

INSTITUTIONAL COMPLIANCE GUIDELINES

Complying with NCAA rules and regulations is paramount for any Division I institution. Liberty University is responsible for insuring that its coaches, student-athletes, faculty and staff, alumni, donors, and friends abide by NCAA regulations. Under these guidelines, alumni, donors, and friends are categorized as “representatives of athletics interests” of Liberty University (athletics representatives).

This brochure is a quick reference to some of the most important NCAA rules, which apply to our athletics representatives. However, all applicable situations cannot be covered in this pamphlet. Please recognize that an uninformed or inappropriate interaction with a prospective or an enrolled student-athlete might jeopardize his or her eligibility, the sport he or she represents, or the institution itself.

The University greatly appreciates your loyal support and continued interest in its athletics programs. As we strive for continued excellence in athletics, as well as academics, we must always seek the highest standard of ethical conduct. Your valued cooperation can be of assistance in accomplishing these common goals.

FOR MORE INFORMATION OR COMPLIANCE RELATED QUESTIONS

If you have any questions concerning your role as an athletics representative or your relationship with a prospective or enrolled student-athlete, please direct your inquiry to:

Meredith Hollyfield
Asst. A.D. for Compliance/SWA
Liberty University
1971 University Blvd.
Lynchburg, VA 24502-2269
(434) 582-2112
mmhollyf@liberty.edu

DEFINITIONS YOU SHOULD KNOW

Representative of Athletics Interests

You are a “Representative of Athletics Interests” if you have at any time:

- Participated in or been a member of an agency or organization promoting Liberty University’s intercollegiate athletics program;
- Made a donation to any of Liberty University athletics programs or the Flames Club;
- Assisted or been requested (by the athletics department staff) to assist in the recruitment of prospective student-athletes;
- Arranged for or provided summer employment for enrolled student-athletes;
- Assisted in providing any benefit to enrolled student-athletes or their families;
- Contacted (by letter, telephone, or in-person) a high school student, grades 9-12, for the purpose of encouraging the student to participate in the Flames athletics program (no longer permissible in most cases);
- Been involved in any way in promoting the Flames athletics program.

Once an individual is identified as an athletics representative, the person retains that identity **indefinitely**, even if he/she no longer contributes to, or is involved with the athletics program.

Prospective Student-Athlete (PSA)

A “prospective student-athlete” is defined as a student who has started classes for the ninth (9th) grade. A younger student may become a PSA if the institution provides such an individual (or relatives or friends) any financial assistance or other benefits not provided to prospective students generally.

Enrolled Student-Athlete (SA)

An “enrolled student-athlete” is a student whose enrollment was solicited by a member of the athletics staff or an athletics representative with a view toward the student’s ultimate participation in the intercollegiate athletics program. Any other student becomes a student-athlete only when the student reports for an intercollegiate squad that is under the jurisdiction of the athletics department.

Contact

A “contact” is any face-to-face encounter between a PSA or the PSA’s parents or legal guardians and an institutional staff member or athletics representative during which any dialogue occurs in excess of an exchange of a greeting.

An encounter with a PSA is defined as:

- 1) Prearranged;
- 2) Takes place on the grounds of the PSA’s school;
- 3) Takes place at the site of organized competition; or
- 4) Takes place at an official practice involving the PSA or his/her high school, prep school, two-year college, or all-star team; shall be considered a “contact” regardless of the conversation that occurs.

Recruiting

“Recruiting” is any solicitation of a PSA or the PSA’s family (including legal guardians) by a University staff member or by an athletics representative for the purpose of securing the PSA’s enrollment and participation in the University’s intercollegiate athletics program.

