



MEMORANDUM

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TO: Division I Track and Field Student-Athletes with Remaining Eligibility.

FROM: Mark Hicks
Managing Director of Enforcement.

Kris Richardson
Director of Academic and Membership Affairs.

SUBJECT: Information Regarding Professional Status.

We understand that you may have remaining intercollegiate eligibility and are competing at a high level in the sport of track and field. Many of you may either be faced with a decision to pursue the sport professionally or may compete in events in which you could inadvertently jeopardize your remaining eligibility. Additionally, actions that may be considered normal in the track and field world, such as accepting free equipment or meals, could lead to you risking your eligibility. To assist you in making the best possible choices, the following document has been prepared to help you sort through some of the issues that you, your parents and your institution may confront.

Many of you will be competing in a number of events throughout the course of the summer season and beyond in which you may have the ability to earn prize money. Additionally, there will be opportunities for interaction with sports agents¹ and potential sponsors. It is important to remember that involvement in these activities can affect your intercollegiate eligibility. The following information is designed to help you protect your eligibility.

¹ In January 2012, the NCAA Division I Legislative Council approved a rule that broadens the definition of agents to include third party influences, including family members, who market student-athletes' athletics ability or reputation for personal financial gain. The rule includes individuals who either directly or indirectly:

- Represent or attempt to represent a prospective or current student-athlete in the marketing of his or her athletics ability or reputation for financial gain; or
- Seek to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an institution or a student-athlete's potential earnings as a professional athlete.

The new definition includes certified contact advisors, financial advisors, marketing representatives, brand managers or anyone who is employed by or associated with such individuals.

National Collegiate Athletic Association

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Five Points to Remember:

You will lose your eligibility IF:

1. You agree orally or in writing to be represented by an agent or any individual acting on behalf of the agent (e.g., runner).
2. You accept any benefits from an agent, a prospective agent or any individual acting on behalf of the agent (e.g., runner).
3. If you participate in an athletics event and accept prize money in excess of actual and necessary expenses. [See FAQ No. 4 below.]
4. If you sign a marketing or endorsement contract.
5. If you accept gifts, benefits or services as a result of your athletics ability or reputation.

Key Meets and Dates in 2014:

- NCAA Division I Outdoor Track and Field Championships, June 11-14, Eugene, Oregon.
- USA Outdoor Track and Field Championships, June 24-29, Bloomington, Indiana.
- USATF Outdoor Championships, June 26-29, Sacramento, California
- IAAF World Junior Championships, July 22-27, Eugene, Oregon.
- IAAF Diamond League meets, see <http://www.diamondleague.com/Event-Calendar/>.

For a list of additional events, please visit: <http://usatf.org/Events---Calendar.aspx>.

Frequently Asked Questions (Regarding Jeopardizing Eligibility at an NCAA Institution):

1. *Can I participate in events that award prize money?*

YES! You may compete in an event where individuals are competing for cash or a comparable prize, **provided** you pay your own expenses and entry fee to attend the event and you **do not** receive payment of any kind for such participation. [Note: You may accept prize money not to exceed actual and necessary expenses for participation in the event and such prize money can be provided only by the event sponsor. [See FAQ Nos. 4 and 5 below.]

2. *Can I compete in an event against professional track and field athletes?*

YES! You may compete as an individual or as a member of an amateur team in an event against professional track and field athletes, provided the competition is otherwise permissible under NCAA legislation.

3. *Can I compete on a relay team that includes professional athletes if I do not receive payment of any kind for my participation?*

YES! You may participate on a relay team that includes professional athletes, **provided** the professional athletes are not being paid by a professional team or organization to participate on the relay team and provided the competition is otherwise permissible under NCAA legislation.

4. *Can I accept prize money?*

YES! You may accept prize money based on your place finish or performance in an athletics event; however, such prize money shall not exceed your actual and necessary expenses and may be provided only by the sponsor of the event.

5. *Can I fundraise or ask for donations to pay my entry fees and expenses to compete in events while not representing my educational institution?*

YES! As of August 1, 2013, you may receive actual and necessary expenses associated with an athletics event and practice immediately preceding the event, from an outside sponsor (e.g., neighbor, business) other than an agent, booster or a professional sports organization.

6. *Can I receive free equipment or apparel, transportation, lodging, or money from non-family members?*

You may accept competition-related expenses (e.g., apparel, transportation, lodging, etc.) from an outside sponsor, other than an agent, booster or professional sports organization, or from an amateur team when you are representing that team in competition outside of the academic year.

7. *May I receive general training expenses (as opposed to competition-related actual and necessary expenses) from a track and field club or professional team?*

NO! Actual and necessary expenses for developmental training, coaching, facility usage, equipment, apparel, supplies, comprehensive health insurance, travel, room and board are only permissible when such expenses are approved and provided directly by a governmental entity, the U.S. Olympic Committee, USA Track and Field or, for international student-athletes, the equivalent organizations for your nation.

8. *Can I participate in workouts/tryouts with a professional track and field club team?*

YES! You may tryout with a professional track and field club team at any time, **provided** you do not miss class. You may receive actual and necessary expenses from the team in conjunction with one 48-hour tryout per team. The 48-hour tryout period begins when you arrive at the tryout location. At the completion of the 48-hour period you must depart the location of the tryout immediately in order to receive return transportation expenses.

