University of Alabama -- Policy on Agents.

THE UNIVERSITY OF ALABAMA POLICY CONCERNING
STUDENT-ATHLETES OF THE UNIVERSITY OF ALABAMA
AND AGENTS

The University of Alabama hereby adopts the following policy to assist student-athletes of The University of Alabama in dealing with persons who seek to represent them as an "agent" in individual contract negotiations with professional sports teams.

SECTION 1: SCOPE OF POLICY

It is the policy of the University of Alabama to discourage any contacts between persons seeking to represent a "student-athlete" of the University of Alabama in individual contract negotiations with a professional sports team unless he or she is first registered pursuant to this Policy and thereafter remains registered in compliance with this Policy.

The following shall be considered activities or conduct of agents:

A. Negotiating compensation and other benefits for University of Alabama student-athletes in individual contract negotiations with professional sports' teams;

B. The giving of advice, counsel and information to individual University of Alabama student-athletes or family members in the context of negotiating with or preparing for negotiations with professional sports teams;

C. Making representations as to a person's competence, skill or ability to negotiate on behalf of, to determine the potential professional worth of or to otherwise represent an athlete in the context of soliciting individual University of Alabama student-athletes to become clients; or

D. Any other activity or conduct which directly bears upon the agent's integrity, competence, or ability to properly represent individual University of Alabama student-athletes in individual contract negotiations.

SECTION 2: REQUIREMENTS FOR REGISTRATION

A. Application

Any person desiring to obtain registration as an agent from the University of Alabama must file an Application for Registration in the form attached as Appendix A.

B. Compliance with Regulations

Upon the filing of an Application for Registration, the applicant shall be deemed to have agreed with the University of Alabama that:

(1) He or she will be bound by and shall conform with its Policy, and shall not evade, violate, or circumvent, either directly or indirectly, this Policy; and

(2) Any Registration issued by The University of Alabama hereunder may be revoked if it is discovered that the application contains false or misleading statements.

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C. Action on Application

Within fourteen days of the receipt of an Application for Registration, The University of Alabama shall determine whether Registration shall be granted to the applicant or to seek additional information from the applicant. Grounds for denial for Registration shall include, but not be limited to, the following:

(1) Prior conduct of the applicant involving fraud, misrepresentation, embezzlement, misappropriation of funds, or theft;

(2) Prior conduct of the applicant involving violations of NCAA or Southeastern Conference rules;

(3) Making false or misleading statements in the Application for Registration; or

(4) Any other conduct which adversely affects the competence, credibility or integrity of the applicant in serving as an agent to University of Alabama student-athletes.

In the event that an applicant is denied Registration by The University of Alabama pursuant to this Section, The University of Alabama will take appropriate action to discourage contact between its student-athletes and the applicant concerning matters of agent representation. In addition, the applicant will not be permitted to enter the property of The University of Alabama for the purpose of seeking to represent one of its student-athletes as an agent.

D. Representation of Players Pending Granting or Denial of Initial Registration The University of Alabama may, in its discretion, authorize, subject to revocation, any person who has filed an Application for Registration to make contact with a specific student-athlete pending the granting or denial of Registration in the event that such action is deemed to be in the best interests of the student-athlete.

E. Form of Registration

Upon approval of an applicant's Application for Registration, the agent shall receive a written Registration in the form attached hereto as Appendix B. Such Registration, however, shall not be considered in any way as conferring liability upon The University of Alabama for any acts or conduct of the person registered, whether or not such acts or conduct fall within the activities governed by this Policy.

SECTION 3: INDIVIDUAL CONTACTS BY REGISTERED AGENT

Any person who has been granted Registration pursuant to Section 2 above shall be permitted thereafter to contact student-athletes of The University of Alabama for the purpose of discussing their potential professional careers (after their eligibility has expired), provided he or she has advised, in advance and in writing, the Secretary of the Professional Sports Counseling Committee, Box 870323, The University of Alabama, Tuscaloosa, Alabama 35487 of the first contact of any kind to be made and of any subsequent face-to-face meetings to be held and liable for, and shall hold The University of Alabama harmless from, any damages or claims arising from his or her activities as an agent for The University of Alabama student-athletes.

