

### **WHAT IS NIL?**

NIL refers to the rights of student athletes to monetize and profit from their personal brand, which consists of their **Name, Image, and Likeness**. Before 2021, NCAA rules prohibited student athletes from earning anything beyond what their scholarships provided. Now, student athletes may enter into a wide variety of deals that allow them to receive compensation based on the value of their personal brand. Buckeyes must still abide by NCAA rules and Ohio's NIL law, which is set forth in an Executive Order issued by Governor DeWine on June 28, 2021.

### **WHAT IS A NIL COLLECTIVE?**

NIL Collectives are legal entities formed by fans and supporters of college sports. NIL Collectives may take a variety of legal forms – some have been established as tax-exempt, nonprofit corporations and others have been established as limited liability companies or for-profit corporations. The collectives are separate and independent from the colleges they are formed to support, so the legal structure and operation of each collective is at the discretion of the collective's founders.

NIL Collectives have a shared mission of helping student athletes navigate potential NIL deals, but each collective will have a different method for accomplishing this. Some may connect companies with athletes; some may enter into NIL deals directly with athletes themselves. NIL Collectives that are formed as charitable entities may offer educational training to student athletes, or engage athletes to perform services in furtherance of the charity's charitable purposes.

### **HOW CAN A NIL COLLECTIVE SUPPORT OHIO STATE'S STUDENT ATHLETES?**

NIL Collectives can enter into NIL deals directly with student athletes, or assist student athletes in making connections with companies who wish to engage them for NIL deals. NIL Collectives may also donate to Ohio State in order to support scholarships for student athletes.

### **WHAT RULES APPLY TO NIL COLLECTIVES AND STUDENT ATHLETES WHO WORK WITH NIL COLLECTIVES?**

NIL Collectives are subject to all corporate and tax rules that apply to any other legal entity of their type. For instance, if a collective is formed as a tax-exempt, nonprofit corporation, it is subject to all the state and federal laws that apply to all nonprofits, including the requirement that the collective be organized and operated for charitable, educational or scientific purposes.

Student athletes working with NIL Collectives must abide by all university policies, NCAA rules, and state and federal laws that are applicable to all NIL deals. For instance, all NCAA eligibility rules and state and federal tax laws.

Ohio State's Department of Athletics is happy to help answer any questions related to NCAA compliance or university policies.

### **CAN COACHES AND STAFF BE INVOLVED IN A NIL COLLECTIVE?**

Designated Ohio State staff can help coordinate between the collective and student athletes, but coaches and staff cannot be founders, members, officers, directors or employees of a NIL Collective that is formed for the benefit of Ohio State student-athletes.

### **QUESTIONS?**

Contact Carey Hoyt at [hoyt.171@osu.edu](mailto:hoyt.171@osu.edu) for more information regarding collectives benefiting Ohio State student athletes.