Offers and Inducements

Making an “offer or inducement” is being involved, directly or indirectly, in making arrangements for, giving, or offering to give any financial aid or other benefits to the PSA or the PSA’s relatives or friends. Specifically prohibited financial aid, benefits, and arrangements include, but are not limited to, the following:

- Arranging employment for a PSA’s relatives;
- Giving the gift of clothing or equipment;
- Cosigning of loans;
- Providing loans to a PSA’s relatives or friends;
- Giving cash or like items;
- Giving any tangible items, including merchandise;
- Providing free or reduced-cost services, rentals, or purchases of any type;
- Providing free or reduced-cost housing;
- Providing use of an institution’s athletics equipment (e.g., for a high-school all-star game); and
- Sponsoring or arranging for an awards banquet for high-school, preparatory school, or two-year college athletes by an institution, representatives of its athletics interests, its alumni groups, or its fundraising organizations.

Extra-Benefit

An “extra benefit” is the receipt of any special arrangement by an institutional employee or an athletics representative to provide a SA or PSA, or their relatives or friends, with a benefit not

expressly authorized by NCAA legislation. Examples of “extra-benefits” include, but are not limited to, the following:

- Providing gifts or free or reduced-cost services;
- Providing a loan or arranging or co-signing for a loan;
- Providing the use of an automobile;
- Providing rent free or reduced-rent housing;
- Exchanging any item of value for complimentary admission;
- Providing use of a phone credit card number to make phone calls;
- Arranging discounts on travel;
- Employing relatives or friends of a PSA as an inducement for the enrollment of a PSA;
- Promising to provide any of the above.

CONSEQUENCES TO ATHLETICS REPRESENTATIVES FOR NCAA VIOLATIONS

NCAA Bylaw 6.4.2.1 – Agreement to Provide Benefit or Privilege

Any agreement between an institution (or any organization that promotes, assists or augments in any way the athletics interests of the member institution, including those identified per Constitution 6.4.1) and an individual who, for any consideration, is or may be entitled under the terms of the agreement to any benefit or privilege relating to the institution’s athletics program, shall contain a specific clause providing that any such benefit or privilege may be withheld if the individual has engaged in conduct that is determined to be a violation of NCAA legislation. The clause shall provide for the withholding of the benefit or privilege from a party to the agreement and any other person who may be entitled to a benefit or privilege under the terms of the agreement. *(Adopted: 1/10/95)*

For further information regarding Benefits and Privileges, please see the *2005-06 NCAA Division I Manual*, Section 6.4 “Responsibility for Actions of Outside Entities” or contact Meredith Hollyfield at 434-582-2112.

RECRUITMENT OF PSAs

Statement of Philosophy:

Liberty University Department of Athletics is committed to recruiting and retaining student-athletes of outstanding integrity and character. We embrace our role in helping to develop student-athletes into positive contributors, and we expect them to act as exceptional representatives of Liberty University and to serve as role models and leaders for their peers. To this end, our coaches, administrators, and support staff are charged with providing guidance and support for our student-athletes, and holding them accountable in the event of questionable conduct. We strive to maintain an athletics environment that encourages ethical behavior and respects difference.

Recruiting Policies:

The Department of Athletics’ recruiting policies are an essential component of our sport program administration and the student-athlete experience. Adherence to these policies helps to ensure the safety of our student-athlete hosts and prospective student-athletes while on official and unofficial visits. The policies are intended to protect the image of all sport programs, head and assistant coaches, the athletics department, and Liberty University.

Involvement of Representatives of Athletics Interests:

Athletics department staff members are always interested in learning of new prospective student-athletes. However, strict guidelines prohibit much of what you can do as a representative of the University's athletics interests.

LIBERTY UNIVERSITY ATHLETICS APPROVES OF ATHLETICS REPRESENTATIVES' INVOLVEMENT IN THE FOLLOWING:

DO inform Division of Athletics personnel invited to speak at alumni functions if prospective student-athletes (prospect) will be in attendance. There are certain time periods when our coaching staff is prohibited from any contact with a prospective student-athlete off the LU campus.

