



Name, Image, and Likeness	
Responsible Official: Office of University Counsel	Responsible Office: University Counsel

Policy Purpose

This emergency policy specifies the disclosure requirements and limitations of Student-Athletes related to name, image, and likeness activities.

Policy Statement

East Tennessee State University (ETSU) faculty, staff, and Student-Athletes must follow all NCAA regulations, SoCon regulations, state laws, and federal laws related to Name, Image, and Likeness (NIL).

Pursuant to NCAA Bylaws, Student-Athletes shall not accept compensation in exchange for athletic performance or attendance at ETSU. There is potential for a Student-Athlete to receive compensation that would render the Student-Athlete ineligible. Student-Athletes are solely responsible for any decision they make and the consequences of those decisions, including, but not limited to ineligibility and removal from an ETSU Athletics team.

Nothing in this policy shall impact ETSU’s right to use the name, image, or likeness of Student-Athletes in accordance with NCAA Bylaws. 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 NCAA rules, but cannot be paid by ETSU to participate in any such activity.

If a Student-Athlete, faculty, or staff member has questions regarding NIL, they must contact the Athletics Compliance Office before acting.

I. Notification by Student-Athletes Requirement.

A. Notification before Engaging in NIL Activities.

Student-Athletes are required to disclose all agreements to ETSU regarding NIL Activities before engaging in the activities and before signing any NIL contracts. Student-Athletes must:

1. complete an ARMS form within three (3) business days of securing a NIL Activity opportunity;
2. provide a copy to ETSU of any contracts to ensure compliance with NCAA regulations, state laws, and institutional policies before signing a contract;
3. notify the Athletics Compliance Department within three (3) business days if there are any revisions/amendments to a previously approved NIL Activity; and
4. disclose each NIL Activity via a separate ARMS form regardless of whether the opportunities are associated with the same company.

A Student-Athlete is responsible for the consequences of not disclosing information to ETSU regarding a contract related to a NIL Activity until after it is executed.

B. Annual Notification.

Student-Athletes are required to file an annual report with the ETSU Athletics Compliance Office regarding all NIL activities before April 1st each year.

II. Prohibited Activities by Student-Athletes.

Student-Athletes shall not use ETSU trademarks or logos on a product without a signed license agreement with the Collegiate Licensing Company.

Student-Athletes are prohibited from: (1) wearing ETSU uniforms during a NIL Activity or to promote a product or service; (2) wearing ETSU issued team apparel or gear during a NIL Activity or to promote a product or service; or (3) using or displaying ETSU logos, trademarks, or other intellectual property owned by ETSU (e.g., photos, videos, etc.) in connection with NIL activities; if a Student-Athlete chooses to violate the requirements of this policy, ETSU may issue a warning, a sanction, may remove the Student-Athlete from a roster, and/or may pursue any remedies available by law.

ETSU Student-Athletes shall not miss class, practice, competition, or other Team Activities for the purposes of a NIL Activity. ETSU may set reasonable time, place, and manner limitations related to NIL activities. If a Student-Athlete misses class, practice, competition, other Team Activities, or violates a time, place, or manner restriction due to a NIL Activity, ETSU may issue a warning, a sanction, or may remove the Student-Athlete from a roster.

Student-Athletes and/or agents or third-party representation of a Student-Athlete shall not enter into agreements for a NIL Activity:

- A. That violate NCAA regulations;

- B. That violate state laws;
- C. That violate federal laws;
- D. That violate ETSU policies;
- E. That conflict with ETSU values;
- F. That conflict with or unreasonably competes with terms of an existing ETSU agreement;
- G. That involve a tobacco company or brand, including any tobacco product, alternative nicotine product, electronic nicotine delivery system, any electronic nicotine delivery retailer, any specialty retailer of electronic nicotine delivery systems or tobacco specialty store;
- H. That involve any alcoholic beverage company or brand;
- I. That involve any seller or dispensary of a controlled substance, including, but not limited to, marijuana;
- J. That involve the adult entertainment business;
- K. That involve any company that sells or promotes NCAA banned substances or performance enhancing drugs;
- L. That involve any casino or other entities that facilitate, sponsor, or promote gambling activities; and
- M. That involve any entity or individual that negatively impacts or reflects adversely on the Student-Athlete's team, the ETSU Athletics Department, or ETSU including, but not limited to, bringing about public disrepute, contempt, embarrassment, scandal, ridicule, or otherwise negatively impacting the reputation, moral or ethical standards or mission and purposes of ETSU.

III. Prohibited Activities by ETSU.

ETSU Athletics and ETSU employees shall not compensate a Student-Athlete for a NIL Activity or for enrollment. Compensation includes, but is not limited to cash payment, stocks, bonds, ownership rights, gifts, gifts-in-kind, free services, discounts, and extra benefits such as use of ETSU logos, trademarks, and intellectual property without a licensing agreement for fair market value. ETSU employees shall not coordinate or accept compensation from any third-party for assisting in the development, operation, or promotion of a NIL Activity involving a Student-Athlete or for any related work performed with respect to a Student-Athlete's NIL Activity. ETSU is prohibited from promoting or marketing current or prospective Student-Athletes, including third-party referrals.

