

# NAME, IMAGE & LIKENESS

## WIAA PROPOSED CONSTITUTIONAL AMENDMENT

VS

## NCAA POLICY

### AFFILIATION REPRESENTATION

**WIAA:** Student-athletes are not permitted to represent their school, conference or the WIAA in any NIL agreements or activities (branded uniform or apparel, messaging, endorsement or promotion). Schools, their employees, or persons associated with schools cannot facilitate deals for student-athletes.

**NCAA:** Athletes are permitted to engage in NIL activities involving their institution's branding. Requires permission from institution and the activity must be compliant with institution, state, and NCAA regulations. Schools can assist in facilitating these opportunities.

### PROHIBITED SUBJECT MATTER & PRODUCTS

**WIAA:** NIL activities are prohibited with industries pertaining to gambling, alcohol, cannabis, tobacco, lewd subject matter and weapons.

**NCAA:** Schools and states are allowed to regulate specific industries, but many institutions have similar prohibitions regarding gambling, alcohol, tobacco, and other sensitive subject matter. Institutions may have more lenient or stricter rules depending on state law.

### ATHLETIC PERFORMANCE COMPENSATION

**WIAA:** Compensation is prohibited for NIL activities based on specific athletic performance or achievement (e.g., no compensation or payment that are incentive-based on statistics or results in membership-sponsored interscholastic competitions).

**NCAA:** NIL compensation is not allowed for pay-for-play and cannot be contingent on athletic performance or achievements.

### AGENT REPRESENTATION

**WIAA:** Student-athletes are prohibited from utilizing agents or having professional representation for NIL deals. In addition, any individual associated with a respective school (e.g. booster, coach, etc.) cannot facilitate deals for student-athletes.

**NCAA:** Student-athletes are permitted to hire agents or professional representation to assist with NIL deals, provided agents comply with state and institutional policies and registration requirements.

### COLLECTIVES FOR RECRUITING & INDUCEMENTS

**WIAA:** Student-athletes are prohibited from utilizing agents or having professional representation for NIL deals. In addition, any individual associated with a respective school (e.g. booster, coach, etc.) cannot facilitate deals for student-athletes.

**NCAA:** It is well known that through a student's initial recruiting process or once a student enters the transfer portal that they are offered many NIL opportunities through collectives or other interested parties to entice their enrollment at prospective schools.

### TRANSFER RULES

**WIAA:** Unrestricted eligibility is limited to transfers where there is a complete family move after a student-athlete establishes eligibility at a school. Member rules also state no eligibility will be granted for a student whose attendance at a school has been the result of undue influence (special consideration due to athletic ability or potential) on the part of any person, whether or not connected with the school.

**NCAA:** The NCAA has the Transfer Portal. Once a student has placed their name in the transfer portal (online database) and has completed the notification of transfer and permission to contact, another school or entity is allowed to recruit and entice.

### DISCLOSURE

**WIAA:** Student-athletes and their parents/guardians are annually required to sign the WIAA High School Eligibility Information Bulletin, which states that they have read, understand, and agree to abide by all of the information contained in the bulletin, including NIL guidelines.

**NCAA:** Student-athletes will be required to disclose to their schools information related to NIL agreement exceeding \$600 in value, no later than 30 days after entering or signing the NIL agreement.