Name, Image, and Likeness (NIL) Policy
Effective July 1, 2021, the NCAA Board of Directors approved an Interim NIL Policy that allows student-athletes opportunities to benefit from their name, image and likeness (NIL). Amherst College seeks to assist student-athletes in making informed choices through education about receiving compensation from third parties for such activities and has developed a policy to be consistent with the NCAA. Failure to comply with this policy may result in sanctions imposed by the NCAA and/or Amherst College that could affect the student-athlete's eligibility to participate in intercollegiate athletics.

Definitions:

What is NIL?
Any activity in which a student-athlete's name, image, likeness, or personal appearance is used for promotional purposes by an individual or entity other than Amherst College (a "noninstitutional entity"). Noninstitutional entities, include the individual student-athlete, a commercial entity, or a nonprofit or charitable entity. This applies regardless of whether said use is compensated or uncompensated, and applies to both current and prospective student-athletes. Examples include but are not limited to:

- Endorsements, whether expressed or implied
- Commercials or advertisements
- Personal appearances or autograph sessions
- Student-athletes creating and promoting their own business (note: student-run businesses are subject to additional restrictions set forth in the Student Code of Conduct)
- Sponsored social media posts
- Providing lessons or conducting camps/clinics

*Student-athletes must disclose their intentions to participate in NIL activities to Amherst College at least fourteen days prior to the effective date of the arrangement by completing the attached form.

Compensation:
Receipt, whether directly or indirectly, of payment in any form of any cash, credit, cryptocurrency, product, goods, services, in kind contributions, or other items of value or benefit, in exchange for work or services performed.

Professional Service Provider:
An individual who provides third-party services to a prospective or current student-athlete. It includes, but is not limited to, an agent, tax advisor, marketing consultant, attorney, brand management company or anyone who is employed or associated with such persons.

Pay for Play:
Compensation provided to a student-athlete in any form for performance in a sport in which the student-athlete participates. This remains impermissible under NCAA rules.
Impermissible Inducements:
The promise of compensation in order to persuade a prospective student-athlete to attend a particular institution. This remains impermissible under NCAA rules.

Amherst College Policy:

Compensation for Services: Student-athletes may receive compensation from a third party (but not from Amherst College) for NIL activity as long as the compensation is given in exchange for services, intellectual property, appearances, or other items of value actually provided by the student-athlete and is not provided in exchange for athletic performance. Compensation that does not meet this requirement, or is provided in exchange for athletic performance, could be deemed “pay for play” and may lead to a loss of eligibility to participate in college athletics.

Examples of Impermissible Compensation:
1. $50 to a student-athlete for each goal scored
2. $1,000 payment to a student-athlete for Player of the Year award
3. Free use of a car by a car dealer for a student-athlete when the student athlete does not provide anything of value to the car dealer in exchange

Conflicts with existing Institutional agreements and activities: Student-athletes may not enter into any NIL agreement that violates existing College-sponsored agreements or is in conflict with College-sponsored activities and requirements.

- Conflict of interest: A student-athlete’s involvement in NIL 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 or other applicable rules of conduct; standards or policies regarding participation in intercollegiate athletics; or disciplinary rules and standards generally applicable to Amherst students. Student-athletes will not participate in NIL activities while representing the institution or participating in College-sponsored activities.

- Apparel: Student-athletes may not sell or trade any equipment, apparel, or awards provided to them by the institution as part of any NIL activities. Also, student-athletes may not enter into an apparel contract that requires the student-athlete to wear or promote the apparel, or otherwise advertise for a sponsor, during official College activities with direct competitors of BSN Sports and Under Armour. Entering into agreements with other uniform and equipment companies, i.e. Nike and Adidas, is not permitted.

- Use of institutional marks: Student-athletes will not be permitted to use institutional marks, including logos, colors, or images, that identify or suggest endorsement by Amherst College, while participating in NIL activities.
• Use of facilities: Student-athletes may use institutional facilities and engage in NIL activities on campus, provided the rental agreement is consistent with those available to the general public. Such activities are subject to applicable College policies and procedures regarding third-parties and commercial ventures. Student-athletes should work with the Office of Conferences and Special Events (CASE).

• Neither Amherst College nor its staff members will enter into any agreements with Professional Service Providers to work with student-athletes to develop or promote their NIL. The College will provide education and support, but not offer any financial assistance, directly or indirectly, to student-athletes in building their NIL. Amherst College disclaims any and all liability to any student-athlete, noninstitutional entity, professional service provider, vendor, contractor, or agent as a result of a student-athlete’s participation in NIL activities.

