

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.

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:

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