

University of Louisiana System

**Title: INTERCOLLEGIATE ATHLETE
NAME, IMAGE AND LIKENESS (NIL)
POLICY**

Effective Date: July 1, 2021

Chapter: V

Policy and Procedures Memorandum

I. PURPOSE

The State of Louisiana Legislature has proposed a bill (SB60) that will allow an intercollegiate athlete enrolled in a state postsecondary education institution to benefit from the use of their name, image and likeness (NIL) in ways that are consistent with recommendations issued by the NCAA. As part of the passage of SB60, the effective date is subject to the adoption of an implementation policy approved by an appropriate management board. The University of Louisiana System (“ULS” or the “System”) is in full support of the law changes recommended in SB60, as participation in intercollegiate athletics should not infringe upon the intercollegiate athlete’s rights to earn compensation for their NIL. This policy applies to all campus locations of institutions managed by the Board of Supervisors of the University of Louisiana System.

II. DEFINITIONS

Intercollegiate Athlete Name, Image and Likeness (NIL): An initiative to allow an intercollegiate athlete the opportunity to benefit from the use of their NIL in ways that are consistent with the recommendations by the NCAA Name, Image and Likeness Legislative Solutions Group.

Examples of how intercollegiate athletes could use their NIL (not an exhaustive list):

- a) Promote their own business
- b) Promote a corporate entity (e.g., brand ambassador, social media influencer)
- c) Establish their own camp/clinic
- d) Make an appearance at any location and receive compensation

e) Sign autographs and receive compensation

Athlete Agent: Any individual who, directly or indirectly, represents or attempts to represent an individual for the purpose of marketing his/her athletics ability or reputation for financial gain or seeks to obtain any type of financial gain or benefit from an intercollegiate athlete's potential earnings as a professional athlete.

Athletics Booster: A person or entity that has participated in or has been a member of an organization promoting a postsecondary education institution's athletic program.

Athletics Eligibility: A term used to reference whether an intercollegiate athlete is "eligible" to compete for a postsecondary education institution's intercollegiate athletics program.

Athletics Program: The intercollegiate athletics department of a postsecondary education institution.

Attorney: A person appointed to act for another in business or legal matters.

Endorsement: An act of giving one's public approval or support to someone or something.

Grant-in-Aid (including Cost of Attendance): Athletically related financial aid to assist an intercollegiate athlete with costs associated with attending a postsecondary education institution.

Intercollegiate Athlete: A student who is enrolled at a postsecondary education institution and participates in a sponsored sport of the postsecondary education institution's athletics department.

Institutional Staff Member: An officer, director, employee or agent of a postsecondary education institution.

Market Value: A rate of compensation to an intercollegiate athlete for the use of their NIL based on a current and open market.

Postsecondary Education Institution: A Louisiana public/non-public college that receives or disburses state student financial assistance, which includes scholarships and grants.

Prospective Student-Athlete: An individual who has started classes for the ninth grade in high school.

Recruiting Inducement: An arrangement or other direct or indirect method to give or offer to give a prospective student-athlete or their family that is not expressly permitted by NCAA regulations.

Team Contract: Any agreement between an intercollegiate athlete and a postsecondary education institution that could impact the intercollegiate athlete's eligibility to participate in an intercollegiate sport, including, but not limited to, scholarship agreements or participation agreements.

III. INTERCOLLEGIATE ATHLETE'S COMPENSATION GUIDELINES

An intercollegiate athlete at a postsecondary education institution may earn compensation for the use of their NIL provided:

- a) The compensation is not provided in exchange of athletics performance;
- b) The compensation is not provided for attendance at a particular postsecondary education institution (for recruiting purposes);
- c) The compensation is commensurate with market value; and
- d) The compensation is not provided by the postsecondary education institution, an entity whose purpose includes supporting or benefitting such postsecondary education institution or its intercollegiate athletics program, or an officer, director, employee or agent of the postsecondary education institution or entity.

The compensation earned by the intercollegiate athlete in a manner consistent with the guidelines outlined herein will not affect the intercollegiate athlete's grant-in-aid or athletics eligibility. The grant-in-aid (including cost of attendance) that is awarded to an intercollegiate athlete by a postsecondary education institution shall not be considered compensation and shall not be revoked or reduced as a result of an intercollegiate athlete's earnings through a permissible NIL agreement.

IV. INSTITUTIONAL INVOLVEMENT

A postsecondary education institution may not prevent an intercollegiate athlete from earning compensation for their NIL; however, a postsecondary education institution may prohibit an intercollegiate athlete from using their NIL for compensation if such opportunity conflicts with an existing institutional sponsorship agreement/contract or goes against the values of the postsecondary education institution.

- a) Each postsecondary education institution shall have the right, at its own discretion, to determine conflicts noted above and shall inform their intercollegiate athletes of such policies.

