

Collegiate Athletics

Holland & Knight's Education Team and Sports Industry Team concentrate on advising and representing colleges, universities, athletic conferences and their business partners on legal issues related to collegiate athletics. We understand that issues with intercollegiate athletics can have broad ramifications for an institution and its stakeholders, ranging from Title IX concerns and operation of name, image and likeness (NIL) programs to private litigation and employment matters. These issues must be addressed in the context of an institution's simultaneous concerns for financial and reputational stability. Accordingly, we collaborate with institutions and athletic conferences to pursue the legal results that best achieve their individual goals.

Our attorneys bring to bear years of hands-on experience advising colleges, universities and athletic conferences at the Division I, II and III levels. Our national footprint and skills in various legal disciplines enable us to assist institutions and conferences, regardless of the nature of the legal issue or where it arises.

Name, Image and Likeness Advice

We advise institutions and service providers on compliance with the developing regulations of NIL arrangements with college athletes. We counsel clients on compliant corporate, governance and tax structures that support enhanced NIL opportunities for college athletes. Our counsel includes assessment and successful navigation of applicable state laws, executive orders and NCAA rules.

Title IX Athletics Compliance

We conduct programmatic reviews of athletic programs to address Title IX compliance, and we provide tailored advice and comprehensive plans to assist clients in managing risk.

Conference and Governance Issues

Our experience ranges from advising clients at different phases of the athletic conference realignment process to representing them in litigation. Our services include providing comprehensive counsel to clients with regard to conference constitutions, bylaws and media contracts as well as the broader financial and legal ramifications that accompany a conference realignment.

Tax and Related Issues

Our experienced tax lawyers have an in-depth understanding of the IRS and to guide through the complex rules to maximize the benefits of your tax-exempt status while safeguarding against potential challenges. We regularly advise college and university clients on 1) IRS regulations and rulings, 2) IRS audits, examinations and controversies, 3) reasonable compensation issues, including athletic programs and the NIL context, 4) intermediate sanctions and "excess benefit" transactions, 5) unrelated business-taxable income, 6) private inurement and private benefit prohibitions, 7) and rules on supporting organizations and donor-advised funds. We also assist colleges and universities in analyzing endowment issues – including modification of restricted gifts – as well as structuring major gifts from family offices, professional athletes and other substantial donors and reviewing tax returns and other required disclosures to address potential issues.

Employment, Labor and Compensation Matters

We negotiate employment contracts and regularly assist colleges when beginning or ending their relationships with coaches and other athletics personnel. We defend colleges and universities in employment litigation involving employees within the athletic department, including coaches. Additionally, we advise institutions on issues related

to student-athletes' efforts to be treated as employees, and we have served as counsel in lawsuits where student-athletes have asserted their status as that of employees.

NCAA Compliance and Related Issues

Our team provides guidance with regard to the NCAA rules and enforcement process. We counsel clients on compliance and appeal challenges involving NCAA rules; college and university self-disclosures; and issues regarding student-athlete eligibility, student-athlete transfers, sponsorships and the rules governing the transition to the professional levels (permissible agency representation).

Representative Experience with Collegiate Athletics

- Advised Division I Football Bowl Subdivision (FBS) institutions and affiliated entities on recommended structure and operation of NIL programs
- Assisted institutions on internal audits of their athletic programs to ensure compliance with Title IX and NCAA regulations, as well as conference requirements
- Represented a college in litigation arising out of its move from the Big East Conference to the Atlantic Coast Conference
- Represented an athletic conference as co-counsel in lawsuits in North Carolina and Maryland arising from a college's refusal to pay the required withdrawal dictated by the conference's constitution
- Represented a Division I college in connection with a threatened complaint of employment discrimination by a long-time football coach whose contract was not renewed; assisted the college in managing the potentially sensitive public relations aspects of this dispute
- Provided advice to a national association of Division I FBS athletics directors on recommendations for restructuring college sports governance, antitrust matters, required NCAA compliance attestation and cooperative strategies relating to student-athlete activism
- Represented colleges in connection with terminating the employment of head coaches of football, hockey, baseball and soccer teams
- Represented a major FBS conference as local counsel in national antitrust litigation over compensation for student-athletes
- Assisted a mid-major university in negotiations to move to a major athletic conference
- Successfully defended a Division I university against claims of sex discrimination brought by former head basketball coach
- Provided governance advice and recommended corrective actions to the boards of a Big Ten and a Big 12 institution in the aftermath of highly publicized allegations of sexual assault involving athletics personnel and members of their respective football teams
- Represented a leading provider for NIL education for Division I institutions in the operation and implementation of on-campus services for compliance advice, training and opportunities for engagement on NIL deals for athletes at multiple SEC, ACC, Big Ten and Big 12 schools
- Counseled a Canadian social media company in its assessment and setup of a NIL program for prospective social influencers
- Advised on terms for employment for the commissioner of a Power 5 conference and the coach of a top 10 Division I football program
- Represented several colleges in negotiating contracts for head coaches
- Advised a sports agency on a compliance program for its advisors regarding the recruitment of college athletes

How We Can Help

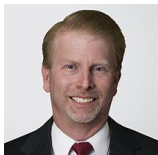
Holland & Knight attorneys have a broad range of experience to assist clients in matters related to collegiate athletics. In addition to litigation and counseling, we conduct training programs to help administrators and athletic departments increase understanding and awareness of legal issues on campus and in the workplace, improve morale, reduce conflicts, and avoid lawsuits and fines. We also perform audits of athletic programs for Title IX and NCAA compliance as well as general reporting compliance.

