



MICHIGAN STATE UNIVERSITY
BOARD OF TRUSTEES
Executive Action Summary

Academic Affairs-Attachment 2

Committee Name Academic Affairs

Date June 24, 2024

Agenda Item: BOT 602: Endorsements, Sponsorships and Advertising

Information

Review

Action

Resolution:

BE IT RESOLVED that the Board of Trustees of Michigan State University hereby approves the transition of BOT 602: *Endorsements, Sponsorship and Advertising* from a Board of Trustee policy to the university-wide policy series effective July 1, 2024;

BE IT FURTHER RESOLVED that the Board authorizes the Vice President for Marketing, PR and Digital Strategy to complete transition of this policy to an updated university-wide policy approved by the President and assigned a new number in the University Policy Library by the Policy Library Coordinator; and

BE IT FINALLY RESOLVED that the Board directs Vice President for Marketing, PR and Digital Strategy to work with university stakeholders to ensure the updated university-wide policy is communicated and implemented as soon as practical after presidential approval.

Recommendation:

The Trustee Committee on Academic Affairs recommends that the Board of Trustees approve the transition of BOT 602: Endorsements, Sponsorship and Advertising from the Board’s policies due to the additional detail and content with much greater specificity and guidance being better suited as an university-wide policy.

Prior Action by BOT:

The Endorsements, Sponsorship and Advertising policy was enacted on March 15, 1974 and amended on April 11, 1997.

Responsible Officers:

Kevin M. Guskiewicz, President

Heather Swain, Vice President, Marketing, PR and Digital Strategy

Summary:

As part of the larger effort to review and update Board policies – and in response to a need for both

flexibility and clear guidance as university units pursue new sources of revenue – a cross-functional working group convened in early 2024 to update MSU’s Endorsements, Sponsorship and Advertising policy. The group produced a draft policy that is significantly more detailed and informative to university stakeholders than BOT 602. Given the additional level of detail and the anticipated need for future policy adjustment as needs adapt, the work group recommended transitioning BOT 602 and, therefore, the draft policy to a university-wide policy for the future.

Background Information:

Peer institutions reviewed (Big Ten and additional) approached policies of this type as administrative/university policies. No examples of similar content being board-level policy.

Source of Funds:

Not applicable.

Resource Impact:

Not applicable.

FINAL DRAFT (5.24.24)

POLICY NAME: Endorsements, Advertising and Sponsorships

POLICY NUMBER: University Policy Number TBD (Current BOT 602)

Authority Title and Review Information:	Name and Date
Approval Authority:	President
Responsible Executive:	Vice President for Marketing, Public Relations and Digital Strategy, University Communications
Responsible Office:	University Communications
Responsible Officer:	Senior Strategic Partnership and Brand Manager
Policy Category:	Ethics, Integrity and Compliance
Effective Date:	
Last Review Date:	Amended 4/11/97 (Board Policy)
Next Review Date:	

I. POLICY STATEMENT

As a publicly supported institution of higher education, Michigan State University must be operated in the public trust. Each unit of the University and every University employee is responsible for protecting the integrity of the name of the University. The following policy governs endorsement of non-university entities, products, platforms or services by the University and its employees and the granting of Sponsorship and Advertising rights to non-university entities. All Michigan State University employees and units should be mindful of the significant value non-university entities receive from the exposure and association with the University that a connection provides.

The University recognizes many of its activities provide potential sources of revenue through legitimate and worthwhile opportunities for Sponsorships, Advertising and recognition of non-university entities and their products and services. While this revenue can be beneficial to the University community and, in turn, the State of Michigan, the University’s reputation and image are paramount and must be protected.

This policy:

- A. Does not permit Endorsements.
- B. Allows the University to accept Sponsorships and Advertising subject to the conditions outlined below and in accordance with established guidelines and procedures.
- C. Applies to both Sponsorships and Advertising accepted from external sources throughout the University, regardless of the University unit or the financial or other value of the Sponsorship.
- D. This policy does not cover outbound Sponsorship or Advertising (e.g., the University sponsoring another entity or placing Advertising in venues and communications vehicles not owned by the University). All Sponsorships and donations to external entities must comply with [Section 47](#) of the Manual of Business Procedures.