SECTION 4: REQUIREMENTS CONCERNING AGENT'S CONDUCT

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It is of utmost concern to The University of Alabama and its student-athletes that persons serving as agents hereunder conduct themselves in a manner which will:

(1) Assure the most effective representation possible in individual contract negotiations;

(2) Avoid any conflict of interest which could potentially compromise the best interests of The University of Alabama student-athletes; and

(3) Avoid any involvement of University of Alabama student-athletes in actions which could jeopardize their eligibility under NCAA or Southeastern Conference rules, except in a situation where full disclosure of the potential consequences of loss of eligibility has been made to the student-athlete, and the student-athlete has indicated that he or she fully comprehends such consequences;

(4) Act in accordance with State of Alabama law prohibiting contact, other than by mail, with a student-athlete who has eligibility remaining, or the relatives of that student-athlete.

Therefore, an agent shall be required to:

(1) Disclose upon request all information relevant to his or her qualifications to serve as an agent, including educational background, special training, experience in negotiations, past representation of professional athletes and coaches, and relevant business associations or memberships in professional organizations;

(2) Maintain the highest degree of integrity and competence in individual negotiations with professional sports teams;

(3) Become and remain sufficiently educated in the areas of professional sports structure and economics, applicable collective bargaining agreements and other governing documents, and basic negotiating techniques and in developments in sports law and related subjects;

(4) Fully disclose any and all relationships including, but not limited to, financial or employment relationships with professional sports teams;

(5) Fully comply with applicable local, state, and federal laws;

(6) Fully comply with applicable NCAA and Southeastern Conference rules; and

(7) Fully comply with this Policy and amendments hereto.

An agent should not:

(1) Hold or seek to hold, either directly or indirectly, a financial interest in or a position of employment with any professional team in a sport in which he or she is seeking to represent a University of Alabama student-athlete;

(2) Fail to disclose in writing to a student-athlete, prior to accepting representation of such student-athlete, the names and current positions of any management personnel whom he or she has represented or is representing in matters pertaining to their employment by or association with any professional team in a sport in which he or she is seeking to represent a University of Alabama student-athlete.

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(3) Engage in any other activity which creates an actual or potential conflict of interest of the individual negotiations in question;

(4) Conceal material facts from a student-athlete which relate to the subject of the individual negotiations in question;

(5) Engage in unlawful conduct and/or conduct involving dishonesty, fraud, deceit, misrepresentation, or other conduct which reflects adversely on his or her fitness as an agent or jeopardizes the effective representation of University of Alabama student-athletes;

(6) Provide or offer to provide anything of value to a University of Alabama student-athlete, including a meal.

(7) Provide or offer to provide anything of value to any other person in return for a personal recommendation of the agent's selection by a University of Alabama student-athlete;

(8) Provide false or misleading information, including but not limited to information regarding continuing eligibility to participate in intercollegiate athletics (under NCAA or Southeastern Conference rules), to any person in the context of solicitation for selection as the agent for any University of Alabama student-athlete;

(9) Use titles or business names which imply the existence of professional credentials which he or she actually does not possess; and

(10) Attempt to contact, in person or by telephone, any University of Alabama student-athlete whose eligibility has not expired. Furthermore, this prohibition shall apply to members of the student-athlete's family.

SECTION 5: OVERSIGHT

A. The University of Alabama has appointed a five-person Committee to counsel potential future professional student-athletes at The University of Alabama pursuant to NCAA rules and to enforce this policy.

B. Complaint; Filing

A complaint against any registered agent shall be initiated by the filing of a written statement of reasons by the Committee. Such complaint shall be based upon information received by the Committee from any person having knowledge of the action or conduct of the agent in question, including student-athletes, other agents, or other persons associated with professional or college sports. The complaint shall be sent to the agent. The complaint shall contain a specific description of the action or conduct giving rise to the complaint and shall make reference to the provisions of this Policy alleged to have been violated.

