



**NCAA Division I Name, Image and Likeness Proposals**  
**Question and Answer Document**  
**Updated: January 7, 2021**

This question and answer document is a working document to assist the membership in understanding the intended application of the proposals developed by the NCAA Division I Name, Image and Likeness Legislative Solutions Group. This document will be updated, and answers may be modified, as the proposals progress through the legislative process. The questions and answers in this document are based on the following proposals:

NCAA Division I Proposal No. 2020-6 (Amateurism – Use of Name, Image and Likeness – Student-Athletes);

Proposal No. 2020-7 (Amateurism – Use of Name, Image and Likeness – Prospective Student-Athletes);

Proposal No. 2020-8 Amateurism – Name, Image and Likeness Activities – Use of Professional Service Providers); and

Proposal No. 2020-9 (Amateurism – Name, Image and Likeness Activities – Third-Party Administrator).

**Definitions and Principles.**

Question No. 1: What is a name, image and likeness activity?

Answer: A name, image and likeness activity involves use of a student-athlete’s name, image or likeness for promotional purposes.

Question No. 2: What types of name, image, likeness activities are included in the proposed legislation?

Answer: For purposes of the proposed legislation, a name, image and likeness activity includes any situation in which a prospective student-athlete or student-athlete’s name, image, likeness or personal appearance is used for promotional purposes by an noninstitutional entity, including the individual prospective student-athlete or student-athlete, a commercial entity or a noninstitutional nonprofit or charitable entity. Such use may be compensated (e.g., cash, product or other benefit) or uncompensated.

<b>Examples of Name, Image and Likeness Activities</b>	
Self-employment or business ownership (providing a product or service), including examples such as music, selling sports equipment and others noted below.	Appearance in television advertisements for commercial products or services.
Providing lessons, including conducting camps, clinics and tutorials regardless of platform (e.g., live, in-person or streaming online).	Appearance in print or social media advertisements for commercial products or services.
Sale of merchandise owned by the student-athlete [other than items provided by the institution for athletics participation (e.g., awards, apparel no longer used by the institution)].	Use of a student-athlete’s name or voice in audio commercials for commercial products or services.
Sale of autographs on items not provided to the student-athlete by the institution for athletics participation.	Personal appearances (independent of the institution) by a student-athlete to promote commercial products or services (e.g., appearance at a commercial establishment).
Personal appearances (independent of the institution) not in promotion of commercial products or services.	Social media influencer (compensation for social media activity/posting).

Question No. 3: Does the proposed legislation apply to individuals before they enroll full time in a collegiate institution?

Answer: Yes. The proposed legislation applies the same to student-athletes and prospective student-athletes.

Question No. 4: Does the proposed legislation apply to institutional promotions?

Answer: No. An institution is still permitted to use a student-athlete's name, image and likeness to support its fundraising, charitable and educational activities, as well as activities considered incidental to participation in intercollegiate athletics.

Question No. 5: Does the proposed legislation permit prospective student-athletes and student-athletes to engage in athletically related name, image and likeness activities?

Answer: Yes. Prospective student-athletes and student-athletes may participate in athletically and nonathletically related name, image and likeness activities (e.g., products, services, camps/clinics, personal appearances).

Question No. 6: Does the proposed legislation allow prospective student-athletes and student-athletes to be compensated for personal appearances?

Answer: Yes. The proposed legislation would permit prospective student-athletes and student-athletes to be compensated for personal appearances while not representing the institution (e.g., no use of institutional marks or facilities).

Question No. 7: Does the proposed legislation require compensation from name, image and likeness activities to be included in a student-athlete's financial aid limitations?

Answer: No. Earnings resulting from permissible name, image and likeness activities are not counted in determining a student-athlete's or institutional financial aid limitations.

Question No. 8: What, if any, are the amateurism and eligibility implications for a student-athlete who transfers from another division within the NCAA that have differing name, image and likeness legislation?

