

Student-Athlete Agent Policy

- I. **Purpose:** This document outlines the policies applicable to student-athletes at The University of Texas at Austin [hereafter referred to as “UT – Austin”] and agents to ensure compliance with NCAA Bylaw 12.3 (Use of Agents) and Texas state laws. For purposes of this policy, the term agent applies to any individual who meets the National College Athletic Association [hereafter referred to as “NCAA”] definition within Bylaws 12.02.1 and 12.02.1.1, including financial advisors, marketing representatives and those working on behalf of such individuals.
- II. **Philosophy:** The policies and procedures described below are designed to comply with laws governing athlete-agent conduct in the State of Texas and to provide both student-athletes and agents with specific guidelines to protect the NCAA eligibility of UT-Austin student-athletes. Further, these policies and procedures address the needs of both student-athletes and the agents who seek to represent them once their collegiate eligibility is completed.
- III. **Applicability:** This policy is applicable to all student-athletes at UT – Austin and any agent who wishes to contact student-athletes at UT – Austin or their families. In accordance with Texas state law, UT – Austin requires agents who wish to contact its student-athletes or their families to have an updated registration on file with the Texas Office of the Secretary of State if required under the Texas Athlete-Agent Act [hereafter referred to as “TAAA”].
- IV. **NCAA Bylaws Governing Interaction Between Student-Athletes and Agents**
 - A. **12.02: Definitions and Applications.**
 1. **12.02.1 Agent.** 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. **12.02.1.1 Application.** 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.
 - B. **12.3.1 General Rule.** An individual shall be ineligible for participation in an intercollegiate sport if he or she has ever 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.
 1. **12.3.1.1 Representation for Future Negotiations.** An individual shall be ineligible 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.

2. 12.3.1.2 Benefits from Prospective Agents. An individual shall be ineligible if he or she (or his or her relatives or friends) accepts transportation or other benefits from:
 - a. Any person who represents any individual in the marketing of his or her athletics ability. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general: or
 - b. An agent, even if the agent has indicated that he or she has no interest in representing the student-athlete in the marketing of his or her athletics ability or reputation and does not represent individuals in the student-athlete's sport.
- C. 12.3.2 Legal Counsel. 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 individual in negotiations for such a contract.
 1. 12.3.2.1 Presence of a Lawyer at Negotiations. A lawyer may not be present during discussions of a contract offer with a professional sports organization or have any direct contact (i.e., in person, by telephone, by mail, or by e-mail) with a professional sports organization on behalf of the individual. A lawyer's presence during such a discussion is considered representation by an agent.

V. **Contact with Student-Athletes**

- A. Student-Athlete Initiating Contact. A student-athlete or a student-athlete's parent or legal guardian may contact an agent to schedule a meeting, provided the agent notifies The University of Texas Athletics Risk Management and Compliance Services staff [hereafter referred to as "Compliance Services"] prior to initiating contact and, if required by the TAAA, registers with the Texas Office of the Secretary of State within seven days of responding to the student-athlete's request.
- B. Agent Initiating Contact. Texas state law permits athlete-agents to send correspondence regarding their services to student-athletes provided a copy of such correspondence is also submitted to Compliance Services. Agents are otherwise prohibited from initiating contact with student-athletes without notifying Compliance Services prior to the contact. To notify Compliance Services, agents must send written or electronic correspondence to the individuals listed in Section VIII of this policy stating their intent to initiate contact with student-athletes. Upon receipt of an agent's statement of intent, Compliance Services will advise the individual of relevant NCAA rules and Texas state laws.
- C. Non-Registered Agent Initiating Contact. If the TAAA requires an individual to register in the State of Texas prior to contacting an enrolled student-athlete, and that individual contacts a UT-Austin student-athlete without a current registration, Compliance Services will notify the Texas Office of the Secretary of State and the applicable sport's player association. In addition, the individual will not be permitted to participate in any on-campus interviews with UT-Austin student-athletes until he or she has registered under the TAAA and resolved any disciplinary issues with the Office of the Secretary of State.

- VI. **Student-Athlete/Agent Interviews.** Texas state law requires that each institution designate a period not to exceed 30 consecutive business days to schedule student-athlete/agent interviews. Interviews will be held prior to the completion of the student-athlete's final season of eligibility. Registered agents can request to meet with those student-athletes outside of their final year of eligibility. In Football, meeting requests will only be fulfilled for those student-athletes in their third year of collegiate enrollment.

- A. UT – Austin will designate five-day periods in the fall/winter and spring/summer terms for student-athlete/agent interviews. The fall/winter term will be for baseball, golf, tennis, track and field, rowing, and softball. The spring/summer term will be for basketball, football, swimming, soccer, and volleyball.
- B. Compliance Services will notify each certified agent registered with the State of Texas of the scheduled interviews at least thirty days in advance. All agents must have an active registration with the State of Texas at the time of the interview in order to participate. Nonregistered parties will be not permitted to participate in any interviews.
- C. The interviews will be conducted on campus under the direction of Compliance Services.
- D. Compliance Services will provide registered agents a list of student-athletes eligible to participate in the interview periods. Agents may submit their interview requests to Compliance Services, and Compliance Services will provide each student-athlete with the names of those agents who have requested an interview. After the student-athlete has chosen which agents he or she wishes to interview with, Compliance Services will schedule the interviews and provide both the student-athletes and the agents the date, time and location of the interview.
- E. The interviews will take place in the presence of a third-party designated by Compliance Services.
- F. All participating agents are required to sign an affidavit acknowledging the laws of the State of Texas, the NCAA rules applicable to athlete-agents, and the institutional policies included in this document. In addition, agents must acknowledge that any violation of these rules could result in a permanent ban from UT - Austin and monetary fines as determined by the Texas Office of the Secretary of State.

VII. **Violations of NCAA rules and/or Texas Athlete-Agent Act.** Any agent or individual working on behalf of an agent whose interactions with a UT-Austin student-athlete result in a violation of NCAA rules will be subject to exclusion from future athlete-agent interview periods conducted by UT-Austin. In addition, UT-Austin will report such incidents to the Texas Office of the Secretary of State for appropriate disciplinary measures as permitted under the TAAA.

VIII. **Annual Review.** Compliance Services will submit this policy to the Texas Office of the Secretary of State annually.

- A. Compliance Services shall update the student-athlete/agent interview policy to ensure the compliance of the student-athletes/agents with the TAAA and any rules adopted under the Act as well as NCAA legislation.
- B. Compliance Services will provide student-athletes and registered agents with a copy of this policy.
- C. Any questions regarding this policy should be addressed to:

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D. Any questions regarding compliance with the Texas Athlete-Agent Act should be addressed to:

Mike Powell
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Texas Office of the Secretary of State
Telephone: (512) 463-9856
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