

Policy No. 1:02:02

NAME, IMAGE, and LIKENESS INSTITUTIONAL PROCEDURES for STUDENT-ATHLETES

As a member of the Tennessee Community College Athletic Association (TCCAA), _____ (the institution) supports equitable opportunities consistent with the educational objectives of the institution and student-athlete. The institution recognizes the changing landscape of collegiate athletics and the intersection of student-athletes' rights and athletic participation. The framework in these procedures seeks to allow for and support the successful two-year college athletic experience, to ensure the ability to transfer without loss of eligibility to the four-year school of a student-athlete's choosing, and to provide consistency among TCCAA institutions.

I. GENERAL

- A. Student-athletes, faculty, and staff must follow any and all applicable requirements of the institution, NJCAA, and/or TCCAA relating to Name, Image and Likeness (NIL) activity. For purposes of these procedures, "NIL activity" means any activity in which a student-athlete's NIL or personal appearance is used for promotional purposes by a non-institutional entity or person, including for use by the individual prospective student-athlete or student-athlete, a commercial entity, or a non-institutional non-profit or charitable entity, regardless of whether such use is compensated or uncompensated.
- B. These procedures are designed to enable a student-athlete to participate in the following NIL activity without losing eligibility to participate in NJCAA, TCCAA, and four-year competition:
 - 1. Participating in radio or television programs for the purpose of promoting an amateur athletic event.
 - 2. Receiving compensation for supervision of physical education, playground, or recreational activities.
 - 3. Receiving compensation for NIL activity to promote any commercial product or enterprise, or public or media appearance so long as it does not conflict with the institution's existing partnerships, sponsorships, and agreements.
- C. Compensation for the use of a student-athlete's NIL shall be provided only by a third party not owned or operating under the authority of the institution. Foundations associated with TCCAA member institutions are prohibited from paying prospective and current student-athletes for NIL activity.
- D. Student-athletes are responsible for ensuring that they comply with all NJCAA bylaws, TCCAA rules, and institutional procedures relating to NIL activity. Student-athletes are responsible for the consequences of any decisions they make related to NIL activity,

including those that might render them ineligible or cause their removal from an athletics team.

- E. Nothing in these procedures shall impact the institution's right to use the name, image, or likeness of student-athletes in accordance with NJCAA and TCCAA bylaws and policies. Student-athletes will continue to participate in institutional promotional activities such as appearances, autograph signings, digital content creation, photo shoots, and similar activities in accordance with existing rules, but cannot be paid by the institution to participate in any such activity.
- F. Any NIL activity in which a student-athlete engages shall not be deemed the speech of in the institution by virtue of the fact that the student-athlete attends an institution or participates in its athletics program.
- G. NIL activity must be commensurate with fair market value. A TCCAA institution shall use reasonable and good faith judgment in making the determination of fair market value.
- H. Any student-athlete, faculty member, or staff member who has questions about these procedures should contact:

[Insert contact information for appropriate employee at the institution.]

II. STUDENT-ATHLETE PROHIBITIONS

- A. Student-athletes shall not miss class, practice, competition, or other team activities for NIL activities. Institutions may adopt reasonable time, place, and manner restrictions to prevent an intercollegiate athlete's NIL activities from interfering with team activities, the institution's operations, and the use of the institution's facilities.
- B. Student-athletes shall not enter into agreements for NIL activity or engage in any NIL activity that:
 - 1. Involves a tobacco company or brand, including any tobacco product, alternative nicotine product, electronic nicotine delivery system, or any electronic nicotine delivery system retailer, or any specialty retailer of electronic-nicotine delivery systems or tobacco specialty store;
 - 2. Involves any alcoholic beverage company or brand;
 - 3. Involves any seller or dispensary of a controlled substance, including, but not limited to, marijuana, any substance that violates NJCAA bylaws or TCCAA rules, or any performance enhancing drug;
 - 4. Involves any adult entertainment business;
 - 5. Involves any casino or entity that sponsors or promotes gambling activities;
 - 6. Conflicts with or unreasonably competes with the terms of an existing agreement entered into by the institution. Upon making such a determination, the institution will disclose the relevant terms of any existing agreement that conflicts or unreasonably competes with the student athlete's proposed agreement;

7. Violates state or federal law, NJCAA bylaws, TCCAA policies, or TBR or institutional policies;
8. Remains in effect longer than the duration of the student-athlete's participation in an institutional athletic program;
9. The institution reasonably considers to be in conflict with the values of the institution;
10. Is conditioned on athletic performance or attendance at the institution;
11. Uses any of the institution's intellectual property, including, but not limited to copyrighted material, registered or licensed marks, logos, verbiage, or designs of a TCCAA institution, unless the institution has provided the student-athlete with written permission to do so prior to the execution of the contract. If permission is granted, the TCCAA institution, by agreement of all parties, may be compensated for the use in a manner consistent with market rates or prior practice; and

