



## LP 8.1

**Effective:**  
9/14/2021

**Revised:**

**Policy Owner:**  
Board of Trustees

**Policy Administrator:**  
Athletics

**Affected Parties:**  
Student Athletes

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# Name, Image, and Likeness

## 1 Summary

Lander University's name, image, and likeness (NIL) policy authorizes a student-athlete participating in intercollegiate sports to receive compensation for the use of his or her name, image, or likeness. As regulatory agencies and governments continue to discuss the importance of creating federal legislation for name, image, and likeness, the following guidelines and policies have been adopted by Lander University, effective July 1, 2021, to ensure compliance with applicable state law<sup>1</sup>, university policy, and National Collegiate Athletic Association (NCAA) mandates<sup>2</sup>.

## 2 Definitions

**NIL:** A name, image, and/or likeness (NIL) activity is any activity in which a prospective or current student-athlete's name, image, and/or likeness is used for promotional purposes by a noninstitutional entity, including the individual prospective student-athlete or current student-athlete, a commercial entity, or a noninstitutional non-profit or charitable entity. Such use may be compensated or uncompensated.

**COMPENSATION:** Compensation refers to money, goods, or services provided at the time or at any subsequent date.

**STUDENT-ATHLETE:** Lander University student-athlete.

## 3 Policy

- 3.1 A student-athlete may receive compensation for the use of the student-athlete's name, image, and/or likeness.

<sup>1</sup> SC General Assembly Bill S685: [https://www.scstatehouse.gov/sess124\\_2021-2022/bills/685.htm](https://www.scstatehouse.gov/sess124_2021-2022/bills/685.htm)

<sup>2</sup> NCAA NIL: <https://www.ncaa.org/about/taking-action>

- 3.2 Lander University will not reduce or revoke a student-athlete's athletic eligibility, grant-in-aid, scholarships, education benefits, or otherwise impose an adverse consequence against a student-athlete who receives NIL compensation or obtains professional representation, unless in doing so the student-athlete violates any applicable laws or policies, including NCAA bylaws, institutional policy, team policies, or procedures and rules adopted under this policy. However, a student-athlete's compensation earned may be used in the calculation for need-based financial aid available to the general student population based on federal guidelines, and therefore, could impact the amount of need-based aid a student-athlete is awarded.
- 3.3 A student-athlete must comply with any applicable state or federal NIL laws and any applicable NCAA and Peach Belt Conference (PBC) requirements.
- 3.4 The use of a student-athlete's name, image, and/or likeness may not be used to directly or indirectly create or facilitate compensation opportunities as a recruiting inducement or pay-for-play by the university and/or its representatives with an athletic interest (e.g., boosters), including, but not limited to:
  - 3.4.1 An NIL agreement with quid pro quo (e.g., something given or received for something else).
  - 3.4.2 NIL compensation provided or offered contingent on initial or continued enrollment at a particular institution.
  - 3.4.3 NIL compensation contingent on specific athletic performance or achievements (e.g., financial incentives based on points scored). Although athletic performance may enhance a student-athlete's NIL value, athletic performance may not be the consideration for NIL compensation.
  - 3.4.4 Benefits provided to a student-athlete that are inconsistent with university policies (e.g., benefits or arrangements not available to the general student body).
- 3.5 A student-athlete may not engage in NIL activities that conflict with the terms of the student-athlete's contract or agreement with Lander University.
- 3.6 A student-athlete may not engage in NIL activities that promote products or services related to gambling or performance-enhancing supplements on the NCAA's banned drug list.
- 3.7 A student-athlete may not engage in NIL activities during participation in academic, athletic, or Lander University-sponsored activities (e.g., practice, competition, team meals, travel, etc.).
- 3.8 A student-athlete may not use the name, symbols, logos, trademarks, facilities, or images associated with Lander University unless specific approval has been obtained

in advance from the university and its athletic department in accordance with university policy.<sup>3</sup>

- 3.9 A student-athlete must disclose NIL activities to Lander University within 72 hours of reaching an agreement pertaining to those activities using the [Name, Image, Likeness Disclosure Form](#)<sup>4</sup> located on the Lander University Athletics website.
- 3.10 Due to federal guidelines, a student-athlete on an F-1 visa is encouraged to contact the director of international programs at Lander University prior to participation in any name, image, and/or likeness activities.
- 3.11 A student-athlete may obtain professional representation by an athlete agent, attorney, or financial advisor for the purpose of securing compensation for the use of the student-athlete's name, image, and/or likeness, or to advise the student-athlete concerning NIL. All representation should be disclosed to Lander University using the [Name, Image, Likeness Disclosure Form](#) (see Section 3.9). It is the responsibility of the student-athlete to consult various entities regarding tax liability and other implications resulting from that may affect the student-athlete's need-based financial aid (e.g., Pell Grant, see Section 3.2).

## 4 Policy Revision History

- First draft created for review on 7/12/2021.
- Approved by General Counsel on 8/9/2021.
- Reviewed and revised by Policy Coordinator on 8/11/2021.
- Approved by policy stakeholders on 8/12/2021.
- Reviewed by Board of Trustees Policy Committee on 8/13/2021.
- Approved by the Lander University Board of Trustees on 9/14/2021.

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<sup>3</sup> Section 59-158-20 (E) [https://www.scstatehouse.gov/sess124\\_2021-2022/bills/685.htm](https://www.scstatehouse.gov/sess124_2021-2022/bills/685.htm)

<sup>4</sup> NIL Form on Lander Athletics website:  
[https://www.lander.edu/sites/default/files/Documents/About/Leadership/Policies/nil\\_activity\\_disclosure\\_form.pdf](https://www.lander.edu/sites/default/files/Documents/About/Leadership/Policies/nil_activity_disclosure_form.pdf)