

NAME, IMAGE, AND LIKENESS UPDATE



ROB WIGOD

COMMISSIONER OF ATHLETICS

CIF SOUTHERN SECTION

ROBW@CIFSS.ORG



CIF BYLAW 212

**CIF SPONSORED COMPETITION
AND INDIVIDUAL ENDORSEMENTS**



NAME, IMAGE, AND LIKENESS

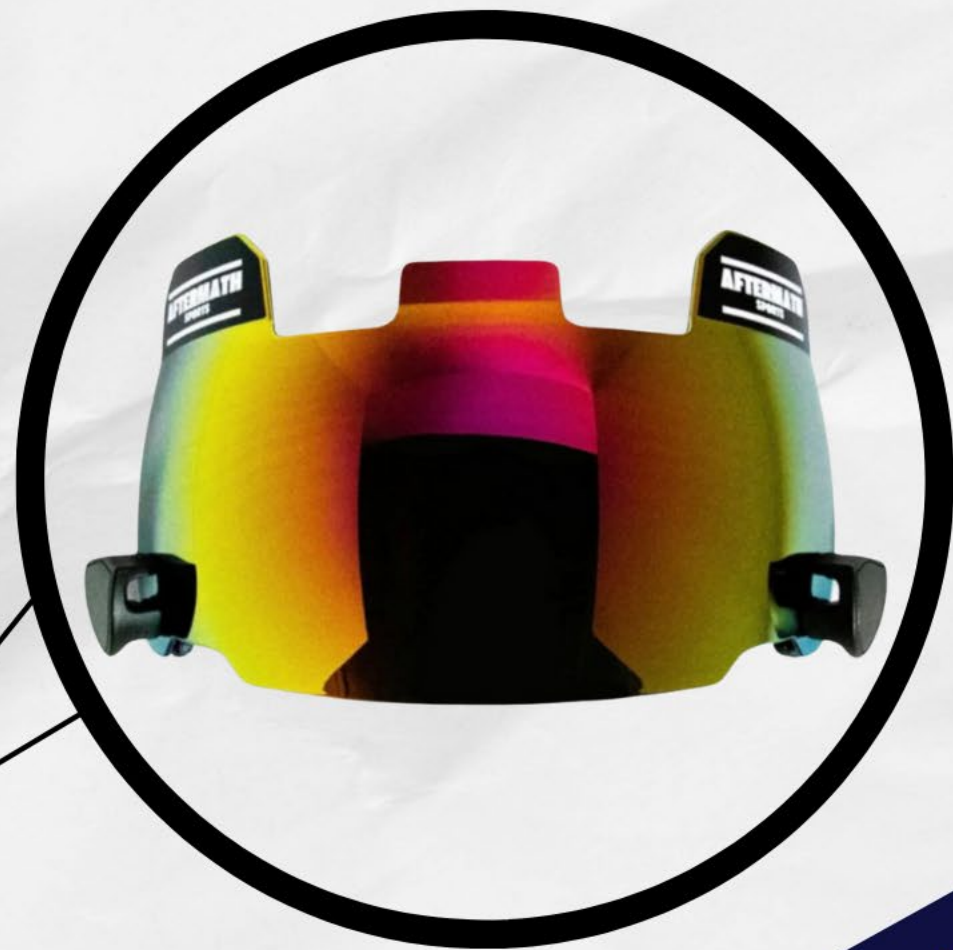
EXAMPLES



MATER DEI HIGH SCHOOL



DAMIEN HIGH SCHOOL

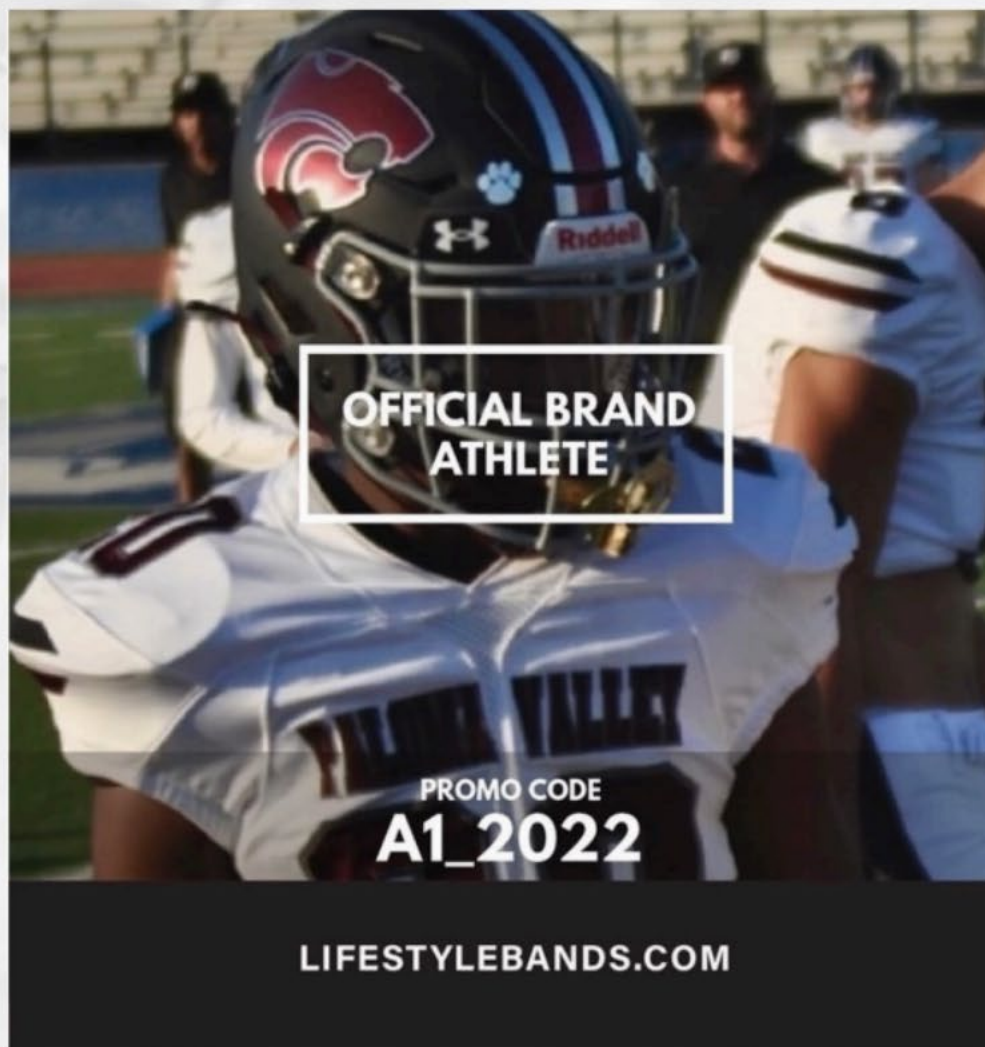


*PHOTO TAKEN FROM
AFTERMATHSPORTSUSA.COM*

BISHOP AMAT HIGH SCHOOL



PALOMA VALLEY HIGH SCHOOL



ORANGE HIGH SCHOOL



2G OPTICS

CUSTOM EYEWEAR

2G OPTICS

CUSTOM EYEWEAR



BURBANK HIGH SCHOOL



CALABASAS HIGH SCHOOL



THE ORANGE COUNTY REGISTER



Los Alamitos football player T.A. Cunningham seeks court injunction to attain immediate eligibility

Cunningham's attorney says the player was denied 'due process' and is seeking a temporary restraining order that could allow him to play this week



Los Alamitos defensive lineman TA Cunningham at Los Alamitos High on August 5 2022. (Photo by Michael Goulding, Contributing Photographer)

LOS ALAMITOS FOOTBALL PLAYER T.A. CUNNINGHAM HAS FILED FOR AN INJUNCTION TO BE ALLOWED TO PLAY STARTING THIS WEEK, ACCORDING TO A COURT FILING THAT ALLEGES THAT THE TOUTED TRANSFER FROM GEORGIA WAS MISLED WHILE PURSUING NIL DEALS.

THE CUNNINGHAM FAMILY, THE FILING ALLEGES, DISCUSSED A “CALIFORNIA PLAN” WITH LEVELS SPORTS TO MOVE TO CALIFORNIA TO SEEK LUCRATIVE NIL DEALS.

