

1.23	Policy on Student Athlete’s Name, Image, and Likeness	21-140	2021-10-21
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Board of Regents Policy: STUDENT ATHLETE’S NAME, IMAGE, AND LIKENESS

Purpose Statement

To establish rules consistent with Connecticut Public Act 21-132 (Spec. Sess. section 160) pursuant to which Connecticut State University System student-athletes are permitted to (1) earn compensation through an endorsement contract or employment in an activity unrelated to an intercollegiate athletic program; and (2) obtain legal or professional representation of an attorney or sports agent through a written agreement, provided that in each case, the student-athlete complies with the terms and conditions of these rules and applicable law.

Applies To

All student-athletes and State University Employees.

Definitions

Compensation means the receipt, whether directly or indirectly, of any cryptocurrency, money, goods, services, other items of value, in kind contributions and any other form of payment or remuneration.

Endorsement contract means a written agreement under which a student-athlete is employed or receives compensation for the use by another party of such student-athlete's person, name, image, or likeness in the promotion of any product, service or event.

Institution of higher education means an institution of higher education, as defined in section 10a-55 of the general statutes, and a for profit institution of higher education licensed to operate in this state.

Institutional marks means the name, logo, trademarks, mascot, unique colors, copyrights and other defining insignia of the University.

Intercollegiate athletic program means a program at the University for sports played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association for the promotion or regulation of college athletics.

NCAA means the National Collegiate Athletic Association.

Official team activities means all games, practices, exhibitions, scrimmages, team appearances, team photograph sessions, sports camps sponsored by the University and other team-organized activities, including, but not limited to, photograph sessions, news media interviews, and other related activities as specified by the University.

Prohibited endorsements means receipt of compensation by, or employment of, a student-athlete for use of the student-athlete’s person, name, image, or likeness (“NIL”) in association with any product, category of companies, brands, or types of endorsement contracts that are: (1) prohibited by law; (2) prohibited by these rules; or (3) prohibited under the applicable University procedures adopted in accordance with these rules.

Sports agent means a duly licensed person who negotiates or solicits a contract on behalf of a student-athlete in accordance with the Sports Agent Responsibility and Trust Act, 15 USC 7801, et seq., as amended from time to time.

Student-athlete means a student enrolled at the University who participates in an intercollegiate athletic program.

Policy Statement

The University shall permit its student-athletes to (1) earn compensation through an endorsement contract or employment in an activity unrelated to an intercollegiate athletic program and (2) obtain legal or professional representation of an attorney or sports agent through a written agreement, provided that the student-athlete complies with these rules and applicable law.

I. Agreements for Representation by a Sports Agent or an Attorney

- a. A student-athlete may only enter into an agreement for representation with a sports agent if the student-athlete submits a copy of the agreement to the University.
- b. A student-athlete may only enter into an agreement for representation with an attorney if the student-athlete submits a copy of the agreement to the University.

II. Endorsement Contracts and Agreements for Employment Activities

A student-athlete may only enter into an endorsement contract or agreement for other employment activities if:

- a. the student-athlete discloses the existence of the agreement to the University;
- b. the student-athlete submits a copy of the agreement to the University prior to the student-athlete performing any activity or service under the agreement;
- c. the agreement, or any portion thereof, does not conflict with the provisions of any agreement to which the University is a party. In the event that a potential conflict is identified, the University shall disclose to the student-athlete or the student-athlete's attorney or sports agent the provisions of the University agreement that are in conflict; and
- d. the agreement does not require the student-athlete to participate or engage in any activity prohibited by Section III of these rules.

III. Prohibitions

- a. Student-athletes are prohibited from using or consenting to the use of any University marks when performing any services or activity associated with an endorsement contract or employment activity.
- b. Student-athletes are prohibited from performing any service or activity associated with an endorsement contract or employment activity that interferes with any official team activities or academic obligations.
- c. University staff members are prohibited from creating or facilitating endorsement contracts for a student-athlete or providing compensation themselves to a student-athlete.

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- d. University employees and students are prohibited from creating or facilitating NIL compensation opportunities for prospective student-athletes as a recruiting inducement or current student-athlete as an inducement to remain enrolled at the University.
- e. Student-athletes are prohibited from receiving compensation from, entering into an endorsement contract with, and/or otherwise engaging in an employment activity with companies, brands, products, conduct, and/or entertainment prohibited under University procedures adopted in accordance with these rules.