Student-athletes may not enter into agreements for use of their name, image or likeness in any Prohibited Sponsorship Category. Examples include, but are not limited to:
- Tobacco or companies associated with tobacco products
- Alcohol, and vendors associated with alcohol products
- Marijuana, and vendors associated with marijuana products
- Gambling or sports wagering, and companies associated with gambling or sports wagering activities
- Firearms or companies associated with firearm products
- Adult entertainment, and companies associated with adult entertainment
- Illegal services or products
- Substances that are on the NCAA Banned Substance List
- Activities which are misleading, offensive, or in violation of a statute, law, ordinance, NCAA bylaw or any College contract obligation, according to the judgment of College officials
- Activities that may negatively impact the College’s reputation
- Activities that appear to create an endorsement by the College 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, creed, physical or mental disability, national origin, citizenship, veteran status, marital status, race, religion, sex, or gender, or any other protected category
- Products or activities that are prohibited under the College’s Student Code of Conduct.

Disclaimer: Amherst College is committed to equity in the provision of all permissible institutional services under this policy. Amherst College is not responsible for monitoring, overseeing or enforcing equity compliance in opportunities, compensation or other considerations provided by noninstitutional entities for NIL activities. Furthermore, this policy is subject to change and should be consulted periodically.
**Students-Athletes MAY:**

- ✓ Be compensated for their Name, Image, and Likeness from third-parties (not from Amherst College), as long as these activities are not related to athletic performance
- ✓ Use a Professional Service Provider in conjunction with NIL activities
- ✓ Utilize Amherst College facilities, as long as all NIL activities follow the proper guidelines as set forth for outside parties through the Office of Conferences and Special Events (CASE)

**Student-Athletes MAY NOT:**

- ❌ Receive compensation for athletic performance (pay for play)
- ❌ Receive compensation contingent upon enrollment at a particular institution (impermissible inducement)
- ❌ Receive compensation for work not actually performed
- ❌ Utilize any institutional marks, including logos, colors, or images, that identify or suggest endorsement by Amherst College while participating in NIL activities or using College facilities

**Additional Considerations:**

- International student-athletes should seek guidance from the Office of Immigration Services regarding the impact of any NIL activity upon their visa status.

- Student-athletes should be aware that compensation received from NIL activities would likely be considered taxable income and should consult with an appropriate tax professional about the tax implications of any compensation they earn.

- Similarly, any income received by a student-athlete could impact that student-athlete’s financial aid status.

- Alleged violations of this policy may be addressed through the student conduct process set forth in the *Student Code of Conduct* and may potentially result in loss of eligibility.

**Resources:**

- [Name, Image and Likeness Policy Q&A](#)
- [Quick Guide to New Interim NCAA Policy](#)
- [New Interim Policy Key Takeaways](#)
- [International Student Resources | Office of Immigration Services](#)
Amherst College
Name, Image, and Likeness FAQs

Q1: What is Name-Image-Likeness (NIL) Activity?
A1: Any activity in which a student-athlete's name, image, likeness, or personal appearance is used for promotional purposes by an individual or entity other than Amherst College (a "noninstitutional entity"). Noninstitutional entities include the individual student-athlete, a commercial entity, or a nonprofit or charitable entity. This applies regardless of whether said use is compensated or uncompensated, and applies to both current and prospective student-athletes.

Q2: What are some examples of NIL activities?
A2: Examples may include, but are not limited to:
- Endorsements, whether expressed or implied, through commercials or advertisements
- Personal appearances or autograph sessions
- Student-athletes creating and promoting their own business
- Sponsored social media posts
- Providing lessons or conducting camps/clinics

Q3: Are there any types of NIL activity that are off-limits under NCAA or Amherst policy?
A3: Yes. You may not enter into arrangements for which compensation is provided in exchange for athletic performance or attendance at Amherst, commonly known as "pay for play". In addition, student-athletes may not engage in NIL activities that conflict with NCAA legislation, including sports wagering or any vendors associated with athletic performance enhancing drugs. Finally, student-athletes may not engage in NIL activities that conflict with the values of Amherst Athletics. This prohibits NIL activities that promote the sale or use of firearms, alcohol, tobacco, marijuana products, adult entertainment, any drug covered by the federal Drug-Free Schools and Communities Act, and products or activities that are prohibited under the College’s Student Code of Conduct.

Q4: What are my disclosure obligations for NIL activity?
A4: Current student-athletes are required to disclose any NIL agreements to the Athletics Department by submitting a NIL Disclosure Form in ARMS. If arrangements or details change after your submission, you must notify the Compliance Office within 14 days of that change.