THE LEVELS TEAM PROMISED THAT THE CUNNINGHAM FAMILY WOULD HAVE A HOME, TRANSPORTATION AND MEALS IN CALIFORNIA. A PROMISE WAS EVEN MADE THAT THE LEVELS TEAM WOULD PROVIDE A SEPARATE HOME IN GEORGIA FOR (CUNNINGHAM’S) MOTHER.

CUNNINGHAM AND HIS BROTHER WERE GOING TO LIVE WITH A MEMBER OF THE LEVELS TEAM WHEN THEY FIRST MOVED TO THE AREA.

THE LEVELS TEAM WAS TO MARKET CUNNINGHAM TO UNIVERSITY FOOTBALL PROGRAMS' COLLECTIVE GROUPS IN ORDER TO OBTAIN A LUCRATIVE NIL DEAL.

**LEVELS PAID FOR (CUNNINGHAM) TO VISIT THE FOLLOWING FOOTBALL PROGRAMS:
USC, UCLA, MICHIGAN, MICHIGAN STATE, CENTRAL MICHIGAN, NOTRE DAME,
TEXAS AND TEXAS A & M.**

CUNNINGHAM, THE FILING STATES, DIDN'T SECURE ANY NIL DEALS.

“(CUNNINGHAM) ASKED THAT HIS CONTRACT WITH LEVELS BE RESCINDED. LEVELS COMPLIED WITH THIS REQUEST,” THE COURT FILING STATES. “(CUNNINGHAM) IS HOMELESS. HE DID NOT RECEIVE THE NIL DEALS THAT WERE PROMISED BY THE LEVELS TEAM. HE HAS BEEN VICTIMIZED.”

“THE DESPICABLE ACTIONS OF THE NIL AGENTS SHOULD HAVE BEEN CONSIDERED AS A MITIGATING FACTOR,” THE FILING ADDS.

CIF BYLAW 212

PENALTIES

A STUDENT DETERMINED BY THEIR RESPECTIVE CIF SECTION TO HAVE VIOLATED ANY PROVISION OF 212.C SHALL BE PENALIZED ACCORDING TO THE SANCTIONS LISTED BELOW:

FIRST VIOLATION

THE STUDENT SHALL RECEIVE A FORMAL WARNING AND RETURN ANY AWARD(S) IN EXCESS OF THE MAXIMUM AMOUNTS ALLOWED IN BYLAW 212; AND/OR AT THE DIRECTION OF THE SECTION IMMEDIATELY REMOVE ANY ADVERTISEMENT, PROMOTIONAL ACTIVITY, OR ENDORSEMENT DEPICTING THE STUDENT'S AFFILIATION WITH THEIR SCHOOL, LEAGUE, CIF SECTION(S), OR THE CIF STATE.

SECOND VIOLATION

THE STUDENT SHALL BE INELIGIBLE TO PARTICIPATE IN INTERSCHOLASTIC ATHLETICS FOR A PERIOD OF ONE YEAR FROM THE DATE OF CIF'S DETERMINATION OF THE SECOND VIOLATION.

THIRD VIOLATION

THE STUDENT SHALL BE BANNED FROM INTERSCHOLASTIC ATHLETICS FOR THE REMAINDER OF THE STUDENT'S ELIGIBILITY.

CIF BYLAW 510

UNDUE INFLUENCE



WHAT IS

UNDUE INFLUENCE?

UNDUE INFLUENCE IS ANY ACT, GESTURE OR COMMUNICATION (INCLUDING ACCEPTING MATERIAL OR FINANCIAL INDUCEMENT TO ATTEND A CIF MEMBER SCHOOL FOR THE PURPOSE OF ENGAGING IN CIF COMPETITION REGARDLESS OF THE SOURCE) WHICH IS PERFORMED PERSONALLY, OR THROUGH ANOTHER, WHICH MAY BE OBJECTIVELY SEEN AS AN INDUCEMENT, OR PART OF A PROCESS OF INDUCING A STUDENT, OR HIS OR HER PARENT(S)/GUARDIAN(S)/CAREGIVER, BY OR ON BEHALF OF, A MEMBER SCHOOL, TO ENROLL IN TRANSFER TO, OR REMAIN IN, A PARTICULAR SCHOOL FOR ATHLETIC PURPOSES.



