

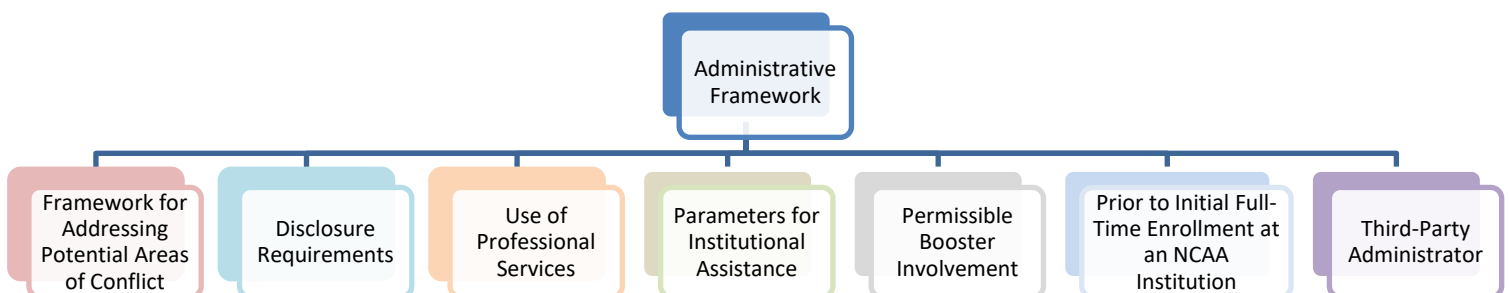
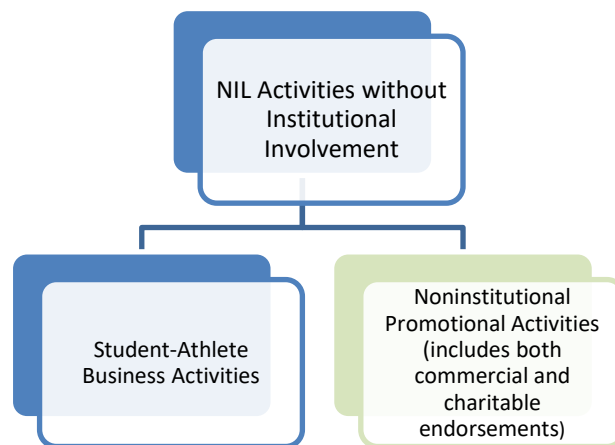


NCAA Division I Name, Image and Likeness Legislative Solutions Group
Name, Image and Likeness Legislative Recommendations
Updated: October 8, 2020

Anticipated Action: The NCAA Division I Name, Image and Likeness Legislative Solutions Group recommends that the NCAA Division I Council introduce legislation in the 2020-21 legislative cycle that reflects the concepts contained in this document. Pre-enrollment, permissible booster involvement and institutional assistance versus institutional involvement are areas in which additional modifications may be recommended to the Council at a future meeting.

Following the referral from the NCAA Board of Governors for all divisions to consider as a high priority legislative changes to allow student-athletes the opportunity to benefit from the use of their names, images or likenesses consistent with the collegiate model, the NCAA Division I Council and Board of Directors formed the NCAA Division I Name, Image and Likeness Legislative Solutions Group and charged it with the review of issues related to name, image and likeness. The Legislative Solutions Group developed a concept that would permit Division I student-athletes to benefit from the use of their names, images and likenesses consistent with the Board of Governors’ principles and guidelines. This document is intended to provide an overview of the legislative recommendations developed by the Legislative Solutions Group. Note that the concept is intended to apply to activities in which a student-athlete permits the use of and/or receives compensation for the use of their name, image and likeness in noninstitutional promotional activities. Current legislation will continue to apply to institutional promotional activities. Feedback on the concept may be provided directly to members of the NCAA Division I governance staff, the Legislative Solutions Group or to your conference. The Legislative Solutions Group will continue to refine the concepts leading up to a vote by January 2021.

Categories of NIL Activities.



NIL Categories.

A. Student-Athlete Business Activities.

A student-athlete may use their name, image and likeness to promote their athletically and nonathletically related business activities (e.g., products, services, camps/clinics, personal appearances). A student-athlete’s promotion of their business activity may include a reference to the student-athlete’s involvement in intercollegiate athletics and a reference to the institution they attend, consistent with institutional policies applicable to any student. However, no institutional marks may be used in such promotional activities.

1. Fee for Lessons and Camps and Clinics.

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| Legislation | Although current legislation permits student-athletes to receive compensation for teaching private lessons, they are not permitted to use their names, pictures or appearances to promote the availability of such lessons. Further, student-athletes are precluded from conducting their own camps or clinics. |
| Recommendations | <ul style="list-style-type: none"> • Permit individuals to use their names, images and likenesses to promote the availability of private lessons, as well as operate their own camps and clinics. • If institutional facilities are used, all applicable institutional processes must be followed for renting facility space in a manner consistent with the general public. |
| Rationale | Permitting student-athletes to use their names, images and likenesses to promote the availability of private lessons and allowing them to run their own camps and clinics will provide additional employment opportunities. Student-athletes should be permitted to capitalize on their subject matter expertise to offer lessons, as well as camps and clinics, to the general public. |

2. Promotion of a Student-Athlete’s Athletically or Nonathletically Related Business Activities.

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| Legislation | <p>In accordance with current legislation, student-athletes may not use their names, images and likenesses to promote their own products or services.</p> <p>NCAA staff has routinely approved legislative relief waivers to permit student-athletes to use their names, images and likenesses to promote their own nonathletically related products or services. The recommendation would go beyond the waiver relief and would permit the use of a student-athlete’s name, image and likeness for athletically related business activities, as well.</p> |
| Recommendations | <ul style="list-style-type: none"> • Permit an individual to use their name, image and likeness to promote the individual’s own athletically or nonathletically related business activities. A student-athlete may include their status as a student-athlete and institutional affiliation in any such promotions subject to institutional policy. • The use of institutional marks in such promotions would not be permitted. • General items (e.g., memorabilia) purchased by a student-athlete through normal retail sales and resold will be subject to the business activities parameters. Those parameters would preclude institutional involvement in the activity (e.g., special discounts afforded to the student-athlete) and institutional repurchase of the products. Such items may be sold at any time, subject to appropriate guardrails, including institutional parameters related to the resale of items that include institutional marks and disclosure of the sale. |
| Rationale | Allowing student-athletes to use their names, images and likenesses to promote their own business activities will provide student-athletes the opportunity to pursue entrepreneurial activities in the same manner as their peers who are not student-athletes. |

| 3. Autographs. | |
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| Legislation | Student-athletes are not permitted to be paid for their autographs. |
| Recommendations | <ul style="list-style-type: none"> • Permit an individual to be paid for their autographs as a business activity or in conjunction with a commercial endorsement or appearance. • A student-athlete would not be permitted to receive compensation for signing an autograph while participating in required athletically related activities or otherwise representing the institution. • Sales of autographs would be subject to disclosure requirements. • No institutional marks (e.g., apparel) may be used in conjunction with the sale of autographs. |
| Rationale | Permitting student-athletes to sell their autographs provides the opportunity for student-athletes to be treated in the same manner as students with notable accomplishments. |

