

# THE DO'S AND DON'TS GUIDE TO NIL

## NAME, IMAGE AND LIKENESS

Simply, a person's name, image, and likeness (NIL) are three elements that make up a legal concept known as rights of publicity. These are identifiable to you – it is who you are.

## HOW DID WE GET HERE AND WHAT IS THE CURRENT LANDSCAPE?



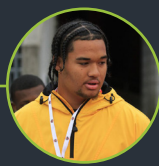
**JUNE 30, 2021**  
NCAA approves the interim NIL policy



**JULY 12, 2022**  
DCSAA clarifies HS athletes can monetize their NIL



**MAY 17, 2022**  
Nike partners with Alyssa and Gisele Thompson



**AUG. 23, 2022**  
St. John Bosco's football team becomes the first team-wide deal

## MAKING AN IMPACT WITH NIL



**Muchachos + Malachi Coleman**  
Football/Basketball/Track & Field (NE)

“ I know how some of those kids feel and how hopeless they are but I want to be able to tell them and show them that no matter your circumstances that you can make a difference. ”

Nicole Griffith  
@nicolegriff\_

From homeless to foster care and now a 4-star athlete Malachi Coleman (@ChiColeman23) is pursuing NIL as a high schooler, but he doesn't want the money.

He wants to give back to the foster care system. Powerful stuff from a 16-year-old.



## WHAT ARE THE RULES?

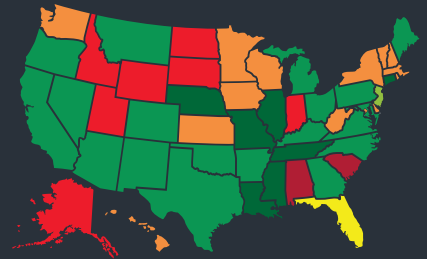
### TODAY

DCSAA Handbook 2022-23



### IF I'M BEING RECRUITED

Collegiate NIL Laws by State

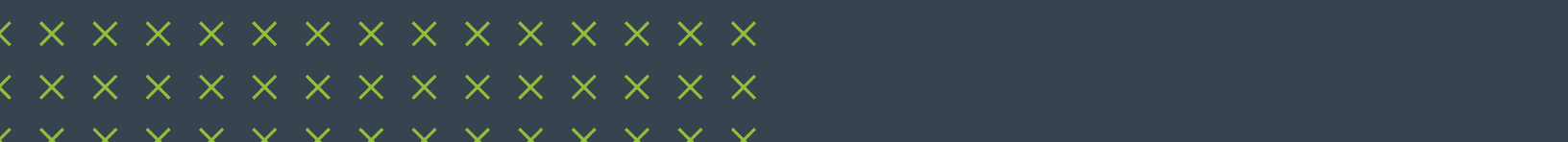


- ENACTED INTO LAW
- ENACTED INTO LAW - AMENDED
- ENACTED INTO LAW - NEW PROPOSAL
- ENACTED INTO LAW - AMENDING PROCESS
- LEGISLATION PROPOSED
- NO KNOWN ACTIVITY
- REPEALED LAW



\*As of October 2022

### IF I BECOME A COLLEGE ATHLETE



# NIL POLICY FAQs

## CAN I USE MY NIL TO RECEIVE COMPENSATION?



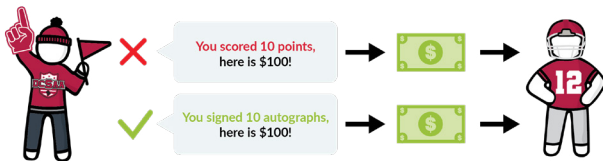
Yes! You can use your name, image and likeness to earn compensation from others.

