

**RESOLUTION APPROVING THE POLICY ON STUDENT ATHLETE PARTICIPATION
IN NAME, IMAGE, LIKENESS OPPORTUNITIES**

WHEREAS, effective 2021, the NCAA issued rules that permit student athletes to benefit financially from their Name, Image, and Likeness (hereinto referred to as NIL) for commercial purposes; and

WHEREAS, the Virginia General Assembly adopted legislation in 2022 regulating the scope of student athlete NIL activities in Virginia that was codified in §23.1-408.1, Code of Virginia, as amended; and

WHEREAS, the General Assembly, with the support of the Governor, amended §23.1-408.1, Code of Virginia, as amended, effective July 1, 2024; and

WHEREAS, §23.1-408.1, Code of Virginia, as amended, requires that an institution submit to the Board of Visitors for approval the institutional NIL policy; and

WHEREAS, a policy on student athlete participation in Name, Image, and Likeness opportunities has been developed that tracks the requirements of §23.1-408.1, Code of Virginia, as amended;

NOW, THEREFORE, BE IT RESOLVED, that the policy on Student Athlete Participation in Name, Image, Likeness Opportunities be adopted.

RECOMMENDATION:

That the Policy on Student Athlete Participation in Name, Image, Likeness Opportunities be adopted.

August 28, 2024



Virginia Polytechnic Institute and State University

Policy on Student Athlete Participation in Name, Image, Likeness Opportunities

No.

Policy Effective Date:
08/27/24

Last Revision Date:
08/27/24

Policy Owner:
Whit Babcock,
Athletics Director

Policy Author:
(Contact Person)
Brandon Hall,
Executive Associate
Athletics Director and
Chief Financial Officer

Affected Parties:
Undergraduate
Graduate
Faculty
Staff
Other

1.0 Purpose

Section 23.1-408.1, Code of Virginia, as amended, authorizes creation by the university of a Name, Image, and Likeness (NIL) Program for student athletes.

2.0 Policy

Consistent with Section 23.1-408.1, Code of Virginia, this policy and any future modifications must be approved by the university's Board of Visitors.

2.1 Applicability of Policy

Virginia Tech permits student athletes to receive compensation for the use of their name, image, and likeness for actual services rendered by the student athlete related to their participation in the university's intercollegiate athletics program. This policy does not regulate activities that are not related to intercollegiate athletics, provided such activities do not impact the student athlete's eligibility under NCAA, athletic conference, or university rules. Further, this policy is separate from any other student athlete payments, including but not limited to scholarships, provided by the university.

2.2 Student athlete participation in Name, Image, and Likeness program

- 2.2.1 Student Athletes must register their NIL participation with the athletic department if the student anticipates receiving in excess of \$600 per season and for any sums earned for work performed for university.
- 2.2.2 Student Athletes participating in the NIL program shall attend the athletic department educational program on money management once per academic year.
- 2.2.3 The university will not compensate student athletes for their NIL rights for participation in academic, or university athletic activities, including but not limited to practices, scrimmages, competitions, whether televised or not.
- 2.2.4 As a condition of intercollegiate athletic participation, student athletes are required to assign a full paid-up royalty free nonexclusive license to NIL rights to the university for participation in activities identified in subsection 2.2.3. above.
- 2.2.5 Student Athletes must remain in good standing with the university including academically, with Student Conduct, with the Honor System, and with the Corps of Cadets (if applicable) and remain enrolled to continue to participate in NIL activities as identified in this policy. Additionally, student-athletes must comply with all athletics policies including, but not limited to, the Student-Athlete Handbook and Policy 1036 (Student-Athlete Monitoring and Assistance Program) to participate in the NIL program.



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2.3 Restrictions

2.3.1 Nothing in this policy shall be construed as an employment relationship between the student athletes and the university for their participation in the university's inter-collegiate athletics department.

2.3.2 Student Athletes participating in the NIL program shall not earn compensation in connection with any of the following:

- a. Alcohol and alcoholic beverages;
- b. Adult entertainment;
- c. Cannabis, cannabinoids, cannabidiol, or other derivatives, not including hemp or hemp products;
- d. Controlled substances as defined in Virginia Code § Section 54.-3401
- e. Drug paraphernalia, as define in Virginia Code Section § 18.2-265.1
- f. Tobacco, tobacco products, alternative nicotine products, nicotine vapor products, and similar products and devices;
- g. Weapons, including firearms and ammunition for firearms; and
- h. Casinos or gambling, including sports betting.

2.3.3 Without university written permission, student athletes may not use university marks, facilities, apparel, equipment, or intellectual property to earn NIL compensation.

3.0 NIL Activities Scope

3.1 The university may permit the use of certain university assets as an incentive to an outside entity that supports NIL opportunities for university student athletes subject to subsection 2.3.3 above. Specifically:

- 3.1.1** The Director of Athletics may permit use of university facilities assigned to the Athletics Department consistent with the delegated authority provided by the Vice President for Facilities.
- 3.1.2** The Director of Athletics may permit the use of other departmental resources, including but not limited to personnel and equipment for these purposes.
- 3.1.3** The use of university facilities or resources not assigned to the Athletics Department must be approved by the Executive Vice President and Chief Operating Officer or his or her designee. The use of Athletics trademark licensing or benefits may also be permitted if approved by the Director of Athletics.

3.2 The university may enter into an agreement with a third-party or affiliated entity to manage NIL activities.

3.2.1 Any third party or affiliated entity will be subject to the terms of a mutually written agreement.

3.3 Marketing activities by third parties and or an affiliated entity shall put forth factors to the University upon which NIL agreements with student athletes shall be administered, including such considerations as equity in marketing, fair student athlete compensation, and a matrix detailing factors such as audience interest and student athlete participation obligations.

4.0 Definitions

Conference means any athletic conference to which the university is a member.



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NCAA means the National Collegiate Athletic Association.

NIL means Name Image and Likeness of a student athlete participating on an intercollegiate athletics team.

5.0 References

1. 23.1-408.1 Code of Virginia, as Amended.
<https://law.lis.virginia.gov/vacode/title23.1/chapter4/section23.1-408.1/>

6.0 Approval and Revisions