Reason for Policy

- A. To support the University's mission, safeguard the value and integrity of the University's brand and protect the University's reputation from harm.
- B. To provide legal, ethical and technical guidance to the University, its units and entities acting on behalf of the University as it seeks additional sources of revenue from activities covered by the policy.
- C. To maintain focus on the University's mission and student success and to avoid over-commercialization of the student experience and University educational environment.
- D. To establish clear procedures and governance that ensure appropriateness, consistency and coordination across the University regarding Endorsements, Advertising and Sponsorships.

II. SCOPE

This policy applies to all University academic and administrative units, student government, registered student organizations and other organizations engaged in activities covered by this policy. All the aforementioned are responsible for knowing about this policy and familiarizing themselves with its contents and provisions. This policy should be read by:

- A. Members of the Michigan State University community.
- B. External, non-university entities seeking Sponsorship opportunities; Advertising in University venues, print and electronic communications or in other channels or outlets including websites and social media; or use of University Assets including logos and trademarks.
- C. Third parties authorized by and acting on behalf of the University to negotiate and execute contracts covered by this policy.

The University Communications Vice President for Marketing, Public Relations and Digital Strategy is authorized to administer and enforce this policy.

III. DEFINITIONS

Acknowledgement: A form of Donor or Sponsor recognition in digital or print communications, signage or related materials that may include names, logos and slogans (that do not contain comparative or qualitative descriptions). Additional information including sponsor locations and value-neutral descriptions of a sponsor's product line or services may also be included to recognize financial or in-kind support associated with a University event, program or activity. The effect of an acknowledgement is identification of the Sponsor rather than promotion of the Sponsor's products, services or facilities. Logos or slogans alone are considered Acknowledgements as they do not contain comparative or qualitative descriptions.

Advertising: Messaging or material that is broadcast via publication, display, transmission, distribution or other means and has as its primary intent the promoting or marketing of a non-university product, service, event or organization. Advertising includes messaging like price information, savings and value statements, testimonials, comparative or qualitative language, calls to action, and inducements to buy, sell or use a particular product, company or service.

Asset: The tangible items, programs, services or activities owned by the University that provide a Benefit to Sponsors. These include tradenames, trademarks, logos, images or depictions of University icons or recognizable buildings, signage, websites, materials related to activities supported by the Sponsor, venues, media, events, programs, tickets, hospitality opportunities and merchandise.

Benefit: Any item or service provided to a Sponsor in return for the Sponsorship of a University activity, event or program. Examples include Acknowledgement, event tickets, food and beverages, merchandise or access to University services and facilities.

Charitable Gift: A voluntary transfer of money, services or property from a Donor without expectation of a direct economic Benefit or provision of goods, services, technical or scientific report(s), or intellectual property from the recipient. Voluntary recognition of Charitable Gifts by the University may include signage, websites, programs and materials.

Donor: Entity or individual providing a Charitable Gift to the University.

Endorsement: Any statement or depiction that conveys or implies a preference by the University or by any of its units, colleges, schools, departments or employees speaking or acting as representatives of the University, for a non-university interest or entity.

Exclusive Sponsorship: Agreement to accept only one Sponsor in a product or service category for the duration of the Sponsorship agreement.

In-Kind or Value In-Kind: A product or service provided by a Sponsor in lieu of cash as part of a Sponsorship agreement.

Non-qualified Sponsorship: Sponsorship where the financial or other support does not meet IRS guidelines for qualified Sponsorship payments and is not exempt from Unrelated Business Income Tax (UBIT).

Qualified Sponsorship Payment: Any payment of money, transfer of property or performance of services by any person engaged in a trade or business where there is no arrangement or expectation that the person will receive any Substantial Return Benefit in exchange for the payment. Qualified Sponsorship payments are exempt from Unrelated Business Income Tax (UBIT).

Sponsor: A non-university entity that enters into an agreement with the University to exchange money, goods or services for specified Benefits.

Sponsorship: A relationship with an entity where that entity provides money, goods or services to the University through a college, school, department, unit or student organization, and in return, the entity receives Acknowledgment and/or Benefits. Sponsorship differs from charitable gifts, which are provided without expectation of tangible Benefit.

Sponsored Project: An activity of defined scope and goal generally undertaken by University faculty, often with involvement of students and staff, utilizing University facilities and equipment and conducted with financial and/or other valuable support from an external Sponsoring entity. Sponsored projects may include basic and applied research, scholarly activity, training, instruction and instructional design, public service and other creative endeavors and are otherwise defined and governed by [Section 315](#) of the Manual of Business Procedures.

