

## Valparaiso University Student-Athlete Guidance Relating to Agent Contact

Key information for student-athletes to retain their eligibility

### **You will lose your eligibility IF:**

1. You (or any of your relatives or friends) agrees orally or in writing to be represented by an agent, financial advisor, sports marketer, or any individual acting on his behalf [e.g., runner]. This includes, but is not limited to, the following:
  - An “understanding” between agents or anyone acting on the agent’s behalf (e.g. runners) and a student-athlete (or any of the student-athlete’s relatives or friends) that the agent will represent the student-athlete when the student-athlete decides to turn professional
  - Signing a contract with an agent, but not dating the agreement so it is impossible to determine when the contract was actually signed
2. You (or any of your relatives or friends) accept any benefits from an agent, a prospective agent or any individual acting on behalf of the agent [e.g., runner]. Examples of such benefits include, but are not limited to, the following:
  - Receipt of cash, prepaid credit cards, other or tangible items (e.g. car, clothing, meals), regardless of dollar value
  - Transportation (e.g. flight, use of a vehicle) to travel to games, parties organized by the agents, vacations or to any other destination
  - Assistance with (or co-signing of a loan) for you or your family, even if you intend to pay it back at a later date

### **How Agents Operate**

NCAA rules allow agents to contact student-athletes at any time. NCAA rules do not permit you to enter into any type of agreement for an agent, financial adviser, sports marketer, shoe companies, etc. to be represented a student-athlete until after he has exhausted his eligibility or officially declared himself to be a professional athlete.

Agents will contact student-athletes or their families in a variety of ways –Facebook, Twitter, phone calls, text messages – or even wait for you in your driveway or in the parking lot after games. Agents have a significant financial incentive to get a student-athlete to sign with them over other agents, and they will look for any possible way to get your attention to gain an edge over their competitors.

The most common tools for agents in recruiting student-athletes and their families are runners. Agents will hire friends, students, former club coaches, and former student-athletes to buy clothes, food, gifts, etc. to forge a relationship with the student-athlete and/or their family and to promote the services of a specific agent or agency. Once a student-athlete (or their family members) accepts benefits from an agent, they are in debt to that agent, and many times the agent will use that as leverage when attempting to sign a student-athlete to an agreement. The Office of Attorney General for the State of Indiana monitors regulations governing agent activity; any agent who provides benefits to student-athletes in the state of Indiana is breaking the law!

**Agents do not have an incentive to ensure your student-athlete’s eligibility is maintained!** Because they lose significant income if you sign with another agency, agents will readily provide incriminating evidence to the NCAA about student-athletes with remaining eligibility accepting benefits from other agents. Do not have a “no one will find out” mentality if you are considering accepting anything of value from an agent!

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### Frequently Asked Questions

**1. What is an "agent" according to NCAA rules?**

An agent is any individual who, directly or indirectly:

(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. Is an agent or an advisor allowed to provide me any benefits?**

**NO!** You, your family, or your friends are not permitted to receive any benefits from an agent or an advisor.

**Examples** of material benefits include money, transportation, dinner, clothes, cell phones, jewelry, etc. Benefits may also include, but are not limited to, activities such as arranging a tryout with a professional team.

**3. What is an "advisor" according to NCAA rules?**

The term "advisor" is not defined in the NCAA Manual, but rather is a term that has been adopted by some, in part, to suggest compliance with NCAA agent legislation. You must remember that the label an individual places on himself or herself is irrelevant to the NCAA's agent determination. An advisor that engages in the impermissible activities outlined in this memorandum on your behalf is an agent under NCAA legislation and your association with that person could jeopardize your eligibility.

