

A young woman with long blonde hair, wearing a purple and white patterned leotard, is holding a can of Accelerator Beach Paradise. She is smiling and looking towards the camera.

# Saddlebrook

COLLEGE ADVISING

## NAVIGATING THE WORLD OF NAME, IMAGE, & LIKENESS

*Livvy Dunne, an LSU gymnast, has led the way during the NIL era in securing deals with clothing brands Vuori and Nautica, creating paid online content through Passes, and arranging several other partnerships.*

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### KEY POINTS

- NIL allows student-athletes to profit from their name, image, and likeness through spokesperson agreements with companies, appearances in video games, paid autograph sessions, and in many, many more ways.
  - Student-athletes need to be careful to disclose business deals for the purposes of NCAA eligibility and tax liabilities.
  - NIL deals can be signed by athletes themselves or with the help of a college collective.
  - The House v. NCAA settlement should bring more stability to the “Wild West” environment that has developed in the last five years.
  - International students are currently not able to benefit from NIL while in the United States.
  - Student-athletes need to be wary of who they trust and be careful of the language in their NIL contracts to protect their future earnings.
  - Any and all NIL deals are subject to federal, state, and local income taxes.
  - As of July 2024, high school student-athletes in the state of Florida may be paid for the name, image, and likeness.
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# WHERE WE ARE NOW WITH THE HOUSE V. NCAA SETTLEMENT



Here we are at June 2, with the settlement set to go into place in less than a month on July 1, and the judge presiding over the case still has not approved the settlement. As we wait for her to provide a ruling there have been some additional developments that could complicate matters even further.

- The accounting firm Deloitte and Touche is preparing to set up an NIL clearinghouse called *NIL Go* in which all name, image, and likeness deals of greater than \$600 will go through Deloitte to determine if the deal matches its true market value. [Link](#)
- The president of the NCAA, in an unofficial statement, asserted that the NCAA will no longer determine a student-athlete's amateurism status, leaving all enforcement to the conferences and presumably to a new college commissioner. He has not mentioned anything about whether the NCAA will continue to determine academic eligibility... until we hear differently we will assume that they will continue to determine academic eligibility for Division I and II athletes. [Link](#)
- The new College Sports Commission's CEO would have the authority to subpoena coaches, athletes, and administrators; to rule athletes ineligible for violating NIL rules; and even expel schools from their conference for egregious or repeated violations of the rules. [Link](#) and [Link](#)
- The state of Tennessee has passed and other states are looking at passing legislation that forbids capping a student-athlete's NIL earnings, meaning they may receive well over market value for their services. With this new development everything surrounding the *House* settlement, Deloitte's *NIL Go*, and the College Sports Commission's enforcement arm may be obsolete before they even ever got started. [Link](#)
- Unless and until Congress acts we will continue to have different laws regulating the same entity.

## ON TO NAME, IMAGE, AND LIKENESS

### **NIL Primer**

The acronym NIL stands for Name, Image, and Likeness, referring to the aspects of an individual which cannot be used for monetary gain or to promote a business without that individual's consent. Under new rules and laws student-athletes may now profit from their name, image, and/or likeness for acts in the vein of promoting a brand on social media, doing meet and greets to attract customers to a business, or signing autographs among other things. The new bylaws came about after numerous lawsuits, starting with the Ed O'Bannon case in 2009. After numerous losses in court the NCAA essentially threw their hands up in regard to enforcing the limited rules surrounding NIL payments and trying to prevent a pay-for-play environment from developing.

***It is important to note that any student-athlete that signs an NIL deal for more than \$600 must inform their athletic department's compliance team.***

### **College Athletes and NIL**

#### *Football and Men's Basketball Dominate*

The vast majority of money in the NIL sphere is going to be funneled directly to the football and men's basketball programs. Football earns the greatest revenue of any sport at the college (and professional) level and a university's boosters often earmark their donations to be spent on the football program. It brings about the greatest sense of pride in a university, nearly always overshadowing other sports' contributions and achievements on the academic side. So it makes sense that the bulk of NIL money would find its way to football, and much of that is directed toward the starting quarterback or highly-rated high school quarterback prospects.