Answer: A student-athlete must be certified by the NCAA Eligibility Center upon transfer to a Division I institution to ensure that the student-athlete's pre-enrollment activities met Division I amateurism legislation. A student-athlete's activity after initial full-time enrollment must be consistent with the name, image and likeness legislation of the division of enrollment. Therefore, a transfer student-athlete who departed their previous institution while ineligible must have their eligibility reinstated prior to being certified as eligible at the new institution, regardless of division. A student-athlete who engages in activity consistent with the name, image and likeness legislation of the division where they were enrolled at the time of the activity does not need to seek reinstatement if such activity is later determined to be inconsistent with Division I legislation.

### **Independent Name Image Likeness Activities.**

Question No. 1: Does the proposed legislation permit a student-athlete to reference involvement in intercollegiate athletics in promotion of their own business?

Answer: Yes.

Question No. 2: Does the proposed legislation permit a student-athlete to reference enrollment at a member institution in promotion of their own business?

Answer: A noninstitutional name, image and likeness activity may include a reference to the institution the student-athlete attends, consistent with institutional policies applicable to any student. However, institutional marks may not be used in such activities.

Question No. 3: Does the proposed legislation permit a prospective student-athlete or student-athlete to use institutional facilities in connection with teaching lessons or conducting camps and clinics?

Answer: Yes. Such use must be consistent with institutional policies applicable to the general public using such facilities.

Question No. 4: Does the proposed legislation permit the use of institutional facilities in connection with a prospective student-athlete or student-athlete's name, image and likeness activities other than fee-for-lessons and camps/clinics?

Answer: No. However, the proposed legislation does not preclude incidental use of institutional facilities (e.g., recording videos or podcasts in on-campus housing) provided no institutional marks are used. Use of institutional facilities that would ordinarily require a permit, an approved registration, or other form of institutional permission to use the space for commercial activity would constitute institutional involvement in a name, image and likeness activity.

Question No. 5: Does the proposed legislation permit prospective student-athletes and student-athletes to receive discounts or special arrangements from suppliers, subcontractors and other vendors based on athletics ability, skill, or reputation in connection with name, image and likeness activities?

Answer: Yes. Compensation for the use of name, image or likeness may include such discounts or special arrangements. However, NCAA legislation (e.g., preferential treatment, extra benefit) continues to apply to arrangements outside of permissible compensation for the use of the individual's name, image and likeness.

Question No. 6: Does the proposed legislation apply if a prospective student-athlete or student-athlete uses their name, image and likeness to promote their own nonprofit or charitable foundation?

Answer: Yes. A prospective student-athlete or student-athlete may use their name, image and likeness to promote their own nonprofit or charitable foundation.

Question No. 7: Does the proposed legislation permit a prospective student-athlete or student-athlete to use their name, image and likeness to sell personal items not issued by the institution (e.g., prom dress)?

Answer: Yes. Existing NCAA legislation related to offers and inducements and extra benefits would continue to apply.

Question No. 8: Does the proposed legislation allow a student-athlete to sell an item received for participation in intercollegiate athletics (e.g., awards, apparel issued and no longer used by the institution)?

Answer: No. An item received for participation in intercollegiate athletics may not be sold, exchanged or assigned for another item of value until the student-athlete has exhausted eligibility or otherwise become permanently ineligible.

#### **Advertisements and Promotions.**

Question No. 1: Does the proposed legislation permit a prospective student-athlete or student-athlete to receive compensation to endorse a commercial product or service (e.g., student-athlete appears on a billboard for a local car dealership)?

Answer: Yes.

Question No. 2: Does the proposed legislation permit the use of institutional facilities in connection with a prospective student-athlete or student-athlete's promotion of a commercial activity or service?

Answer: No.

Question No. 3: Does the proposed legislation permit a prospective student-athlete or student-athlete to receive compensation from an employer based on the employer's commercial use of their names, images or likenesses?

Answer: Yes. A student-athlete would be permitted to receive compensation from their employer based on the use of the student-athlete's name, image or likeness in addition to compensation for work performed. For example, a student-athlete may be employed by a noninstitutional sports club (not owned or operated by the institution or an institutional staff member) as an instructor and receive compensation for the club's use of the student-athlete's name, image or likeness to promote the club in addition to the value of the lessons provided.