| 4. Crowdfunding. | |
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| Legislation | A student-athlete may not use their name, picture or athletics reputation to solicit funds through a personal online profile or crowdfunding site, except as permitted by NCAA legislation. Current legislation allows student-athletes to crowdfund for nonprofit or charitable organizations and in response to extreme circumstances; however, the organization or institution must arrange and oversee the fundraiser. Further, student-athletes are permitted to crowdfund to cover actual and necessary outside competition-related expenses. |
| Recommendations | <ul style="list-style-type: none"> • Permit student-athletes to solicit funds through crowdfunding sites for the following purposes without requiring the institution to be involved in operating or arranging such fundraisers other than monitoring that the funds raised are not above the actual and necessary expenses from a catastrophic event or hardship: <ol style="list-style-type: none"> a. Nonprofit or charitable organizations; b. Catastrophic events; and c. Family hardship. • Permit student-athletes to solicit funds through crowdfunding sites for educational expenses that are not included in their cost of attendance (e.g. mission trips, internships) provided there is no institutional involvement. • Any raising of money for business activities (e.g., soliciting venture capital) would be subject to the same NCAA requirements as other business activities, including disclosure requirements as well as any additional external regulations. • This change maintains current restrictions on personal fundraising for traditional elements of financial aid (e.g., tuition, fees, room and board). |
| Rationale | Permitting student-athletes to use their names, images and likenesses for crowdfunding allows student-athletes to engage in activities in the same manner as their peers who are not student-athletes, supports student-athlete well-being and removes bureaucracy surrounding such activities. |

B. Noninstitutional Promotional Activities.

Includes compensation for endorsement of a commercial and/or charitable, educational or nonprofit entity. Institutions may not be involved in securing the arrangement for a student-athlete. A student-athlete would be permitted to reference their involvement in intercollegiate athletics generally but would not be permitted to reference their status as a student-athlete at a particular institution.

| 1. Advertisements and Endorsements – General. | |
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| Legislation | <p>Current legislation restricts a student-athlete from using their name, image or likeness to promote a commercial product or service.</p> <p>While enrolled at an NCAA institution, a student-athlete may not receive payment from or permit the use of their name or picture to advertise, recommend or promote directly the sale or use of a commercial product or service of any kind unless such activity meets the exception for continuation of modeling and other nonathletically related promotional activities.</p> <p>In addition, current legislation does not permit a student-athlete to receive compensation from an employer because of the publicity, reputation, fame or personal following that they have obtained because of athletics ability. Further, a student-athlete may not use their name, image and likeness to promote the sale of athletics equipment.</p> |
| Recommendations | <ul style="list-style-type: none"> • An individual may permit the use of his or her name, image or likeness in noninstitutional promotional activities and be compensated for the use of their name, image or likeness to advertise or promote the sale or use of athletically and nonathletically related commercial products or services, provided: <ol style="list-style-type: none"> a. No institutional marks are used; b. The institution is not involved in the development or promotion of the activity; c. The institution is not involved in the arrangement or development of the relationship between the student-athlete and an involved individual or commercial entity; and d. No institutional facilities are used. • A student-athlete would be permitted to reference their involvement in intercollegiate athletics generally but would not be permitted to reference their status as a student-athlete at a particular institution. • It would remain impermissible for an individual to receive compensation for athletics performance or participation. |
| Rationale | <p>Student-athletes should be permitted to take advantage of opportunities to be compensated in the same ways as are available to nonstudent-athletes. As technology continues to evolve, such opportunities will continue to increase, particularly through the use social media.</p> <p>In addition, permitting student-athletes to model any apparel, including athletics apparel, will allow them to take advantage of any opportunity of this nature without concern for their eligibility. Additionally, such a change would reduce monitoring burden as it will eliminate the need to educate student-athletes regarding the type of modeling that is permissible.</p> |

| 2. Personal Appearances. | |
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| Legislation | Current legislation restricts a student-athlete from using their name, image or likeness to promote a commercial product or service, including receiving payment for personal appearances. |
| Recommendations | <ul style="list-style-type: none"> • Permit an individual to be compensated for personal appearances, including those at commercial locations and/or charitable, educational or nonprofit agencies. • The student-athlete would not be permitted to reference their institution and no institutional marks could be used in such appearances. |
| Rationale | Many student-athletes may have limited opportunities in their lifetimes to profit from their names, images and likenesses. If a market exists for a student-athlete to be compensated for an appearance, they should be permitted to capitalize on that potential, provided the compensation is not an inducement to attend an institution or “pay for play” compensation. Moreover, an institution is permitted to request student-athletes to appear voluntarily on its behalf as part of being a member of an athletic team (e.g., institution fundraiser). Allowing student-athletes to be compensated for their independent appearances provides opportunities outside of official institutional appearances. |

Administrative Framework.

| 1. Potential Areas of Conflict. | |
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| Legislation | Institutions are currently permitted to establish institutional policies and codes of conduct that may be more restrictive than NCAA legislation in a number of areas. |
| Recommendations | <ul style="list-style-type: none"> • Legislation would specify that name, image and likeness activities within certain categories are not appropriate within the collegiate model. Specifically, legislation would prohibit a student-athlete from engaging in name, image and likeness activities involving a commercial product or service that conflicts with NCAA legislation (e.g., sports wagering, banned substances). • An institution could prohibit, at its discretion, a student-athlete’s involvement in name, image and likeness activities that conflict with existing institutional sponsorship arrangements. • An institution, at its discretion, could prohibit a student-athlete’s involvement in name, image and likeness activities based on other considerations, such as conflict with institutional values, as defined by the institution. • Legislation would require institutions to have policies that set forth the name, image and likeness activities in which student-athletes may or may not engage. • Institutions would be required to provide its policies regarding prohibited name, image and likeness categories to prospective student-athletes by the point in which an offer of admission and/or financial aid is provided. |
| Rationale | It is appropriate for legislation to address areas of conflict between a student-athlete’s potential name, image and likeness activities and the values of the institution, conference and the NCAA. |

| 2. Use of Professional Services. | |
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| Legislation | <p>Currently, an individual becomes ineligible for participation in intercollegiate athletics if they enter into an agreement with or receives benefits from an agent.</p> <p>An agent is currently defined as any individual who, directly or indirectly: (a) Represents or attempts to represent an individual for the purpose of marketing their athletics ability or reputation for financial gain; or (b) Seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete’s enrollment at an educational institution or from a student-athlete’s potential earnings as a professional athlete</p> |
| Recommendations | <ul style="list-style-type: none"> • Legislation would permit an individual to receive the following services, to be provided by a variety of professional service providers: <ul style="list-style-type: none"> a. Advice regarding name, image and likeness activities; b. Representation in contract negotiations related to name, image and likeness activities; and c. Marketing of the student-athlete’s name, image and likeness activities. • Use of Institutional Employees or Independent Contractors. Permissible professional service providers, for the purpose of name, image and likeness activities, would be limited to providers who are not employees or independent contractors of the institution, unless otherwise permitted by NCAA legislation. Companies that contract with an institution for the primary purpose of providing products, not services, would not be deemed to be independent contractors. • Institutional Involvement with Professional Service Providers. Limited institutional involvement with professional service providers would be permitted. Specifically, institutions would be permitted to assist student-athletes with vetting professional services providers, similar to the activities that are currently permissible for institutional professional sports counseling |