[CBS Sports: How much money did Quinn Ewers lose by not returning for NIL in college football, sliding in 2025 NFL Draft?](#)

Why does this happen? Many boosters (fans, alumni, and former players of a school that financially support its athletic programs) want to feel as if they have played a part in the success of their team. Hundred-dollar handshakes and McDonald's bags full of cash have been common throughout the history of college football, but boosters had to be careful not to run afoul of the NCAA or they could be the reason their team was put on probation. In the 1980s during [Eric Dickerson's](#) recruitment, Texas A&M dropped a Pontiac Trans Am off at his house in hopes that he would sign with the Aggies. Dickerson eventually signed with SMU where the boosters had put players on contracts, an innovation that was 40 years ahead of its time, and an innovation that eventually led to SMU's football program receiving the death penalty. The boosters at SMU wanted so badly to compete with Texas and Texas A&M that they were willing to risk major sanctions against the school - and for a time it worked. SMU won the Southwestern Conference and competed for the national title in the days of the "Pony Express." And those boosters KNEW the reason their football team competed with and beat the Longhorns and Aggies was because of the money they were putting into the program. Fast forward to the 2020s and what was against the rules then is now completely legal with the advent of NIL.

[Vimeo: Pony Excess - the story of the SMU football program in the 1980s](#)

The other major sport and the one with the second-most cachet at most schools is men's basketball. Although the Kentucky, North Carolina, Duke, and Kansas football teams bring in a greater amount of revenue, the passions of the fans at these schools lie with the basketball team. Same story, different sport. The fans and alumni will do anything to guarantee their basketball team competes for a national championship year-in and year-out.

What this means for tennis players and golfers is that once the football and basketball teams have taken their cut there won't be much left of the NIL pie for all of the other athletes - BUT, a particularly talented athlete, a recognizable athlete, or an athlete with a larger-than-life personality can break through and profit from their name, image, and likeness.

[Bloomberg: College Football Players Learn an Ugly Truth About Getting Paid](#)



***The old joke back in the 80s was that Eric Dickerson took a pay cut to leave SMU and go to the NFL. Now it's reality.***

## Negotiated Deals

There are a couple of ways in which college athletes can profit from their name, image, and likeness. The first is to negotiate deals on their own (or with the help of parents or legal counsel – more on that later). Using NIL in tandem with social media can lead to deals requiring a certain number of collab posts each month, studio work involving photo shoots, on-location paid promotions, or a number of other opportunities. Student-athletes who frequent a particular restaurant or business and work out a deal with the owner could also be paid with food, gear, or by other non-monetary means.

### [On3: Top NIL Valuations](#)



Although most NIL money is going to find its way into the hands of football and basketball players there are opportunities out there for other athletes to profit off of their name, image, and likeness. The poster girl for NIL and the opportunities it can bring is former LSU gymnast Livvy Dunne. With deals bringing in more than \$4 million, Dunne has outpaced every other female athlete, not to mention almost every male athlete. She makes more from her endorsement deals than her boyfriend Paul Skenes who was selected #1 in the Major League Baseball draft in 2023 and who is also arguably the best pitcher in the game.

### [Sportico: Olivia Dunne lands 'multimillion-dollar' NIL partnership with Passes](#)

## Collectives

The second way to become involved in NIL activities is to go through your school's collective. With the approaching House settlement most schools are bringing the collective under the umbrella of the athletic department (under the original NCAA rules the collectives could not operate as a part of the athletic department).

### [On3: NIL Collectives by School](#)

## International Students

Although there are a lot of opportunities out there for athletes to profit from their name, image, and likeness, international athletes cannot take part in that arena. As most international student-athletes are in the country on an F-1 visa, they are denied the ability to work while in-country and therefore cannot take part in NIL activities.

Only a small subset of F-1 visa holders can hold an off-campus job and even they have to meet specific requirements set forth by the Department of Homeland Security. Students on an F-1 who violate the terms of their visa are subject to termination of their visa, deportation, and the inability to obtain future visas or permanent legal status. In addition, the Department of Labor may penalize the university.

### [Swim Swam: The Olivia Dunne of the Pool Can't Profit Off Her NIL](#)

You don't want to see the executive branch of the federal government. I've told our guys before that this visa issue is serious. Particularly the Department of Homeland Security, United States Citizenship and Immigration Services. Like, they're worried about borders and terrorism, and they're – because of what their world is – more likely to take a hard-line approach to things. And we're afraid of that.

