

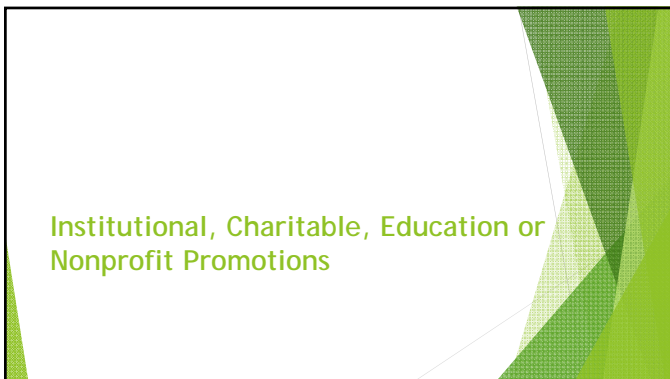
NCAA Division I
Amateurism

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2015 NCAA Regional Rules Seminar



Overview

- ▶ Promotional activities.
- ▶ Nonathletically related promotional activities after enrollment.
- ▶ Crowdfunding.
- ▶ Advertisements and promotions after enrollment.
- ▶ Media activities.
- ▶ Involvement with professional sports organizations.
- ▶ Questions.



Institutional, Charitable, Education or
Nonprofit Promotions

Institutional, Charitable, Education or Nonprofit Promotions

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

Institutional, Charitable, Education or Nonprofit Promotions

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

NCAA Bylaw 12.5.1.1

NCAA 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.
 - Twenty-five percent 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 No. 1

- Wooden Stick University would like to participate in a fundraiser for their women's field hockey team where individuals would be able to "sponsor a number."
- Individuals would be able to pick any number they would like for a \$100 donation. In return, the sponsors would receive a thank you from the SA wearing the number chosen, recognition at a game and a t-shirt with the number on it.
- All proceeds would go directly to the field hockey program.

Case Study No. 1 Answer

- ▶ Is it permissible for the institution to conduct this fundraiser?
 - Yes. It would be permissible provided the criteria of Bylaw 12.5.1.1 is satisfied; the money is contributed directly to the institution by the donors and the SAs receive no compensation or prizes for their participation.

Case Study No. 2

- ▶ An institution would like to host Hoops 'n' Halloween this fall after a football game.
- ▶ Admissions is free and open to the public. Fans will have the opportunity to meet the men's and women's basketball teams, take part in trick-or-treating through the haunted tunnel and into the teams' locker rooms.
- ▶ During an open-gym period, fans can shoot free throws and half-court shots and also participate in skills sessions with SAs.

Case Study No. 2 Answer

- ▶ Is this permissible?
 - Yes, provided both Bylaws 12.5.1.1 and 12.1.2.4.5 are satisfied.
- ▶ Would the athletic activities need to be counted in the week's limitations of countable athletically related activities?
 - No, provided the SAs are not participating in practice activities (e.g., scrimmaging, contests involving just the SAs).

Case Study No. 3

- ▶ Kodak University would like to do a social media promotion titled "Holy Hog's Barbeque Throwback Thursday." The institution would like to use baby pictures on a "Throwback Thursday" weekly post on Instagram sponsored by a commercial entity.
- ▶ The individual that identifies the picture first receives a prize. They would like to use baby pictures of current SAs.

Case Study No. 3 Answer

- ▶ Is this permissible?
 - Yes, provided the institution retains institutional control of the promotion and site (i.e., Instagram) and the promotion meets Bylaw 12.5.1.1 specifically (b). Additionally, the commercial entity cannot use the images of SAs in a promotional manner.

Case Study No. 4

- ▶ Record University would like to commemorate the athletics achievements of one of its SAs by printing the SA's NCAA record breaking statistic on a commercial item.
- ▶ The SA will be breaking the NCAA's record for home runs later this season. The institution would like to print t-shirts with the record-breaking number on them to be given away at the game to the general public.
- ▶ In addition, the institution would like to include the sponsoring company's officially registered regular logo on the back of the t-shirt.

Case Study No. 4 Answer

► Is this permissible?

- It would be permissible to distribute for free an item with the record-breaking number on it with a corporate logo, provided the SA's name or likeness is not used and the item is not being sold.

Commercial Locations/Sponsors

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

Case Study No. 5

- ▶ A local swim shop would like to do a "Tidal Wave University Swimming and Diving" window display. The shop like to display Tidal Wave University t-shirts, logos and caps in the front display. The shop also wants to display a team photo.

Case Study No. 5 Answer

- ▶ May the swim shop display the t-shirts, logos and caps from Tidal Wave in the front display?
 - Yes.
- ▶ May the photo be used in the shop display?
 - No. This would not be considered an institutional promotion. Thus, the use of SA images or likenesses is not permissible.

