

THE UNIVERSITY OF TEXAS

Name, Image, Likeness FAQ for Student-Athletes

May I enter into an agreement with a University of Texas donor for the use of my name, image or likeness (i.e., NIL) in exchange for money, goods or services?

Yes, subject to restrictions in state laws, as well as potential federal laws and NCAA rules; however, before you enter into such a contract, you must disclose to Texas Athletics through the [ARMS NIL Disclosure Form](#) any proposed contract for use of your name, image, or likeness.

Does the Texas NIL law mean that a donor or fan of The University of Texas may provide me with any amount of compensation at any time as long as it is in exchange for the use of my NIL?

No. There are some restrictions. Of those restrictions, the most significant prohibit student-athletes (SAs) from profiting from their NIL when they are engaged in official team activities and prohibit receiving compensation for their NIL that is based on:

- The SA's enrollment or attendance at The University of Texas, or
- The SA's athletic performance at The University of Texas.

May The University of Texas or its staff members assist me with arranging for me to utilize my NIL for compensation with a business, etc.?

No. The University of Texas and its staff members may not arrange for our SAs to participate in NIL contracts or activities. There are two reasons: (1) Texas' NIL law precludes an institution from providing NIL compensation and (2) Texas law generally prohibits the use of state resources for private gain.

May I obtain an agent/marketing representative to assist with NIL activities?

Yes, but any agreement must be limited to marketing your NIL. Furthermore, if the representative is also an athlete agent*, then the representative must be registered and bonded as an athlete agent with Texas' Secretary of State and may not initiate any communication related to professional sport representation with you or your family outside of athlete agent interviews organized by The University of Texas.

**Texas law defines an athlete agent as an individual who for compensation, directly or indirectly recruits or solicits an athlete to enter into an agent contract, a financial services contract, or a professional sports services contract with that individual or another person; or for a fee, procures, offers, promises, or attempts to obtain employment for an athlete with a professional sports team.*

If you have specific questions, please contact us at NIL@athletics.utexas.edu.

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May The University of Texas or Texas Athletics marks, logos or other institutional property be used in my proposed NIL-contract (e.g., SA filming endorsement ad while wearing Texas hat)?

No. Texas state law prohibits student-athletes from earning NIL-compensation in exchange for property owned by The University of Texas or Texas Athletics, or for providing an endorsement while using intellectual property or other property owned by The University of Texas or Texas Athletics.

May I receive NIL-compensation based on my athletic performance at The University of Texas?

No.

May an NIL contract or offer stipulate that I must compete for, or attend, The University of Texas (or any other NCAA member school)?

No.

May I be compensated for NIL activities when I am engaged in official team activities (e.g., team travel, competition, practice, community service, etc.)?

No. For example, if you are at a Texas Athletics-organized fan event or at an away-from-home competition, you may not be compensated for your autograph or photo because you are engaged in official team activities. In short, if you are participating in some activity because the University or Texas Athletics organized it, then it's an official team activity.

Are there any industries or products that I may not endorse?

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 or any other type of nicotine delivery device
- Anabolic steroids
- Casino gambling
- A firearm the student athlete cannot legally purchase, or
- A sexually oriented business as defined in [Section 243.002, Local Government Code](#)

Texas law also prohibits student-athletes from entering into a contract for the use of the student-athlete's name, image or likeness if it conflicts with:

- A provision of an institutional contract:
 - [UT's significant partnerships/contracts](#)
 - [UT's Corporate sponsors](#)
- A provision of a team contract (e.g., Athletics Scholarship Agreement)
- A policy of Texas Athletics (e.g., [SA Code of Conduct and Expectations](#))
- A provision of the honor code of the University
 - [UT Student Honor Code](#)
 - [UT Student Discipline and Conduct Policy](#)

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What are other examples of when I may not engage in NIL-activity for compensation, according to Texas law or Federal law?

Other prohibited examples include compensation for student-athlete's NIL activity:

- When the student-athlete is not a US citizen and the student-athlete's visa generally prohibits employment
- In exchange for:
 - Property owned or produced by the University or Texas Athletics (e.g., current jersey, equipment, photos, social media artwork, etc.)
 - An endorsement while using The University of Texas intellectual property or other University-owned property (e.g., paying for photo of student-athlete wearing Texas apparel or while on UT campus)

How long may my NIL-related contract last?

The duration of the contract may not extend beyond your participation with Texas Athletics.

How can Texas Athletics assist me with NIL-related issues?

Texas Athletics maintains a robust program called Leverage designed to educate student-athletes in how to maximize the use of their NIL for compensation, as well as, understanding associated issues (e.g., financial literacy, debt management, time management, budgeting, academic resources, etc.).

It is permissible for me to use protected UT trademarks and my NIL in social media posts without a business or commercial involvement?

Yes. Each social media post is viewed independently. For example, you could post a co-sponsored social media post without any UT trademarks, followed by a separate, non-sponsored post of you in a Texas uniform.

Can I just post my Cash App or Venmo for people to give me money because of my status as a student-athlete?

