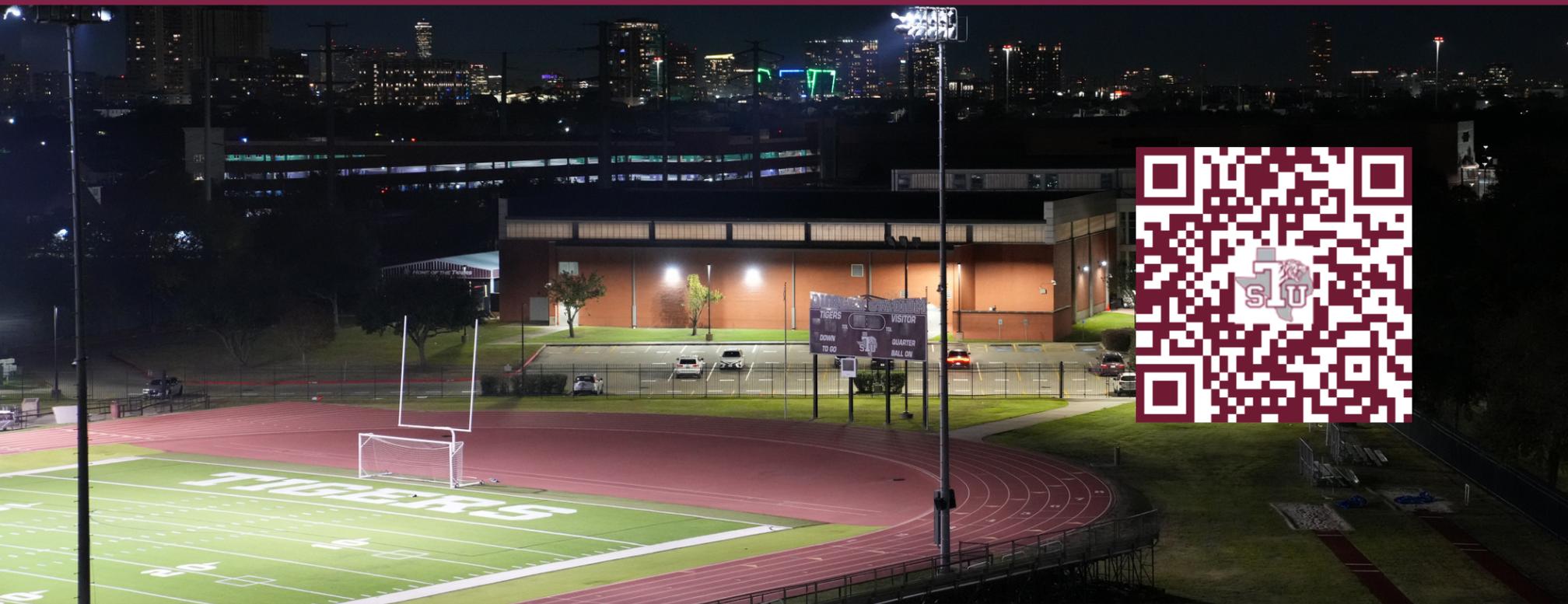




# NAME, IMAGE & LIKENESS

## FREQUENTLY ASKED QUESTIONS



**Effective July 1, 2021, the NCAA no longer restricts student-athletes from earning compensation from the commercial use of their name, image, and likeness (NIL).**

The following FAQ has been developed to assist individuals in understanding the requirements to compensate a TSU student-athlete for NIL activities and for TSU student-athletes to educate themselves on prospective NIL opportunities.

Please note, NCAA regulations regarding NIL are subject to frequent change. This FAQ is intended as a guide only.

### OVERVIEW OF THE TEXAS STATE LAW

Effective July 1, 2021, the State of Texas through S.B. No. 1385 permits student-athletes to receive compensation for use of their name, image, and/or likeness in some situations. NIL legislation in the State of Texas was updated effective July 1, 2023, through H.B. 2804. The legislation requires the student-athlete to disclose in advance to the institution any proposed contracts/situations where the name, image, and/or likeness of the student-athlete may be used. Updated effective July 1, 2023, Texas' NIL bill allows use of institutional property, apparel, logos, marks, etc., which can now be used permissibly with advanced authorized approval from the university. Please check with the Compliance Department for approval.