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| | <p>panels related to a student-athlete’s professional sports opportunities. However, institutional involvement in identifying, selecting, arranging or providing payment for professional service providers related to name, image, likeness activities would not be permitted.</p> <ul style="list-style-type: none"> • Disclosure. Student-athletes would be required to disclose any relationships with professional service providers as a part of the overall disclosure process for name, image and likeness activities. • Fees and Financial Arrangements. A student-athlete would be required to have a professional services fee arrangement consistent with norms for the service provider’s industry and the terms should not be more favorable rate as a result of athletic ability. All fees should be fully stated pursuant to a written agreement (e.g., flat fee, profit share, pro bono, upfront guarantee) with the service provider. Further, a student-athlete would be permitted to receive the same benefits (e.g., meals, copies, mailing) from a professional service provider that a general client could receive. |
| Rationale | <p>Any use of a student-athlete’s name, image or likeness for an activity that has an athletics nexus could result in the student-athlete being paid, at least in part, due to their athletics reputation. Many of these activities will necessitate a student-athlete securing professional services to navigate a complex business environment. The Legislative Solutions Group has noted the importance student-athletes receiving guidance from qualified professionals in name, image and likeness activities, while upholding the collegiate model by not allowing an agent to promote the student-athlete’s athletics ability for future professional sports opportunities.</p> |

| 3. Parameters for Institutional Assistance. | |
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| Legislation | <p>Current legislation permits institutions to provide general support and education to student-athletes on a variety of topics. Currently, an institution is permitted to develop content for a student-athlete to use, provided the student-athlete is not compensated. The primary purpose of providing the content has been to promote the institution’s athletics program.</p> |
| Recommendations | <ul style="list-style-type: none"> • Neither the institution nor a member of the institution’s staff, including contractors, may be involved in the development, operation or promotion of a student-athlete’s business activity. Examples of activities that would constitute impermissible institutional involvement in a student-athlete’s name, image and likeness activity include, but are not limited to: <ol style="list-style-type: none"> a. Institutional purchase of a student-athlete’s work product or service. b. Use of institutional facilities. c. Use of institutional marks. • Business activities developed as part of the student-athlete’s coursework or academic program are not subject to these restrictions, provided such institutional assistance (e.g., access to institutional facilities, development assistance) is extended to all participating students in the course or program. • It would be impermissible for institutions, or third parties hired by the institution, to be involved in identifying or securing name, image or likeness opportunities for a student-athlete (e.g. pairing a student-athlete with a company seeking a student-athlete for an advertisement). • A student-athlete may post or re-post content created by the institution or one of its vendors, provided the institution retains the rights to the content and the student-athlete do not use the content in any activities for which the student-athlete is compensated. • Institutions would be encouraged, though not required, to provide comprehensive education to their student-athletes regarding name, image and likeness activities. The following activities would be permitted without triggering an impermissible institutional involvement in a student-athlete’s name, image and likeness activity: <ol style="list-style-type: none"> 1. Providing educational programming on name, image and likeness and associated regulations, including brand enhancement. |

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| | <ol style="list-style-type: none"> 2. Assisting in evaluating opportunities, including compliance elements (e.g., booster engagement). 3. Assistance with disclosure expectations. 4. Assistance with evaluation of professional service providers. |
| Rationale | To fall into the category of “no institutional involvement,” at a minimum, an institution may not be involved in the development, operation or promotion of a name, image or likeness activity. In addition, it would not be permissible for institutional marks or institutional facilities to be used. The Legislative Solutions Group noted that it is in the best interests of student-athlete well-being for institutions to be permitted to provide some assistance and support to student-athletes involved in name, image and likeness activities to facilitate appropriate compliance, ensure integrity and protect student-athlete well-being. |

| 4. Prior to Enrollment at an NCAA Institution. | |
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| Legislation | Many areas of current legislation, including amateurism regulations, outline separate standards for activities that occur prior to enrollment at an NCAA institution. |
| Recommendations | <p>Pre-enrollment name, image and likeness rules would align with those that would apply to enrolled student-athletes, with the following parameters:</p> <ol style="list-style-type: none"> 1. A prospective student-athlete is required to report all activities to an independent third-party administrator; 2. Separate and targeted disclosure requirements may be developed for business activities and commercial endorsements; 3. Institutional accountability is triggered for situations in which boosters are impermissibly involved in a prospective student-athlete's name, image and likeness activities after that prospective student-athlete signs a letter of intent; and 4. Institutions are required to provide appropriate education during the initial recruiting interaction with a prospective student-athlete. |
| Rationale | This regulatory approach to name, image and likeness addresses both prospective student-athletes and student-athletes given that name, image and likeness-related relationships and agreements can form well before collegiate enrollment. This model would ensure consistency and clarity for prospective student-athletes and student-athletes, as well as individuals involved in name, image and likeness-related activities (e.g., professional service providers). It also minimizes the risk of prospective student-athletes entering into agreements or relationships before full-time enrollment that could render them ineligible when they become student-athletes. |

| 5. Permissible Involvement of Boosters. | |
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| Legislation | Current legislation precludes a representative of athletics interests (booster) from providing student-athletes any benefit not expressly permitted by NCAA legislation. In addition, boosters are precluded from providing inducements to prospective student-athletes. |
| Recommendations | <ul style="list-style-type: none"> • Current legislation would continue to apply with the Legislative Solutions Group’s name, image and likeness concepts. Boosters would be permitted to engage in name, image and likeness activities with student-athletes, provided no improper inducements or extra benefits are provided. • Disclosure requirements will be important as a safeguard to address concerns about inappropriate booster engagement with prospective student-athletes. • Legislation would require a prospective student-athlete disclose name, image and likeness activities, including compensation arrangements and details of relationships with involved individuals, commercial entities and other third parties (e.g., boosters). Disclosure would be |

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| | required before a prospective student-athlete signs an offer of athletically related financial aid or accepts an offer of admission. |
| Rationale | Integrity and disclosure requirements are designed to monitor and minimize impermissible booster activity and recruiting inducements. The Legislative Solutions Group recognizes in many cases, boosters may be the most likely sources of opportunities for student-athletes to engage in name, image and likeness activities. Student-athletes should be permitted take advantage legitimate opportunities, even if the source of the opportunity comes from a booster of the institution. |

