

Type: Educational Column

Title: Name, Image and Likeness -- Role of Institutions

Division: I

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Text:

This educational column is designed to assist the NCAA membership in its understanding of NCAA Division I Proposal No. 2024-3 (Name, Image and Likeness -- Role of Institutions), which is effective immediately. The questions and answers in this educational column are intended to clarify the application of NCAA legislation. Institutional athletics members are encouraged to collaborate with their general and outside counsel to ensure institutional activity is consistent with and adheres to any applicable state law, executive action and/or institutional regulation.

Role of Institutions.

Note: *The NCAA Division I Council adopted legislation that specifies only those student-athletes who elect to disclose their name, image and likeness activities may receive permissible assistance and services from the institution. The assistance and services outlined below may only be provided to those student-athletes who elect to disclose their name, image and likeness activities. Consistent with NCAA Division I Proposal No. 2023-19 (Holistic Model for Student-Athletes), institutions must provide all student-athletes career counseling and life skills programming on name, image and likeness regardless of whether a student-athlete elects to disclose their name, image and likeness activities.*

Question No. 1: Does this proposal expand the amount of support institutions may provide to student-athletes pursuing name, image and likeness (NIL) opportunities?

Answer: Yes. To better support and inform student-athletes, institutions will be permitted to provide direct support to student-athletes pursuing NIL opportunities (e.g., identify specific NIL opportunities, facilitate deals between student-athletes and third parties) rather than student-athletes relying solely on outside individuals.

Question No. 2: May an institution require student-athletes pursuing NIL opportunities to accept institutional assistance or use institutional services?

Answer: No. Student-athletes must maintain independent authority over the choice of service providers. Institutions may not require student-athletes to accept institutional assistance or services.

Question No. 3: May an institution maintain authority over the specific terms of a student-athlete's NIL agreement (e.g., arrange for a "take it or leave it" agreement, accept an NIL agreement on behalf of a student-athlete)?

Answer: No. Student-athletes must be provided independent authority over the specific terms and final decision of NIL agreements.

Question No. 4: May an institution facilitate a "full-team" NIL agreement for student-athletes?

Answer: Yes. Provided individual student-athletes on the team maintain authority over whether they accept the NIL agreement and all other NIL requirements of NCAA Division I Bylaw 22 are met (e.g., quid pro quo is present, institution does not directly or indirectly compensate student-athletes).

Question No. 5: May an institution or contracted third-party service provider directly or indirectly compensate student-athletes for use of their NIL or handle the transfer of NIL payments to student-athletes from third parties?

Answer: No.

Question No. 6: May an institutional staff member donate or subscribe to an NIL entity (e.g., collective) or directly or indirectly compensate student-athletes for use of their NIL?

Answer: No. Such an arrangement would be considered compensation by the institution.

Question No. 7: May an institutional staff member provide individual, limited assistance to an NIL entity to assist in fundraising efforts (e.g., staff member attendance at fundraiser, staff member donates nominal autographed item, staff member encourages donations to NIL entity)?

Answer: Yes.

Question No. 8: May an institution provide assets (e.g., tickets, suite) to NIL entity under a sponsorship agreement provided access to assets are available to and on the same terms, as other sponsors?

Answer: Yes.

Question No. 9: May an institution provide donor information or facilitate meetings between donors and NIL entity?

Answer: Yes.

Question No. 10: May an institution communicate with an NIL entity regarding NIL opportunities for specific, currently enrolled student-athletes?

Answer: Yes.

Question No. 11: May a member of the institution's Board of Trustees own and operate an NIL entity, donate to an NIL entity or directly or indirectly compensate student-athletes for use of their NIL?

Answer: Institutions are not permitted to own or operate an NIL entity, donate to an NIL entity or compensate student-athletes for use of their NIL. Whether a member of the institutions' Board of Trustees is acting in an individual, personal capacity or as an agent of the institution is a determination that should be made in conjunction with the institution's general counsel.

Question No. 12: May an institution hire an outside, third-party service provider (e.g., multimedia rights holder, NIL marketplace, tax specialist) to provide services an institution is permitted to provide?

Answer: Yes. Institutions are permitted to contract with third-party service providers to implement institutional assistance measures and those third parties are held to the same standards as the institution (e.g., may not compensate SAs).

Question No. 13: May an institution or contracted third-party service provider proactively assist in the development, creation, execution, or implementation of a SA's NIL activity (e.g., develop product, develop promotional materials, ensure SA performance of contractual NIL activities)?

Answer: Yes.

Question No. 14: May an institution or contracted third-party service provider provide student-athletes services (e.g., graphics design, tax preparation, contract review) and access to equipment (e.g., cameras, graphics software, creation stations) to support SA NIL activity?

Answer: Yes.

Question No. 15: May an institution or contracted third-party service provider assist student-athletes in finding and evaluating NIL opportunities (e.g., serve as "match maker," discuss potential terms of a NIL agreement with student-athletes and businesses)?

Answer: Yes. Provided the student-athletes retains independent authority over the specific terms and final decision of NIL agreements.

Question No. 16: May an institution allow SA to promote their NIL activity while on call for required athletically related activities (e.g., practice, pre- and postgame activities, celebrations on the court, press conferences)?

Answer: Yes. However, institutions must ensure such arrangements do not constitute payment for participation in athletics activities and may implement policies and procedures regarding conflicts with institutional agreements or student-athletes participating in NIL activities while on call.

Question No. 17: May an institution permit a third party to provide funding to an NIL entity (e.g., collective) for institutional participation in an event (e.g., multiple team event, bowl game)?

Answer: No. This type of arrangement is considered compensation for athletic performance which is not permitted. However, an institution may make arrangements with an event operator for student-athletes to engage in NIL activities during ancillary events (e.g., autograph session, community service) provided student-athletes actually engage in NIL activities separate and distinct from participation in the event (e.g., quid pro quo is present).

Question No. 18: May an institution allow a student-athlete to receive compensation directly or indirectly for promoting an athletics competition in which the student-athlete participates?

Answer: No.

Question No. 19: May an institution provide financial, physical or human resources or any other form of indirect financial support to an NIL entity (e.g., collective)?

Answer: No.

Legislative References

Legislative Cite	Title
22.1.1.1	Third-Party Service Providers.
22	Name, Image and Likeness Activities
22.1.1	Institutional Involvement in Student-Athlete Name, Image and Likeness Opportunities.
22.1	Role of Institutions in Student-Athlete Name, Image and Likeness Activities.

Proposals

Proposal Number	Title
2024-3	NAME, IMAGE AND LIKENESS ACTIVITIES -- ROLE OF INSTITUTIONS
