



RUTGERS POLICY

Section: 80.1.4

Section Title: University Communications and Marketing Policies

Policy Name: Endorsements, Sponsorships, and Advertising in and on University Assets and Communication Materials

Formerly Book: 6.4.11 [Note: As of March 31, 2005, former policy 6.4.11 was changed into four separate policies: 80.1.3 – Purchase of External Advertising (formerly 6.4.11a); 80.1.4 – Endorsements, Sponsorships, and Advertising in and on University Assets and Communication Materials (formerly 6.4.11b); 20.1.15 – Charitable Contributions and Expending University Funds Related to Charitable Causes; and 60.1.9 – Commercial and Charitable Solicitations (formerly 6.4.11c).]

Approval Authority: President

Responsible Executive: Vice President for University Communications and Marketing

Responsible Office: University Communications and Marketing

Originally Issued: April 1962, as Policy 6.4.11 (Endorsements, Solicitations, and Advertising)

Revisions to Policy Book 6.4.11: Nov. 1982; Policy Book 6.4.11b, March 31, 2005

Revisions to Policy 80.1.4: Nov. 24, 2010; March 22, 2012, 3/4/2014 (Updated titles and department name)

Errors or questions? Contact: pblake@ucm.rutgers.edu

1. **Policy Statement**

Rutgers, The State University of New Jersey, is a globally recognizable institution with a brand that conveys history, tradition, and academic excellence. As such, its name carries considerable value, both for members of the university community and for external entities seeking to associate themselves with Rutgers. Moreover, Rutgers' role as a public institution and as a venerable university requires that its name and reputation be preserved and protected, and that activities and organizations associated with the Rutgers name must be consistent with the university's mission and commitment to integrity. At the same time, Rutgers is aware that the modern public university must cultivate institutional and programmatic collaborations and generate various sources of financial support in addition to state appropriations—from federal grants and contracts to advertising and sponsorship revenues.

This policy:

- a. Does not permit endorsements, except in exceptional cases and only with the reviews and approvals outlined herein.
- b. Allows sponsorships and advertisements subject to the conditions outlined below and in accordance with established guidelines (ur.rutgers.edu/adspansorguide).

The Vice President for University Communications and Marketing is authorized to administer and enforce this policy.

2. **Reason for Policy**

- a. To support and preserve the university's mission, to safeguard the integrity of the university's brand, and to protect the University from misrepresentation of its name and harm to its reputation.
- b. To provide guidance to university units and programs seeking to develop additional sources of revenue.
- c. To prevent any conflict-of-interest implications; to provide guidance with respect to legal and ethical issues; and to ensure compliance with university policies.
- d. To avoid commercialization of essential student services, such as financial aid and the student portal.
- e. To establish guidelines and approval processes that will ensure appropriateness, consistency, and coordination of effort across the university regarding endorsements, sponsorships, and advertising.

3. **Who Should Read This Policy**

- a. All members of the Rutgers University community.
- b. External entities seeking endorsements by the university.
- c. Outside entities seeking to establish sponsorships with the university and its units and programs.
- d. Individuals and entities external to the university seeking to place advertisements in Rutgers print and/or electronic communications, including university websites and related social media sites, or on Rutgers buildings and other assets.
- e. Individuals and entities acting on behalf of the university.

4. **Related Documents**

- a. Guidelines to accompany this policy can be found on the University Communications and Marketing website at: <http://ur.rutgers.edu/adsponsorguide>
- b. University Policies can be found in the University Policy Library: http://policies.rutgers.edu/contents_index.shtml
- c. Policy 20.1.13, Naming of Facilities & Erecting Plaques, Monuments, Major Markers, and Artwork
- d. Policy 20.1.15, Charitable Contributions and Expending University Funds Related to Charitable Causes
- e. Policy 40.2.3, Fiscal Responsibilities Associated with the Administration of University Accounts
- f. Policy 40.2.13, Donor Gift Policy
- g. Policy 50.1.4, University Seal - Use of
- h. Policy 50.3.13, Signatory Authority Policy
- i. Policy 60.1.9, Commercial and Charitable Solicitations
- j. Policy 60.4.2, Code of Ethics for Administrative and Professional Staff Members
- k. Policy 80.1.1, Permission for Outside Vendors to Film, Videotape, and Photograph on Campus
- l. Policy 80.1.2, Trademark Licensing Policy
- m. Policy 80.1.3, Purchase of External Advertising
- n. Policy 80.1.5, University Visual Identity
- o. Policy 80.1.6, Communication and Relations with the News Media
- p. *Rutgers Magazine* Advertising Policy http://ur.rutgers.edu/magazine/media_kit.pdf
- q. As the premier public research university in New Jersey, Rutgers is a steward of the public trust. Information about the Ethics at Rutgers program can be found at <http://generalcounsel.rutgers.edu/ethics/rutgers-ethics-program>