6. Disclosure Requirements.

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| Legislation | No current legislation regarding disclosure of name, image and likeness activities. |
| Recommendations | <ul style="list-style-type: none"> • Legislation would require a prospective student-athlete disclose name, image and likeness activities, including compensation arrangements and details of relationships with involved individuals, commercial entities and other third parties. Disclosure would be required before a prospective student-athlete signs an offer of athletically related financial aid or accepts an offer of admission. • Legislation would require a student-athlete to disclose information related to their business activities and relationships with individuals and other entities in advance of any arrangements or agreement for the use of their name, image or likeness and when changes are made to such agreements. In the case of advertisements or promotions of a third-party commercial product or service (or charitable, educational or nonprofit entity) the disclosure would include: <ul style="list-style-type: none"> a. Compensation arrangements; and b. Details of relationships with an involved individual, commercial entity and third parties. • The student-athlete would be required to provide disclosure information in advance of any arrangements or agreement for the use of their name, image or likeness and shall provide updates to the information within 14 days if arrangements with the commercial entity or third parties change. • Template Disclosure Form. The NCAA Division I Name, Image and Likeness Disclosure Subgroup of the Legislative Solutions Group developed a template disclosure form to serve as the basis for a nationally consistent standard for gathering required disclosure information from student-athletes who seek to engage in activities that involve the use of their names, images or likenesses for promotional purposes. Institutions and conferences would be permitted to seek additional information beyond the baseline information required in the form. It was noted that the form may need to be customized depending on state laws regarding disclosure. |
| Rationale | The Legislative Solutions Group agreed that student-athletes should be required to disclose involvement in name, image and likeness activities. Disclosure requirements will help to provide support to student-athletes, monitor booster involvement, ensure integrity of the recruiting process, and identify activities that may not align with the values of the NCAA, conferences or institutions. |

7. Third-Party Administrator

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| Legislation | Current legislation does not require student-athletes to disclose NIL activities because compensation for such activities is not permitted. Prospective student-athletes submit information to the NCAA Eligibility Center; however, the process is based on the current NIL legislation. |
| Recommendation | A third-party administrator could develop a web-based platform for individuals to submit information to satisfy new disclosure requirements, report to an oversight entity (e.g., NCAA) national trends and monitor and evaluate NIL activities for possible malfeasance. In addition, the third-party administrator could help ease the burden on campuses by providing education to student-athletes, prospective student-athletes and key stakeholders (e.g., boosters, professional service providers). |

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| Rationale | The Legislative Solutions Group has agreed to explore whether disclosure efforts could be conducted through the assistance of third-party entities. The Disclosure Subgroup noted that the NCAA Board of Governors Federal and State Legislation Working Group encouraged the exploration of whether disclosure or enforcement efforts in this area should utilize the assistance of third-party entities at the local, conference or Association-wide levels, in part to help relieve the burden that campus compliance personnel may face attempting to monitor the newly permitted activities. In addition, it was noted that feedback from various groups has included concern related activities of boosters and other involved individuals and entities. |
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AMATEURISM – USE OF A STUDENT-ATHLETE’S NAME, IMAGE AND LIKENESS

Note: This document presents an initial draft of the recommended changes to the legislation based on the concepts developed by the NCAA Division I Name, Image and Likeness Legislative Solutions Group. The draft will continue to be updated based on the latest Legislative Solutions Group discussions and ongoing clarifications and as formal modifications are made by the Council in November and December.

Intent: To permit a student-athletes to use his or her name, image and likeness for compensation, as specified.

A. Bylaw: Amend 11.1, as follows:

11.1 Conduct of Athletics Personnel.

[11.1.1 through 11.1.3 unchanged.]

11.1.4 Professional Service Provider for Name, Image and Likeness Activities. An institutional staff member shall not provide professional services related to a prospective student-athlete or student-athlete’s name, image and likeness activities.

[11.1.4 through 11.1.5 renumbered as 11.1.5 through 11.1.6, unchanged.]

B. Bylaws: Amend 12, as follows:

12 Amateurism and Athletics Eligibility

[12.01 unchanged.]

12.02 Definitions and Applications.

12.02.1 Agent. An agent is any individual who, directly or indirectly:

(a) Represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation for financial gain **as a professional athlete**; or

(b) Seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.

[12.02.1.1 through 12.02.1.2 unchanged.]

[12.02.2 through 12.02.16 unchanged.]

12.1 General Regulations. An individual must comply with the following to retain amateur status. (See Bylaw 12.12 regarding the eligibility restoration process.)

[12.1.1 unchanged.]

12.1.2 Amateur Status. An individual loses amateur status and thus shall not be eligible for intercollegiate competition in a particular sport if the individual:

(a) Uses his or her athletics skill (~~directly or indirectly~~) for pay in any form **for participation** in that sport;

(b) Accepts a promise of pay **for participating in that sport** even if such pay is to be received following completion of intercollegiate athletics participation;

[12.1.2-(c) through 12.1.2-(g) unchanged.]

[12.1.2.1 through 12.1.2.4 unchanged.]

[12.1.3 unchanged.]

[12.2 unchanged.]

12.3 Use of Agents.

12.3.1 General Rule. An individual shall be ineligible for participation in an intercollegiate sport if he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport **to secure an opportunity as professional athlete**. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.

[Remainder of 12.3 unchanged.]

12.4 Employment.

12.4.1 Employment Unrelated to Name, Image or Likeness.

12.4.1.1 Criteria Governing Compensation to Student-Athletes. Compensation may be paid to a student-athlete: [R]

(a) Only for work actually performed; and

(b) At a rate commensurate with the going rate in that locality for similar services.

~~12.4.1.1 Athletics Reputation. Such compensation may not include any remuneration for value or utility that the student-athlete may have for the employer because of the publicity, reputation, fame or personal following that he or she has obtained because of athletics ability.~~

12.4.1.2 Specific Athletically Related Employment Activities.

~~12.4.2.1 Fee for Lesson Instruction. A student-athlete may receive compensation for teaching or coaching sport skills or techniques in his or her sport on a fee for lesson basis, provided: [R]~~

~~(a) Institutional facilities are not used;~~

~~(b) Playing lessons shall not be permitted;~~

~~(c) The compensation is paid by the lesson recipient (or the recipient's family member) and not another individual or entity; and~~

~~(d) Instruction to each individual is comparable to the instruction that would be provided during a private lesson when the instruction involves more than one individual at a time; and~~

~~(e) The student-athlete does not use his or her name, picture or appearance to promote or advertise the availability of fee-for-lesson sessions.~~

12.4.1.2.21 National Team Practice and Competition A student-athlete may receive actual and necessary expenses and reasonable benefits associated with national team practice and competition (e.g., health insurance, broken-time payments). [R]

~~12.4.2.3 Athletics Equipment Sales. A student-athlete may not be employed to sell equipment related to the student-athlete's sport if his or her name, picture or athletics reputation is used to advertise or promote the product, the job or the employer. If the student-athlete's name, picture or athletics reputation is not used for advertising or promotion, the student-athlete may be employed in a legitimate sales position, provided he or she is reimbursed at an hourly rate or set salary in the same manner as any nonathlete salesperson. [R]~~

12.4.1.2.42 Goodwill Tour Commissions. A student-athlete representing the institution in a goodwill tour during summer months, in conjunction with the tour, may sell such items as jackets, blazers or similar

institutional promotional items to booster groups or other friends of the institution on a salary, but not a commission, basis. [R]

12.4.1.2.3 Camp/Clinic Employment, General Rule. A student-athlete may be employed by his or her institution, by another institution, or by a private organization to work in a camp or clinic as a counselor, unless otherwise restricted by NCAA legislation (see Bylaw 13.12 for regulations relating to camps and clinics).

