



UTSA Student-Athlete Agent Policy

- I. **Purpose:** The University of Texas at San Antonio (hereafter referred to as “UTSA”) athletic department supports its student-athletes that pursues a career in professional athletics. UTSA is committed to providing student-athletes with information and other resources that will assist in making decisions regarding their potential professional opportunities. This document outlines the policies applicable to student-athletes at UTSA and agents to ensure compliance with NCAA Bylaw 12.3 (Use of Agents) and Texas state laws. For the purpose of this policy, the term agent applies to any individual that meets the National College Athletic Association (NCAA) definition within Bylaw 12.02.1 and 12.02.1.1, including financial advisors, marketing representatives and those working on behalf of such individuals.
- II. **Philosophy:** To insure compliance for all individuals and entities with applicable Texas law, including the Texas Athlete Agent Act; Chapter 2051 and NCAA Rules. Along with providing athlete-agents, advisors and student-athletes and their families with guidelines to follow to insure that eligibility of student-athletes is not jeopardized. The policies and procedures below address the needs of both student-athletes and agents who seek to represent them once their eligibility is completed.
- III. **Applicability:** This policy applies to all student-athletes at UTSA and any agent who wishes to contact student-athletes at UTSA and/or their families. In accordance with Texas state law, UTSA 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 the State.
- IV. Required UTSA Compliance Office Forms and Documents
 - a. UTSA Athlete-Agent Registration Form

V. NCAA Bylaws:

12.02 DEFINITIONS AND APPLICATIONS.

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.

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.

12.3 USE OF AGENTS.

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.

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.

12.3.1.4 Benefits from Prospective Agents. [A] An individual shall be ineligible per Bylaw [12.3.1](#) if he or she (or his or her family members or friends) accepts transportation or other benefits from: *(Revised: 1/14/97, 1/16/19)*

- (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.

12.3.2.1 Presence of a Lawyer at Negotiations. [A] A lawyer may not be present during discussions of a contract offer with a professional organization or have any direct contact (in person, by telephone or by mail) with a professional sports organization on behalf of the individual. A lawyer's presence during such discussions is considered representation by an agent.

*Not intended to be exhaustive; involved parties should familiarize themselves with relevant and applicable NCAA bylaws.

VI. Texas Law Provisions*: The Texas Athlete Agents Act (Chapter 2051, Occupations Code) includes the following provisions:

- An "athlete" is defined to include individuals:
 - Eligible to participate in intercollegiate sports contests at an institution of higher education; or
 - Who participated in an intercollegiate sport and have never signed an employment contract with a professional sports team.
 - An "athlete agent" is defined to include an individual who:
 - For compensation, directly or indirectly recruits or solicits an athlete to enter into an agent contract, a financial services contract, or a professional sports services contract with that person or another person; or
 - For a fee, procures, offers, promises, or attempts to obtain employment for an athlete with a professional sports team.
 - A person may not act as an athlete-agent in Texas or represent that she or he is an athlete-agent in Texas unless she or he holds a certificate of registration. An agent contract negotiated by an unregistered athlete-agent is void.
 - Athlete-agents shall strictly comply with the guidelines adopted under Section 2051.251 relating to the time, place, and duration of an athlete-agent interview program.
 - An athlete-agent may not enter into a written or oral agreement with an employee of an institution of higher education in which the athlete-agent offers a thing of value to the employee for the referral of clients by the employee. Likewise, an athlete-agent may not offer a thing of value to induce an athlete to enter into an agreement with the athlete-agent in which the athlete-agent will represent the athlete. Nor can athlete-agents furnish anything of value to anyone other than the athlete or another registered agent to induce an athlete to enter into an agreement with the athlete-agent.
 - Except as provided in Chapter 2051, Occupations Code, an athlete-agent may not initiate any contact with an athlete. Further, except as provided in Chapter 2051, Occupations Code, before an athlete competes her or his last intercollegiate sports contest, an athlete-agent may not directly contact the athlete or enter into an oral or written agreement to represent the athlete.
 - Athlete-agents may send written materials to an athlete relating to the professional credentials or services of the athlete-agent if she or he simultaneously sends a copy of all such materials to the athletics director of the athlete's institution (or to the athletic director's designee).
 - If an athlete-agent is contacted by an athlete or the athlete's parents or legal guardian to schedule a meeting to discuss services offered by the athlete-agent, the athlete-agent shall, before meeting with the athlete or her or his parents or legal guardians, notify the athletics director of the athlete's institution or the athletics director's designee.
 - A registered or unregistered athlete-agent who violates Chapter 2051, Occupations Code may be subject to an administrative penalty, forfeiture of the right to payment, a refund of

consideration paid to the athlete-agent, and payment of attorney's fees and court costs incurred by an athlete who files suit against an athlete-agent.

