



## Standard of Review for Violations Related to Name, Image and Likeness Activities

### Presumption of a Violation Related to NIL Activities.

When available information supports that the behaviors leading up to, surrounding and/or related to an NIL agreement or activity were contrary to NCAA Division I legislation and/or the interim NIL policy, the enforcement staff and NCAA Division I Committee on Infractions shall presume a violation occurred. To rebut the presumption of a violation, the institution must clearly demonstrate that all behaviors complied with NCAA legislation and interim NIL policy.

One or more factors may include, but are not limited to, the following:

- Impermissible contacts/recruiters:
  - An institutional staff member directly or indirectly contacts a prospect who is not in the NCAA Transfer Portal to discuss NIL opportunities.
  - A representative of the institution's athletics interests (e.g., individual booster or collective) contacts a prospect or their family about potential NIL opportunities prior to the prospect signing with the institution.
  
- Impermissible offers:
  - An institutional staff member in any way offers, communicates and/or guarantees an NIL opportunity to a prospect, their family or representatives during their recruitment.
  - A representative of the institution's athletics interests announces and/or enters (whether verbally or in writing) into an NIL agreement with a prospect prior to their enrollment at the institution.
  - An NIL agreement requires a prospect to be in the locale of the institution prior to enrollment in order to fulfill the terms of the agreement (e.g., local appearances). A collective and/or its representatives engage in recruiting activities and/or the promotion of specific prospects prior to their commitment to the institution.
  
- Impermissible benefits:
  - An institutional staff member, booster or other institutional representative solicits, facilitates and/or provides additional NIL opportunities in order to secure a student-athlete's continued enrollment at the institution.

### Related Infractions Process.

- Investigation:
  - When the enforcement staff learns of information related to a potential violation of NCAA legislation related to NIL activities, it shall either (1) conduct a limited/expressed investigation; or (2) issue a Letter of Inquiry (LOI) to an institution. The path selected is the sole discretion of the enforcement staff.

- If the enforcement staff conducts an investigation, it will take the lead in all investigative activities, including interviews and document requests, and include the institution as appropriate pursuant to bylaws and internal operating procedures.
- If the enforcement staff sends an LOI, it shall (1) identify the information the enforcement staff believes supports the presumption; (2) note that the burden is on the institution to rebut the presumption by demonstrating a violation did not occur; and (3) provide a deadline for the institution's response.
  - Upon receipt of the institution's response, the enforcement staff may use its discretion to conduct additional investigation.
- Charging:
  - The enforcement staff will review the information obtained through its own investigation and/or the institution's response to the LOI.
  - The enforcement staff will allege a violation unless it concludes that, based on the information developed, the institution rebutted the presumption that a violation occurred.
- Adjudication:
  - If the institution agrees a violation occurred, the institution and enforcement staff may submit a summary disposition or negotiated resolution for approval by the Committee on Infractions.
  - If the institution and enforcement staff do not agree whether a violation occurred, the case will proceed to a contested hearing pursuant to Bylaw 19. Pursuant to the above standard, the Committee on Infractions shall presume a violation occurred unless the institution clearly demonstrates otherwise.