Substantial Return Benefit: Any benefit, including Advertising, other than an Acknowledgement or disregarded benefits. A benefit is disregarded if the aggregate fair market value of all the benefits provided to the payor during the organization's taxable year is not more than 2% of the amount of the payment.

University Trademark: All current and historical names, marks, logos, designs, colors, taglines, mascots, icons, images and depictions of campus buildings owned by and associated with Michigan State University. MSU trademarks include but are not limited to any single instances or combinations of: words (Michigan State University), phrases (Go Green Go White), symbols (Block S), designs (Spartan Helmet) or group of letters (MSU).

IV. POLICY

General Rules

1. University units and employees acting on behalf of the University may not endorse any external entities, products, platforms or services.

2. University units may not accept Sponsorships or Advertising from any external entity or individual whose products, services, programs, images, activities, mission, purpose, goods or services:
 - a. may harm the reputation of the University or are inconsistent with the University's mission and values;
 - b. violate the University's policies or practices or applicable local, state, and federal laws and regulations;
 - c. conflict with current University-wide exclusive agreements;
 - d. discriminate or imply discrimination against any persons or groups based on age, color, gender, gender identity, disability status, height, marital status, national origin, political persuasion, race, religion, sexual orientation, veteran status, weight or in any other way that conflicts with University standards;
 - e. promote or oppose a political candidate, office holder, party or ballot question or initiative;
 - f. the University deems to be racist, sexist, hateful or demeaning;
 - g. circumvent purchasing policies;
 - h. are inherently dangerous or present an unacceptable risk, including knives, firearms, weapons and explosives;
 - i. contain obscene, indecent or profane material;
 - j. constitute a personal attack on individuals in either the public or private sphere;
 - k. Implicates the MSU Conflict of Interest Policy;
 - l. promote use of tobacco, cannabis or cannabis-related products; or
 - m. promote illegal or irresponsible use of alcohol.
3. Advertising and Sponsorship by organizations associated with alcohol products:
 - a. may not be directed to individuals under the age of 21;
 - b. may not be University-wide; Sponsorship must be limited to specific activities, events and venues; and
 - c. must include a safe and responsible drinking message in instances where alcohol-related activities and events include the University's name or trademarks.
4. Additional review is required (see Procedures) for:
 - a. Advertising or Sponsorship by organizations associated with gambling, betting or wagering.
5. Use of a Sponsor's name and/or logo in conjunction with the University name and/or logo (co-branding), whether for Acknowledgement, Advertising or any other promotional purposes related to Sponsorship, must comply with the Trademarks and Licensing Policy. [add link]
6. According to the U.S. Internal Revenue Code, revenue generated by Sponsorships and Advertising may be subject to UBIT. Units should contact the University Tax Manager in the Office of the Controller before entering agreements to ensure compliance with the [Manual of Business Procedures Section 51](#) (see Procedures).

7. Any prospective gift for which the Donor expects benefits in return must be evaluated to determine if it meets the standard of a Charitable Gift. Any return benefits described and covered by this policy are governed by this policy.

Endorsements

The University does not permit Endorsements, and no official University statement, publication or activity carried out in the name of the University, or by any individual officially acting on behalf of the University, shall constitute or be construed as a University Endorsement of any company, product, platform or service. Sponsorship, Advertising or other support from outside entities consistent with this policy is not intended and shall not be deemed to constitute University Endorsement of non-University entities or their related commercial products, platforms, or services. This policy does not preclude promotion by the University or its employees of the University's own products, platforms, or services.

General rules:

1. **Statements and Testimonials:** University employees acting in their University capacity may not make Endorsements or give testimonials pertaining to external companies, products, platforms or services. Factual statements are permitted. Individuals may speak personally with a disclaimer they are not speaking on behalf of the University (see Guidelines).
2. **Case Studies and Press Releases:** Requests by vendors and suppliers to highlight services performed for Michigan State University and include them in case studies (print, web, video or other materials that often have a semi-journalistic feel but are used to promote the company, platform, product or service) must be approved by University Communications. The University must avoid Endorsement.
3. **Trademarks and Images:** The name, logos, or images of the University may not be used in any statement, website, print or electronic communication, or other activity to endorse any corporation, business, product, service, or candidate for public office (see Trademarks and Licensing Policy [\[add link\]](#)).

