



# San Diego State University NIL Policy

This policy is subject to modification as changes to state law, federal law, and NCAA legislation are likely to continue in the coming months.

*(Updated 6-21-2022)*

1. NIL is NOT pay for play.
  - Compensation for a student-athletes' NIL activities may not be conditioned on athletic performance or attendance at SDSU.
2. Student-athletes are prohibited from participating in NIL activities when engaged in official team activities (e.g., practice, competition, media obligations, team travel, promotional activities, travel, etc.).
3. Student-athletes should not miss class or other academic obligations (i.e., tutors) for NIL activities.
4. Student-athletes are NOT permitted to enter into a contract if a provision is in conflict with a provision of the team's contract.
5. Student-athletes are not permitted to engage in NIL activities that conflict with NCAA rules (e.g., sports wagering, tobacco, banned substances, etc.).
  - NCAA banned substances can be found [here](#).

## **Permissible Institutional Uses of a Student-Athlete's NIL**

San Diego State University, the NCAA, and the Mountain West Conference may use the NIL of a student-athlete to generally promote or to support activities considered incidental to the student athlete's participation in intercollegiate athletics (e.g., conference championships, NCAA championships or other NCAA events, activities or programs) provided the provisions in NCAA Bylaw 12.5.1.1 are satisfied. Student-athletes will have the opportunity to review and agree to these rights annually.

## **Institutional / Third-Party Involvement**

## **SDSU Staff, including but not limited to, coaches, staff, and university contractors, involvement in NIL activities:**

1. The following support **IS** permitted:
  - Directing third parties and/or student-athlete to marketplaces;
  - Assisting with evaluation of professional service providers;
  - Assisting with evaluating NIL opportunities;
  - Providing NIL education programming;
  - Purchasing goods or services from a third party that provides NIL opportunities to SAs
2. The following activities are **NOT** permitted:
  - Compensating or being directly involved in compensation to a current or prospective student-athlete for use of their NIL.
  - Purchasing goods or services from a student-athlete's owned business in excess of reasonable personal needs/uses.
  - Permitting the use of institutional facilities and/or institutional marks outside of the established campus policies and procedures;
  - Acting as an agent or professional service provider to represent a student-athlete or negotiate a contract;
  - Accepting compensation or benefits of any kind, for assisting in the identification, development, operation, or promotion of a NIL compensation opportunity involving a student-athlete, or for any related work performed with respect to student-athlete NIL activities; or
  - Offering any guarantees of present or future NIL compensation as a recruiting inducement or otherwise.

## **SDSU Booster involvement in NIL activities:**

1. May only be involved in legitimate NIL business activities with current and prospective student-athletes when services and compensation are consistent with the services and compensation provided to other clients. Compensation may not be conditioned on athletic performance or attendance at SDSU.

Existing NCAA legislation related to Employment, Offers of Inducements, and Extra Benefits still apply.

## **Disclosure**

1. All agreements for NIL activities must be disclosed to SDSU.
  - Student-athletes are required to submit all NIL activities using Opendorse Monitor.
  - All NIL activities should be submitted to SDSU prior to entering into an agreement for or participating in NIL activities.

- Disclosure is NOT an approval process. SDSU will provide an acknowledgment of receipt upon receiving a disclosure.
- While SDSU requires disclosure, no SDSU employee or independent contractor may provide student-athletes legal, financial, or business advice regarding NIL activities.

## **SDSU Logos/Marks**

San Diego State University's rights to its marks and other intellectual property are controlled and protected by federal and state law.

1. Student-athletes will only be allowed to use SDSU marks and logos, team or player photographs and videos, or aspects of the uniform (including but not limited to designs and player numbers) for NIL activities if those rights have been secured through a written agreement granting specific rights from San Diego State University.
2. Student-athletes are permitted to enter into NIL agreements with existing SDSU Corporate Sponsors to include SDSU intellectual property provided the SDSU Corporate Sponsor has received prior written approval from the SDSU Athletics Multimedia Rights Partner.
  - Sponsors with a current marketing partnership with SDSU Athletic Partnerships, that meet the established requirements, may be granted the ability to extend their IP rights into the NIL space. SDSU Athletic Partnerships will review and approve, at their discretion, all requests from Sponsors to engage in NIL activities with current SDSU student-athletes. Prior approval on all creative is required.

## **SDSU Facilities**

1. SDSU facilities are permitted to be used for NIL activities provided SDSU policies and procedures for renting such facilities are followed.
  - If using SDSU facilities for NIL activities, student-athletes are responsible for following campus processes and permissions which includes, but is not limited to, contracts and payment through the SDSU Conference Services.
  - Student-athletes should NOT use their status as a student-athlete to gain access to SDSU facilities for NIL activities.

## **Professional Service Providers**

1. Student-athletes are permitted to obtain professional representation in relation to contracts or legal matters including, but not limited to, athlete agents or legal representation.

2. Professional representation shall be from persons licensed by the state.
  - These individuals are expected to register with the SDSU Athletics Compliance Office
3. Student-athletes are required to pay the representative's normal fee for NIL activities.
4. No institutional employees (or SDSU independent contractors) may serve as a professional service provider or assist in identifying, selecting, arranging, or providing payment for professional service providers.
5. Using professional service providers to market a student-athlete's athletic ability or reputation in a sport to secure an opportunity as a professional athlete may jeopardize your NCAA eligibility.
6. We recommend a limited scope of representation being very clearly defined in any agreements you sign with a professional service provider.

## **Exceptions**

1. SDSU, at any time, may authorize variances from, or exceptions to, this NIL Policy that are consistent with SDSU's commitment to compliance with federal law, state law, and conference or NCAA rules.