



Policy Name:	Student Athletes and Compensation for use of their Name, Image, and Likeness		
Associated Form(s):	N/A	Policy Number:	2024-6
Reviewed:	Non-Academic Policy Committee	Approved:	April 29, 2024
Approval Authority:	President <i>Susan Parish</i>	Adopted:	May 10, 2024
Responsible Executive(s):	1. Vice President of Student Affairs 2. General Counsel	Revised:	N/A
Responsible Office(s):	1. Athletic Department 2. Office of the General Counsel	Contact(s):	1. Director of Athletics 2. General Counsel

I. Policy Statement

Mercy University is committed to supporting its students and student-athletes. This Policy sets forth the rules that apply to Mercy University (“Mercy”) student-athletes who elect to participate in endorsements or other activities related to their name, image or likeness (“NIL”) for compensation. Due to the evolving NIL landscape, Mercy reserves the right to amend this Policy at any time in its sole discretion.

II. Definitions

Name, Image, Likeness (“NIL”) are three elements of the right of individuals to control the deployment of their identity and association in commerce (legally known as the “right of publicity”). Name, image, and likeness are independent and collectively identifiable attributes that make individuals unique. As such, permission is required of a person to use their name, image, or likeness.

Student-athlete is any enrolled student participating in the intercollegiate athletics program at Mercy University.

III. Policy

Subject to this NIL policy and all other applicable Mercy University policies and any other relevant laws, rules or regulations, Mercy student-athletes may use their NIL in a variety of way that may include, but are not limited to:

- Commercials or advertisements for products or services;
- Developing or promoting the student-athlete’s business;
- Student-athlete's operation of a camp, clinic, or lesson or use of NIL to promote student-athletes participation in a camp, clinic, or lesson;
- Personal appearances or signing autographs; and
- Sponsored social media posts and/or promoting or endorsing any corporate entities.

Mercy student-athletes are permitted to receive compensation, either in-kind or monetary, for NIL activities subject to the requirements of this Policy and NCAA rules. Such compensation must be within fair market value and must be for work actually performed.

IV. Prohibitions

Mercy student-athletes are prohibited from the following activities:

- NIL activities may not involve compensation for athletic participation or performance at Mercy.
- NIL compensation cannot be used as a recruiting inducement to solicit a specific prospective student-athlete to attend Mercy.
- Mercy student-athletes may obtain independent professional advice to assist with NIL opportunities, but it remains against NCAA rules for student-athletes to enter into

agreements with agents or professional advisors to represent or assist them in the process of becoming a professional athlete.

- Mercy employees and staff will not assist or facilitate NIL opportunities for student athletes.
- Mercy student-athletes are prohibited from engaging in NIL activities that would conflict with official team activities such as competitions, practices, gatherings, and meetings, or with academic obligations and absences from class, to participate in NIL activities.
- Student athletes may not use their NIL to promote products that are illegal, alcohol, tobacco or vaping products, substances that are banned by the NCAA, adult entertainment, or gambling.

V. Disclosure

Prior to entering into a NIL contract, the student-athlete must disclose the prospective contract to the Director of Athletics and the University's Office of General Counsel for review. Permission must be granted by Mercy's General Counsel for the student to enter into the contract. Mercy's permission for a student-athlete to enter into a contract for providing compensation for NIL will be denied if the contract causes a conflict, including if the contract would:

- Cause the student-athlete to violate Mercy's Student Handbook or Code of Conduct;
- Conflict with an existing contract or sponsorship Mercy participates in; or
- Reasonably be judged to cause financial loss or reputational damage to the University.

VI. Role of Mercy

Use of Mercy facilities for NIL activities must be authorized and approved in advance. Student-athletes should request permission for the use of Mercy facilities from the Director of Athletics.

Student-athletes will not be permitted use of Mercy's intellectual property including its trademarks, logos, or symbols without prior written approval from Mercy. Requests are to be made through the Director of Athletics and the University's General Counsel.

Student-athletes enter into NIL contracts on their own authority and it is incumbent on the individual student-athlete to carefully review and evaluate a prospective contract with their own independent legal counsel. Mercy takes no responsibility for any tax liabilities or other costs incurred by individual student-athletes as a result of their personal choice to engage in NIL activities. NIL earnings could result in a student-athlete no longer qualifying for need-based financial aid including but not limited to Pell grants. International student athletes need to investigate whether such agreements might impact their VISA status. Mercy takes no responsibility for the loss of eligibility for financial aid, scholarship, or VISAs due to a student-athlete's participation in NIL earnings or activities.