt
Rachelle Keck	President, Grand View
Dustin Wilke	Commissioner, The Sun Conference
Reagan Rossi	Athletics Director, The College of Idaho
Tyler Unsicker	Athletics Director, Louisiana State - Alexandria

Work Through September 2025

The task force met in person in Kansas City for a two-day summit in August and has held four virtual meetings. Priorities have included:

- Ensuring that task force members understand the topics and their potential impact on the NAIA.
- Focusing on opportunities and threats based on both short-term and long-term likelihood, and the level of impact on the NAIA.
- Confirming the NAIA's desired positioning for each of the five topics.

- Beginning to identify the types of strategies the task force wants to see the NAIA pursue related to these prioritized items.

Membership Survey

A survey was sent to athletics directors in June to gain insight about how NAIA institutions are navigating the implications of NIL, additional eligibility opportunities, and the transfer portal. 71 ADs responded.

NIL Key Takeaways:

- **NIL in the NAIA is working as intended.** In most cases, NIL opportunities are being pursued by some student-athletes (0 – 1/3 of student-athletes) and they are earning nominal income from it. Only 5% of ADs believe it is being misused in some way on their campus.
- **Student-athletes who engage are benefiting.** For those who choose to pursue NIL opportunities, they are finding opportunities for extra income (typically through social media), with women outperforming men.
- **Collectives are not providing a competitive advantage.** Collectives remain exceedingly rare in the NAIA, with only 7% of institutions supporting or planning to support one. Of those, only one institution reported raising any money (less than \$3,000), meaning the other collectives were used to support student-athletes in other ways (marketplace for finding deals, marketing or negotiation support, etc.).
- **NIL activity is a minor or non-existent focus of most athletic departments.** Most departments are not actively providing support, education or connections to facilitate student-athlete NIL activity, and only one quarter of institutions track the NIL deals their student-athletes engage in.

Eligibility Limit Takeaways:

- **Pursuing Pavia.** Despite limitations on who is eligible for a Pavia waiver and thus can pursue a fifth season of competition, 60% of NAIA institutions report 1+ senior student-athletes have transferred to an NCAA DI institution for this reason.
- **4 SOCs align with undergraduate completion.** Most student-athletes complete their undergraduate degree within four years at their NAIA school.
- **Graduate offerings may have a limited impact on student-athlete retention.** Nearly 90% of NAIA institutions now offer graduate degrees/certificates, a sizable increase from our understanding 10 years ago. However, it appears to have limited impact in retaining student-athletes to continue competing at their same NAIA school after receiving an undergraduate degree, with the majority of schools reporting 0-10% of student-athletes stay. This could also relate to students' exhausting their eligibility simultaneously with completing undergraduate work. Prevalence of graduate transfer student-athletes is unknown.

Transfer Behavior Takeaways:

- **High school recruitment.** High school student EC registrants are very stable at ~28,000 annually, with slight variances each year. This is worth watching, as ADs are evenly split into thirds among those who believe their coaches are no more likely to recruit transfers than three years ago, somewhat more likely to recruit transfers, and significantly more likely to recruit transfers.
- **Transfer recruitment.** Taken as an entire group, both the data and AD responses suggest transfers remain stable with only slight increases. Most ADs believe transfer behavior at their institution has stayed the same or increased slightly compared to three years ago. Of those ADs who believe transfer behavior has increased, they report an impact of no change or some decrease in retention.
- **Four-year outgoing transfers.** Overall, the numbers are stable for 4-year transfers without significant change. Of note, within the five-year range, the highest number of 4-year transfers occurred in 2024-25, which was an 8% increase from 23-24.
- **Two-year outgoing transfers.** Overall, while the data looks like there is an increase in 2-year transfers, we believe it is relatively stable. This is due to a decrease in the number of transfer institutions categorized as “unknown,” of which many appear to have been 2-year institutions.
- **Transfer mix.** Two-year transfers consistently make up a greater percentage of our transfer population (10-19% greater share of all transfer students as compared to 4-year transfers).

