

Podcasts | January 30, 2025

DOE Guidance and DOJ Statement of Interest

Highway to NIL Podcast

SPEAKERS

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The *Highway to NIL Podcast* analyzes the legal landscape concerning college athletics and the regulation of name, image, and likeness (NIL) rights of student athletes. The podcast provides key insights into the current state of affairs, focusing on the NIL guidance and policies coming directly from the NCAA; the various passed and amended state NIL laws; and NIL enforcement, including how the NCAA, state attorneys general, and other regulators may investigate and punish schools for NIL violations.

In this installment, Troutman Pepper Locke attorneys Cal Stein and Chris Brolley discuss the guidance document issued by the Department of Education related to Title IX within the context of compensation for use of a student-athlete's NIL, as well as a statement of interest filed by the U.S. through the Department of Justice in the *House v. NCAA* case. Both of these developments are poised to significantly impact the resolution of the case and the future of college athletic NIL compliance.

Specific topics include:

Department of Education NIL Fact Sheet:

- Title IX obligations related to NIL publicity and NIL support services (2:22);
- All NIL payments (paid by school or by collective) can trigger Title IX obligations (13:39);
- Enforceability of DOE policy and its impact going forward (20:30);

DOJ *House* Statement of Interest:

- Proposed revenue cap violates antitrust laws (25:54);
- Impact on possible approval of settlement (30:30);
- Need for collective bargaining? (34:06).

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