



## MEMORANDUM

March 7, 2023

### VIA EMAIL

TO: Senior Compliance Administrators and Women's Basketball Head Coaches.

FROM: NCAA Academic and Membership Affairs Staff.

SUBJECT: Information Regarding Agents, Tryouts and the 2023 Women's National Basketball Association Draft.

The purpose of this document is to provide an educational resource you may share with your women's basketball student-athletes as it relates to their pursuit of a potential professional basketball career. You are encouraged to discuss this document with your women's basketball student-athletes who are gauging their readiness for competition at the next level through a variety of methods. These student-athletes will undoubtedly rely on several individuals to assist in the decision-making process.<sup>1</sup>

At the end of this process, your student-athletes may reach the conclusion that it is not in their best interest to pursue a professional career at this time but rather to continue athletics participation at the intercollegiate level while pursuing their academic degree. Involvement in activities during this process can affect their intercollegiate eligibility. The following information is designed to help them maintain their NCAA eligibility while "testing the waters."

### **Six Points to Remember:**

The key points below highlight important NCAA rules related to maintaining NCAA eligibility while "testing the waters." More details on each rule are contained within the document.

A women's basketball student-athlete will lose their eligibility IF:

1. They agree orally or in writing to be represented by an agent or any individual acting on behalf of the agent (e.g., runner) for the purpose of marketing their athletics skill or ability to a professional organization or team.<sup>2</sup>

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<sup>1</sup> It should be noted that NCAA bylaws are subject to change. This document is intended for educational purposes only and does not usurp or supersede the current rules of the NCAA. All student-athletes with specific questions relating to their NCAA eligibility should contact the NCAA compliance officer at their respective institution to ensure an accurate and correct interpretation of NCAA bylaws. Any questions related to WNBA rules, which are also subject to change, should be directed to the WNBA.

<sup>2</sup> Under the Interim Name, Image and Likeness (NIL) Policy, use of a professional services provider (e.g., agent) for purposes of NIL activities is permissible for name, image and likeness activities, except as otherwise provided by a state law or executive action with the force of law that has not been invalidated or rendered unenforceable by operation of law. For assistance with additional questions, student-athletes should consult their institution's athletics compliance department.

2. They accept any benefits from an agent, a prospective agent or any individual acting on behalf of the agent (e.g., runner) for the purpose of marketing their athletics skill or ability to a professional organization or team.
3. They participate in a tryout with a professional team that lasts longer than 48 hours, which they did not personally finance.
4. They try out with a professional team during the academic year and miss class.
5. They enter the draft AND do not take the appropriate steps to withdraw and declare their intention to resume intercollegiate participation.
6. They enter the draft AND are drafted by a professional team.

**Key Dates:**

March 27                      Date by which every current women's basketball student-athlete, even those who are finishing their senior year, must email [2023draft@wnba.com](mailto:2023draft@wnba.com) and say that they are renouncing their remaining intercollegiate eligibility if they wish to be eligible to be selected in the 2023 Women's National Basketball Association Draft. (*Women's basketball student-athletes still competing in the Women's NCAA Tournament will have until 48 hours after their final game.*)

March 31 & April 2        NCAA Women's Final Four (Dallas, Texas).

April 10                      Women's National Basketball Association Draft.

**Frequently Asked Questions:**

1. Who is eligible for the WNBA Draft?

Per WNBA eligibility requirements the following individuals are eligible:

- a. An individual who will be at least 22 years old during the calendar year in which such draft is held and either has no remaining intercollegiate eligibility or renounces their remaining intercollegiate eligibility by written notice to the WNBA by close of business on March 27, 2023;
- b. An individual who has graduated from a four-year college or university prior to such draft, or "is to graduate" from such college or university within the three-month period following such draft and either has no remaining intercollegiate eligibility or renounces their remaining intercollegiate eligibility by written notice

to the WNBA by close of business on March 27, 2023; or [Note: “Is to graduate” shall mean that such player would graduate from the college or university they are currently enrolled in if they were to successfully complete the coursework they are enrolled in at the time of such draft and such course load is commensurate with the previous course loads they have successfully completed.]

- c. An individual who has attended a four-year college or university, their original class in such college or university has already been graduated or “is to graduate” within the three-month period following such draft, and they either have no remaining intercollegiate eligibility or renounces their remaining intercollegiate eligibility by written notice to the WNBA by close of business on March 27, 2023. [Note: “Is to graduate” shall mean that the majority of the students in such class would graduate from such college or university upon successful completion of the coursework the members of such class are enrolled in at the time of such draft.]

Timing rule for renouncing if you are otherwise eligible but still playing in the NCAA tournament:

Any player who: (1) Is competing in the NCAA tournament after March 27, 2023; (2) Has remaining intercollegiate eligibility beyond the then-current NCAA season; and (3) Is otherwise eligible for the draft, may make themselves eligible for the draft by renouncing their remaining intercollegiate eligibility within the period beginning at the conclusion of their final NCAA game and ending forty-eight hours thereafter, (but in no event later than three hours prior to the draft).

Every current women’s basketball student-athlete, even those who are finishing their senior year, who would like to declare for the WNBA draft must renounce their remaining intercollegiate eligibility by emailing, by the close of business on or, if their team is in the Women’s Elite Eight or Final Four, 48 hours after their last Women’s Elite Eight or Final Four game.

2. May a college coach assist with the arranging and scheduling of a professional team workout/tryout on or off campus during the academic year?