### GENERAL NIL FAQ

**Q: Definition of Name Image and Likeness:**

**A:** Most simply, “name, image and likeness” are three elements that make up a legal concept known as “right of publicity.” Right of publicity involves those situations where permission is required of a person to use their name, image or likeness. For example, no permission is required for a newspaper to publish a photo of an athlete playing in a game. The legal copyright would belong to the photographer, not the person pictured. However, permission would be required for a company to mention that someone endorses their product or services.

**Q: Can I just give or donate money to a TSU student-athlete because of their status as a student-athlete?**

**A:** No. You cannot just give money to a TSU student-athlete because of their status as a student-athlete. NCAA extra benefit and recruiting inducement rules still apply and violation of these rules could endanger a student-athlete's eligibility. Compensation must be in exchange for an action on the student-athlete's part (e.g., promotion, appearance, autograph, etc.).

**Q: Does TSU have an NIL policy?**

**A:** Yes, TSU has an NIL policy that sets forth what student-athletes, the university, donors/boosters, and others can and cannot do with regard to NIL at Texas Southern, as well as additional obligations of the student-athletes.

**Q: What are “NIL Activities?”**

**A:** Generally speaking, NIL Activities means any activity in which student-athletes are compensated in any way for the use of their name, image, likeness, or personal appearance. Common examples include camps/clinics, personal appearances, selling autographs, merchandise sales, and sponsored social media posts.

**Q: What is “Compensation?”**

**A:** Compensation for NIL Activities CAN be anything of value, monetary or otherwise, including but not limited to cash, gifts, in-kind items of value, social media compensation, payments for licensing or use of publicity rights or other intellectual or intangible property, and any other form of payment or remuneration.

Compensation for NIL Activities **CANNOT** be tuition, room and/or board, books, fees, personal expenses, and/or any other financial aid, benefits, or awards that the institution provides to a student-athlete. It also **CANNOT** be federal Pell grants and other state and federal grants or scholarships unrelated to, and not awarded because of a student-athlete's participation in intercollegiate athletics or sports competition.



# NAME, IMAGE & LIKENESS

## FREQUENTLY ASKED QUESTIONS

### FAQ FOR DONORS

**Q: Can I enter into an agreement with a TSU student-athlete for the use of the student-athlete's name, image, or likeness?**

**A:** Yes. Donors may enter into agreements with and/or provide compensation to TSU student-athletes for use of the student-athlete's name, image, or likeness so long as the donors use of that name, image, or likeness is in exchange for money, goods, or services and complies with the NCAA Interim Policy, the TSU NIL Policy, and any other applicable laws, rules, or regulations.

**Q: Can I just give or donate money to a TSU student-athlete because of their status as a student-athlete?**

**A:** No. You cannot just give money to a TSU student-athlete because of their status as a student-athlete. NCAA extra benefit and recruiting inducement rules still apply and violation of these rules could endanger a student-athlete's eligibility. Compensation must be in exchange for an action on the student-athlete's part (e.g., promotion, appearance, autograph, etc.).

**Q: Can TSU and/or its staff members assist me in connecting with a student-athlete to discuss utilizing their NIL and/or providing NIL opportunities?**

**A:** No. Neither TSU nor its staff members can assist you in connecting with a TSU student-athlete to discuss NIL opportunities. However, you may find information about TSU student-athletes on our website ([TSUSPORTS.COM](http://TSUSPORTS.COM)).

**Q: Are there any restrictions on how much compensation a student-athlete can receive for NIL Activities?**

**A:** No. There is no specific limitations on how much compensation a student-athlete can receive for NIL Activities. However, each NIL deal should be for market value. All NIL Activities must be quid pro quo: there must be an exchange of goods for services for compensation related to one's NIL.

