



Duty of Care in the NIL Era

What Campus Leaders Need to Know

Why This Matters Now



*NIL risk is now an enterprise issue.
What started as athletics now intersects
finance, legal, and compliance across the
institution.*



NIL dollars are accelerating — larger deals, younger athletes, expanding market reach.



40+ state laws create legal inconsistency and compliance challenges.



Institutions retain duty of care and face significant reputational exposure.



Urgent need to align contracts, coverage, and campus operations.

What You'll Take Away

Key takeaways for campus leaders



A practical map of NIL risks you can control and mitigate across your institution.



How insurance coverage can be structured to mirror NIL agreements effectively.



Role-specific actions for athletics, legal, risk, and the c-suite.



Contract red flags and claim pitfalls to avoid.

NIL Insurance in Plain English

Key insurance concepts



Temporary disablement covers time missed due to injury or illness.



Permanent total disability / critical illness covers career-ending events.



Entity-owned "make-whole" design payee can be athlete, university, or collective.



Disgrace / morals coverage reimburses for expulsion or conduct issues.



Key person life / DI Protects leadership or program continuity.





Campus Roles and Responsibilities



Athletics & compliance

- Intake and review all NIL agreements.
- Confirm medical and compliance alignment.



General counsel

- Standardize NIL templates
- Define ownership, payee, and insurable obligations.



C-suite

- Treat NIL as a financial exposure and capital management issue.
- Align brand, reputation, and risk strategy.



Risk management

- Maintain an NIL risk register
- Vet syndicate wordings, exclusions, and claims procedures.

Common Pitfalls and Fixes

Common pitfalls	Recommended fixes
Performance-based triggers (ambiguous triggers)	Use objective time-loss or injury-based triggers tied to medical evidence.
Lifetime medical promises (open-ended obligations)	Define time-bound coverage period and limits; specify scope of medical promises.
Vague deliverables ("active on social")	Separate non-insurable deliverables from insured compensation; define measurable deliverables.
Physician coverage gaps	Confirm licensure and MPL coverage upfront; require proof of coverage.
Ownership ambiguity	Define ownership and payee in template agreements; map to insurance beneficiary language.
Missing claims procedures and notice terms	Standardize notice, claims contacts, and insurer-claim handling steps in templates.

Case Examples



Star athlete



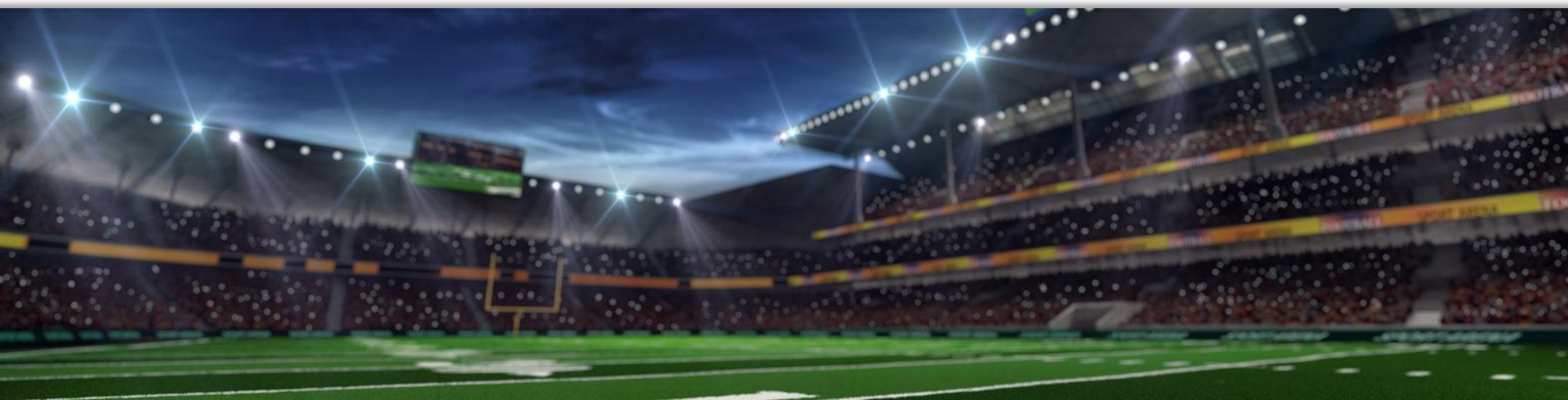
PTD + temporary disablement policy,
entity-owned disgrace coverage,
robust medical disclosure.



*Associated
entity with
multiple
athletes*



Aggregate policy, per-athlete
sublimits, clear benefit distribution
structure.



*D-II / D-III /
elite HS*



Scaled limits, tighter underwriting,
compliance pre-check.

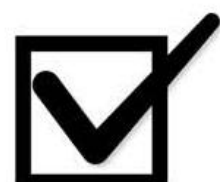
The Duty-of-Care Framework



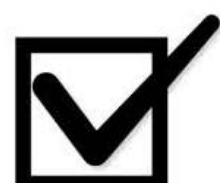
- Identify NIL-related risks across departments.
- Integrate legal, medical, and insurance review early.
- Ensure contract language aligns with insurable events.
- Plan crisis management and brand protection.
- Re-evaluate as laws and programs evolve.

Campus Readiness Checklist

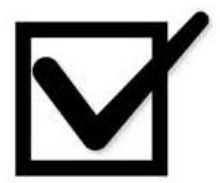
Evaluate your institution's preparedness with these essential requirements



Standardized NIL agreements



Defined ownership and payee structure



Medical documentation and oversight



Verified physician coverage and licensure



Crisis and brand protection linked to NIL



Cross-functional review group established

Next Steps & Contact



What's Next:



Attend follow-up sessions: Legal, medical, and Insurance design



Use post-webinar field guide and intake checklist



Schedule a 20-minute scoping call to review your institution's priorities

Get In Touch With Our Panelists



Frank Cella
Marsh
Education Practice Leader
frank.d.cella@mmc.com



Warren Harper
Marsh
Sports and Events Practice Leader
warren.h.harper@mmc.com



Sean Callaghan
ERA
Vice President of Advisor Services
sean.callaghan@exceptionalriskadvisors.com



Brad Sylvester
Mercer
Principal
brad.sylvester@mercer.com



Max Forer
Miller Nash LLP
Partner
Max.Forer@millernash.com

