



2015-16

Dear Sports Agent/Financial Planner:

This is to inform you of the University of Colorado Athletic Department Student-Athlete Agent/Financial Planner Program for the 2015-16 academic year. As you know this is an area that continues to be of concern for intercollegiate athletic programs due to stringent NCAA legislation and Colorado legislation pertaining to this issue. The University of Colorado continues to take an aggressive position as it relates to the institution's student-athletes' association with sports agents/financial planners.

We ask for your cooperation with the University of Colorado, the State of Colorado and the NCAA by complying with the enclosed rules and regulations. Be advised that the NCAA has made changes to the definition of an agent (Bylaw 12.02.1). In addition, all athlete agents are responsible for knowing and following all of the pertinent agent rules and regulations of their respective leagues' players association.

Accompanying this letter is a University of Colorado Student-Athlete Agent/Financial Planner Registration Form. All agents/financial planners desiring to contact University of Colorado student-athletes must complete this form and return it to:

Office of Compliance Services
Champions Center, 4th Floor
Boulder, CO 80309

It should be noted that the University of Colorado may contact references listed on the form. Information from the agent/financial planner registration forms will be made available to interested student-athletes. However, the actual forms will be kept confidential within this office.

The following information outlines the University of Colorado's policy, the Colorado statutes governing agent conduct, and appropriate NCAA legislation and interpretations regarding this issue. Please be familiar with this information, as the university is determined to monitor this process and will take aggressive action as appropriate.

University of Colorado's Policy Regarding Agents

Any agent contacting a University of Colorado student-athlete must register with the CU Athletic Department. Please complete and return the attached CU registration form. This requirement applies to athlete agents, including advisors, runners, and financial planners.

It is permissible for agents to send written materials to student-athletes, but the University of Colorado requests that agents send an identical copy of the written materials to the Office of Compliance Services at the University of Colorado.

The University of Colorado discourages its student-athletes from contacting agents until their eligibility has expired. Similarly the University encourages parents of student-athletes to refrain from having telephone contact or in-person contact with an agent until the student-athlete's eligibility has expired. The University recommends that all agents only provide written materials to student-athletes and their parents, and only have contact with student-athletes if the contact is initiated by the student-athlete. This contact includes telephone and in-person contact. Also, you, your employees, or runners may not position yourselves after athletic contests to "bump" into



or have contact with a student-athlete or his/her family. The rules governing contact are still in affect at athletic contests or events that take place at sites other than the University of Colorado campus.

Every agent and employee or representative of an agent (including runners), or any other person involved in the representation or potential representation of a University of Colorado student-athlete, must notify (email or telephone call acceptable) the CU Office of Compliance Services:

- A) Any time he or she enters the CU campus or any other location under the control of the CU Athletic Department and**
- B) Any time he or she has a face-to-face meeting with any CU student-athlete that has eligibility remaining.**

The CU Office of Compliance Services will monitor all agent contact with CU student-athletes in order to prevent violations of state law, NCAA rules, and this policy. The University recognizes the limitations it has when policing the activity between agents and student-athletes and therefore will not hesitate to monitor or investigate agent activity with an outside firm of private investigators when necessary.

In the state of Colorado, Title 23, Article 16 of the Colorado Revised Statutes regulates an athlete agent's activities. The state of Colorado recently repealed its registration requirement for athlete agents, although there are still many other requirements agents must adhere to while conducting business in Colorado. To read the laws governing athlete agents in the state of Colorado, visit lexisnexus.com/hottopics/colorado.

The University has a contractual relationship with student-athletes that requires them to abide by NCAA regulations and legal action may be initiated against any agent interfering with this contractual relationship. The University firmly believes these measures are necessary to eliminate problems that can arise between an agent/financial planner and a student-athlete, which eventually jeopardizes the eligibility of the student-athlete.

Your cooperation and assistance is greatly appreciated and The University of Colorado Athletic Department looks forward to working with you. If you have any question regarding this program, please feel free to contact me at jillian.keegan@colorado.edu or 303-492-6155.

