

**NAME, IMAGE, LIKENESS  
(NIL)**

As of  
6/30/2021

# BACKGROUND AND CONTINUED SUPPORT

- The University of Oregon Athletic Department has always placed a high value and advocacy on the student-athlete experience.
- We continue to use the student assistance fund (SAF) to provide graduate school testing and application fees reimbursement, Ducks Go Pro reimbursement opportunities, computer awards for high academic achievements, clothing and travel allowances to Pell Grant eligible SAs and more.
- At the earliest permissible opportunity, we:
  - Increased stipends to include the max cost-of-attendance allowance
  - Added meals incidental to participation (brunch)
- We are supportive of NIL opportunities and want to help you in this space.

## TO HELP YOU...

- **We have extended and expanded our partnership with INFLCR**
- **Student-Athlete Development is designing a plethora of education opportunities**
- **We are partnering with Nike, Facebook, alumni, donors, campus experts, licensed companies, local businesses and many more**

# HERE'S HOW YOU CAPITALIZE

- **“The reason most people fail is because they give up what they want most for what they want now.” –Emmanuel Acho**
- Understand your values and what you want your brand to be
- Attend educational opportunities
- Watch the short videos available in the Storyteller Playbook portion of the INFLCR app
- Research the companies that approach to you make sure they align with what you want your long-term brand to be
- Tell us what education you want or need

# NCAA INTERIM NIL POLICY

- NCAA Bylaws, including prohibitions on pay-for-play and improper recruiting inducements, remain in effect.
- **For institutions in states with NIL laws (Oregon Senate Bill 5) or executive actions with the force of law in effect, if an individual or member institution elects to engage in an NIL activity that is protected by law or executive order, the individual's eligibility for and/or the membership institution's full participation in NCAA athletics will not be impacted by application of NCAA Bylaws unless the state law is invalidated or rendered unenforceable by operation of law.**
- Use of a professional services provider is also permissible for NIL activities, except as otherwise provided by a state law or executive action with the force of law that has not been invalidated or rendered unenforceable by operation of law.

# BASED ON OREGON SENATE BILL 5

## STUDENT-ATHLETES MAY:

- Earn compensation for use of their name, image, and likeness
- Retain professional representation (e.g., an attorney) or an athlete agent for NIL-purposes only, and the person must be licensed in the state of Oregon and, for an attorney representative, a member in good standing of the Oregon Bar
- Outside of official team activities, earn NIL compensation even if the NIL compensation contract conflicts with team rules or the terms of a contract between the University of Oregon and a third party
- During official team activities, use products of or from a NIL compensation provider that do not conflict with team rules or the terms of a contract between the University of Oregon and a third party
- Use University facilities for NIL activities in accordance with state law and University policies for scheduling, renting or using such facilities

# BASED ON OREGON SENATE BILL 5

## STUDENT-ATHLETES MAY NOT:

- Receive compensation for use of the NIL from an Oregon post-secondary institution of education (e.g., University of Oregon) or an athletic association (e.g., NCAA), conference (e.g., Pac-12), or organization with authority over intercollegiate sports
- During official team activities, earn NIL compensation or engage in NIL activity
- During official team activities, use products of or from a NIL compensation provider that conflict with team rules or the terms of a contract between the University of Oregon and a third party

# **BASED ON OREGON SENATE BILL 5 STUDENT-ATHLETES MAY NOT:**

- **Contract with or retain a person as their NIL professional representative or athlete agent if the person represented an Oregon post-secondary institution of education at any time in the preceding four years**
- **Enter into a NIL agreement or arrangement that endorses or promotes engagement in illegal activities**
- **Miss required academic appointments or countable/required athletically-related activities (per NCAA rules) to engage in NIL activity**



# ADDITIONAL EDUCATIONAL ITEMS

- Student-athletes may autograph and sell previously licensed UO-branded items (for example, items purchased at the Duck Store)
- However, NCAA Bylaw 16.11.2.4 (Items Received for Participation in Intercollegiate Athletics) is still active and says:
  - an item received for participation in intercollegiate athletics may not be sold or exchanged or assigned for another item of value

# INTERNATIONAL STUDENT-ATHLETES

- Student-athletes who are international students may be restricted by their student-visa requirements from earning compensation for NIL activities
- To protect against potential immigration issues, international student-athletes should not enter into any NIL agreements without first seeking clarification from the UO International Student & Scholar Services
- <https://iss.uoregon.edu/>

# **BASED ON OREGON SENATE BILL 5 THE UNIVERSITY OF OREGON MAY:**

- **Protect its legal claim(s) to its intellectual property like trademarks, logos and copyrights**
- **Establish and enforce its Student Conduct Code applicable to all students enrolled at the University**
- **Require current student-athletes to disclose (through the INFLCR app) NIL compensation contracts at least seven (7) days prior to student-athletes entering in the agreement**
- **Require prospective student-athletes to disclose prior NIL compensation contracts at the time they become a current student-athlete**

## **BASED ON OREGON SENATE BILL 5 THE UNIVERSITY OF OREGON:**

- **Must disclose to student-athletes or their professional representation or athlete agent the team rule(s) or term(s) of a contract between the University and a third party that the University asserts are in conflict with student-athletes' NIL compensation contracts**

# **BASED ON OREGON SENATE BILL 5 THE UNIVERSITY OF OREGON MAY NOT:**

- **Prohibit, prevent, or restrict student-athletes from earning compensation for use of their NIL**
- **Penalize or retaliate against student-athletes for earning compensation for use of their NIL**
- **Prohibit student-athletes from participating in an intercollegiate sport for earning compensation for use of their NIL**
- **Condition student-athletes receipt of a scholarship or grant on refraining from earning compensation for use of their NIL**
- **Prohibit student-athletes from receiving food, drink, lodging, or medical expenses or insurance coverage from a third party as compensation for use of their NIL**
- **Provide compensation to prospective or current student-athletes for use of their NIL**

# EXTRA BENEFITS

- What is an extra benefit?
  - An extra benefit is any special arrangement provided you, your relatives, or friends that is not generally available to other University of Oregon students and their relatives and/or friends or is not expressly allowed by NCAA legislation.
- The acceptance of an extra benefit is a violation of NCAA rules and **will make you immediately ineligible**.
- The NCAA will require you to **donate the value** of the impermissible benefit to charity and may make the institution **forfeit every win** in which you participated while ineligible.

# SOME EXTRA BENEFIT EXAMPLES



# EXTRA BENEFITS





# **NIL AND EXTRA BENEFITS WHAT'S THE DIFFERENCE?**

- **NIL is employment and requires a transaction**
- **Extra Benefits are being given because of your athletics status without anything from you in return**

# AGENTS

- The NCAA defines an agent as any individual who, directly or indirectly:
  - Represents you to market your athletics ability or reputation for financial gain; or
  - Seeks any type of financial gain or benefit from
    - securing your enrollment at an educational institution or
    - your potential earnings as a professional athlete.
- As a student-athlete, you will be immediately ineligible if:
  - You or your family accept money or anything else of value from an agent.
  - You agree to have an agent market your athletics ability now or for the future.

# NIL AGENTS/REPRESENTATIVES

- **Student-athletes may retain professional representation (e.g., an attorney) or an athlete agent for NIL-purposes only, and the person must be licensed/registered in the state of Oregon and, for an attorney representative, a member in good standing of the Oregon Bar**

# NIL, EXTRA BENEFITS AND AGENTS QUESTIONS

