

ARTICLE 28 — NAME, IMAGE AND LIKENESS

Section 9-28.1. Must comply with VHSL regulations, etc.; pay for play prohibited; student responsible for knowing NIL requirements before engaging in activities. — A. A student may earn compensation from the use of their name, image and likeness (“NIL”) consistent with current VHSL regulations and provided:

- (1) The compensation is not contingent on specific athletic performance or achievement (e.g., financial incentives based on points scored);
- (2) 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;
- (3) The compensation is commensurate with market value;
- (4) The compensation is not provided by the school or an agent of the school (e.g., booster club, foundation, etc.);
- (5) The NIL activities do not interfere with a student-athlete’s academic obligations;
- (6) The NIL activity does not interfere with a student-athlete’s athletic obligations, (i.e. student signs a contract to wear specific athletic wear that interferes with the student athlete wearing a school sponsored practice/game jersey or equipment;
- (7) A student does not miss athletic practice, competition, travel, or other team obligations in order to participate in an NIL opportunity.

B. “Pay for play” (receiving payments simply for being a student-athlete) and improper recruiting inducements remain prohibited.

C. In addition to complying with this policy, student-athletes who engage in commercial activities using their NIL must also comply with any other applicable VHSL bylaws and policies, and any applicable school policies. It is the student’s responsibility to know and understand any NCAA, NAIA, NJCAA 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. VHSL 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.

Legal Authority — Virginia Code § 22.1-78 (1950), as amended.

Section 9-28.2 Permissible NIL activities; advertising commercial product or service; autographs; representation. — A. 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.

B. 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 VHSL 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.

C. A student may receive compensation for their autograph in conjunction with a non-school promotional activity; however, no VHSL 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.

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

- (1) Advice, representation, and marketing of NIL activities;
- (2) 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.
- (3) A fee arrangement must be consistent with typical industry arrangements and must not be discounted as a result of athletic ability.

Legal Authority — Virginia Code § 22.1-78 (1950), as amended.

Section 9-28.2 Prohibited NIL activities; certain activities are prohibited. NIL cannot be used by equipment companies; collectives are also prohibited. —

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 VHSL 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.

B. Students are not permitted to promote activities associated with the following:

1. Adult entertainment products and services;
2. Contraceptive products and/or sexual enhancement products;
3. Alcohol products;
4. Casinos and gambling, including sports betting, the lottery, and betting in connection with video games, online games, and devices;
5. Tobacco and electronic smoking products and devices (vaping); banned or illegal substances;
6. Opioids and prescription pharmaceuticals;
7. Controlled dangerous substances; and/or;
8. Weapons, firearms, and ammunition.

C. A student's NIL may not be used by an equipment company or manufacturer to publicize the fact the school uses its equipment.

D. The use of Collectives is banned for all VHSL student athletes. Collectives are defined as, an organization formed to benefit student athletes, usually at a specific school. The models may vary however the basic premise of most is that an alumnus, group of alumni, or booster clubs, band together to form a company whose goal is to provide NIL opportunities to student athletes of that school.

Legal Authority — Virginia Code § 22.1-78 (1950), as amended.

Section 9-28.3 Violations. — Any 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.

Legal Authority — Virginia Code § 22.1-78 (1950), as amended.