~~12.4.4 Self-Employment. A student-athlete may establish his or her own business, provided the student-athlete's name, photograph, appearance or athletics reputation is not used to promote the business.~~

12.4.2 Prospective Student-Athlete or Student-Athlete Business Activities. An individual may establish his or her own business or otherwise engage in business activities.

12.4.2.1 Use of Name, Image or Likeness in Business Activities. An individual may use his or her name, image and likeness to promote his or her athletically and nonathletically related business activities (e.g., products, services, personal appearances). A student-athlete's promotion of his or her business activity may include a reference to the student-athlete's involvement in intercollegiate athletics and a reference to the institution he or she attends, consistent with institutional policies applicable to any student; however, no institutional marks may be used in such promotional activities.

12.4.2.1.1 Restrictions. An individual shall not receive compensation for athletics performance or participation. In addition, compensation to an individual shall not be provided as an inducement for enrollment (see Bylaw 13.2). (See also Bylaw 16.11.2.1.)

12.4.2.1.2 Institutional Involvement. Neither the institution nor an institutional staff member shall be involved in the development, operation or promotion of an individual's business activity and shall not purchase a prospective student-athlete or student-athlete's work product or service. This prohibition includes the use of institutional facilities. A business activity that is developed as part of an individual's coursework is not subject to these restrictions.

12.4.2.1.3 Merchandise and Memorabilia. A student-athlete is not permitted to sell items provided by the institution, including awards and apparel retained by the student-athlete at the end of a season that the institution will not reuse, until the student-athlete has exhausted eligibility for intercollegiate competition or has become permanently ineligible for competition. A student-athlete may sell institutional merchandise he or she has purchased, subject to institutional restrictions related to the resale of items that include institutional marks.

12.4.2.1.4 Autographs. An individual may receive compensation for his or her autograph; however, a student-athlete is not permitted to receive compensation for signing an autograph while he or she is participating in required athletically related activities or otherwise representing the institution and no institutional marks may be used in conjunction with the sale of an autograph.

12.4.2.1 Fee-for-Lesson Instruction. An individual may receive compensation for teaching or coaching sport skills or techniques in his or her sport on a fee-for-lesson basis and may use

his or her name, picture or appearance to promote or advertise the availability of such lessons, subject to the following conditions: [R]

(a) If institutional facilities are used, applicable institutional processes for renting facility space in a manner consistent with the general public apply;

(b) Playing lessons shall not be permitted;

(c) Compensation is paid by the lesson recipient (or the recipient's family member) and not another individual or entity; and

(d) Instruction to each individual is comparable to the instruction that would be provided during a private lesson when the instruction involves more than one individual at a time.

12.4.2.1.5 Disclosure of Name, Image and Likeness Business Activities – Prospective Student-Athletes. A prospective student-athlete is required to report all name, image and likeness activities to an independent third-party administrator.

12.4.2.1.6 Disclosure of Name, Image and Likeness Business Activities – Student-Athletes. A student-athlete shall disclose to the institution's athletics department information related to business activities that involve the use of his or her name, image or likeness, including details of relationships with other individuals or entities involved in the business activities (e.g., contact information for commercial entities, professional service providers, other involved parties, compensation arrangements with such individuals or entities). The student-athlete shall provide such information in advance of any arrangements or agreement for the use of his or her name, image or likeness and shall provide updates to the information within 14 days if arrangements with involved individuals or entities change. [D]

12.5 Promotional Activities.

~~12.5.1 Permissible.~~

~~12.5.1-1~~ Institutional, ~~Charitable, Educational or Nonprofit~~ Promotions. An institution or recognized entity thereof (e.g., fraternity, sorority or student government organization); **or a** conference ~~or a noninstitutional charitable, educational or nonprofit agency~~ may use a student-athlete's name, ~~picture~~ **image, likeness** or appearance to support its charitable or educational activities or to support activities considered incidental to the student-athlete's participation in intercollegiate athletics, provided the following conditions are met:

(a) The student-athlete's participation is subject to the limitations on participants in such activities as set forth in Bylaw 17;

(b) The specific activity or project in which the student-athlete participates does not involve co-sponsorship, advertisement or promotion by a commercial agency other than through the reproduction of the sponsoring company's officially registered regular trademark or logo on printed materials such as pictures, posters or calendars. The company's emblem, name, address, telephone number and website address may be included with the trademark or logo. Personal names, messages and slogans (other than an officially registered trademark) are prohibited;

(c) The name, **image** or ~~picture~~ **likeness** of a student-athlete with remaining eligibility may not appear on an institution's printed promotional item (e.g., poster, calendar) that includes a reproduction of a product with which

a commercial entity is associated if the commercial entity's officially registered regular trademark or logo also appears on the item;

(d) The student-athlete does not miss class;

(e) All moneys derived from the activity or project go directly to the institution; **or** conference ~~or the charitable, educational or nonprofit agency~~;

(f) The student-athlete may accept actual and necessary expenses from the institution; **or** conference ~~or the charitable, educational or nonprofit agency~~ related to participation in such activity; **and**

~~(g) The student-athlete's name, picture or appearance is not used to promote the commercial ventures of any nonprofit agency;~~

~~(hg)~~ Any commercial items with names, **images or** likenesses ~~or pictures~~ of multiple student-athletes (other than highlight films or media guides per Bylaw 12.5.1.7) may be sold only at the institution in which the student-athletes are enrolled, the institution's conference; **or** institutionally controlled (owned and operated) outlets ~~or outlets controlled by the charitable, educational or nonprofit organization (e.g., location of the charitable or educational organization, site of charitable event during the event)~~. Items that include an individual student-athlete's name, ~~picture~~ **image** or likeness (e.g., name on jersey, name or likeness on a bobble-head doll), other than informational items (e.g., media guide, schedule cards, institutional publications), may not be sold; ~~and~~

~~(i) The student-athlete and an authorized representative of the charitable, educational or nonprofit agency affirm that the student-athlete's name, image or appearance is used in a manner consistent with the requirements of this section.~~

~~12.5.1.1.1 Promotions Involving NCAA Championships, Events, Activities or Programs. The NCAA [or a third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee)] may use the name or picture of an enrolled student-athlete to generally promote NCAA championships or other NCAA events, activities or programs.~~

12.5.1.1.2 Promotions Involving Commercial Locations/Sponsors. An institution; **or** a conference ~~or a charitable, educational or nonprofit organization~~ may use the appearance, name, **image** or ~~picture~~ **likeness** of an enrolled student-athlete to promote generally its fundraising activities at the location of a commercial establishment, provided the commercial establishment is not a co-sponsor of the event and the student-athlete does not promote the sale of a commercial product in conjunction with the fundraising activity. A commercial establishment would become a co-sponsor if the commercial establishment either advertises the presence of the student-athlete at the commercial location or is involved directly or indirectly in promoting the activity.

