

University of the District of Columbia

Name, Image, and Likeness Policy	Effective Date: 7/10/2023
Related Laws, Regulations, Policies and Procedures: D.C. Code §38-1631.01 <i>et seq.</i>	

POLICY STATEMENT

To establish a policy pursuant to which University of the District of Columbia (“University”) student-athletes are permitted by the University to (1) earn compensation through an endorsement contract or employment in an activity unrelated to an intercollegiate athletic program; and (2) obtain legal or professional representation of an attorney or sports agent through a written agreement, provided that in each case, the student-athlete complies with the terms and conditions of this policy and applicable law.

NIL is an abbreviation for Name, Image, and Likeness, and it refers to the ability of college student athletes to receive money in exchange for their endorsement of products or for personal appearances.

PURPOSE

The NCAA NIL policy became effective July 1, 2021. As an NCAA Division II member institution, the University’s Department of Athletics is committed to supporting student-athletes and their pursuit of NIL opportunities consistent with the applicable NCAA policy and District of Columbia law.

APPLICABILITY

This policy applies to all student-athletes who participate in intercollegiate athletics at the University.

DEFINITIONS

Compensation means any payment, remuneration, or benefit provided to a student-athlete, in cash or in kind, regardless of the date on which it is provided.

Endorsement contract means a written agreement under which a student-athlete is employed or receives compensation for the use by another party of such student-athlete’s person, name, image or likeness in the promotion of any product, service or event. “

Intercollegiate athletic program means a program at the University for sports played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association. “

NCAA means the National Collegiate Athletic Association or its successor.

Commented [RA1]: Thomas, you were to put the citation to the DC Code in the section "Related Laws, Regulations, etc. Why is that provision of the DCMR relevant?

NIL activity means licensing, transferring, or other commercial use of a name, image or likeness."

Official team activities mean all games, practices, exhibitions, scrimmages, team appearances, team photograph sessions, sports camps sponsored by the University and other team-organized activities, including, but not limited to, , news media interviews, and other related activities as specified by the University.

Prohibited endorsements means receipt of compensation by, or employment of, a student-athlete for use of the student-athlete's person, name, image or likeness ("NIL") in association with any product, category of companies, brands, or types of endorsement contracts that are: (1) prohibited by law; (2) prohibited by this policy; or (3) prohibited under the applicable University procedures adopted in accordance with this policy.

Sports agent means a duly licensed person who negotiates or solicits a contract on behalf of a student-athlete.

Student-athlete means a student enrolled at the University who participates in an intercollegiate athletic program.

University marks means the name, logo, trademarks, mascot, unique colors, copyrights and other intellectual property or defining insignia of the University.

POLICY

Endorsement Contracts and Agreements for Employment Activities

A student-athlete may only enter into an endorsement contract or agreement for other employment activities if:

Prior to engaging in NIL activity, the student athlete submits the proposed written NIL agreement or reporting form to the office of the Sr. Associate Athletic Director for Compliance who will review the agreement and determine whether the agreement conflicts with any UDC contract. The student athlete may submit a draft of the agreement for review or complete the reporting form for review if no draft agreement is available for review.

If there is a conflict, the student-athlete will be notified of the conflict. Student-athletes may negotiate a revised proposed contract to avoid the conflict and submit to the office of the Sr. Associate Athletic Director for Compliance for further review and approval.

If a student-athlete receives compensation but does not perform the work agreed upon, athletics eligibility could be jeopardized.

University employees, students, and athletic boosters are, to the extent required under NCAA rules, prohibited from creating or facilitating NIL compensation opportunities for prospective student-athletes as a recruiting inducement or current student-athletes as an inducement to remain enrolled at the University.

Prohibited Activities

Student-athletes are prohibited from using or consenting to the use of any University of the District of Columbia or Firebirds name, trademark, service mark, logo, uniform design, when performing any services or activity associated with an endorsement contract or employment activity without prior written permission from the University or its authorized designee. Student-athletes may not participate in any NIL activity while required to attend practice, scrimmage, competition or any mandatory department of athletics event.