A complaint must be filed by the Committee within one year from the date of the occurrence of the facts which give rise to the complaint or within one year from the date on which the facts become known to the Committee, whichever is later.

C. Answer

The agent whom the complaint has been filed shall have thirty (30) days following receipt of the complaint in which to file a written answer to the complaint. Such answer shall be sent to the Professional Sports Counseling Committee, Box 870323, Tuscaloosa, Alabama 35487-0323. The answer must contain admissions or denials as to the facts alleged in the complaint and shall also assert any facts or arguments

which the agent wishes to state in his or her defense. The answer may contain a request for a hearing before the Committee.

D. Hearing

If the agent against whom a complaint has been filed under this Section files an answer containing a request for a hearing before the Committee, such a hearing shall be held in Tuscaloosa, Alabama, within thirty (30) days following receipt of the answer at a date and time set by the Committee. Notice of the date and time of the hearing shall be sent to the agent no fewer than seven (7) days prior to the date of the hearing.

At the hearing, the Committee shall review and, if necessary, seek to clarify for the agent the evidence concerning the agent's action or conduct alleged to be in violation of this Policy. The agent shall then have the opportunity to respond with any evidence, either through testimony or otherwise, in support of his or her defense.

E. Action on Complaint

Within thirty (30) days after receipt of the answer (in the event a hearing is not requested) or after a hearing is held, the Committee shall exonerate the agent or inform the agent of the nature of its intended action if it finds all or part of the complaint to be true. Its action may include one or more of the following:

(1) Issuance by the Committee of an informal reprimand to be retained in the agent's file at The University of Alabama.

(2) Issuance of a formal letter of reprimand which may be made public;

(3) Suspension for a time certain of the agent's Registration hereunder; or

(4) Revocation of the agent's Registration hereunder.

F. Finality of Decision

The decision of the Committee shall constitute a final disposition of the matter.

SECTION 6: EFFECTIVE DATE; AMENDMENTS

The effective date of this Policy shall be June 1, 1995.

The regulations may be amended from time to time at the discretion of The University of Alabama.

APPENDIX A

APPLICATION FOR REGISTRATION
AS AN AGENT FOR
THE UNIVERSITY OF ALABAMA STUDENT-ATHLETES

I, _____
(Full Name)

(Social Security Number)

_____ (_____) _____

SAMPLE

(Business Address) Zip

(Telephone)

hereby apply for registration as an agent for The University of Alabama student-athletes.

Before making and signing this application, I have read The University of Alabama Policy concerning Student-Athletes of The University of Alabama and Agents, a current copy of which has been provided to me along with this application form and is incorporated herein by reference. I agree to be bound by and conform to this Policy.

I ask that my answers to the following questions, including my answers to the questions found in my application for certification as an NFLPA contract advisor or my questionnaire for registration as an agent for The University of Alabama student-athletes attached hereto and incorporated herein by reference, be considered as part of this application. I recognize that making false or misleading statements in this application may lead to denial of my application or revocation of my registration.

I also agree that all statements, agreements, and representations made in this application are made for the benefit of The University of Alabama and its student-athletes, both present and future, and that the information herein may be provided to The University of Alabama to its student-athletes, as well as to other colleges/universities and their student-athletes who request it. I further agree that this application and the registration issued hereto, if one be issued, and The University of Alabama Policy Concerning Student-Athletes of The University of Alabama and Agents, shall constitute a contract between The University of Alabama and me.

1. Please provide each of the following: (i) a copy of your completed application for certification as an NFLPA contract advisor; (ii) written proof that you have registered with the State of Alabama as a sports agent; and (iii) your completed questionnaire for registration as an agent for The University of Alabama student-athletes attached as Appendix A-1 to this application.

2. Have you been involved in or accused of participating in any action alleged to have been in violation of the rules of the NCAA, any Conference, or any University or College? _____ (Yes or No).

If yes, indicate the nature of the complaint or charges, the results of any investigation, and any other information you believe is relevant.