Advertising

Michigan State University permits Advertising in University communications and venues only in accordance with the following:

1. Advertising and the sale or soliciting to sell of goods and services on campus are prohibited without a permit pursuant to Board of Trustees bylaws [Ordinance 27.00](#)
2. Michigan State University permits certain Advertising as part of Sponsorship (see Sponsorships).
3. Advertising and solicitation are not permitted on MSU IT networks and resources – including websites – without prior permission, pursuant to MSU IT [Acceptable Use Policy](#). Advertising (not Acknowledgement) on any msu.edu website requires

review and approval by the Vice President for Marketing, Public Relations and Digital Strategy or designee.

4. Units exploring the sale of Advertising to non-university entities outside a Sponsorship agreement for placement in University print or digital communications, including websites, digital displays, or signage, should contact the VP for Marketing or the Senior Strategic Partnership and Brand Manager. These requests may require additional review and may be subject to UBIT. Units should contact the University Tax Manager in the Office of the Controller before entering agreements. (See Procedures.)

Sponsorships

The University and its units may enter into Sponsorship agreements with external entities to advance the mission of the University and offset the costs of programs, activities, and events. The University reserves the right to ultimately select or reject Sponsors. In addition, there are certain categories of Sponsorship that are automatically excluded from consideration as listed in “General Rules.”

1. University units may not accept Sponsorship agreements that include recognition or display Acknowledgements on print or electronic materials or websites students must access to complete their studies, such as learning management systems, student information systems, or websites containing academic coursework, or that prospective students must access when seeking admission to the University, such as admission and financial aid information and forms.
2. Sponsorship agreements may not require purchase of goods or services or commit the University or its employees to make an Endorsement or testimonial.
3. Exclusivity may not be granted as part of a Sponsorship agreement without additional review and approval (see Procedures).
4. Unless de minimis as defined by this policy, terms and conditions of all Sponsorship agreements must be expressed in writing, have a defined term/duration, and be executed by a University official with appropriate [signature authority](#) or a third party to whom the University has assigned the right to enter such contracts on its behalf.
5. Sponsorship agreements may include naming rights; naming involving facilities must follow processes outlined in [BOT 612 Buildings and Facilities Naming Policy](#).
6. Sponsorship agreements may not obligate the University to prepare, issue or participate in a press release without approval from University Communications; any sponsorship announcement or news release prepared by the Sponsor must be shared with University Communications prior to release.
7. Units may acknowledge Sponsors and Donors in University communications, including University websites, social media, programs, banners, signage and informational materials in accordance with the following:
 - a. Sponsors must be clearly identified as such in all communications.
 - b. Projects funded by government or nonprofit organizations must follow requirements specified in project award agreements; this policy must be consulted prior to signing project award agreements that include elements that fall within this policy.

8. Advertising opportunities beyond Acknowledgement may be made available to non-university entities in association with Sponsorship of the following:
 - a. Sponsorship of athletics, sports and similar activities; arts and cultural activities; and the Alumni Office may include advertising assets in Sponsorship agreements (e.g., Sponsor recognition or Advertising on programs, tickets, uniforms, equipment, banners, fixed or electronic signage, social media, email newsletters or other media used in conjunction with the University and its events.)
 - b. Sponsorship of Public Broadcasting may include both Sponsorship Acknowledgement and Advertising on public broadcasting programs in accordance with applicable federal public broadcasting regulations.
 - c. Sponsorship with Advertising of university programs and events by non-university entities beyond those specified in a) and b) above require further review (see procedures).
9. Sponsorship does not automatically grant rights to use University Assets. All rights to use University names, logos and trademarks must be granted through approved written contracts with the University or with third parties to whom the University has assigned the right to enter such contracts on its behalf and must adhere to terms of Sponsorship agreements.
10. Any use of University marks in combination with another entity's marks on merchandise or promotional items must be approved by University Licensing Programs (see Trademarks and Licensing Policy [\[add link\]](#)). All other use of University marks in combination with another entity's marks (signage, temporary graphics, etc.) must be approved by University Communications.
11. Sponsored Projects for basic and applied research, scholarly activity, training, instruction and instructional design, public service and other creative endeavors are covered in [Section 315](#) of the Manual of Business Procedures and administered by the [Office of Sponsored Programs](#).

