

Name, Image, Likeness (NIL) Policy

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Purpose and Scope

This policy sets forth the rules that apply if a West Chester University (“WCU”) (“University”) (“Institution”) student athlete engages in Name, Image, and Likeness Activities (or an NIL Activity) as defined below. Because of the changing regulatory landscape, West Chester University may need to amend or replace this Policy if NCAA, PSAC, or federal or state authorities adopt new or amended requirements.

Policy Statement and Framework

NIL Activity

Name, Image and Likeness Activity, which includes any activity in which a student athlete uses their name, image, or likeness in order to use, promote or endorse, directly or indirectly, a brand, company, product, commercial entity, non-commercial entity, or charitable entity, regardless of whether such use is compensated or uncompensated. NIL activities include activities such as personal appearances, autograph signings, postings on social media or other activity that expresses or implies public approval or support of a product, service or activity. NIL Activities **do not** include participation in unpaid university promotional activities such as appearances, media interviews, team photo shoots or other activities in accordance with existing NCAA, PSAC or other athletic conference rules.

NIL Activities may include a large 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 camps or clinics
- Fee-for-lesson instruction (and using their NIL to promote those lessons)
- Sponsored social media posts
- Autograph sessions

A West Chester University student athlete may earn compensation, commensurate with market value, for NIL Activities, consistent with the terms of this policy. Student athletes are responsible for all tax, withholding, reporting, licenses, permissions, permits, expenses, fees, and any other obligations, liabilities, or costs associated with NIL Activity.

Compensation for NIL Activities may not be provided in exchange, in whole or in part, for a current or prospective student athlete to attend, participate, or perform at West Chester University. Such compensation could be deemed “pay for play” and may lead to a determination of ineligibility to participate in college athletics by the NCAA, PSAC, or other athletic conference.

A West Chester University student athlete is prohibited from earning compensation from NIL Activity in connection with any person, company, or organization related to or associated with the development, production, distribution, wholesaling, or retailing of:

- Any business engaged in the sale, rental, or exhibition for any form of consideration of adult entertainment that is characterized by an emphasis on the exposure or display of sexual activity;
- Alcohol products;
- Casinos and gambling, including any entity associated with any type of sports wagering activities concerning intercollegiate, amateur, or

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professional athletics competition, including sports betting, the lottery, and betting in connection with video games, on-line games, and mobile devices;

- Tobacco and electronic smoking products and devices;
- Prescription pharmaceuticals;
- Anything that is illegal, conflicts with University policy, conflicts with NCAA, PSAC, or other relevant athletic conference rules;
- Substances on the NCAA Banned Substance List;
- Athletic recruiting services;
- Sponsorships or activities that conflict with existing West Chester University of Pennsylvania exclusive sponsorship entities.*

*WCU reserves the right to amend the foregoing list or otherwise add or withhold approval of other categories of products, companies, brands, or types of contracts that are similar to the above industries.

Earning compensation from NIL Activities shall not affect a student athlete's scholarship eligibility, duration, or renewal. Compensation for NIL Activities may not be used to revoke, reduce, or limit athletics grant-in-aid or stipend scholarship, except as required by federal or state student aid guidelines.

Student athletes may not miss class or other mandatory academic requirements or required team activities to engage in NIL Activities.

Prospective student athletes may not engage in any NIL Activity that is impermissible for current University student athletes under this policy. Prospective student athletes do not need to disclose NIL Activities to the University that will not continue during the student athletes' enrollment at the University.

International student athletes may be limited in their ability to receive compensation for NIL Activities from a third party due to the terms of their visa or other immigration status. International student athletes should contact the West Chester University Office of International Studies at international@wcupa.edu or 610-436-3515 with questions.

Student Athlete Obligations

Student athletes must comply with applicable state and/or federal NIL laws and all NCAA, PSAC, and WCU requirements.

Student athletes are expected to refrain from engaging in Name, Image, and Likeness Activities that are related to “pay for play,” impermissible inducements, or extra benefits. In addition to those prohibited activities outlined in this policy, impermissible Name, Image, and Likeness Activities include but are not limited to:

- Agreements without a *quid pro quo* (e.g., compensation for work not performed);
- Agreements where compensation is contingent on initial or continued enrollment at WCU;
- Agreements where compensation is contingent on specific athletic performance or achievement (e.g., financial incentives based on points scored).

