



INTERCOLLEGIATE ATHLETE NAME, IMAGE OR LIKENESS (NIL) POLICY

Policy #:	AT003.1
Policy Type:	University
Responsible Executive:	Athletic Director
Responsible Office:	Athletic Compliance
Originally Issued:	November 7, 2023
Latest Revision:	November 7, 2023
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I. Policy Statement

Consistent with Louisiana State Law (state law), policy of the Board of Supervisors for the University of Louisiana System (ULS), and NCAA regulations, the University of Louisiana at Monroe (ULM) allows an Intercollegiate Athlete (“student-athlete”) enrolled at ULM to earn compensation at market value for use of the student-athlete’s name, image, or likeness (“NIL”) without effect on such athlete’s grant-in-aid or athletic eligibility; as well as retain professional representation (Louisiana registered athlete agent and/or attorney licensed to practice law) relating to this compensation.

ULM recognizes that intercollegiate athletics provide student-athletes with significant educational opportunities but that participation in intercollegiate athletics should not infringe upon the athlete’s rights to earn compensation for their NIL. Further, that a student-athlete must have an equal opportunity to control and profit from commercial use of the student-athletes NIL, and be protected from unauthorized appropriation and commercial exploitation of the student-athletes right to publicity, including the student-athlete’s name, image, or likeness.

II. Purpose of Policy

The ULS requires that ULM, as well as all ULS institutions, adopt its own policy and procedures in accordance with Louisiana law to include, among other things (1) reporting guidelines for its student-athletes to report agreements using the athlete’s NIL, (2) monitoring guidelines for contracted and non-contracted agreements of its student-athletes use of their NIL, and (3) enforcement guidelines and sanctions when a student-athlete does not abide by the policies set forth in this Policy, ULS NIL policy, and state law. Thus, this Policy provides guidelines and procedures for student-athletes promoting and/or earning compensation for their NIL and for University Employees in monitoring contracted and non-contracted agreements for its student-athletes’ usage of their NIL.

This Policy is NOT intended to prevent or discourage student-athletes from earning compensation for the use of their NIL. Rather, this Policy is intended to promote compliance with applicable laws and policies, clarify student-athletes’ rights to receive compensation for the use of their NIL, preserve athletes’ eligibility, and preserve a ULM culture that allows its athletes to engage in NIL opportunities while receiving a world-class education.

III. Applicability

This Policy is applicable to and enforceable against all current Student-Athletes, Prospective-Student Athletes, Organizations, Athletics Boosters, Athlete Agents, Employees, and outside business potentially seeking promotional opportunities of the University and/or Student-Athletes.

IV. Definitions

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.

Athletic 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.

Athletic Eligibility: A term used to reference whether an intercollegiate athlete is "eligible" to compete for the ULM Athletic Program.

Athletic Program: The intercollegiate athletic department of ULM.

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 a student-athlete with costs associated with attending ULM.

Intercollegiate Athlete (student-athlete): A student who is enrolled at ULM and participates in a sponsored sport of the ULM athletic department.

Institutional Staff Member: An officer, director, employee or agent of ULM.

Market Value: A rate of compensation to athlete for the use of their NIL based on a current and open market.

Name, Image, or Likeness (NIL): An initiative to allow a student-athlete the opportunity to benefit from the use of their NIL in ways permitted by institutional, state and NCAA legislation. Examples of how intercollegiate athletes could use their NIL (not an exhaustive list):

- Promote their own business
- Promote a corporate entity (e.g., brand ambassador, social media influencer)
- Establish their own camp/clinic
- Make an appearance at any location and receive compensation
- Sign autographs and receive compensation

Postsecondary education institution: A Louisiana public postsecondary education institution or nonpublic postsecondary institution that receives or disburses any form of state student financial assistance, including 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.

Team Activities: Any activities with an athletic or academic purpose involving student-athletes at the direction of, or supervised by, one or more of ULM's coaching or administrative staff. Such activities include but are not limited to:

- Practices
- Competition, including travel to and from away from home contests
- Academic commitments (e.g., class attendance, tutoring, academic study hall)

- Community service events
- Organized team / individual promotional events
- Compliance meetings

Team Contract: Any agreement between an intercollegiate athlete and a postsecondary education institution that could impact the intercollegiate athlete's eligibility to participate in an intercollegiate sport, including, but not limited to, scholarship agreements or participation agreements.