**4. What is a runner?**

A runner is any individual who works on behalf of an agent or agency. Runners are hired to develop relationships with and provide benefits to student-athletes or their family members in order influence a student-athlete's choice of agent. Runners will live in your family's hometown or any location where they have access to you. They can be anyone! Examples of runners that our office has heard of or encountered in the past include:

- Current or former professional athletes players
- Student-athletes' classmates
- Your former high school or club coach
- Student-athletes' roommates
- Student-athletes' boyfriend or girlfriend

If any of your acquaintances talk to you (or any of your relatives or friends) about specific agents, chances are they are working on behalf of that agent! Be cautious of accepting any benefit (e.g. transportation, meal) from these individuals as it will jeopardize your eligibility.

**5. Am I allowed to have any type of agreement with an agent?**

**NO!** You are not permitted to have a written or oral agreement with an agent, or anyone who is employed by or acting on behalf of an agent or sports agency (i.e., "runner"). An **oral agreement** occurs if you verbally agree to have an agent perform any services (e.g., providing any expenses related to tryouts, arranging disability insurance, marketing your athletic skills, etc.) on your behalf OR you have knowledge that an agent is performing such services.

**6. Am I allowed to have an agreement with an agent if it is for future representation?**

**NO!** You are not permitted to agree to a future representation agreement with an agent.

**7. Is an agent allowed to contact teams on my behalf to arrange private workouts or tryouts?**

**NO!** You cannot have an agent arrange a private workout/tryout with a professional team. Remember, if you do not have knowledge of who arranged a tryout, you have a responsibility to find out who did.

**8. Can my family members or other individuals who are associated with me as a result of playing sports (e.g., high school coach, summer club coach, etc.) have an agreement with an agent to perform services on my behalf?**

**NO!** Family, relatives, and friends are not permitted to enter into any agreements with an agent on your behalf.

**9. Am I permitted to have an advisor during this process?**

**YES,** provided the advisor does not market you to professional teams. However, it is not permissible for the advisor to contact teams on your behalf to arrange private workouts or tryouts. An advisor will be considered an agent if they engage in such activities on behalf of a student-athlete. **Note:** if you receive assistance from an advisor, you

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must compensate the advisor in an amount equal to the value of the services he or she provides you; furthermore, you may not receive such services at a free or reduced rate without jeopardizing your eligibility, regardless of whether the advisor does not typically charge clients for such services.

### 10. *May a sports agent or booster play a role in securing a loan to pay for disability insurance?*

**NO!** Do not allow a third party (including a sports agent or a booster) to be involved in any arrangement for securing a loan to pay for disability insurance. However, an institution's president or chancellor (or his or her designated representative from outside the department of athletics) may designate an institutional staff member (or staff members) to assist you with arrangements for securing the loan and insurance.

### 11. *Can an institution cancel my athletics scholarship if I have an agreement with an agent?*

**YES!** An institution is permitted to rescind your athletics scholarship if you have an agreement with an agent.

### Helpful Tips

- Athlete agents should register with the University's Athletics Compliance Office. Athlete agents should receive permission from the director of athletics or their designee (Head Coach or compliance staff) prior to contacting a student-athlete. Athlete agents should also provide copies of all correspondence between the athlete agent and a student-athlete to the director of athletics (or the Athletics Compliance Office).
- Advisors and Insurance Providers should also register with the Athletics Compliance Office. Advisors and Insurance Providers should receive permission from the director of athletics or their designee (Head Coach or compliance staff) prior to contacting a student-athlete. They should also provide copies of all correspondence between themselves and a student-athlete to the director of athletics (or the Athletics Compliance Office).
- Be careful who you associate with during this process. Do it all yourself or work through your head coach. You may receive the assistance of your family members, provided they are not working with any individual who is marketing your athletics ability (e.g., contacting professional teams, setting up tryouts with professional teams).
- ***Keep your Head Coach and the Athletics Compliance Office informed of all activities during this process. If we are aware of an interaction between an athlete agent (or advisor) and a student-athlete then we will be able to document that nothing impermissible occurred...thus protecting the student-athlete's eligibility.***
- Contact the Athletics Compliance Office or your coaches if you have questions about protecting your eligibility, including agents, advisors, tryouts, professional drafts, or issues with endorsement deals.