



NCISAA Name, Image and Likeness Policy

A student-athlete may retain athletic eligibility under NCISAA regulations and engage in Name, Image, Likeness (NIL) activities for financial gain, provided the student's NIL activities and participation in interscholastic athletics remain separate.

Definitions:

For purposes of this policy, the following definitions apply:

- 1. NCISAA Amateur Rule:** Students who have not used or are not using their athletic skill as players for financial gain, or who have not competed under assumed names as players, shall be considered amateurs. Employment as an instructor, counselor, or official may not be considered a violation.
- 2. Student-Athlete:** Students who are legally enrolled and attending a NCISAA member school and are participating on an interscholastic athletic team at the NCISAA member school.
- 3. Name, Image, and Likeness (NIL):** The three elements of an individual's right to control the commercial use of their identity for financial gain. This concept is also known as the right of publicity.
- 4. NIL Collective:** A group of alumni, supporters, parents, or other people who own or form a corporation, limited liability company, partnership, non-profit organization, foundation, or other entity that provides NIL opportunities to student-athletes of a specific school.

Permissible and Prohibited Conduct:

Student-Athlete: Student-athletes and their families may engage or work with professional service providers, such as agents and advisors, to engage in NIL activities for financial gain.

Student-athletes must keep their NIL activities and participation in interscholastic athletics separate.

The following activities are permissible for a student-athlete to financially gain from the use of their own NIL:

- Commercial endorsements
- Promotional activities
- Social media presence
- Product or service advertisements
- Non-fungible tokens (NFTs)

Student-athletes are prohibited from engaging in the following non-exclusive list of activities when engaging in school-based interscholastic athletics:

- Making any reference to a member school or the NCISAA when engaging in any NIL activity
- Wearing a school-based team jersey or otherwise displaying the school's name, mascot, logo, or any other school identifying marks when marketing a NIL product or service
- Endorsing or promoting goods or services of any third-party NIL partner during school-based team activities and events, including but not limited to:
 - Wearing third-party apparel
 - Displaying a third-party logo or brand
 - Displaying a third-party insignia or identifying mark.

Student-athletes are prohibited from engaging in any NIL activities involving the following nonexclusive categories of products and services (this is not an exhaustive list):

- Adult entertainment products and services
- Alcohol products
- Tobacco and nicotine-related products
- Cannabis products
- Controlled dangerous substances
- Prescription pharmaceuticals
- Casinos and gambling, including sports betting and the lottery
- Video games, on-line games, and mobile devices
- Weapons, firearms, and ammunition

Member Schools: Employees, contractors, alumni and volunteers of member schools, including administrators, paid and non-paid coaches, **may not**:

- Act as a representative of a student, engage in any management or agency activities, or otherwise, be involved with a student-athletes use of their NIL. A legal guardian who is also an employee of a member school must act solely as the legal guardian and not a representative of the school
- Promise NIL opportunities to entice student-athletes to transfer or attend their school

- Offer or provide a student with any grant, loan, gift or financial benefit related to a student's NIL
- Form, direct, or engage a NIL Collective or conduct any other group interactions as it relates to student-athlete NIL activities

Reporting:

Member schools and parents/guardians are required to notify the NCISAA State Office if they have a student-athlete that enters into a NIL agreement. The member school and parents/guardians must submit the Name Image and Likeness Approval Form **and** receive approval from the State Office prior to the student-athlete competing in any NCISAA contest. Contact your athletic administrator if you have questions.

Violations:

Failure to conduct NIL activities in accordance with this policy will be a violation of the NCISAA Handbook. If the NCISAA determines a member school employee, contractor, or volunteer violates the policy, the member school and either the student or the coach, or both, will be subject to fines, loss of eligibility, forfeitures, probation and other penalties set forth in the NCISAA Handbook.

This set of Frequently Asked Questions (FAQ) is intended to assist the membership with a better understanding of the NCISAA Policy as it applies in practice so that student-athletes and their families can make informed decisions that maintain the student-athlete's eligibility.