12.5.1.2.3 Distribution of Institutional Items through Commercial Outlets. An institution may distribute noncommercial items that include names, **images** or ~~pictures~~ **likenesses** of student-athletes (items not for sale) at commercial establishments, provided the institution generally distributes such items to other commercial establishments in the community and the distribution of the items does not require the recipient to make a purchase at the commercial establishment.

12.5.1.3.4 Player/Trading Cards. An institution or recognized entity thereof (e.g., fraternity, sorority or student government organization); **or** a member conference ~~or a noninstitutional charitable, educational or nonprofit agency~~ may distribute but may not sell player/trading cards that bear a student-athlete's name or picture.

~~12.5.1.1.4.1 Exception—Olympic, Paralympic or National Team. A national governing body may sell player/trading cards that bear the name or picture of a student athlete who is a member of the Olympic, Paralympic or national team in that sport, provided all of the funds generated through the sale of such cards are deposited directly with the applicable Olympic, Paralympic or national team.~~

12.5.1.4-5 Schedule Cards. An advertisement on an institution's wallet-size playing schedule that includes the name, **image** or ~~picture~~ **likeness** of a student-athlete may include language other than the commercial product's name, trademark or logo, provided the commercial language does not appear on the same page as the picture of the student-athlete. [D]

12.5.1.5-6 Effect of Violations. ~~The following violations~~ **A violation** of Bylaw 12.5.1.1 **in which the institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name, image or likeness in a manner contrary to Bylaw 12.5.1.1** shall be considered **an** institutional ~~violations~~ **violation**; however, the student-athlete's eligibility shall not be affected.;

~~(a) An institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name or picture in a manner contrary to Bylaw 12.5.1.1; or~~

~~(b) A violation in which the only condition of the legislation not satisfied is the requirement that the student athlete and an authorized representative of the charitable, educational or nonprofit agency affirm that the student athlete's name, image or appearance is used in a manner consistent with the requirements of Bylaw 12.5.1.1, provided the affirmation would have been given if requested.~~

~~12.5.1.2 U.S. Olympic and Paralympic Committee/National Governing Body Advertisement Prior to Collegiate Enrollment. Prior to initial, full-time collegiate enrollment, an individual may receive payment for the display of athletics skill in a commercial advertisement, provided:~~

~~(a) The individual receives prior approval to appear in the advertisement from the U.S. Olympic and Paralympic Committee or the applicable national governing body;~~

~~(b) The U.S. Olympic and Paralympic Committee or national governing body approves of the content and the production of the advertisement;~~

~~(c) The individual forwards the payment to the U.S. Olympic and Paralympic Committee or national governing body for the general use of the organization(s); and~~

~~(d) The funds are not earmarked for the individual.~~

~~12.5.1.3 Continuation of Modeling and Other Nonathletically Related Promotional Activities After Enrollment. If an individual accepts remuneration for or permits the use of his or her name or picture to advertise or promote the sale or use of a commercial product or service prior to enrollment in a member institution, continued remuneration for the use of the individual's name or picture (under the same or similar circumstances) after enrollment is permitted without jeopardizing his or her eligibility to participate in intercollegiate athletics only if all of the following conditions apply:~~

~~(a) The individual's involvement in this type of activity was initiated prior to his or her enrollment in a member institution;~~

~~(b) The individual became involved in such activities for reasons independent of athletics ability;~~

~~(c) No reference is made in these activities to the individual's name or involvement in intercollegiate athletics;~~

~~(d) The individual does not endorse the commercial product; and~~

~~(e) The individual's remuneration under such circumstances is at a rate commensurate with the individual's skills and experience as a model or performer and is not based in any way upon the individual's athletics ability or reputation.~~

~~12.5.1.4 Congratulatory Advertisement. It is permissible for a student athlete's name or picture, or the group picture of an institution's athletics squad, to appear in an advertisement of a particular business, commercial product or service, provided:~~

~~(a) The primary purpose of the advertisement is to publicize the sponsor's congratulations to the student athlete or team;~~

~~(b) The advertisement does not include a reproduction of the product with which the business is associated or any other item or description identifying the business or service other than its name or trademark;~~

~~(c) There is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution endorses the product or service of the advertiser;~~

~~(d) The student athlete has not signed a consent or release granting permission to use the student athlete's name or picture in a manner inconsistent with the requirements of this section; and~~

~~(e) If the student athlete has received a prize from a commercial sponsor in conjunction with participation in a promotional contest and the advertisement involves the announcement of receipt of the prize, the receipt of the prize is consistent with the provisions of Bylaw 12.5.2.3.3 and official interpretations.~~

~~12.5.1.5 Educational Products Related to Sport Skill Instruction. It is permissible for a student athlete's name or picture to appear in books, articles and other publications, films, videotapes, and other types of electronic reproduction related to sport skill demonstration, analysis or instruction, provided:~~

~~(a) Such print and electronic media productions are for educational purposes;~~

~~(b) There is no indication that the student athlete expressly or implicitly endorses a commercial product or service;~~

~~(c) The student athlete does not receive, under any circumstances, any remuneration for such participation; however, the student athlete may receive actual and necessary expenses related to his or her participation; and~~

~~(d) The student athlete has signed a release statement ensuring that the student athlete's name or image is used in a manner consistent with the requirements of this section.~~

~~12.5.1.6 Camps. An institutional or privately owned camp may use a student athlete's name, picture and institutional affiliation only in the camp counselor section in its camp brochure to identify the student athlete as a staff member. A student athlete's name or picture may not be used in any other way to directly advertise or promote the camp. [D]~~

~~12.5.1.7 Promotion by Third Party of Highlight Video or Media Guide. Any party other than the institution or a student athlete (e.g., a distribution company) may sell and distribute an institutional highlight video~~

~~or an institutional or conference media guide that contains the names and pictures of enrolled student athletes only if:~~

~~(a) The institution specifically designates any agency that is authorized to receive orders for the video or media guide;~~

~~(b) Sales and distribution activities have the written approval of the institution's athletics director;~~

~~(c) The distribution company or a retail store is precluded from using the name or picture of an enrolled student athlete in any poster or other advertisement to promote the sale or distribution of the video or media guide; and~~

~~(d) There is no indication in the makeup or wording of the advertisement that the squad members, individually or collectively, or the institution endorses the product or services of the advertiser.~~

