

The ODU Name, Image, and Likeness Knowledge Hub

Compiled by the students of

COMM 462/562 Sport and Strategic Communication

and MKTG 490 Marketing Policy and Strategy

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Executive Summary

In Fall 2022, upper-level classes in two Old Dominion University academic colleges spent the semester exploring different facets to the NCAA's Name, Image, and Likeness rights, earned by student-athletes in a unanimous Supreme Court ruling, following decades of advocacy. While the new rights were met with a flurry of enthusiasm by ODU student-athletes, there was also a significant amount of hesitation and confusion about the process. Old Dominion University Athletics, while fully supportive of student-athletes' name, image, and likeness rights, is restricted to providing educational assistance about the NIL process. Because of this, a proposal by two faculty members, Brendan O'Hallarn and Michelle Carpenter, to use their Fall 2022 classes as a workshop to develop a "knowledge hub" about the NIL process was enthusiastically received by ODU Athletics.

The following report is intended to serve as a resource for ODU student-athletes and the athletic department about nascent (and still evolving) NIL rules and guidelines. Following an introductory section about NIL itself, information is provided in five topic areas: a) Contracts and legal issues; b) Media rights; c) NIL best practices; d) Advice for the ODU student-athlete; and e) A sample personal brand campaign. It is hoped that the following document can provide a roadmap to success for ODU student-athletes who are inclined to leverage their personal brand.

Introduction

NIL stands for Name, Image, and Likeness, and it allows student-athletes to profit off of their name, as well as photographs and similar representations of themselves to be used in media spaces. As of July 2021, college athletes can make endorsement deals, earn money through their social media accounts, and get paid by capitalizing on their personal brand. College athletes on any level (D1, D2, or D3) are all able to receive financial compensation, though the athletes still must abide by state laws which may differ in varying areas.

On June 21, 2021, the Supreme Court of the United States ruled unanimously to allow college athletes to use their NIL to generate income for themselves, a policy that was enacted by the NCAA on July 1, 2021. The decision was met with great satisfaction and great confusion.

Everybody has a name, an image, and a likeness, it is not something unique to college athletes. Actors and social media influencers use their NIL to forge brand deals and advertising campaigns. Professional athletes do as well. Examples include Michael Phelps appearing in Subway commercials, Terry Crews in Old Spice commercials, and George Foreman promoting the “Lean Mean Fat-Reducing Grilling Machine.”

While NIL rights being legalized has been great for many athletes, there is still a knowledge gap of how it works. Students at large universities, such as the University of Alabama or The Ohio State University, have an easier time getting NIL deals than students at mid-major and lower level universities, like Old Dominion and Norfolk State. Old Dominion student-athletes want to learn more about NIL rights and use them to their advantage, but there is a gap in knowledge about these new rights available to them. This is partially because the rules are so new (and still evolving) and partially because information about NIL policies has been hard for some students to access. There have been limited efforts in the educational sphere by ODU Athletics to fill that

knowledge gap, but the University's athletic department has abided by current rules by not actively engaging in NIL advocacy on behalf of its athletes.

RT Johnson, a defensive back on the ODU football team and a member of the class cohort working on this project, said he has had little success in his efforts to secure NIL deals. "It's easy to say I didn't have the resources to do it, but honestly there is a knowledge gap," Johnson said. "Bigger schools do have it easier to gain more from NIL deals because of boosters and/or team success. This past season, I signed a NIL deal with an agency to help me with marketing myself and gain incentives. Even after signing with the agency, I still had little success with NIL. I think that the knowledge gap really is what's stopping a lot of athletes at smaller schools who have little to no success with NIL." Johnson believes resources such as this document could help student athletes at smaller institutions excel with NIL moving forward.

That is the impetus for this project. The students of Sport and Strategic Communication, with assistance from the Department of Marketing's Policy and Strategy class, have put together this living guide on how Old Dominion student-athletes can use their NIL rights to find and negotiate agreements to be compensated for their name, image, and likeness. Throughout the semester this class has researched NIL from many angles, from its history, to legalities, to how ODU students are currently using it.

In order to gain an in-depth understanding of NIL rights; the different components involved in finding, negotiating, and executing deals for student-athletes; and how to best apply the findings to student-athletes at ODU, the class was divided into four groups with different areas of focus: legal rights, media rights, best practices, and 'advice for ODU.' A fifth section of the report, on personal branding for athletes, was completed by the Marketing class who partnered on the project.