Student-athletes should not miss class or any other academic obligation to participate in any NIL activity.

Student-athletes are prohibited from performing any service or activity associated with an endorsement contract or employment activity that interferes with any official team activities or academic obligations.

Student-athletes should not participate in any NIL activity during required team building, community service or meetings with staff.

Student-athletes are prohibited from receiving compensation from, entering into an endorsement contract with, and/or otherwise engaging in an employment activity with companies, brands, products, conduct, and/or entertainment prohibited under the University procedures adopted in accordance with this policy.

Student-athletes may not engage in any NIL activity which endorses or promotes alcohol, tobacco or an electronic smoking device, other controlled substances including marijuana, anabolic steroids, other performance enhancing substances banned by the NCAA by-law 31.2.3., sports betting, gambling, firearms, adult entertainment or any other illegal activity set forth by rules and regulations of the university.

Student-athletes may not enter a NIL agreement that conflicts with any existing university agreement.

Student-athletes may not compensate a coach or staff member to be involved in any NIL activity (social media content, videos/photography, graphics, logos, etc.)

Student-athletes may not sell team-issued equipment and apparel until eligibility is exhausted.

International student-athletes should consult the university international student service coordinator before considering a NIL activity. U. S. laws and regulations limit employment and income generating activities for F1 international students while they are in the United States.

Student-athletes may not be paid for athletic performance, for example a student-athlete cannot be compensated for being named ECC Athlete of the Year or winning the ECC championship.

A student-athlete may indicate they are a student-athlete at the University and may list personal academic and athletic accolades, however a student-athlete may not imply that the University is endorsing the NIL activity or any product or service associated with the activity.

Student-Athletes are prohibited from entering into endorsement contracts with any UDC employees and providing compensation to the employee in return for NIL services.

University employees, (in professional or individual capacity), students and athletic boosters are prohibited from entering into endorsement contracts with any student athlete or otherwise providing compensation themselves to a student athlete in return for NIL services and to the extent required under NCAA rules, are prohibited from creating or facilitating NIL compensation opportunities for a prospective student athlete as a recruiting inducement, or as an inducement to remain enrolled at the University.

Sports Agent Representation

Student-athletes may hire an agent to assist with NIL activities. The agent must **be** registered in your home State or municipality or registered pursuant to the District of Columbia Code. A student-athlete may hire a licensed attorney. A student-athlete may only enter into an agreement for representation with a sports agent if the student-athlete submits a copy of the agreement to the University.

A student-athlete may only enter into an agreement for representation with an attorney if the student-athlete submits a copy of the agreement to the University.

Financial Aid

Non-athletics grant-in-aid such as Pell, federal and other need-based aid could be impacted by NIL activity compensation. In addition, such compensation could be considered taxable income, which must be annually reported on annual income tax filings.

Educational Programming

The University is committed to provide annual educational programs and support for all student-athletes whether or not they engage in NIL activity. The department of athletics will provide the following educational sessions annually:

- Review of NIL guidelines
- Financial Literacy and entrepreneurship education
- Time management

NIL Disclosure Obligation

A University of the District of Columbia student-athlete must disclose all compensated NIL activities and receive approval prior to the activity occurring. Student-athletes are required to disclose all details regarding the activity (what the activity entails, location, date(s), time(s), individuals and businesses connected to the activity as well as compensation). Student-athletes may submit to the office of the Sr. Associate Director of Athletics for Compliance the verbal or written agreement and may use the NIL Activity Reporting Form.

Sanctions and Penalties

Failure to abide by the University's NIL Policy may result in disciplinary sanctions as determined by the University's judicial process. Such action may include reduction or

cancellation of athletics grant-in-aid, team probation, suspension, or expulsion from the team and/or the University.

Revision/Review History