DO feel free to attend junior or senior high school or junior college athletic events. NCAA rules do not prohibit you from doing so...only you may not have any contact with a prospect or member's of the prospect's family while you are in attendance. If you find yourself sitting next to the parents of a prospect, be sure not to initiate any conversation about LU. If contact or conversation is initiated with you, you are permitted to respond in a civil manner. Please do not discuss LU's athletic program, but refer all questions to our Department of Athletics.

DO feel free to engage in all of your normal activities. Incidental contact with prospects (or members of their families) is not prohibited. If you find yourself playing on the same pick-up softball team with a prospect's father for instance, or at a neighborhood barbecue, don't worry, be yourself. Just be sure to explain that according to NCAA rules, you cannot discuss the LU athletic programs with them, but you would be more than happy to refer them to the Department of Athletics.

DO feel free to offer your assistance to a LU coach who is recruiting in your area, such as providing the coach with a car or meal, or suggesting people to contact for information on a prospect.

DO provide employment for a prospect (subsequent to high school graduation) and currently enrolled student-athletes at regular rates of pay for similarly situated non-athlete employees. We require all athletes to maintain a written employment record with the Department of Athletics.

DO feel free to invite a team to dinner to meet with alumni or friends in a city where they play. student-athletes may participate in many events and are allowed to receive, as a team, benefits that individual student-athletes may not. Always make such arrangements through the respective head coach, and the Compliance Office.

LIBERTY UNIVERSITY ATHLETICS ASKS ATHLETICS REPRESENTATIVES TO REFRAIN FROM THE FOLLOWING:

DO NOT invite selected junior or senior high school or junior college prospects to alumni events. NCAA rules prohibit contact between alumni and prospects at both on-campus and off-campus sites. Alumni and friends may entertain prospects under certain conditions that do not involve singling out athletes for special treatment...such as inviting ALL high school seniors who have been awarded scholarships (academic and athletic) to an alumni or Department of Athletics booster club event.

DO NOT bring your son or daughter or any other guest to an alumni gathering if he or she is in the ninth grade or higher, and participating in athletics.

DO NOT telephone or write to a prospect for the purpose of soliciting their participation in the LU athletic program. If a prospect initiates a telephone conversation with you, you are obliged to refer all

questions regarding LU's athletic program to the Department of Athletics. You should also inform the prospect that NCAA rules prohibit recruiting contacts with anyone but the Department of Athletics.

DO NOT make in-person contact with a prospect either on or off LU's campus. If you know a coach is entertaining one or more prospects at an event on campus, please don't approach the coach while prospects are present.

DO NOT contact a prospect's coach, principal or counselor in an attempt to evaluate the prospect and do not visit the prospect's educational institution to pick up films or transcripts pertaining to the evaluation of the prospective student-athlete's academic eligibility or athletic ability.

DO NOT directly or indirectly become involved in making arrangements for a prospect, the prospect's relatives, or friends to receive money, financial aid, or equivalent inducements even if similar financial aid benefits or arrangements are available to prospective students in general, their relatives and friends. For instance, a prospective student who does not participate in athletics may accept a ride to visit LU from a neighbor who is an alumnus. A prospect who participates in athletics may not.

DO NOT provide any of the following prohibited inducements to prospects:

- CASH or LOANS
- promise of employment after college graduation
- special discounts
- payment arrangements on loans
- employment of relatives or friends of a prospect
- involvement in arranging for free or reduced charges for professional or personal services
- purchases, or charges of items
- use of an automobile
- providing transportation to or from a summer job or to any other site (unless provided to all employees)
- signing or co-signing a note for a loan
- loan or gift of money for other tangible items, clothes, stereos cars, jewelry etc.
- financial aid other than administered by LU
- the promise of financial aid for post-graduate education
- free or reduced-cost housing arrangements.