The legal rights group conducted research on what student-athletes are and are not allowed to do when making deals and provided examples of situations where sanctions were issued for non-compliance to the rules. For the media rights group, research was focused on benchmarks needed to gain attention from companies for deals, the boundaries of NIL content on social media, and identifying successful methods that have been used by student-athletes outside of ODU to create a brand for themselves. Research from the best practices group supplied a clearer image about which schools, sports, and type of content has had the most success in taking advantage of NIL deals across the nation. Additionally, the best practices group contributed data to show details on how lucrative NIL deals are for specific student-athletes and insights on what helped them reach the point of being so marketable. The ‘advice for ODU’ group was responsible for finding information about what other schools in Virginia and the Sun Belt Conference are doing to support their student-athletes in securing NIL deals in addition to meeting with members of the ODU field hockey team to see what methods they are using to lead ODU athletics in the use of the new phenomenon. Finally, the personal brand group dived into the process of personal brands for 10 ODU student-athletes, the most comprehensive of which was added to this report.

The goal of the Sport and Strategic Communication class with this assignment was to produce an all-encompassing resource for Old Dominion Athletes to educate themselves on NIL deals. With our final presentation and paper we hope to have created a document athletes will use to take advantage of NIL opportunities, and the University will use in the future to provide a navigational guide to its athletes.

For almost 100 years, Old Dominion University athletes have demonstrated hard work, dedication to their sports, and adversity by balancing it all with a rigorous academic curriculum.

Through all of these obstacles, they have provided revenue and entertainment to the school while continuing to raise the level of their competition. The Supreme Court decision on June 21, 2021 was long overdue, and we hope this report can assist student-athletes in seeking out and securing the recognition and compensation they deserve. The entire Sport and Strategic Communication class hopes the athletes of ODU will take the information provided to them and use it to capitalize on the opportunity to generate opportunities for themselves and establish a brand for their future endeavors as professionals in any field they may choose to pursue.

Contracts and Legal Considerations

The Contracts and Legal Considerations team was given the task of understanding the legal side of NIL. The goal of this section is for the student athlete to walk away with a better understanding and wisdom when it comes to inking an NIL deal; what a good deal looks like, and what a potentially harmful deal looks like. We reviewed mistakes made in previous NIL deals to provide information to help ODU athletes end up with the benefits of NIL, while avoiding being used by brands in a damaging way. We searched through articles and documents to try and find mistakes others have made so athletes at ODU do not go down that same path; we also sought information that will really give them a head start in this complicated part of the process.

Firstly, if the athlete can afford to, lawyer up! While a student-athlete can research and analyze an NIL contract on their own, and could gain valuable insight into the process from doing so, having a lawyer look over the contract for your NIL deal can be invaluable. With the legislation being so new, and still evolving, it is not impossible for deals that can damage the athlete to be created by a business, whether purposeful or not. Having a qualified legal expert whose sole purpose is to review your contract will help you avoid the “fine print” bindings like deals that are not an appropriate length. They can also help ensure the deals are fair, and ideally more beneficial to the student-athlete. Without consulting legal help, the aforementioned responsibilities will fall onto the shoulders of the student-athletes themselves.

Advice from a Lawyer - a local attorney with experience working with young entrepreneurs offered some suggestions about the NIL process.

1. Using the school’s intellectual property in NIL deals: Has the school given you permission?

“The biggest overlap will be the athlete’s NIL and the school’s NIL. Athletes must remain in constant communication with the university about policies. Just because a business has a right to use the athletes’ NIL does not mean they have the right to use the colleges’ NIL. The school must clear use of the university (for things such as promos, etc.) If you are using the university’s NIL, they have a right to their own image; the school then has legal claim to at least a portion of any profits earned.”

2. Follow local, state, federal laws:

“Talk to an attorney. Ensure you are following NCAA guidelines. Be prepared to negotiate!”

3. Be careful with quick social media posts, must ensure compliance:

“Consider it a red flag if a company offers you “bonuses” for certain goals met. Ask yourself, “am I allowed to do this?” Have you done your due diligence?”

4. Don’t take deals that are contingent on performance:

“NCAA prohibitions against both pay-to-play and using NIL as a recruiting inducement. This means the agreement and related compensation cannot be, among other things, contingent on the athlete attending a specific school, participating in a certain number of games, or performing at a certain level.”

5. Consider what the NIL restricts you from doing

- a. Non-compete clauses
- b. How frequent/how long
- c. How much commitment/responsibility

If the school works with a particular company, you are unable to work with their competitor (i.e., Pepsi vs. Coke; Nike, Adidas, Puma, etc.). Know who they are! What are they obligating you to? How long will you work with the company/business?