~~12.5.1.8 Promotion of NCAA and Conference Championships. The NCAA [or a third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee)] may use the name or picture of a student athlete to generally promote NCAA championships. A student athlete's name or picture may appear in a poster that promotes a conference championship, provided the poster is produced by a member that hosts a portion of the championship or by the conference.~~

~~12.5.1.9 Olympic, Paralympic, Pan American, Parapan American, World Championships, World Cup, World University Games (Universiade) and World University Championships. A student athlete's name or picture may be used to promote Olympic, Paralympic, Pan American, Parapan American, World Championships, World Cup, World University Games (Universiade) or World University Championships as specified in this section.~~

~~12.5.1.9.1 Sale and Distribution of Promotional Items. Promotional items (e.g., posters, postcards, film, videotapes) bearing the name or picture of a student athlete and related to these events may be sold or distributed by the national or international sports governing body sponsoring these events or its designated third party distributors. It is not permissible for such organizations to sell player/trading cards that bear a student athlete's name or picture, except as noted in Bylaw 12.5.1.1.4.1. Promotional items may include a corporate sponsor's trademark or logo but not a reproduction of the product with which the business is associated. The name or picture of the student athlete may not be used by the distribution company or retail store on any advertisement to promote the sale or distribution of the commercial item.~~

~~12.5.1.9.1.1 Corporate Sponsors. A corporate sponsor may sell a promotional item related to these events that uses the name or picture of a team but not an individual student athlete.~~

~~12.5.2 Nonpermissible.~~

~~12.5.2.1 Advertisements and Promotions After Becoming a Student Athlete. After becoming a student athlete, an individual shall not be eligible for participation in intercollegiate athletics if the individual:~~

~~(a) Accepts any remuneration for or permits the use of his or her name or picture to advertise, recommend or promote directly the sale or use of a commercial product or service of any kind; or~~

~~(b) Receives remuneration for endorsing a commercial product or service through the individual's use of such product or service.~~

~~12.5.2.1.1 Exceptions. The individual's eligibility will not be affected, provided the individual participated in such activities prior to enrollment and the individual:~~

~~(a) Meets the conditions set forth in Bylaw 12.5.1.3 that would permit continuation of such activities; or~~

~~(b) Takes appropriate steps upon becoming a student-athlete to retract permission for the use of his or her name or picture and ceases receipt of any remuneration for such an arrangement.~~

~~12.5.2.1.2 Improper Use of Student Athlete's Name or Picture. If an institution, without the student-athlete's knowledge or consent, uses or permits the use of the student-athlete's name or picture in a manner contrary to Bylaw 12.5.2.1, the violation shall be considered an institutional violation; however, the student-athlete's eligibility shall not be affected.~~

~~12.5.2.2 Use of a Student Athlete's Name or Picture Without Knowledge or Permission. If a student-athlete's name or picture appears on commercial items (e.g., T-shirts, sweatshirts, serving trays, playing cards, posters) or is used to promote a commercial product sold by an individual or agency without the student-athlete's knowledge or permission, the student-athlete (or the institution acting on behalf of the student-athlete) is required to take steps to stop such an activity in order to retain his or her eligibility for intercollegiate athletics. Such steps are not required in cases in which a student-athlete's photograph is sold by an individual or agency (e.g., private photographer, news agency) for private use.~~

~~12.5.2.3 Specifically Restricted Activities. A student-athlete's involvement in promotional activities specified in this section is prohibited.~~

~~12.5.2.3.1 Name-the-Player Contest. A student-athlete may not permit use of his or her name or picture in a "name the player" contest conducted by a commercial business for the purpose of promoting that business.~~

~~12.5.2.3.2 Athletics Equipment Advertisement. A student-athlete's name or picture may not be used by an athletics equipment company or manufacturer to publicize the fact that the institution's team uses its equipment.~~

~~12.5.2.3.3 Promotional Contests. Receipt of a prize for winning an institutional or noninstitutional promotional activity (e.g., making a half-court basketball shot, being involved in a money scramble) by a prospective or enrolled student-athlete (or his or her family member) does not affect his or her eligibility, provided the prize is won through a random drawing in which all members of the general public or the student body are eligible to participate.~~

~~12.5.2.4 Other Promotional Activities. A student-athlete may not participate in any promotional activity that is not permitted under Bylaw 12.5.1.~~

12.5.2 Promotion of NCAA Championships, Events, Activities or Programs and Conference Championships. The NCAA [or a third party acting on behalf of the NCAA (e.g., host institution, conference, local organizing committee)] may use the name, image or likeness of a student-athlete to generally promote NCAA championships or other NCAA events, activities or programs. A conference [or a third party acting on behalf of the conference (e.g., host institution, local organizing committee)] may use the name, image or likeness of a student-athlete to generally promote conference championships.

12.5.3 Noninstitutional Promotions.

12.5.3.1 Advertisements and Promotions. An individual may permit the use of his or her name, image or likeness in noninstitutional promotional activities and receive compensation for such activities and to advertise or promote the sale or use of a commercial product or service, provided there is no institutional involvement in the arrangement, development or promotion of the relationship between the prospective student-athlete or student-athlete and an involved individual or commercial entity and no institutional marks are used in the advertisement or promotion.

12.5.3.1.1 Restrictions. An individual shall not receive compensation for athletics performance or participation. In addition, compensation to an individual shall not be provided as an inducement for enrollment (see Bylaw 13.2). (See also Bylaw 16.11.2.1.)

12.5.3.1.2 Specifically Prohibited Promotional Activities. An individual shall not engage in name, image and likeness activities involving a commercial product or service that conflicts with NCAA legislation (e.g., sports wagering, banned substances). In addition, a student-athlete's name, image or likeness may not be used by an athletics equipment company or manufacturer to publicize the fact that the institution's athletics program uses its equipment.

12.5.3.1.3 Conflicts With Institutional Agreements and Other Considerations. An institution may prohibit a student-athlete's involvement in name, image and likeness activities that conflict with existing institutional sponsorship arrangements. An institution, at its discretion, may prohibit a student-athlete's involvement in name, image and likeness activities based on other considerations, such as conflict with institutional values, as defined by the institution. An institution shall have policies that set forth the name, image and likeness activities in which student-athletes may or may not engage. An institution shall provide such policies to a prospective student-athlete by the point in which an offer of financial aid and/or admission is provided to the prospective student-athlete.

12.5.3.1.4 Autographs. An individual may receive compensation for his or her autograph in conjunction with a noninstitutional promotional activity; however, no institutional marks may be used in conjunction with the sale of an autograph.

12.5.3.2 Disclosure of Name, Image and Likeness Promotional Activities – Prospective Student-Athletes. A prospective student-athlete is required to report all name, image and likeness activities to an independent third-party administrator.