**Q: Are there any industries or products that a student-athlete may not endorse?**

**A:** Yes. Texas law prohibits a student-athlete from entering into a contract for the use of the student athlete's name, image or likeness in exchange for an endorsement of:

Alcohol ● Tobacco products ● E-cigarettes ● Anabolic steroids  
Sports betting ● Casino gambling ● A firearm the student-athlete cannot legally purchase, or A sexually oriented business as defined in Section 243.002, Local Government Code

**Q: Can an NIL contract and/or payment of NIL compensation stipulate that a student-athlete must compete for, or attend, TSU (or any other NCAA school)?**

**A:** No. Neither an NIL contract nor payment of NIL compensation stipulate and/or be contingent upon a student-athlete competing for, or attending, TSU (or any other NCAA school).

**Q: Can a TSU student-athlete use TSU marks and logos and/or wear TSU-branded attire during NIL Activities (e.g., can a TSU student-athlete film a commercial while wearing a TSU-branded shirt)?**

**A:** No. TSU student-athletes cannot use TSU marks and logos and/or wear TSU-branded attire during NIL Activities.

### FAQ FOR BUSINESSES

**Q: Can I enter into an agreement with a TSU student-athlete for the use of the student-athlete's name, image, or likeness?**

**A:** Yes. Businesses may enter into agreements with and/or provide compensation to TSU student-athletes for use of the student-athlete's name, image, or likeness so long as the donors use of that name, image, or likeness is in exchange for money, goods, or services and complies with the NCAA Interim Policy, the TSU NIL Policy, and any other applicable laws, rules, or regulations.

**Q: Can TSU and/or its staff members assist me in connecting with a student-athlete to discuss utilizing their NIL and/or providing NIL opportunities?**

**A:** No. Neither TSU nor its staff members can assist you in connecting with a TSU student-athlete to discuss NIL opportunities. However, you may find information about TSU student-athletes on via [www.TSUSPORTS.com](http://www.TSUSPORTS.com).

**Q: Can TSU marks or logos be used in NIL Activities?**

**A:** Maybe. Student-athletes are only allowed to use TSU marks or logos to earn Compensation for retail NIL Activities and only if student-athletes have secured the rights to use those TSU marks or logos through existing channels and in connection with a valid agreement granting those specified rights. TSU's current exclusive product licensing agent is CLC.

Student-athletes cannot use TSU marks and logos in connection with any non-retail NIL Activity (e.g., appearances, social media, advertisements, camps/clinics, etc.).

**Q: Can a TSU student-athlete receive compensation for NIL based on the student-athlete's athletic performance at TSU?**

**A:** No. A TSU student-athlete cannot receive compensation for NIL based on their athletic performance at TSU.

**Q: Are there any restrictions on how much compensation a student-athlete can receive for NIL Activities?**

**A:** No. There is no specific limitations on how much compensation a student-athlete can receive for NIL Activities. However, each NIL deal should be for market value.

**Q: Can a business provide a TSU student-athlete with non-cash compensation (e.g., free meal, discounts, etc.) for an NIL Activity?**

**A:** Yes. In-kind compensation is permissible, provided that the NIL Activity complies with all NCAA policies, TSU policies, and any applicable laws, rules, or regulations.

**Q: Can a business provide a TSU student-athlete with non-cash compensation (e.g., free meal, discounts, etc.) without the student-athlete performing an NIL Activity?**

**A:** No. NCAA rules regarding pay-for-play, extra benefits, and recruiting inducements are still in effect.





# NAME, IMAGE & LIKENESS

## FREQUENTLY ASKED QUESTIONS

### FAQ FOR STUDENT-ATHLETES

**Q: Who do I contact regarding NIL questions?**

**A:** Please reach out to Athletics Compliance and contact either **Mr. Larry Woods** (713-313-7061 / [larry.woods@tsu.edu](mailto:larry.woods@tsu.edu)) or **Mr. Gino Simoni** (713-313-7442) / [gino.simoni@tsu.edu](mailto:gino.simoni@tsu.edu))

**Q: Am I required to disclose my NIL Activities to TSU?**

**A:** Yes. You are required to disclose all participation in and Compensation earned from NIL Activities to TSU within four (4) calendar days of entering into a contract for NIL Activities and/or earning Compensation from NIL Activities. These disclosures will include information about the NIL Activity, including Compensation earned as well as your use of a Professional Services Provider. To disclose an NIL Activity, please reach out to Athletics Compliance.