9. *Can any other individual (e.g., agents, third party influences or advisors) pay for my private workouts/tryouts?*

NO! Unless a professional team pays for your expenses in conjunction with the one permissible tryout as described in FAQ No. 8, you and your family are responsible for paying all expense associated with any tryouts as they are incurred.

10. *Can I pay for my own private workouts/tryouts with a professional track and field club team?*

YES! A tryout may extend beyond 48 hours if the individual self-finances additional expenses, including return transportation. A self-financed tryout may be for any length of time, provided you don't miss class.

11. *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 as defined by the NCAA. [See Page No. 1.]

12. *What is an "oral agreement" with an agent?*

An oral agreement occurs if you verbally agree to have an agent perform any services (e.g., providing any expenses related to attending tournaments, contacting sponsors, etc.) on your behalf **OR** you have knowledge that an agent is performing such services.

13. *Can my family members or other individuals who are associated with me as a result of participating in track and field have an agreement with an agent to perform services on my behalf?*

NO! Family members and other individuals are not permitted to enter into any agreements with an agent on your behalf.

14. *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.

15. *Is an agent allowed to provide me any benefits?*

NO! You, your family, or your friends are **not** permitted to receive any benefits from an agent. Examples of material benefits include money, transportation, dinner, clothes, cellphones, jewelry, etc.

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

YES! You are allowed to hire someone to advise you regarding this process, provided the advisor does not market you to any professional teams. However, an advisor will be considered an agent if he or she contacts any team on your behalf to arrange private workouts or tryouts. If you use an advisor during this process, you must also compensate that advisor at a going rate for the services provided.

17. *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.

18. *Is there a directory of agents certified by USA Track and Field?*

YES! USA Track and Field publishes the names and contact information of agents that meet that organization's criteria for athlete representatives on the USA Track and Field website. For a listing of these individuals, please visit:

<http://www.usatf.org/groups/AthleteRepresentatives/directory/>

Helpful Tips:

- You should keep your head coach and director of compliance informed of all activities during this process.
- Please keep your eligibility in mind when you are making decisions about your track and field career. You may receive the assistance of your family members, provided they are not working with any individual who is marketing your athletic ability (e.g., contacting sponsors).
- If you do not have knowledge of who may be contacting sponsors on your behalf, you have a responsibility to find out who is.

- If you have questions regarding this information, please contact the NCAA enforcement staff at 317/917-6222.

Glossary of Terms:

12.02.1 Agent. Represent or attempt to represent a prospective or current student-athlete in the marketing of his or her athletics ability or reputation for financial gain; or seek to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an institution or a student-athlete's potential earnings as a professional athlete.

12.02.1.1 Application. An agent may include, but is not limited to, certified contract advisors, financial advisors, marketing representatives, brand managers or anyone who is employed by or associated with such individuals.

12.02.2 Actual and necessary expenses are limited to: (a) Meals; (b) Lodging; (c) Apparel, equipment and supplies; (d) Coaching and instruction; (e) Health/medical insurance; (f) Transportation (expenses to and from practice and competition, cost of transportation from home to training/practice site at the beginning of the season/preparation for an event and from training/practice/event site to home at the end of season/event); (g) Medical treatment and physical therapy; (h) Facility usage; (i) Entry fees; and (j) Other reasonable expenses.

12.1.2.1.6 Preferential Treatment, Benefits or Services. Preferential treatment, benefits or services because of the individual's athletics reputation or skill or pay-back potential as a professional athlete, unless such treatment, benefits or services are specifically permitted under NCAA legislation.

12.1.2.1.4.3 - Expenses from an Outside Sponsor. An individual who participates in a sport as a member of a team may receive actual and necessary expenses for competition and practice held in preparation for such competition (directly related to the competition and conducted during a continuous time period preceding the competition) from an outside sponsor (e.g., team, neighbor, business) other than an agent or a representative of an institution's athletics interests (and, after initial full-time collegiate enrollment, other than a professional sports organization). An individual who participates in a sport as an individual (not a member of a team) may receive actual and necessary expenses associated with an athletics event and practice immediately preceding the event, from an outside sponsor (e.g., neighbor, business) other than an agent or a representative of an institution's athletics interests (and, after initial full-time collegiate enrollment, other than a professional sports organization).

12.1.2.4.1 - Exception for Prize Money Based on Performance -- Sports Other Than Tennis. In sports other than tennis, an individual may accept prize money based on his or her place finish or performance in an athletics event. Such prize money may not exceed actual and necessary expenses and may be provided only by the sponsor of the event. The calculation of actual and

necessary expenses shall not include the expenses or fees of anyone other than the individual (e.g., coach's fees or expenses, parent's expenses). (Adopted: 4/25/02 effective 8/1/02, Revised: 12/12/06 applicable to any expenses received by a prospective student-athlete on or after 8/23/06, 4/26/12, 1/19/13 effective 8/1/13)

12.3.1.1 Representation for Future Negotiations. 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.

12.3.1.2 Benefits from Prospective Agents. 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: (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.

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