



MINNESOTA STATE HIGH SCHOOL LEAGUE

MSHSL BOARD POLICY NAME, IMAGE & LIKENESS June 7, 2022

Pursuant to Bylaw 201.00, a student may not participate in League-sponsored activities unless the student is an amateur in that activity. A student loses their amateur status in a sport if the student accepts salary, cash, or merchandise for participation in the sport whether the participation occurs in school or outside of school or uses their athletic skills to promote or advertise products. A student who loses their amateur status is disqualified from further high school participation in that sport.

This policy governs students engaging in commercial activities using their NIL. This includes any situation where a student-athlete promotes or endorses a product or service in exchange for a fee, or otherwise generates income through the use of their NIL, regardless of whether the activities relate to athletics. "Pay for play" (receiving payments simply for being a student-athlete) and improper recruiting inducements remain prohibited.

In addition to complying with this policy, student-athletes who engage in commercial activities using their NIL must also comply with any other applicable MSHSL bylaws and policies, and any applicable school policies. It is the student's responsibility to know and understand any NCAA requirements before engaging in covered activities. In order to protect eligibility, students are encouraged to closely review League rules and policies prior to engaging in any activities covered by this policy. League staff are available to answer questions regarding specific cases as they arise.

International students may also be subject to local laws and rules from their home countries, as well as U.S. immigration laws and rules related to their Student Visa.

NAME, IMAGE AND LIKENESS

A student may earn compensation from the use of their name, image and likeness ("NIL") consistent with current MSHSL regulations and provided:

- The compensation is not contingent on specific athletic performance or achievement (e.g., financial incentives based on points scored).
- The compensation (or prospective compensation) is not provided as an inducement to attend a particular school ("recruiting") or to remain enrolled at a particular school.
- The compensation is commensurate with market value.
- The compensation is not provided by the school or an agent of the school (e.g., booster club, foundation, etc.).
- The NIL activities do not interfere with a student-athlete's academic obligations.
- A student does not miss athletic practice, competition, travel, or other team obligations in order to participate in an NIL opportunity.

PERMISSIBLE NIL ACTIVITIES

Teaching/Instructing/Coaching

Pursuant to MSHSL Bylaw 201.2.a(ii), a student may receive compensation for officiating, instructing, teaching or coaching skills in a sport/activity. A student may use their NIL to promote or advertise the availability of such instruction, provided they adhere to school policies for renting facility space in a manner consistent with the general public and compensation is paid by the lesson recipient (or the recipient's family member) and not another individual or entity.

Advertising Commercial Product or Service

A student may receive compensation for the use of their NIL in non-school promotional activities and to advertise or promote the sale or use of a commercial product or service, provided there is no school involvement and no MSHSL or school logos, marks, or mascots are used in the advertisement or promotion. A student may not wear or display a school uniform or any other school issued apparel in any endorsement or advertisement.

Autographs

A student may receive compensation for their autograph in conjunction with a non-school promotional activity; however, no MSHSL or school logos/marks may be used in conjunction with the sale of the autograph. Compensation for an autograph during a required team related activity (e.g., team community service event) or other school event (music concert, play, etc.) is prohibited.

Representation

A student may use the services of a professional service in the following NIL activities:

- Advice, representation, and marketing of NIL activities;
- A student is not permitted to use a professional service provider for NIL activities who is an employee or independent contractor of the member school.
- A fee arrangement must be consistent with typical industry arrangements and must not be discounted as a result of athletic ability.

PROHIBITED NIL ACTIVITIES

A student is not permitted to sell items provided by the school until the student has exhausted eligibility for high school activities. The use of MSHSL or school marks and logos is prohibited for any NIL activity. A student may not reference their involvement in high school activities at their school when promoting a business activity. Students are not permitted to promote activities associated with the following: gaming/gambling; alcoholic beverages, tobacco, cannabis, or related products; banned or illegal substances; adult entertainment products or services; contraceptive product and/or sexual enhancement products; or weapons (e.g., firearms). A student's NIL may not be used by an equipment company or manufacturer to publicize the fact the school uses its equipment.

VIOLATIONS

A student who is in violation of this policy is not in good standing and may lose eligibility in one or more activities or athletic programs.