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## MEMORANDUM

October 19, 2009

TO: Collegiate Commissioners Association of Compliance Administrators.

FROM: Rachel Newman Baker  
Director of Agent, Gambling and Amateurism Activities.

SUBJECT: National Football League Players Association (NFLPA) regulation regarding communication by NFLPA certified contract advisors with student-athletes who are not eligible for the National Football League (NFL) Draft.

As some of you may be aware, in March 2009 the NFLPA passed an amendment to a 2007 NFLPA regulation that prohibits any NFLPA certified contract advisor, or any of their representatives, from communicating with a prospective player, or any person in a position to influence a prospective player, who is ineligible for the NFL Draft.

The agent, gambling and amateurism activities (AGA) staff has put together this question and answer document to help address questions that are certain to arise regarding this new regulation.

1. What is the NFL's Draft eligibility rule?

The NFL and NFLPA Collective Bargaining Agreement states that a player may only apply for eligibility in the NFL Draft three years after his graduation from high school or graduation of the class with which he entered high school, whichever is earlier.

If a player chooses to enter the draft after only three NFL regular seasons have begun and ended following his high school graduation or graduation of the class with which he entered, he must apply for *early eligibility*, i.e. "opt in." The early-entry deadline for underclassmen this year is January 15, 2010.

2. What is an NFLPA Certified Contract Advisor?

The NFLPA has a required certification program that includes an examination for all people that want to act as certified contract advisors for NFL players. No person is permitted to conduct contract negotiations on behalf of an NFL player unless he/she is certified as a contract advisor by the NFLPA.

3. Which student-athletes are affected by the NFLPA rule regarding certified contract advisor contact?

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The rule prohibits contract advisors from communicating with a player who is ineligible to be drafted until the conclusion of the player's last regular season or conference championship game (excluding any postseason bowl game) or December 1, whichever is later. Remember: in order for an agent to have communicate with the player, three NFL regular seasons must also have begun and ended following either the player's high school graduation or graduation of the class with which he or she entered high school, whichever is earlier.

4. Who does this rule apply to?

This rule applies to all NFLPA Certified Contract Advisors, any representatives of these contract advisors or anyone acting on the behalf of such contract advisor.

5. When did this rule go into effect?

This rule became effective 2007 and was most recently amended March 27, 2009. This rule is applicable to all NFLPA Certified Contract Advisors.

6. What types of communication are prohibited by this new regulation?

This new regulation prohibits any and all communication with student-athletes who are ineligible to be drafted, with the exception of general promotional brochures (see Question No. 10). Communication includes but is not limited to in-person contact, telephonic and electronic communication.

7. Does electronic communication include messages and other notifications sent through social networking Web sites (i.e. Facebook, MySpace, LinkedIn, etc.)?

**YES.** Communication through social networking Web sites may not occur between contract advisors and student-athletes ineligible to be drafted. Even "friend requests" or invitations to join a site user's network are considered electronic communication even if no additional message is sent with such a request or invitation.

8. Does this rule apply to communication with the family of a student-athlete?

**YES.** The rule prohibits communication by a contract advisor with any person in a position to influence a prospective player who is ineligible to be drafted.

9. Does this rule apply to communication with close friends of a student-athlete?

**YES.** The rule prohibits communication by a contract advisor with any person in a position to influence a prospective player who is ineligible to be drafted.

10. Can contract advisors send a prospective player, or his family, promotional brochures?

**YES.** A contract advisor may send any prospective player or prospective player's parent(s), relative(s) or legal guardian(s) promotional brochures as long as the information is general and not specifically directed to a particular player.

11. Does this prohibition apply to presentations on campus during "Agent Days"?

**YES.** A contract advisor, a representative of a contract advisor or any person affiliated with a contract advisor, including "runners"/recruiters, financial advisors and marketing representatives are prohibited from speaking or presenting to groups of prospective players who are ineligible for the NFL Draft. Therefore, this regulation would cover certified contract advisors who come to campus to present at events such as "Agent Days," when student-athletes who are not eligible for the NFL Draft will be present.

12. Who will make determinations of the penalties for certified contract advisors who violate this rule?

The NFLPA "CARD" - Committee on Agent Regulation and Discipline, a three- to five-person committee appointed by the president of the NFLPA, will be charged with reviewing any allegations and making determinations on the penalties for certified contract advisors who violate the rule.

13. What penalties will be enforced for violation of this rule?

The NFLPA can undertake the following penalties for violation of this regulation:

- a. Issue an informal or formal letter of reprimand;
- b. Suspend certified contract advisor's certification;
- c. Revoke certified contract advisor's certification; and or
- d. Impose a fine.

14. If a student-athlete communicates with a contract advisor prior to being eligible for the draft, will the student-athlete be subject to any penalties?

**NO.** Communication with a contract advisor, although a violation of NFLPA regulations by the contract advisor, does not subject the student-athlete to sanctions from the NCAA, NFLPA or NFL, provided that the student-athlete does not violate any NCAA agent regulations.

15. Does this new regulation change any NCAA agent bylaws that are currently in place?

**NO.** This regulation was enacted by the NFLPA, and does not broaden or narrow any existing NCAA legislation regarding student-athlete contact with agents.

16. If you have any questions about this regulation or witness any contact that would violate this rule, who should you contact?

You should contact the NFLPA at 1-800/372-2000.

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