

[Duke University](#)

**POLICY REGARDING NAME, IMAGE AND LIKENESS**

This Interim Policy sets forth the rules that apply if a Duke student-athlete chooses to receive payments for use of their Name Image and Likeness (“NIL”). This Interim Policy is effective July 1, 2021. Because of the changing regulatory landscape, Duke may need to amend or replace this Interim Policy if NCAA, ACC, or federal or state authorities adopt new or amended requirements. The Department of Athletics may publish additional materials, including, for example, procedures or guidelines, to further clarify or implement this Interim Policy.

**NIL Defined**

NIL activity is any activity in which a prospective student-athlete or student-athlete’s name, image, likeness or personal appearance is used for promotional purposes by a noninstitutional entity, including the individual prospective student-athlete or student-athlete, a commercial entity, or a noninstitutional nonprofit or charitable entity. Such use may be compensated (e.g., cash, product or other benefit) or uncompensated.

**Rules Applicable to Student-Athletes Use of NIL**

Subject to the rules outlined below, a Duke student-athlete may receive NIL payments for the use of that student-athlete’s NIL. Duke will not reduce or revoke a student-athlete’s athletic eligibility, grant-in-aid, scholarships, educational benefits, or otherwise impose an adverse consequence against a student-athlete as a result of the student-athlete receiving payment for the use of NIL or obtaining professional representation, unless in doing so the student-athlete violates applicable law, NCAA bylaws, institutional policies, team policies (including policies related to the timing and manner of NIL activity), or procedures or rules adopted under this Interim Policy.

The following rules apply to Duke student-athletes who choose to use their NIL to earn compensation:

- Prospective student-athletes must comply with applicable state or federal NIL laws, and, upon becoming a Duke student-athlete, must conform their NIL activities to this Interim Policy and any applicable NCAA and/or ACC requirements.
- NIL compensation may not be related to pay-for-play, impermissible offers and inducements or extra benefits, including but not limited to:
  - NIL agreements may not be provided without quid pro quo (e.g., cannot be payments for work not performed);
  - NIL payments may not be provided or offered contingent on initial or continued enrollment at Duke;
  - NIL payments may not be contingent on specific athletic performance or achievement (e.g., financial incentives based on points scored). Athletic performance may enhance a student-athlete’s NIL value but may not be “consideration” for NIL compensation;
  - Benefits (e.g., use of institutional facilities, use of department resources, etc.) may not be provided to student-athletes if such benefits are inconsistent with institutional policies (e.g., benefits or arrangements not available to the general student body).
- A Duke student-athlete may not engage in any NIL activity in a manner that conflicts with a term of a Duke University contract.

- A Duke student-athlete may not engage in any NIL activity that promotes products or services related to gambling or performance-enhancing supplements on the NCAA's banned drug list.
- A Duke student-athlete may not engage in any NIL activities during any department or team related activities (e.g, practice, competition, team meals, etc.).
- A Duke student-athlete may not use the name, symbols, logos, trademarks, facilities, and images associated with Duke University unless specific approval is obtained in advance in accordance with the Duke Trademark Licensing policy available here: <http://www.trademarklicensing.duke.edu/>.
- A Duke student-athlete must disclose all NIL activities to Duke University in a manner set forth by the Department of Athletics.

### **Professional Representation**

A Duke student-athlete may obtain professional representation by an athlete agent, attorney, or financial advisor who is engaged by the student-athlete for the purpose of securing payments for the use of the student-athlete's NIL, or otherwise advising the student-athlete concerning NIL. Any such agent, attorney, or financial advisor must be registered with Duke University, and, to the extent required by North Carolina General Statutes Chapter 78, by the state of North Carolina. Representatives must also comply with the federal Sports Agent Responsibility and Trust Act, as applicable.

All representation must be disclosed to Duke University in a manner prescribed by the Department of Athletics.

### **Changes to Policy**

This Interim Policy is subject to change in the sole discretion of Duke University.