

# Exhibit C

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**From:** Spanier, Graham [gspanier@psu.edu]  
**Sent:** Tuesday, December 09, 2008 3:10 AM  
**To:** Berst, David  
**Subject:** FW: Commercial Activity Principles New Draft

For the record, Dave, I disagree strongly with her idea that we compensate athletes for the use of their images. I wouldn't put this in the report at all—not even a hint of the possibility.

From: Altmaier, Elizabeth M [<mailto:elizabeth-altmaier@uiowa.edu>]  
Sent: Monday, December 08, 2008 12:11 PM  
To: Berst, David; Walter Harrison; Frank Brogan; Keith Tribble; James Barker; David Schmidly; John Swofford; Shirley Raines; Michael Adams; Craig Thompson; Doug Fullerton; Nancy Zimpher; Spanier, Graham; [pres@oregon.uoregon.edu](mailto:pres@oregon.uoregon.edu); [cplonsky@mail.utexas.edu](mailto:cplonsky@mail.utexas.edu); [hperlman1@unl.edu](mailto:hperlman1@unl.edu); [jpeters@niu.edu](mailto:jpeters@niu.edu); [bowlsby@stanford.edu](mailto:bowlsby@stanford.edu)  
Cc: DeBauche, Beth; Shaheen, Greg; Renfro, Wally; Knopp, David; Lennon, Kevin; Bearby, Scott; Dr Myles Brand; Franklin, Bernard; Zeller, Leeland; Altmaier, Elizabeth M  
Subject: RE: Commercial Activity Principles New Draft

David and All, I certainly appreciate the difficulty of translating somewhat abstract principles into language that will then be moved into legislation or best practices. I think Harvey has raised some very important points. In historical context, an institution was responsible for “policing” the use of its own student-athletes’ name/likeness/images so that if there was an unauthorized use, the institution (or conference or NCAA) would issue a cease and desist letter. It is helpful to keep that context in mind.

I would re-sequence the document so that absolutes (requirements) are first and best practices are last. The current sequencing suggests that everything that follows #5 and is contained in #5 is desirable but not required. If the task force really believes a committee that monitors standards is necessary, then we should take a firm stand on that and put what is now #7 earlier in the document. But #8 contains language that appears to require (“shall maintain”) written policies. #7 also (annual reports “shall be submitted”). Since the document is meant to specify principles, perhaps some of #5 (such as the collegiate model of athletics, not blurring the demarcation between professional and collegiate athletics) should come earlier as principles, then what we are providing as “requirements,” then last what we are suggesting as “best practices”.

I also think the likelihood of a student-athlete not approving his or her own image use is low. Student athletes don't have much discretion as it is, and they sign these “release” forms in a single meeting with literally a stack in front of each of them. Also if competition footage is used, the release isn't as clear a question as if a single image is used.

And I remain committed to the idea of having some return (financial) to the student athletes themselves. Falling short of at least suggesting that, especially since we are “running up the flagpole” some other ideas, is a mistake, I believe.

I look forward to hearing how others in the association respond to these ideas as they move forward.

Betsy Altmaier