– Kamron Cox, Assistant Director of Athletics, University of Illinois

There are two ways of getting around the NIL wall, but the options may not be available to all students. First off, if a student is able to switch from an F-1 to a Green Card they become eligible to work in the United States and therefore could take part in NIL activities. The second method is to engage in NIL activities when in your home country. The US



government cannot stop an athlete from working while at home or profiting from their name, image, or likeness... the question is will there be a market for your NIL in your home country? Money earned while out of the United States may have to be placed into a trust for future use.

And our international student office has said, 'You can of course deal in your own home country. But here you don't want to jeopardize your visa. So stay away and just be careful about doing anything.'

- Nicole Kavlick, St. Mary's College Associate Athletic Director for Compliance

***It is best to consult with an immigration attorney or your school's compliance office or general counsel to determine what you can legally do.***

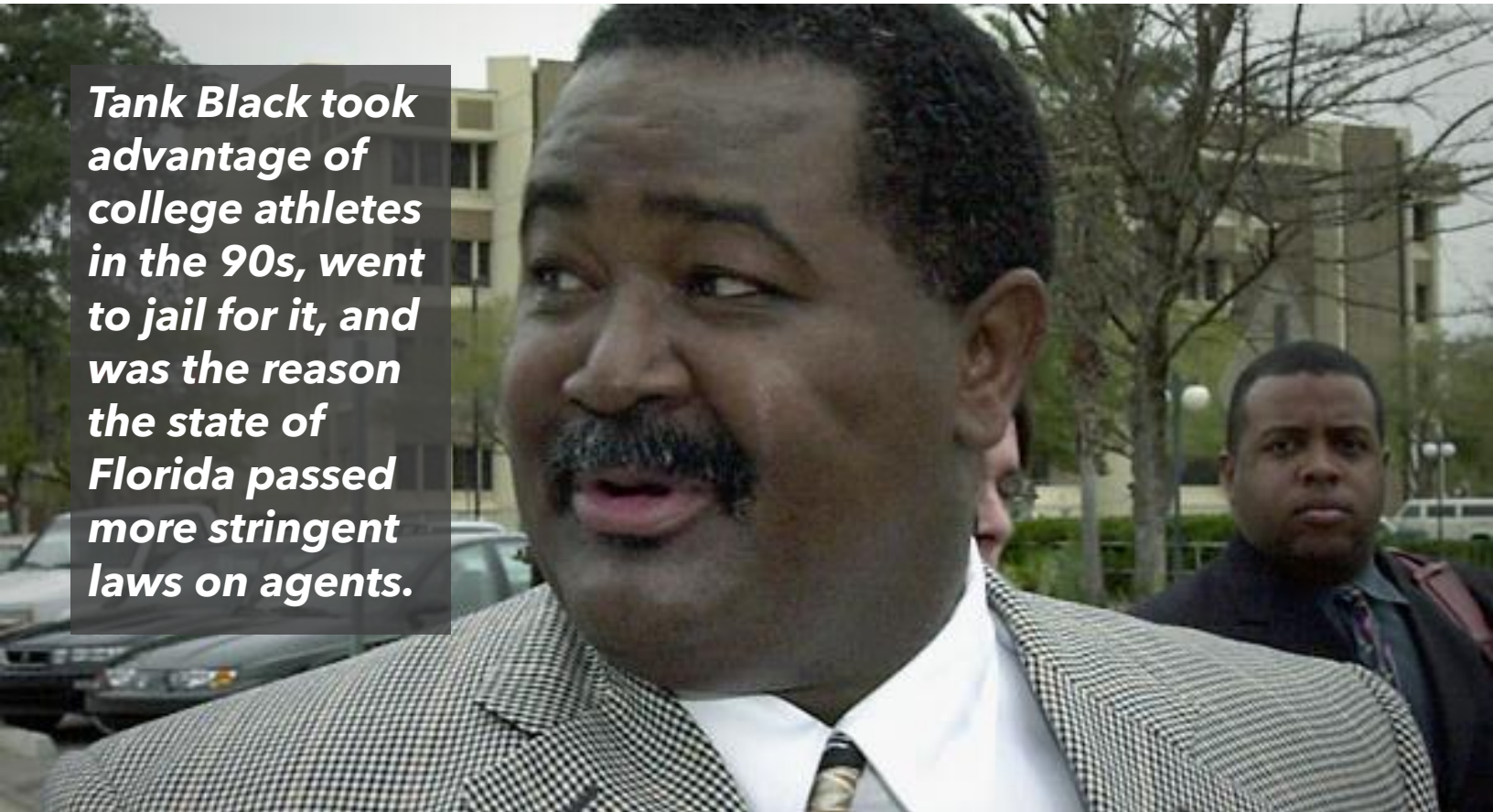
#### [538: One Group Of Student-Athletes Is Conspicuously Absent From NIL Deals](#)