6. Consider the company's image, what they represent

“Consider your own brand; does it align? Do your personal and professional values align with the company? The player is their own brand. Consider how the values of the company align with how you wish your brand to be viewed. Have a strong sense of who you are. Which direction do you want to go? Do not allow sponsors to shape your brand. Create your own brand identity.”

The lawyer added that those most anxious to get an NIL deal are most susceptible to getting a bad deal and/or being taken advantage of.

ODU basketball player Imo Essien is currently in the NIL space, as well as a member of this class. He adds his perspective to the issue of contracts and legal representation.

“I’m living in this new-age NIL war zone right now. The athlete should be speaking with multiple people with knowledge of the process before signing any deal. The NCAA rarely makes exceptions for athletes who make mistakes within this process. After the deal has been agreed to and signed, if fraudulent, they won’t hesitate to penalize you. As a current student-athlete myself, I have had plenty of NIL meetings just within my two years in collegiate sports.

“The number 1 rule that I have been told is to make sure that there are no “gray areas,” meaning that everything should be 100% authentic and true to what is right, to the best of your abilities of course. Also, make sure that you are hands-on with every step of the way of your NIL deal. The worst thing for any contract, not just NIL, is for someone else to have the steering wheel and months later, you get a call receiving the blame for their actions.”

This information and advice represents only a fraction of what is available for student-athletes seeking to access NIL deals. This report concludes with a section of appendices, including links to other resources that student-athletes can access.

Media Rights

The Media Rights team was tasked with looking at what media products athletes can produce and the rights they have to the ownership and revenue from those products. Media Rights can be understood as many things but for this report, the primary focus will be media products the athlete is a part of as an individual or with their teammates, but without their school. According to Lawinsider.com:

“Media Rights means the right to create, distribute and transmit on a linear and/or on demand basis for reception at any time anywhere in the world by any and all means and in any and all media, whether now known or devised in the future (including, without limitation, all forms of television, radio, wireless and Internet distribution), audio-visual, visual and/or audio coverage of all relevant aspects of an FIVB competition and all associated and/or related rights, including fixed media and interactive rights.”

Breaking down the definition: As part of an NIL deal, student-athletes can be contracted to create media products such as photo, videos, audio, and writing on theirs’ and the brand’s social media platforms and websites. This can also include appearances in commercials, tv shows, movies, and podcasts.

Here are some things for ODU student-athletes to consider within the media rights sphere. As you begin to develop your brand, familiarize yourself with each social media platform’s monetization policies. For example, Instagram has content monetization and partner monetization policies. The content monetization policy describes prohibited content such as formats, behaviors, and categories. The partner monetization policy is a set of rules which allows you to use the monetization and promotional tools available, to include complying with payment rules, account behaviors and community guidelines. Using and implementing these policies

when creating content will make it easier for you when you eventually begin to acquire deals and can even make you more enticing as someone who knows the content creation space and won't cause issues for the brand. These policies are also important because they can better help you protect yourself when reviewing brand contracts and you are better able to advocate for yourself when asked to create media content that violates the platform's rules if you are already aware of those rules.

Another set of rules and guidelines you should be aware of as a student-athlete trying to make an NIL deal are those set forth by the Federal Trade Commission (FTC). As a student-athlete with an NIL deal, it is your responsibility to remind your followers when you are making sponsored content. The FTC website has several guides like "[Disclosures 101 for Social Media Influencers](#)" and "Guides Concerning the Use of Endorsements and Testimonials in Advertising." One major takeaway from their rules is to be very clear about your endorsement of a company or product by using hashtags with labels such as sponsored, advertisement, or ad. Trying to be nonchalant about an advertisement to make a review seem unsponsored and genuine will get you in trouble with not only the FTC, but also the social media platform. It is best to familiarize yourself with the rules early to avoid problems down the road.

The more you post on social media and examine your analytics, the more you understand who your market is. Creative control can also be negotiated, a brand has done their research about what content fits their target market but you need to make sure that it will also be a fit for your market. When contracting with brands you must understand that contracts not only cover the brand and their content requirements to pay you but also who owns the media you create; this is known as usage rights. There can be negotiations about who ultimately owns the content and if you as the content creator own it, how long after the contract has expired can the

brand/organization use that content. For more information and to get into details refer to the legal section and your lawyer.

In the media rights section of the report, ODU athletes are meant to gain an understanding of the varieties of media content they can use for NIL deals, the policies in place to ensure they stay in compliance with the laws of the Federal Trade Commission and the social media platforms they use, and the tools at their disposal to help them establish and build their brands with content.

