



Athlete Agent Policy and Process

Purpose: SDA supports ASU’s overall mission to provide its students with the resources needed to succeed after leaving the university. Because many of its student-athletes may have the opportunity to pursue a career in professional athletics, ASU is committed to providing those student-athletes with the information and other resources that will assist them in making decisions regarding their potential professional opportunities. ASU is equally committed to protecting its student-athletes as well as its institutional interests from impermissible or even unlawful practices of advisors/agents seeking to represent student-athletes. Accordingly, in an attempt to ensure adherence to Arizona law, as well as NCAA and professional league and players’ association legislation, ASU has developed the following comprehensive program to aid its student-athletes in the agent selection process.

Policy:

1. Definitions –
 - a. Agency Contract – An oral or written agreement in which a student-athlete authorizes a person to engage in agent activities as defined under NCAA legislation (e.g., have direct contact with a professional sports team on the student-athlete’s behalf) or the rules and regulations of any other appropriate governing body.
 - b. Agent – An individual who enters into an agency contract with a student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract. The term “agent” includes, but is not limited to, an individual who represents to the public that the individual is an agent, a certified contract advisor, a financial advisor, a marketing representative, a brand manager, or anyone who is employed or associated with such persons. For purposes of this policy, the term agent does not include a spouse, parent, sibling, grandparent, or legal guardian or individual acting solely on behalf of a professional sports team or organization or educational institution unless that individual offers, solicits for himself or herself, or solicits on the student-athlete’s behalf or on behalf of the student-athlete’s family or friends any form of financial benefit or gift not allowed under NCAA or other governing legislation.
 - c. Contact – Any direct or indirect communication between an agent and a student-athlete intended to recruit or solicit the student-athlete to enter into an agency contract.
 - d. Registration – Registration as an agent pursuant to this policy and process.
 - e. Student-athlete – An individual who engages in or is eligible to engage in an intercollegiate sport.

2. Applicable rules and regulations –

- a. NCAA Bylaw 12.3.1 General Rule – 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.
- b. NCAA Bylaw 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.
- c. NCAA Bylaw 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.

3. Agent requirements –

- a. The agent must be registered with ASU in accordance with this policy.
- b. The agent must abide by all ASU, NCAA, Pac-12, state, and federal rules and regulations, including the terms of this policy.
- c. The agent must abide by the rules and regulations of all other applicable governing bodies and regulatory agencies.
- d. The agent must avoid all contact with student-athletes other than that which is permissible under this policy and process (or relevant sport-specific contact timeline supplement) and in accordance with state law.
- e. The agent further agrees to:
 - i. Provide permissible, honest, lawful, and ethical services to the student-athlete;
 - ii. Avoid conflicts of interest which may compromise the interests of student-athletes;

- iii. Avoid the involvement of student-athletes or others in actions which may jeopardize student-athletes' eligibility or subject ASU to institutional violations;
- iv. Avoid providing or offering to provide anything of value to a student-athlete or any other person for support of the agent's selection for representation by a student-athlete; and
- v. Maintain an up-to-date registration file with the Compliance Office.

4. Contacts and communications –

- a. Contacts between student-athlete and agents will only be permitted, if at all, with agents who are properly registered with ASU under this policy and process.
- b. Whether contact will be permitted in any sport is at the discretion of the head coach and, if permitted, must occur in accordance with NCAA or any relevant player association rules and the following:
 - i. In-person contacts and communications must take place at on campus and contacts/communications must be coordinated and approved through the Compliance Office beforehand. The Compliance Office may require that a Compliance Office or other SDA staff member be at the meeting. Home and other off-campus visits with a student-athlete, his or her family members, or anyone with whom he or she is associated are prohibited.

[Note: The Compliance Office may permit off-campus contacts or communications between student-athlete, his or her family members, or anyone with whom he or she is associated and an agent if the Compliance Office, in its sole discretion, determines that the risks related to those in-person off-campus contacts/communications can be mitigated through additional educational, monitoring, or other safeguards. In these cases, the Compliance Office may create a written record of the additional education, monitoring, or other safeguards used.]

- ii. Before any other contact or communication occurs (e.g., telephone, email, text), the agent must notify the Compliance Office. Contacts and communications for football are subject to additional policy guidelines found in the Football Agent Timeline Supplement.

5. Policy Oversight and Enforcement –

- a. The Compliance Office, in consultation with the head coach and the Office of General Counsel, oversees the enforcement of ASU's agent policy.
- b. If a violation of the agent policy is determined or an agent is suspended or disciplined by any players' association, sports league, state regulatory body,

Professional Sports Counseling Panel, bar association, or other appropriate entity, one or more of the following disciplinary actions may be taken by ASU:

- i. Issuance of an informal reprimand to be retained in the agent's file at ASU;
 - ii. Issuance of a written reprimand to the agent to be retained in the agent's file at ASU;
 - iii. Suspension of the agent's ASU registration for a period of time;
 - iv. Revocation of the agent's ASU registration;
 - v. Notification of the appropriate entity of a violation of this policy and process; and/or
 - vi. Other disciplinary action as deemed appropriate by the Compliance Office.
- c. The decision of the Compliance Office with respect to disciplinary action will constitute final disposition of the matter.

6. Agent Registration Process –

- a. Any individual who is an agent as defined under this policy (see (1)(b) above) will complete ASU's Agent Registration Form (or a renewal thereof).
- b. The Compliance Office will determine whether to grant or deny the registration or to seek additional information from the applicant. Grounds for denial include, but are not limited to:
 - i. Prior conduct involving fraud, misrepresentation, embezzlement, misappropriation of funds, theft, or similar behavior;
 - ii. Prior conduct involving violations of the rules and regulations of ASU, the NCAA or an NCAA Conference, a professional league, a players' association, a state, or any other relevant regulatory or governing body;
 - iii. Any other conduct which, in the Compliance Office's discretion, adversely affects the competence, credibility, or integrity of the registrant to serve as a student-athlete's agent.
- c. If ASU denies or revokes an agent's registration, ASU will take reasonable actions to discourage contact between ASU student-athletes and the agent concerning matters of potential agent representation. The agent will not be permitted to enter ASU's property for the purposes of seeking to represent student-athletes.

- d. Upon approval of an agent's registration request, the agent will be subject to the continuing requirements of this policy and enjoy the benefits associated therewith.
 - e. Approval of an agent's registration will not be considered an endorsement or recommendation of the agent by ASU, nor is it evidence of an agent's qualifications or abilities to effectively represent student-athletes and the agent may not hold out otherwise.
 - f. Acceptance of registration will not confer liability upon ASU for any acts by or the conduct of the agent.
 - g. An agent must maintain the completeness and accuracy of his or her registration information throughout the duration of the registration.
 - h. Agent registration will be valid for two years.
7. Benefits Of Registration –
- a. An agent registered under this policy will be:
 - i. Identified as a registered agent with ASU in materials that are available to student-athletes and their families.
 - ii. Allowed to submit materials indicating the agent's credentials, background, and services which will be retained in the Compliance Office.
 - iii. At the request of the student-athlete or at an appropriate time, as determined by the head coach and the Compliance Office, ASU will provide the student-athlete with a list of all ASU registered agents seeking to represent the student-athlete, along with any information an agent has submitted to the Compliance Office.
 - iv. Eligible to communicate with student-athletes under the terms of this policy and process (or relevant sport-specific contact timeline supplement) and in accordance with NCAA, Pac-12, and relevant player association rules and regulations.