

# Name, Image and Likeness

Associated Board Policy: 454.00, 452.00 (Varsity Athletics)

Procedure Owner: Athletic Department (Compliance)

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## I. Purpose

- a. Upon the adoption of NJCAA Bylaw Article V Section 4.B.3, student-athletes are permitted to receive compensation for the use of their name, image and likeness. This section serves as an overview of the Cowley College Athletics Department's policy and procedures surrounding student-athlete name, image, and likeness (NIL) activity.

## II. Definitions

- a. **Student-Athlete** – an individual who is attending an educational institution and is actively engaging in intercollegiate sport currently or in the future.
- b. **NIL – name, image, likeness**; aspects of a collegiate athlete's identity for which they may earn money from a third party.
- c. **Compensation** – any type of payment or value received for services performed. This includes but is not limited to cash, check, cryptocurrency, or anything of value in exchange for services.
- d. **Official Team Activities** – all games, practices, exhibitions, scrimmages, meetings, team appearances, photography sessions, sports camps sponsored by Cowley College and other team-organized activities. (Regardless of whether the activity takes place on or off campus.)

## III. Procedure

- a. Student-Athletes
  - i. A student-athlete at Cowley College may earn compensation from a third party unaffiliated with Cowley College, for the use of their name, image, or likeness (NIL.) Student-athletes must make sure that the activities comply with Cowley College's NIL Policy, National Junior College Athletic Association (NJCAA) guidelines and do not go above market value for the activity.
  - ii. Cowley College student-athletes may not earn NIL-related compensation provided in exchange for their athletic performance or attendance at the institution.
  - iii. Student-athletes must disclose the details of any NIL inquiry through the Cowley College NIL Disclosure Form (located in Cowley Connect) 10 business days prior to the activity. Once a NIL agreement is signed, a copy of the agreement must be given to the Assistant Athletic Director: Academics & Compliance for recordkeeping purposes. Any alterations to an existing agreement must be reported through the Cowley College NIL Disclosure Form prior to the change being implemented and a copy of the signed, modified agreement must be given to the Assistant Athletic Director: Academics & Compliance for recordkeeping purposes.
  - iv. Student-athletes may not engage in NIL activities with people, institutions, businesses, or other outside entities in the following categories:
    1. Alcohol and alcohol products;
    2. Casinos, gambling, and sports betting/wagering;
    3. Cannabis and marijuana in any form, along with associated products, dispensaries, or paraphernalia;
    4. Firearms and other weapons;
    5. Gentlemen's clubs, adult entertainment, and/or escort services;
    6. NJCAA banned substances;

7. Political purposes or causes;
  8. Post-secondary educational institutions or online educational organizations.
  9. Pharmaceuticals;
  10. Sexually explicit materials;
  11. Tobacco products
- v. Student-athletes may not engage in NIL activities that:
    1. Remain in effect longer than the student-athlete's participation in an institutional athletic program.
    2. Violates state or federal law, NJCAA bylaws, KJCCC policies, or institutional policies.
  - vi. Student-athletes are not to engage in NIL activities during required team activities or while they are representing Cowley College, including during travel related to Cowley College athletic competition(s). Student-athletes may not miss class to engage in NIL activities.
  - vii. Student-athletes may not sell items provided by Cowley College and/or the NJCAA until the student-athlete has exhausted all team eligibility. (Example of items: jerseys, gear, apparel, equipment, or awards.) After the student-athlete has exhausted their eligibility, they may sell items that are not required to be returned to the college, NJCAA, or the institution's athletic department.
  - viii. Student-athletes may not use Cowley College and college-specific intellectual property in conjunction with NIL activities without permission. Permission to use such intellectual property may be requested via the License Agreement Form (For Students) in Cowley Connect. Student-athletes must request the use of protected marks at least five (5) days before the activity is scheduled to occur. Student-athletes are prohibited from reselling copyrighted material or institutional marks belonging to the college or NJCAA.
  - ix. Use of Cowley College facilities is not generally permissible for NIL activities. However, exceptions to this requirement may be made by the Athletic Director, in his/her sole discretion, for activities that do not conflict with scheduling, operations, policies, or programs concerning the Athletics Department.
    1. Any use of Cowley College facilities and/or equipment permitted under this policy is subject to Cowley College policies and procedures, including any facility use, equipment uses, and/or waiver of liability agreements or requirements by Cowley College. Student-athletes will be required to pay the same rental rates available to any other student at Cowley College and may not receive special rates or discounts for use of Cowley facilities or resources.
    2. Student-athletes may not use Cowley facilities in such a manner that gives the impression – either express or implied – that Cowley expressly or indirectly endorses a third party or product unless prior written approval is obtained from Cowley College.
    3. Student-athletes may not receive benefits (i.e., use of institutional facilities, use of department resources, etc.) if such benefits are inconsistent with institutional policies.
  - x. International student-athletes on an F-1 VISA are not eligible to earn compensation due to federal work restrictions. Any international student-athlete may consult with the institution's International Coordinator if they have further questions involving NIL.
  - xi. Student-athletes may use professional service providers to assist with management and procurement of NIL activities and/or to review NIL agreements. Provider's engagement is limited to NIL activities and must not be used to secure opportunities as professional athletes. Professional service providers cannot be employees of Cowley College Athletics and must be registered with the Kansas Secretary of State as athlete agents as required by K.S.A. 44-1519 *et seq.*

b. Institutional Staff Members.

- i. Institutional staff members, including coaches, are expected to comply with NJCAA and conference rules and regulations, Cowley College Policy, and state and federal law regarding student-athletes and prospective student-athletes. A head coach could be held responsible for the action of personnel within their program, including the involvement or support for NIL. If institutional staff members have questions they are expected to obtain guidance from compliance regarding NJCAA regulations.
- ii. Prohibited activities include but are not limited to the information below:
  1. Athletic department staff being employed by a NIL entity.
  2. Institutional staff members, including coaches and immediate family members of coaches, and executive officers, providing Professional Service, compensation, or causing compensation to be directed to a current or prospective student-athlete for their NIL.
  3. Providing institutional or personal assets to a booster or a NIL entity to incentivize NIL activities.
  4. Communicating with a NIL entity about specific student-athletes and/or a specific sport to request/demand NIL compensation.
  5. Coaches paying student-athletes for their NIL to promote a coach's camp.
  6. Serving as an intermediary or connecting potential student-athlete with a booster or NIL entity.
- iii. Institutional staff members, including coaches may support NIL activity as permitted by the NJCAA, Cowley College Policy, and/or state or federal law. Examples of activities currently permitted include:
  1. The purchasing of materials related to a student-athlete's NIL that are of market value and for the same rate available to the general population.
  2. Requesting funds from a donor to a NIL entity without directing the funds to a specific sport or student-athlete.
  3. Providing a student-athlete's contact information or other directory information to a NIL entity when requested.
  4. Assisting a NIL entity in raising money for an NIL by making appearances or autographing items.

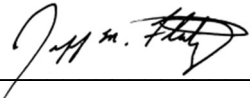
c. Amendments

- i. This procedure may be amended with approval from the Administrative Council of Cowley College. Questions regarding this procedure should be directed to the Athletic Department and/or Compliance.

IV. Effective Date

This procedure first became effective: October 24, 2023

V. Signature and Title

This procedure is implemented by: 

Title: Athletic Director