



Evolution of College Sports

Legal strategies for a new era in college sports

WHAT WE DO

Collegiate athletics is in a new era—one defined by athlete compensation, expanded regulatory scrutiny, and heightened litigation risk. The 2021 NCAA rule change that permitted athletes to profit from third party use of their Name, Image, and Likeness (NIL), and now continuing with the 2025 approval of the *House v. NCAA* settlement permitting direct revenue sharing by Division I institutions with their athletes, have entirely reshaped the legal landscape for college athletics. Division I schools and conferences are navigating and implementing complex new policies around revenue sharing, education, and Title IX compliance—while navigating the ongoing litigation challenging whether those same athletes are also their employees. Third party NIL sponsors are likewise navigating not only a proliferation of state and federal regulations around permissible use of NIL, but also a new oversight regime of fair market valuation ushered in by the House settlement.

Seyfarth's Evolution of College Sports practice group is a cross-disciplinary team of employment, labor, immigration, corporate and litigation attorneys helping university and college athletic programs, and third parties working in the college athletic space, navigate this evolving environment. We advise general counsel, athletic directors, and compliance professionals on proactive strategies that reduce legal risk, ensure regulatory alignment, and prepare institutions for what comes next—whether that's a federal regulatory audit, a class action, single plaintiff litigation, or a Title IX investigation.

We work alongside your internal stakeholders to draft legally compliant contracts, build scalable compliance programs, respond to emerging legal threats, and anticipate the next wave of reform in college sports.

OUR SERVICES

Employment Law & Athlete Classification

- Counseling on student-athlete employment risk under the FLSA and state laws
- Preparing policies and protocols in anticipation of litigation or agency enforcement
- Representing institutions in classification-related lawsuits and NLRB proceedings

Implementation of the *House v. NCAA* Settlement

- Revenue-sharing program design and rollout
- Development of compliance frameworks and internal policies
- Structuring compliant oversight systems for third party athlete NIL activity, including documentation, auditing, and third-party review
- Advising on institutional independence and conference obligations
- Audit and oversight readiness
- Advising on Title IX compliance strategies as gender-based disparities in athlete compensation draw regulatory focus

Third-Party NIL Program Governance

- Third party NIL program design and rollout
- Advising on institutional implementation of the *House v. NCAA* settlement's fair market value oversight framework
- Conducting risk assessments under federal scrutiny and varying state NIL laws

OUR SERVICES (CONTINUED)

Litigation & Investigations

- Defense of class actions and regulatory investigations related to compensation, employment, and compliance failures
- Internal investigations of athletic program conduct or institutional governance issues
- Strategic litigation avoidance planning and external communication support

Training, Governance, and Risk Management

- Training athletic departments and institutional leaders on new responsibilities
- Counseling boards, presidents, and general counsel on risk posture and decision-making
- Ongoing monitoring and risk updates as case law and agency enforcement evolve

Employment Advisory Services

- Offer practical legal guidance to help reduce risk and keep operations running smoothly
- Review hiring and HR documents to ensure they're compliant, clear, and tailored to your institution's needs
- Develop and maintain tailored, legally compliant policies and employee handbooks
- Support athletic departments through staffing changes and realignments while staying compliant with employment laws

WHY SEYFARTH

With a national reputation in employment and higher education law, Seyfarth is uniquely positioned to guide institutions through this moment of transformation in college athletics.

OUR TEAM



Alison Silveira

Partner
Labor & Employment
(617) 946-4808
asilveira@seyfarth.com



Lilah Wylde

Associate
Labor & Employment
(415) 732-1107
lwylde@seyfarth.com



Michael Marino

Partner
Labor & Employment
(212) 218-5505
mmarino@seyfarth.com



Ivan Smith

Partner
Labor & Employment
(212) 218-3392
idsmith@seyfarth.com



Bob Buch

Partner
Labor & Employment
(310) 201-5236
rbuch@seyfarth.com



Ian Capell

Associate
Labor & Employment
(212) 218-5265
icapell@seyfarth.com