Case Study No. 6

- ▶ An institution asked if its coaches and SAs may distribute schedule cards, discount ticket vouchers and merchandise to customers at Panera.
- ▶ 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 No. 6 Answer

► Is it permissible for the SAs to participate?

- No. The educational column [Reference: 10/21/91] 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.

Case Study No. 7

- Health First, a local health care provider, wants to do a PSA video surrounding the risk factors for strokes in women.
- They would like to feature our women's basketball SAs and coaches as the speakers in the video.

Case Study No. 7 Answer

► Is it permissible for the SAs to participate?

- Yes, provided: (1) The provision of Bylaw 12.5.1 are satisfied; (2) The activity is truly a public service announcement and is not, in any way, a promotion of the commercial entity; (3) There is no indication that the SAs are endorsing (expressed or implied) the commercial sponsor of the public service announcement; and (4) The audio portion, beyond the content of the public service announcement, is limited to the identification of the commercial entity as the sponsor of the activity.

Case Study No. 8

- ▶ Carrotfest is an annual street fair in the locale of the institution and is run by the city.
- ▶ Space is rented to commercial and nonprofit vendors for the sale of food, crafts, novelties, fundraising raffles, etc. Live performances occur as well.
- ▶ The event is sponsored by commercial ventures.
- ▶ Carrotfest itself operates a booth selling carrot-based foods and a separate adjacent booth selling t-shirts and similar items. SAs would like to volunteer at the booth.
- ▶ The booth would be set up in the street (public property) directly in front of First National Bank, the primary sponsor of the event.

Case Study No. 8 Answer

- ▶ Is it permissible for the SAs to participate?
 - The SAs may work the booth provided the city is not promoting the fact that SAs are working the booth and SAs are not being used to promote the city. The SAs should only be serving food and selling merchandise.

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 No. 9

- ▶ Current SA has been approached by a modeling agency to obtain photos to submit for consideration to be employed as a runway model.
- ▶ SA did modeling as a child for national chains Wal-Mart and K-mart and experience was not "isolated."
- ▶ However, SA has not modeled since 2002.
- ▶ Is it permissible for a current SA to have photos taken and submitted to a modeling agency for possible employment as a runway model?

Case Study No. 9 Answer

Interpretive outcome:
▶ This modeling arrangement is not permissible under the criteria set forth in Bylaw 12.5.1.3.

- Waiver conditions:**
- ▶ Institution may not be involved with the modeling activities of the SA;
 - ▶ No reference shall be made to her involvement in athletics at the institution; and
 - ▶ Any payment shall be at a rate commensurate with her skills and experience as a model and not based in any way upon her athletics ability or reputation.

Case Study No. 10

- ▶ While in high school, incoming women's soccer SA entered an invention competition as part of a school project. Her invention won multiple competitions already and she has been invited to a national competition that takes place subsequent to her enrolling full time this fall.
- ▶ The competition organizer has offered participants actual and necessary expenses to participate in the competition. Further, participants have the chance to win prize money beyond expenses.

Case Study No. 10 Answer

- ▶ Is it permissible for the SA to participate in this nonathletics related event, accept actual and necessary expenses for her participation from the event organizer, and accept prize money beyond her expenses?
 - Yes. The invention competition is open to any and all. SA may receive expenses as any other contestant in the invention competition and prize money based on criteria established for determining winner of invention competition based on invention itself

Case Study No. 11

- ▶ A women's basketball SA with eligibility remaining was contacted by the Game Show network to see if she would participate on a new game show called The Logic Game which challenges contestant's logical thinking and trivia knowledge.
- ▶ SA was a member of the National Championship High School Team. Game Show network will pay her expenses to tape the show and it will occur during the women's basketball nonchampionship season.
- ▶ The show will introduce her as a student at Mind University and will not mention that she is an SA.

Case Study No. 11 Answer

► Is it permissible for the SA to participate on the show without jeopardizing her eligibility, and, if so, may she receive actual and necessary expenses and retain any prizes or cash?

- Yes, it is permissible for a current SA to participate on a television game show, receive actual and necessary expenses and receive a cash prize provided the SA does not participate in any promotional activities on behalf of the game show or television network.

Crowdfunding

Crowdfunding

- Crowdfunding is the practice of funding a project or venture by raising monetary contributions from a large number of people, typically via the Internet.
- SA's name or picture cannot be used to promote or to solicit funds for a commercial product or service of any kind. This applies to traditional, brick-and-mortar businesses, commercial websites, for-profit crowdfunding sites and other online businesses that seek to use a SA's name, picture or likeness for any commercial purpose (e.g., promotion, generation of revenue).

