



Executive Order on Collegiate Athletics: A Reset or a Rewind?

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On Friday, April 3, 2026, the President signed an executive order on collegiate athletics in an effort to restore a regulatory posture that resembles, in essence, a pre-name, image, and likeness (NIL) power structure. Despite the clear enforceability and legal questions presented by this order, the NCAA has already indicated its intention to implement rules aligned with the order's demands. The framework sets forth guidelines that favor institutional stability over athlete freedom. In reality, however, these guidelines reflect substantial deference to the NCAA and its historical compliance architecture, signaling a policy preference for centralized governance over athlete-driven market dynamics. In practical terms, the order narrows the scope of student-athlete discretion by circumscribing pathways that have recently expanded under NIL and a more open market, prioritizing uniformity and institutional control. It is too early to determine the exact ramifications of this executive order; however, its existence further emphasizes that change in the collegiate sports industry is coming.

From a legal standpoint, the order's deference to the NCAA raises threshold questions about administrative authority, preemption, and the limits of executive power, particularly where Congress and the courts have been active or divided. Stakeholders should anticipate challenges on separation-of-powers grounds, as well as potential conflicts with existing state NIL regimes, collective activity under labor law, and antitrust exposure where uniform restraints affect athlete compensation or mobility. The NCAA's rapid embrace of the framework suggests near-term rulemaking that could test the line between permissible governance and unlawful coordination, particularly if restrictions impact third-party dealmaking, roster movement, or revenue-sharing structures.

Institutions and conferences face a strategic inflection point: align early with centralized standards to mitigate compliance risk, or preserve flexible NIL ecosystems that appeal to recruits and athletes, and to a more "free" market, but may face heightened stress and scrutiny. Athletes and collectives will need to reassess contract drafting, the assignment of promotional rights, and dispute-resolution terms in light of potential uniformity

mandates and narrower transfer or endorsement windows. Expect intensified forum-selection battles, expedited injunction practice, and negotiated carveouts as parties seek clarity while the NCAA translates the order’s guidance into enforceable rules.

Whether this becomes a durable framework or merely a waypoint in ongoing litigation, the order resets the negotiating table for schools, athletes, and the NCAA. The next decisive moves will be made in rulemaking dockets and courtrooms, where the contours of “stability” and “freedom” will be argued line by line.

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