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, Ohio State 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 The Ohio State University or athletics in general. The Athletic Department 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 Ohio State. This commitment includes organizing, facilitating and/or arranging a meeting between a booster/NIL entity and enrolled Ohio State student-athletes. NCAA rules and Ohio law prohibit Ohio State and its employees from negotiating or representing student-athletes in NIL activities.

NCAA rules prevent Ohio State 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 Ohio State University. Therefore, the Athletic Department 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 he or she negotiates or signs 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 (See links below). Further, these Best Practices are subject to change. Please review Ohio State’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 The Ohio State University 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 Ohio law, NCAA bylaws, and Ohio State’s NIL Guidelines; 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 Ohio State). Ohio State is committed to supporting NIL Collectives in this space by organizing, facilitating and/or arranging a meeting between a booster/NIL entity and enrolled Ohio State student-athletes.

Can Prospective Student-Athletes do an NIL Deal with a Booster or an NIL Collective? Yes, provided the activity is in accordance with Ohio law, NCAA bylaws, and Ohio State’s NIL Guidelines; 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 Ohio State). NCAA rules PREVENT Ohio State and/or its staff from organizing, facilitating and/or arranging a meeting between a booster/NIL entity and a prospective student-athlete.
### COMMUNICATING ABOUT YOUR NIL COLLECTIVE OPPORTUNITIES

#### Communicating NIL Opportunities with Current Ohio State Student-Athletes
- ✓ Communicate directly with student-athletes.
- ✓ Communicate with student-athletes’ NIL agent.
- ✓ Coordinate with Ohio State coaches and/or sport administrators about organizing, facilitating and/or arranging a meeting with student-athletes.
- ✓ Contact the Athletic Department about establishing internship opportunities for student-athletes that can lead to NIL opportunities.
- ✓ Communicate with Ohio State 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 Ohio State.

#### Communicating NIL Opportunities with Prospective Student-Athletes (“Recruits”)
- ✓ Communicate with recruits and/or recruits’ NIL agent about potential NIL opportunities.
- ✗ Communicate with recruits through Ohio State coaches and staff or ask for recruits’ contact information.
- ✗ Ask Ohio State 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 Ohio State.
- ✗ Have in-person contact with a recruit on campus (even if otherwise permitted on-campus for former Ohio State student-athlete).
- ✗ Ask Ohio State coaches and staff for recruiting list or watch list, including NCAA Transfer Portal.
- ✗ Ask Ohio State 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 a Big Ten Tender of Financial Aid, or paying an Ohio State admissions deposit.

### Trademark and Licensing Guidelines for NIL Collectives
- **Learfield** is Ohio State’s multi-media rights holder and any NIL Collective that desires to use the Ohio State brand and/or any associated marks should work directly through Learfield.
- The Ohio State University maintains the sole discretion to approve or disapprove the use of the Ohio State brand and/or any associated marks.
- If an NIL Collective is a Learfield sponsor via a signed agreement or an official Ohio State licensee, the NIL Collective is afforded only the same rights, access, and privileges as similarly situated sponsors and licensees.
- If an NIL Collective is not a Learfield sponsor or Ohio State licensee, the NIL Collective cannot use Ohio State's name or identifying trademarks on products and services.
OHIO STATE ATHLETICS
BEST PRACTICES FOR NIL COLLECTIVES

Fundraising for NIL Collectives
As a general rule, Ohio State coaches and staff may not engage in fundraising activities on behalf of a collective or booster group. However, it is permissible to engage in the following activities provided the Collective or booster group is not engaging in the recruitment of prospective student-athletes on behalf of Ohio State:

✔ Ohio State coaches and/or staff may attend fundraising events for NIL Collectives benefitting current student-athletes provided the coaches/staff 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 Ohio State 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 $5 million for the collective.

✔ Ohio State student-athletes may participate in fundraising activities for NIL Collectives provided there is an NIL Agreement in Ohio State’s disclosure portal or, if not an NIL opportunity, a Student-Athlete Appearance Request Form is completed by the NIL Collective and approved by Athletic Compliance.

✔ NIL Collectives must secure appropriate approvals (e.g., Ohio State Coach Appearance Request Form, Ohio State Donation Request Form, Ohio State Student-Athlete Appearance Request Form) prior to the advertising and conducting of an NIL Collective fundraising event.

