Agenda

- Institutional, charitable, education or nonprofit promotions.
- Commercial locations/sponsors.
- Media activities.
- Advertisements and promotions after becoming a student-athlete (SA).
- Modeling and other nonathletically related activities after enrollment.
- Questions.
Institutional, Charitable, Education or Nonprofit Promotions

- Member institution or conference.
- Recognized institutional entity.
- Noninstitutional charity.
- Noninstitutional educational entity.
- Nonprofit agency.

Use of an SA’s name, picture or appearance to support:

- Charitable or educational activities; or
- Activities considered incidental to the SA’s participation in intercollegiate athletics.

Conditions:

- Written approval from director of athletics (or designee, not a coach).
- Only permissible sponsorship is sponsoring company’s officially registered regular trademark or logo.
- May include emblem, name, address and telephone number.
Institutional, Charitable, Education or Nonprofit Promotions

**Conditions:**

- No reproduction of product if commercial entity’s trademark or logo appears in promotion.
- SA may not miss class.
- All moneys go directly to institution, conference or other permissible entity.

Institutional, Charitable, Education or Nonprofit Promotions

**Conditions:**

- SA may accept actual and necessary expenses.
- Name, picture or appearance may not be used to promote commercial ventures of nonprofit agency.

Institutional, Charitable, Education or Nonprofit Promotions

**Conditions:**

- Restrictions on the sale of commercial items.
  - Noninformational items that include a single SA may not be sold.
  - Noninformational items that include multiple SAs may be sold.
    - Institutionally controlled outlets or outlets controlled by other permissible entity.
Institutional, Charitable, Education or Nonprofit Promotions

- Conditions:
  - SA and authorized representative of permissible entity must sign statement ensuring proper use of likeness or appearance.

  *NCAA Bylaw 12.5.1.1*

NCAA Division I Proposal No. 2005-26 (alternative)

- Approval of promotional activity.
  - Chancellor or president (or designee).
- Co-sponsorship and reproduction of a product.
  - Affiliation of the commercial entity and the permissible entity.
  - 25% limitation for commercial sponsors includes appearance or description of commercial entity’s:
    - product or service; and
    - logo/trademark.
  - No direct endorsement or encouragement of the use or purchase of commercial product or service.

Case Study #1

- An SA’s former high school has requested permission to use a picture of the SA signing his National Letter of Intent from State University and wearing a State University hat in its advertising campaign.

- This campaign is intended to help increase enrollment at the high school, and all proceeds will go directly to the SA’s former high school.
Case Study #1

Answer

• May the photo be used in the campaign?
  • Yes. Provided the criteria of Bylaw 12.5.1.1 are met, it is permissible for the SA to promote a previously attended educational institution.

• May the SA wear State University apparel?
  • Yes. There are no limitations within the current legislation.

• Are there limitations on where the advertisements can be displayed? (e.g., can they be displayed on the local metro system?)
  • No. There are no limitations within the current legislation.

Case Study #2

• An institution asked whether it is permissible to put up a billboard after a current SA had a big game that states "Congrats to John Doe for being Player of the Week".
Case Study #2
Answer
• Is it permissible for the institution to put up a billboard?
  • Yes. It would be permissible provided the criteria of Bylaw 12.5.1.1 is satisfied.

Case Study #3
• An institution is hosting donors in a tent at a local PGA golf tournament and would like to have SAs make an appearance to assist in fundraising activities.
  • The SAs are required to have a ticket to the event in order to access the fundraiser.

Case Study #3
Answer
• Is this permissible?
  • Yes. It is permissible for the institution to provide the SAs with tickets to the contest to conduct an institutional promotional activity, as admission to the contest is required in order to participate in the activity.
  • Bylaw 12.5.1.1-(f) permits an SA to accept actual and necessary expenses related to participation in institutional promotions.
Commercial Locations/Sponsors

- Activities may occur at the location of a commercial entity, provided:
  - The entity is not a cosponsor; and
  - SAs do not promote the sale of a commercial product.