Another goal of the media rights section is to provide insights on how to align your own market with the market of a brand in order to attract their attention for deals.

For the media rights section, the Sport and Strategic Communication research team assembled many online resources. Rather than put them in this narrative, the information and links are included in the appendices at the end of the report. The information includes policies about monetization of social media, federal legislation covering transparency and disclosure, and the connection of these media issues to the modern-day student-athlete.

NIL Best Practices

The newness and complexity of NIL regulations means that student-athletes sometimes don't know where to start in promoting their own name, image, and likeness - or personal brand. The NIL Best Practices team was assigned to look at the current, and shifting, landscape and suggest approaches for student-athletes considering putting themselves out there. How do student-athletes choose what brands to approach? What can they do to make sure people see what they are trying to promote? How can students use knowledge of the process to their advantage? This team examined social media approaches taken by individuals and organizations connected to NIL to provide potential points of entry for student-athletes looking to engage with the NIL space.

The first thing to understand is it is a marketplace. Brands are interested in this potential new pool of ambassadors, but a student-athlete seeking to join their ranks has a tremendous amount of competition from their fellow athletes. According to Sports Business Journal, seventeen percent of student athletes at Division I schools are participating in NIL, with about 65% of student athletes interested in pursuing it in the future. Despite only 35% of athletic administrators saying they personally support NIL (which contrasts with Old Dominion University, where athletic administration has been consistent in their support of student-athlete personal branding rights), most D-I schools have developed decent NIL policies and education. Marketplaces like NOCAP, Opendorse, and others are in abundance. Governance is unsteady, but it's evolving at the state level, including in Virginia.

Student-athletes, including the ones who helped produce this report, have reported slower-than-expected return on investment for their efforts in the NIL space. Sports Business Journal suggests three possible reasons for this:

1) The supply side of the NIL marketplace has been flooded with over half a million student athletes (for some perspective, there are about 10,000 pro athletes in the U.S.), so brands don't feel the urgency to act.

2) Sports sponsors are sophisticated, calculating, and risk-averse, and they've wanted to see the results of the first year's NIL deals.

3) Experienced brands don't sign athletes without an activation plan and there have been unknowns about what a college athlete activation would look like.

Despite this, there are ways student-athletes, even those without a great deal of experience in marketing and branding, can engage. The blog Millions suggests that student athletes work on their own social media presence independent of any NIL deal in place, so that when opportunity strikes, student-athletes can demonstrate an active social media presence, with engaged followers - something that brands desire. The blog also suggests the value of their everyday experience as student-athletes, with behind-the-scenes looks at what they do to prepare to compete, can be appealing from a content standpoint. As well, a personal brand campaign with a charitable focus - an appeal for a cause beyond getting paid by brands, is something that a student-athlete can do to attract attention in the space.

There has been significant attention paid to the NIL Collectives concept - where backers of a university's athletic teams pool their resources to provide sponsorships for student-athletes (typically in high-profile sports) independent of, but connected to, the school. That is not the experience of Old Dominion University and its Sun Belt peers. Instead, ODU's conference-mates have focused on helping students create value for their own personal brand. James Madison University has created a program where student-athletes can access highlights of their own performances for use in promoting themselves. The University of Louisiana has recently

implemented an NIL training program as it looks to further advance its student-athletes' progress in NIL deals. The University Lucrative Training Resource Advantage (ULtra) program details how Louisiana's student-athletes will become exposed to more NIL deals both locally and nationwide under ULtra. Arkansas State football coach Butch Jones, who previously coached at Power 5 school the University of Miami, wants the NIL legislation to "create personal and monetary value for its players."

The onus is on student-athletes to create their own opportunities at a school like Old Dominion University. However, resources are available to help student-athletes. This report was envisioned as a living resource that student-athletes can use to access up-to-date information about NIL rules and regulations. The appendix section contains links to many articles that can provide insight into what NIL success looks like at a school like Old Dominion University.

Advice for the ODU Student-Athlete

One research group was tasked with compiling information on NIL in order to help the ODU student-athlete specifically. This included viewing the opportunities already at the hands of our student-athletes, as well as finding ways to help them gain a better understanding of what they can do themselves to better their chances of securing NIL deals. We first looked at the current rules in place here at ODU as well as the rules in place by the NCAA to gain an understanding of just what is allowed by both the NCAA and ODU. After diving into that information we had a more direct approach, looking at current ODU student athletes that have deals and asking a few of them what their deals consist of and what exactly they did, if anything, to get those deals. This left us with a better understanding of how deals work, and steps we can tell athletes to take.