Benefits provided to student athletes through Name, Image, and Likeness Activities must be consistent with the institutional policies of WCU. Those who have chosen to be a student athlete have chosen to act as public representatives of the University and may not engage in NIL Activities that may harm the reputation of the University.

Professional Representation in Connection with NIL Activity

- Professional representation obtained by a student athlete shall be from a person:
 - Acting as an athlete agent in accordance with Commonwealth of Pennsylvania's athlete agent registration requirements;
 - Acting as a financial advisor in accordance with the laws of this Commonwealth; or
 - Admitted to practice law .
- A student athlete that obtains professional representation must disclose the representation to the University on the NIL Activity Reporting Form.
- A representative of West Chester University athletic interests shall not:
 - represent a University student athlete in any NIL business agreement;
 - arrange or participate in arranging compensation for a student athlete relating to NIL Activities or use a similar type of arrangement as an inducement to recruit a prospective student athlete;
 - be involved in the development, operation, or promotion of NIL Activities; or
 - pay or provide professional representation in connection with NIL Activity for a student athlete.

Role of WCU

West Chester University is not responsible for providing or procuring Name, Image, and Likeness opportunities for student athletes and is not responsible for any tax liabilities or other costs student athletes incur as a result of their choice to engage in Name, Image, and Likeness Activities. The University may provide information and education related to NIL Activities. In addition, WCU may provide professional services (e.g., legal clinic, ombuds) generally available to all students, provided they access the services in the same manner as general students.

WCU shall make reasonable, good-faith efforts to provide education to student athletes and recruited prospective student athletes regarding NIL Activities. Specifically, the following activities would be permitted without triggering an impermissible institutional involvement in a student athlete's NIL Activities:

- Providing educational programming on NIL and associated regulations;
- Assistance with disclosure expectations; and
- Encouragement to evaluate and consult with professional service providers.

A person or entity that produces a college team jersey, a college team video game, or college team trading cards for the purpose of making a profit is required under Pennsylvania law to make a royalty payment to each college student athlete whose name, image, likeness, or other individual identifiable feature is used. The University will not enforce such payments and is not liable or otherwise responsible to any student athlete for such royalty payments.

The University is not liable or otherwise responsible to any student athlete or noninstitutional entity that partners with a student athlete, professional representative, agent, or other individual or entity involved with NIL Activity.

Procedures

General Guidelines

As a student athlete (or prospective student athlete) at West Chester University, the following applies to your participation in any NIL Activity:

- You must submit your proposed oral or written NIL agreement to WCU at least 7 days prior to the execution of affirmation of the agreement. The University will review this information and notify the student athlete if the proposed NIL Activity complies with the requirements of this policy or presents a reasonable

likelihood of violating the policy. Further, any changes to the NIL Activity disclosed must be disclosed to WCU within fourteen (14) days.

- While engaged in NIL Activities, you may not use any WCU trademarks, service marks, logos, symbols, or other intellectual property of WCU (including wearing apparel with WCU trademarks or logos). Similarly, you may not portray yourself or any product or service, photographically or otherwise, with recognizable WCU physical properties or landmarks, including but not limited to Philips Memorial Building, the Frederick Douglass statue, the Ram statue, and Ware Plaza. This restriction is limited to NIL Activities and is not meant to restrict the use of photos or videos containing WCU trademarks, logos, service marks, symbols or other intellectual property for personal or other non-commercial social media.
- In connection with NIL Activities, you may state that you are a student athlete at WCU (e.g., "a member of [insert team name] at West Chester University") and list your personal academic or athletic accolades. However, you may not imply, directly or indirectly, that WCU is endorsing your NIL Activities or any products or services associated with your NIL Activities.
- You may not participate in NIL Activities in a WCU facility without an approved university facility use agreement (including fields and other venues).
- You may not participate in any NIL Activities during required team activities, on or off campus. This includes, among others, during media sessions, team travel, photo sessions, community service, and team building activities.
- You may not miss class or other mandatory academic requirements or required team activities to engage in NIL Activities.
- If you do not perform the work agreed upon in your NIL agreement in order to receive compensation (i.e., money, product, or other benefits), you could jeopardize your athletic eligibility as per PSAC or NCAA rules and polices.
- No WCU coaches, faculty, or staff may be involved in any way with your NIL Activities. This includes arranging, assisting, promoting, or contributing to your

activity. You may not compensate (money or other goods, services, or compensation) a coach or faculty or staff member to be involved or assist with any NIL Activity (i.e., social media content, videos/photography, graphics, logos, etc.).