_____
_____
_____

3. Professional Sports Experience

a. Please list below the names of all athletes and coaches you are now representing or have represented in the past five years in individual contract negotiations with professional sports teams, indicating the dates of such representation and the team(s) involved. If the total of your clients for this period exceeds ten, you need list only your present and former clients in any sport in which you are seeking to represent a University of Alabama student-athlete and such additional clients in the sports of football (other than those listed in your NFLPA application), basketball, baseball or soccer as are necessary for your list to contain ten names.

ATHLETE'S NAME AND ADDRESS	DATES	TEAM(S)
_____		
_____		

Sample

ATHLETE'S NAME AND ADDRESS | DATES | TEAM(S)

_____
_____
_____
_____
_____
_____
_____

b. Upon the filing of this application, it shall be deemed that you have agreed with The University of Alabama that The University of Alabama may contact any of the athletes and coaches listed in subparagraph (a) for their impressions on whether registration should be permitted in your case. Please advise in the space below whether special circumstances exist such that you would prefer that certain of your former clients not be contacted, and describe those circumstances (on a separate sheet of paper if necessary).

_____
_____
_____
_____
_____
_____
_____
_____

Please mail this application to the following address:

Professional Sports Counseling Committee The University of Alabama Box 870323 Tuscaloosa, AL 35487-0323

APPENDIX A-1

QUESTIONNAIRE FOR REGISTRATION AS AN AGENT FOR THE UNIVERSITY OF ALABAMA

PLEASE ANSWER ALL QUESTIONS THOROUGHLY

1. General

a. Full name of applicant: _____.

b. Have you ever been known by any other name or surname (including a maiden name)? _____ (Yes or No)

If so, state all names used and when used: _____
_____

c. Date of birth _____/_____/_____

d. Birthplace _____

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2. Education

a. Law or other graduate school attended:

_____
(School) (City & State)

Dates of Attendance: From: _____ To: _____
(Month/Year) (Month/Year)

Degree: _____ Date Awarded:

b. Colleges or Universities attended:

_____
(Name) (City & State) (Dates Attended) (Degree)

_____
(Name) (City & State) (Dates Attended) (Degree)

_____
(Name) (City & State) (Dates Attended) (Degree)

_____
(Name) (City & State) (Dates Attended) (Degree)

c. High School Attended:

_____
(Name) (City & State) (Dates Attended) (Degree)

3. Current Occupation/Employment

a. I am currently (Check One)
_____ Employed by:
_____ _____(_____)_____
(Name of Employer) (Address)
(Telephone)

_____
(Dates of Employment)

_____
(Nature of Employment)
_____ Self-Employed

b. If self-employed, please state nature and location of business:
_____
_____
_____
_____
_____
_____

c. Please list below the names of employers, addresses, positions held, and dates of all employment you have had for the past five years:

4. Lawyers and Law Graduates

a. Have you been admitted to the Bar in any jurisdiction? _____ (Yes or No)

If so, please list jurisdictions and dates of admission:

_____

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(Jurisdiction)
_(Date of Admission)

_____
(Jurisdiction)
_(Date of Admission)

_____
(Jurisdiction)
_(Date of Admission)

b. Do you have any applications for Bar admission currently pending? _____ (Yes or No)

If yes, please state where you have applied and the status of that application:
_____
_____
_____

c. Have you ever been disbarred, suspended, reprimanded, censured, or otherwise disciplined or disqualified as an attorney, as a member of any other profession, or as a holder of any public office? _____ (Yes or No)

If yes, please describe each such action, the dates of occurrence, and the name and address of the authority imposing the action in question:
_____
_____
_____

d. Are any charges or complaints currently pending against you regarding your conduct as an attorney, as a member of any profession, or as a holder of public office?
_____ (Yes or No)

If yes, please indicate the nature of the charge or complaint and the name and address of the authority considering it:
_____
_____
_____

e. Has your right to practice before any governmental office, bureau, agency, commission, etc., ever been disqualified, suspended, withdrawn, denied, or terminated?
_____ (Yes or No)

If yes, please explain fully:
_____
_____
_____

5. Other (Than Legal) Occupations

a. Are you a member of any business or professional organizations which directly relate to your occupation or profession? _____ (Yes or No)

