

Division: I

Proposal Number: 2023-58

Title: NAME, IMAGE AND LIKENESS ACTIVITIES -- STUDENT-ATHLETE PROTECTIONS

Status: Adopted Final

Intent: To establish student-athlete protections associated with name, image and likeness activities, as specified.

Category: Amendment

A. Bylaws: Amend 22, as follows:

22 Name, Image and Likeness Activities

22.01 General Principles.

22.01.1 Name, Image and Likeness Compensation. An individual may receive compensation for the use of the individual's name, image and likeness, which may be secured or compensated based, in whole or in part, on athletics skill or reputation. Name, image and likeness activities may not be used to compensate a student-athlete for athletics participation or achievement.

22.01.2 Offers and Inducements. Name, image and likeness activities may not be used as an inducement for an individual to enroll or remain enrolled at a specific institution.

22.02 Definitions and Applications.

22.02.1 Name, Image and Likeness Activity. Name, image and likeness activity is any activity that involves the commercial use of an individual's name, image or likeness to advertise or endorse the sale or use of a product or service. Name, image and likeness compensation must:

- (a) Include quid pro quo (e.g., compensation for work performed);**
- (b) Not be contingent upon initial or continued enrollment at a particular institution (see Bylaw 22.01.2); and**
- (c) Not be in return for athletics participation or achievement.**

B. Bylaws: Amend 22.1, as follows:

22.1 Professional Service Providers.

22.1.1 Representation for Purposes of Name, Image and Likeness Activities. An individual may use professional services, including agent representation, for the purpose of name, image and likeness activities. Business arrangements related to representation for purposes of name, image and likeness activities (e.g., travel expenses associated with meeting) shall be consistent with arrangements between the professional service provider and other prospective or current clients and align with industry standards.

22.1.2 Professional Service Provider Registry. The NCAA national office shall make available a centralized registry of professional service providers who provide or are seeking to provide services to student-athletes in a manner approved by the Board of Directors, or an entity designated by the Board.

C. Bylaws: Amend 22.2, as follows:

22.2 Disclosure of Name, Image and Likeness Activities.

22.2.1 Institutional Policies. An institution shall establish policies for student-athlete disclosure of name, image and likeness activities consistent with Bylaw 22.2 and its subsections.

22.2.2 Name, Image and Likeness Disclosure. A student-athlete must disclose a name, image and likeness agreements to the institution no later than 30 days after entering or signing the agreement. A prospective student-athlete must disclose current and expired name, image and likeness agreements no later than 30 days after enrollment in the institution. After 30 days, an institution shall not permit the student-athlete to participate in athletically related activities until the disclosure requirement is satisfied.

22.2.2.1 Required Elements of Name, Image and Likeness Disclosure. Disclosure of an individual's name, image and likeness activities shall include the following:

- (a) Names and contact information of individuals involved in the activity, including a description of the nature of the relationship between such individuals;**
- (b) Terms of the arrangement, including a description of services rendered, rights granted, term duration, compensation and payment structure (e.g., cash, barter, deferred);**
- (c) Names and contact information of professional service providers involved in the arranging, negotiating, or securing the disclosed activity, including a description of the nature of the relationship between the service provider and individuals involved in the activity; and**
- (d) Terms of compensation between the professional service provider and the student-athlete (e.g., agent contingency fee).**

22.2.2.2 Name, Image and Likeness Attestation. An individual's disclosure of name, image and likeness activities must include attestation that:

- (a) All disclosed information is complete and accurate;**
- (b) The disclosed activity is consistent with institutional and conference policy, NCAA rules and any applicable state or federal law;**
- (c) Pay or promise of pay related to the disclosed activity is not a substitute for payment for athletics participation or achievement or an inducement to enroll or remain enrolled at a specific institution; and**
- (d) Acknowledgement that failure to disclose or fraudulent disclosure may constitute impermissible unethical conduct (see Bylaw 10.1).**

22.2.2.3 Limited Disclosure. Unless otherwise noted, an individual shall not be required by the NCAA to disclose name, image and likeness activities valued at less than \$600. An individual must disclose name, image and likeness activities involving the same (or substantially the same) parties if the aggregate value of the activities is equal to or greater than \$600.