Crowdfunding

- ▶ SA's eligibility would not be impacted until SA is aware that his or her name or picture appears on a crowdfunding website.
 - Once the SA or the institution become aware that the SA's name or picture is being used to promote a crowdfunding entity, SA (or the institution acting on behalf of the SA) is required to take steps to stop such an activity (e.g., send a cease and desist letter) in order to retain eligibility for intercollegiate athletics.
- ▶ SA cannot use athletics skill (directly or indirectly) in a sport for any form of pay or SA loses amateur status and is not eligible for intercollegiate competition in that sport.
- ▶ SA cannot accept the promise of pay, even if the funds will not be disbursed until after completion of intercollegiate athletics participation.
- ▶ SA cannot use his or her name, picture, athletics skill or reputation to earn pay in any form in the sport, including funds through a crowdfunding website for items of need (e.g., laptop, car, food, school supplies, etc.).

Case Study No. 12

- ▶ Two of our SAs are planning to run unattached in the Indianapolis Mini Marathon during this academic year.
- ▶ The costs for the entry fee, meals and lodging is \$850 per entrant.

Case Study No. 12 Answer

- ▶ Is it permissible for the SAs to use a crowdfunding website to solicit donations?
 - Yes, however it is recommended to have the money raised through crowdfunding channeled solely through the institution and not the SA. The donations should follow the same protocol as other donations given to the department. Also, it is recommended to provide some education/wording that donations may not be provided from an agent or a representative of athletics interest.

Case Study No. 13

- ▶ Five SAs would like to participate in a service learning program this summer that brings together SAs and university students to teach academics, sports and life skills at summer camps to children in rural Africa.
- ▶ SAs have to pay their own way -- \$3,500 for each SA.

Case Study No. 13 Answer

- ▶ Is it permissible for the SAs to use a crowdfunding website to solicit donations?
 - No, it is not permissible for SAs to receive (or raise money to cover an individual's) actual and necessary expenses to attend the detailed program because the program will not include organized competition in the participants sport. However, it is permissible for an institution to use crowdfunding technologies in conjunction with its institutional fundraising efforts if the provisions of Bylaw 12.5. 1.1 are satisfied.
- ▶ Would it be permissible for donations to be earmarked for a specific SAs?
 - It is not permissible for donations to an institutional promotion to be earmarked for a particular SA.

Advertisements and Promotions After Enrollment

Advertisements and Promotions After Enrollment

- ▶ 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

Recent Interpretation

SA Providing Opinions on a Product or Service.

- ▶ SA may provide an opinion about a commercial product or service:
 - No individual associated in any manner with the commercial product or service is involved in directing the SA to issue the opinion.
 - SA does not receive any benefits from any source in conjunction with his or her opinion.

Official Interpretation [Reference: 4/20/15, Item No. 1]

Case Study No. 14

- ▶ SA's favorite restaurant is Binh & Jerry's.
- ▶ During the next volleyball game, the institution would like to display on the video board:
 - "SA #17" <SA picture>
 - "SA favorite restaurant is Binh & Jerry's."
 - Binh and Jerry's is the unofficial hangout of the institution.



Case Study No. 14 Answer

- ▶ Is the outlined activity permissible?
 - No.
 - The official interpretation [Reference: 4/20/15] is limited to SAs.
 - Institutional involvement in linking a SA(s) with a specific product or service would likely be seen as creation of a commercial endorsement.

Case Study No. 15

- ▶ Callaway is running a contest where they are asking anyone who has bought a set of their clubs to go online and fill out a review on any online retailer.
 - "Want \$1K of Callaway Gear? Fill out a product review of @CallawayGolf on any retailer site and RT for a chance to WIN! #LetUsKnow."
- ▶ For anyone that does this and shows Callaway they did it on social media, they will be entered to win a BIG swag pack and a free round of golf.

Case Study No. 15 Answer

- ▶ Is the outlined activity permissible?
 - Yes.
 - Contest is open to any and all and SA's are not receiving benefit based on status/opinion.
 - Winners are chosen randomly.
 - SA's name, image and likeness cannot be used by Callaway in a promotional manner.

Case Study No. 16

- ▶ SA No. 1 is working on a project for her social media and Journalism class.
- ▶ The project is a social media scavenger hunt which required students to take photographs around campus.
- ▶ While completing the project, SA No. 1 stopped at a local coffee shop, Cup of Joe, where she encountered SA No. 2.
- ▶ SA No. 2 agreed to assist SA No. 1 with her class project and the following statement was tweeted, SA No. 1 on Cup of Joe: "I love this place because it has hands down the best coffee." The tweet accompanied a photo of SA No. 2.

Case Study No. 16 Answer

- ▶ Is the outlined activity permissible?
 - Yes, provided the official interpretation [Reference: 4/20/15] is satisfied.
 - ▶ No involvement from Cup of Joe.
 - ▶ SA does not receive any remuneration for issuing the opinion.