## WHAT DO I NEED TO DO FOR AN NIL ACTIVITY?



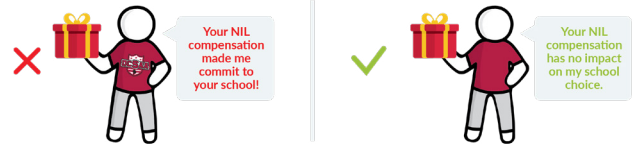
It is up to you to decide how you want to monetize your NIL, but no matter what you have to do something - that's referred to as quid pro quo. In other words, you must be doing something for somebody else.

## WHAT CAN I BE COMPENSATED FOR?



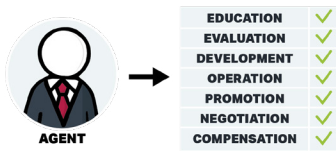
You can be compensated for almost anything, but you cannot be compensated for athletic participation or achievement (e.g., scoring touchdowns in a game).

## CAN I BE COMPENSATED FOR ATTENDING A SCHOOL?



No! Current or prospective student-athletes cannot be paid for enrolling at or staying at a certain school.

## CAN I USE AN AGENT?



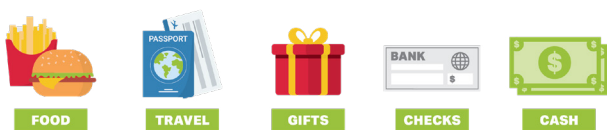
Yes! You can use a professional service provider (e.g., agent, tax advisor, marketing consultant, attorney, brand manager, etc.) for NIL activities as long as they are not representing you for professional athletic opportunities.

## CAN I USE OR WEAR MY SCHOOL'S LOGOS IN NIL ACTIVITIES?



No! You cannot wear your team uniform or use content with your school or DCSAA logos in NIL activities.

## HOW CAN I BE COMPENSATED?



You can receive compensation for NIL activities many different ways: cash, checks, digital credits, gift cards, free products or services, paid travel, complimentary meals and more.

## WILL THIS IMPACT MY COLLEGIATE ELIGIBILITY?



No, so long as you follow DCSAA and NIL regulations specific to the collegiate governing body (e.g., NCAA, NAIA, NJCAA, etc.). For more information, contact your athletic department or the appropriate association.

## DO I HAVE TELL ANYONE ABOUT MY NIL ACTIVITY?



Yes! You must notify DCSAA of any commercial or marketing endorsements.

## DO I HAVE TO PAY TAXES ON NIL MONEY EARNED?



Yes! Any NIL income earned is subject to state and/or federal taxes. Additionally, need-based financial aid could be impacted (e.g., Federal Pell Grants, etc.) based on compensation from NIL activities.



# NIL FOR THE RECRUIT

## FIRST, EXAMINE WHERE YOU ARE

The more you can answer these questions, the better prepared you are to pursue NIL opportunities

1. Do you know the DCSAA NIL rules?
2. Are you active on social media? If so, what is your following?
3. What is your current athletic status? (sport, position, experience, accolades)
4. Are you set up to engage in NIL activities today?
5. Have you done an NIL deal before?

## NEXT, KNOW WHAT TO ASK

**YOU WANT TO ASK** — **BECAUSE** — **YOU WANT TO KNOW**

- |  |   |   |
|--|---|---|
| 1. "What does your college do for NIL? What rules would I have to follow?"   | ➔ | "Does the college know their stuff?"                        |
| 2. "Does your college have an NIL Director? If so, can I meet them?"   | ➔ | "Is NIL a priority at this college?"                        |
| 3. "Does your college have any NIL-specific coursework and/or collaborate with other departments on campus?"   | ➔ | "Can I learn about NIL in an academic setting?"             |
| 4. "Does your college have any partners in the NIL space? If so, can you explain to me what they do and why they are the best solution for me as an athlete?"                                | ➔ | "Do I have the best tools?"                                 |
| 5. "What types of deals have athletes at your college done? What brands have your athletes worked with? Does your school have any examples of an athlete in my position who has done deals?" | ➔ | "Are there realistic NIL opportunities for me here?"        |
| 6. "Does your college have an NIL Collective?"   | ➔ | "Is the fanbase invested in the athletes on the NIL front?" |

## DO NOT ASK

1. "How much money will you give me to come here?"
2. "If you have an NIL Collective, can I meet with them while I am here?"
3. "School X offered me \$X in an NIL deal if I go there, what can you offer me?"

