



UNITED STATES OLYMPIC COMMITTEE

What You Should Ask Your Attorney About
NGB Best Practices – August 22, 2017

Legal Topics for Discussion

- NGB Athlete Agreements
- NGB Legal Hot Topics
 - Waivers and Releases
 - Independent Contractors
- Any Other Pain Points

- NGB Legal Best Practices Meeting
 - October 26, 2017
 - Lexington, Kentucky

NGB Athlete Agreements – USOC Goals

- Balance athlete rights and NGB rights
- Clarify and separate agreements that an NGB can require of athletes (*Participation Agreements*), and those which may only be entered into mutually and voluntarily by athletes and NGBs (*Commercial Agreements*)
- Never condition an athlete's right to participate on agreeing to a *Commercial Term* or signing a *Commercial Agreement*

Athlete Agreements

Terms of Participation	Code of Conduct	General Media Release	Nat'l/Event Agreement	Commercial Terms
<ul style="list-style-type: none">• Eligibility requirements• Compliance w/ Anti-doping and SafeSport• Passport• Physical exam<ul style="list-style-type: none">• Competitive readiness• Injury disclosure	<ul style="list-style-type: none">• Regulates behavior• Defines to whom it applies• During what period of time	<ul style="list-style-type: none">• In connection with membership, team, event• May cover team-featuring images by NGB and commercial partners to promote NGB/sport• May not cover athlete-featuring images for commercial use (or implied commercial use)	<ul style="list-style-type: none">• Defines additional obligations such as training, camps, competitions, travel gear, curfews, conduct, attendance at team functions• Outlines basic services common to everyone such as coaching, travel, support, nutrition, sports medicine	<ul style="list-style-type: none">• More \$\$ or services in exchange for additional rights granted<ul style="list-style-type: none">• Attending non official team functions• Athlete-featuring images for commercial purposes• Rights of first negotiation or refusal• May NOT tie to participation or receipt of basic services
May be Required of Athlete to Participate				Optional/ Negotiable



USATF,

Team USA,

Congratulations on your selection to the world...
Representing the United States is the greatest honor...
achieve and a great source of personal and team pride.

You will find your Team USA uniform in this package. As your
luggage is often delayed when traveling domestically and international,
so be sure to pack your competition shoes and uniform in your
bag.

Please immediately try on your uniform and if you find any
pieces do not fit, contact me at aretha.thurmond@usatf.com.

***Note** – It is your responsibility to bring your entire Team USA
kit. Additionally, you are required to wear the Nike Team USA apparel
(includes under layer apparel, bandanas, headbands, hats, socks,
wristbands, socks, sports bras, travel bags, etc.; but shall exclude
sunglasses, watches and shoes) at all team functions throughout
including at the athlete hotel, during training, press conferences,
competition, and award ceremonies. Accordingly, please wear
Team USA, Nike or non-branded apparel and be sure to bring your
USA gear.

New this year: thanks to our partner Gatorade, a **BONUS** is included in
your kit: a Gatorade Bottle, 3-32oz individual packets, 3-Gatorade
Towel.

Take care,

...me to create a new Statement of
Conditions. One that clearly defines all terms
and protects both USATF's obligations AND
the athletes' rights. I am willing to sign a new
and improved Statement of Conditions and
to represent my country in Beijing. I assure you
I will NOT sign the Statement of Conditions
if it is written now.

Nick Symmonds

Example: NGB Agreement Language Excerpts

- Athletes are requested to give strong consideration to participating in [NGB] marketing activities as described below.
- Failure to comply with these rules and responsibilities will jeopardize the funding and support an Athlete receives from [NGB] and potentially from USOC, as well as their membership...
- Athletes shall not allow their name, likeness, and image to be utilized and/or promote, advertise, or endorse any deals with any personal sponsor that is in competition with [NGB] sponsors deemed “Category Exclusive”...
- Category Exclusive partners maintain exclusive rights with BOTH [NGB] as well as with every athlete on the team. Some exceptions within category exclusivity exist, and are laid out below.

USOC NGB Athlete Agreements Policy

- Replaces existing 2012 “Policy Regarding NGB Commercial Agreements”
- Substantively similar; extensive clarifications and reference updates
- Policy Structure
 - Balanced rights and obligations generally
 - Agreements that may be required of athletes
 - Participation Agreement
 - Code of Conduct
 - General Media Release
 - National Team/Event Agreements
 - Commercial Agreements
 - Specialized Equipment
 - Key Concepts Defined
- Available at teamusa.org

Waivers and Releases

- What are they and what do they do?
- Waivers
 - What's the value?
 - Where are they most important?
 - Where do they go wrong?
- Releases
 - What's the value?
 - Where are they most important?
 - Where do they go wrong?

Independent Contractors

- What is an independent contractor and how does it contrast with employees?
 - Legal importance of the distinction
 - How the distinction is made and by whom
 - The costs of misclassification
- What about athletes?

Other Topics?