Desired Positioning & Strategies

1. Name, Image & Likeness

a. Desired Positioning:

- i. Encourage an environment where student-athletes can pursue appropriate NIL opportunities provided by third parties.
- ii. Ensure NAIA rules reflect the agreed-upon application of NIL, including recruiting guidelines for proper use and prevention of abuse.
- iii. Promote NIL activities that complement rather than compromise the student-athletes' academic progress and educational objectives.
- iv. Monitor the engagement of third-party collectives within the NAIA to ensure alignment with #1-3.
- v. Position the NAIA as providing similar opportunities as DII and DIII for student-athletes.

b. Potential Strategies:

- i. NAIA rules (bylaws or policies):

1. Prohibit or limit NIL's ability within the NAIA. – *Not legally defensible.*

2. Define “proper use” of NIL.
 3. Require a monitoring system for NIL and collective activity within the association.
 4. Define collectives and outline permissible behavior or operating model (likely within existing COP Policy on booster clubs; no bylaw required).
- ii. Non-binding behavior influences (incentives/disincentives):
1. Develop a monitoring system for NIL and collective activity within the NAIA and incentivize participation.
 2. Debunk myths and offer/require education for NAIA members on how to leverage NIL appropriately (e.g., provide transparency on the reality of NIL in the NAIA, transparency of OpenDorse data, S-A voices on why it matters to them, best practice sharing from administrators).
 3. Celebrate ideal NIL behavior via publicity or awards (e.g., education compliance, creative + compliant deals, deals with community impact, deals with school brand/value alignment, using % of earnings to support charity/community, etc.)
 4. Develop “NIL done right” toolkits for schools to co-brand and offer to students; could include things like sample contracts, tax/legal education info, branding guidelines, value alignment guidance, etc.)
 5. Support positive NIL behavior by working with companies directly (NAIA NIL education, certification, directory of approved brands, etc.)
- iii. External (partnerships, advocacy, lobbying, legal strategy):
1. Prepare an argument for why NIL in the NAIA is “working as intended” and can benefit both student-athletes and schools, for use in advocacy, messaging, legal, or lobbying efforts.
 2. Monitor legal and congressional action for any potential impact on NAIA and prepare to advocate against any undesired regulations.

2. Transfer Behavior

a. Desired Positioning

- i. Position the NAIA favorably and competitively as compared to other athletic associations for prospective transfer students (both two-year and four-year transfers).

- ii. Monitor retention losses due to transfer and gain a better understanding of transfer behavior in the NAIA.
- iii. Leverage the opportunity to make the NAIA the preferred destination of the high school student-athlete.
- iv. Discourage frequent transfer behavior, thereby affirming the NAIA identity as an education-based athletics association

b. Potential Strategies

- i. NAIA rules (bylaws or policies):
 - 1. Prohibit or limit transfer ability within the NAIA. – *Not legally defensible.*
 - 2. Strengthen transfer eligibility bylaws to disincentivize transfers (e.g., residency period, stricter eligibility standards, and remove the existing 'grace period' in some rules). It could apply to all transfers or only within certain circumstances. Potential legal challenges here as well
 - 3. Permit eligibility incentives for student-athletes who stay in the NAIA (e.g., for anyone who has played 3+ years in NAIA, offer 5th SOC or additional term of attendance)
- ii. Non-binding behavior influences (incentives/disincentives):
 - 1. Develop a better monitoring system for inbound/outbound transferring.
 - 2. Monitor NCAA transfer rates (all divisions) as impactful indicators.
 - 3. Offer training for NAIA members on the state of transfers in the NAIA via awareness of issues, transparency of data, and best practice sharing.
 - 4. Maintain efforts to market the NAIA to prospective student-athletes and parents. Enhance NAIA's ability to promote NAIA schools (including things like academic offerings).
 - 5. Create non-regulatory incentives for student-athletes who stay in the NAIA (e.g., exclusive career/grad school fair for NAIA seniors, ambassador or recognition opportunities, "roster stability" recognition or incentive for teams with the highest retention, "Why I stayed" social series, education on academic detriments of transferring, etc.)
 - 6. Create a toolbox of school-based incentives that could be offered to student-athletes who stay on campus (e.g., elevated recognition, "Loyalty Stipend" for grad school following their undergrad degree, etc.)
- iii. External (partnerships, advocacy, lobbying, legal strategy):

1. Strengthen partnerships with junior college associations via enhanced presence, greater awareness and education of their members, and increasing efficiency of the transfer process to the NAIA.
2. Increase partnership efforts with high school advocacy groups (e.g., NFHS, NCSA, high school counselors, etc.)
3. Prepare an argument for why NAIA is desirable for students disillusioned or unwelcome in the NCAA (including HS students); to be used in advocacy, messaging, legal, or lobbying efforts.
4. Monitor legal and regulatory activity that could impact transfer desirability (e.g., eligibility lawsuits granting additional SOCs in NCAA), congressional action for potential impact on NAIA, and know if/how we want to respond if the most predictable actions occur.