Question No. 4: Does the proposed legislation permit references to involvement in intercollegiate athletics or enrollment at a specific member institution in connection with a student-athlete's promotion of a commercial product or service (e.g., participation in a commercial for a local restaurant)?

Answer: Yes. A student-athlete's name, image and likeness activities may include references to the student-athlete's involvement in intercollegiate athletics and a reference to the institution the student-athlete attends, consistent with institutional policies applicable to any student. However, institutional marks may not be used in such activities.

Question No. 5: Does the proposed legislation eliminate the requirement that steps be taken to stop the use of a student-athlete's name, image and likeness without the student-athlete's knowledge or permission?

Answer: Yes.

Question No. 6: Does the proposed legislation permit a student-athlete to allow the use of their name, image or likeness by a charitable or nonprofit organization and receive compensation for such use?

Answer: Yes. The same standards would apply for any noninstitutional promotional activity regardless of whether the student-athlete receives compensation for the use of their name, image or likeness.

### **Institutional Involvement.**

Question No. 1: Does the proposed legislation allow institutions to provide a student-athlete with any type of assistance in name, image and likeness activities?

Answer: Yes. Institutions would be encouraged, though not required, to provide comprehensive education to their student-athletes regarding name, image and likeness activities. The following activities would be permitted without triggering impermissible institutional involvement in a student-athlete's name, image and likeness activity: (1) Providing educational programming on name, image and likeness and associated regulations; (2) Assisting in evaluating opportunities; (3) Assistance with compliance and disclosure expectations; and (4) Assistance in the evaluation of professional service providers.

Question No. 2: Does the proposed legislation permit institutional involvement in the development, operation or promotion of a prospective student-athlete or student-athlete's name, image and likeness activities?

Answer: No. Neither the institution nor a member of the institution's staff, including contractors, may be involved in the development, operation or promotion of a prospective student-athlete or student-athlete's name, image and likeness activity. This restriction also includes representatives of an institution's athletics interests. Examples of activities that would constitute impermissible institutional involvement include, but are not limited to: (1) Institutional purchase of a work product or service; (2) Use of institutional facilities other than for teaching lessons or conducting camps/clinics; and (3) Use of institutional marks. A business developed as part of the student-athlete's coursework or academic program is not subject to these restrictions, provided such institutional assistance (e.g., access to

institutional facilities, development assistance) is extended to all participating students in the course or program.

Question No. 3: Does the proposed legislation permit institutional involvement in identifying or securing name, image and likeness opportunities?

Answer: No. It is not permissible for institutions, or third parties hired by the institution, to be involved in identifying or securing name, image or likeness opportunities for a prospective student-athlete or student-athlete (e.g., pairing a student-athlete with a company seeking a student-athlete for an advertisement).

Question No. 4: Does the proposed legislation permit the use of institutional marks in connection with a prospective student-athlete or student-athlete's name, image and likeness activities?

Answer: No.

Question No. 5: For purposes of the proposed legislation, what is an institutional mark?

Answer: An institutional mark is any protected name or identifying mark (e.g., logo, seal, protected verbiage) ordinarily requiring licensing prior to commercial use.

Question No. 6: Does the proposed legislation permit an institution to purchase memorabilia (e.g., awards) back from a student-athlete?

Answer: No.

Question No. 7: Does the proposed legislation permit an institution to purchase personal items (e.g., high school jersey) from a prospective student-athlete or student-athlete?

Answer: No.

Question No. 8: What ramifications would result if a prospective student-athlete or student-athlete participates in a name, image or likeness activity that includes institutional marks?

Answer: Participation in name, image or likeness activities that include institutional marks would affect the individual's eligibility for intercollegiate competition. Further, the institution may be culpable if it permits the use of its marks in the name, image and likeness activity.

Question No. 9: Does the proposed legislation permit the use of conference or NCAA marks in connection with a prospective student-athlete or student-athlete's name, image and likeness activities?

Answer: No.

Question No. 10: May a student-athlete use a personal social media account for name, image and likeness activities if the personal social media account includes institutional marks (e.g., posts including images of the student-athlete in uniform)?

