



NIL Collective Best Practices

The Department of Athletics is committed to supporting student-athletes and their pursuit of Name, Image, and Likeness (NIL) activities in accordance with applicable NCAA and/or state or federal laws while continuing to further the mission of the Department of Athletics - to foster a culture that provides the opportunity to develop student-athletes through success in academics and competition to achieve excellence in life.

Further, VCU is dedicated to the principle set forth in the NCAA guidelines regarding third party involvement in the recruiting process and NIL agreements. NIL agreements must be based upon the value that the student-athlete brings to the external group and cannot be connected to participation in intercollegiate athletics at VCU or athletics in general. The Department of Athletics is committed to working closely with businesses, NIL collectives, or booster groups whose primary mission or objective is to provide NIL agreements to student-athletes who are already enrolled at VCU.

NCAA rules prevent VCU and/or its staff from organizing, facilitating and/or arranging a meeting between a booster/NIL entity and a prospective student-athlete. Further, such regulations preclude businesses, booster groups, NIL collectives, or other entities from engaging in the recruitment of prospective student-athletes on behalf of VCU. Therefore, the Department of Athletics will not work with external groups whose primary mission or objective is to provide NIL agreements to prospective student-athletes who have not signed a National Letter of Intent at the time they negotiate or sign an NIL agreement.

The Department of Athletics expects any Collective or outside group that works with a student-athlete on NIL to abide by the best practices outlined below and all other applicable state laws and institutional guidelines. Further, these Best Practices are subject to change. Please review VCU's Name, Image, and Likeness site periodically.

Is an NIL Collective Considered a Booster Group? Yes. The NCAA has determined that any entity that is involved in promoting and supporting a specific NCAA institution by making available NIL opportunities to prospective student-athletes (PSA) and student-athletes (SAs) of a particular institution, triggers the definition of a booster. Please note that VCU may be required to perform a financial audit of a booster group through the NCAA Agreed Upon Procedures.

Can Student-Athletes do an NIL Deal with a Booster or an NIL Collective? Yes, provided the activity is in accordance with Virginia law, NCAA bylaws, and VCU's NIL Policy; work must be performed in exchange for compensation; does not constitute pay-for-play; and is not an impermissible inducement (i.e., an offer or guarantee for NIL opportunities provided the prospective, current, or transfer student-athlete enrolls or remains enrolled at VCU).

Can Prospective Student-Athletes do an NIL Deal with a Booster or an NIL Collective? Yes, provided the activity is in accordance with Virginia law, NCAA bylaws, and VCU’s NIL Policy; work must be performed in exchange for compensation; does not constitute pay-for-play; and is not an impermissible inducement (i.e., an offer or guarantee for NIL opportunities provided the prospective, current, or transfer student-athlete enrolls or remains enrolled at VCU). NCAA rules prevent VCU and/or its staff from organizing, facilitating and/or arranging a meeting between a booster/NIL entity and a prospective student-athlete.

Developing an NIL Collective Contract That Protects VCU Student-Athletes

<p>Quid Pro Quo Compensation for work performed</p> <p style="text-align: center;"></p>	<p>Pay for Play Compensation for athletic achievement or participation</p> <p style="text-align: center;"></p>	<p>Inducements Compensation contingent on enrollment or remaining enrolled at a particular institution</p> <p style="text-align: center;"></p>
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Communicating About Your NIL Collective Opportunities

Communicating NIL Opportunities with Current VCU Student-Athletes

- ✓ Communicate directly with student-athletes.
- ✓ Communicate with student-athletes’ NIL agent.
- ✓ Coordinate with VCU coaches and/or sport administrators about organizing, facilitating and/or arranging a meeting with student-athletes.
- ✓ Contact the Department of Athletics about establishing internship opportunities for student-athletes that can lead to NIL opportunities.
- ✓ Communicate with VCU coaches and/or sport administrators about potential NIL opportunities for student-athletes.
- ✗ Communicate (e.g., call, text, DM) with student-athlete, student-athlete’s family, or others affiliated with the student-athlete to encourage the student-athlete to remain enrolled at VCU.

Communicating NIL Opportunities with Prospective Student-Athletes (“Recruits”)

- ✓ Communicate with recruits and/or recruits’ NIL agent about potential NIL opportunities.
- ✗ Communicate with recruits through VCU coaches and staff or ask for recruits’ contact information.
- ✗ Ask VCU coaches and staff to organize, facilitate, or arrange a meeting between you and the recruit.
- ✗ Communicate (e.g., call, text, DM) with recruit, recruit’s family, or others affiliated with the recruit for a recruiting purpose or to encourage the recruit’s enrollment at VCU.
- ✗ Have in-person contact with a recruit on campus (even if otherwise permitted on-campus for former VCU student-athlete).
- ✗ Ask VCU coaches and staff for recruiting list or watch list, including NCAA Transfer Portal.
- ✗ Ask VCU coaches for information related to team scholarship limits or individual athletic awards.