CIF BYLAW 510 **UNDUE INFLUENCE**

**THE USE OF UNDUE INFLUENCE BY ANY PERSON(S) TO SECURE
OR RETAIN A STUDENT OR THEIR
PARENT(S)/GUARDIAN(S)/CAREGIVER AS RESIDENTS
MAY CAUSE THE STUDENT TO BE INELIGIBLE FOR HIGH SCHOOL
ATHLETICS FOR A PERIOD OF ONE YEAR AND SHALL
JEOPARDIZE THE STANDING OF THAT HIGH SCHOOL IN THE CIF.**



CIF BYLAW 510 UNDUE INFLUENCE

A STUDENT SHALL BECOME INELIGIBLE FOR CIF COMPETITION FOR A PERIOD OF ONE YEAR AND SHALL BE PENALIZED ACCORDING TO **BYLAW 212** FOR ACCEPTING MATERIAL OR FINANCIAL INDUCEMENT TO ATTEND A CIF MEMBER SCHOOL FOR THE PURPOSE OF ENGAGING IN CIF COMPETITION, REGARDLESS OF THE SOURCE. **THIS INCLUDES, BUT IS NOT LIMITED TO, STUDENT INDIVIDUAL ENDORSEMENTS THAT INVOLVE ANYONE FROM, OR ASSOCIATED WITH, A SCHOOL OR ITS ATHLETIC PROGRAMS.**



WHAT DOES IT MEAN TO BE

ASSOCIATED WITH A SCHOOL?

**ANY ORGANIZATION OR INDIVIDUAL THAT ASSISTS OR CONSULTS WITH A FAMILY/STUDENT
RESULTING IN ENROLLMENT AND/OR RETENTION AT A SPECIFIC SCHOOL
FOR FINANCIAL OR ATHLETIC PURPOSES.**

**PERSONS ASSOCIATED WITH A SCHOOL INCLUDE BUT ARE NOT LIMITED TO:
CURRENT OR FORMER COACHES, CURRENT OR FORMER ATHLETES,
PARENT(S)/GUARDIAN(S)/CAREGIVER OF CURRENT OR FORMER STUDENT/ATHLETES,
BOOSTER CLUB MEMBERS, ALUMNI, SPOUSES OR RELATIVES OF COACHES, TEACHERS AND
OTHER EMPLOYEES, COACHES WHO BECOME EMPLOYED, ACTIVE APPLICANTS FOR COACHING
POSITIONS, AND PERSONS WHO ARE EMPLOYED BY COMPANIES OR ORGANIZATIONS THAT
HAVE DONATED ATHLETIC SUPPLIES, EQUIPMENT OR APPAREL TO THAT SCHOOL.**



2024

TOP 5 FOOTBALL PLAYERS IN CALIFORNIA NIL VALUATION ACCORDING TO ON3



JULIAN SAYIN – QB – CARLSBAD HS
\$671,000 – ALABAMA



ELIJAH BROWN – QB – MATER DEI HS
\$353,000 – STANFORD, UCLA



JURRION DICKEY – WR – MENLO-ATHERTON HS
\$236,000 – OREGON



JASON MITCHELL – DB – ST. JOHN BOSCO HS
\$192,000 – USC, LSU, NOTRE DAME, OREGON, UTAH, WASHINGTON



BRANDON BAKER – OL – MATER DEI HS
\$188,000 – OREGON, FLORIDA STATE, TENNESSEE



NAME, IMAGE, AND LIKENESS UPDATE



Kurt Gibson

Associate Executive Director

IHSA



NFHS Summer Meeting, 2023
Seattle, Washington

Navigating NIL in Illinois

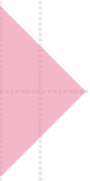
- Where our association found itself
- How we've responded
- What are next steps/challenges

