

MIAA Announces “Empower U” NIL Partnership with Seigfreid Bingham

July 8, 2021

This news release was published by the Mid-America Intercollegiate Athletics Association.

Kansas City – The Mid-America Intercollegiate Athletics Association has announced a partnership with Seigfreid Bingham’s Sports and Entertainment Group’s “[Empower U](#).” This partnership will provide a centralized source for education, legal guidance and compliance resources for the MIAA office, its 14 member schools and will be a benefit to current and future MIAA student-athletes.

The “Empower U” initiative is a “name, image & likeness (NIL) service” developed by Seigfreid Bingham. The service is designed to aid conferences and institutions (primarily organizations/institutions with smaller staffs and limited compliance resources) in navigating NCAA NIL policy guidance and various NIL state laws regulating student-athlete name, image and likeness activities. Empower U offers NIL assistance through two service pillars—the first pillar is education and compliance assistance to conferences and institutions; the second pillar features direct education and guidance to a student-athlete on business, insurance, tax and related financial/legal issues for a specific NIL opportunity. Empower U will be managed by Seigfreid Bingham attorneys [Greg Whiston](#) and [Curry Sexton](#). Sexton is a former Academic All-American football student-athlete at Kansas State University.

“I was excited to learn that Seigfreid Bingham was developing this type of NIL service,” MIAA Commissioner Mike Racy said. “Division II conferences and member schools need help and guidance in this new area of higher education law, and it is nice to be able to work with attorneys like Greg and Curry who have a college sports practice and also understand how to interpret state statutes, regulations and executive orders.”

As part of the partnership, Empower U will include services for the MIAA office such as:

- Access to an NIL Education and Compliance Call Center/Hotline for MIAA compliance offices to seek research assistance and consultation on NIL issues per state laws in Kansas, Nebraska, Oklahoma and Missouri (and any other states impacting MIAA current or prospective student-athletes).
- Participation by the Law Firm in monthly MIAA Compliance Administrator meetings and workshops.
- Live and Recorded Educational Webinars for MIAA student-athletes, coaches, and administrators.
- Access to Educational Resources, including Law Firm NIL Bulletins, for MIAA compliance offices to use in educating and teach students, coaches, parents, boosters, sponsors, etc. about NIL issues.
- Access to Compliance Forms and Tools to help document and manage the NIL activities of MIAA student-athletes.

“This partnership with Seigfreid Bingham for NIL education and compliance assistance will greatly aid our MIAA compliance offices as the conference seeks to be a leader for NIL opportunities in NCAA

Division II,” said University of Central Missouri Director of Athletics Jerry Hughes, Chair of the MIAA Institutional Representatives Council.

New NCAA Interim NIL Policy and its Impact on MIAA Student-Athletes

On Wednesday, June 30, governing boards in all three NCAA divisions adopted a uniform interim policy suspending NCAA name, image and likeness restrictions for all current and incoming student-athletes in all NCAA sports, effective July 1.

Therefore, student-athletes participating at MIAA member institutions may now engage in NIL activities, and earn compensation without effecting their eligibility, provided the following guiding principles for MIAA NIL activities are followed:

- MIAA Student-athletes must follow all applicable federal, state and local laws, executive orders, state university system policies and institutional policies pertaining to NIL Activities.
- Unless Restricted by Applicable law, MIAA student-athletes must satisfy requirements to disclose compensation and contracts related to NIL Activities to their MIAA institution, and if requested, the MIAA office.
- MIAA Student-athletes may use and be represented by professional services (e.g., advisors or agents) for NIL activities. Note that the use of agents for future professional athletics contract negotiations remains impermissible per NCAA rules.
- MIAA Student-athletes may not accept compensation in exchange for (i) athletics performance; (ii) specific athletic achievement; or (iii) an inducement to enroll or continue attendance at an MIAA member institution.
- MIAA Student-athletes may not accept compensation for work not actually performed.

MIAA State Footprint

As of July 8, 2021, here are the four states where MIAA institutions are located. The law and the legislative cycle steps are listed below:

- Kansas — HB 2264 — Passed the House, not taken up by Senate prior to adjournment for the term
- Nebraska — LB 926 — Signed into law with an immediate effective date if desired by a school, but no later than 7/1/2023
- Missouri — HB 297 — Awaiting Governor’s signature with an effective date of 8/28/2021
- Oklahoma — HB 1994 — Signed into law with an immediate effective date if desired by a school, but no later than 7/1/2023

“Interpreting how state laws apply to various factual situations can be a complicated task, and I don’t think we will see a lot of help from the NCAA office in this area, at least not at first,” Racy explained. “I also anticipate MIAA schools will face some interesting and challenging NIL issues during the next several months, and I want to make sure that the MIAA as an Association is prepared to provide appropriate NIL guidance to current and future MIAA student-athletes in a way that is consistent at all our member schools.”

For more information on MIAA & NIL Resources, visit www.TheMIAA.com/NIL.

This information does not constitute legal advice. If you are a conference or institution interested in discussing the Empower U program and services offered by Seigfreid Bingham, please contact Greg

Whiston or Curry Sexton at 816-421-4460.