An institutional staff member of a postsecondary education institution shall not be involved in arranging compensation for an intercollegiate athlete, or providing compensation themselves.

Athletics boosters are prohibited from creating or facilitating NIL compensation opportunities to a prospective student-athlete as a recruiting inducement or current student-athlete as an extra benefit to remain enrolled at his or her respective postsecondary institution.

V. USE OF INSTITUTIONAL MARKS

An intercollegiate athlete shall not use a postsecondary education institution's facilities, uniforms, registered trademarks, products protected by copyright, or official logos, marks, or colors without the express written permission of the postsecondary education institution.

VI. REPRESENTATION FROM AGENT/ATTORNEY

The postsecondary education institution may not prevent or restrict an intercollegiate athlete from obtaining representation by an athlete agent or an attorney for the sole purpose of representing the intercollegiate athlete in matters pertaining to the use of the intercollegiate athlete's NIL.

Any representation by an athlete agent obtained by an intercollegiate athlete for the purpose of representing the intercollegiate athlete in matters pertaining to the use of the intercollegiate athlete's NIL shall be from an individual registered with the state in accordance with, and in compliance with, the provisions of Chapter 7 of Title 4 of the Louisiana Revised Statutes of 1950 . However, notification provisions of R.S. 4:424 (D)(3) is not required when an athlete agent contacts an intercollegiate athlete for the sole purpose of representing the intercollegiate athlete in matters pertaining to the use of the intercollegiate athlete's NIL.

Any representation by an attorney obtained by an intercollegiate athlete for the purpose of representing the intercollegiate athlete in matters pertaining to the use of the intercollegiate athlete's NIL, shall be licensed to practice law. The documentation shall be on file with the postsecondary education institution's compliance office.

VII. EDUCATION/WORKSHOP

The postsecondary education institution shall conduct a financial literacy and life skills educational workshop in areas such as, but not limited to:

- a) financial aid;
- b) debt management;
- c) budget information; and
- d) time management.

The workshops shall be for a minimum of five hours total and shall be required annually. The postsecondary education institution shall provide education to its intercollegiate athletes on:

- the process to gain express permission by the postsecondary education institution to use its facilities, uniforms, registered trademarks, products protected by copyright, and official logos, marks, or colors for the sole purpose of the intercollegiate athlete's NIL;
- the process to disclose any agreements with an athlete agent and/or attorney for the purpose of the intercollegiate athlete's NIL;
- the method used to disclose any agreements using the intercollegiate athlete's NIL; and,
- endorsements by an intercollegiate athlete's NIL that are prohibited in the following areas: tobacco, alcohol, illegal substances or activities, banned athletic substances, and gambling.

VIII. ADDITIONAL GENERAL GUIDELINES

A contract for compensation for the use of the NIL of an intercollegiate athlete under 18 years of age shall be executed on the intercollegiate athlete's behalf by their parent or legal guardian.

An intercollegiate athlete shall not enter into a contract for compensation for the use of the intercollegiate athlete's NIL if a term of the contract conflicts with a term of the intercollegiate athlete's athletics program's team contract.

An intercollegiate athlete must disclose any agreements made for the use of an intercollegiate athlete's NIL to the postsecondary education institution seven days before the agreement goes into effect. Individual institutions can implement policies and procedures for rushed approval if they so choose.

Any compensation earned by an intercollegiate athlete shall not be for an endorsement of tobacco, alcohol, illegal substances or activities, banned athletic substances, or any form of gambling. Each postsecondary education institution or the postsecondary education institution's athletics program shall have the discretion to determine what constitutes an endorsement of a prohibited area in these categories.

The duration of a contract for representation of an intercollegiate athlete or compensation for the use of an intercollegiate athlete's NIL shall not extend beyond their participation in an athletics program at a postsecondary education institution.

IX. REPORTING REQUIREMENTS:

Each postsecondary education institution will adopt its own policies and procedures in accordance with Louisiana law for its intercollegiate athletes to report agreements using the intercollegiate athlete's NIL.

X. MONITORING:

Each postsecondary education institution will adopt its own policies and procedures for monitoring contracted and non-contracted agreements of their intercollegiate athlete's use of their NIL.

XI. ENFORCEMENT/SANCTIONS:

Each postsecondary education institution will adopt its own enforcement guidelines and sanctions when an intercollegiate athlete does not abide by the polices set forth in this document. Violations may result in roster removal and scholarship termination.

Policy References:

Louisiana Laws Title 4, Chapter 7
NCAA Division I Name, Image and Likeness Legislative Solutions Group-
Legislative Recommendations (Updated: October 8, 2020)
State of Louisiana Bill SB 60

Review Process:

UL System Staff
Athletic Directors

Distribution:

University Presidents
Athletic Driectors