De Minimis Sponsorship Opportunities

University units may offer Sponsorship opportunities for specific events or projects without a written Sponsorship Agreement if the Sponsorship opportunity complies with all the following conditions:

1. The Benefits associated with the Sponsorship opportunity are published (e.g., on a website or printed Sponsorship options sheet)
2. The Benefits offered to the Sponsor include only forms of Acknowledgement of the Sponsorship and do not include Advertising rights.
3. The Benefits offered to the Sponsor do not include a license to use University trademarks, tradenames, logos, or images of University icons or recognizable buildings.
4. The total monetary value of all Assets offered to the Sponsor by the University is no more than \$2,500 (inclusive of all Assets).
5. The total Sponsorship amount received by the University is \$5,000 or less.
6. The Sponsorship opportunity otherwise complies with the terms of this Policy.

V. POLICY PROCEDURES

1. The Vice President for Marketing, Public Relations and Digital Strategy or their designee is responsible for interpreting and applying this policy; questions related to the policy should be directed to comms.contact@msu.edu.
2. The Vice President for Marketing, Public Relations and Digital Strategy will consult with and facilitate discussion among
 - a. Vice President and General Counsel
 - b. Senior Vice President for Student Life and Engagement
 - c. Vice President for Advancement
 - d. Vice President and Athletic Director
 - e. Other senior leaders as appropriateto provide the additional review called for in the policy, including consideration of exclusive sponsorships; to resolve conflicts arising from the policy's implementation; and to assist in considering questions of interpretation.
3. Spartan Athletics has approval from the University to work with third parties to manage its Sponsorship and Advertising rights as they relate to Athletics-related Assets designated by the University. Those seeking Sponsorship or Advertising opportunities with Spartan Athletics should contact [Michigan State Sports Properties](#).
4. The President must approve University exclusive Sponsorship agreements. Requests should be sent to the Vice President for Marketing, Public Relations and Digital Strategy for review.
5. Consult the Manual of Business Procedures [Section 51](#) and the University Tax Manager in the Office of the Controller prior to executing an agreement of the type covered by this policy to determine whether there are tax consequences created by revenue generated.
6. Sponsorship agreements that include rights/license to use University trademarks, tradenames, logos, or images of University icons or recognizable buildings must be reviewed by University Communications prior to execution. Excepted from this are Sponsorship agreements developed by third parties to whom Michigan State University has by contract assigned rights to negotiate agreements including designated university Assets.
8. Units should coordinate with Corporate Relations in University Advancement when pursuing significant Sponsorship opportunities with corporations.
9. Units should coordinate with the Office of Government Relations when pursuing significant Sponsorship opportunities with local, state, federal or executive units of government.

VI. VIOLATIONS

Employees or students who knowingly violate this policy may be subject to discipline.

VII. RELATED INFORMATION AND ATTACHMENTS

1. All agreements must follow existing University policies and procedures. Relevant policies include:
 - a. BOT Ordinance 27
<https://trustees.msu.edu/bylaws-ordinances-policies/ordinances/ordinance-27.00.html>
 - b. BOT 612 Buildings and Facilities Naming Policy
<https://u.policies.msu.edu/doctract/documentportal/08DB6211CC33C1E5D8829B6341A09E19?slu=08DC3BE3CDE4BDC4EEE5F4F7F171719E>
 - c. Acceptable Use Policy for MSU Technology Resources
<https://u.policies.msu.edu/doctract/documentportal/08DB62126FD9B624E0D990143C76C6E9>
 - d. Membership Does, Sponsorships and Donations – Manual of Business Procedures [Section 47](#)
 - e. Revenue Generating Activities and Unrelated Business Income Tax (UBIT) – Manual of Business Procedures [Section 51](#)
 - f. Sponsored Projects, Fee-for-Service, and Gifts –Manual of Business Procedures [Section 315](#)
2. All sponsorships must abide by University-approved Brand Guidelines
<https://brand.msu.edu>.
3. All sponsorships must abide by the University’s Trademarks and Licensing Policy.
[\[add link\]](#)
4. Any filming on campus for commercial purposes must be coordinated through University Communications and comply with requirements:
<https://comms.msu.edu/resources/filming-at-msu>.

VIII. HISTORY

Action	Description
Issued:	<ol style="list-style-type: none"> 1. [executive position/committee, month/date/year] 2. [month/date/year]
Approved by:	<ol style="list-style-type: none"> 1. [committee, name, date] 2. [name] 3. [date]
Revised:	<ol style="list-style-type: none"> 1. [committee/executive position title with name] 2. [month/date/year] 3. Revisions include section 2.2 ...