

Tennessee State University Name, Image, and Likeness Policy

This policy sets forth the rules that apply to any Tennessee State University (“TSU”) student-athlete who chooses to use their name, image, and likeness (“NIL”) for promotional purposes including uses resulting in compensation for the student-athlete. Because of the changing regulatory landscape, TSU may amend or replace this policy at any time.

NIL Defined

NIL activity is any activity in which a prospective student-athlete or current student-athlete’s name, image, likeness or personal appearance is used for promotional purposes by an entity other than TSU, including a commercial entity, noninstitutional nonprofit or charitable entity, or by the individual prospective student-athlete or student-athlete themselves. Such use of NIL may be compensated (for example: cash, product, travel, or other benefit) or uncompensated.

Compensation Requirements

Subject to the rules and requirements stated herein, student-athletes may earn compensation for the use of their NIL. TSU will not reduce or revoke a student-athlete’s athletic eligibility, grant-in-aid, scholarships, educational benefits, or otherwise impose an adverse consequence against a student-athlete as a result of the student-athlete receiving payment for NIL activity or obtaining professional representation, unless in doing so the student-athlete violates state law, federal law, NCAA bylaws, Ohio Valley Conference requirements, TSU policies (including this Name, Image and Likeness Policy), team policies, or other applicable law. However, a student-athletes’ need-based financial aid (e.g., Pell Grant) may be impacted based on compensation from NIL.

A student-athlete may only earn compensation for unprohibited NIL activities under the following conditions:

- 1) the compensation must be commensurate with the fair market value of the authorized use of the athlete’s NIL, and compensation cannot be provided for work not yet performed;
- 2) the compensation must not be provided in exchange for athletic performance or achievement (such as financial incentives based on points scored), pay-for-play, or attendance at a particular institution; and
- 3) the compensation shall be provided by a party other than the institution or the student-athlete.

Prohibited NIL Activities

Student-athletes are not permitted use TSU’s name, logos, uniforms, or other intellectual property in the student-athlete’s personal NIL activities, whether compensated or uncompensated.

Student-athletes are not permitted to use TSU’s campus or facilities for NIL activities, whether compensated or uncompensated.

Student-athletes are not permitted to engage in NIL activities promoting gambling, tobacco, alcohol, adult entertainment, and/or performance-enhancing supplements on the NCAA's banned drug list, nor any other NIL activities that are reasonably considered to be in conflict with the values of TSU.

Student-athletes are not permitted to engage in NIL activities which conflict or unreasonably compete with the terms of an existing agreement entered into by TSU.

Student-athletes may not enter into an agreement for representation of the student-athlete or for compensation for the use of the student-athlete's NIL if the agreement will be in effect for a period longer than the student-athlete's participation in a college athletic program.

Student-athletes may not sell, exchange, or otherwise transfer for another item of value an item received for participation in a college athletic program (such as TSU-issued apparel, equipment, awards, etc.).

Student-athletes may not neglect required academic obligations or required team activities in order to perform NIL activities.

Professional Representation

Student-athletes may obtain professional representation by an athlete agent or attorney who is engaged by the student-athlete for the purpose of securing payments for the use of the student-athlete's NIL, or otherwise advising the student-athlete concerning NIL. Any such agent must be licensed by the State of Tennessee, and any such attorney must hold an active license to practice law and be in good standing in the state in which the attorney is licensed to practice. Representatives must also comply with the federal Sports Agent Responsibility and Trust Act, as applicable.

Disclosure Requirement

Student-athletes must immediately disclose to TSU any agreement for the use of the student's NIL which results in earned compensation, including an agreement for professional representation. Disclosing student-athletes shall complete the Tennessee State University Name, Image and Likeness Activity Reporting Form available at

<https://tsutigers.com/sports/2020/10/7/132465585074528376.aspx?id=75> or

<https://tsutigers.com/sports/2020/10/7/132465584610467684.aspx?id=41> and submit the form to jbell@tnstate.edu. Failure to disclose NIL activity or representation will subject the student-athlete to disciplinary action.

International Student-Athletes

International student-athletes are only permitted to earn compensation for their NIL within their home country. International student-athletes must consult with the Office of International Affairs before entering into any agreement for compensation for the use of the international student-athlete's NIL.

Prospective Student-Athletes

Prospective student-athletes must comply with applicable state or federal NIL laws, and, upon becoming a TSU student-athlete, must conform their NIL activities to this Name, Image, and Likeness Policy and any applicable NCAA and/or Ohio Valley Conference requirements.

Institution Use of NIL

Nothing in this policy shall impact TSU's ability to use student-athlete NIL or student-athlete participation in institutional promotional activities in accordance with TSU policy.