12.5.3.3 Disclosure of Name, Image and Likeness Promotional Activities – Student-Athletes. A student-athlete shall disclose information to the institution's athletics department related to the use of his or her name, image or likeness in the advertising or promotion of a commercial product or service, including compensation arrangements and details of relationships with an involved individual, commercial entity and third parties (e.g., contact information for commercial entities, professional service providers, other involved parties). The student-athlete shall provide such information in advance of any arrangements or agreement for the use of his or her name, image or likeness and shall provide updates to the information within 14 days if arrangements with the commercial entity or third parties change.

12.5.4 Use of Professional Service Providers for Name, Image and Likeness Activities.

12.5.4.1 Use of Professional Service Providers. An individual may use the services of a professional service provider in the following name, image and likeness activities:

(a) Advice regarding name, image and likeness activities;

(b) Representation in contract negotiations related to name, image and likeness activities; and

(c) Marketing of the student-athlete's name, image and likeness activities.

12.5.4.1.1 Limitation on Marketing Athletics Ability or Reputation. A professional service provider who represents an individual in name, image and likeness activities may not also represent a student-athlete for the purpose of marketing his or her athletics ability or reputation in a sport to secure an opportunity as professional athlete.

12.5.4.1.2 Institutional Employees or Independent Contractors. A student-athlete is not permitted to use a professional service provider in name, image and likeness activities who is an employee or independent contractor of the institution. For purposes of this provision, an entity that contracts with an institution for the primary purpose of providing products but not services is not considered to be an independent contractor.

12.5.4.1.3 Fees and Payment Arrangements for Services. A fee arrangement for professional services shall be consistent with typical industry arrangements must not be discounted as a result of athletics ability. Fees must be disclosed pursuant to a written agreement (e.g., flat fee, profit share, upfront guarantee) with the service provider. A student-athlete may receive the same de minimis benefits (e.g., meals, copies, mailing) from a professional service provider that nonstudent-athletes receive.

12.5.4.2 Institutional Involvement. An institution may provide information and education related to name, image and likeness activities and may assist a student-athlete with evaluating professional service providers related to such activities. However, an institution may not identify or select a professional service provider or arrange for or provide payment for services rendered to the student-athlete.

12.5.35 Media Activities. A student-athlete may participate in media activities, including but not limited to, radio, television and internet-based programs (e.g., coaches' shows), and writing projects when the student-athlete's appearance or participation is related in any way to his or her status as a student-athlete. *The student-athlete shall not receive any remuneration for participation in the activity. The student athlete shall not make any endorsement, expressed or implied, of any commercial product or service. The student athlete may, however, receive actual and necessary expenses directly related to the appearance or participation in the activity.* A student-athlete participating in such media activities may not miss class, except for class time missed in conjunction with away-from-home competition or to participate in an NCAA or conference-sponsored media activity.

[12.5.4 renumbered as 12.5.6, unchanged.]

[12.6 through 12.12 unchanged.]

C. Bylaws: Amend 13.2, as follows:

13.2 Offers and Inducements.

13.2.1 General Regulation. An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her family members or friends, other than expressly

permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her family members or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their family members or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability. [R]

13.2.1.1 Specific Prohibitions. Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following: [R]

[13.2.1.1-(a) through 13.2.1.1-(j) unchanged.]

(j) Sponsorship of or arrangement for an awards banquet for high school, preparatory school or two-year-college athletes by an institution, representatives of its athletics interests or its alumni groups or booster clubs; ~~and~~

(k) Expenses for academic services (e.g., tutoring, test preparation) to assist in the completion of initial-eligibility or transfer-eligibility requirements or improvement of the prospective student-athlete's academic profile in conjunction with a waiver request; **and**

(l) An arrangement for the use of a prospective student-athlete's name, image or likeness in business activities or noninstitutional promotional activities (see Bylaws 12.4.2.1.1 and 12.5.3.1.1).

D. Bylaws: Amend 13.12.2, as follows:

13.12.2 Employment at Camp or Clinic.

13.12.2.1 Student-Athletes. A student-athlete may be employed in any sports camp or clinic, provided compensation is provided pursuant to the criteria of Bylaw 12.4.1.1. ~~A student athlete who only lectures or demonstrates at a camp/clinic may not receive compensation for his or her appearance at the camp/clinic.~~

~~13.12.2.1.1 Self Employment. A student athlete with remaining eligibility is not permitted to conduct his or her own camp or clinic. [R]~~

[13.12.2.2 through 13.12.2.3 unchanged.]

E. Bylaws: Amend 15.2.7, as follows:

15.2.7 Employment. Earnings from a student-athlete's on- or off-campus employment that occurs at any time is exempt and is not counted in determining a student-athlete's cost of attendance or in the institution's financial aid limitations; ~~provided:~~

~~(a) The student athlete's compensation does not include any remuneration for value or utility that the student athlete may have for the employer because of the publicity, reputation, fame or personal following that he or she has obtained because of athletics ability;~~

~~(b) The student athlete is compensated only for work actually performed; and~~

~~(c) The student athlete is compensated at a rate commensurate with the going rate in that locality for similar services (see Bylaw 12.4).~~

Source: NCAA Division I Name, Image and Likeness Legislative Solutions Group

Effective Date: August 1, 2021

Proposal Category: Amendment

Topical Area: Amateurism

Rationale: This proposal would permit student-athletes to benefit from the use of their names, images and likenesses in a manner that is consistent with the NCAA Board of Governors' guiding principles and with the direction to consider appropriate rules changes based on recommendations from the Federal and State Legislation Working Group. These recommendations fall into two categories: (1) activities related to student-athlete business activities; and (2) promotion/endorsement of products and services. Student-athletes should have full use of their names, images and likenesses related to their own business activities, including autographs and appearances, noting the direct tie between these activities and a student-athlete's identity. Importantly, these opportunities may occur in a manner that is consistent with the NCAA's core values, mission and principles, while prioritizing student-athlete well-being. Further, the recommended administrative framework for these legislative changes ensures that the legislation will be transparent and enforceable, consistent with the Board of Governors' principles. During the development of this proposal, representatives of institutions and conferences, including student-athletes, and constituent groups provided feedback on ways to modernize NCAA legislation to allow for student-athletes to receive compensation for their names, images and likenesses. Student-athlete voices were prioritized throughout the process.

Division I Commitment addressed by proposal: The Commitment to Student-Athlete Well-Being.

Is the proposal consequential or nationally significant?: Yes. The NCAA Board of Governors directed the divisions to consider appropriate rules changes to provide student-athletes the opportunity to benefit from the use of their names, images and likenesses in a manner consistent with the values and beliefs of intercollegiate athletics.

Is the proposal enforceable and how do the merits outweigh monitoring burdens?: Yes. The merits of providing significant opportunities to student-athletes outweighs the potential monitoring burden.

How does the proposal support student-athlete success/well-being?: This proposal would allow student-athletes to take advantage of opportunities to support themselves through the use of their names, images and likenesses.

Estimated Budget Impact: TBD.

Impact on Student-Athlete's Time (Academic and/or Athletics): A student-athlete's time may be impacted by engaging in name, image and likeness activities.