- r. Guidelines on the use of the university's name and graphic identity system, trademark licensing, websites, and print and electronic communications are available through the Department of University Communications and Marketing and posted online at <http://ur.rutgers.edu/>.
- s. Guidelines for making charitable contributions to the university are available through the Rutgers University Foundation.
<http://support.rutgers.edu/s/896/Foundation/Givestart.aspx>

5. **Contacts**

Office of the Vice President for University Communications and Marketing
848-932-1769

Office of Strategic Communications, Department of University Communications and Marketing
848-932-0581

6. **The Policy**

80.1.4 **Endorsements, Sponsorships, and Advertising in and on University Assets and Communication Materials**

I. **Definitions**

- A. An "Endorsement" occurs when the name of Rutgers, Rutgers University, or Rutgers, The State University of New Jersey, or any variation or combination thereof, or the name of any of the University's constituent units is used to market, sell, promote, or endorse any commercial product or venture.

"Endorsement" means any statement, publication, visual representation, or activity that expresses an opinion, value judgment, or association that can be reasonably construed to contain or imply a preference by the university, or by any of its units or employees speaking or acting as representatives of the university, for any commercial product or service.

A statement of fact is not an endorsement.

- B. "Sponsorship" means the provision of money or a gift-in-kind of goods, materials, and/or services by a nonuniversity entity to a university unit in support of one or more activities, events, or programs.

i. "Naming rights"

- 1. "Naming rights" associated with sponsorships—agreements that outline naming for defined, limited periods of time—are covered by this policy.
- 2. The permanent naming of a facility in recognition of significant donations to the university or to honor an individual is not covered by this policy. Instead, this is governed by the Naming of Facilities and Erecting Plaques, Monuments, Major Markers, and Artwork policy (Section 20.1.13).

ii. Sponsorship is not to be confused with "partnership."

- 1. "Partnership" is a legal term that generally refers to an association of two or more persons or entities to carry on as co-owners of a business for profit.

2. Partnerships also exist between the university and other nonprofit institutions for the pursuit of research and scholarship. (See Sponsorship Guidelines for examples (ur.rutgers.edu/adsponsorguide)).
 - iii. “Acknowledgement” is a published statement or sign of recognition or thanks for support, gifts, grants, or assistance provided by an external entity to a university unit, organization, project, activity, or event.
- C.** “Advertising” means any technique or practice intended to promote, sell, or market any trade, business, service, program, facility, or product to a University audience through a University communication or on a University building, sign, or other asset.
- i. As defined by the Internal Revenue Service (IRS), for the purpose of reporting the university’s Unrelated Business Income Tax (UBIT), advertising includes messages that contain qualitative or comparative language, price information, an endorsement, or an inducement to purchase, sell, or use the nonuniversity advertiser’s products or services.
- D.** “University Assets” include communications, materials, buildings, signs, fields, courts, webpages, or other assets that belong to the university or any of its entities. They include communications and materials that are produced by or on behalf of a university department, school, college, program, or unit.

II. General Rules

- A.** University units may not endorse or accept sponsorships or advertising from any external entity whose mission, purpose, goods, and/or services:
- i. conflict with university policies and/or applicable local, state, and federal laws and regulations;
 - ii. adversely affect the university’s reputation;
 - iii. circumvent purchasing policies;
 - iv. are not considered high-quality or reputable;
 - v. are considered to contain obscene, indecent, or profane material;
 - vi. promote alcohol, tobacco, firearms, illegal goods or services, religious and politically-themed artifacts, and branded Rutgers products from nonlicensed companies;
 - vii. promote or advocate positions that the university deems inconsistent with its mission;
 - viii. ridicule, exploit, or demean persons on the basis of age, color, creed, handicap, national origin, race, religion, sex, or sexual orientation;
 - ix. constitute a personal attack on individuals in either the public or private sphere; or
 - x. is for personal gain.
- B.** University units may not accept advertising or sponsorships in or on print or electronic materials, websites, or other university assets that students are required to access to complete their studies, such as the web registration system, or that prospective students are required to access when seeking admission to Rutgers, such as application and financial aid forms.