DO NOT contact enrolled student-athletes at other four-year institutions for the purpose of exploring the possibility of their transferring to LU and participating in our athletic program. The NCAA has strict rules concerning such matters. If a student-athlete at another institution contacts you about the possibility of transferring to LU, explain to him or her that you cannot discuss this possibility without a release from the previous institution.

DO NOT pay or arrange for the payment of transportation costs incurred by a prospect or the relatives or friends of a prospect to visit LU. The Department of Athletics is allowed to provide a limited number of expense paid visits for prospects to visit LU.

DO NOT provide free tickets to prospects or their family members to either home or away LU contests. The Department of Athletics may provide complimentary admissions to home athletic contests to prospects through a pass list.

DO NOT establish any fund for the purpose of recruiting prospects. If you wish to contribute to such efforts, make direct tax deductible contribution to the Department of Athletics and indicate how you would like the funds to be used. The Department of Athletics must administer all funds used for recruiting.

DO NOT entertain, provide tickets, gifts or other benefits to junior high or senior high school, preparatory school, or junior college coaches at any time. The Department of Athletics is allowed to provide them with complimentary admissions, however, Representatives of Athletics Interests may not.

DO NOT pay in whole or in part or lend funds for the payment of registration fees for any prospect to attend a summer sports camp.

DO NOT mail anything to a prospect, such as newspaper clippings, posters, programs etc. The NCAA restricts the types of materials, which may be sent to prospects and prohibits anyone but Department of Athletics employees from distributing such materials or communicating with prospects in writing.

DO NOT provide employment to a prospect or currently enrolled student-athlete without checking first with the Department of Athletics. The Department of Athletics is permitted to arrange employment for prospects in the summer prior to their enrollment as a freshman and for enrolled student-athletes during summers, Christmas, spring and other semester breaks.

DO NOT employ prospects prior to the completion of their senior year in high school.

DO NOT employ a currently enrolled student-athlete on athletics scholarship during the academic year without the permission of the Department of Athletics.

DO NOT provide free transportation to and from jobs for student-athlete employees during summer and vacation periods, unless the same free transportation is available to all employees.

DO NOT provide room, board, or transportation costs incurred by friends or family of an enrolled student-athlete to visit LU or to attend a LU athletic event.

DO NOT provide any payment of expenses or the loan of an automobile for a student-athlete to return home or to any other location to receive an award or for any other personal reason.

DO NOT provide any extra benefit or special arrangement to student-athletes or friends or relatives of student-athletes. The NCAA considers extra benefits to include, but not limited to:

- special discounts
- payment arrangement, or credit on purchases
- tickets, clothes or services (laundry, tailoring, etc.)
- a loan of money in any amount
- the use of an automobile
- the purchase of meals or services
- transportation to or from a summer job (unless provided to all employees)
- signing or co-signing a loan
- selling or giving a student-athlete a ticket to an athletic, university, community event

DO NOT provide enrolled student-athletes with free professional services for which a fee would normally be charged (dental, medical services, haircuts, etc.)

DO NOT expend funds to entertain student-athletes, their friends or relatives.

DO NOT permit student-athletes or their friends or relatives to use your telephone for free long-distance calls.

DO NOT provide gifts or awards to student-athletes for their athletic performance. All awards must conform to NCAA award restrictions, and must be approved by the Department of Athletics. Check with the Department of Athletics first before permitting a hometown group or business to provide any award to a student-athlete.

DO NOT use the name or picture of an enrolled student-athlete to directly advertise, recommend or promote the sale or use of a commercial product or service of any kind. Such use will render the student-athlete immediately ineligible for intercollegiate competition.

DO NOT provide an honorarium to a student-athlete for a speaking engagement. Student-athletes may only receive necessary travel expenses when speaking to educational or charitable organizations. All speaking engagements must be approved in advance by the Department of Athletics.

DO NOT give money to any student-athlete, even if it is for the purpose of paying expenses for amateur athletic competitions. All expense funds must be provided through the Department of Athletics.