NCAA NIL deals



High School State Associations
and Member Schools

Kurt Gibson, IHSA
NFHS Summer Meeting, 2023

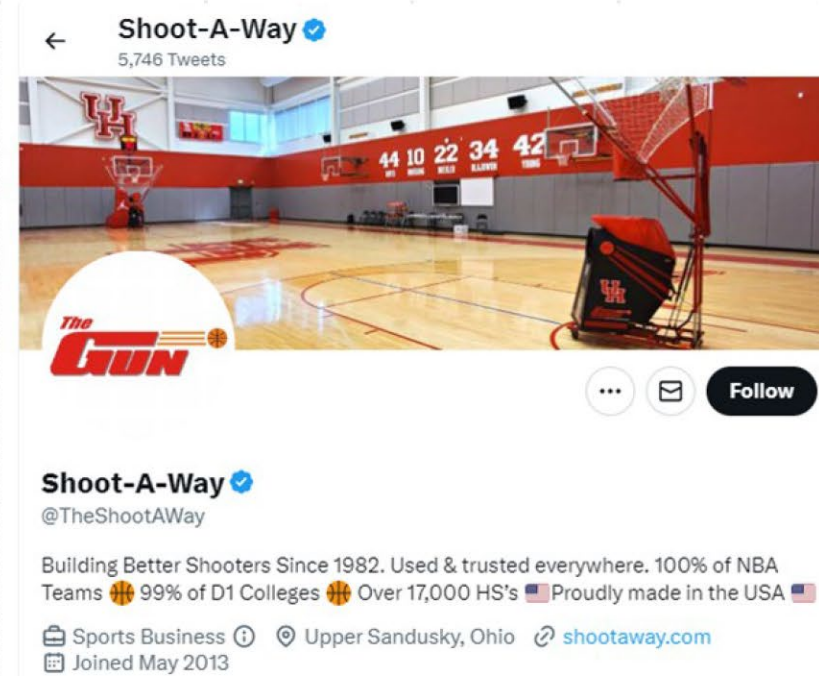


Where our association found itself

- 'NIL Movement' was another challenge coming out of the pandemic.
- In many ways, this movement can challenge our sensibilities regarding amateurism and the interscholastic space.
- Finding ways to embrace the movement is likely the best strategy, and that's where we've placed our focus.

Where our association found itself

- Illinois 'test case' was with "The Gun"



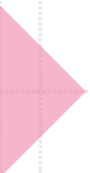
Kurt Gibson, IHSA
NFHS Summer Meeting, 2023

Where our association found itself

- Xamiya Walton
 - Junior, Chicago (Noble Butler)
 - Top 60 recruit, signed with Northwestern



Kurt Gibson, IHSA
NFHS Summer Meeting, 2023



Developing a plan

- Began by discussing a general framework for what 'we' (staff) thought would be an appropriate set of guidelines to follow.
- After creating this framework, legal team began crafting some specific by-law and Policy language that was reviewed (and overwhelmingly approved) by the membership.
- In general, the intent is to allow students a chance to capitalize on their NIL, assuming certain conditions are met.

IHSA By-law

- Membership modified the current 'Amateurism' by-law to include the following language aimed at NIL activities for students in Illinois:
 - The remuneration shall not be provided as an inducement to attend or remain enrolled at any member school.
 - The remuneration shall not be provided by any member school or an agent of a member school.
 - The remuneration can be for *“any NIL activity for which a student in a member school performs any work, service, endorsement, or makes any appearance...as determined by the Board (and) as defined in the Board Policies.”*

IHSA Board Policy

- In Illinois, NIL Activity is subject to the following limitations:
 - ✓ The student may not use the IHSA name, logos, or trademarks in association with receiving the compensation or imply that the IHSA approves of the NIL Activity as that term is defined.
 - ✓ The student may not use the name, logos, mascots, or trademarks of any member school in association with receiving the compensation or imply that any member school approves of the NIL Activity.
 - ✓ The student may not use any member school's facilities in association with the NIL Activity.

