



SOUTH DAKOTA MINES



South Dakota Mines Name, Image, and Likeness Compensation Guidelines

The purpose of this document is to provide guidance and structure for South Dakota Mines (SDM) student-athletes seeking to earn compensation for the use of their name, image, or likeness while enrolled at SDM. The following guidelines apply to all SDM student-athletes, athletic department staff members, and individuals acting as a representative of athletics interests be NCAA Bylaw 13.02.12.

Guidelines for Permissible NIL Activities:

- Student-athletes (SA's) may earn compensation for their NIL. Such compensation must be within fair market value and must be for actual work/services performed.
- The expectation is that NIL compensation opportunities will not conflict with academic or team related activities.
- SA's need to provide a disclosure form to the athletic department identifying the nature and terms of the NIL activity before work is performed. This is a component of the expected NCAA monitoring requirements, and to help ensure eligibility will not be jeopardized.
- SA's/PSA's will only be allowed to use University or athletic department related marks and logos, including all aspects of the uniform. Information, artwork, licensing agreements can be **discussed with Associate Athletic Director of Ticketing & Marketing, Brad Blume**
- The use of athletic department facilities will require approval in advance (location agreements, including waiver of liability forms and applicable rental fees). Rental and waiver of liability agreements will be coordinated with SDM Assistant Athletic Director for Compliance.
- The duration of a contract for representation of SA or compensation for the use of NIL should extend only through participation in an athletic program at SDM.
- SA's may secure representation (agent or lawyer), ONLY for NIL and NOT for future professional athletic contract negotiations.
- SA's may receive compensation for teaching or coaching sport skills or techniques in his or her sports on a fee-for-lesson basis, provided:
 - If institutions facilities are used, see bullet point #5.
 - The compensation is paid by the lesson recipient (or the recipients family member) and not another individual or entity.
 - Check with professional sport governing bodies to ensure their amateurism standards are not being violated (i.e. PGA).

Impermissible NIL Activities Which Jeopardize Eligibility:

- Use SA's athletics skill (directly or indirectly) for pay in any form for participation in a sport at SDM; or
- Activities used as a recruiting inducement; or
- Accepts a promise of pay for participating in a sport at SDM even if such pay is to be received following the completion of intercollegiate athletics participation.
- Compensation for athletic participation or achievement. Athletic performance may enhance a student-athletes NIL value, but athletic performance may not be the "consideration" for NIL compensation.

Impermissible NIL Activities Con't. and Athletic Department Standards:

- SDM, the athletic department, and/or staff members may not compensate or arrange compensation to a current SA or prospective student-athlete (PSA) for her or his NIL.
- NIL opportunities may not be used as a recruiting inducement or as a substitute for pay-for-play. Individuals are encouraged to consider state laws, if applicable, and the rules of any relevant amateur governing bodies.
- Representative of Athletics Interests ("Boosters") may only compensate or arrange compensation to a SA or PSA if such compensation is with a business/company in which the Booster has a direct relationship (owner, employee, etc.).
- SA's will not be permitted to enter into NIL agreements with the following vendors or industries:
 - Any casino or entities that sponsor or promote gambling activities.
 - Any seller, dispensary, tobacco company brand or product, or a controlled substance, including but not limited to, marijuana and athletic performance enhancing drugs.
 - Any adult entertainment business.
 - Any alcoholic beverage company or brand.
 - Apparel, sportswear, footwear, athleisurewear used during all team activities (CARA).
 - Providers of higher education (other colleges and universities).
 - Any entity or individual, in SDM's reasonable and good faith judgement, negatively impacts or reflects adversely on SDM or its Athletics Department, including but not limited to, bringing about public disrepute, contempt, embarrassment, scandal, ridicule, or otherwise negatively impacting the reputation or the moral and ethical standards of SDM or its Athletic Department.
- NIL activities may not occur during countable athletically related activities or required team activities, which includes but is not limited to practice, competition, or, academic meetings, or community service.
- Class may not be missed for participation in NIL activities.

Other NIL considerations:

- International SA's should not enter into any NIL agreements without the guidance from the SDM International Admissions Department to guard against any potential immigration issues.
- Pell Grant or need based financial aid could be impacted based on compensation from NIL. Those questions should be directed to the SDM Financial Aid Office.
- All income generated from NIL activities have tax implications.