Answer: Yes, subject to institutional policies applicable to all students. A student-athlete's social media platform (overall account) may include both commercial content and content promoting the institution. However, institutional marks may not appear in any individual social media post with commercial content (e.g., a post for which a student-athlete is compensated).

Question No. 11: May an institution contract with an outside entity to provide educational, developmental and evaluation services related to a student-athlete's name, image and likeness activities, or must the institution provide such services directly?

Answer: An institution may contract with an outside entity to provide services that do not constitute impermissible institutional involvement in name, image and likeness activities (e.g., creation of material for which a student-athlete will be compensated).

Question No. 12: May an institution or outside entity continue to develop promotional content (e.g., game highlights) using a student-athlete's name, image and likeness and institutional marks?

Answer: Yes. However, the primary purpose of the promotional content must be to promote the institution's athletics programs. Institutional marks may not be used in connection with a prospective or current student-athlete's name, image and likeness activities.

Question No. 13: May an institution compensate a student-athlete for use of their name, image and likeness through permissible campus employment?

Answer: No. It would remain impermissible for an institution to compensate student-athletes for use of their name, image and likeness. An institution may continue to employ student-athletes in positions unrelated to name, image and likeness (e.g., camp counselors, residence hall advisors, graduate assistants).

Question No. 14: May an institutional camp use the name, image and likeness of a student-athlete to promote the camp or clinic?

Answer: No. An institutional camp may use a student-athlete's name, image or likeness and institutional affiliation only in the camp counselor section in its camp brochure to identify the student-athlete as a staff member.

Question No. 15: May an institution prohibit a student-athlete from missing class, athletically related activity, or other obligations (e.g., study table) to participate in name, image and likeness activities?

Answer: Yes. An institution or conference may establish missed class time policies at its discretion.

### **Professional Services.**

Question No. 1: Does the proposed legislation permit a prospective student-athlete or student-athlete to use professional service providers (e.g., agent, tax services) in connection with their name, image and likeness activities?

Answer: Yes.

Question No. 2: For purposes of the proposed legislation, who is a professional service provider?

Answer: A professional service provider is an individual who provides services to an individual regarding their name, image and likeness. It includes, but is not limited to, an agent, tax advisor, marketing consultant, attorney or anyone who is employed or associated with such persons. Institutional staff members who provide permissible institutional assistance (e.g., education about how to prepare taxes) are not professional service providers.

Question No. 3: Does the proposed legislation permit an institution to provide professional services (e.g., contract review, tax services) to a prospective student-athlete or student-athlete in connection with their name, image and likeness activities?

Answer: No. However, if services (e.g., legal clinic) are generally available to all students, student-athletes may access the services in the same manner as general students.

Question No. 4: Does the proposed legislation permit an institution to be involved in identifying, selecting, arranging or providing payment for professional service providers related to name, image and likeness activities?

Answer: No. However, an institution may assist current student-athletes with vetting professional services providers, similar to the activities that are currently permissible for institutional professional sports counseling panels related to a student-athlete's professional sports opportunities.

Question No. 5: Does the proposed legislation permit a representative of an institution's athletics interests to provide professional services (e.g., contract review, tax services) to a student-athlete in connection with the student-athlete's name, image and likeness activities?

Answer: Yes. However, the institution may not be involved in identifying or selecting a booster as a service provider or arranging or providing payment. Existing extra benefit legislation would continue to apply.

Question No. 6: Does the proposed legislation permit a prospective student-athlete or student-athlete to receive free or discounted services from professional services providers (e.g., agent, tax services)?

Answer: A prospective student-athlete or current student-athlete is required to pay the going rate for assistance from a professional service provider; however, standard financial arrangements



may differ (e.g., flat fee, profit share, pro bono, upfront guarantee) among service providers. In addition, a prospective student-athlete or student-athlete may receive the same benefits (e.g., meals, copies, mailing) from a professional service provider that are regularly provided to other clients.

Question No. 7: Would the proposed legislation permit a prospective student-athlete or student-athlete to use professional service providers (e.g., agent, advisor) to promote their athletics reputation for professional sports opportunities?