**YES!** It is permissible for a student-athlete’s institutional coach to assist in the arranging for a student-athlete to engage in a professional tryout that occurs on or off campus; however, it is not permissible for a coach to direct or supervise or be present at such workouts/tryouts. [Note: WNBA guidelines do not permit teams to work out players prior to the WNBA draft.]

3. Can professional teams pay for a student-athlete’s private workouts/tryouts?

**YES!** A student-athlete may tryout with a professional team if they are enrolled full time, provided they do not miss class. They may receive actual and necessary expenses from the

professional team in conjunction with one 48-hour tryout per team. The 48-hour tryout period begins when they arrive at the tryout location. At the completion of the 48-hour period, they must depart the location of the tryout immediately in order to receive return transportation expenses. [Note: WNBA guidelines do not permit teams to work out players prior to the WNBA draft.]

Flexibility has been provided through a waiver to permit an institution to provide actual and necessary expenses (e.g., travel, lodging, board) to a women's basketball student-athlete who was invited to the WNBA combine, provided the women's basketball team has completed its final competition (e.g., competition of NCAA Division I Women's Basketball Championship) for the academic year and the student-athlete will have exhausted her eligibility in the sport of women's basketball prior to the first day of the combine.

4. Can any other individual (e.g., agent, runner or "advisor") pay for a student-athlete's private workouts/tryouts with professional teams?

**NO!** Unless a professional team pays for their expenses in conjunction with a private workout or tryout, the student-athlete and their family are responsible for paying all expenses associated with any tryouts as they are incurred. [Note: WNBA guidelines do not permit teams to work out players prior to the WNBA draft.]

5. Can a student-athlete pay for their own private workouts/tryouts with professional teams?

**YES!** A tryout may extend beyond 48 hours if the individual self-finances additional expenses, including return transportation. A self-financed tryout may be for any length of time, provided they do not miss class. [Note: WNBA guidelines do not permit teams to work out players prior to the WNBA draft.]

6. What is an "agent" according to NCAA rules?

An agent is any individual who, directly or indirectly:

- a. Represents or attempts to represent an individual for the purpose of marketing their athletics ability or reputation for financial gain to a professional organization or team; 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.
7. Is a student-athlete allowed to have an agreement with an agent?

**NO!** A student-athlete is not permitted to have a written or oral agreement with an agent or anyone who is employed by or acting on behalf of an agent or sports agency (i.e., “runner”) while enrolled at a collegiate institution for the purpose of marketing their athletics skill or ability to a professional organization or team.

8. What is an "oral agreement" with an agent?

An oral agreement occurs if a student-athlete verbally agrees to have an agent perform any services (e.g., providing any expenses related to tryouts, arranging disability insurance, etc.) on their behalf OR they have knowledge that an agent is performing such services.

9. Is an agent allowed to contact teams on a student-athlete’s behalf to arrange private workouts or tryouts?

**NO!** They may not have an agent arrange a private workout/tryout with any professional or WNBA team.

10. May family members or other individuals who are associated with a student-athlete as a result of playing basketball (e.g., high school coach, summer basketball coach, etc.) have an agreement with an agent to perform services on their behalf?

**NO!** Family members and other individuals are not permitted to enter into any agreements with an agent on a student-athlete’s behalf.

11. May a student-athlete have an agreement with an agent if it is for future representation?

**NO!** They are not permitted to agree to a future representation agreement with an agent.

12. Is an agent allowed to provide a student-athlete any benefits?

**NO!** A student-athlete, their family or their friends are not permitted to receive any benefits from an agent. Examples of material benefits include money, transportation, dinner, clothes, cell phones, jewelry, etc. However, benefits may also include, but are not limited to, activities such as tryout arrangements with a professional team and coordinating tryout schedules.

13. Is a student-athlete permitted to have an advisor during this process?

**YES!** A student-athlete is permitted to have an advisor provided the advisor does not market them to WNBA or professional teams. However, it is not permissible for the advisor to contact teams on their behalf to arrange private workouts or tryouts. [Note: If a student-athlete receives assistance from an advisor, they must compensate the advisor in an amount equal to the value of the services provided to them; furthermore, they may not receive such

services at a free or reduced rate without jeopardizing their eligibility, regardless of whether the advisor does not typically charge clients for such services.]

14. Can an institution cancel a student-athlete's athletics scholarship if they have an agreement with an agent?

**YES!** An institution is permitted to rescind the student-athletes athletics scholarship if they have an agreement with an agent.

15. May a women's basketball student-athlete enter the WNBA draft before exhausting their collegiate eligibility?

**YES!** A women's basketball student-athlete may enter a professional basketball league's draft one time during their collegiate career without jeopardizing her eligibility, provided they are not drafted by a team in that league and they declare their intention to resume intercollegiate athletics participation within 30 days of the draft. The student-athlete's declaration of intent shall be in writing to the institution's athletics director. [Note: WNBA guidelines only permit an individual to enter the WNBA draft if the eligibility requirements in No. 1 above are met.]

**Helpful Tips:**

- The student-athlete should keep their head coach and compliance staff informed of all activities during this process.
- A student-athlete should coordinate all activities in conjunction with their head coach or athletics department staff at their institution. They may receive the assistance of family members, provided they are not working with any individual who is marketing their athletics ability (e.g., contacting professional teams, setting up tryouts with professional teams).
- A student-athlete should remain in school and complete academic courses while "testing the waters."