22.2.2.4 Effect of Violation. As it relates to compliance with institutional policies consistent with Bylaw 22.2.1 or its subsections, an institution shall only be held accountable through the NCAA infractions process for actions that clearly demonstrate a disregard for its stated policies.

22.2.2.5 Reporting of Disclosed information. Aggregated information related to name, image and likeness activities disclosed to an institution shall be reported to the NCAA national office on a biannual basis. An institution shall make disclosed information available for examination on request by an NCAA staff member or an authorized representative of the NCAA.

22.2.2.5.1 Publication of Aggregate Name, Image and Likeness Data. The NCAA national office shall make available an aggregated database of disclosed name, image and likeness information.

D. **Bylaws:** Amend 22.3, as follows:

22.3 Education.

22.3.1 Name, Image and Likeness Education. The NCAA national office shall make available comprehensive education regarding name, image and likeness activities in a manner approved by the

Board of Directors, or an entity designated by the Board. Such education shall include the provision of standardized contract terms for use in name, image and likeness agreements.

Source: NCAA Division I Council

Effective Date: August 1, 2024

Topical Area: Name, Image and Likeness Activities

Rationale: This proposal is designed to assist student-athletes in making informed decisions as they navigate the environment surrounding name, image and likeness without exerting control over a student-athlete's decision or curtailing their name, image and likeness opportunities. While congressional action and/or state laws could help regulate the name, image and likeness environment, this proposal should be considered the first step in creating protections for student-athletes in the name, image and likeness environment, which must be regularly monitored to ensure the needs of student-athletes are met. Requiring student-athletes to disclose name, image and likeness activities (valued at or above a set minimum threshold, which mirrors the Internal Revenue Service reporting threshold) to their institutions will support institutions in meeting the educational needs of their student-athletes on name, image and likeness. The disclosure requirement will also promote clarity to student-athletes through increased transparency and promote behavior consistent with institutional values and NCAA legislation through Institutional monitoring and evaluation of name, image and likeness activities. In turn, requiring institutions to report disclosed name, image and likeness information will allow the Association to identify challenges and opportunities through the evaluation of aggregated and anonymized normative data to modify policy and processes as circumstances change. Further, establishing a national, centralized registration process for professional service providers involved in student-athlete name, image and likeness activities will assist student-athletes with making informed decisions on professional services, such as agent representation and financial advising. Last, requiring the NCAA national office to provide comprehensive educational on name, image and likeness will complement institutional educational efforts, which is required by existing Division I legislation. Including recommended standard contract terms as part of this educational plan will help student-athletes and their families understand name, image and likeness transactions and assist them in making informed decisions about the contracts they sign. Additional educational resources, to supplement institutional efforts, will provide student-athletes, their families, and individuals working with student-athletes with accurate information, clear guidelines on NCAA rules and policies, and resources to understand important related topics, such as how to read a contract and personal branding.

Estimated Budget Impact: Costs associated with national and local-level educational efforts, establishing local and national disclosure mechanisms, and establishing a national platform for the voluntary registration of professional service providers.

Impact on Student-Athlete's Time (Academic and/or Athletics): Dependent on student-athlete decision-making related to participating in name, image and likeness activities.

History:

Oct 18, 2023	In Progress	
Dec 5, 2023	Ready for Vote	
Jan 10, 2024	Adopted by Council	The Council amended the proposal to require prospective student-athletes to disclose current and expired name, image and likeness agreements no later than thirty days after enrollment at the institution instead of prior to receiving a written offer of athletically related financial aid.
Jan 10, 2024	Adopted Final	

Student-Athlete Success/Well-Being: Establishing student-athlete protections supports student-athlete success and well-being related to engaging in NIL activities.

Enforceable and Merits Outweigh Monitoring Burdens: Yes. This proposal establishes student-athlete protections in a manner that outweighs national and local monitoring burdens.

Consequential or Nationally Significant: Yes. Establishing student-athlete protections related to name, image and likeness is nationally significant.

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