OCCASSIONAL MEALS - NCAA BYLAW 16.12.1.5

A student-athlete or the entire team in a sport may receive an occasional meal in the locale of the institution on infrequent and special occasions from an institutional staff member. An institutional staff member may provide reasonable local transportation to student-athletes to attend such meals. A student-athlete may receive an occasional family home meal from a representative of athletics interests on infrequent and special occasions under the following conditions: *(Revised: 1/10/92, 4/25/02 effective 8/1/02)*

- (a) The meal must be provided in an individual's home (as opposed to a restaurant) and may be catered; and *(Revised: 4/25/02 effective 8/1/02)*
- (b) A representative of the institution's athletics interests may provide reasonable local transportation to student-athletes to attend the meal function only if the meal function is at the home of that representative. *(Revised: 4/25/02 effective 8/1/02)*

COMMON COMPLIANCE QUESTIONS FROM REPRESENTATIVES OF ATHLETICS INTERESTS

- Q.** Is it permissible for athletics representatives to attend high school games and make contact with the PSA's parents?
- A.** It is permissible to attend high school games; however, the athletics representative must not make contact with the PSA or the parents or guardians of a PSA.

- Q.** What should I, as an athletics representative, do if a PSA contacts me?
- A.** Explain to the PSA that you are permitted to discuss the educational programs of the institution, but not the athletics department. Give the PSA a number and name of an athletics department staff member or coach to contact.

- Q.** My neighbor happens to be a PSA who is a great athlete and I want him/her to attend Liberty University, what should I do?
- A.** Continue your relationship with normal civility and make the athletics department aware of your neighbor so that an athletics department staff member or coach can initiate recruitment of the PSA.

- Q.** I purchase season tickets every year, but have not been involved with a friends' organization. Am I considered an Athletics Representative of Liberty University?
- A.** By strict definition, you would not be considered a representative just by purchasing tickets. If you were to do anything to promote the athletics program to your friends or anyone, then you become a representative.
- Q.** Am I permitted, as a representative of the institution's athletics interests, to approach a SA to ask for an autograph for my child?
- A.** Yes, we encourage it. However, you should not offer anything to the SA in return for the autograph.

LIMITED EXCEPTIONS FOR FACULTY AND STAFF TO CONTACT PSA's

- For the purpose of athletic recruitment, faculty and staff members of Liberty University are permitted to contact PSA's only on the institution's campus.
- For the purpose of athletic recruitment, faculty and staff members of Liberty University, at the direction of the coaching staff, may write PSAs on or after September 1 of their junior year in high school.
- For the purpose of athletic recruitment, faculty and staff of Liberty University, at the direction of the coaching staff, may telephone a PSA beginning July 1 subsequent to the PSA's junior year in high school.

Several exceptions apply to this rule.

AGENTS AND AMATEURISM

General Principle

NCAA Bylaw 12.01.2 indicates that member institutions' athletics programs are designed to be an integral part of the educational program and the student-athlete is considered an integral part of the student body, thus maintaining a clear line of demarcation between college athletics and professional sports. In this regard, an amateur student-athlete is one who engages in a particular sport for the educational, physical, mental and social benefits derived therein, and for whom participation in that sport is an avocation.

Agents

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.

1. **Student-Athlete Signing Agreement With Attorney:** A student-athlete is not permitted to sign an agreement with an attorney to represent the student-athlete in screening inquiries and analyzing offers from agents, inasmuch as it would be contrary to 12.3.1 (representation by an agent).
2. **Relationship Between Student-Athlete and Lawyer who Contacted Professional Football Teams on Student-Athlete's Behalf:** The staff agreed that an agency relationship existed between a student-athlete and a lawyer, contrary to the provisions of

12.3.1, in a situation in which the student-athlete received a "tryout" with one professional team as a result of the lawyer's efforts, and the student-athlete and the lawyer communicated with each other over a five-month period regarding the reaction of the professional teams.