V. Policy Procedure

A. General Guidelines for Student-Athletes

1. **Compensation.** An ULM student-athlete may earn compensation for the use of their NIL provided:
 - a) The compensation is not provided in exchange of athletics performance, as a recruiting inducement, or as an extra benefit to remain enrolled at ULM;
 - b) The compensation is commensurate with market value; and
 - c) The compensation is not provided by ULM, or an officer, director, employee, or agent of ULM.
 - d) Class time is not missed
 - e) The opportunity does not take place during practice or competition of an ULM event.
2. **Grant-in-aid / eligibility.** The compensation earned by the student-athlete in a manner consistent with the guidelines outlined herein will not affect the student-athletes grant-in-aid or athletics eligibility. The grant-in-aid (including cost of attendance) that is awarded to a student-athlete by ULM shall not be considered compensation and shall not be revoked or reduced as a result of a student-athlete's earnings through a permissible NIL agreement or obtaining professional or legal representation pursuant to state law and this Policy.
3. **Prohibited endorsements.** Any compensation earned by a student-athlete shall not be for an endorsement of:
 - Tobacco
 - Alcohol
 - Illegal substances or activities
 - Banned athletic substances
 - Any form of gambling or gaming, including sports wagering
 - Any form of adult entertainment (including private websites)
4. **Contract execution.** A contract for compensation for the use of the NIL of a student-athlete under 18 years of age shall be executed on the student-athlete's behalf by their parent or legal guardian.

5. **Contract conflicts.** A student-athlete shall not enter into a contract for compensation for the use of their NIL if a term of the contract conflicts with a term of the student-athlete's athletics program's team contract.

6. **Contract duration.** The duration of a contract for representation of a student-athlete or compensation for the use of a student-athletes NIL shall not extend beyond their participation in an athletics program at ULM.

7. **Contract disclosure.** Prior to entering into an agreement for the use of a student-athletes NIL, the student-athlete must disclose the proposed contract or opportunity via email to the Senior Associate AD for Compliance at least seven (7) business days before the effective date of the agreement; exceptions for rushed approval will be considered on a case-by-case basis. Approval or denial of NIL opportunities shall be made at the discretion of the Senior Associate AD for Compliance in consultation with the Athletic Director. The ultimate and final approval will be left to the discretion of the Athletic Director. Once the student-athlete receives approval, the student-athlete must then submit the final contract to the Senior Associate AD for Compliance.

8. **Representation from Agent / Attorney**

a) A student-athlete may obtain representation by an athlete agent or an attorney for the sole purpose of representing the student-athlete in matters pertaining to the use of the student-athletes NIL.

b) Any representation by an athlete agent obtained by a student-athlete for the purpose of representing the student-athlete in matters pertaining to the use of the student-athletes 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 a student-athlete for the sole purpose of representing the student-athlete in matters pertaining to the use of the student-athletes NIL.

c) Any representation by an attorney obtained by a student-athlete for the purpose of representing the student-athlete in matters pertaining to the use of the student-athletes NIL, shall be licensed to practice law. The documentation shall be on file with the ULM compliance office.

9. **Taxes.** NIL income earned is subject to state and federal taxes. ULM cannot provide specific tax advice to student-athletes. All tax questions should be directed to a tax professional.

10. **Financial Aid.** Pell Grant or need-based financial aid could be impacted based on compensation from NIL activity. Questions should be directed to the ULM Office of Financial Aid.

11. **International Student-Athletes.** Current law prohibits international student-athletes from entering into a NIL agreement while in the United States. International student-athletes should not enter into any NIL agreement(s) without the guidance from the ULM International Student Office to guard against any potential immigration or tax issues.

B. ULM / Booster Involvement

1. **ULM Rights.** ULM may not prevent a student-athlete from earning compensation for their NIL; however, ULM may prohibit a student-athlete from using their NIL for compensation if such opportunity conflicts with (a) an existing institutional sponsorship agreement/contract or goes against the values of the postsecondary education institution, or (b) existing NCAA, Sun Belt Conference, ULM, or state law. ULM shall have the right, at its own discretion, to determine conflicts noted above and shall inform its student-athletes of such policies.

2. **Prohibition on ULM Involvement.** ULM, or an officer, director, employee, or agent of ULM shall not provide a current or prospective athlete with compensation for the use of the student-athlete's NIL.

3. **Athletic Staff Involvement.** ULM Athletic staff may only be involved in NIL activities in alignment with guidance issued by the NCAA, state, and federal law. Additionally, staff members may not give legal or tax advice.

3. **Prohibition on Athletic Boosters' Involvement.** Athletic 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 ULM.

