San Jose State University
Athletics Department
COMPLIANCE OFFICE

Promotional Activities
FB/BK Summer Workouts & Access
April 10, 2014
Promotional Activities Quiz
1. It is permissible for a student-athlete to participate in a promotional activity with written approval from his/her coach.  

   • FALSE [Bylaw 12.5.1.1 (a)]

2. It is impermissible for a student-athlete to appear on an institutional poster in a team uniform bearing a visible corporate logo.  

   • FALSE [Bylaw 12.5.1.1 (c)]
3. It is impermissible for a student-athlete to leave a class early to participate in a promotional activity.

   • TRUE [Bylaw 12.5.1.1 (d)]

4. It is permissible for a student-athlete’s photo to be used in a brochure for a YMCA fundraising event.

   • FALSE [Bylaw 12.5.1.1 (g)]
Bylaw 12.5.1.1 (a) (c) (d) (g)
An institution or recognized entity thereof (e.g., fraternity, sorority or student government organization), a 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, in accordance with 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);
Bylaw 12.5.1.1 (a) (c) (d) (g) cont’d…

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;

g) The student-athlete's name, picture or appearance is not used to promote the commercial ventures of any nonprofit agency.
5. A local restaurant may advertise the appearance of student-athletes for an SJSU basketball fundraiser held at that restaurant.

- FALSE

- Per Bylaw 12.5.1.1.2, an institution, conference or a charitable, educational or nonprofit organization may use the appearance, name or picture of an enrolled student-athlete to promote 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.
Bylaw 12.5.1.1.2 cont’d…

A commercial establishment becomes a co-sponsor if:

- The commercial establishment advertises the presence of student-athlete(s) at the commercial location OR
- The commercial establishment is involved directly or indirectly in promoting the activity.
- For example, it is permissible for the SJSU WBK team to hold a fundraiser at a local restaurant, so long as all promotion and advertisement for the event is done by the institution, not the local restaurant.
6. It is permissible for a student-athlete to appear in a TV commercial for the sports store at which she is employed.

• FALSE

• Per Bylaw 12.5.2.1, a student-athlete is not eligible for participation in intercollegiate athletics if he/she:
  a) Accepts any remuneration for or permits the use of his/her name or picture to advertise, recommend or promote directly the sale or use of a commercial product or service of any kind; or
  b) Receives remuneration for endorsing a commercial product or service through the individual's use of such product or service.
Exception to Bylaw 12.5.2.1

Official Interp. 10/6/1994: A student-athlete with remaining eligibility may write a column that involves the student-athlete issuing opinions regarding a commercial establishment, provided the commercial establishment is not involved in any manner in the arrangement of such activity and the student-athlete does not receive any benefits from any source in conjunction with his/her review of the commercial establishment.
7. A student-athlete’s eligibility is jeopardized if an institution fails to attempt to stop a commercial entity from using video footage of a student-athlete without his/her knowledge.

• TRUE

• Per Bylaw 12.5.2.2, if a student-athlete's name or picture appears on commercial items (e.g., T-shirts, sweatshirts, serving trays, playing cards, posters) or is used to promote a commercial product sold by an individual or agency without the student-athlete's knowledge or permission, the student-athlete (or the institution acting on behalf of the student-athlete) is required to take steps to stop such an activity in order to retain his/her eligibility for intercollegiate athletics.
Bylaw 12.5.2.2 cont’d…

• Such steps (to prevent a commercial entity from using a student-athlete’s name on commercial products or is used to promote a commercial product) are NOT required in cases in which a student-athlete's photograph is sold by an individual or agency (e.g., private photographer, news agency) for private use.

• For example, if a student-athlete finds his photograph being sold on Ebay by a private photographer, the student-athlete and/or the institution are not required to stop the individual from selling the photograph to protect the student-athlete’s eligibility.
8. It is permissible for a student-athlete’s image to appear in an athletics equipment company’s advertisement, so long as permission from the institution is granted.

• FALSE

• Per Bylaw 12.5.2.3.2, a student-athlete's name or picture may not be used by an athletics equipment company or manufacturer to publicize the fact that the institution's team uses its equipment.
9. It is permissible for a student-athlete to appear on a television program and comment on how much he/she enjoys eating at a local restaurant on the weekends.

- FALSE

- Per Bylaw 12.5.3, a student-athlete may appear on radio and television programs (e.g., coaches' shows) or engage in writing projects when such appearance/participation is related to athletics ability or prestige, provided:
  - The student-athlete does not receive any remuneration for the appearance/participation in the activity.
  - The student-athlete shall not make any endorsement, expressed or implied, of any commercial product or service.
  - The student-athlete MAY receive actual and necessary expenses directly related to the appearance/participation in the activity.
  - A student-athlete participating in media activities during the playing season may not miss class, except for class time missed in conjunction with away-from-home competition or to participate in a conference-sponsored media day.
10. A student-athlete may wear a compression sleeve in competition bearing the manufacturer’s logo that is larger than 2 ¼ inches.