# STAYING SAFE IN THE NIL ERA

NIL is new and exciting – but it can be just as intimidating. Everything from agents to taxes can get complicated quickly, so if you decide to pursue NIL opportunities, be sure to have trusted individuals in your corner.

Take time to understand the rules that govern you – DCSAA, District of Columbia and Federal Law – and when in doubt, ask your school’s athletic department for help.

NIL is a team game, so you don’t want to jeopardize your eligibility to play with your team because of it.

## BEFORE YOU GET STARTED...

### Research Potential Brand Partners

- + Determine legitimacy and credibility of companies
- + Ensure company [alignment with your personal brand](#)
- + Review your point of contact with the brand

### Evaluate NIL Opportunities

- + [Consider deal expectations](#) to ensure you can deliver
- + [Review contracts](#), utilizing advisors when possible
- + Trust your instincts and avoid opportunities that feel “off”

## PROTECT YOUR PERSONAL INFORMATION

### Address and Location Safety

- + Avoid sharing your current whereabouts on social media
- + Film content in a public or nondescript location
- + Use a local PO Box for secure product shipments

### Email Safety

- + Create a business email account
  - Use this for all communication with brands and fans
  - Use this email for Zoom calls and media opportunities

### Phone Safety

- + Protect your mobile phone number
  - Dial \*67 followed by the number to block your number on a per-call basis
  - Use “Hide Caller ID” in your phone settings to block your number permanently
- + Use Google Voice or similar service for a secure line

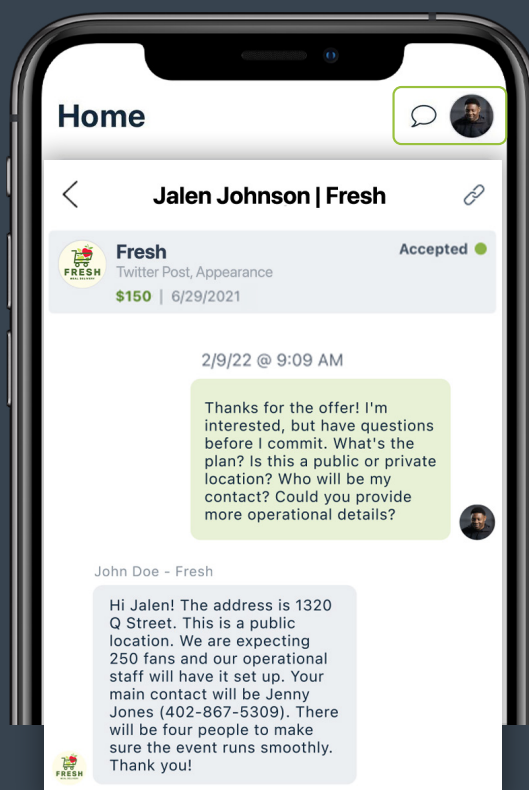
### Social Media Safety

- + Do not share access to your social media accounts
- + Use complex passwords
- + Enable two-factor authentication
- + Block, mute, and use platform safety tools to protect your experience

## SAFETY FOR PUBLIC APPEARANCES

### Confirm details for public appearances

- + Establish if the location is a public or private setting
- + Determine who will be at the location
- + Connect with your brand/fan point of contact beforehand
- + Attend public events with another person whenever possible
- + Evaluate the situation when you arrive. Think about how you will exit the event when the time comes
- + Ask questions and immediately bring any issues to your contact if something is not as expected



If you are ever unsure about an NIL opportunity, consult with your support staff and personal advisors. Your compliance department may have additional concerns about how an opportunity may affect your standing with your school, conference, division, or athletic association.