NIL FAQ:

Will compliance with the NCISAA Policy ensure that I am eligible to participate in collegiate athletics?

No, the NCISAA Policy only addresses eligibility under NCISAA regulations. Compliance therefore does not ensure eligibility under the standards of other athletic organizations, including, but not limited to, the NCAA, NAIA, or NJCAA. Student-athletes are encouraged to communicate with those organizations to ensure any activity complies with their eligibility standards.

Are student-athletes able to work with professional service providers, such as agents and advisors, to engage in NIL activities?

Yes, student-athletes and their families are permitted to evaluate the professional support that may be available to them.

Could engaging in NIL activities impact my financial aid for college?

Yes, increased income may impact need based financial aid and grants.

What are the consequences of violating the NCISAA NIL policy?

The NCISAA will review each instance on a case-by-case basis. If the NCISAA has determined, based on the NCISAA Policy, that the NIL policy has been violated, then the student could be deemed ineligible and the member school fined, placed on probation or removed from the NCISAA.

Should the family consult a lawyer regarding any offer of a contracts or agreements?

Yes

Should the family consult an accountant regarding tax implications that may arise from a contract or agreement?

Yes

Can a student-athlete appear in a television or radio commercial for a local business?

Yes, so long as the student-athlete abides by the restrictions outlined in the NCISAA Policy.

Can a student-athlete start their own business?

Yes, so long as the student-athlete abides by the restrictions outlined in the NCISAA Policy.

Can a student-athlete get paid to run a camp, clinic, or private lesson?

Yes, so long as the student-athlete abides by the restrictions outlined in the NCISAA Policy.

Can a student-athlete be shown in their school uniform or use a photo from their high school competition as part of an advertising campaign?

No, there can be no association with the member school or NCISAA.

Can a student-athlete host a camp at their school?

No, there can be no association with the member school.

Can a student-athlete wear an accessory in a competition that is part of an NIL agreement?

No, student-athletes cannot wear anything that is part of an NIL agreement while participating in interscholastic athletic competition, including practices, games, and other school-based team activities. **NOTE:** This also applies to all-star contests in which a player was selected based on their participation as a member of the high school team, a player was contacted through their school or a representative of their school, or the contest has an affiliation, listing, or reference to the student's school, school system, or NCISAA.

Can a student-athlete get paid to promote a product or service on social media?

Yes, so long as the student-athlete abides by the restrictions outlined in the NCISAA Policy.

Can a student-athlete use a highlight video from their high school events on a social media platform that incorporates a sponsor? (Such social media platforms include, but are not limited to, Twitter, Instagram, YouTube, and TikTok.)

No, endorsements and promotional activities cannot have any affiliation with a member school or school-based events. When a social media page is sponsored by NIL activities, the student's relationship with the member school and NCISAA must remain unaffiliated.

Can an athlete post a link to a business they are receiving payment for sponsoring if there are references to the school in their social media profile where the link appears?

No. References to the school or pictures depicting the athlete in their uniform may not appear in the post containing a link to the sponsoring business.

Can a coach or other school official facilitate, coordinate, promote, or negotiate an NIL agreement for a student-athlete enrolled at his/her school?

No. A school cannot be involved with coordinating, facilitating, promoting, or negotiating agreements for student-athletes.

Can a booster club or other school support organization make payment to a student-athlete for the use of his or her name, image, or likeness?

No.

Can a school or school support organization distribute money for services to a student through a Name, Image Likeness Collective?

No. Collectives are strictly prohibited.

Are there limits as to how much an athlete can make from an endorsement or sponsorship?

No.

Are there restrictions as to the types of businesses athletes can sign NIL agreements with?

Yes.

Would it be a violation if an athlete and his/her family were offered a residence as a result of an NIL agreement after he/she had enrolled in and attended a school?

This would be a recruiting violation if a school or anyone associated with a school was involved.

Does a school have to document its athletes' NIL activities?

Not for the purposes of NCISAA. However, school officials should maintain an awareness of those activities in order to ensure that the activities do not suggest the endorsement or sponsorship of the school.