✘ Ohio State 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 Ohio State and Ohio State is not responsible for the NIL Collective’s actions.
- Refrain from engaging Ohio State coaches or staff in NIL Collective business. Ohio State 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 Ohio State coaches or staff in recruiting activities. Ohio State 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 Ohio State’s disclosure portal as Ohio Law requires student-athletes to disclose any NIL Agreements. Disclosing proposed contracts allows Ohio State to determine if Collective contracts are permissible under NCAA rules, Ohio State NIL Guidelines, and Ohio law prior to finalizing the agreement. This serves to protect both NIL Collective, student-athlete eligibility and Ohio State.
- Communicate with the Ohio State Athletic Department 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 Ohio State student-athletes and athletic programs. As such, violations may result in decision to disassociate the NIL Collective from Ohio State.
APPENDIX

**Booster** - As defined by the NCAA, a booster/booster group is any individual, independent agency, corporate entity or any other organization who has:

a. Participated in promoting Ohio State Athletics;
b. Made a financial contribution to Ohio State Athletics or an Ohio State Athletics booster organization;
c. Assisted in the recruitment of prospective student-athletes;
d. Assisted in providing benefits to enrolled student-athletes or their family members;
e. Have been involved otherwise in promoting Ohio State Athletics.

**NIL** - Beginning in July 2021, under the NCAA’s NIL Interim Policy, student-athletes were permitted to benefit from the use of their name, image, and likeness and earn compensation based on the value of their personal brand. Buckeyes must still abide by all other NCAA rules, OSU policy and Ohio’s NIL law: (link NIL law here).

**NIL Collective** - An NIL Collective is an entity formed by fans and supporters (boosters) of college sports separate and independent from the colleges they are formed to support. NIL Collectives have a shared mission of helping student-athletes navigate potential NIL deals. Some are established as tax-exempt non-profits, while others are established as limited liability companies or for-profit corporations.

**Prospective Student-Athlete** - A prospective student-athlete is a student who has started classes for the ninth grade. An individual remains a prospective student-athlete until:

a) The individual signs a National Letter of Intent or the institution’s written offer of admission and/or financial aid or the institution receives the individual’s financial deposit in response to its offer of admission; and
b) The individual completes all high school graduation requirements or all transfer academic eligibility requirements.

**Transfer Prospective Student-Athletes** - Student-Athletes who have entered into the Transfer Portal are treated as prospective student-athletes until they sign an institutional offer of aid or pay an admissions deposit.

OTHER RESOURCES

- Ohio State NIL Collective Q&A
- Ohio State's Booster Guide [HOLD: Need link updated on compliance website ASAP]
- The OSU NIL Website
- Ohio's Executive Order
- NCAA's Interim NIL Policy
- Concern Reporting

QUESTIONS?

Contact Athletic Compliance at **ATH-Compliance@osu.edu** for any questions pertaining to NIL, Collectives and/or NCAA Rules.

For more information regarding collectives benefiting Ohio State Student-Athletes, please contact Logan Hittle at **Hittle.25@osu.edu**.

APPENDIX

**Booster** - As defined by the NCAA, a booster/booster group is any individual, independent agency, corporate entity or any other organization who has:

a. Participated in promoting Ohio State Athletics;
b. Made a financial contribution to Ohio State Athletics or an Ohio State Athletics booster organization;
c. Assisted in the recruitment of prospective student-athletes;
d. Assisted in providing benefits to enrolled student-athletes or their family members;
e. Have been involved otherwise in promoting Ohio State Athletics.

**NIL** - Beginning in July 2021, under the NCAA’s NIL Interim Policy, student-athletes were permitted to benefit from the use of their name, image, and likeness and earn compensation based on the value of their personal brand. Buckeyes must still abide by all other NCAA rules, OSU policy and Ohio’s NIL law: (link NIL law here).

**NIL Collective** - An NIL Collective is an entity formed by fans and supporters (boosters) of college sports separate and independent from the colleges they are formed to support. NIL Collectives have a shared mission of helping student-athletes navigate potential NIL deals. Some are established as tax-exempt non-profits, while others are established as limited liability companies or for-profit corporations.

**Prospective Student-Athlete** - A prospective student-athlete is a student who has started classes for the ninth grade. An individual remains a prospective student-athlete until:

a) The individual signs a National Letter of Intent or the institution’s written offer of admission and/or financial aid or the institution receives the individual’s financial deposit in response to its offer of admission; and
b) The individual completes all high school graduation requirements or all transfer academic eligibility requirements.

**Transfer Prospective Student-Athletes** - Student-Athletes who have entered into the Transfer Portal are treated as prospective student-athletes until they sign an institutional offer of aid or pay an admissions deposit.