- You may not sell your team-issued equipment and apparel (for which WCU permits athletes to keep) until your eligibility is exhausted.
- You may not be paid for your athletic performance.
- You may hire an agent or other professional service provider (e.g., tax advisor) to assist you with NIL Activities. It is imperative that you familiarize yourself with NCAA rules regarding agents and representation.
- You may not hire an agent to represent you, or attempt to represent you, for the purpose of marketing your athletic ability or reputation for financial gain as a professional athlete or to secure you an opportunity as a professional athlete. Hiring an agent for this purpose may jeopardize your intercollegiate eligibility.
- You may not enter into an NIL agreement with any organization or individual in any of the industries excluded by West Chester University.
- Notwithstanding any portion of this policy, you are still subject to the following:
 - Academic standards, requirements, regulations, and obligations;
 - Team rules of conduct or other rules of conduct;
 - Standards or policies regarding the governance or operation of or participation in intercollegiate athletics; and
 - Disciplinary rules and standards generally applicable to all students at West Chester University.
- International student athletes should not enter into any NIL Activities without consulting with WCU's Center for International Programs as this could impact your U.S. visa status.
- You may also need to follow the NIL laws of the state in which you legally reside as this Policy is designed to ensure compliance with Pennsylvania NIL laws.

- Pell Grant, federal aid, and/or other need-based aid could be affected by your NIL Activities. Questions may be directed to the WCU Financial Aid Office. There may also be tax consequences on your earnings, which are entirely your responsibility.

Disclosure of NIL Activity

1. Student athletes must disclose all Name, Image, and Likeness Activities, including information related to transactions, compensation arrangements, and details of relationships with any involved individuals, commercial entities, and/or third parties (e.g., agent, advisor, tax advisor, marketing consultant, attorney or anyone who is employed or associated with such persons, contact information, identification of role) at least seven (7) days prior to execution or affirmation of the agreement to the West Chester University Athletics Department by submitting a complete NIL Activity Reporting Form through the ARMS Software Platform Workflow Launchpad. The University may request additional or clarifying information. Any changes to the NIL Activity disclosed must be disclosed to the University within fourteen (14) days.
2. The University's Athletics Department will review the submitted NIL Activity Reporting Form as soon as possible to ensure compliance with applicable law, University policies and NCAA, PSAC, and other relevant athletic conference regulations. The student athlete will be notified, by email, of the results of the University review.
3. The University will maintain NIL Activity disclosed for a period of seven (7) years.

Student athletes, even if employed by the University in a job on campus, are not considered employees of the University under any federal, state, or local law, regulation, or ordinance based on their status as student athletes, regardless of

whether the student athlete receives athletics financial aid or signs a scholarship agreement with the University. Similarly, disclosure of NIL Activity to the University pursuant to this policy does not make the student a contractor of the University. A student athlete's receipt of compensation for NIL Activity from a noninstitutional entity does not alter the non-employee or non-contractor status of the student athlete.

Use of WCU Marks/Logos (Intellectual Property) and Facilities

Like all students, faculty, and staff, a student athlete may not use institutional logos and/or trademarks or other physical or intellectual property owned by the University in connection with NIL Activities. This includes photos and website content, university owned property or university-provided property, including apparel and equipment.

In connection with NIL Activity, prohibited examples include, but are not limited to:

- Wearing apparel or gear that visibly shows a registered WCU logo/trademark;
- Social media content that includes a registered WCU logo/trademark.
- Use of institutional facilities without an approved University facility use agreement.

University facilities may only be used in accordance with applicable University facilities use policies and in conjunction with a fully executed facilities use agreement. If a student athlete would like to use a University facility, including athletics facilities, to market their NIL, the student athlete must contact West Chester University Conference Services at (610)-436-6931 to secure the necessary forms/approvals.

Reference to the Institution: Student athletes are permitted to include a reference to West Chester University consistent with institutional policies applicable to any student. For the avoidance of doubt, student athletes are permitted to identify themselves as “Current West Chester University Student Athlete” and may list their personal academic or athletic accolades. Student athletes may not imply (directly or indirectly) that West Chester University is endorsing any NIL Activity or any products or services associated with any NIL Activity.