If so, please list:
_____
_____
_____

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b. Please list any occupational or professional licenses or other similar credentials (i.e., Certified Public Accountant, Chartered Life Underwriter, Registered Investment Advisor, etc.) you have obtained other than college or graduate school degrees, including dates obtained:

_____
_____
_____

c. Have you ever been denied an occupational or professional license, franchise or other similar credentials for which you applied? _____ (Yes or No)

If yes, please explain fully: (Where, When and Why)

_____
_____
_____

d. Do you have currently pending any application for an occupational or professional license, franchise or other similar credentials? _____ (Yes or No)

If yes, please describe and indicate status of each such application:

_____
_____
_____

e. Have you ever been suspended, reprimanded, censured, or otherwise disciplined or disqualified as a member of any profession, or as a holder of any public office? _____ (Yes or No)

If yes, please describe:

_____
_____
_____

f. Are any charges or complaints currently pending against you regarding your conduct as a member of any profession, or as a holder of public office? _____ (Yes or No)

If yes, please indicate the nature of the charge or complaint and the name and address of the authority considering it:

_____
_____
_____

g. Has your right to engage in any profession or occupation ever been disqualified, suspended, withdrawn, or terminated? _____ (Yes or No)

If yes, please explain fully: (When, Where and Why)

_____
_____
_____

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6. All Applicants

a. Have you ever been convicted of or pled guilty to a criminal charge, other than minor traffic violations? _____ (Yes or No)

If yes, please indicate nature of offense, date of conviction, criminal authority involved, and punishment assessed:

_____
_____
_____
_____
_____

b. Have you ever been a defendant in any civil proceedings, including bankruptcy proceedings, in which allegations of fraud, misrepresentation, embezzlement, misappropriation of funds, conversion, breach of fiduciary duty, forgery, or legal malpractice were made against you?
_____ (Yes or No)

If yes, please describe fully and indicate results of the civil proceeding(s) in question:

_____
_____
_____
_____
_____

c. Have you ever been adjudicated insane or legally incapacitated by any court?
_____ (Yes or No)

If yes, please provide details:

_____
_____
_____
_____
_____

d. Were you ever suspended or expelled from any college, university, law school, or graduate school? _____ (Yes or No)

If so, please explain fully: (Where, When and Why)

_____
_____
_____
_____

e. Has any surety or any bond on which you were covered been required to pay any money on your behalf? _____ (Yes or No)

If so, please describe circumstance:

_____
_____

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_____
_____

f. Are there any unsatisfied judgments of continuing effect against you (other than current alimony or child support)? _____ (Yes or No)

If yes, provide full details:

_____
_____
_____
_____
_____

7. References:

a. Please list below the names, addresses, and telephone numbers of three persons, not related to you and not engaged in business with you, who have known you for at least the last three years and who can attest to your character.

_____
_____
_____

b. Please list below the names, addresses, and telephone numbers of at least two entities who can attest to your financial credit:

_____
_____
_____

8. Other Services:

a. Please indicate what services you offer to athletes, in addition to contract negotiation services.

_____
_____
_____
_____

b. Do you handle players' funds? _____ (Yes or No)

If yes, please provide details as to the amount of the bond, the name and address of the surety or bonding company, etc.:

_____
_____
_____
_____

APPENDIX B

THE UNIVERSITY OF ALABAMA AGENT REGISTRATION

SAMPLE

THE UNIVERSITY OF ALABAMA, relying upon an Application for Registration previously filed, hereby grants Registration to _____
_____ to act as an agent pursuant to The University of Alabama Policy Concerning Student-Athletes of The University of Alabama and Agent adopted June 1, 1995, and amended from time to time thereafter. This Registration is effective beginning as of the date hereof, and shall continue in full force and effect until and unless suspended, revoked, or terminated in accordance with this Policy.

Dated at Tuscaloosa, Alabama, this _____ day of _____, 19 _____.

THE UNIVERSITY OF ALABAMA

By:_____
Chairman, Professional Sports Counseling Committee

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