C. Use of ULM Marks, Copyrights, Facilities, Apparel - Merchandise

1. **Marks.** Only with the prior written permission of ULM will student-athletes be permitted to use ULM trademarks, products protected by copyright, official logos, marks, colors, or other indicia to promote their NIL. Written permission must be obtained by completing the NIL – Request for Intellectual Property Use Form and submitted to the Senior Associate AD for Compliance for review and approval in consultation with the ULM Office of Marketing and Communications.

2. **Facilities.** Only with the prior written permission of ULM will student-athletes be permitted to use ULM facilities for NIL activities. Written permission must be obtained by completing by the ULM Facilities Use Agreement and submitted to the Senior Associate AD for Compliance for review and approval in consultation with the applicable building manager(s) for the facility to be used by the student-athlete. All individuals are required to pay applicable facilities use fees and have liability insurance as required by ULM.

3. **Apparel - Merchandise.** Student-athletes with eligibility remaining are prohibited from selling or trading ULM-issued apparel, gear, or merchandise for profit in NIL opportunities.

D. EDUCATION

1. **Financial Literacy and Life Skills Educational Workshop.** The ULM Student-Athlete Success Center and the Compliance Office will conduct an annual financial literacy and life skills educational workshop for a minimum of five hours in areas including, but not limited to:
 - a) financial aid;
 - b) debt management;
 - c) budget information; and
 - d) time management.

2. **NIL Policy and Compliance Review.** The ULM Compliance Office will provide education to its student-athletes on:
 - a) the process to gain express permission by ULM to use its facilities, uniforms, registered trademarks, products protected by copyright, and official logos, marks, or colors for the sole purpose of the student-athletes NIL;
 - b) the process to disclose any agreements with an athlete agent and/or attorney for the purpose of the student-athletes NIL;
 - c) the method used to disclose any agreements using the student-athletes NIL; and,
 - d) endorsements by student-athletes NIL that are prohibited in the following areas: tobacco, alcohol, illegal substances or activities, banned athletic substances, adult entertainment, or any form of gambling or gaming, including sports wagering.

VI. Enforcement

The Athletic Director is responsible for enforcement of this Policy.

A. Student-Athlete Sanction

Violations of this Policy, ULS Policy, Louisiana State law, and/or NCAA regulations will be reviewed by the Senior Associate AD for Compliance, or other compliance staff designated by the ULM Athletic Director. Violations may result in sanctions which may include, but not be limited to, additional mandatory education requirements, roster removal, ineligibility, scholarship termination, or disciplinary action up to expulsion from the ULM as may be determined by Student Advocacy and Accountability upon the recommendation of the Senior Associate AD for Compliance.

B. Employee Sanctions

Failure to comply with this Policy, Louisiana State law, and/or NCAA regulations may result in sanctions which may include, but not be limited to, disciplinary action up to termination of employment, as may be determined by the Vice President that an individual report to upon the recommendation of the Senior Associate AD for Compliance in consultation with the Office of Human Resources.

VII. Policy Management

Upon adoption, the Athletic Director shall be the Responsible Executive for this Policy in charge of the management of this Policy. The Senior Associate AD for Compliance is the Responsible Officer for this Policy. The Office of Athletic Compliance is the Responsible Office for this Policy.

VIII. Exclusions

N/A

IX. Effective Date

This Policy shall be effective as of the date of adoption of this Policy.

X. Adoption

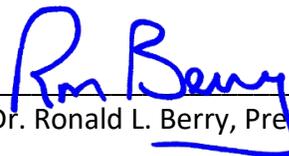
This policy is hereby adopted on this day 7th day of November 2023.

Recommended for Approval by:

Approved by:



John Hartwell, Athletic Director



Dr. Ronald L. Berry, President

XI. Appendices, References and Related Materials

- Louisiana Revised Statutes, Title 17, Chapter 30. Intercollegiate Athletics (§§ 17:3701 – 17:3704)
 - LA Legis. 2023 Regular Session, Act 105, SB No. 191
 - LA Legis. 2022 Regular Session, Act 307, SB No. 250
 - LA Legis. 2021 Regular Session, Act 479, SB No. 60
- ULS Intercollegiate Athlete Name, Image and Likeness (NIL) Policy, Effective July 1, 2021 (Policy Number: IA-V.3)

XII. Revision History

This Policy builds on and serves to update the initial NIL policy presentation developed in 2021 following the passage of Act 479 of the 2021 Louisiana Legislature, and the ULS Board adopted NIL Policy as of July 1, 2021.