

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED AMENDED REGULATION

**DATE:** November 16, 2023

**REGULATION CHAPTER NO.:** Chapter 2

**REGULATION CHAPTER TITLE:** Student Affairs

**REGULATION TITLE AND NUMBER:** Intercollegiate Athletes – Name, Image and Likeness (2.034)

**SUMMARY OF REGULATION:** This amended regulation changes the terms and/or conditions under which a student-athlete may use his or her name, image and/or likeness in business activities.

**AUTHORITY FOR REGULATION:** Article IX, Section 7, Florida Constitution, Section 1006.74, Florida Statutes, Board of Governors Regulations 1.001 and 6.022.

**UNIVERSITY OFFICIAL INITIATING THIS REGULATION:** Tiffani-Dawn Sykes, Vice President and Director of Athletics.

**PROCEDURE FOR COMMENTS:** Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:** Tiffani-Dawn Sykes, Vice President and Director of Athletics, 1835 Wahnish Way, Tallahassee, Florida 32307, (850) 599-3868 (phone), (850) 599-3810 (fax), [tiffanidawn.sykes@famuedu](mailto:tiffanidawn.sykes@famuedu) or Rica Calhoun, Chief Compliance and Ethics Officer, 105 Foote-Hilyer Administration Center, Tallahassee, Florida 32307, (850) 412-7520 (phone), [rica.calhoun@famuedu](mailto:rica.calhoun@famuedu).

**FULL TEXT OF THE PROPOSED REGULATION:** The full text of this amended regulation follows:

**2.034 Intercollegiate Athletes- Name, Image and Likeness**

## Florida A&M University Regulation



### 2.034 Intercollegiate Athletes - Name, Image and Likeness.

- (1) Student-athletes may use their names, images, and likenesses to promote their athletically and non-athletically related business activities (e.g., products, services, camps/clinics, personal appearances) subject to the requirements and limitations herein. A student-athlete's promotion of his or her business activity may include a reference to the student-athlete's involvement in intercollegiate athletics and a reference to the Florida Agricultural and Mechanical University (University).
- (2) A student-athlete may not use any current or former University name, trademarks, service marks, logos, slogans, insignia, or other intellectual property (including any features of the uniform) (collectively "Marks") in promoting such business activity without the express written consent of the University President or designee. Such use must also be, and consistent with applicable University policies including, without limitation, appropriate licensing agreement and fees. If such use is granted, it is a limited and revocable license to use the University's Marks for lawful purposes, and in good taste and in a decent manner which is consistent with the highest standards applicable to the status of Florida A & M University as an educational institution throughout the world and to enhance and preserve that status, and not in any manner cause harm to its reputation. Any depictions of Florida A&M University, its students, faculty, staff, etc., will be consistent with the status of Florida A&M University as an educational institution and will not include material that will be in derogation of such status. The University must provide prior express written consent for the student-athlete to use campus facilities or grounds for NIL activities, and such use may require location agreements, waivers of liability, liability insurance requirements and applicable rental fees.
- (3) A student-athlete may not enter into a contract for the use of his or her name, image or likeness which:
  - is based upon the student-athlete's attendance at the University; or
  - (a) is based upon the student-athlete's athletic performance; or
  - (b) promotes the use of alcoholic beverages, tobacco, firearms, banned or illegal

### 2.034 Intercollegiate Athletes- Name, Image and Likeness

substances; or illegal wagering activities;

(c) contains adult content;

(d) conflict with academic and team activities;

(e) involve entities or individuals with whom doing business is prohibited by the United States of America or the state of Florida;

~~(a)(f) A student-athlete may not enter into a contract for the use of his or her name, image or likeness which conflicts with the terms of any contract entered into by the University.~~

~~(4) A grant in aid, including cost of attendance, awarded to a student athlete by the University is not considered compensation for the purposes of authorizing, limiting, prohibiting, or regulating compensation for the name, image and likeness of a student athlete. Such grant in aid, including cost of attendance, shall not be revoked or reduced as a result of a student athlete earning compensation or obtaining professional representation related to their name, image, and likeness activities.~~

~~(5) A student-athlete who enters into a contract for compensation for the use of their name, image, or likeness shall provide a copy of the contract (and any amendments thereto) to the Director of Intercollegiate Athletics or designee within five (5) business days of entering into such contract and the Director of Intercollegiate Athletics shall inform the University President of such contract within five (5) business days thereafter. The Director of Intercollegiate Athletics, or designee, shall submit the proposed contract to the Office of the General Counsel. The Office of the General Counsel shall advise the University President if the terms of said student-athlete's contract conflicts with the terms of any University contract or other prohibition set forth in this Regulation.~~

~~(5) The University shall conduct at least two distinct financial literacy, life skills, and entrepreneurship workshops for a minimum of five (5) hours each consistent with the requirements in section 1006.74, Florida Statutes, prior to the graduation of the intercollegiate athlete.~~

~~(5) A student-athlete may not enter into a contract for the use of his or her name, image or likeness which:~~

~~a. is based upon the student-athlete's attendance at the University; or~~

~~b. is based upon the student-athlete's athletic performance; or~~

~~c. promotes the use of alcoholic beverages, tobacco, fire arms, banned substances; or~~

~~d. contains adult content; or~~

~~e. involve entities or individuals with whom doing business is prohibited by the United States of America or the state of Florida.~~

~~(6) The University shall conduct a financial literacy and life skills workshop for a minimum of five (5) hours at the beginning of all student athletes' first and third academic years.~~

~~a. The workshop shall, at a minimum, include the following:~~

~~i. Information concerning financial aid, debt management, and a recommended budget for full and partial grant-in-aid student athletes based on the current academic year's cost of attendance, and~~

~~ii. Information on time management skills necessary for success as a student athlete and available academic resources.~~

~~b. The workshop may not include any marketing, advertising, referral, or solicitation by providers of financial products or services.~~

~~(6) NCAA extra benefit and preferential treatment rules remain applicable to student-athletes engaged in NIL activities.~~

*Specific Authority: Article IX, Section 7, Florida Constitution, Section 1006.74, Florida Statutes, Board of Governors Regulations 1.001, 6.022. History-New 09-06-21;  
Amended 12-XX-23.*