- The secretary of state may issue a subpoena or summons to compel the items specified in Chapter 2051, Occupations Code. Individuals who fail or refuse to comply with a subpoena or summons shall be referred to the attorney general for enforcement. If the secretary of state determines that someone violated the chapter, the secretary shall refer the violation to the attorney general for prosecution and take appropriate disciplinary action. An athlete-agent commits a criminal offense by intentionally or knowingly violating Chapter 2051, Occupations Code.
- An institution of higher education adversely affected by an athlete-agent's violation of Chapter 2051, Occupations Code may file suit against the athlete-agent for damages and may recover actual damages, exemplary damages, court costs, and reasonable attorney's fees.
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VII. Contact with Student-Athletes

- A. **Student-Athlete Initiating Contact:** A student-athlete or student-athlete's parent or legal guardian may contact an agent to schedule a meeting, provided the agent notifies UTSA's Athletic Compliance Office prior to initiating contact. If required by the Texas Athlete Agent Act, registers with the Texas Office of the Secretary of State within 7 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 UTSA Athletic Compliance Office. Agents are otherwise prohibited from initiating contact with UTSA student-athletes without notifying the UTSA Athletic Compliance Office. TO notify UTSA Athletic Compliance Office, agents must send written or electronic correspondence to the individuals list in section IX of this policy stating their intent to initiate contact with UTSA student-athletes at a minimum of ten (10) days before the desired interview or the UTSA scheduled event. Upon receipt of an agent's statement of intent, UTSA Athletic Compliance Office will advise the individual of relevant NCAA rules and Texas state laws.
- C. **Non-Registered Agent Initiating Contact:** If the Texas Athlete Agent Act requires an individual to register in the State of Texas prior to contacting an enrolled UTSA student-athlete, and that individual contacts UTSA without prior registration, UTSA Athletic Compliance Office will notify the Teas Office of Secretary of State and the applicable sport's association. In addition, the individual will not be permitted to participate in any on-campus interviews with UTSA student-athletes until her or she has registered under the Texas Athlete Agent Act and resolved any disciplinary issues with the office of the Secretary of State.

- VIII. 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 during the off season training period prior to the completion of the student-athlete's final season of eligibility. Registered agents can request to meet with those student-athletes outside their final year of eligibility.

- a. UTSA Athletic compliance office will notify each certified agent registered with the State of Texas of the scheduled interviews at least 30 days in advance. All agents must have and active registrations at the time of interviews in order to participate.
- b. The interviews will be conducted under the direction of UTSA Athletic Compliance Office. UTSA Athletic Compliance Office will schedule interviews and provide date, time, and location.
- c. UTSA Athletic Compliance Office will provide registered agents a list of student-athletes eligible to participate in the interview process. Agents may submit their interview request to UTSA Athletic Compliance office and UTSA Athletic Compliance Office will provide each student-athlete with the names of those agents who have requested an interview.

VI. Violation of NCAA Rules and/or Texas Athlete-Agent Act: When an athlete agent breaches protocol with the above, results include:

- a. Notification to the athlete-agent of his or her violation;
- b. No responsibility of UTSA to respond to any inquiries by the agent;
- c. Subject to exclusion from future athlete-agent interview periods conducted by UTSA; and
- d. Notification to Texas State Office of Secretary of State for appropriate disciplinary measures under the Texas Athlete Agent Act

VII. Annual Review: UTSA Athletic Compliance Office will submit this policy to the Secretary of State annually.

- A. UTSA Athletic Compliance Office Shall update the student-athlete/agent interview policy to ensure the compliance of the student-athletes/agents with the Texas Athlete Agent Act and any rules adopted under the Act as well as Conference USA and NCAA legislation.
- B. UTSA Athlete Compliance Office will provide student-athletes and registered agents with a copy of this policy
- C. Any questions regarding this policy should be addressed to:

Steve Lautz
Associate Athletics Director of Compliance
University of Texas at San Antonio
One UTSA Blvd
San Antonio, Tx 78249
Telephone: 210-458-5493
Fax: 210-458-7902
Email: Stephen.Lautz@utsa.edu

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

Mike Powell
Chief, Legal Support Unit
Texas Office of the Secretary of State
Telephone: 512-463-9856
Email: MPowell@sos.state.tx.us