

THOUGHT LEADERSHIP

LEGAL UPDATES

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NCAA Adopts Name, Image and Likeness Policies for Student-Athletes

National Collegiate Athletic Association (NCAA) Division I, II and III have adopted an interim policy effective July 1, 2021, deregulating rules prohibiting student-athlete compensation based on the use of their name, image and likeness (NIL). The key takeaways from the interim policy:

Student-athletes can be compensated for NIL consistent with state law where the school is located.

If attending a school without a relevant state law, student-athletes can engage in NIL activities without violating NCAA rules.

Student-athletes can use a professional service provider for NIL activities.

Student-athletes must report NIL activities consistent with state law, school or conference requirements.

Schools and conferences may choose to adopt their own policies on NIL. For example, schools may want to protect their own apparel endorsement agreements from conflicts with student-athletes.

All other NCAA bylaws remain in effect. Bylaw 13 (impermissible recruiting inducements) and Bylaw 16 (impermissible benefits) will continue to be enforced by the NCAA.

What this means to you

Every NCAA member institution will need to understand the policy and how it impacts their programs. Universities and colleges may want to adopt their own policies and should consider how the NCAA policy impacts their ability to regulate the commercial activities of student-athletes.

Contact us

If you have questions regarding NCAA compliance, please contact Jason Montgomery, Demetrius Peterson, Aleks Rushing or your Husch Blackwell attorney.

Additional resources

We also encourage you to view our recent webinar, *The New Frontier of College Athlete Name, Image and Likeness*. We invite you to register and view the recording.

We also suggest you download and review our 2021 NCAA Compliance Report, published in March 2021.