

Big South Conference Guidelines for Name, Image, and Likeness

The following are guidelines to assist Big South institutions in developing, interpreting and enforcing institutional policies on student-athlete name, image and likeness.

Intercollegiate athletes at an institution may earn compensation for the use of their name, image, or likeness as provided in state law. In states that do have NIL laws, student-athletes may earn compensation for the use of their name, image, or likeness as provided below:

1. **Pay-for-Play Prohibited:** Compensation earned by intercollegiate athletes for the use of their name, image, or likeness must represent a genuine payment for the use of their name, image, or likeness, independent of, rather than as a payment for, their athletic participation or performance, or attendance at an institution. The compensation shall be commensurate with the market value of the student-athlete's name, image or likeness.
2. **Institutional Involvement:** An institution or its athletic conference cannot directly or indirectly create or facilitate compensation opportunities for the use of an intercollegiate athlete's name, image, or likeness.
3. **Boosters:** An institution may not use or allow boosters to directly or indirectly create or facilitate compensation opportunities for the use of an intercollegiate athlete's name, image, or likeness as a recruiting inducement or as a means of paying for athletics participation.
4. **Use of Institutional Facilities/Marks:** An intercollegiate athlete at an institution may not use the institution's facilities, uniforms provided by the institution, or the institution's intellectual property, including, but not limited to, the unauthorized use of a registered trademark or product protected by copyright, in connection with the use of the intercollegiate athlete's name, image, or likeness activities.
5. **When NIL Activities May Occur:** Activities related to an intercollegiate athlete's use of his name, image, or likeness for compensation are prohibited from taking place during the intercollegiate athlete's participation in academic, athletic, or team-mandated activities as defined by the institution.
6. **Prospects:** Activities related to an intercollegiate athlete's use of his name, image, or likeness for compensation cannot be contingent on a prospective intercollegiate athlete's enrollment at a particular institution or its athletic conference and cannot otherwise be used as an inducement by an institution or a booster.
7. **Professional Service Provider:** Obtaining a professional service provider for the purpose of securing compensation for the use of name, image, or likeness is permissible.

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8. Limitations: An institution may prohibit intercollegiate athletes from using their name, image, or likeness for compensation if the proposed use of their name, image, or likeness conflicts with:
 - a. existing institutional sponsorship agreements or other contracts; or
 - b. institutional values as defined by the institution.
9. Disclosure:
 - a. Prospective intercollegiate athletes who enter into a name, image, or likeness contract shall disclose the name, image, or likeness contract to their institution and its athletic department prior to enrollment or signing a financial aid agreement with the institution.
 - b. A current intercollegiate athlete must disclose the terms of a name, image, or likeness contract prior to signing the name, image, or likeness contract, in a manner designated by the institution.
10. Protections: An institution is prohibited from adopting or maintaining a contract, rule, regulation, standard, or other requirement that prevents or unduly restricts an intercollegiate athlete as follows:
 - a. earning compensation for the use of his name, image, or likeness;
 - b. obtaining an athlete agent for the purpose of securing compensation for the use of his name, image, or likeness; or
 - c. affecting an intercollegiate athlete's grant in aid or athletic eligibility due to earning compensation through the student-athlete's name, image, or likeness.

NCAA Update: Name, Image, and Likeness

What is NIL? NIL refers to a person's "Name, Image, and Likeness." Specifically, it relates to a person's ability to profit on their reputation as a student-athlete through marketing and promotional endeavors.

What am I allowed to do? Contingent upon state legislation and institutional policy, the NCAA will begin allowing student-athletes to profit on their name, image, and likeness through the following avenues:

- **Third-party endorsements:** Student-athletes can arrange for the endorsement of goods and services. As an example, a student-athlete could receive compensation to appear on a billboard for a local business.
- **Social-media influencing:** Student-athletes could receive compensation for providing content through social-media platforms. Likewise, they could endorse/promote commercial products through their social-media pages and receive compensation from those products.
- **Professional guidance/support:** Student-athletes are allowed to employ the services of a professional advisor to assist in guiding them through the process and securing endorsement opportunities.
- **Autograph signing/appearances:** Student-athletes may receive compensation for signing autographs or making public appearances, provided they are not in uniform/team gear and do not occur during official team events.
- **Notification:** Student-athletes must report any NIL related activities and compensation received to their institution.

What am I not allowed to do?

- **Pay-for-Play:** Student-athletes may not be compensated based on their participation in their sport. Likewise, student-athletes may not be compensated based on their decision to attend a particular institution, or remain enrolled at a particular institution.
- **Institutional/Booster Involvement:** An institution may not create or arrange for compensatory opportunities for its student-athletes. While it is permissible to work with boosters, your institution is not permitted to arrange for opportunities with boosters.
- **Use of facilities/logos:** A student-athlete may not use an institution's facilities, uniforms, logos, trademarks, or other products protected by copyright.
- **Conflicting Arrangements:** A student-athlete may not enter into an agreement that conflicts with an existing institutional sponsorship without permission from the institution. As an example, if an institution has a partnership with Gatorade, a student-athlete could not enter into a partnership with Powerade. Also, an institution may prohibit agreements that conflict with institutional values as defined by the institution. As an example, an institution that has an anti-alcohol policy can prohibit endorsements of alcoholic beverages. It is important to work closely with your institution prior to entering into any agreements in order to prevent potential conflicts.
- **Timing of Promotion:** Student-athletes may not engage in NIL activities during required team activities, including but not limited to: competition, practice, academics, and community service.

Please communicate often with your compliance office and ask questions whenever you are uncertain. Big South institutions are committed to assisting all student-athletes in navigating this process and maximizing their earning potential while preserving their eligibility for collegiate athletics.