

Guidelines for Promotional Activities

Member institutions are reminded that any promotional activities conducted in conjunction with a charitable, educational or nonprofit entity, must conform with the requirements set forth in NCAA Division III Bylaw 12.5.1.1 (Institutional, Charitable, Educational or Nonprofit Promotions). If the charitable, educational or nonprofit entity fails to abide by the requirements set forth in this bylaw, a student-athlete's amateur status may be impacted and require reinstatement. The following is a summary of Bylaw 12.5.1.1.

- Student-athletes may participate in promotional activities only if those activities are conducted by a charitable, educational or nonprofit entity.
- Student-athletes may receive actual and necessary expenses for participation in the promotional activity but may not miss class to participate in the activity.
- The student-athlete's name, image or likeness may not be used to endorse or promote a commercial product or promote the commercial venture of any nonprofit agency.

If the promotional activity also includes cosponsorship, advertisement or promotion by a commercial agency, the following must occur for the student-athlete to participate:

1. The commercial entity's affiliation must be explained (e.g., entity is the official sponsor of the institution/event).
2. The appearance or description of the commercial product(s)/service(s) and/or the commercial entity's logo(s) may not exceed 25 percent of the total promotional activity.
3. The language or action included in the promotion may not directly encourage the use or purchase of the commercial product or service (e.g., drink this product) with which the commercial entity is associated.
4. The promotion may not feature alcoholic beverages, tobacco products or performance-enhancing drugs.
5. The commercial entity shall not be an organization that promotes gambling.
6. If a student-athlete's name or picture appears on a printed promotional item, it may not include a reproduction of a product with which a commercial entity is associated if the commercial entity is officially registered, regular trademark or logo also appears on the item.

Legislation.

Bylaw 12.5.1.1 Institutional, Charitable, Educational or Nonprofit Promotions. A member institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a noninstitutional charitable, educational or nonprofit agency may use a student-athlete's name, picture or appearance to support its charitable or educational activities or to support activities considered incidental to the student-athlete's participation in intercollegiate athletics, provided the following conditions are met:

- (a) The student-athlete receives written approval to participate from the institution's president or chancellor (or designee), subject to the limitations on participants in such activities as set forth in Bylaw 17;

- (b) The specific activity or project in which the student-athlete participates does not involve cosponsorship, advertisement or promotion by a commercial agency, except as follows:
 - (1) Identification (e.g., graphics, voice over, on-screen text) of the commercial entity must explain the commercial entity's affiliation with the permissible entity (e.g., entity is the official sponsor of the institution/event);
 - (2) The appearance or description of the commercial product(s)/service(s) and/or the commercial entity's logo(s) may be included but may not exceed 25 percent of the total promotional activity. Further, language or action included in the promotion may not directly encourage the use or purchase of the commercial product or service (e.g., drink this product) with which the commercial entity is associated;
 - (3) The promotion shall not feature alcoholic beverages, tobacco products or performance-enhancing drugs. Further, the commercial entity shall not be any organization that promotes gambling.
- (c) The name or picture of a student-athlete with remaining eligibility may not appear on an institution's printed promotional item (e.g., poster, calendar) that includes a reproduction of a product with which a commercial entity is associated if the commercial entity's officially registered regular trademark or logo also appears on the item;
- (d) The student-athlete does not miss class;
- (e) All money derived from the activity or project goes directly to the member institution, member conference or the charitable, educational or nonprofit agency. Further, an institution may designate money earned through participation in institutional fundraisers for a student-athlete in accordance with Bylaw 12.1.1.1.2;
- (f) The student-athlete may accept actual and necessary expenses from the member institution, member conference or the charitable, educational or nonprofit agency related to participation in such activity;
- (g) The student-athlete's name, picture or appearance is not used to promote the commercial ventures of any nonprofit agency;
- (h) Any commercial items with names or pictures of student-athletes (other than items specified per Bylaws 12.5.1.8 and 12.5.1.9) may be sold only by the member institution, member conference or NCAA, through outlets controlled by the member institution, member conference or NCAA or outlets controlled by the charitable or educational organization (e.g., location of the charitable or educational organization, site of charitable event during the event);
- (i) The student-athlete signs a release statement authorizing the use of his or her name, image or appearance in a manner consistent with the requirements of this section; and
- (j) The institution provides educational material(s) to a representative of the charitable, educational or nonprofit regarding restrictions on the use of a student-athlete's name, image or appearance.