Media Activities

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 No. 17

- ▶ SA was selected to play tennis as an extra in a movie.
- ▶ SA was paid \$300 for two days of work.
- ▶ Day 1 he played tennis as an extra and Day 2 he posed as a fan in the stands.
- ▶ SA participated in the activity in August when the team was out of season.
- ▶ SA did not wear any institutional gear.
- ▶ SA did not have an agent and did not sign any contracts.

Case Study No. 17 Answer

- ▶ Is it permissible for SA to participate in the movie?
 - Yes. SA may appear in a media activity even if the activity is related to athletics (e.g., extra in movie) provided the criteria in Bylaw 12.5.3 are met.
- ▶ If so, is it permissible for SA to receive expenses and be compensated for appearance?
 - ▶ Yes and no. It is permissible for the SA to receive expenses for the appearance; however, it is not permissible for him to be compensated above expenses because he was chosen based on his participation in athletics.

Involvement with Professional Sports Organizations

Clear Line of Demarcation

- ▶ Member institutions' athletics programs are an integral part of the educational program.
- ▶ Student-athletes are an integral part of the student body.
- ▶ Maintaining a clear line of demarcation between college athletics and professional sports.

Bylaw 12.01.2

Permissible Donations to Institution

- ▶ An institution may receive funds from a professional sports organization, provided:
 - It goes to the general fund and is not used athletics.
 - It goes to the general scholarship fund and is commingled with funds for the assistance of all students generally.
 - It results from a sponsorship of a specific intercollegiate competition event.
 - Must be placed in the budget for that event. Can include ancillary activities and promotions.
 - It results from a reciprocal contractual marketing relationship.
- Must be placed in the athletics department's budget for the specific purpose of marketing and promoting.
- Can not be used for football or men's basketball.

Bylaw 12.6.1.3

Nonpermissible Donations to Institution

- ▶ A member institution shall not accept funds from a professional sports organization if:
 - The funds are used for recognizing the development of a former SA in a particular sport.
 - The funds are received and credited to institutional funds for the financial assistance of SAs generally.
 - The funds are placed in the institution's general fund and credited to the athletics department for an unspecified purpose.

Bylaw 12.6.1.5

Reciprocal Marketing Agreements

- ▶ Sports other than football and men's basketball.
- ▶ Reciprocal contractual relationship with a professional sports organization.
- ▶ Specific purpose of marketing and promoting an institutionally sponsored sport.

Bylaw 12.6.1.8

Case Study No. 18

- ▶ The New England Patriots and an FCS institution would like to enter into an agreement.
- ▶ Members of the Patriots' external team will help the institutions sell sponsorships and season tickets.
- ▶ There would be a 50/50 revenue split with the Patriots and the institution.

Case Study No. 18 Discussion

- ▶ Is it permissible for the institution to enter into this agreement?
 - ▶ Financial donation from a professional sports organization?
 - ▶ Institution pays market value for services provided?
- ▶ Dual professional/college ticket packages or promotional recognition?

Case Study No. 19

- ▶ Institution's soccer team would like to enter into a marketing agreement with the Seattle Sounders.
- ▶ The parties will advertise each other's upcoming games and display each other's banners in their facilities.
- ▶ On senior night, the institution would like to provide hats to fans, as a giveaway.

Case Study No. 19 Discussion

- ▶ May the professional organization conduct a giveaway of the institution's hat at a **professional** contest?
- ▶ May an institution's soccer team conduct a **giveaway** of the institution's hat with a logo of a professional organization on the side?
 - ▶ The hat is designed to commemorate a specific contest
- ▶ May an institution's soccer team **sell** the institution's hat with a logo of a professional organization on the side?

Case Study No. 20

- ▶ Major League Lacrosse is hosting a professional event within the locale of the institution with the proceeds going to the local United Way.
- ▶ The institution would like to enter in a reciprocal marketing agreement which includes like benefits including advertisements, promotions and tickets to special seating areas. Package is valued at approximately \$10,000.
 - Within the agreement, the institution's lacrosse program would be advertised and promoted during the professional event.
 - The institution would also receive complimentary tickets. The package is standard and advertised as such to the public.
- ▶ In exchange, the professional organization would receive advertisement and promotional space during men's lacrosse matches as well as tickets to competitions. Package is valued at approximately \$1,000.

Case Study No. 20 Discussion

- ▶ Is it permissible to exchange tickets and/or other tangible benefits of equal value?
- ▶ Is it permissible to exchange tickets and/or other tangible benefits that would result in a benefit to the institution?
- ▶ Are these arrangements promoting an institution's sports?

Review

- ▶ Promotional activities.
- ▶ Nonathletically related promotional activities after enrollment.
- ▶ Crowdfunding.
- ▶ Advertisements and promotions after enrollment.
- ▶ Media activities.
- ▶ Involvement with professional sports organizations.