Sincerely,

Jill Keegan
Director of Compliance

PLEASE REVIEW THIS SECTION OF NCAA RULES PERTAINING TO AGENTS AND AMATEURISM

I. GENERAL PRINCIPLES (NCAA Bylaw 12.01)

1. Eligibility for Intercollegiate Athletics: (Bylaw 12.01.1) Only an amateur student-athlete is eligible for intercollegiate athletics participation in a particular sport.
2. Clear Line of Demarcation: (Bylaw 12.01.2) Member institutions' athletics programs are designed to be an integral part of the educational program. The student-athlete is considered an integral part of the student body, thus maintaining a clear line of demarcation between college athletics and professional sports.

II. DEFINITIONS AND APPLICATIONS (NCAA Bylaw 12.02)

1. Agent: (Bylaw 12.02.1) An agent is any individual who, directly or indirectly: (*Adopted: 1/14/12*) (a) Represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation for financial gain; or (b) Seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.
2. Application: (Bylaw 12.02.1.1) An agent may include, but is not limited to, a certified contract advisor, financial advisor, marketing representative, brand manager or anyone who is employed or associated with such persons. (*Adopted: 1/14/12*)
3. Individual: (Bylaw 12.02.2) An individual, for purposes of this bylaw, is any person of any age without reference to enrollment in an educational institution or status as a student-athlete.

III. USE OF AGENTS (NCAA Bylaw 12.3)

1. General Rule: (Bylaw 12.3.1) An individual shall be ineligible for participation in an intercollegiate sport if he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.
2. Representation for Future Negotiations: (Bylaw 12.3.1.1) An individual shall be ineligible per Bylaw 12.3.1 if he or she enters into a verbal or written agreement with an agent for representation in future professional sports negotiations that are to take place after the individual has completed his or her eligibility in that sport.
3. Benefits from Prospective Agents: (Bylaw 12.3.1.2) An individual shall be ineligible per Bylaw 12.3.1 if he or she (or his or her relatives or friends) accepts transportation or other benefits from: any person who wishes to represent the individual in the marketing of his or her athletics skill, and also any agent who has stated that they do not wish to represent the individual.
 - A. For example, a student-athlete would jeopardize his or her intercollegiate eligibility in a particular sport if he or she accepts transportation (or other benefits) from a prospective agent from the

member institution's campus to the prospective agent's office to discuss services the agent could provide to the student-athlete.

- B. Agent signs a student-athlete who is a multi sport participant: (Bylaw 12.1.3) A student-athlete may sign an agent contract for a particular sport, but in doing so the student-athlete would render himself or herself ineligible for that sport. The agent may then begin providing services related to that sport only, and the student-athlete would remain eligible to participate in a second sport at the member institution. If the student-athlete receives compensation for signing with an agent for a particular sport, the student-athlete's institutional financial aid must be graduated accordingly.
 - C. Agent charging a fee to a student-athlete on deferred payment schedule: A student-athlete jeopardizes his or her eligibility if an agent provides advice to the student-athlete about a professional contract with the understanding that the student athlete will pay the agent for such services once the student-athlete has been drafted by the professional sports organization, regardless of the fact that the agent provides the service only to student-athletes and has the same fee arrangement for all client. [12/16/92 staff interpretation]
4. Legal Counsel: (Bylaw 12.3.2) Securing advice from a lawyer concerning a proposed professional sports contract shall not be considered contracting for representation by an agent under this rule, unless the lawyer also represents the student-athlete in negotiations for such a contract.
- A. Advice from individuals other than attorneys: This legislation (bylaw 12.3.2) was not intended to restrict individuals other than lawyers (e.g., financial consultants, family friends) from giving advice regarding professional contracts. Advice may be secured from an individual under these circumstances concerning a proposed contract, provided the individual does not represent the student-athlete in negotiations with a professional team for such a contract and does not market the individual's athletic ability or reputation in a particular sport. [7/9/87, official interpretation].
 - B. Attorneys and professional contracts: The original purpose of Bylaw 12.3.2:
A student-athlete may seek the advice of a lawyer regarding future negotiations or discussions of the individual's professional aspirations, so long as the lawyer does not become actively involved in negotiations with the professional team or organization and does not market the individual's athletic ability or reputation in a particular sport.. The legislation was intended to provide an opportunity for a student-athlete to receive advice so that he or she could understand a contract offer and contract provisions, but it was not intended to involve the lawyer in direct contact with a professional organization.