IV. Prohibited endorsements

- a. A tobacco company or brand, including any tobacco product, alternative nicotine product, electronic nicotine delivery system, or any electronic nicotine delivery system retailer, or any specialty retailer of electronic nicotine delivery systems or tobacco specialty store.
- b. Any alcoholic beverage company or brand.
- c. Any marijuana company, product, or brand.
- d. Any seller or dispensary of a controlled substance, as defined by federal law.
- e. Any adult entertainment, sexually suggestive products, or sex-oriented products, services, conduct, imagery, or inferences.
- f. Any product, substance, or method that is prohibited in competition by an athletic association, athletic conference, or other organization governing intercollegiate athletic program competition.
- g. Any casino or entities that conduct, provide data or information to, sponsor, or promote gambling activities.

V. Procedures

The University President or the President's designee may adopt procedures concerning the implementation of these rules.

Enforcement

Violations of these rules may result in appropriate disciplinary measures in accordance with state law, University Laws and By-Laws, and Division of Athletics Student Athlete Handbook.

ITEM

The Board of Regents for Higher Education resolves to adopt a policy regarding Students Athlete's Name, Image and Likeness.

BACKGROUND

The Connecticut General Assembly enacted Public Act (Spec. Sess.) 21-132, section 160 which requires governing boards of institutions of higher education to adopt policies enabling student athletes to be compensated for their use of their name, image and likeness. The Act allows student-athletes the opportunity to earn compensation through an endorsement contracts as well as employment in activities unrelated to their participation in intercollegiate programs. The Act further allows student athletes the ability to obtain legal or professional representation through a written agreement. However, the exercise of these rights must comply with the Board's policy and the applicable law. Although the Act impacts institutions of higher education, only the State Universities are affected by the Act as they are the only institutions within our system that participate in intercollegiate athletic programs. These policies must be in effect prior to January 1, 2022.

ANALYSIS

The Act is very prescriptive as to the contents of the policy to be enacted by governing boards. Specifically, the Act requires that each policy must include provisions that: (1) Require a student athlete to disclose and submit a copy to their University of each endorsement contract, written agreement for employment and representation agreement executed by the student athlete; (2) Prohibit a student athlete from entering into an agreement that conflicts with the provisions of any agreement to which the University is a party, provided such institution shall disclose to the student athlete or the student athlete's attorney or sports agent the provisions of the agreement that are in conflict; (3) Prohibit a student athlete from using or consenting to the use of any institutional marks during such student athlete's performance of the endorsement contract or employment activity; (4) Prohibit a student athlete's performance of the endorsement contract or employment activity from interfering with any official team activities or academic obligations; and (5) Identify any prohibited endorsements.

Institutions cannot prohibit or prevent prohibit student athletes from earning compensation from such endorsement contract or employment activity nor can they prohibit or prevent representation by a duly licensed attorney or sports agent. Institutions may not restrict or revoke student athletes' eligibility for scholarships or participation in the intercollegiate athletic program at such institution. Moreover, student athletes may not receive compensation for use of such student athlete's name, image or likeness as an inducement to attend, enroll in or continue attending a specific institution of higher education or intercollegiate athletic program.

The attached policy statement has been reviewed by appropriate officials at each of the CSUs and is in alignment with other institutions within the State.

RECOMMENDATION

That the Board of Regents for Higher Education approve the resolution to adopt the Policy regarding Student Athletes' Name, Image and Likeness.

CT BOARD OF REGENTS FOR HIGHER EDUCATION

RESOLUTION

concerning

Student Athlete's Name, Image and Likeness

October 21, 2021

WHEREAS, The Connecticut General Assembly enacted Public Act (Special Session) 21-132, section 160 thereof requires that governing boards of institutions of higher education adopt policies to comply with the Act's requirements regarding student athletes' name, image and likeness prior to January 1, 2022; and

WHEREAS, The Act is applicable to student athletes who attend the Connecticut State Universities athletic programs; therefore, be resolved

RESOLVED, That the Board of Regents adopts a Policy for Student Athlete's Name, Image and Likeness.

A True Copy:

Alice Pritchard, Secretary of the
CT Board of Regents for Higher Education