- ✗ Publicly comment on a recruit in any capacity outside of legitimate NIL activities prior to a recruit signing a National Letter of Intent, obtaining an offer of financial aid, or paying a VCU admissions deposit.

Fundraising for NIL Collectives

VCU Athletics Development staff members may engage in fundraising activities (e.g., appearances at fundraisers, donate autographed items) on behalf of a Collective or booster group, provided the Collective or booster group is not engaging in the recruitment of prospective student-athletes on behalf of VCU:

- ✓ VCU Athletics Development staff members may assist NIL Collectives in raising money for the NIL entity. This includes, requesting donors to provide funds to an NIL Collective (without directing funds to be used for a specific sport or SA).
- ✓ VCU Athletics Development staff members may provide donors with information or facilitate meetings between donors and the NIL Collective.
- ✓ VCU may provide assets (e.g., tickets, suite) to NIL Collectives under a sponsorship agreement provided access to assets are available to and on the same terms, as other sponsors.
- ✓ VCU coaches may attend fundraising events for NIL Collectives benefitting current student-athletes provided the coaches do not directly solicit funds or make any calls to action.
 - EX1: Can speak at a fundraising dinner (where proceeds benefit the NIL Collective) about VCU Athletics and the many benefits of NIL Collectives for student-athletes. Cannot ask guests to donate to the collective.
 - EX2: Cannot do a home visit with an NIL Collective to make an ask of a donor for \$1 million for the collective.
- ✓ VCU student-athletes may participate in fundraising activities for NIL Collectives provided there is an NIL Agreement in VCU's disclosure portal or, if not an NIL opportunity, a Student-Athlete Promotional Request Form is completed by the NIL Collective and approved by Athletic Compliance.
- ✓ NIL Collectives must secure appropriate approvals (e.g., VCU Donation Request Form, VCU Student-Athlete Appearance Request Form) prior to the advertising and conducting of an NIL Collective fundraising event.
- ✗ VCU coaches and/or staff may not receive compensation, gifts, or honorariums for involvement in any NIL Collective fundraising activity or speaking engagement.

NIL Collective Best Practices

- Refine the mission of the NIL Collective to focus on current student-athletes.
- Include clear language on the NIL Collective website that it is not owned or operated by VCU and VCU is not responsible for the NIL Collective's actions.
- Refrain from engaging VCU coaches in NIL Collective business. VCU coaches and/or staff cannot serve as a paid or unpaid consultant, advisor, employee, board member or trustee of an NIL Collective, or otherwise provide strategic advice or assist in organizational planning for the NIL Collective.
- Refrain from engaging VCU coaches or staff in recruiting activities. VCU coaches and/or staff cannot provide recruiting information or recommendations of current student-athletes or recruits to partner with the NIL Collective agreements.

- Negotiate written, legally-binding agreements with the student-athletes to memorialize deal points and expectations
- Encourage student-athletes to disclose proposed NIL Collective contracts in VCU's disclosure portal as Virginia law requires student-athletes to disclose any NIL Agreements. Disclosing proposed contracts allows VCU to determine if Collective contracts are permissible under NCAA rules, VCU NIL Policy, and Virginia law prior to finalizing the agreement. This serves to protect both NIL Collective, student-athlete eligibility and VCU.
- Communicate with the VCU Department of Athletics for any NIL-related questions or concerns.

Reminder: Extra Benefits Are Still Not Permissible

Outside of a permissible NIL activity, a booster, NIL Collective, or member of an NIL Collective may not provide benefits to recruits, student-athletes, or their families. Doing so could render the student-athlete ineligible for competition. Examples of impermissible benefits include, but are not limited to, the following:

- Any arrangement for cash, financial aid, or loans, including co-signing on a loan.
- Use of a vehicle, including arranging or paying for transportation.
- Entertainment, including tickets to concerts or VIP access to sporting events.
- Gifts or free or reduced-cost services (e.g., meals, retail discounts, summer storage access).
- Free or reduced-cost housing.

Violations of NCAA rules by an NIL Collective may result in loss of eligibility, suspension, forfeiture of contests, fines and other adverse actions against VCU student-athletes and athletic programs. As such, violations may result in a decision to disassociate the NIL Collective from VCU.

Questions?

Contact Athletic Compliance at nstrebler@vcu.edu for any questions pertaining to NIL, Collectives and/or NCAA Rules.