- C. Terms and conditions of all endorsement, sponsorship, and advertising agreements must be expressed in writing and executed by a university official who has been delegated signatory authority; see <http://generalcounsel.rutgers.edu/Signatory/>. The contract/agreement must clearly define the duration of the agreement. Consult guidelines (ur.rutgers.edu/adsporsorguide) for sample agreements.
- D. Any individual or entity seeking to use the university name, logo, symbol, or mark must receive prior written approval from the Department of University Communications and Marketing's Office of Trademark Licensing.
- E. According to the U.S. Internal Revenue Code, revenue generated by endorsements (when permitted), sponsorships, and advertising may be subject to Unrelated Business Income Tax (UBIT).
 - i. University units must consult with the University Tax Director prior to executing an agreement of the type covered by this policy to determine whether there are any tax consequences generated by this revenue.
 - ii. UBIT may be imposed when the revenue results from an activity that is unrelated to the core educational mission of the university.
 - iii. UBIT is imposed at the same tax rates applicable to for-profit corporations.
 - iv. The tax services website is accessible at: <http://uco.rutgers.edu/tax-services>.

III. Endorsements

Except as noted below in (C), Rutgers prohibits direct and implied endorsements.

The name, logo, or images of the university or any of its campuses or units may not be used in any statement, website, print or electronic communication, or activity to endorse any corporation, business, product, service, or candidate for public office.

- A. University employees acting on behalf of the university may not make endorsements.
- B. A statement that includes comments of an evaluative nature, either positive or negative, is a form of endorsement.
 - i. Statements of fact (example: "The computing center uses Product X systems.") are not considered endorsements. Statements with an expressed opinion (example: "The computing center uses Product X systems because they are the best of their kind.") are considered endorsements. The purchase of a product by the university does not imply that the university endorses the product.
 - ii. Images that depict factual situations (example: a photo showing a student with a neutral expression working at a Product X computer) are not considered endorsements. An image depicting a group of students wearing shirts promoting Produce X products would be considered an endorsement.
- C. Exceptions to this prohibition on endorsements are unusual and require the approval of the Rutgers Board of Governors. To request an exception:
 - i. A University Vice President or Chancellor must submit a request for an exception in writing to the Vice President for University Communications and Marketing.
 - ii. The request must:

1. Define the conditions under which the name of the university, unit of the university, and/or university marks will be used.
 2. Define the compensation to be paid to the university for such use.
 3. Identify all links to nonuniversity webpages.
- iii. The Vice President for University Communications and Marketing will consult with the appropriate members of the university leadership, which may include the Senior Vice President and General Counsel, the Senior Vice President for Administration and the Senior Vice President for Finance and Treasurer, to determine whether to advance the request to the University President.
 - iv. If the University President supports the request, he/she will present a resolution to the Board of Governors' Committee on Alumni and University Relations.
 - v. The committee will determine whether to present the resolution to the Rutgers Board of Governors, which has sole authority to grant exceptions.
- D.** If an exception is granted, a written agreement must be executed between the university and the external entity outlining the terms, conditions, duration, and other details of the endorsement.
- i. The agreement must include an exit clause that enables the university to terminate the agreement if the association negatively impacts the university's reputation or devalues its assets.
 - ii. The agreement must be approved by the Office of Senior Vice President and General Counsel.

