

NCAA could adopt sweeping proposal on NIL, trust funds, new subdivision in parts over extended period

By [Dennis Dodd](#) 5h ago • 3 min read

Should NCAA president Charlie Baker's sweeping proposal to establish a de facto pay for play model be adopted, it could be approved either in totality or partially through separate pieces of legislation, according to documents obtained by CBS Sports. The association will consider adopting at least part of Baker's proposal as soon as August.

Discussion will begin in earnest at the annual NCAA Convention, which opens Wednesday in Phoenix. Baker shocked the major-college world on Dec. 5 when he [proposed allowing schools to directly negotiate NIL deals with athletes](#) and establish annual trust funds of \$30,000 per athlete. This all could come with the creation of a new subdivision for rules-making purposes.

In a Division I Board of Directors agenda distributed to members this week ahead of the convention, the board "generally agreed" the "elements can be discussed and acted on independent of one another."

That is the first indication that major college athletics could further subdivide for the first time since 1978, and the pay for play proposal need not be adopted in order for it to happen.

Baker's proposal was made to relieve pressure on a collegiate model

under attack from all sides because of limits on athlete's compensation.

Since Baker's announcement, NCAA members have generally showed support for the president's act, though they have been skeptical about implementation.

Some schools in the FBS are particularly concerned about being relegated in a separate division. The agenda described a new subdivision as a place to "create rules that may differ from ... the rest of Division I." Those rules could include what the agenda called "scholarship commitment, roster size, recruitment, transfers or NIL."

In a new subdivision, member schools could conceivably raise the football scholarship limit from 85 to 95. That's just one example. The trust fund presents a potential problem because the average school would have to come up with what several administrators have estimated to be at least \$6 million out of their budget.

"I don't like how it was done," said one FBS athletic director, who did not wish to be identified, while speaking about Baker's proposal. "I do believe there are a lot of implications there that haven't been [thought] through from a legal standpoint."

The board met Dec. 7 to begin discussing Baker's proposal. The agenda lays out a timeline for its consideration.

The NCAA Council -- the association's chief policy making body -- will meet April 17 and April 18 where "development of concepts" will be discussed.

The board will meet April 22 to review preliminary recommendations on the bifurcation of NIL/trust fund elements.

The council will meet June 25-26 to finalize recommendations on NIL/trust fund and begin discussing a new subdivision.

The board will meet Aug. 6 to act on the council's final recommendations on NIL/trust fund. That piece of Baker's proposal, then, could be adopted before next football season.

After council and board meetings in October, the next action on final recommendations on a new subdivision could be taken in January 2025 at the next NCAA Convention in Nashville.

At that point, the entirety of Baker's proposal would be in place. However, there is still much to hash out.

"While Baker's proposal probably won't be fully implemented or voted into effect at the upcoming convention, it will still have a big role in the event," said Mit Winter, a prominent sports law attorney in Kansas City. "I think those conversations will tell us a lot about whether the proposal ... has a future."

Winter said adoption of the proposal could impact the NCAA's effort to have U.S. Congress establish a federal law limiting NIL. The NCAA faces several major lawsuits regarding compensation of athletes. That's not including an ongoing administrative process with the National Labor Relations Board that could lead to the unionization of athletes, at least at certain schools.

"Those reactions ... could tell us a lot about whether college athletics will try and chart its own course, or whether it's just going to be left to the courts and the NLRB," Winter said.