Based on the information provided below we have concluded that ODU athletes have the opportunity to gain NIL deals and the University has provided resources for smart decision making. Overall, being a mid-major university in proximity to so many other universities, ODU student-athletes have to work harder at obtaining NIL deals. ODU athletes should lean on their personal brand to obtain a deal and rely less on the fact that they are an ODU athlete. A common trend we have noticed through student-athletes we know personally is that they reached out to the brands they work with. Seldom do the brands reach out to them unless they are an exceptional athlete. Student-athletes should build their social media following before reaching out to brands as most brands require them to have a large platform in order to sign a deal. Social media is highly utilized in most brand deals. It would be in the athletes best interest to use the resources ODU provides as well as do their own research on how to market themselves to companies.

From our research, student athletes at ODU showed that brands are rarely reaching out to the athletes themselves. ODU student-athletes have to reach out to brands themselves or sign to a marketing agency, who will then reach out to brands for them. The most successful student athletes have their own personal brands, though. This means marketing themselves as themselves. Student athletes who have their own social media following are more likely to receive NIL deals than those who don't have a following. An example of this is Zack Kuntz from ODU Football. He transferred in from Penn State, where he already had a social media following, and became one of the faces of ODU Football which grew his following even more. He signed to an agency to get NIL deals, and through his agency he received a brand deal with the clothing company Cuts. Kuntz also has his own merchandise which helps grow his own brand as well. Kuntz has one of the more successful NIL dealings, which could be in part due to the fact he was at Penn State before coming to ODU. It is clear that transfers from larger D1 universities to ODU have a much larger following than those who have been at ODU their whole athletic career. There have been some other, modest successes by ODU student-athletes, however.

Jason Wade, a guard on the men's basketball team, has an NIL deal with Patrick Buick GMC. Being that he was a standout athlete from the Richmond area they reached out to him seeking promotional opportunities from his instagram account. He has now made two posts regarding the dealership and will make two more to receive his compensation of a few thousand dollars. Football starting quarterback Hayden Wolff has an NIL deal with Dirty Buffalo restaurant. He reached out to them and asked them to sponsor him. He has to make a TikTok and show up to Trivia Night once a week at the Chesapeake location. In exchange he gets a \$300 gift card each Trivia Night and \$300 every month.

Malcolm Britt, a linebacker on the football team has a Crocs sponsorship. He said that there is a brand called Postgame that partners with brands for NIL deals and based on followings they pick athletes to do certain campaigns. Britt applied for the Crocs one and got selected. He had to post a story with at least four pictures, a reel on Instagram, a TikTok and a regular Instagram post.

Football cornerback LaMareon James has multiple NIL deals as well as his own brand. He works with PSD Underwear and Body Armour. He also has a business contact through Oceanview Sports. Multiple Football student-athletes have their own brands, including James, Ali Jennings III and Tyran Hunt to leverage their own name, image and likeness.

Tara Enneking, a swimmer at ODU, has multiple NIL deals that include Jolyn swimwear (which she has discontinued because they stopped paying their student ambassadors), Freestyle Watches and Guayaki Yerba Mate. She reached out to these brands to work with them and now she posts on social media to receive goods and monetary compensation. She also has a discount code and is considered an ambassador for these companies.

The unifying factor in these NIL successes is the athlete themselves. These sponsorship deals were achieved entirely independently of ODU Athletics. The advice that each of these successful ambassadors give to their fellow athletes is to prepare to be your own ambassador for your brand. The best deals are struck by student-athletes who take initiative.

Student-Athlete Personal Brands

For Old Dominion University student-athletes, knowledge of legal and contract rights, media rights, best practices, and specific resources they can access within the University can make them ready to seek meaningful partnerships with brands.

Students in COMM 490 Marketing Policy and Strategy have partnered with ODU student-athletes for a semester-long class project. Here is a personal brand profile created as a class assignment with ODU swimmer Tara Enneking.

ODU Student-Athlete – Tara Enneking

1. Overview of Athlete Interests

Tara's personal interests, hobbies, and what she enjoys doing in her off time as a student athlete:

Team one had a zoom meeting at 6:00 PM with Tara Enneking on September 9th, 2022, and we learned a lot of information about Tara's personal interests and passions. We also had the opportunity to get to know her on a personal level. The format of our interview questions developed by James consisted of an in-depth analysis of Tara's interests, hopes and admirations, social media usage, personal ideas, and opinions on various subject matters as well as other additional information so our team could understand Tara and who she is as an individual.