*Bylaw 12.5.1.1.2*

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**Case Study #4**

- IHOP plans to host its annual National Pancake Day which includes free pancakes to all customers with an optional donation to a charity.

- A local IHOP has requested the presence of SAs to increase attendance in hopes to collect more donations.
Case Study #4

Answer

• Is it permissible for the SAs to participate in the IHOP fundraiser?
  • No. The described promotional activity is not permissible. The restaurant is a co-sponsor due to its direct promotion of the event.

Case Study #5

• An institution asked if its coaches and SAs may distribute schedule cards, discount ticket vouchers and merchandise to customers at Dunkin Donuts.
  • The coaches and SAs will hand out the institutional items to customers once the customers have completed their food or drink purchase and simultaneously hand the customer their purchase.
  • The goal is to encourage people to attend home games.

Case Study #5

Answer

• Is it permissible for the SAs to participate?
  • No. The October 21, 1991 educational column indicates that it is not permissible for the distribution of any item to be tied to the purchase of any item at the commercial establishment.
Media Activities

• During playing season.
  • Radio, television programs, writing projects.
  • May receive expenses.
  • No missed class time.

• Outside playing season.
  • All media activities.
  • Must be academically eligible.
  • May receive expenses.

Bylaw 12.5.3

Case Study #6

• An SA would like to write a weekly online article that will be posted on a sports analysis website.

• His name will be included as the author of the article.

• The website would like to compensate the SA for his time.
Case Study #6
Answer
• Can the SA write weekly articles for the sports website?
  • Yes. It is permissible for an SA to write a column for a commercial entity even if column is related to athletics.
    • No missed class.

Case Study #6
Answer
• Can his name be included as author of the column?
  • Yes. It is permissible for the SA to include his name (considered informational).
    • Name may not be used to endorse the website or any commercial product/service.
  • Can he be compensated for writing the article?
    • May not receive a salary for participation.

Case Study #7
• Football SAs at X University have been asked to serve as extras in a commercial movie being filmed.
  • Institution’s name and/or uniforms are in no way being used or affiliated with the movie.
Case Study #7
Answer
  • Can the SAs appear in the film?
    • Yes. It is permissible for the SAs to appear in a media activity (e.g., commercial film) even if the activity is related to athletics.
      • No missed class.
      • May not be used to promote film.
  • Can the SAs receive expenses and compensation for appearing in the film?
    • Yes and No.
      • May receive actual and necessary expenses to participate in the film.
      • May not receive compensation.

Case Study #8
  • Filmmakers have contacted an institution regarding a documentary they are filming about athletics.

  • The filmmakers would like to include footage and the name of a current SA at the institution.

  • The documentary is "for profit" and will be "shopped" around to various television stations.

Case Study #8
Answer
  • Can the SA appear in the film?
    • Yes. It is permissible for the SA to appear in a media activity even if the activity is related to athletics.
      • No missed class.
      • May not be used to "shop" film.
  • Can the SA receive expenses and compensation for appearing in the film?
    • Yes and No.
      • May receive actual and necessary expenses to participate in the film.
      • May not receive compensation.
Advertisements and Promotions After Becoming an SA

- Use of name or picture to promote sale or use of commercial product or service prohibited.
- No payment for endorsing commercial product or service through SA’s use of such product or service.

*Bylaw 12.5.2.1*

**Case Study #9**
- An institution asked if it would be permissible for its SA to be employed in the sale of a health drink and directly promote the benefits of the product.
Case Study #9
Answer

• Is this permissible?

• Yes. The SA may be employed by a company in the sale of health drink, provided the employment legislation in Bylaw 12.4.1 is met.

• In addition, must adhere to the provisions of Bylaw 12.5.2.1. The basic sales techniques and explanation of the product would be permissible.

• Company cannot use the SA’s name or picture in promoting the product.

Case Study #10

• An institution has a sports psychologist that was featured on a local TV show.

• The show interviewed current staff members, former SAs and used footage from a field hockey practice.

• The sports psychologist owns his own business and would like to point people from his website, Facebook and Twitter to the TV show’s website to view the segment.