Institutional/Team Issued Equipment and Apparel: Student athletes are not permitted to sell any institutional- or team-issued equipment and apparel (such as shoes, jersey, helmet, bats, warm-ups, etc.) until their NCAA eligibility is exhausted.

Enforcement, Violations, and Penalties

Failure to abide by these student athlete name, image, likeness guidelines may result in loss of privileges and other sanctions as appropriate, including but not limited to verbal or written reprimand, probation, loss of practice privileges, loss of competition privileges, suspension, loss of NCAA eligibility, or dismissal from the program.

Similarly, failure to adhere to the guidelines of this policy may have significant consequences on a student athlete's visa status, state and federal tax liability, and financial aid status.

Violations of NCAA or PSAC or other relevant athletic conference rules may result in a student athlete being deemed ineligible for athletic competition and subject to applicable Commonwealth of Pennsylvania State law.

A violation of any University policy, including policies stated within University handbooks, may result in University sanctions.

Definitions

Name, Image, and Likeness: Name, image and likeness (“NIL”) are the three components of a person’s “right of publicity.” These are independent or collectively identifiable aspects of a person that make them unique, including but not limited to their name, image, likeness, nickname, signature, social media account, any symbol, name, or design that readily identifies them or any combination thereof.

NIL Activity: Name, image and likeness activity, which includes any activity in which a student athlete uses their name, image, or likeness in order to use, promote or endorse, directly or indirectly, a brand, company, product, commercial entity, non-commercial entity, or charitable entity, regardless of whether such use is compensated or uncompensated. NIL activities include activities such as personal appearances, autograph signings, postings on social media or other activity that expresses or implies public approval or support of a product, service or activity. NIL Activities **do not** include participation in unpaid university promotional activities such as appearances, media interviews, team photo shoots or other activities in accordance with existing NCAA, PSAC or other athletic conference rules.

Athlete Agent: A person who enters into an agency contract with an individual or a student athlete or directly or indirectly recruits or solicits an individual or a student athlete to enter into an agency contract. The term does not include a spouse, parent, sibling, son, daughter, or grandparent of the individual or student athlete, an individual acting solely on behalf of a professional sports team or a coach, trainer, or other employee of a secondary or postsecondary school who

is acting on behalf of a student athlete of the same secondary or postsecondary school, provided that such activities are within the scope of employment of the coach, trainer, or other employee. The term includes a person who represents to the public that the person is an athlete agent.

Representative of Athletic Interests: any employee, official, or other individual, sometimes referred to as “boosters,” who supports or promotes the athletic department or specific athletic programs, assists with recruitment, or has provided benefits to student athletes or their families.

Student Athlete: An individual enrolled at West Chester University who participates in intercollegiate athletics for West Chester University. The term does not include an individual whose participation is or was in a college intramural sport, club sport, or in a professional sport outside of intercollegiate athletics.

Compensation: Remuneration or payment in any form received for work or services performed, including cash, credit, cryptocurrency, product, discounts, or other benefit.

NCAA: The National Collegiate Athletic Association

PSAC: Pennsylvania State Athletic Conference

Disclosure: Student athletes and certain prospective student athletes shall notify the University of all NIL Activities in a manner set forth within this policy. To the extent applicable, such disclosures, including any and all records within, may be deemed “educational records” under the Family Educational Rights and Privacy Act (FERPA).

Official Team Activities: Official team activities means all games, practices, exhibitions, scrimmages, meetings, team appearances, team photograph sessions, sports camps sponsored by the University, and other team-organized activities, regardless of whether the activity takes place on or off campus, including individual photograph sessions and news media interviews.

References

[Pennsylvania Name, Image, Likeness Law – Section XX-K](#)

[NCAA Name, Image, Likeness Information Page](#)

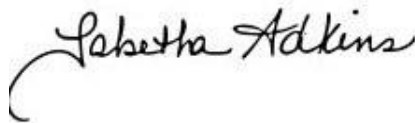
[NCAA Name, Image, Likeness Interim Policy](#)

Reviewed by: Chief of Staff, Vice President for University Affairs, Athletics Director, Vice President for Student Affairs, Office of Communication and Marketing

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Approved by:



Dr. Tabetha Adkins

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