The structure of our questionnaire was developed so we could truly capture who Tara is and what she stands for so our team has the necessary information to provide her with the best fit for a brand or company that aligns with her core values. The team was exposed to Tara opening up and sharing some of her deepest core values and experiences that have made her the talented and well-respected athlete and person she is today. Tara's personal interests include surfing when she has down time from her studies and athletic duties as well as painting different mediums of art. She has a very creative mind and spirit and this shows through her artistic abilities.

In the Zoom meeting, Tara showed us some of her paintings she created and we were quite impressed with the talent she has outside of her studies and swimming. She is known to be very active with her swim team and she enjoys spending as much time with them as possible. Tara considers the members of her swim team she lives with her second family with the bond and the deep connection they all share with one another. The activities she enjoys participating in with her roommates includes going out most weekends with them in the evenings and enjoying their company. Tara is very people oriented and cares deeply about her family and those around her. This shows brightly when she spends time with close friends and family. Tara shared a quote that has stuck with her through life she obtained from her mother. The quote that Tara holds close to her is, "Leave room in the back seat for a cake." She strives to give others the benefit of the doubt and she is very people oriented. Tara also is very passionate about the environment and is also environmentally conscientious. Her values consist of caring for others as well as doing her part for the environment. Keeping people close to her and being optimistic are important for Tara and it is important the companies and brands we recommend for her share these same beliefs. The products and brands Tara is most passionate about: Tara is passionate about surf brands in particular since she enjoys surfing a lot when she has time to do so. Some surf brands that Tara is quite interested in include Billabong, Roxy, and Wave Riding Vehicles. Tara informed us she would love to collaborate with a surf company or brand due to her passion and the way surfing makes her feel. She is drawn by aquatic sport activities which isn't a surprise since Tara shows such interest already with swimming. Although Tara does not surf nearly as much as she swims, there is still potential for her to be able to get her foot in the door with one of the local surf shops in the Virginia Beach area and possibly one of the surf brands for women.

Tara's future goals / aspirations:

Tara's future goals and aspirations consist of wanting to help people at the end of the day and to be a good engineer to make her peers and her family proud of her. She hopes to stay in the Virginia Beach area after graduation since this area interests her more than Lynchburg, Virginia where she is originally from. Tara hopes to find a job located on one of the U.S. Naval bases in the area and to pursue a career with the navy as a civilian. Overall she wants to live a happy and meaningful life helping others. If money were not an issue, she would love to live in Hawaii 10 years from now and would not want to be working. She enjoys warm tropical environments and she would love to live in one if she could. Tara hopes to use her degree she is currently pursuing as a civil engineer to develop and create structures that would improve other people's lives.

Tara's Social Media Presence:

The primary social media platforms Tara uses include Instagram, TikTok and LinkedIn respectively. She enjoys TikTok a lot and she will use it with another student athlete named Mason because of his creative nature. She has roughly 20,000 followers on TikTok and around 608,000 likes on this platform alone. The content she enjoys on TikTok the most are creative posts about the state of Virginia including fun and interesting facts and travel destinations. Tara hopes most of her audience on her social media accounts are women around her age with the same interests she has. Through her Instagram account, Tara signed a deal with a company named Jolin. They provided her with swimsuits and paid her \$200 per month to make posts on Instagram and TikTok. In order to receive payment, Tara was required to post three times per day, once per month. The demands Jolin requested of Tara proved to be overwhelming and excessive, to the point here Tara severed the contract as it was interfering with her personal and scholarly life.

2. Overview of Potential Brands for Tara

Listed below are some brands the team believes will align with Tara and her personal interests and values:

1. Wave Riding Vehicles (WRV)

WRV is a surf shop in Virginia Beach that sells surfing equipment and apparel. Tara loves to surf in her off time. Her love of surfing aligns with what WRV is all about and could make a good fit. Additionally, not too long ago, Tara responded to an opportunity to model swimsuits for WRV and she got accepted. She wasn't able to follow through with this opportunity but this demonstrates an interest from WRV already.

2. Momentous Supplements

Momentous Supplements provides world-class performance and health solutions for high-performance seekers at all levels. Momentous has built a community of experts and professional athletes. Momentous also provides an NIL affiliate program. This opportunity provides financial compensation for promoting their products on social media. Between Tara's status as a high-performing college swimmer who values health and a diverse social media audience we believe Momentous could be a great fit for her.

3. Local Coffee Shop (Fairgrounds, Cafe Stella, Equinox, Borjo's etc.)

Tara has a love for coffee and has experience partnering with a local coffee shop from her hometown. Partnering with a local coffee shop here in Norfolk using her NIL and social media audience could prove to be beneficial for the coffee shop and Tara herself.