• The film includes footage of current SAs.

Case Study #10
Answer

• Is this permissible?

• No. The video of the SAs would be used to promote the business.

• Can use SAs who have exhausted eligibility.
Case Study #11

- During an away competition, the gymnastics team had a team meal at the Olive Garden.
- One of the SAs took a picture of the team in team gear and posted it on the gymnastics Instagram site with the phrase “We love Olive Garden” underneath.

Case Study #11
Answer

- Is this permissible?
  - Yes. This would not be a violation as the SAs are not encouraging individuals to eat at the Olive Garden. This would be informational only.
  - An SA may issue opinions regarding a commercial establishment, provided the commercial establishment is not involved in any manner in the arrangement of such activity and the SA does not receive any benefits from any source in conjunction with the review.

Case Study #12

- A men’s basketball coach has a new book coming out regarding the 2012-13 basketball season, his coaching style, etc.
- The publishing company would like to put a photo of several current SAs celebrating in the locker room with coach after a game on the book cover.
- There will be other pictures of current SAs throughout the book, but they will not be used for promotional purposes.
Case Study #12

Answer

• Is this permissible?

  • Yes. An SA’s picture may be used on the cover of the coach’s book provided the use of the picture is in an informational context and is not used to promote the commercial product.

    • Expectation is that the SA is referenced somewhere in the book.

    • SA’s name and picture may not be used in any other manner to promote the sale of the book and excerpts of interviews, etc. with an SA’s quotes may not be used to promote the sale of the book.

Case Study #13

• SA is employed at a local floral shop.

• Owner would like to use all of his employees in a print advertisement for the shop.

Case Study #13

Answer

• Can the SA appear in the print advertisement for the shop?

  • No. An SA may not permit the use of his or her name or picture to advertise the use of a commercial.

• Would the SA’s eligibility be impacted if the owner used a photograph without his or her knowledge?

  • No. Eligibility will not be affected, provided:

    • SA did not permit and had no knowledge of his or her photograph being used to promote the company; and

    • The SA (or the institution acting on behalf of the SA) is required to take steps to stop such an activity.
Modeling and Other Nonathletically Related Activities After Enrollment

Continuation of Modeling and Other Activities After Enrollment
- Involved before enrollment.
- Independent of athletics.
- No reference to name or involvement in athletics.
- No endorsement.
- Remuneration at a commensurate rate, not based on athletics.

Bylaw 12.5.1.3

Case Study #14
- While in high school, SA authored two children's books.
- Parents funded the publishing of these books.
- The two books are currently being sold in stores today.
- SA is pursuing a degree in journalism and is authoring another book.
- Random House would like publish the SA's book.
Case Study #14
Answer
• Are there any issues with the previous sale of the books the SA authored in high school?
  • No, provided she became involved independent of athletics.
• Are there any issues with the current sale of the books the SA authored in high school?
  • Use of her name and continued promotion of book could be an issue with the continued sales.
• Can the SA permissibly write and sell her new book?
  • Yes, provided:
    • No reference to her name/association with involvement in athletics;
    • No promotion or endorsement of book; and
    • Compensation at a commensurate rate.
*Institution may request legislative relief waiver. See waiver precedent providing conditional relief for student-athlete to use name.

Case Study #15

• SA is majoring in photography at University X.
• SA would like to create a website to display and sell her photographs.
  • The website name will be "SA Photography."

Case Study #15
Answer
• Can the SA permissibly create a photography website to display and sell her photographs?
  • Yes, but…
• Can she use "SA Photography" as the website name?
  • No.
    • Reference to SA’s name; and
    • Endorsing a commercial product.
  • Must use a pseudonym to meet the criteria of Bylaw 12.5.2.1.
*Institution may request legislative relief waiver. See waiver precedent providing conditional relief for student-athlete to use name.
Summary

- Institutional, charitable, education or nonprofit promotions.
- Commercial locations/sponsors.
- Media activities.
- Advertisements and promotions after becoming an SA.
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- Questions.

Questions

NCAA Division I – Amateurism
Promotional Activities