Answer: No. A prospective student-athlete or current student-athlete may not use a professional service provider in the promotion of their athletics reputation for professional sports opportunities (e.g., agent, advisor) unless permitted by a sport-specific exception, such as the exception for NCAA certified agents in men's basketball.

Question No. 8: Would the proposed legislation permit a prospective student-athlete or student-athlete to use institutional employees or independent contractors of the institution as service providers?

Answer: No. Permissible professional service providers, for purposes of name, image and likeness activities, are limited to providers who are not employees or independent contractors of the institution. Companies that contract with an institution for the primary purpose of providing products, not services, are not deemed to be independent contractors for purposes of the professional service provider legislation.

Question No. 9: May an independent contractor of the institution that provides media rights, licensing and other marketing services (e.g., name, image and likeness readiness program) contract with a student-athlete for the purpose of managing, promoting or operating a student-athlete's name, image and likeness activities?

Answer: Yes. A student-athlete may contract with an entity that is an independent contractor of the institution, provided the primary service provider responsible for the provisions of services to the institution (e.g., employee, department, etc.) is not the same primary service provider for the student-athlete.

Question No. 10: If adopted, may a prospective student-athlete or student-athlete enter into an agreement with a professional service provider prior to the legislation's effective date?

Answer: No.

Question No. 11: Would the proposed legislation permit a prospective student-athlete or student-athlete to use professional service providers (e.g., agent, advisor) for permissible services if the providers are also registered as athlete agents?

Answer: Yes. However, the legislation regarding the use of agents continues to apply. (Impermissible for an individual to agree to be represented by an agent for the purpose of

marketing his or her athletics ability or reputation in that sport to secure an opportunity as a professional athlete, unless a specific exception applies.)

**Conflicts.**

Question No. 1: Does the proposed legislation prohibit a prospective student-athlete or student-athlete participation in name, image and likeness activities in any specific categories?

Answer: Yes. The proposed legislation precludes a current student-athlete from engaging in name, image and likeness activities with an entity that provides a product or service that conflicts with NCAA legislation (e.g., sports wagering, banned substances).

Question No. 2: Does the proposed legislation allow an institution to identify additional areas of name, image and likeness activities in which student-athletes cannot engage?

Answer: Yes. An institution may prohibit a current student-athlete's involvement in name, image and likeness activities that conflict with existing institutional sponsorship arrangements. An institution, at its discretion, may prohibit a current student-athlete's involvement in name, image and likeness activities based on other considerations, such as conflict with institutional values, as defined by the institution.

Question No. 3: What ramifications would result if a student-athlete permits use of their name, image or likeness to promote an entity that conflicts with NCAA legislation?

Answer: A student-athlete's eligibility for intercollegiate competition would be affected if their name, image, or likeness is used to promote a product or service that conflicts with NCAA legislation. An institution would generally not be culpable for a student-athlete's impermissible name, image and likeness activities, provided there is no form of institutional involvement in the activity and the institution has made a good faith effort to provide the student-athlete with education related to the obligation to fully and accurately disclose name, image and likeness activities.

Question No. 4: What ramifications would result if a student-athlete permits use of their name, image or likeness to promote an entity that provides a product or service prohibited by the institution or conference?

Answer: An NCAA violation would not result from a student-athlete's participation in a name, image and likeness activity that violates such an institutional or conference policy; however, the student-athlete would be subject to any applicable institutional and/or conference policies.

### **Boosters.**

Question No. 1: Does the proposed legislation permit the involvement of a representative of an institution's athletics interests in the development, operation or promotion of a prospective student-athlete or student-athlete's name, image and likeness activities?

Answer: No.

Question No. 2: Does the proposed legislation permit a representative of an institution's athletics interests to be a general consumer of a prospective student-athlete or student-athlete's work product or service?

Answer: Yes. Existing NCAA legislation related to offers and inducements and extra benefits would continue to apply.

Question No. 3: Does the proposed legislation permit a representative of an institution's athletics interests to compensate a student-athlete for use of the student-athlete's name, image and likeness (e.g., appearing in a commercial promoting the representative of athletics interests' business)?