3. Eligibility Limitations

a. Desired Positioning

- i. Ensure that athletics eligibility remains tied to a higher education structure.
- ii. While ensuring that athletics eligibility remains tied to a higher education structure, position the NAIA favorably and competitively as compared to other athletic associations with respect to eligibility limitations.

b. Potential Strategies

- i. NAIA rules (bylaws or policies):
 1. Change the existing "4 SOCs within 10 TOAs" structure to ensure competitiveness with other associations. Options include, but are not limited to:
 - a. 5 SOCs (within 10 TOAs, within 5 academic years, other?)
 - b. An "earned" 5th SOC for students in certain circumstances (during grad school, during internship or practicum, exceptional academic achievement, tenure at NAIA school, etc.)
 2. Maintain status quo (4 SOCs with 10 TOAs)
- ii. Non-binding behavior influences (incentives/disincentives):
 1. Gain better transparency and data on current NAIA student-athletes' experience of the length of eligibility used compared against the academic timeline.
 2. Message, educate, and advocate around "education-based athletics."

3. Provide exclusive opportunities for 5th SOC students if 5th SOC is limited (special recognition, access to exclusive career development programming, NAIA ambassador program, etc.) *This option would also require a rule change.*
 4. Create and celebrate a metric around % of student-athletes who graduate in 4 years to reinforce the goal is to finish, not extend eligibility.
- iii. External (partnerships, advocacy, lobbying, legal strategy):
1. Continue defending against any cases brought against NAIA.
 2. Prepare an argument for why the NAIA should be able to set its own eligibility limits (and how it differs from NCAA DI on the commercialization front); to be used in advocacy, messaging, legal, or lobbying efforts.
 3. Monitor legal and regulatory activity (e.g., eligibility lawsuits granting additional SOCs in NCAA; NCAA grants another waiver) and know if/how we want to respond if the most predictable actions occur.

4. Student-Athletes as Employees

- a. **Desired Positioning:** Establish and defend the NAIA's position that student-athletes are not classified as institutional employees.
- b. **Potential Strategies**
 - i. NAIA rules (bylaws or policies):
 1. Prohibit student-athletes from being considered employees in the NAIA.
– *NAIA has no legal authority to determine.*
 - ii. Non-binding behavior influences (incentives/disincentives):
 1. *Prompt membership awareness and proactive thinking related to ways to mitigate the challenges and costs of student-athletes as employees.*
 - iii. External (partnerships, advocacy, lobbying, legal strategy):
 1. Vet opportunities to unite and partner with other associations (NJCAA, NCAA DII/DIII, etc.)
 2. Prepare an argument for why small college athletes should not be considered employees; to be used in advocacy, legal, or lobbying efforts.

5. Antitrust and Commercialization

- a. Desired Positioning: Proactively work to prevent any legal, legislative, or regulatory actions within the industry based on the commercialization of NCAA DI sports from negatively impacting the NAIA or its student-athletes.
- b. Potential Strategies
 - i. NAIA rules (bylaws or policies):
 1. No application.
 - ii. Non-binding behavior influences (incentives/disincentives):
 1. No application.
 - iii. External (partnerships, advocacy, lobbying, legal strategy):
 1. Vet opportunities to unite and partner with other small college associations (NJCAA, NCAA DII/DIII, etc.)
 2. Prepare an argument for why small colleges should not be held to the same standard as revenue-generating DI programs; to be used in advocacy, legal, or lobbying efforts.
 3. Monitor legal and legislative activity, and advocate/engage if appropriate.

Five Seasons of Competition

The task force recommends that the Council of Presidents propose legislation that allows for five seasons of competition using the following language:

No student shall be permitted to participate in intercollegiate athletics for more than four seasons in any sport.

EXCEPTION: A student may participate in a fifth season of competition if the student is enrolled full-time in any of the following programs and is otherwise eligible per Article V, Section E:

- a. Designated five-year degree program as declared by the institution,
- b. Completed all academic requirements for graduation with a baccalaureate degree and is pursuing an additional baccalaureate or equivalent degree or second major area of study,
- c. Graduate program,
- d. Professional school,
- e. Fifth-year post-baccalaureate degree teacher education

Recognizing that moving to five seasons of competition will raise questions about other areas of our constitution and bylaws, staff will present various scenarios at both the joint and COP meetings to illustrate the potential impact.