Our Team



Tyrone P. Thomas
Partner | Washington, D.C.
202.469.5560
tyrone.thomas@hklaw.com

Ty Thomas is co-chair of the Sports Industry Team. He has more than 20 years of comprehensive experience advising on matters in collegiate athletics, including NIL deals and programs, investigations and appeals related to NCAA sanctions, employment contracts for conference commissioners and head coaches, Title IX compliance, privacy issues for student-athlete records and student-athlete activism.



Nathan A. "Nate" Adams IV
Partner | Tallahassee
850.425.5640
nathan.adams@hklaw.com

Nate Adams is a Florida Bar Board Certified Education Lawyer and partner practicing in complex commercial and appellate litigation. He advises educational institutions on compliance with Titles IV, VI, VII and IX.



Joshua I. Bosin
Partner | Atlanta
404.817.8558
joshua.bosin@hklaw.com

Joshua Bosin serves as co-chair of the firm's Education Team. He defends educational institutions throughout the U.S. as principal counsel in complex civil litigation and employment-related disputes in federal and state courts, before administrative agencies and in arbitration. He also serves as outside counsel for colleges, universities and independent schools, provides advice on a broad range of education-related matters and represents educational institutions in connection with an array of campus matters involving student affairs, tenure and faculty disputes, student financial aid, Title IX, and sex discrimination and harassment, among others.



Keith P. Carroll
Partner | Boston
617.573.5865
keith.carroll@hklaw.com

Keith Carroll is co-chair for the Sports Industry Team. Mr. Carroll works with public, private and closely held companies, senior executives and boards across many industries. He also regularly advises prominent professional sports leagues, franchises, senior executives and athletes with regard to internal investigations, business disputes, and other sensitive and high-profile matters.



Jason E. Havens
Partner
Jacksonville
904.798.5489
Tallahassee
850.425.5655
jason.havens@hklaw.com

Jason Havens serves as co-chair of the Nonprofit and Tax-Exempt Organizations Team. He specializes in complex tax and charitable planning. Mr. Havens has handled significant matters, including NIL structures, for some of the country's largest athletics programs. He also has extensive experience addressing issues with state attorneys general on behalf of educational institutions and other charitable organizations.



David C. Kully
Partner | Washington, D.C.
202.469.5415
david.kully@hklaw.com

David Kully is head of the Antitrust Team. Mr. Kully joined the firm after an 18-year career with the U.S. Department of Justice's (DOJ) Antitrust Division, where led an office responsible for antitrust oversight over college sports. Mr. Kully represented a major athletic conference and several colleges in connection with investigations conducted by the DOJ's Antitrust Division.



Paul G. Lannon
Partner | Boston
617.573.5842
paul.lannon@hklaw.com

Paul Lannon is the co-chair of the Education Team. Mr. Lannon serves as the outside general counsel for several private universities and colleges. He advises private educational institutions on a broad range of matters, including Title IX and student-athlete issues.



David J. Lisko
Partner | Tampa
813.227.6397
david.lisko@hklaw.com

David Lisko focuses his practice on labor and employment law and sports law in state and federal courts. He is a registered sports agent with the National Football League and is the president of the Florida Sports Law Association Inc., a nonprofit charitable organization.



Miriam McKendall
Partner | Boston
617.573.5846
miriam.mckendall@hklaw.com

Miriam McKendall is the co-chair of the Education Team and concentrates her practice in employment law, education law and related litigation. Ms. McKendall provides counseling to clients in matters related to higher education, including student and employment matters such as claims raised by student-athletes, coaches and athletics personnel as well as Title IX compliance.



Doug Minor
Partner | Atlanta
404.817.8444
doug.minor@hklaw.com

Doug Minor focuses his practice on the representation of large corporations, mortgage and commercial lenders and investment funds in cases involving allegations of fraudulent conduct, violations of state and federal consumer protection statutes or regulatory investigations. Mr. Minor has litigated in a wide variety of areas, including product liability, class actions, antitrust and unfair trade practices.



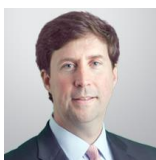
Jeffrey J. Nolan
Partner | Boston
617.854.1459
jeffrey.nolan@hklaw.com

Jeffrey Nolan represents and advises colleges, universities and independent schools throughout the United States regarding situations that implicate Title IX, the Clery Act, Americans with Disabilities Act (ADA), Family Educational Rights and Privacy Act (FERPA) and other laws that apply in the higher education context. Mr. Nolan also conducts compliance assessments and helps clients develop Title IX/Clery Act and other policies, practices and training programs to minimize risk and enhance compliance with those laws.



David J. Santeusanio
Partner | Boston
617.854.1490
david.santeusanio@hklaw.com

David Santeusanio is a seasoned litigator and advisor representing and counseling clients in all facets of labor and employment law. Mr. Santeusanio regularly advises and represents colleges and universities on employment matters, including those regarding coaches and athletics personnel, and student-athlete issues.



William N. Shepherd
Partner
West Palm Beach
561.650.8338
Washington, D.C.
202.663.7234
william.shepherd@hklaw.com

William Shepherd is a trial lawyer and defends individuals and corporations in state and federal government investigations and grand jury investigations. Mr. Shepherd also assists the general counsel of educational institutions in conducting sensitive internal inquiries.