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 legislation and policies (“NCAA rules”) as well as state and 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 principles set forth in the NCAA rules 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 and NIL collectives (which includes booster groups) whose primary mission or objective is to provide NIL agreements to student-athletes who are enrolled at Ohio State. This commitment includes organizing, facilitating and/or arranging a meeting between an NIL collective 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’s Department of Athletics from organizing, facilitating and/or arranging a meeting between an NIL collective 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. Therefore, the Athletic Department will not work with external groups whose primary mission or objective is to provide NIL agreements to prospective student-athletes prior to the them signing with an institution AND finishing all high school graduation requirements or completing all transfer academic eligibility requirements at the time they negotiate or sign an NIL agreement.

The Department of Athletics expects any NIL 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). Additionally, the NCAA has adopted a presumption of violation standard of review regarding NIL collectives communicating and/or negotiating deals with prospective student-athletes prior to the prospective student-athlete signing with an institution AND finishing all high school graduation requirements or all transfer academic eligibility requirements. If an NIL collective communicates or negotiates a deal with a prospective student-athlete, a violation of NCAA rules is presumed to have occurred, and the institution must clearly demonstrate that all behaviors and activities, including those of the NIL collective, complied with NCAA legislation and policies in order to rebut the presumption. 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 and student-athletes 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 an NIL Collective? Yes, provided the activity is in accordance with Ohio law, NCAA rules, and Ohio State’s NIL Guidelines. The work must be performed in exchange for compensation; may not constitute pay-for-play; and may not be 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 collective and enrolled Ohio State student-athletes.

Can Prospective Student-Athletes do an NIL Deal with a Booster or an NIL Collective? No, NIL collectives cannot contact a prospective student-athletes or those associated with the prospect about potential NIL deals until the prospective student-athlete signs with an institution AND has finished all high school graduation requirements or all transfer academic eligibility requirements. NCAA rules PREVENT Ohio State’s Department of Athletics from organizing, facilitating and/or arranging a meeting between an NIL collective 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’s Department of Athletics about organizing, facilitating, and/or arranging a meeting with student-athletes.
- Contact the Ohio State Department of Athletics 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 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 Department of Athletics for recruiting list or watch list, including NCAA Transfer Portal information.
- Ask Ohio State Department of Athletics for information related to team scholarship limits or individual athletic awards. Publicly comment on a recruit in any capacity 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.
- Ask Ohio State’s Department of Athletics to provide assets (e.g., tickets, suite, memorabilia, etc.) to a donor as an incentive for providing funds to an NIL collective.
- Ohio State Athletic Department may not communicate with an NIL collective regarding a specific student-athlete or prospective student-athlete’s request for compensation or encourage an NIL collective to fulfill a student-athlete or prospective student-athlete’s request.
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.

Fundraising for NIL Collectives

As a general rule, Ohio State’s Department of Athletics may engage in fundraising activities on behalf of an NIL collective. It is permissible to engage in certain activities provided the NIL collective is not engaging in the recruitment of prospective student-athletes on behalf of Ohio State.

- Ohio State coaches or staff may attend fundraising events for NIL collectives benefitting current student-athletes and may request that funds be donated to an NIL collective provided that the funds are not earmarked for a specific sport and/or a specific student-athlete.
  - 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. Can ask guests to donate to the NIL collective as long as the funds are not earmarked for a specific sport and/or a specific student-athlete.
  - EX2: Can 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 advertising and conducting an NIL collective fundraising event.
- Ohio State Athletic Department may facilitate meetings between NIL collectives and donors.
- Ohio State coaches and/or staff may not be employed by or receive compensation, gifts, or honorariums for involvement with any NIL Collective fundraising activity or speaking engagement.
- Ohio State coaches and/or staff may not subscribe to or donate cash to an NIL collective.
- Ohio State Athletic Department may not provide assets (tickets, suites, memorabilia, etc.) to a donor as an incentive for providing funds to an NIL collective.
NIL Collective Best Practices

• Refine the mission of the NIL Collective to focus on current student-athletes and/or a prospective student-athlete who has signed with the institution and finished all high school graduation requirements or all transfer academic eligibility requirements.
• 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 Athletic Department in NIL collective business. Ohio State Athletic Department 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 Athletic Department 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 NIL collective contracts are permissible under NCAA rules, Ohio State NIL Guidelines, and Ohio law prior to finalizing the agreement. This serves to protect the 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 prospective student-athletes, 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 the decision to disassociate NIL collective from Ohio State.
OHIO STATE ATHLETICS
BEST PRACTICES FOR NIL COLLECTIVES

OTHER RESOURCES
Ohio State NIL Collective Q&A
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.

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.