- TRUE

- Per Bylaw 12.5.4, a student-athlete may use athletics equipment or wear athletics apparel that bears the trademark or logo of the manufacturer/distributor in athletics competition and pre- and postgame activities (e.g., celebrations on the court, pre- or postgame press conferences), subject to the following:
Bylaw 12.5.4 cont’d…

a) **Athletics equipment** (e.g., shoes, helmets, baseball bats and gloves, batting or golf gloves, hockey and lacrosse sticks, goggles and skis) shall bear only the manufacturer's normal label or trademark, as it is used on all such items for sale to the general public.

a) **Apparel:** The institution's official uniform (including numbered racing bibs and warm-ups) and all other items of apparel (e.g., socks, head bands, T-shirts, wrist bands, visors or hats, swim caps and towels) shall bear only a single manufacturer's or distributor's normal label or trademark, not to exceed 2 ¼ square inches in area.
Summer Workouts and Summer Access
Basketball and Football
Medical Exam & Sickle Cell Test

- Mandatory for all prospects PRIOR to participation in any voluntary weight-training or conditioning activities. [Bylaws 13.11.3.7.3, 13.11.3.8.2]

- **Policy:** Sports Medicine will not conduct physicals for incoming student-athletes (freshman and transfers) without the Pre-Enrollment Verification Form signed by the Compliance Office.
Voluntary Summer Workouts Conducted by Strength Coach

Applicable outside of the 8 designated 8 hour CARA weeks:

- **Football (FB):** FB prospects who have signed an NLI, or in the case of a four-year college prospect, a financial aid agreement or written offer of admission, OR FB prospects currently enrolled in a summer term may participate in voluntary summer workouts conducted by a Strength Coach. [Bylaw 13.11.3.7.1]

- **Basketball (BK):** BK prospects who have signed an NLI OR BK prospects currently enrolled in a summer term may participate in voluntary summer workouts conducted by a Strength Coach. [Bylaw 13.11.3.8]
Athletic Performance and Sport Medicine Staff

- **Strength Coaches** who *conduct* voluntary weight-training or conditioning activities are required to be certified in First Aid and CPR. [Bylaws 13.11.3.7.4, 13.11.3.8.3]

- **Sports Medicine Staff Members** who are present during voluntary conditioning activities *conducted* by a Strength Coach have the unchallengeable authority to cancel or modify the workout for health and safety reasons, as he/she deems appropriate. [Bylaws 13.11.3.7.4, 13.11.3.8.3]
Workout Apparel

• May be provided to prospects permitted to participate in voluntary summer workouts conducted by a Strength Coach in accordance with individual sport rules above. [Bylaws 13.11.3.7.1, 13.11.3.8]
Voluntary Summer Workouts *Supervised* by Strength Coach

Outside a Term of Enrollment: Prospects permitted to participate in voluntary summer workouts conducted by a Strength Coach while enrolled during a summer term may participate in voluntary weightlifting or conditioning activities *in the presence of* (as opposed to *conducted by*) a Strength Coach during the periods of the summer outside the prospect’s actual term of enrollment, provided:

- the activities are not prearranged,
- the Strength Coach is performing normal duties in the supervision of the facility in use and
- the Strength Coach does not work directly with the prospect.

[Bylaws 13.11.3.7.1.1, 13.11.3.8.1]
Summer Access – CARA Limitations

• Limited to 8 weeks/8 hours per week (CARA logs required)

• **BK**: 8 hours may consist of weight training, conditioning, and a maximum 2 hours skill instruction

• **FB**: 8 hours may consist of weight training, conditioning, and a maximum 2 hours film review

• Must be enrolled in summer school at the time of participation (If a session ends during the 8 weeks, CARA participation must cease.) OR meet benchmarks for participation.
Benchmarks for Participation

Incoming Freshman and Transfer Academic Benchmark

– Must be enrolled in summer school during 8 week period.
– Academic benchmarks below do not apply to transfers until they have completed one academic year of FT enrollment.

Continuing Student-Athlete Academic Benchmarks

• **After First Year of Enrollment**
  – Must be enrolled in summer school **OR**
  – Must have a 2.2 and successful completion of 30 credit hours

• **After Second Year of Enrollment**
  – Must be enrolled in summer school **OR**
  – Must have a 2.2 and successful completion of 50% degree applicable hours
Benchmarks for Participation cont’d…

Continuing Student-Athlete Academic Benchmarks cont’d…

• After Third Year of Enrollment
  – Must be enrolled in summer school OR
  – Must have a 2.2 and successful completion of 75% degree applicable hours

• After Fourth Year of Enrollment
  – Must be enrolled in summer school OR
  – Must have a 2.2 and successful completion of a undergraduate degree