IHSA Board Policy

- In Illinois, NIL Activity is subject to the following limitations:
 - ✓ The student may not engage in NIL Activity during school hours, while traveling to or from any IHSA event, or during an IHSA event (including practice, meeting, or rehearsal).
 - ✓ The student may not engage in any NIL Activity associated with:
 1. Gaming/gambling
 2. Alcoholic beverages
 3. Tobacco/cannabis
 4. Banned/illegal substances
 5. Adult entertainment products or services
 6. Firearms or other weapons

Developing a plan



Take-a-ways

1. Fortunate to feel ahead of the current curve.
2. Comforted by the flexibility of the Board Policy.
3. Sensitive to happenings around our state.

Next Steps/Anticipated Challenges

- Looking forward (at least in the short term), next steps include:
 - Keeping our eyes and ears to the ground
 - Educating our membership
 - Anticipating expressions of interest from the outside on the development of 'collective-like' groups (possible challenge: identifying if/how these are/are not 'agents' of a member school)

NIL COLLECTIVES

NAME, IMAGE & LIKENESS

Mark E. Byers

Chief Operating Officer

PIAA

mbyers@piaa.org





Source:
<https://advancenil.com/faqs/>



WHAT IS NAME, IMAGE, AND LIKENESS?

Name, Image and Likeness (“NIL”) is defined as the three components of a person’s “right of publicity.”

On July 1st, 2021 the NCAA permitted student-athletes to be compensated on the basis of their persona rights if there was quid pro quo (something for something) without penalty for the first time in the NCAA’s history.

This sweeping change was the first of its kind in collegiate athletics. Currently, the NCAA has adopted interim NIL guidelines and state by state laws vary with some states not having any legislation at all. The long-term expectation is that the federal government will intervene to create some uniform legislation around NIL but there’s no exact timeline for this to take place.

Popular NIL engagements include, but are not limited to: social media promotion, endorsements, appearances, autograph signings, camps and clinics, entrepreneurial endeavors, podcasts, radio shows, etc.



PIAA Background

Beg, Borrow & Steal

Learned from the likes of NY, NJ, CA

Process of Implementation:



Learn

Brought in Anomaly Sports Group & TeamAltemus to our BOD Summer Workshop

Met with ED of PA Sports Commission

Kept PAOC Apprised



Implementation and Responsibility



1

Involve all Stake
Holders
Including Major
Colleges in State

2

Control Your
Own Destiny

3

Limit
Membership
Responsibility
&
Oversight

4

Communicate

5

Educate



TIP
Don't Trouble, Trouble



ROLE OF THE STATE ASSOCIATION



What was Right for PIAA & our Member Schools

PA State Law

Signed in July 2021

Enabled college students to benefit financially from NIL

Was not specific to HS...but some language still affects the HS market (agents)

The Don'ts

- (1) Adult entertainment products and services;
- (2) Alcohol products;
- (3) Casinos and gambling, including sports betting, the lottery, and betting in connection with video games, on-line games and mobile devices;
- (4) Tobacco and electronic smoking products and devices;
- (5) Opioids and prescription pharmaceuticals;
- (6) Controlled dangerous substances;
- (7) Weapons, firearms and ammunition.

Protection of PIAA & Member Schools

In engaging in NIL activities, students may not make any reference to PIAA or a PIAA member school (including the school and/or team name, nicknames, terms by which a school or team is commonly referred or identified, logo) and may not wear school uniforms or school-identifying apparel or items).



FACT

Name, Image and Likeness is Here to Stay



Amateur Status Rule

PIAA Rules already permitted most NIL considerations.

Use the opportunity to fine tune your rules.

Collectives

"No school or anyone employed by or affiliated with a member school, including booster clubs, coaches, collectives, administrators and alumni, may solicit, arrange, negotiate or pay for a student's, other than their own child, use of their NIL and/or the provision of Consideration to a student for the use of their NIL.

