



MEMORANDUM

June 11, 2012

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www.ncaa.org

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

FROM: Rachel Newman Baker  
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 agents<sup>1</sup> and

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<sup>1</sup> 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

*An association of over 1,200 members serving the student-athlete*

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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.

### **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 open athletics event and accept prize money. (Note: The limited exception for Division I student-athletes. See FAQ No. 4 below.)
4. If you sign a marketing or endorsement contract.
5. If you accept gifts, benefits or services from someone other than your family member or legal guardian.

### **Key Tournaments and Dates:**

- 2012 USA Junior Track Nationals, June 15-17, Bloomington, Indiana.
- 2012 USA Olympic Trials, June 22 - July 1, Eugene, Oregon.
- 2010 NACAC U-23 Championship, July 6-8, Guanajuato, Mexico.

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

### **Frequently Asked Questions:**

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

**YES!** You may compete in an open 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: There is a limited exception for Division I student-athletes to accept prize money based on finish or performance in an open event provided the competition occurs outside the institution's declared playing and practice season and during the institution's summer vacation period. However, the prize money cannot exceed actual and necessary expenses and can only be provided by the event sponsor. See FAQ No. 4 below.)

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

**YES!** You may compete in an event as an individual or as a member of an amateur team 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 outside of my institution's playing and practice season?*

Division I Student-Athletes:

Based on a limited exception for Division I student-athletes you may accept prize money based on your place finish or performance in an open event (not an invitational event) **provided** the competition occurs outside your institution's declared playing and practice season during your institution's summer vacation period. **However**, the prize money cannot exceed your actual and necessary expenses and can **only** be provided by the sponsor of the event.

Division II and III Student-Athletes:

**NO!** The above limited exception to accept prize money is not available for Division II and III student-athletes.

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?*

**NO!** Only your natural or legal guardian or the nonprofessional organization that sponsors the competition may provide you with any actual and necessary expenses or any other form of compensation while you are not representing an educational institution.

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

**NO!** You are **not** permitted to accept any type of preferential treatment, benefits or services from anyone other than your family members or legal guardians. However, you may accept competition-related expenses (e.g., *apparel, transportation, lodging*) 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 the U.S. Olympic

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Committee (USOC), USA Track and Field (USATF) or for international student-athletes, the equivalent organization 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 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 Question 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 on 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 running 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.

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**SIGNATURE:**

**Please sign your name and date below, which confirms that you have reviewed and understand this form and the information contained therein. I understand that if I am found to be in violation of the provisions of any of the information mentioned above, I may be declared ineligible for further intercollegiate competition.**

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Student-Athlete Signature

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Date

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Printed Name

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Institution

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Head Coach

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Date

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Compliance Officer

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Date

JT:MZ:bh