4. Aquawear, Inc.

Aquawear is a competitive and recreational swimsuit retailer located in Virginia Beach. They work with the local high school swim teams, swim clubs, and ocean rescue providing suits with custom team logos and job promotions. It doesn't appear by their website or social media that

they do anything with NIL at the college level but they do look to recruit for swim coaching jobs in the area. Reaching out to them about NIL affiliations could be a great opportunity for them as a business to expand their branding. Tara's swimming experience would certainly be a perfect fit to start off an affiliation program at Aquawear.

A total of 10 ODU student-athletes have served as sample clients for class assignments for Marketing 490, taught by senior lecturer Michelle Carpenter. Another cohort of student-athletes will be class clients next semester. This hands-on learning experience provides a valuable opportunity to put into action the expertise that student-athletes have acquired about the NIL process. It can be one more step in student-athletes leveraging their own personal brand.

What Comes Next?

The process can seem daunting to begin and more so when as a student and athlete you don't have much time to look everything up yourself. We came across a plethora of information and this report gives just an overall view of the NIL process. The rest is up to you. Fortunately, you are not alone, you have people around you of whom you can ask questions. To help with your brand and content, ask a friend or family member to take a photo or video of you. There are also Strategic Communication and Marketing majors that would love to help you build your online/social media presence. You have it in you to grab the NIL deals that other college athletes and professional athletes are getting. You just have to be consistent and keep chipping away at it. You are relatable just as long as you stay authentic to your true self. The rest will follow.

Additional Resources

For each section of this research report, students assembled additional information and links which can be accessed below. While this information is comprehensive and potentially valuable for student-athletes entering the NIL space, double- and triple-check your information before signing any NIL deal, including the information in this report.

Contracts and Legal Representation links

The most important thing to consider about NIL legislation is that the rules are constantly changing, even within the less than two years that student-athlete personal brand contracts have been permitted. Here are the updated NCAA guidelines for NIL, distributed to colleges and universities in late October.

https://ncaaorg.s3.amazonaws.com/ncaa/NIL/D1NIL_InstitutionalInvolvementNILActivities.pdf

Legislation tracker, lists all states that have passed NIL laws, as well as federal laws. “To date, the 29 states listed below have passed NIL laws.[1] These states have largely modeled their laws on California’s “Fair Pay to Play Act,” which was the first state NIL law enacted.”

<https://www.saul.com/nil-legislation-tracker>

A Virginia bill, effective July 22, 2022, encompassing NIL:

<https://lis.virginia.gov/cgi-bin/legp604.exe?221+ful+SB223ER>

The Virginia State Bar, which regulates the legal profession in the state, is a good resource for getting a legal referral (for \$35) or checking for lawyers who are not in good standing and disciplined attorneys.

<https://www.vsb.org/site/public>

At many schools, particularly larger schools, “Collectives” act as the intermediary between individual and university:

<https://www.on3.com/nil/news/what-are-nil-collectives-and-how-do-they-operate/>

NIL collectives are independent from the school, funded by outside entities that help facilitate NIL deals at their respective schools. Old Dominion University does not have an NIL Collective. The only collectives in Virginia are connected to the University of Virginia and Virginia Tech. NCAA states collectives cannot be a part of recruiting or transfer portal, but some states allow the athletic departments to work with collectives. There is a HUGE gray area here, and it is reported that a lot of athletic departments are pushing the boundaries. Basically, the NCAA has rules, but it's not enforcing them in fear of more legal battles, so they're only acting as guidelines.

Media Rights links

Instagram's policies for monetization

[Instagram Partner Monetization Policies | Instagram Help Center](#)

TikTok's branded content policies

[Branded Content On TikTok](#)

Federal Trade Commission rules on disclosure and transparency for social media influencers, along with how to disclose and make your endorsement message as clear as possible

[Disclosures 101 for Social Media Influencers | Federal Trade Commission](#)

An article on the future of college sports coverage in the NIL and media access age

[NIL, media access and the future of college sports coverage](#)

A current list of the highest paid athletes after 18 months of NIL rights

[Highest Paid College Athletes in the NIL Era | Action Network](#)

An article about how female student-athletes have been notably successful in brokering deals in the NIL space, relying on social media savvy.

[In the college sports pay era, female athletes are emerging as big winners](#)

An article that highlights the recent success of NIL in women sports and how bright the future for student-athletes is.

