



# Clemson Compliance

Agent information (Revised 07.21.21)

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The State of South Carolina passed a law on Name, Image and Likeness, which went into effect on July 1, 2021. The law permits student-athletes to obtain an athlete agent for the purposes of soliciting and managing NIL activity on behalf of the student-athlete.

'Athlete agent' means a person who is registered with the Department of Consumer Affairs pursuant to Section [59-102-60](#) or Section [59-102-80](#). If an athlete agent is an attorney, then he or she must also be a member in good standing of a state bar association.

An 'agency contract' means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports services contract; an endorsement contract; or a name, image, or likeness contract, as defined in Chapter 158, Title 59.

The representation is for NIL purposes only at this time, and agents are not permitted to represent student-athletes for professional sports contracts. Doing so may negatively impact student-athlete's eligibility.

## Registration Requirement

The State of South Carolina Uniform Athlete Agent Act requires anyone contacting a student-athlete to represent the student-athlete for purposes of negotiating or soliciting endorsement contracts to be registered as an Athlete Agent.

Those interested in representing Clemson student-athletes for NIL activities must first register and be approved by the S.C. Department of Consumer Affairs. More information on state registration can be [found here](#).

In addition to registering with the State of South Carolina, all agents who wish to work with Clemson student-athletes must be registered with the Clemson Athletic Department. The registration form is [available here](#).

## Notification Requirement

Both parties (the student-athlete and the agent) are required to notify the athletics department within 72 hours of an agreement being (or prior to the next competition, whichever is sooner). Student-athletes should disclose the agreement through the COMPASS app. Agents should notify the athletics department by emailing CUACS@clemson.edu.

## Contract Requirement

A contract between a student-athlete and an agent must state or contain:

1. A statement that the athlete agent is registered as an athlete agent in this State and a list of other states in which he is registered as an athlete agent;
2. The amount and method of calculating the compensation the student-athlete will provide the Athlete Agent for services. Per the South Carolina NIL Bill, agent compensation may not exceed ten percent of name, image and likeness contracts;
3. The name of any person not listed in the application for registration or renewal who will be compensated because the student-athlete signed the agency contract;
4. A description of any expenses that the student-athlete agrees to reimburse;
5. A description of the services to be provided to the student-athlete;
6. The duration of the contract; and
7. The date of execution.

Pursuant to Section 59-102-100, an agency contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in bold face type in capital letters stating:



## WARNING TO STUDENT-ATHLETE

### IF YOU SIGN THIS CONTRACT:

1. YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT
2. IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN SEVENTY-TWO HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND
3. YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT-ATHLETE IN YOUR SPORT.

All name, image, or likeness contracts must provide for an unequivocal ten-day revocation period for the student-athlete. Additionally a name, image, or likeness contract may not extend beyond the student-athlete's participation in the athletic program at Clemson.

A contract that does not include this information is voidable by the student-athlete.

Please contact Compliance Services ([CUACS@clermson.edu](mailto:CUACS@clermson.edu)) to review any questions related to agents and NIL activities.