3. **Student-Athlete Signing Agreement with Agent and Participating in an All-Star Contest:** A student-athlete who has signed with an agent subsequent to the completion of the student-athlete's eligibility in that sport (including postseason team competition) still would be permitted to participate in an individual all-star contest.
4. **Student-Athletes Establishing Agreements with Financial Advisors:** A financial advisor can be treated as an agent for purpose of the application of NCAA legislation if he or she acts as an agent. Accordingly, NCAA rules do not prohibit student-athletes from agreeing to be represented by a financial advisor, whose responsibilities are limited solely to the functions of a money manager.
5. **Student-Athlete Retaining Agent to Pursue Radio/Television/Theatre Appearances:** A student-athlete who is seeking a degree in the performing arts (e.g., theatre, drama) may retain an entertainment agent for the purposes of pursuing appearances on radio, television, and theatre, provided the student-athlete's athletics reputation or ability is not used in any manner to secure such appearances and any compensation received by the student-athlete is at a rate commensurate with the individual's skills and experience as a performer and not based in any way on the individual's athletics ability or reputation.

Involvement of Coaches

1. Marketing Student-Athletes to Professional Teams/Organizations. Staff members of the athletics department of a member institution shall not represent, directly or indirectly, any individual in the marketing of athletics ability or reputation to an agent, a professional sports team or a professional sports organization, except as specified in 11.1.5.1, and shall not receive compensation or gratuities of any kind, directly or indirectly, for such services.
2. Exception -- Professional Sports Counseling Panel and Head Coach. An institution's professional sports counseling panel or a head coach in a sport may contact agents, professional sports teams or professional sports organizations on behalf of a student-athlete, provided no compensation is received for such services. The head coach shall consult with and report his or her activities on behalf of the student-athlete to the institution's professional sports counseling panel. If the institution has no such panel, the head coach shall consult with and report his or her activities to the chief executive officer, [or an individual or group (e.g., athletics advisory board) designated by the chief executive officer]. The professional sports counseling panel and the head coach may:
 - a. Communicate directly (e.g., in-person, by mail or telephone) with representatives of a professional athletics team to assist in securing a tryout with that team for a student-athlete;
 - b. Assist the student-athlete in the selection of an agent by participating with the student-athlete in interviews of agents, by reviewing written information player agents send to the student-athlete and by having direct communication with those individuals who can comment about the abilities of an agent (e.g., other agents, a professional league's players' association); and
 - c. Visit with player agents or representatives of professional athletics teams to assist the student-athlete in determining his or her market value (e.g., potential salary, draft status).

3. **Coach/Parent -- Negotiations.** A parent, who is an institution's coaching staff member, may participate in the activities listed in 12.2.4.3 (e.g., negotiations with professional team) on behalf of his or her child without jeopardizing the individual's amateur status. The coach, however, is not permitted to engage in any activities related to the marketing of his or her son's or daughter's athletics ability or reputation except as permitted in 11.1.5.1.

Representation for Future Negotiations

An individual shall be ineligible per 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.

Benefits from Prospective Agents

An individual shall be ineligible per 12.3.1 if he or she (or his or her relatives or friends) accepts transportation or other benefits from any person who represents the individual in the marketing of his or her athletics ability, or any 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. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general.