Some have suggested that passive income in the form of royalties could be legal under US law, but there are dangers in that as well.

The more difficult question is whether royalties to a student-athlete for merely granting permission for Company X to use their NIL is considered active income. What makes this analysis complex and frustrating, however, is that the passive versus active income analysis does not directly overlay with the "quid pro quo" requirement of the NCAA's bylaws and interim NIL rule. For example, something may be considered passive income that does not require work be performed by the student-athlete themselves. International student-athletes would then be forced to pick their violation: US immigration law or NCAA rule.

- Bryan Dearing, Associate General Counsel, University of Oregon

#### [University of Oregon Office of the General Counsel](#)



***Tank Black took advantage of college athletes in the 90s, went to jail for it, and was the reason the state of Florida passed more stringent laws on agents.***

#### ***Dangers of NIL***

##### *College Athletes as Prey*

As is the case with anything that is new and unregulated, there will be vultures looking to take advantage of others' vulnerabilities. Be wary of anyone and everyone, and if something sounds too good to be true it almost always is. Agents who wish to represent you for NIL purposes must be licensed by the state or state in which they work.

Understand that unscrupulous agents have been preying on college athletes long before NIL came into being, and they will continue to prey on college students until the end of time. Although you are young, once you turn 18 you are legally an adult and accountable to the terms of anything and everything you sign.

***DO NOT SIGN ANY CONTRACTS YOU HAVE NOT READ OR THAT YOU DO NOT UNDERSTAND.***

Use your athletic department's resources – the compliance office and the office of the general counsel, as well as any legal representation you have sought out to guarantee that you are not taken advantage of.

Take the case of Gervon Dexter, a former defensive lineman for Florida. A company called Big League offered him \$400,000 in exchange for basic NIL-related services AND... 15% of his future NFL earnings. "Based on Dexter's second-round contract alone, Big League would be guaranteed \$554,341.80, and potentially receive up to \$1,008,559.80; a 27% and 131% return on investment, respectively." (Ahmand Johnson, Esq.) Fortunately for Dexter, the terms of the NIL deal violated Florida law as it existed at the time and the requirement to turn over his future earnings could be nullified by the courts. It should be noted that Big League set up its operations in Delaware, which does not have legislation "to protect collegiate athletes from predatory exploitation."

[ESPN: Florida legislator says Bears DT Gervon Dexter's NIL deal violated law](#)

### *Taxes*

There also exists the issue of taxes. All NIL-related earnings are subject to local, state, and federal taxes, including Social Security and Medicare withholdings. Be sure to take care of W-9s before engaging in any contracted work and then be sure that you have received in January any Forms 1099 that you will need to file your taxes by April 15. Always remember, the government is going to get theirs.

### ***High School NIL***

Finally, the Florida High School Activities Association, of which Saddlebrook Prep is not a part, changed their rules to allow high school athletes to benefit from NIL activities as well. This move was done to stay competitive with and keep Florida student-athletes from moving to other southeastern states.

[Fisher Phillips Law: Florida Approves NIL Pay for High School Athletes](#)

[Kelley Kronenberg Law: Florida High School Athletes Can Now Benefit from NIL: What This Means and Next Steps](#)

A photograph of Ohio State football players celebrating on the field. They are wearing white jerseys with red numbers and "BIG" logos. One player in the center is holding a large, ornate gold trophy. Confetti is falling around them, and they are all smiling and cheering. The background is slightly blurred, showing more players and the stadium environment.

***Ohio State reportedly spent \$20M  
on NIL for football in 2024.  
And they won the National Championship.***