



Virginia High School League Adopts Name, Image and Likeness Guidelines

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On May 3, 2023, the Virginia High School League (VHSL) approved a Name, Image, and Likeness (NIL) policy to assist its member schools and their student-athletes navigate NIL deals. The guidance is intended to help student-athletes, as well as their parents and coaches, understand what NIL activities are acceptable and will allow a student to maintain eligibility as an amateur athlete.

Under VHSL's guidelines, schools, booster clubs, and coaches may not use NIL deals to incentivize a student to enroll at a school or to join a team or program. Further, under the policy, student-athletes may not engage in NIL activities involving, displaying, or endorsing certain categories of products and services, such as adult entertainment, alcohol, tobacco, prescription pharmaceuticals, casinos or gambling (including sports betting), or weapons or firearms. However, students may generally receive compensation for commercialization of their own NIL through activities such as appearing in commercials, product endorsements (excluding the above categories of products and services), personal appearances at events, autograph sessions, merchandise sales, group licensing, or social media influencer deals.

Student-athletes are also restricted from receiving compensation, endorsements, or gifts of monetary value for using intellectual property owned by the VHSL or any member school (such as a school's name, logos, or mascots) under the policy. This means that students may not wear their school uniforms when performing activities under an NIL deal. Further, student-athletes may not endorse or promote goods or services of any third-party NIL partners during school-based team activities and events (e.g., by wearing third-party apparel or displaying a third-party logo or brand unless it is part of the student's standard school uniform for their sport).

Virginia follows in the footsteps of numerous other states that have issued guidance addressing NIL deals for high school students since the U.S. Supreme Court's 2021 ruling that the National Collegiate Athletics Association (NCAA) could not prohibit student-athletes from profiting off their name, image, and likeness.

VHSL's NIL policy will go into effect on July 1, 2023. Readers should be mindful of the VHSL policy, as well as other state NIL laws and policies, when seeking out or negotiating NIL deals with, or on behalf of, student athletes. For more information on the above or questions regarding NIL, please contact: Courtney Reigel (creigel@williamsmullen.com), Ed White (ewhite@williamsmullen.com) or Amy Pruett (apruett@williamsmullen.com).

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