**Q: Can I use TSU facilities for my NIL Activities?**

**A:** Maybe. You may only use TSU facilities for your NIL Activities if you have rented the facility in the same manner as the facility is made available to the general public (e.g., facility use agreement, payment of rental fees, etc.). Any use of TSU facilities for NIL Activities must be done in compliance with all applicable TSU policies and procedures. You cannot use TSU facilities in a manner that creates the impression – either express or implied – that TSU expressly or indirectly supports or endorses a third-party product or service.

**Q: Will NIL Compensation impact my athletic scholarship?**

**A:** No. Compensation earned from your NIL Activities cannot affect the amount, duration, or renewal of, or your eligibility for, any athletic scholarship. However, Compensation earned from your NIL Activities may be used for the calculation of income for determining eligibility for need-based financial aid and Pell grants.

**Q: Can I autograph and sell items I receive from the TSU Athletics Department (i.e., shoes, apparel, etc.)?**

**A:** No. You cannot sell any items you receive from the TSU Athletics Department.

**Q: Can I miss class to participate in NIL Activities?**

**A:** No. You cannot miss class to participate in NIL Activities.

**Q: Can I miss team activities (i.e., practices, competition, meetings, training, etc.) to participate in NIL Activities?**

**A:** No. You cannot miss team activities (i.e., practices, competition, meetings, training, etc.) to participate in NIL Activities.

**Q: Can I wear my uniform or any TSU-issued apparel while engaging in NIL Activities?**

**A:** No. You cannot wear your uniform or any TSU-issued apparel while engaging in NIL Activities.



**SCAN FOR MORE INFORMATION**

**Q: Can employees of and others associated with TSU (including the Athletic Department) arrange NIL Activities for me?**

**A:** No. TSU employees, including but not limited to athletics staff and coaches, cannot be involved, either directly or indirectly, in (1) finding NIL opportunities for you, (2) assisting you with your NIL Activities, (3) providing Compensation directly to you for NIL Activities, and/or (4) securing you a Professional Services Provider (PSP).

**Q: Can I participate in NIL Activities with a TSU Athletics donor / booster?**

**A:** Yes. You can engage in NIL Activities with a TSU donor / booster and receive compensation from that donor / booster so long as the NIL Activities meet all other NIL requirements (e.g., compensation is in exchange for services provided, compensation is not in exchange for athletics performance, agreement is not an improper inducement to attend or remain at TSU, etc.).

**Q: Is my NIL income subject to state and federal income taxes?**

**A:** Yes. Income from your NIL Activities is subject to income taxes in accordance with state and federal tax laws. You should contact a tax professional regarding your tax filing and tax payment responsibilities.

**Q: Can I hire professional representation for my NIL Activities?**

**A:** Yes. You may obtain professional representation by a **“Professional Services Provider”** for the purpose of securing compensation for the use of your NIL. A Professional Services Provider means any individual or entity who provides services to you regarding your name, image, and likeness including, but not limited to, an agent, tax advisor, marketing consultant, attorney, etc. It does not include any agent that is advising you on professional sports opportunities.

**Q: Can I hire an agent or advisor to assist me with my NIL Activities?**

**A:** Yes. You can hire a professional services provider to assist you with NIL Activities. Examples of a PSP include tax advisors, marketing consultants, attorneys, or agent. However, this PSP cannot advise you on professional sport opportunities.

**Q: I am an international student-athlete. Can I participate in NIL Activities?**

**A:** Yes. However, profiting from NIL Activities is a form of employment. Therefore, you must adhere to the employment regulations associated with an F-1 student visa. International student-athletes should direct their questions to Athletics Compliance.

**Q: If I sign a contract with and/or receive Compensation from a company or brand, can I wear their items and/or use their equipment or gear during practice or competition?**

**A:** No. You cannot wear any item of clothing or shoes or use any type of equipment or gear with the insignia of any entity that is not an athletics sponsor during any team activity. An athletics sponsor is any entity with whom TSU has a contract under which student-athletes are required to wear and/or utilize certain apparel, shoes, equipment or gear while representing TSU (e.g., Under Armour).