NIL Best Practices Links

An older article but breaks down what companies have done to get athletes. It shows what the bigger brands have done to get their NIL athletes, but also what smaller businesses have done to get them

<https://www.bestcolleges.com/news/analysis/2021/09/30/ncaa-nil-athlete-deals-social-media/>

Where are students doing best with their NIL deals? This article from Sports Business Journal discusses the current landscape.

<https://www.sportsbusinessjournal.com/Journal/Issues/2022/08/01/Opinion/Carter.aspx>

Schools must do what they can to provide resources for student-athletes seeking to engage in the NIL space, according to this article.

https://www.dnronline.com/sports/college/cajuns-nil-program-providing-model-for-sun-belt/article_1216c155-10d9-5b40-b373-32b8a3ea7c8c.html

A description of a program in Atlanta for student-athletes working in the NIL space. The inaugural INFLCR NIL Summit was hosted at the College Football Hall of Fame.

<https://virginiasports.com/news/2022/08/15/student-athletes-knowledge-of-nil-expanding/>

This blog features information and tips for student-athletes new to the NIL space.

<https://blog.millions.co/key-tips-college-athletes-nil-rules>

According to Forbes, female student-athletes are having disproportionate success in the NIL space because of their comfort and skill at using social media platforms.

<https://www.forbes.com/sites/ericalayala/2021/12/30/4-tips-for-women-ncaa-athletes-seeking-nil-deals/?sh=6b44172173b7>

Some links about how “Group of Five” school such as ODU and its Sun Belt Conference compatriots are navigating the NIL space on behalf of their student-athletes.

https://www.dnronline.com/sports/college/cajuns-nil-program-providing-model-for-sun-belt/article_1216c155-10d9-5b40-b373-32b8a3ea7c8c.html

<https://www.theadvertiser.com/story/sports/college/ul/2022/07/31/sun-belt-football-coaches-leery-farm-system-nil-benefits/10149239002/>

https://www.breezejmu.org/sports/analysis-jmu-will-face-a-new-nil-outlook-in-the-sun-belt/article_6989dd24-f8ec-11ec-9e79-5ba27b9fc93e.html

Acknowledgements from participants

Erin Carter – It has been thrilling to be a part of something with such a large impact on the University and the Department of Athletics. It has also been frustrating at times as there is little to no ‘easy to find’ information because NIL is so new.

Imo Essien - As Erin said, it has been irritating, often being led down an empty road doing research, especially as a student athlete myself, because it shows me how unsure everything is. Yes, you see these big deals being aired out every other week, but people don’t understand everything that goes into that deal. On the same note, it has also been intriguing to gain more knowledge about the NIL process and be able to share with my teammates some of the lessons I’ve learned.

Sierra Hughes - This has been a very interesting project to navigate because this subject was very new for a lot of people. It took a good amount of effort from everyone to collaborate on something that we all have limited knowledge on. After all the hard work and time, I felt proud to be a part of something so big. I’m proud of what the whole group has done, and I am happy that we are able to share our findings with the student-athletes. Hopefully we have helped other students gain more knowledge and perspective after this project

Darby Lehman - There is so much information out there and it can get confusing. I think reading as much as you can and writing down a plan for yourself will be very helpful. I hope this report gives a student athlete enough to get them started.

Maira Olexa - Being a student-athlete at ODU, I benefited tremendously from this report. Not only was I researching for my fellow athletes, but also learned how to market myself. The presentation is a great way to spread awareness to the new topic because I was definitely

unfamiliar with the boundaries of NIL. I think this presentation will give student athletes understanding of their options with NIL through the university.

Langley Peterson - This is certainly the most intensive and collaborative school project I have ever been a part of. Working with the entire class has been a huge learning experience, but it is very satisfying to see the whole thing come together. I hope our work makes an impact on the athletes at ODU.

Mekhi Rhynes - It was interesting taking part in the making of this presentation, there is so much that goes into the rules and regulations behind NIL and I am excited to see student athletes get a broader understanding of NIL and how it can benefit them.

D'Angelo Stines - Completing this assignment was interesting to say the least. As a student-athlete, I benefited from the research done by my classmates and I and gained a little bit of a better perspective on this still very new topic of NIL. I learned more about the rules and regulations, and this will help me to be successful when I secure my NIL deals. However, the frustrating part was with NIL being so new, gathering facts/information was not an easy task. Also, each individual school has its own rules and regulations to go along with the ones placed by the NCAA so that was challenging as well as “dos and don'ts”.

Deryn Woods - This has been one of the most frustrating works I have ever been a part of just because of how uncertain everything is with NIL. The rules and regulations are constantly changing, and it is extremely hard to understand. Hopefully the information we have gathered will be something to help the student-athletes.