



June 30, 2021

TO: Members of the Board of Trustees

FROM: David Benedict,
Director of Athletics

RE: Adoption of Policy for Student Athlete's Name, Image, and Likeness Pursuant to
Public Act No. 21-132

RECOMMENDATION:

That the Board of Trustees adopt a policy, pursuant to Public Act No. 21-132, to permit student-athletes to (1) earn compensation through an endorsement contract or employment in an activity unrelated to an intercollegiate athletic program and (2) obtain legal or professional representation of an attorney or sports agent through a written agreement, provided that in each case, the student-athlete complies with the terms and conditions of the policy and applicable law.

RESOLUTION:

“Be it resolved that the attached policy be approved and become effective July 12, 2021.”

BACKGROUND:

Connecticut Public Act No. 21-132 requires each Connecticut institution of higher education to adopt a policy that permits student-athletes to (1) earn compensation through an endorsement contract or employment in an activity unrelated to an intercollegiate athletic program and (2) obtain legal or professional representation of an attorney or sports agent through a written agreement, provided that the student-athlete complies with the terms and conditions of the institution's policy and applicable law. Starting July 1, 2021, numerous institutions in multiple states will begin permitting their student-athletes to engage in the same activities. It is important that UConn student-athletes also have the ability to engage in these activities starting this July.

Policy Number	
Title	University Policy for Student Athlete's Name, Image, and Likeness
Policy Owner	Athletics
Applies to	All Student Athletes and University Employees
Campus Applicability	All Campuses
Effective Date	July 12, 2021
For More Information Contact	David Benedict, Director of Athletics
Contact Information	(860) 486-2725

REASON FOR POLICY

To establish a policy pursuant to which University of Connecticut ("University") student-athletes are permitted by the University to (1) earn compensation through an endorsement contract or employment in an activity unrelated to an intercollegiate athletic program; and (2) obtain legal or professional representation of an attorney or sports agent through a written agreement, provided that in each case, the student-athlete complies with the terms and conditions of this policy and applicable law.

APPLIES TO

All student-athletes and University Employees.

DEFINITIONS

Athletics booster means a person who directly contributes to a University athletic program.

Compensation means the receipt, whether directly or indirectly, of any cryptocurrency, money, goods, services, other items of value, in kind contributions and any other form of payment or remuneration.

Endorsement contract means a written agreement under which a student-athlete is employed or receives compensation for the use by another party of such student-athlete's person, name, image or likeness in the promotion of any product, service or event.

Intercollegiate athletic program means a program at the University for sports played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association for the promotion or regulation of college athletics.

NCAA means the National Collegiate Athletic Association or its successor.

Official team activities means all games, practices, exhibitions, scrimmages, team appearances, team photograph sessions, sports camps sponsored by the University and other team-organized activities, including, but not limited to, photograph sessions, news media interviews, and other related activities as specified by the University.

Prohibited endorsements means receipt of compensation by, or employment of, a student-athlete for use of the student-athlete's person, name, image or likeness ("NIL") in association with any product, category of companies, brands, or types of endorsement contracts that are: (1) prohibited by law; (2) prohibited by this policy; or (3) prohibited under the applicable University procedures adopted in accordance with this policy.

Sports agent means a duly licensed person who negotiates or solicits a contract on behalf of a student-athlete in accordance with the Sports Agent Responsibility and Trust Act, 15 USC 7801, et seq., as amended from time to time.

Student-athlete means a student enrolled at the University who participates in an intercollegiate athletic program.

University marks means the name, logo, trademarks, mascot, unique colors, copyrights and other defining insignia of the University.

POLICY STATEMENT

The University shall permit its student-athletes to (1) earn compensation through an endorsement contract or employment in an activity unrelated to an intercollegiate athletic program and (2) obtain legal or professional representation of an attorney or sports agent through a written agreement, provided that the student-athlete complies with this policy and applicable law.

I. Agreements for Representation by a Sports Agent or an Attorney

- a. A student-athlete may only enter into an agreement for representation with a sports agent if the student-athlete submits a copy of the agreement to the University.
- b. A student-athlete may only enter into an agreement for representation with an attorney if the student-athlete submits a copy of the agreement to the University.

II. Endorsement Contracts and Agreements for Employment Activities

A student-athlete may only enter into an endorsement contract or agreement for other employment activities if:

- a. the student-athlete discloses the existence of the agreement to the University;
- b. the student-athlete submits a copy of the agreement to the University prior to the student-athlete performing any activity or service under the agreement;
- c. the agreement, or any portion thereof, does not conflict with the provisions of any agreement to which the University is a party. In the event that a potential conflict is identified, the University shall disclose to the student-athlete or the student-athlete's attorney or sports agent the provisions of the University agreement that are in conflict; and
- d. the agreement does not require the student-athlete to participate or engage in any activity prohibited by Section III of this policy.

III. Prohibitions

- a. Student-athletes are prohibited from using or consenting to the use of any University marks when performing any services or activity associated with an endorsement contract or employment activity.
- b. Student-athletes are prohibited from performing any service or activity associated with an endorsement contract or employment activity that interferes with any official team activities or academic obligations.
- c. University staff members are prohibited from creating or facilitating endorsement contracts for a student-athlete or providing compensation themselves to a student-athlete.
- d. University employees, students, and athletic boosters are prohibited from creating or facilitating NIL compensation opportunities for prospective student-athletes as a recruiting inducement or current student-athlete as an inducement to remain enrolled at the University.
- e. University athletic boosters are prohibited from creating or facilitating NIL compensation opportunities for current or prospective student-athletes.
- f. Student-athletes are prohibited from receiving compensation from, entering into an endorsement contract with, and/or otherwise engaging in an employment activity with companies, brands, products, conduct, and/or entertainment prohibited under University procedures adopted in accordance with this policy.

IV. Procedures

The President or the President's designee may adopt procedures concerning the implementation of this policy.

ENFORCEMENT

Violations of this Policy may result in appropriate disciplinary measures in accordance with state law, University Laws and By-Laws, and Division of Athletics Student Athlete Handbook.