

TO: Chair Wagner, Vice-Chair Girod, and Members of the Committee

FROM: Brent Wilder
Oregon Alliance of Independent Colleges and Universities

DATE: April 8, 2021

RE: Concerns with SB 5

As President of the Oregon Alliance of Independent Colleges and Universities, thank you for the opportunity to comment on this important issue being discussed regionally and nationally. The Alliance represents 15 of Oregon's accredited, nonprofit, private higher education institutions. Together, Alliance colleges and universities enroll more than 26,000 students and award approximately 10,500 degrees (baccalaureate and higher).

The following six Alliance institutions are members of the National Collegiate Athletic Association (NCAA):

- University of Portland (Division I)
- George Fox University (Division III)
- Lewis & Clark College (Division III)
- Linfield University (Division III)
- Pacific University (Division III)
- Willamette University (Division III)

The following four Alliance institutions are members of the National Association of Intercollegiate Athletics (NAIA):

- Bushnell University
- Corban University
- Multnomah University
- Warner Pacific University

SB 5 impacts student-athletes at all levels of competition, including the ten aforementioned Alliance member colleges and universities. It is clear that it is a new era in intercollegiate athletics. If there is an opportunity for student-athletes to earn value from their Name, Image, and Likeness (NIL), institutions should support them and establish reasonable policies that will protect them and the integrity of the competition while maintaining successful educationally based intercollegiate athletic programs.

Speaking before the Senate Commerce Subcommittee on Manufacturing, Trade and Consumer Protection on Tuesday, February 9, 2021, NCAA President Mark Emmert emphasized that NCAA members in all three divisions are diligently developing NIL reforms that will be equitable for student-athletes in the future. Last fall, the NAIA passed [NIL legislation](#) to allow its student-athletes the opportunity to be compensated for use of their Name, Image, and Likeness.

This is a complicated policy matter. The patchwork of recently enacted and pending state legislation (such as SB 5) with varying degrees of NIL provisions creates many challenges for

institutions. Dr. Douglas Girod, chancellor of the University of Kansas told the Senate Commerce Subcommittee on Manufacturing, Trade and Consumer Protection that a state-by-state approach to Name, Image, and Likeness is not feasible for institutions, which compete across state lines. "It is clear to me that the imperative of national consistency, fairness, and equity requires a federal/national solution," said Girod.

I urge you to not pass SB 5 and permit colleges and universities, governing associations and athletic conferences, Congress, and other key stakeholders to complete their work to create a solution that is consistent, fair, and equitable for colleges and universities in ALL 50 states and at ALL levels.

Thank you for your service, and for your attention to this critical request.