Any entity that supports ETSU (e.g. Board of Trustees, Alumni Association, Van Wagner, ETSU Foundation etc.) or ETSU Athletics is prohibited from compensating a Student-Athlete for a NIL Activity or causing compensation for a NIL Activity to a Student-Athlete.

ETSU will not provide legal advice to Student-Athletes regarding NIL activities and/or contracts.

IV. Boosters.

Boosters, as defined by NCAA Bylaws, are permitted to enter into contracts with Student-Athletes for NIL Activities, subject to the provisions of this Policy and applicable NCAA regulations (e.g., prohibitions on “pay-for-play” arrangements and improper recruiting inducements) and state law.

Boosters may provide compensation to a Student-Athlete for NIL Activities provided that: (1) the agreement was not to solicit the Student-Athlete’s enrollment at ETSU; (2) the agreement is not above fair market value; (3) the agreement is for actual work performed; and (4) the agreement does not include compensation for specific athletic performance or achievement.

ETSU Athletics and ETSU employees are prohibited from coordinating any arrangements between Student-Athletes and Boosters related to NIL Activities.

V. Agents.

Student-Athletes may hire a third-party to secure NIL Activities. The Student-Athlete must disclose in writing to the ETSU Athletics Compliance Office within three (3) business days the name and contact information of any third-party the Student-Athlete hires to secure NIL Activities on behalf of the Student-Athlete. All agents must comply with state law.

NIL Agent and/or third-party representation contracts to solicit or secure NIL Activities and NIL compensation contracts cannot be in effect any longer than the duration of the Student-Athlete’s participation in an intercollegiate athletics program at ETSU.

VI. Minors.

Any NIL contract by a Student-Athlete under 18 years of age must comply with the Tennessee Protection of Minor Performers Act, Tenn. Code Ann. § 50-5-201, et seq.

VII. International Student-Athletes.

An International Student-Athlete should not accept compensation for NIL Activities until the Student-Athlete has confirmed that the earnings for those activities will not jeopardize the Student-Athlete’s visa.

VIII. Reconsideration.

If ETSU objects to a request to pursue a NIL Activity, a Student-Athlete may file a written request for reconsideration with the Senior Associate AD for Compliance via email within five (5) business days of receiving notice from the Senior Associate AD for Compliance that a request was denied. The Senior Associate AD will notify the Chair of the Reconsideration Committee; the Chair will convene a hearing and a written decision will be issued within fourteen (14) calendar days of

receipt of the appeal from a Student-Athlete. The hearing may be held in person or via electronic means at the discretion of ETSU. The Student-Athlete may attend the hearing. The Student-Athlete may also have one (1) representative at the hearing.

IX. Appeal.

If a Student-Athlete is sanctioned by the ETSU due to a violation of this Policy, a Student-Athlete may file a written appeal with the Senior Associate AD for Compliance via email within five (5) business days of receiving notice of the sanction. The Senior Associate AD will notify the Chair of the Appeals Committee; the Chair will convene a hearing and a written decision will be issued within fourteen (14) calendar days of receipt of the appeal from a Student-Athlete. The hearing may be held in person or via electronic means at the discretion of ETSU. The Student-Athlete may attend the hearing. The Student-Athlete may have one (1) representative at the hearing.

Authority:

Focus on College and University Success (FOCUS) Act
[Policy Development and Administrative Rulemaking](#)

Defined Terms

Athletics	Department of ETSU Intercollegiate Athletics
Appeals Committee	Consists of the Athletics Director, the Senior Woman Administrator, the Faculty Athletics Representative, a representative from the Office of University Counsel, and a representative from the International Office. The Faculty Athletics Representative is the chair of the Appeals Committee.
NIL Activity	Any activity in which a Student-Athlete's NIL or personal appearance is used for promotional purposes by a non-institutional entity, including for use by the individual prospective Student-Athlete or Student-Athlete, a commercial entity, or a non-institutional nonprofit or charitable entity, regardless of whether such use is compensated or uncompensated.
Reconsideration Committee	Consists of a representative from University Relations, a representative from the Branding/Marketing Department

of University Relations, the Faculty Athletics Representative, the Senior Associate AD for Compliance, and a representative from the Office of University Counsel. The Faculty Athletics Representative is the chair of the Reconsideration Committee.

Student-Athlete

Any scholarship or non-scholarship student who is enrolled at ETSU and is on a roster of an ETSU intercollegiate athletics team.

Team activities

All games, practices, exhibitions, scrimmages, team appearances, team photograph sessions, sports camps sponsored ETSU and other team-organized activities, including, but not limited to, photograph sessions, news media interviews, and other related activities as specified by ETSU.

Policy History

Effective Date:

Revised Date:

Procedure (s)

Procedure History

Effective Date:

Revised Date:

Related Form(s)

Scope and Applicability

Primary: Students

Secondary: Employment