

DAVIDSON-DAVIE COMMUNITY COLLEGE

Students

NAME, IMAGE, LIKENESS ACTIVITIES

PROCEDURE 5.4.7.1

Student-athletes may earn compensation from a third-party for the use of their name, image, and likeness ("NIL"). NIL Activities are any activity on behalf of a third party in which the student-athlete receives compensation. This may include, but is not limited to, receiving compensation for participating in radio, television, and social media programs.

All NIL Activities performed by students must comply with the below procedures, the rules of the NJCAA, and any state or federal law.

COMPENSATION

Any compensation for an NIL activity must be considered Fair Market Value for the work performed. "Fair Market Value" shall mean the current market value paid to individuals similarly situated for the same or similar activities or services engaged in as an NIL activity by the student-athlete.

CONFLICTS

An NIL activity contract entered into by a student-athlete may not conflict with a provision of the student-athlete's team contract. However, a team contract shall not prevent a student-athlete from using the athlete's name, image, and likeness for a commercial purpose when the athlete is not engaged in team activities. A student-athlete entering into a contract to receive compensation for an NIL activity related to a College athletic program shall do all of the following:

- Ensure the contract terms (i) do not conflict with a provision of the student-athlete's team contract and (ii) provide for modification of the contract if a conflict is identified by the college and
- Disclose the contract in accordance with this Procedure.

USE OF COLLEGE MARKS, LOGOS, AND UNIFORMS

Student-athletes are allowed to use College and College athletic-department-related marks and logos, including team gear and uniforms, in the following situations:

- Games and other team activities as directed by the coaches
- In pictures and videos of the student-athlete competing in order to build a media presence, and in making factual statements regarding their status as a student or as a member of a team (e.g., "I am a member of the basketball team.").
- Media appearances, content, or other activities for compensation

DISCLOSURE OF NIL ACTIVITIES

Student-athletes must disclose any proposed agreement for the student to receive compensation for the use of his or her name, image, or likeness to the College Director of

Athletics prior to entering into the agreement. This may be accomplished by sending an email and confirming receipt.

Student-athletes are required to upload proof of the activity (e.g., screenshot, picture) he or she has completed for any business on his or her Opendorse account. Student-athletes are required to disclose NIL agreements through Opendorse online/App (proof of any payment).

If a student-athlete is paid directly by a third-party for the use of the student's name, image or likeness, the student-athlete is required to disclose the amount of compensation on Opendorse.

If a student-athlete is paid through Opendorse by a third-party for the use of the student's name, image or likeness, the student-athlete is required to disclose the amount of compensation received on Opendorse.

PROHIBITED ACTIVITIES

Prohibited NIL Activities include but are not limited to the following:

- NIL Activities that conflict with NJCAA rules or local, state, or federal laws
- Payments for NIL Activities that are an inducement to enroll or continue enrollment at the College
- Payments from College employees
- Payments to current student-athletes in exchange for athletic participation
- Payments from the College for the use of the student's name, image, or likeness
- Payments for NIL Activities that are never performed by the student
- Unauthorized use of college logos, marks, or other intellectual property, as set out above
- NIL agreements with gambling/sports wagering vendors, alcohol vendors, tobacco vendors, adult entertainment vendors, any vendors associated with athletic performance enhancing drugs, or any vendors that contradict the values of the College
- Payments to prospective student-athletes for future participation in athletics at the College
- NIL Activities during College athletically-related activities or required team activities, which includes but is not limited to practice, competition, academic meetings, or community service
- NIL Activities that require the student-athlete to miss College classes
- NIL Activities that conflict with any contract entered into by the College

MISCELLANEOUS

- Pell Grants or need-based financial aid could be impacted based on compensation for the use of the student's name, image and likeness. Those questions should be directed to the College's financial aid department or the student-athlete's tax advisor.
- The use of athletic department facilities at the College will require approval in advance (location agreements, including waiver of liability forms and applicable rental fees).

- A student-athlete's authorized representative for purposes of securing compensation for the student's name, image, likeness, or persona must comply with Article 9 of Chapter 78C of the North Carolina General Statutes and any applicable federal law, including the Sports Agent Responsibility and Trust Act, 15 U.S.C. §§ 7801 et seq. Any representative that is an attorney must also be a member in good standing with the North Carolina Bar.
- Opendorse will provide all College student-athletes with financial literacy, brand building and educational workshops focusing on NIL on the Opendorse App.
- Any student-athlete that is paid for NIL Activities will be earning a taxable income. Student-athletes should consult their tax advisor with questions.

It is the College's intention for its NIL Procedures to comport with any NIL guidance and policies adopted by the NJCAA. If questions arise regarding whether a certain activity may be prohibited, the student athlete is encouraged to seek guidance from the Director of Athletics.

ADOPTED: August, 2023