

# Fresno State Athletics

Promotional Activities Waiver Form (NCAA Bylaw 12.5.1)

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**IMPORTANT:** Please read the front and back of this form thoroughly. To receive a timely response you must complete all of the information and submit the form to an authorized representative of the Department of Athletics.

The Fresno State Athletics staff and student-athletes are NOT permitted to participate in or provide memorabilia for fundraising activities or promotions that will directly or indirectly benefit any student(s) in grades 9-12. Also, Fresno State student-athletes are NOT permitted to participate in any activities that are co-sponsored by a commercial agency or promote a commercial organization.

You must respond to each item below and sign the form. One form may be used for requests from multiple sports programs.

**GENERAL INFORMATION: (Check all that apply)**

- Request for ticket donation (Must attach formal request on organization's letterhead)
- Request for student-athlete(s) and/or coach(es) participation in a charitable, educational, institutional, or non-profit promotion

Name of Agency \_\_\_\_\_ Name of Authorized Representative/Event Organizer \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_  
 Name of Event \_\_\_\_\_ Event Site (Must be within 50 miles of campus) \_\_\_\_\_  
 Event Date \_\_\_\_/\_\_\_\_/\_\_\_\_ Event Time \_\_\_\_\_ Duration of Hours \_\_\_\_\_

Does your organization provide services or benefits to students in grades 9-12? Yes/No

If YES, please explain: \_\_\_\_\_  
\_\_\_\_\_

**FUNDRAISING INFORMATION:**

- Is this a fundraising activity? Please circle: Yes / No (If no, go to next section)
- Will the funds raised from this event benefit any students in grades 9-12? Please circle: Yes/No  
If YES, please stop here. It is NOT permissible for the institution or its representatives to participate in this activity.  
If NO, please explain the use for the funds being raised:

**STUDENT-ATHLETE(S) AND/OR COACH(ES) PARTICIPATING IN EVENT:**

Due to academic and time restrictions, student-athlete appearances will be made on a limited basis. (Attach roster or separate paper for additional names.)

Name	Sport	Signature (Must adhere to guidelines on back)	Date
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

**PLEASE DESCRIBE THE RESPONSIBILITIES OF THOSE STUDENT-ATHLETES/COACHES WHO WILL BE INVOLVED IN THIS EVENT:**

Indicate if meals or transportation will be provided for student-athletes.

\_\_\_\_\_  
\_\_\_\_\_

I certify that I have read this form and the provisions of NCAA Bylaw 12.5.1.1 on the back of this form in its entirety and agree to the required terms and conditions.

Signature of Authorized Representative of Agency/Event Organizer \_\_\_\_\_ Date \_\_\_\_\_

**FOR FRESNO STATE ATHLETICS OFFICE USE ONLY**

Approved  Not Approved Sport: \_\_\_\_\_ Total Hours of Service: \_\_\_\_\_

Director of Athletics/Designee \_\_\_\_\_ Date \_\_\_\_\_

Recruiting period: Contact – Evaluation – Dead – Quiet

cc: Compliance / Agency Representative or Event Organizer

## RELEVANT NCAA RULES AND REGULATIONS

### NCAA Bylaw 12.5.1.1 - Institutional, Charitable, Educational or Nonprofit Promotions

The Fresno State Department of Athletics, per NCAA Bylaw 12.5.1.1, is required to submit written approval for any student-athlete participating in any educational, charitable or non-profit activities considered incidental to participation in intercollegiate athletics.

A charitable or non-profit agency may use a student-athlete's name, picture or appearance to support its non-commercial ventures, **but as stipulated by NCAA Bylaw 12.5.1.1 (a-i), a Fresno State student-athlete may participate in charitable or non-profit promotions only under the following conditions:**

- (a) The student-athlete receives written approval to participate from the director of athletics (or his or her designee who may not be a coaching staff member), subject to the limitations on participants in such activities as set forth in Bylaw 17; *(Revised: 1/11/89, 4/26/01)*
- (b) The specific activity or project in which the student-athlete participates does not involve cosponsorship, 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 and telephone number may be included with the trademark or logo. Personal names, messages and slogans (other than an officially registered trademark) are prohibited; *(Revised: 1/11/89, 1/10/91)*
- (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; *(Adopted: 11/12/97)*
- (d) The student-athlete does not miss class; *(Revised: 1/11/89)*
- (e) All moneys derived from the activity or project go directly to the member institution, member conference or the charitable, educational or nonprofit agency; *(Revised: 1/11/89, 1/10/92)*
- (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; *(Revised: 1/11/89, 1/10/92, 4/28/05)*
- (g) The student-athlete's name, picture or appearance is not utilized to promote the commercial ventures of any nonprofit agency; *(Adopted: 1/10/92)*
- (h) Any commercial items with names or pictures of student-athletes (other than highlight films or media guides per Bylaw 12.5.1.8) may be sold only at the member institution at which the student-athlete is enrolled, institutionally controlled (owned and operated) outlets 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); and *(Adopted: 1/16/93, Revised: 1/9/96)*
- (i) The student-athlete and an authorized representative of the charitable, educational or nonprofit agency sign a release statement ensuring that the student-athlete's name, image or appearance is used in a manner consistent with the requirements of this section. *(Revised: 1/11/89, 1/10/92)*

### NCAA Bylaw 12.5.1.1.2 - Promotions Involving Commercial Locations/Sponsors

A member institution or a charitable, educational or nonprofit organization may use the appearance, name or picture of an enrolled student-athlete to promote generally its fund-raising activities at the location of a commercial establishment, provided the commercial establishment is not a cosponsor of the event and the student-athlete does not promote the sale of a commercial product in conjunction with the fund-raising activity. A commercial establishment would become a cosponsor 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. *(Adopted: 1/10/92)*