No. NCAA extra benefit and recruiting inducement rules still apply. Payment for NIL activities must include an action on your part (e.g., promotion, appearance, autograph, etc.). Otherwise, the receipt of money could be an extra benefit or preferential treatment violation and jeopardize your eligibility for athletics participation.

Can I use a Cameo or OnlyFans account to make money?

It depends on how you use these types of accounts. Your NIL cannot be in conflict with Texas Athletics policies, team contracts or UT Honor Code nor can it be used in exchange for an endorsement of other prohibitions of the state law such as:

- Alcohol
- Tobacco products
- E-cigarettes or any other type of nicotine delivery device
- Anabolic steroids
- Casino gambling
- A firearm the student athlete cannot legally purchase, or
- A sexually oriented business as defined in [Section 243.002, Local Government Code](#)

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Also, compensation for the use of your NIL may not be provided:

- in exchange for athletic performance or attendance at UT;
- in exchange for property owned by UT; or
- for providing an endorsement while using intellectual property (e.g., trademarks) or other property owned by the UT.

Also, NCAA extra benefit and recruiting inducement rules still apply. Payment for NIL activities must include an action on your part (e.g., promotion, appearance, autograph, etc.). Otherwise, the receipt of money could be an extra benefit or preferential treatment violation and jeopardize your eligibility for athletics participation.

Do I have to have an agent/representative to engage in NIL activities?

No. You do not have to have an agent/representative to engage in NIL activities.

How do I know if an agent/representative is a good one?

You should do your research and ask for references. Don't just settle for the first one and interview multiple individuals for comparison. Rates charged and contract terms will likely vary between agents. If the individual is also a registered agent with the State of Texas, compliance can help pull additional information about that agent's background and potential disciplinary history. You should also have a trusted individual or attorney review your agreement with the agent/representative to ensure it is in your best interest.

Is there a limit to how much a donor/fan can pay me for an autograph?

There are some limitations. Specifically, you are prohibited from profiting from your NIL when you are engaged in official team activities or when you receive compensation for your NIL that is based on:

- Your enrollment or attendance at UT;
- Your athletic performance at UT; or
- That violates NCAA extra benefit or preferential treatment rules.

It is in your best interest to first discuss with Texas Athletics. Email NIL@athletics.utexas.edu for consultation.

What are the rules for companies that already have deals with Texas Athletics?

You cannot engage in any NIL activities that conflict with a provision of an institutional contract. Upon your disclosure of your NIL activity in the [ARMS NIL Disclosure Form](#), it will be reviewed to determine if a conflict exists. You will be notified and are required to resolve the conflict within 10 days of being informed of the conflict from Texas Athletics.

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How do I report it if there is no contract involved?

Even if you do not have a written contract, you should still report your NIL activity in the [ARMS NIL Disclosure Form](#). Although most binding contracts are in writing, an oral contract could in some circumstances be legally binding. Additionally, it is important the activity be reviewed by Texas Athletics personnel to ensure there are no other Texas state laws or NCAA rules that may affect you.

How do I know if it's NIL income or an "extra benefit"?

If your income is not related to a legitimate NIL arrangement and only because of your status as a UT student-athlete, it is likely an extra benefit and could jeopardize your eligibility. It is in your best interest to first discuss with Texas Athletics. Email NIL@athletics.utexas.edu for consultation.

How do I know what I'm worth?

While some online services have offered personal brand valuations, those figures are simply outputs from an ever-evolving algorithm. The reality is that they cannot account for you as a person, a brand's potential fit with you or any other number of factors. When evaluating the value of a potential partnership, consider the following:

- Does this deal align with my personal brand and what I want to be known for?
- What needs does this deal address for me?
- How could this deal negatively impact my personal brand?
- What is the time commitment?
- Is this deal a win-win for you and the brand partner?
- Are the terms of this deal flexible in case it isn't a win-win on the first try?
- Who else has partnered with this brand?

Can NIL compensation affect my eligibility for a Pell Grant or other need-based financial aid?

It is possible depending on how much compensation you receive. You are encouraged to contact Texas Athletics Compliance (compliance@athletics.utexas.edu) to be connected with the financial aid office to evaluate potential impact.

Am I required to provide Texas Athletics with a cut of any NIL money I earn?

No.

Do I have to pay taxes on the NIL money I earn?

Yes, any NIL income earned is subject to state and/or federal taxes. Texas Athletics cannot provide specific tax advice to student-athletes, so any tax questions would need to be referred to a tax professional. Texas Athletics will include basic tax principles in future LEVERAGE programming.

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Can a non-United States (U.S.) resident/international student-athlete earn NIL compensation?

Federal law does not currently permit international student-athletes to work while physically in the United States. This includes working virtually/digitally and getting paid by a foreign entity while you are living in the U.S. However, when you return home during a vacation period (e.g., winter/ spring/ summer break), you may engage in a NIL activity and receive pay when in your home country.

The Student and Exchange Visitor Program (SEVP) is aware of and actively monitoring proposed federal and state legislation pertaining to the use of name, image and likeness for student athletes, including F and M nonimmigrant students. The program is working with its partners within the U.S. Department of Homeland Security to review how this legislation affects international student athletes and will provide updated guidance via Broadcast Messages, [Study in the States](#), social media and SEVP field representatives.

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