

Willamette University Athletics Name, Image and Likeness (NIL) Policy

Willamette University supports all student-athletes in receiving compensation for the use of their name, image, and likeness (NIL) from sources outside of the University. In accordance with the NCAA Policy, Willamette University and the Willamette University Department of Athletics have developed institutional policies for current student-athletes. Failure to comply with this policy may result in penalties from the NCAA and/or Willamette University that may impact a student-athlete's eligibility and ability to participate in intercollegiate athletics.

NIL Defined

A name, image, and likeness (NIL) activity includes any situation in which a student-athlete's NIL or personal appearance is used for promotional purposes by a non-institutional entity, including the individual student-athlete, a commercial entity, or a non-institutional nonprofit or charitable organization. These activities can include compensation in the form of money or goods/services traded. Oregon law allows for food, drink, medical expenses, and insurance from a third party as compensation for a student's NIL. Student-athletes' use and monetization of their NIL may involve a wide range of activities, including but not limited to:

- Traditional commercials or advertisements for products or services
- Student-athletes developing and promoting their own business
- Personal appearances
- Student-Athletes running their own camp or clinic
- Providing private lessons and using their NIL to promote those lessons
- Sponsored social media posts
- Autograph sessions

Institutional NIL Disclosure Requirements

Student-athletes are required to disclose contact information for all parties involved in the use of their name, image, and likeness, as well as any involved professional service providers. Students may use an agent to help them negotiate contracts. By state law, those agents cannot have represented an educational institution in the preceding four years. The student-athlete must also disclose compensation arrangements and the details of their relationship with all involved parties. Student-athletes must disclose proposed name, image, and likeness activities to the institution at least ten (10) days prior to committing any activities. If arrangements and contract or agreement details are amended, the student-athlete must provide notice at least seven (7) days prior to the effective date of the change. All student-athletes are required to disclose all information on the Willamette University Athletics NIL Disclosure form.

Institutional Restrictions

1. A student-athlete may not enter into an agreement with a third party that conflicts with any existing sponsorship agreements held by the institution. If the institution identifies a conflict between the student-athlete's name, image, and likeness activities and an existing sponsorship agreement, the institution shall inform the student-athlete of such so that they have the opportunity to negotiate a revision with the third party. That revision is also subject to additional review and approval by the institution.
2. Student-athletes may not engage in name, image, and likeness activities while participating in required institutional activities when representing the institution.
3. Because Willamette logos and branding marks represent the identity and brand of the University, Willamette logos may only be used for NIL purposes with the expressed written permission of the Assistant AD for Media. Photos taken by institutional staff members are also subject to this restriction. Questions may be directed to the Willamette University Assistant AD for Media or the Associate Director of Athletics.
4. Student-athletes may not use institutional facilities for any name, image, and likeness activities, with the exception of use for teaching lessons or for camps and clinics, provided the rental agreement is in line with that available to the general public. Coaches and student-athletes must have a signed rental agreement in place with the University before proceeding with lessons, camps and clinics.
5. While a student-athlete is permitted to engage in name, image, and likeness activities on the institution's campus, all activities are subject to the applicable policies of Willamette University regarding third parties and commercial ventures.
6. A student-athlete's involvement in name, image, and likeness activities will not relieve the student-athlete from the obligation to comply with all NCAA and institutional academic standards, requirements, regulations, or obligations; team rules of conduct; standards or policies regarding participation in intercollegiate athletics; or disciplinary rules and standards generally applicable to Willamette University students.
7. A student-athlete may obtain professional representation such as an agent or attorney for advice, contract representation, and the marketing of their name, image, and likeness, as long as the professional is not representing the student-athlete in securing professional athletic opportunities. By Oregon state law, those agents cannot have represented an educational institution in the preceding four years.

Prohibited Activities

1. Student-athletes may not receive compensation which is conditioned or contingent upon enrolling at, or continuing enrollment at any specific collegiate institution, or on any specific athletic performance or achievement.
2. Student-athletes may not enter into an agreement for NIL activities unless the compensation to be paid to the student-athlete is for work actually performed and is at a rate reflecting fair market value.
3. Student-athletes may not sell or trade any equipment, apparel, or awards provided to them by the institution as a part of any NIL activities.
4. Student-athletes may not enter into agreements for use of the NIL in any prohibited sponsorship category. In the event that a student-athlete enters into an agreement with a prohibited sponsorship category, the student-athlete shall be required to terminate said agreement.

A prohibited sponsorship category is any sponsorship agreement in certain categories, with specific entities or with specific identified individuals that are in conflict with existing University contracts, University policies, or for any other reason determined in good faith by Willamette University. Prohibited sponsorship categories include, but are not limited to:

- Gambling or sports wagering, and vendors associated with gambling or sports wagering
- Adult entertainment, and vendors associated with adult entertainment
- Alcohol, and vendors associated with alcohol products
- Tobacco, and vendors associated with tobacco products
- Marijuana, and vendors associated with marijuana products
- Products or services that are illegal
- Substances that are on the [NCAA Banned Substance List](#)
- Activities which are, in Willamette University's sole judgment, misleading, offensive, or in violation of a statute, law, ordinance, NCAA bylaw, or any University contract obligation
- Activities that adversely affect the University's reputation
- Activities that appear to create an endorsement by the University of a particular company, product, political candidate, or position regarding public policies
- Activities that ridicule, exploit, or demean persons on the basis of their age, color, ethnicity, physical or mental disability, national origin, citizenship, veteran status, marital status, race, religion, sex, or gender identity

Neither the institution nor an institutional staff member may be involved in the development, operation, or promotion of any student-athlete's name, image, and likeness activities. Furthermore, institutional staff members may not enter into agreements with, or benefit from, any student-athlete's name, image, and likeness activities.

Additional Considerations

International student-athletes should seek guidance from the Associate AD regarding the impact of any NIL related activity upon their visa status.

Student-athletes should be aware that income from NIL activities would likely be considered taxable income. Student-athletes should consult with an appropriate tax professional about tax implications on any compensation earned.

Any income received by a student-athlete could impact need-based financial aid.

On March 7th, 2022 an amendment was passed for the Oregon NIL bill. This bill requires individuals who create a college sports team jersey, video game or trading card for profit to make a royalty payment to the applicable student athletes for use of the NIL.