

Practice Update

Conference vs. Member: What the SEC's Lawsuit Against LSU Means for College and University Legal Departments

September 24, 2026

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On September 3, 2026, the Southeastern Conference (the SEC) sued Louisiana State University (LSU), its Board of Supervisors, President Wade Rouse, Athletic Director Verge Ausberry, and head football coach Lane Kiffin in federal court in Alabama, alleging that LSU deliberately recruited former professional athletes in violation of SEC rules and asserting that its forced association with LSU violates the Conference's First Amendment right of expressive association. On September 8, the SEC amended its complaint to seek authority to expel LSU for lack of institutional control and scheduled a September 10 vote of member CEOs. LSU removed the former NFL players from its roster, but the SEC has not withdrawn the suit.

Background: The Initial SEC Lawsuit Against LSU

On September 3, 2026, the SEC sued LSU's Board of Supervisors, President Wade Rouse, Athletic Director Verge Ausberry, and Coach Lane Kiffin in the U.S. District Court for the Northern District of Alabama. The dispute centers on former Ole Miss athletes Dae'Quan Wright and Zxavian Harris, who had brief NFL stints and obtained a Louisiana state-court injunction allowing them to compete. The SEC alleges that LSU, under Kiffin, recruited them in

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violation of SEC rules barring former professional athletes from returning to college play, even though Rousse had voted on August 25 for the policy.

The SEC argued that a voluntary conference with shared values cannot be forced to associate with a member whose conduct undermines them. Though untested in this setting, the theory could give conferences a constitutional basis for self-governance and enforcement.

The SEC's amended complaint added:

- **Lack of Institutional Control:** The SEC alleged LSU failed to control its coach and football program.
- **Expulsion Authority:** The SEC sought to invoke Section 3.1.5 of its constitution and bylaws to terminate LSU's membership.
- **Special Meeting:** Member CEOs were scheduled to vote on LSU's expulsion on September 10; expulsion requires 11 votes.

Facing possible expulsion, LSU removed Wright and Harris from its roster after Rousse told Commissioner Greg Sankey the school would no longer roster them. The SEC nevertheless continues to seek injunctive relief barring LSU from playing athletes who have signed NFL contracts, indicating that the case seeks to establish conference authority, not merely resolve one roster dispute.

Key Takeaways for Colleges and Universities

- **Conference Rule Compliance: Enforcement Has Teeth.** Conferences are prepared to use lawsuits and even expulsion to enforce their rules. Legal departments should understand bylaws governing compliance, discipline, dispute resolution, and membership termination, and avoid treating them as aspirational.
- **Institutional Control: A Governance Imperative.** The SEC's "lack of institutional control" allegation

reaches the board, president, and athletic director, not just the coaching staff. Leaders should maintain clear reporting, monitoring, and internal controls; Rousse's and Ausberry's inclusion as defendants underscores the potential for individual accountability.

- **First Amendment Expressive Association: A Novel and Potent Theory.** If validated, the SEC's First Amendment expressive-association theory could give conferences constitutional, not merely contractual, authority to enforce rules and exclude members whose conduct undermines the conference's mission. Institutions should monitor the case and assess how such a ruling would affect their obligations.
- **Eligibility Litigation Risk: The Impossible Compliance Dilemma.** Conflicting state-court orders and conference rules create a compliance paradox, with institutions risking contempt by following one and sanctions by following the other. Legal departments should maintain rapid-response plans and identify available jurisdictional and procedural options.
- **NIL and Revenue-Sharing Compliance: Building Institutional Infrastructure.** Revenue sharing and NIL review create substantial compliance obligations, and the CSC's rejection of deals shows enforcement is active. Institutions need dedicated personnel, clear approval procedures, documentation, and training.
- **Political Entanglement: An Emerging Risk Factor.** State officials may intervene in athletics disputes, creating legal and reputational risks and potentially conflicting state-law obligations. Include political dynamics in risk assessments and monitor relevant legislation.
- **Title IX Implications of Revenue Sharing.** Revenue-sharing allocations create Title IX risk. Institutions should assess how funds are distributed across men's and women's sports and prepare for scrutiny by the Office for Civil Rights and private litigants.

What's Next?

University legal departments should anticipate:

- **Continued Eligibility and Conference Authority Litigation.** Eligibility disputes, conference enforcement actions, and state-court injunctions are likely to continue; institutions should budget for increased athletics litigation.
- **Possible Congressional Action.** Federal legislation may replace the current patchwork governing NIL, eligibility, and governance. Monitor and engage with developments.
- **Greater Conference Enforcement Against Member Institutions.** The SEC and Big 12 cases suggest other conferences may assert greater authority and pursue more aggressive enforcement.
- **Increasing Professionalization and the Blurring of the Amateur Line.** Former NFL players, seven-figure NIL deals, and direct revenue sharing show the amateur-professional line is dissolving, creating regulatory, tax, employment, and compliance challenges.
- **Potential Employee Classification Litigation.** Direct revenue sharing will intensify disputes over whether athletes are employees, with consequences for labor, workers' compensation, tax, and athletics finance.
- **The Need for a Federal Uniform Framework.** Conflicting state orders, conference rules, NCAA guidance, and settlement terms will increase pressure for federal preemption and uniform regulation.

Recommended Action Items

SEC v. LSU signals that conferences will use lawsuits, expulsion threats, and constitutional arguments to enforce membership rules. Universities should strengthen governance, compliance, and rapid-response capabilities. Recommended actions include:

- **Audit Conference Bylaws and Governance Documents.** Ensure leadership understands membership obligations, discipline, and termination provisions.
- **Strengthen Institutional Control Frameworks.** Clarify reporting, oversight, and controls so coaches and staff follow conference and NCAA rules.
- **Build or Enhance NIL and Revenue-Sharing Compliance Programs.** Maintain dedicated personnel, written procedures, documentation, training, and NIL Go review of third-party deals.
- **Engage Experienced Legal Counsel.** Use counsel experienced in higher-education law, athletics compliance, conference governance, and First Amendment issues.
- **Monitor Pending Legislation and Litigation.** Track material federal and state developments and brief university leadership.
- **Prepare for Conflicting Legal Obligations.** Maintain rapid-response plans for conflicts between court orders and conference or NCAA rules.
- **Review Title IX Compliance in Light of Revenue Sharing.** Assess whether revenue-sharing allocations across men's and women's sports comply with Title IX.
- **Engage in Conference Governance.** Participate in policy and rulemaking processes because institutional votes can affect later enforcement disputes.

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