



STUDENT ATHLETE SOCIAL MEDIA AUDITS

Student Athletes who are interested in monetizing their name, image and likeness should take steps now to audit and clean up their social media feeds to comply with the standard requirements of a Brand deal.

Best Practice

Student athletes are already ambassadors for their school, athletic department and team. When Name Image and Likeness rules go into effect, we can add brands and sponsors to that list—both the athlete's own brand and those they may work with as an influencer.

Regular auditing of social media accounts to remove old tweets, posts or videos that may be seen in a negative light is a best practice for protecting your personal brand across platforms, as well as to protect the interests of your Brand clients. It is especially important for student athletes to start this clean-up process now, as they get ready to enter the limelight.

Morals Clauses and Off-Topic Subjects

Most influencer Brand Deals require good behavior by the Influencer by way of what are called Morals Clauses. The reason is that the brand paying for the marketing services by the Influencer wants to protect itself from any sort of negative publicity from the actions of the Influencer.

A typical Morals Clause allows the Brand the right to cancel the Agreement with the Influencer and refuse payment if the Influencer has **been or alleged to have been at any time, involved in any act or situation which, in the Brand's sole and good faith judgment:**

- (a) shocks, insults or offends the community,
- (b) constitutes an act or offense involving moral turpitude under any federal, state or local law, or
- (c) brings Influencer into public disrepute, contempt, scandal or ridicule.

If, in Brand's sole and good faith judgment, posting the Influencer's content would reflect poorly on the Brand or its products or services, the Brand has the right to terminate the Agreement and no payment is required.

Note the bolded sample language above that morals clauses often just require the allegation by someone (and not actual proof) of one of these offenses and are one-sided to the Brand.

Many Brands are also adding specific “off topic subjects” that should not be in the posts made as part of an Influencer Marketing Agreement.

For example, posts should not include any material that is derogatory, pornographic, discriminatory, violent, in any way related to drugs or alcohol, racist, offensive or illegal.

Rules of the Road: What you should not post

All influencers should not post about any of the following “off topic subjects” in **both** their personal posts **and** sponsored posts, broken into topical areas:

- Hate speech
 - Content that promotes discrimination based on race, gender, religion, nationality, disability, sexual orientation or age.
 - Content that promotes bigotry, racism or harm against any group or individual
- Derogatory content
 - False, defamatory, or inaccurate content
 - Rude, vulgar or course language
 - Offensive to a person, group or team, harassing or disparaging
 - This includes “smack talk” with competing athletes
 - **BE VERY CAREFUL WITH THIS!**
- Vice
 - Drugs or Alcohol
 - Illegal activities
 - Overt sexual behavior, such as nude photos or sex tapes
 - Avoid sexually suggestive posts as well
 - Dangerous activities that may result in harm to oneself or others
- Politics
 - Reproductive issues, such as abortion and contraception
 - Terrorism
 - War
 - Avoid politics in general

While common sense, sometimes posts can verge on the boundaries of these topics. It is wise to just avoid them altogether.

Social Media Audits: What you should remove from past posts

Starting with your oldest tweet, post or video, look back and remove any reference to any of the above off-limit topics. Especially focus on posts that may have been written before your college athletics career, when you may not have been even thinking about being an influencer or having others scrutinize your social media feed.

Practical Steps

1. Take down all pictures that include a red cup, because even if it's just a soda, it can be interpreted as promoting alcohol.
2. Take down all pictures where you are smoking, regardless of the substance being smoked!
3. Social justice posts are great, but think twice about partisan political posts (red or blue).
4. Use the "Grandmother test:" remove any content or language that you would never use in front of your grandmother. You probably wouldn't send her your sexually suggestive selfies either, for example.
5. Lastly, as part of your audit, search on major search engines for your name, and add in terms related to these topics to make sure nothing comes up that could fall into an off-limits category.

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