Q5 Will NIL activity impact my Amherst financial aid package?
A5: It might, if you receive compensation for that activity. Earnings resulting from NIL activities may be considered when calculating your institutional financial aid eligibility or your award. It is your responsibility to consult with the Office of Financial Aid to determine any impact.

Q6: I'm an international student, is anything different for me?
A6: Potentially. International student-athletes should not enter into any NIL agreements or other arrangements without fully understanding how NIL activities could impact your visa or immigration status. It is your responsibility to consult with the Office of Immigration Services to determine any impact.
Q7: Will Amherst approve or advise on my sponsorship agreements or other NIL activity?
A7: NIL agreements are independent arrangements negotiated between student-athletes and their sponsors, agents, or other companies. Amherst does not review, approve or advise on student-athletes’ NIL activities, but Amherst can help determine if an NIL opportunity conflicts with NCAA or institutional policies. Questions that are not directly related to eligibility requirements or Amherst policy should be answered by your own legal, financial, tax and other professional advisors.

Q8: Will I be exempt from department rules or activities if I participate in NIL activities?
A8: No. You will not be permitted to miss class, practice or competition in order to participate in NIL activities. Moreover, you will not be exempt from any team or department-sponsored activities in order to participate in NIL activities. Student-athletes should ensure that their NIL opportunities do not conflict with department or team-specific activities or other Amherst policies.

Q9: Am I allowed to use Amherst marks or protected images in connection with NIL activities?
A9: No. A student-athlete may not use, either directly or indirectly, Amherst marks or logos in connection with their NIL activities. Student-athletes may, however, make factual statements that they play “[sport] at Amherst College” or that they are a “member of the [sport] team at Amherst College” to identify themselves in connection with their NIL activities. Examples include, but are not limited to, wearing Amherst team gear or apparel when engaging in an activity that promotes or endorses a third-party product or service, as well as displaying Amherst’s trademarks/logos or other protected imagery during an appearance on a sponsor’s website or social media account.

Q10: What about my uniform or other Amherst Athletics apparel?
A10: A student-athlete may not in any circumstance wear Amherst team gear or apparel when engaging in any NIL activity. Moreover, a student-athlete may not sell items provided by the institution until the student-athlete has exhausted eligibility for intercollegiate competition or has become permanently ineligible for competition.

Q11: What about pictures of me using Amherst facilities or grounds?
A11: Student-athletes may use institutional facilities and engage in NIL activities on campus, provided the rental agreement is consistent with those available to the general public. Such activities are subject to applicable College policies and procedures regarding third-parties and commercial ventures. Student-athletes should work with the Office of Conferences and Special Events (CASE).

Q12: Where can I get advice?
A12: You may discuss the impact of any NIL opportunities on your athletics eligibility or compliance with Amherst policy by reaching out to your coach or the Athletics Department. Questions about your financial aid eligibility or visa and immigration status can be directed to the Office of Financial Aid or Office of Immigration Services, respectively. For all other questions, you are strongly encouraged to seek formal advice from a non-Amherst attorney, accountant, or other financial or professional advisor. Amherst College has no liability to any student-athlete, institutional entity, professional service provider, vendor, contractor, or agent as a result of participation in NIL activities.
Amherst College
Name, Image, and Likeness Disclosure Form

*Student-athletes must disclose their intentions to participate in NIL activities to Amherst College at least fourteen days prior to the effective date of the arrangement by completing this form on ARMS.

Student-athlete information:

Date:
Name:
Sport:
ID Number:
Phone Number:

Activity Information:
Please describe the NIL activity in which you are engaging, and attach any agreement or contract, if applicable:

When will the activity begin?
When will the activity end?

List the frequency of which you will engage in the activity (i.e. weekly, monthly, a set number of occurrences):

Third-Party Information:
Please include any third-party information, including businesses, individuals, or entities involved in the NIL activity.

Name:
Business Type:
Phone:
Email:
Agent Representation:
Are you using agent representation?
If yes, please provide contact information:

Name:
Phone:
Email:

Compensation:
State the way in which you will be compensated (money, physical products, apparel/gear, combination, other):

What is the total compensation you will receive?

Other comments:

Agreement:
Please read and affirm the following statements:

☐ I affirm that I have provided complete and accurate information regarding all activities involving my Name, Image, and Likeness
☐ I affirm that I have provided complete and accurate information regarding outside parties involved, terms, compensation, and have attached any applicable contracts or agreements.
☐ I understand that failure to comply with NCAA, State, and Amherst College policies may result in sanctions imposed by the NCAA and/or Amherst College, which may affect my eligibility to participate in intercollegiate athletics.
☐ I understand the potential implications of the NIL activity on my tax status and financial-aid package

Signature:       Date: