Promotional Requests

Policy Type: Local
Responsible Office: VCU Athletics Compliance Office, VCU Athletics
Initial Policy Approved: Unknown
Current Revision Approved: 04/11/2018

Policy Statement and Purpose

Virginia Commonwealth University Athletics is committed to maintaining its position as one of the nation's premier collegiate athletics programs. Although on-the-field success is an important component of this goal, VCU’s status as a premier collegiate athletics program depends on its ability to find continued success on the field while maintaining an environment that promotes the highest levels of integrity. Accordingly, VCU Athletics is committed ensuring that its athletics programs operate in a manner that is consistent with NCAA, Atlantic 10, and Virginia Commonwealth University rules and regulations.

Coaching staff and student-athletes participating in promotional activities are required to ensure compliance with NCAA rules and regulations. This is especially true if a student-athlete’s name, picture, and/or appearance is being used in conjunction with the promotional activity.

If a student-athlete's name or picture is used to promote a commercial product sold by an individual agency without the student-athlete’s knowledge or permission, the student-athlete (or VCU acting on behalf of the student-athlete) is required to take steps to stop such an activity in order to retain their eligibility for intercollegiate athletics. Student-athletes who knowingly allow their name, picture, and/or appearance to be used impermissibly and/or in an impermissible promotional activity may result in the student-athlete becoming suspended from team activities and needing to have their eligibility reinstated.

Noncompliance with this policy may result in disciplinary action up to and including termination. VCU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

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Who Should Know This Policy

Athletics administrators, coaches, student-athletes, VCU departments and organizations, local community organizations.

Definitions

Institutional, Charitable, Education, or Nonprofit Promotional Activities
An activity involving current student-athletes with the intent to promote an institutional, charitable, educational or non-profit organization.

Commercial Locations/Sponsors
A commercial location is a for-profit business location. A commercial sponsor (or someone) is the act of supporting an event, activity, person, or organization financially or through the provision of products or services. The individual or group that provides the support, similar to a benefactor, is known as sponsor.

Representative of Athletics Interest
An individual, independent agency, corporate entity (e.g., apparel or equipment manufacturer) or other organization who is known (or who should have been known) by a member of the institution's executive or athletics administration to:

1. Have participated in or to be a member of an agency or organization promoting the institution's intercollegiate athletics program;
2. Have made financial contributions to the athletics department or to an athletics booster organization of that institution;
3. Be assisting or to have been requested (by the athletics department staff) to assist in the recruitment of prospective student-athletes;
4. Be assisting or to have assisted in providing benefits to enrolled student-athletes or their families; or
5. Have been involved otherwise in promoting the institution's athletics program.

Student-athlete
A student who participates on a varsity athletics team becomes a student-athlete when:

1. The individual officially registers and enrolls in a minimum full-time program of student and attends classes in any term of a four-year collegiate institution's regular academic year (excluding summer);
2. The individual participates in a regular squad practice or competition at a four-year collegiate institution that occurs before the beginning of any term;
(3) The individual officially registers, enrolls and attends classes during the certifying institution’s summer term prior to the individual’s initial full-time enrollment at the certifying institution; or

(4) The individual reports to an institutional orientation session that is open to all incoming students within 14 calendar days prior to the opening day of classes of a regular academic year term.

Contacts

The Athletics Department officially interprets this policy. The Athletics Compliance Office is responsible for obtaining approval for any revisions as required by the policy Creating and Maintaining Policies and Procedures through the appropriate governance structures. Please direct policy questions to the Assistant Athletics Director for Compliance and Student Services.

Policy Specifics and Procedures

The VCU Athletics Compliance Office will make every effort possible within NCAA rules and regulations to meet promotional requests from VCU or outside-related entities regarding speaking engagements and community service opportunities. When student-athletes are involved, however, the VCU Athletics Compliance Office must ensure that NCAA rules regarding student-athlete’s involvement (whether it’s an appearance or use of name and image) are met to ensure that no eligibility issues exist.

The entity requesting the promotional appearance must complete the promotional request form. The athletics compliance office will review the form as well as any applicable materials to ensure that the event and coaching staff/student-athlete involvement follows NCAA rules. Student-athletes must fill out and sign documentation attesting that they are aware their name, image, and/or appearance is being used in conjunction with the promotional activity.

VCU or a recognized entity thereof (e.g., fraternity, sorority or student government organization), a member conference or a non-institutional 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:

(1) The student-athlete’s participation is subject to the limitations on participants in such activities based upon NCAA playing and practice season legislation

(2) The specific activity or project in which the student-athlete participates does not involve co-sponsorship, advertisement or promotion by a commercial agency other than through the reproduction of the sponsoring company’s officially registered regular trademark or logo on printed materials such as pictures, posters or calendars. The company’s emblem, name, address, telephone number and website address may be included with the trademark or logo. Personal names, messages and slogans (other than an officially registered trademark) are prohibited;

(3) 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;
(4) The student-athlete does not miss class;
(5) All moneys derived from the activity or project go directly to the member institution, member conference or the charitable, educational or nonprofit agency;
(6) 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;
(7) The student-athlete’s name, picture or appearance is not used to promote the commercial ventures of any nonprofit agency;
(8) Any commercial items with names, likenesses or pictures of multiple student-athletes (other than highlight films or media guides) may be sold only at the member institution at which the student-athletes are enrolled, the institution’s conference, institutionally controlled (owned and operated) outlets or outlets controlled by the charitable, educational or nonprofit organization (e.g., location of the charitable or educational organization, site of charitable event during the event). Items that include an individual student-athlete’s name, picture or likeness (e.g., name on jersey, name or likeness on a bobble-head doll), other than informational items (e.g., media guide, schedule cards, institutional publications), may not be sold; and
(9) The student-athlete and an authorized representative of the charitable, educational or nonprofit agency affirm that the student-athlete’s name, image or appearance is used in a manner consistent with the requirements of this section.

A representative of an institution’s athletics interests may provide funding to benefit a high school athletics program located in the community in which the athletics representative resides, provided:
(1) The representative acts independently of the institution;
(2) The funds are distributed through channels established by the high school or the organization conducting the fundraising activity; and
(3) The funds are not earmarked directly for a specific prospective student-athlete.

A member institution, a member conference or a charitable, educational or nonprofit organization may use the appearance, name or picture of an enrolled student-athlete to promote generally its fundraising activities at the location of a commercial establishment, provided the commercial establishment is not a co-sponsor of the event and the student-athlete does not promote the sale of a commercial product in conjunction with the fundraising activity. A commercial establishment would become a co-sponsor if the commercial establishment either advertises the presence of the student-athlete at the commercial location or is involved directly or indirectly in promoting the activity.

Forms

1. Promotional Request Form
Related Documents

There are no related documents associated with this policy and procedures.

Revision History

This policy supersedes the following archived policies:

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FAQ

There are no FAQ associated with this policy and procedures.