The legislation does not deny an individual the opportunity to seek competent legal counsel to review the terms of a proposed professional contract and to assist the individual in understanding those terms, nor does it deny an individual the opportunity to be represented by legal counsel if he or she chooses to negotiate a professional contract and forgo his or her remaining eligibility. It does indicate that once a student-athlete decides to have legal counsel and contact the professional club concerning the contract offer, the individual has agreed to be represented by an agent in the marketing of his or her athletic talent, and no longer is eligible per Bylaw 12.3.2 [5/9/84, educational column]
5. Presence of a Lawyer at Negotiations: (Bylaw 12.3.2.1) A lawyer may not be present during discussions of a contract offer with a professional organization or have any direct contact (in person, by telephone, or by mail) with a professional sports organization on behalf of a student-athlete. A lawyer's presence during such discussions is considered representation by an agent.

For example: If an individual was drafted by a major league baseball team and offered a contract, his advisor or attorney would not be permitted to negotiate with the professional team. However, the attorney could provide advice to the individual in private regarding the contract. If the individual, elected not to accept the terms of the contract, he could negotiate the terms of the contract with the professional team by himself or with the assistance of his parents or the institution's professional sports counseling panel, but cannot receive assistance from the attorney in the negotiations.

IV. AMATEUR STATUS/NEGOTIATIONS (NCAA Bylaw 12.1.2)

1. Amateur Status: (Bylaw 12.1.2) An individual loses amateur status and thus shall not be eligible for intercollegiate competition in a particular sport if the individual:
 - A. Uses his or her athletic skill (directly or indirectly) for pay in any form in that sport (e.g., payment from an agent or for participation in exhibitions or post season all-star contests). (Bylaw 12.1.2(a))
 - B. Accepts a promise of pay even if such pay is to be received following completion of intercollegiate athletics participation. (Bylaw 12.1.2(b))
 - C. Signs or verbally agrees to a contract or commitment of any kind to play professional athletics, regardless of its legal enforceability or any consideration received. (Bylaw 12.1.2(c))
 - D. Receives, directly, or indirectly, a salary, reimbursement of expenses or any other form of financial assistance from a professional sports organization based upon athletics skill or participation, except as permitted by the NCAA rules and regulations. (Bylaw 12.1.2(d))
 - E. Competes on any professional athletics team per Bylaw 12.02.4 after full-time enrollment, even if no pay or remuneration for expenses was received. Competition on a professional ski team prior to enrollment will also compromise an individual's amateur status. (Bylaw 12.1.2(e))
 - F. After full-time collegiate enrollment, enters into a professional draft or an agreement with an agent or other entity to negotiate a professional contract. (Bylaw 12.1.2(f)-(g))
2. Negotiations: (Bylaw 12.2.4.3) An individual may request information about professional market value without affecting his or her amateur status. Further, the individual, his or her legal guardians, or the institution's Professional Sports Counseling Panel, may enter into negotiations with a professional sports organization without the loss of the individual's amateur status. An individual who retains an agent shall lose amateur status.

V. PROFESSIONAL DRAFT AND TRYOUTS (NCAA Bylaw 12.2.4)

1. Inquiry: (Bylaw 12.2.4.1) An individual may inquire of a professional sports organization about eligibility for a professional-league player draft or request information about the individual's market value without affecting his or her amateur status.

Note: The NFLPA now prohibits communication (including but not limited to in-person, telephone, and electronic) between agents, their employees and runners, and prospective players who are ineligible for the NFL Draft. This means agents are prohibited from speaking where ineligible prospective players are present.