

NOTRE DAME NIL GUIDELINES FOR STUDENTS

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These Guidelines empower Notre Dame students to maximize their personal and professional impact through the use of their name, image, likeness, and ideas (NIL).

What are NIL Activities?

NIL Activities are situations where you use your name, image, likeness, or ideas for commercial, charitable, or personal purposes.

Can I include references to Notre Dame in my NIL Activities?

It depends. The University's name, logos, trademarks, and landmarks (Notre Dame Identifiers) have special significance and are valuable assets of the University that it has a responsibility to preserve and protect. The University takes great care in how these Notre Dame Identifiers are used and must be especially protective of how Notre Dame Identifiers are used independent of the University.

For example, the University cannot permit the independent use of Notre Dame Identifiers in ways that could confuse the public about whether the University is endorsing or promoting a particular activity or idea. In addition, the University cannot permit the independent use of Notre Dame Identifiers in ways that might suggest its approval of products or services with which it is unfamiliar, or that might be perceived as reflecting its promotion or endorsement of products or services that could conflict with those of companies to which it has made contractual commitments.

Within the context of student NIL Activities, the University cannot reasonably be perceived as endorsing or promoting products, services, activities, or ideas merely because Notre Dame Identifiers appear in student NIL Activities incidentally as part of your personal clothing. However, in fulfillment of its responsibility to protect their value and significance, there are other parameters the University has established with respect to the use of Notre Dame Identifiers in student NIL Activities.

Here are some specific guidelines to keep in mind:

- **Personal Promotion.** When your NIL Activities are focused on your own personal promotion and do not endorse or otherwise promote a third-party company, brand, or activity, you are free to use Notre Dame Identifiers as follows:
 - as such may appear on any of your personal clothing or on any uniform (e.g., athletic uniform, band uniform, etc.) provided to you by the University
 - as such may appear in still images or videos of campus that you capture
 - in factual references to your status as a Notre Dame student or as a participant in a particular Notre Dame team, club, or group

The University will allow Notre Dame Identifiers to appear in your personal promotional materials **ONLY** if they appear as described in the bullet points above. Other uses of Notre Dame Identifiers (such as use of Notre Dame trademarks or logos separate from

their appearance on personal apparel, on a uniform, or as captured in images/videos) are not permitted, even if limited to your personal promotion.

- **Promoting Others.** When your NIL Activities are focused on endorsing or otherwise promoting another entity or brand, or a third-party event, you may not use Notre Dame Identifiers without the University's prior approval. There are a few exceptions to this general principle:
 - You may use Notre Dame Identifiers in these situations if the Notre Dame Identifiers appear incidentally on personal clothing you are wearing during such NIL Activities. In other words, unless you obtain the University's prior approval, you should not engage in any NIL Activities that involve endorsing or otherwise promoting another entity or brand, or a third-party event, while in a Notre Dame uniform or using Notre Dame Identifiers other than what may appear on personal apparel.
 - You may make a factual reference to your status as a Notre Dame student or as a participant in a particular Notre Dame team, club, or group as part of such NIL Activities.

To be clear, you do not have authority in any circumstance to grant permission for a third party to use Notre Dame Identifiers. In order for a third party to obtain permission to use Notre Dame Identifiers, whether directly or in association with your NIL Activities, the third party must obtain that permission directly from the University.

- **Merchandise, Goods, or Services.** Under longstanding University policy, use of any Notre Dame Identifiers on merchandise you create or have created or in relation to other goods and services that you offer others requires the prior approval of the University. This requirement applies to all students, alumni, staff, faculty, manufacturers, retailers, and customers. Requests for such approval should be submitted to licensing@nd.edu.
- **Certain Uses of Notre Dame Identifiers Always Prohibited.** You may never include or use Notre Dame Identifiers as part of NIL Activities that:
 - Are inconsistent with the University's Catholic mission and values
 - Involve any illegal drug, tobacco product, gambling, or alcohol (for students who have not yet reached the age of 21), or any activity that might reasonably be described as "adult content"

Are there any other limits on my NIL Activities?

Yes. Those limits include:

- **University Policies.** NIL Activities should always be conducted consistent with all other University policies, including the University's *du Lac: A Guide to Student Life* and the Academic Code of Honor.

- **Laws and Regulations.** NIL Activities should always be conducted consistent with federal, state, and local law and with any other rules or regulations that apply to you (e.g., NCAA rules).
- **Impermissible Times and Locations.** You may not engage in NIL Activities:
 - During or instead of any academic obligations, including class, exams, and meetings with mentors or tutors
 - In a manner that interferes with any student's, employee's, or office's use of University spaces or facilities
 - During official team, club, or other University-sponsored extracurricular activities in which you are expected to participate, such as games, performances, practices, rehearsals, and club meetings, unless approved by the University official that oversees such activities
- **Official Group Activity.** You may not engage in NIL Activities as an official University team, club, or extracurricular organization unless approved by the University official that oversees the team, club, or organization.

Are there limits on what role a faculty or staff member can play in connection with my NIL Activities?

Yes. The role of faculty and staff should always reflect one of providing education and guidance, and should not extend to advocating for the individual interests of a student with a third party or otherwise negotiating particular NIL Activities on a student's behalf. No faculty or staff member may do any of the following in a personal capacity:

- Provide or promise to provide any direct financial benefit (including payment) to any student or his/her family member(s), agent(s), or representative(s) in connection with the student's NIL Activities in order either to (a) encourage the student to enroll or stay enrolled at the University; or (b) reward a student for his/her academic, athletic, or other extracurricular performance
- Act as an agent or in any representative capacity on behalf of a prospective or current student (i.e., "stand in the shoes" of a prospective or current student) in connection with his/her NIL Activities
- Engage in any commercial activity with a student in connection with his/her NIL Activities where there is potential for the faculty or staff member to have personal financial gain *unless* the activity is disclosed to the University in advance and the University has confirmed such activity is consistent with all applicable University policy
- Provide favorable treatment to a student in connection with his/her NIL Activities based on the student's participation in any particular group or activity (e.g., athletic team, student government, student club) or familial status (e.g., child of faculty member, staff member, trustee, or benefactor)

Are there any other University requirements I should be aware of related to NIL Activities?

University colleges, schools, departments, teams, clubs, and extracurricular organizations may establish their own policies and procedures concerning NIL Activities so long as such policies and procedures are consistent with these Guidelines.

What are the consequences if I do not follow these Guidelines?

Any student believed to be in violation of these Guidelines may be referred to the University Conduct Process and may be subject to disciplinary status outcomes. Reports of alleged violations of these Guidelines by Notre Dame employees may be referred to the Office of Human Resources for review and/or resolution.