Answer: Yes. Existing NCAA legislation related to employment, offers and inducements and extra benefits would continue to apply.

Question No. 4: Would the proposed legislation permit a prospective student-athlete or student-athlete to use entities that are owned or operated by representatives of athletics interests as service providers?

Answer: Yes. A student-athlete would be permitted to use such services consistent with the way the services are provided to other clients. Existing NCAA legislation related to offers and inducements and extra benefits would continue to apply.

### **Disclosure Requirements.**

Question No. 1: What name, image and likeness related information would a student-athlete be required to disclose?

Answer: A student-athlete would be required to disclose contact information for all parties involved in the use of their name, image and likeness, as well as any involved professional service providers. The student-athlete must also disclose compensation arrangements and the details of their relationship with involved parties.

Question No. 2: When does this proposed legislation require a student-athlete to disclose name, image and likeness activities?

Answer: A student-athlete must disclose information related to a prospective agreement to promote a commercial product or service in advance of the activity in order to ensure compliance with regulations on potential conflicts.

Question No. 3: How will a student-athlete's eligibility be affected based on the disclosure of name, image and likeness activities?

Answer: A student-athlete's eligibility would not necessarily be affected if the student-athlete failed to disclose required information in advance of arrangements or agreement for the use of their name, image or likeness. However, if the name, image and likeness activities are prohibited by other provisions of the NCAA Name Image and Likeness legislation or other NCAA restrictions, the student-athlete's eligibility may be affected.

Question No. 4: Will the proposed legislation require the use of a specific disclosure form?

Answer: The proposed legislation does not require use of a specific form. If adopted, Proposal No. 2020-9 will require prospective student-athletes and student-athletes to report all name, image and likeness activities to an independent third-party administrator. Procedural details and documentation standards surrounding such disclosure will be developed if the legislation is adopted.

Question No. 5: May a third-party assist a student-athlete with the disclosure requirements or submit information on a prospective student-athlete or student-athlete's behalf?

Answer: The obligation to disclose rests with the prospective student-athlete or student-athlete. A third-party may assist a student-athlete and may submit information on behalf of the student-athlete but may not assume the ultimate responsibility for ensuring that the disclosure requirements are met.

Question No. 6: Will an institution be held culpable for a student-athlete's failure to disclose a name, image, and likeness activity or a student-athlete's inaccurate or incomplete disclosure of name, image, and likeness activities?

Answer: An institution would generally not be culpable for a student-athlete's failure to disclose name, image and likeness activities, provided there is no institutional involvement in the nondisclosed activity, no reasonable expectation that the institution should have known of the failure to disclose or an inaccurate or incomplete disclosure and the institution has made a good faith effort to provide the student-athlete with education related to the obligation to fully and accurately disclose name, image and likeness activities.

### **Autographs.**

Question No. 1: Does the proposed legislation allow a prospective student-athlete or student-athlete to be compensated for autographs?

Answer: Yes.

Question No. 2: May a student-athlete sell autographs while also participating in required institutional activities or representing the institution (e.g., at team hotel, during an institutional promotional activity)?

Answer: No.

Question No. 3: May a student-athlete sell autographs in conjunction with an appearance at a commercial establishment?

Answer: Yes.

Question No. 4: May a student-athlete sell autographs through social media or their own website?

Answer: Yes.

Question No. 5: Does the proposed legislation require a prospective student-athlete or current student-athlete to disclose instances in which they are compensated for their autographs?

Answer: Yes.

Question No. 6: May a student-athlete receive compensation for autographs that include an institutional mark?

Answer: A student-athlete may be compensated for an autograph on an item owned by the individual seeking the autograph, even if such an item includes an institutional logo. However, a student-athlete may not sell autographed items that include an institutional mark or utilize a protected mark or verbiage as part of their autograph.

Question No. 7: May a student-athlete sell autographs on campus?

Answer: The proposed legislation does not preclude incidental use of institutional facilities (e.g., signing autographs in on-campus housing) provided no institutional marks are used. Use of institutional facilities that would ordinarily require a permit, an approved registration, or other form of institutional permission to use the space for commercial activity would constitute institutional involvement in a name, image and likeness activity.