III. STUDENT-ATHLETE NOTIFICATION REQUIREMENTS

- A. Before any contract for NIL activity is executed, and before any compensation is provided to the student-athlete in advance of a contract, the student-athlete shall disclose the proposed contract and its terms to his or her TCCAA member institution in a manner prescribed by the member institution. The disclosure report must include the identities of entities or persons who provide compensation to the student-athlete, the amount of compensation received from each person or entity, and any other information the institution deems relevant for determining such identities and compensation. The institution shall review such contract to determine its compliance with this policy. For contracts executed prior to December 31, 2021, an institution may retroactively approve the contract and receipt of compensation.
- B. Student-athletes must promptly disclose any revisions or amendments to agreements for NIL activity.
- C. A student-athlete must file an annual report containing the same information as required for the initial report prior to April 1 of each year.
- D. A student-athlete's failure to abide by these requirements relating to NIL activity, or a student-athlete entering into a contract for compensation relating to NIL activity after being advised by the institution that the proposed contract for compensation is not in compliance with these procedures and applicable requirements, shall be grounds for the suspension or revocation of the student-athlete's privilege of participating in the institution's athletic programs.

IV. AGENTS

- A. Per NJCAA bylaw Section 4.B.4, student-athletes will immediately forfeit eligibility if they reach a written agreement of any type with an agent or advisor to represent the student-athlete or accept transportation, meals, lodging, entertainment, or gifts from an agent or advisor.

- B. Although limited negotiations with an agent or advisor will not cause a student-athlete to be deemed ineligible, student-athletes are cautioned to ensure that any contact with an agent or advisor is consistent with NJCAA bylaws and will not result in a student-athlete's ineligibility.

V. CONSIDERATIONS FOR STUDENT-ATHLETES

- A. Student-athletes should be aware that receiving compensation for NIL activity is income and could impact their financial aid, especially for those receiving Pell Grants or other need-based aid. To the extent that a student-athlete receives need-based financial aid, an institution may lower need-based financial aid as a result of compensation earned for the athlete's NIL activity. Institutions will treat compensation earned by student-athletes in the same manner as the institution treats compensation earned by other students with equivalent levels of financial need. Student-athletes are encouraged to consult with the financial aid office in advance of engaging in any NIL activity to fully understand these potential impacts.
- B. Entering into NIL agreements could also create tax liability. Student-athletes should consult with a tax professional regarding these issues.
- C. An international student-athlete should not accept compensation from NIL activities until after the individual has confirmed that earnings from those activities will not jeopardize or adversely affect the individual's visa or immigration status.
- D. Any agreement entered into with a student athlete under the age of eighteen for NIL activity must comply with the Tennessee Protection of Minor Performers Act, T.C.A. § 50-5-201, et seq.
- E. The institutional cannot provide legal advice to student-athletes.

VI. INSTITUTIONAL PROHIBITIONS

- A. Employees of the institution, employees of the TBR System Office, and employees of foundations that support institutions, shall not make payments to athletes for NIL activity (or any other payments to athletes). These prohibitions also apply to businesses, corporations, and other entities in which such an individual is an owner or principal. Such compensation for NIL activity may only be provided by a third party.
- B. Neither the institution nor any officer, director, or employee of the institution shall be involved in the development, operation, or promotion of a current or prospective student-athlete's name, image, or likeness, including actions that compensate or cause compensation to be provided to a student-athlete or the family of a student athlete for NIL activity.

- C. The institution shall not make direct payments in exchange for athletic performance or as a recruiting inducement. An athletics scholarship award is NOT considered compensation for NIL activity.
- D. Boosters are not permitted to make direct payments to student-athletes. Boosters are allowed to engage in NIL activity to the same extent as other third parties and if done so consistently with these procedures.
- E. Student-athletes are prohibited from wearing any item of clothing, shoes, or other gear with the insignia of any non-institutional entity while wearing athletic gear or uniforms utilized by the institution or otherwise competing in any athletic competition or member sponsored event.
- F. The institution may decide to prohibit a student-athlete from wearing any school and/or team apparel for any NIL activity, including, but not limited to, commercials, social media platforms, photos, etc.
- G. An institution may prohibit student-athletes from soliciting and/or accepting a contract for NIL activity with one or more donors or prospective donors to the institution or the foundation supporting the institution.
- H. TCCAA members shall not revoke or reduce an athletics scholarship as a result of a student-athlete earning compensation in accordance with NIL activities, unless otherwise required by federal laws or institutional standards governing need-based awards due to income received.

VII. INSTITUTIONAL OBLIGATIONS

- A. Institutions shall review and approve or deny prospective NIL activity. Institutions shall also review annual disclosures for compliance with these procedures and TCCAA policy.
- B. Effective the Spring Term of 2022, institutions shall conduct a financial literacy workshop for student athletes during the athlete's first full term of enrollment. The workshop must cover, at a minimum, information related to the requirements of Tennessee law and TCCAA policy, maintaining eligibility to compete at 4-year institutions, budgeting, and debt management.