Dispel Myths

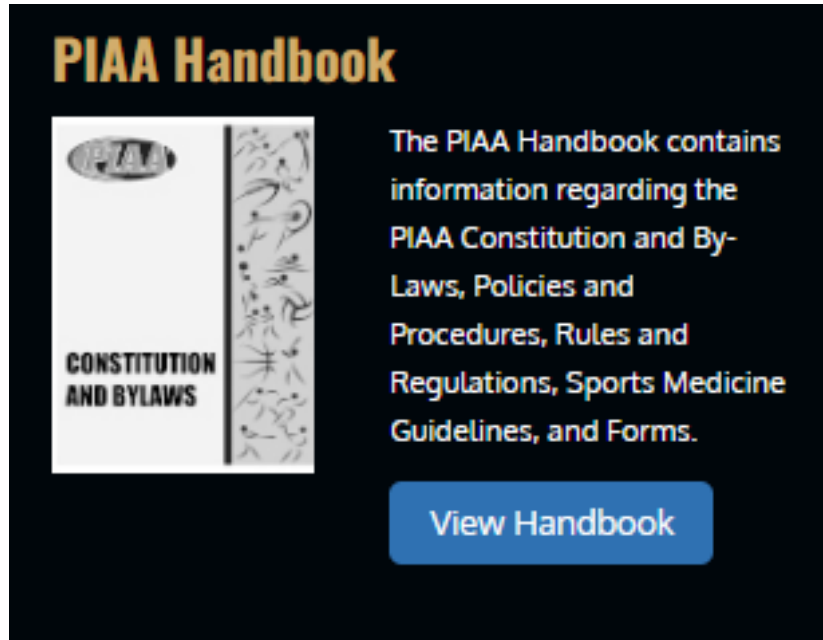
Not Pay to Play

Not for Every Player

Be willing to see things differently....



Resources...

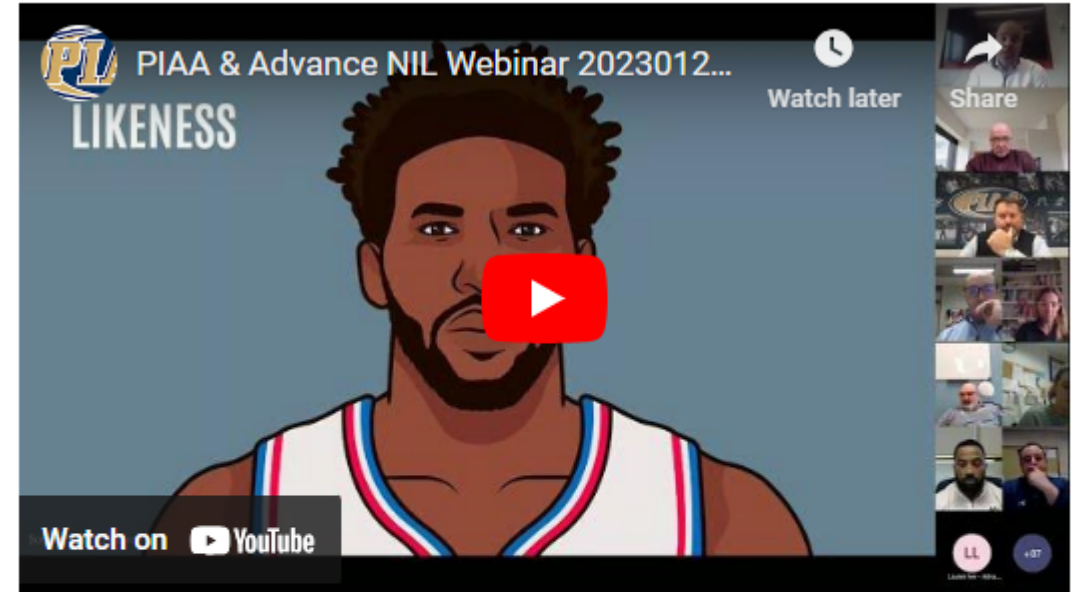


NIL Language

PIAA By-Laws

Article II, Section 2J

THANK YOU TO COURTNEY ALTEMUS AND LUKE FEDLAM FROM ADVANCE FOR THEIR PRESENTATION.



- Link to Advance: <https://advancenil.com/>
- App Purchase Link: <https://advancenil.com/piaa/>
- Link to NFHSLearn Name, Image and Likeness Free Course: <https://nfhslearn.com/courses/name-image-and-likeness>
- Name, Image and Likeness FAQ's
- PA Athletic Commission NIL Endorsement Notification Form

PIAA NIL Landing Page



<http://www.piaa.org/resources/handbook/default.aspx>