1. **Student-Athlete Receives Transportation From an Agent:** A student-athlete would jeopardize his or her intercollegiate eligibility in a particular sport if he or she accepted from a prospective agent automobile transportation from the member institution's campus to the prospective agent's office to discuss services the agent could provide to the student-athlete.
2. **Student-Athlete Who is a Multi-sport Participant Receives Money From an Agent:** A student-athlete may sign an agency contract for a particular sport, but by doing so, the student-athlete would render himself or herself ineligible in that sport. A student-athlete who receives money (or other benefits) from an agent who is representing the student-athlete only in a particular sport would remain eligible to participate in a second sport at the member institution. Under such circumstances, the student-athlete's financial aid would be required to be graduated in an amount equal to the loan or the value of the benefits.
3. **Agent Charging Fee to Student-Athlete on Deferred Payment Schedule:** A student-athlete jeopardizes his or her eligibility if an agent provides advice to the student-athlete about a professional contract with the understanding that the student-athlete will pay the agent for such services once the student-athlete has been drafted by a professional sports organization, regardless of the fact that the agent provides the service only to student-athletes and has the same fee arrangement for all clients.
4. **Agent Employing Student-Athlete:** It would be necessary to sponsor legislation in order to preclude the employment of a prospect or a student-athlete by an agent under any circumstances.
5. **Receipt of Improper Benefits:** A student-athlete is determined to have received an improper benefit at the time the student-athlete accepts a benefit associated with an item that is not otherwise permissible under NCAA legislation. In situations in which a student-athlete accepts but does not actually use the impermissible item, such information may be considered as a mitigating factor in any appeal for restoration of the student-athlete's eligibility.

Legal Counsel

Securing advice from a lawyer concerning a proposed professional sports contract shall not be considered contracting for representation by an agent under this rule, unless the lawyer also represents the student-athlete in negotiations for such a contract.

1. **Advice From Individuals Other Than Attorneys:** This legislation (12.3.2) was not intended to restrict individuals other than lawyers (e.g., financial consultants, family friends) from giving advice regarding professional contracts. Advice may be secured from any individual concerning a proposed contract, provided the individual in turn does not represent the student-athlete in negotiations for such a contract.
2. **Attorneys and Professional Contracts:** The background and original purpose of 12.3.2. In 1974, NCAA members recognized that student-athletes might need legal advice to assist them in understanding and evaluating professional sports contract offers made to them while they had eligibility remaining. Accordingly, member institutions adopted the current clause of 12.3.2 that permits a student-athlete to seek advice from a lawyer, provided the lawyer does not represent the student-athlete in negotiations for a professional sports contract.

It was noted on the NCAA Convention floor during consideration of the proposal that a student-athlete may seek the advice of a lawyer relative to future negotiations or discussion of the individual's professional aspirations, so long as the lawyer does not become actively involved in negotiations with the professional team or organization. This legislation was intended to provide an opportunity for a student-athlete to receive advice so that he or she could understand a contract offer, but it was not intended to involve the lawyer in direct contact with a professional organization.

Since the adoption of this legislation, more and more agent-attorneys have used the language to become involved actively in actual contract discussions with professional sports organizations. Some lawyers have asked professional sports organizations to communicate all contract offers to a particular student-athlete through them while at the same time insisting that they are not representing the student in contract negotiations.

The legislation does not deny an individual the opportunity to seek competent legal counsel to review the terms of a proposed professional contract and to assist the individual in understanding those terms, nor does it deny an individual the opportunity to be represented by legal counsel if he or she chooses to negotiate a professional contract and forgo his or her remaining eligibility. It does indicate that once the student decides to have legal counsel contact the professional club concerning the contract offer, the individual has agreed to be represented by an agent in the marketing of his or her athletics talent, and no longer is eligible per 12.3.2.

3. **Advice From a Lawyer or Agent Concerning a Proposed Professional Contract:** A lawyer or agent may provide advice to an individual regarding the merits of a proposed contract without jeopardizing the individual's amateur status, provided he or she has no contact with the professional sports organization, and does not market the individual's athletics ability or reputation in a particular sport.

Presence of a Lawyer at Negotiations

A lawyer may not be present during discussions of a contract offer with a professional organization or have any direct contact (i.e., in person, by telephone or by mail) with a professional sports organization on behalf of the student-athlete. A lawyer's presence during such discussions is considered representation by an agent.