IV. Sponsorships

- A.** University units may enter into sponsorship agreements with reputable external entities to advance the mission of the university and to offset the costs of programs, activities, and events that are not directly related to the instruction of Rutgers students.
- i. University units may not accept sponsorships in or on print or electronic materials, websites, or other university assets that students are required to access to complete their studies, such as the web registration system, or that prospective students are required to access when seeking admission to Rutgers, such as admission and financial aid forms.
 - ii. Sponsorship agreements may include naming rights as defined in Section I.B.i. above.
 - iii. Sponsorship agreements may not include the purchase of goods and services from the sponsor.
- B.** Terms and conditions of sponsorship agreements must be expressed in writing and submitted to the Vice President for University Communications and Marketing or his/her designee. Consult guidelines (ur.rutgers.edu/adsporguide) for sample agreements.
- i. The Vice President for University Communications and Marketing may consult with the Senior Vice President and General Counsel, the Senior Vice President for Administration and the Senior Vice President for Finance and Treasurer to determine whether the sponsorship is acceptable and appropriate.
 - ii. The university and its departments and units may determine minimum rates for sponsorships as appropriate to cover costs associated with such sponsorships,

to generate revenue, and based upon benefits granted through the sponsorship agreement. Consult the guidelines (ur.rutgers.edu/adsporguide) for advice.

- iii. Given the size and complexity of Rutgers, exclusivity may not be granted as part of a sponsorship agreement without the prior written consent of the Vice President for University Communications and Marketing, the Senior Vice President and General Counsel, the Senior Vice President for Administration and the Senior Vice President for Finance and Treasurer.

C. Units may acknowledge university-recognized sponsors, contributors, and donors in university communications, including on university websites, in accordance with the following conditions:

- i. Sponsorship acknowledgements must be clearly identified as such in all communications.
- ii. Rutgers, not the sponsor, shall receive primary recognition in any university communication, on any university website, or in any university video or film production. Logos of sponsoring organizations and other forms of acknowledgement shall receive secondary recognition.
- iii. For projects funded by government or nonprofit organizations, the language and format of the acknowledgment must be in accordance with requirements specified in the project award agreement insofar as they are consistent with this policy. This policy must be consulted and considered prior to signing project award agreements that fall within this policy.
- iv. Units must advise the Vice President for University Communications and Marketing or his/her designated representative in writing of plans to acknowledge sponsors in internal or external communications, marketing materials, and promotions, as well as in or on university facilities, buildings, grounds, signs, and banners, and provide a copy of the acknowledgment.

D. Any sponsorship announcement or news release prepared by a university entity or the sponsoring organization must be shared with Rutgers' Office of Media Relations before it is released to the external media (see Policy 80.1.6, Section VII).

E. Sponsored research is covered by guidelines administered by the university's Office of Research and Sponsored Programs (<http://orsp.rutgers.edu/default.php>).

V. Advertising in and on University Assets and Communications Materials

A. A nonuniversity entity may advertise at or about university events, in or on University communications, or on university property when:

- i. revenue or other benefits will be generated for a university department or program;
- ii. the standards and criteria set forth in these and other relevant policies are complied with; and
- iii. all other applicable state or university procurement regulations are followed.

- B.** Advertising is not permitted on university websites.
 - i.** Exceptions to this rule may be considered on a case-by-case basis by submitting a request in writing to the Vice President for University Communications and Marketing or his/her designated representative.
 - ii.** Advertising that appears in a printed university publication may be included in the electronic version of that publication when it is posted online.
- C.** The Vice President for University Communications and Marketing or his/her designated representative will serve as the central clearinghouse for reviewing and coordinating advertising agreements prior to approval to ensure compliance.
 - i.** The university and its departments and units may determine suggested rates for advertising as appropriate to cover costs associated with such advertising, to generate revenue, and based on benefits granted through the advertising agreement. Consult guidelines for advice (ur.rutgers.edu/adsporguide).

VI. Responsibilities

- A.** The Vice President for University Communications and Marketing or his/her designee must review all endorsements, sponsorships, and advertising agreements.
- B.** Under the Vice President's supervision, the Department of University Communications and Marketing will create and maintain guidelines (ur.rutgers.edu/adsporguide) to assist departments in complying with this policy.
- C.** Any dispute about this policy or its application must be referred -in writing - for resolution to the Vice President for University Communications and Marketing.
- D.** Certain decision-making and administrative functions related to this policy may be delegated to other university offices or entities upon approval by the President and/or the Vice President for University Communications and Marketing.

VII. Other Offices to Consult

Depending on the nature of the agreement, university offices to be consulted may include Senior Vice President and General Counsel, University Tax Director, Rutgers University Foundation, Alumni Relations, Student Affairs, Athletics, Research and Sponsored Programs, Enrollment Management, International and Global Affairs, and Continuing Studies. See guidelines (ur.rutgers.edu/adsporguide) for further explanation.