

Sun Devil Athletics Manual (SDA)

SDA 115: Student-Athlete Name, Image, and Likeness Activities

Effective: 08/04/2023

Revised:

Purpose

To define the institutional guidelines and limitations for Sun Devil student-athletes who use their names, images, or likenesses for compensation.

Source(s)

National Collegiate Athletic Association (NCAA)
Sun Devil Athletics (SDA)

Applicability/Eligibility

Athletics coaches and staff, and student-athletes

Policy

1. Scope and definition – For the purpose of this policy, an “NIL activity” is any business activity in which a student-athlete is compensated in any way for the use of the student-athlete’s name, image, or likeness.
2. Permissible NIL activities – Student-athletes may be compensated for participation in NIL activities as long as those activities are permissible under NCAA, Pac-12 Conference, and ASU legislation and policies and comply with federal and Arizona law.
3. Student-athlete disclosure of NIL activities – Student-athletes must disclose details and any related agreements or contracts of any NIL activity within ten business days of the agreement using an SDA approved NIL disclosure database. Any modification to NIL activities must be reported through the same process within ten business days of the change. For questions review [Opendorse How-To Disclosure Form](#).
4. SDA review of NIL activities - SDA will review disclosed NIL activities for approval under this policy, and the Compliance Office will review whether the NIL activities are permissible under NCAA legislation. Neither SDA nor any other ASU entity, including the Compliance Office, will perform a legal review of student-athlete NIL agreements.
5. No impermissible recruitment or benefits through NIL activities – NIL activities may not be used by ASU or any of its representatives (e.g., boosters, fans) to recruit prospective student-athletes to ASU or for the purpose of compensating SDA student-athletes for their athletics performance. (e.g., no “pay for play”).
6. SDA involvement in NIL activities - SDA staff members and other ASU representatives, including outside consultants, may only assist or participate in the development, operation, or promotion of NIL activities to the extent allowed under

NCAA and Pac-12 Conference legislation, including rules pertaining to amateurism, benefits, financial aid, recruiting, and any other concept or principle regulated by the NCAA membership.

- a. SDA staff members and other ASU representatives (e.g., ASU apparel and equipment vendors) may not provide apparel or gear to student-athletes for purposes of NIL activities. Student-athletes cannot sell SDA-issued equipment, apparel, and awards while athletically eligible.

7. NIL compensation- Compensation for NIL activities must be commensurate with the going rate for similar services in the relevant market.

8. Use of ASU resources - Student-athlete access to ASU resources and facilities for purposes of NIL activities must be provided at the same level of availability and cost as the public. To request the use of facilities, fill out the [Facilities Request Form](#). For questions review [ASU's Facility Use Policy](#).

9. NIL activities while representing SDA – Student-athletes may not engage in NIL activities during required athletically related activities or while representing ASU in any capacity. Student-athletes may not miss class or other academic obligation to participate in NIL activities.

10. Professional service providers – Student-athletes may use professional service providers (e.g., marketing agents, brand managers) to assist with the management and procurement of NIL activities and to review NIL agreements. Such providers' engagement must be limited to NIL activities and may not be used to secure opportunities as professional athletes. Professional service providers must follow [SDA's Athlete Agent Policy and Process](#).

11. Use of institutional marks – Student-athletes may not use ASU intellectual property (including but not limited to the pitchfork, Sparky, and sunburst trademarks) in connection with NIL activities without permission. Student-athletes may request the use of protected marks during the disclosure process but may not begin engaging in activity using intellectual property until and unless permission is obtained. For questions review [Trademarks and Licensing](#).

12. International student-athletes –International student-athletes should consult with [ASU's International Students and Scholars Center](#) or with their own legal advisors before engaging in or proceeding with any NIL activity to ensure that their planned activities comply with the terms of their visa. Accepting compensation for NIL activity in the United States may jeopardize an international student visa and affect an international student-athlete's ability to continue to participate in Sun Devil athletics.

13. Restrictions on NIL activity - Student-athletes may not engage in NIL activities with people, institutions, businesses, or other entities that encourage or promote violations of NCAA and Pac-12 Conference legislation, federal or Arizona law, and ASU policies, including the Student Code of Conduct, the Student-Athlete Code of Conduct, and team rules. Student-Athletes are also encouraged to carefully consider which people, institutions, businesses, or other entities they will affiliate with and the potential long-term effects of their affiliations on their personal and professional relationships and reputation. SDA reserves the right to refuse authorization for NIL contracts that conflict with state law, University policy or a university contract, as well as refuse the use of ASU marks or logos in NIL activities. ASU also will not permit the use of its marks or logos in NIL activities with people, institutions, businesses, or other entities in the following categories:

- a. All alcohol and alcohol products;
- b. Casinos, gambling, and sports wagering;
- c. Cannabis and marijuana in any form, along with associated products or paraphernalia;
- d. Firearms and other weapons;
- e. Gentlemen's clubs, adult entertainment, and escort services;

- f. NCAA banned substances;
- g. Post-secondary educational institutions or online schooling organizations;
- h. Pharmaceuticals;
- i. Sexually explicit materials and,
- j. Tobacco products.

14. Consequences – Violations of this policy may result in a variety of penalties depending on the nature and type of policy deviation. The most egregious deviations (e.g., proof that an NIL activity was used to compensate a student-athlete for performance or to induce a prospect to attend) may lead to termination of employment for staff members, booster dissociation, and student-athlete scholarship modification. Violations of NCAA legislation will be reported to the NCAA and could result in additional NCAA-mandated penalties.

Cross References

Please visit <https://thesundevils.com/feature/NIL> for more information on NIL at Arizona State University