For example, if an individual was drafted by a Major League Baseball team and offered a contract, his advisor would not be permitted to negotiate with the professional team. In this regard, however, the advisor could provide advice to the individual in private regarding the merits of the contract. If the individual, in turn, elected not to accept the terms of the contract, he could negotiate the terms of the contract with the professional team by himself or with the assistance of his parents or the institution's professional sports counseling panel.

GAMBLING

NCAA institutions should note the following information as it relates to gambling, and student-athletes and athletics department personnel:

Governing legislation: According to NCAA Bylaw 10.3, staff members of a member institution's athletics department and student-athletes shall not knowingly:

- (a) Provide information to individuals involved in organized gambling activities concerning intercollegiate athletics competition;
- (b) Solicit a bet on any intercollegiate team;
- (c) Accept a bet on any team representing the institution; or
- (d) Participate in any gambling activity that involves intercollegiate athletics or professional athletics, through a bookmaker, a parlay card or any other method employed by organized gambling.

The following official interpretations also relate to gambling activities:

“Soliciting or accepting a bet for a material item: The provisions of NCAA bylaw 10.3 preclude a student-athlete from soliciting or accepting a bet for a non-monetary material item (e.g., shirt, dinner) that has tangible value. The committee noted, however, that institutions that compete against each other may agree to participate for a tangible item (e.g., governors cup) provided no student-athletes receive any tangible item.”

Gambling on professional sports contests:

The prohibition against student-athletes and athletics department staff members participating in gambling activities associated with professional sports events is applicable only to those sports in which the Association conducts championship competition, Division I-A football and emerging sports. Accordingly, the provisions of Bylaw 10.3 do not apply to other types of sports wagering (e.g., horse racing, auto racing, boxing).

SIX KEY RULES TO REMEMBER

1. Only coaches and athletics department staff members are permitted to be involved in the recruiting process.

Alumni, friends, and other athletics representatives who are not employed by the University are not permitted to contact a PSA (or members of the PSA's family) by letter, telephone, or in-person (on- or off-campus) for the purpose of soliciting their participation in the athletics program. For recruiting purposes, Liberty University faculty members are permitted to engage in in-person contact with PSAs, but only on Liberty University campus. If an athletics representative recognizes a talented athlete, please contact an athletics staff member or coach.

2. A PSA remains a PSA even after he or she signs a National Letter of Intent or financial aid agreement to attend the University.

The PSA does not lose his or her PSA status until the start of classes at Liberty University or the beginning of official team practice, whichever occurs first.

3. DON'T DO ANYTHING FOR A PSA OR A SA WITHOUT SPECIFIC AUTHORIZATION FROM LIBERTY UNIVERSITY ATHLETICS DEPARTMENT.

4. The prohibition of contact with a PSA is not intended to relate to unavoidable incidental contacts with PSAs by athletics representatives.

It is understood that the athletics representatives may from time to time have contact with PSAs and/or their family members. Such contact is permissible so long as it is not made for the purpose of recruitment of the PSA, and involves only normal civility. In other words, if you meet a junior or senior high school or junior college student-athlete during your normal course of business or social activity, there is no violation as long as you do not discuss Liberty University athletics. If you are attending an alumni or athletics event and find yourself speaking with parents of a PSA, do not discuss the athletics program and excuse yourself from the discussion in an appropriate manner.

5. If a SA accepts any extra-benefits based on his or her status as an athlete or because of athletic skill, the SA will lose all eligibility for intercollegiate athletics participation.

6. Athletics representatives are reminded that NCAA rules regarding SA's remain in effect throughout the entire year, including the summer break.

ADDITIONAL RESOURCES

National Collegiate Athletic Association. *2004-05 NCAA Division I Manual*. Indianapolis, Indiana: National Collegiate Athletic Association, July 2005.

Liberty University Department of Athletics Compliance Website
(http://www.libertyflames.com/athletic_compliance.asp)

Liberty University Athletics
434- 582-2100