SPEAKING ENGAGEMENT

Beyond Scholarships: Managing Name, Image, & Likeness, Collectives, and Sponsorships Through a Title IX Lens | Bianca Smith

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Baltimore, MD

Name, image, and likeness (NIL) deals, third-party collectives, and local sponsorship campaigns are reshaping school athletics faster than most Title IX administrators can keep up. As more states authorize NIL opportunities for high school students and external entities begin to shape who gets paid, when, and how, institutions face emerging risks of sex-based inequities and hostile-environment concerns that fall squarely within Title IX, even when agreements are “off book” or signed with third parties.

This session will unpack how NIL, school-brokered arrangements, and donor-driven sponsorships can create de facto disparities in opportunities, benefits, and publicity between men’s and women’s programs, and how those disparities intersect with the traditional participation and benefits framework, including the Three-Part Test. Using higher-ed and K-12 hypotheticals, we will analyze common pressure points: booster-controlled collectives that heavily favor high-revenue men’s sports, school-facilitated deals that overlook parallel women’s teams, and donor conditions that push schools toward non-equitable sex-based differentials. Participants will leave with practical tools to integrate NIL into their existing equity work rather than treating it as a separate universe. We will walk through checklists and sample questions for adding NIL to climate and risk assessments, athletics compliance surveys, and gender-equity reviews; strategies for partnering with athletics, general counsel, compliance, and development; and approaches to policy language and MOUs with collectives and sponsors that clarify institutional responsibilities, reporting and referral pathways, and expectations for nondiscrimination and harassment prevention.