



## MEMORANDUM

July 1, 2021

TO: Division I Baseball Student-Athletes with Remaining Eligibility.

FROM: NCAA Academic and Membership Affairs Staff and NCAA Enforcement Staff.

SUBJECT: Information Regarding the 2021 Major League Baseball First-Year Player Draft, Agents and Tryouts.

We understand that you may have remaining intercollegiate eligibility but are also eligible to be drafted in the upcoming 2021 Major League Baseball (MLB) first-year player draft scheduled for July 11 through 13, 2021. Many prospective and enrolled student-athletes will face difficult decisions in deciding whether to participate in collegiate or professional baseball. To assist you in making the best possible decision, the following document has been developed to help you sort through some of the issues that you, your parents and your institution may confront.<sup>1</sup>

You will attempt to gauge your readiness for competition at the next level through a variety of methods, including tryouts with professional teams and you will undoubtedly rely on a number of individuals to assist in the decision-making process.

At the end of this process, you may in fact reach the conclusion that it is not in your best interest to pursue a professional career at this time, but rather to continue athletics participation at the intercollegiate level while pursuing your academic degree.

Involvement in activities during this process can affect your intercollegiate eligibility. The following information is designed to help you protect your eligibility while you weigh the options of pursuing a potential professional baseball career.

### **Key Dates:**

- MLB Draft: July 11 through 13, 2021.
- Signing Date Deadline: August 27, 2021.

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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 MLB rules, which are also subject to change, should be directed to the MLB.

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1. *What happens if I do not sign a contract with the team that I was drafted by before the signing date deadline of 5 p.m. Eastern time August 27, 2021?*

Any drafted player with remaining collegiate eligibility who does not sign a contract with the MLB team that has drafted him prior to 5 p.m. Eastern time August 27, 2021, will be placed back into the draft pool for the 2021 MLB Draft. If the student-athlete has not violated any NCAA rules through this process, he will remain eligible to compete at an NCAA institution.

2. *May I appear on the virtual draft broadcast when my name is called and hold up the jersey or baseball cap of the team who selects me?*

**YES!** It is permissible for a student-athlete or prospective student-athlete to appear on the virtual draft broadcast and/or be photographed holding a jersey or wearing a cap without jeopardizing his eligibility as long as no agreement to compete in professional athletics is reached, either orally or in writing between the club and player. However, a student-athlete would jeopardize his eligibility if he kept any of the items (merchandise, apparel, etc.) provided by MLB or any MLB club while he was on stage or during attendance at any draft activities.

3. *Can I participate in a tryout with an MLB team?*

**YES!** You may participate in a tryout with an MLB team during the academic year if you are enrolled full time, as long as you do not miss class. In addition, you may participate in a tryout with an MLB team at any time during the summer, as long as you do not miss class. You may receive actual and necessary expenses from the MLB team in conjunction with one 48-hour tryout per team. The 48-hour tryout period begins when you arrive at the tryout location. At the completion of the 48-hour period, you must depart the location of the tryout immediately in order to receive return transportation expenses.

However, MLB policies regarding player tryouts may differ from what NCAA legislation allows. For specific questions, please contact Chuck Fox, manager of baseball operations at MLB, at [chuck.fox@mlb.com](mailto:chuck.fox@mlb.com) for more information.

### **Agents/Advisors**

4. *Who is considered an agent?*

In January 2012, the NCAA Division I Legislative Council approved a rule that broadens the definition of agents to include third-party influences, including family members, who market student-athletes' athletics ability or reputation for personal financial gain. The rule includes individuals who either directly or indirectly:

- Represent or attempt to represent a prospective or current student-athlete in the marketing of his or her athletics ability or reputation for financial gain; or

- Seek to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an institution or a student-athlete's potential earnings as a professional athlete.

The definition includes certified contract advisors, financial advisors, marketing representatives, brand managers or anyone who is employed by or associated with such individuals.

5. *Am I allowed to have any type of agreement with an agent?*

**NO!** You are **NOT** permitted to have a written or oral agreement with an agent as defined by the NCAA.

6. *What is an "advisor" according to NCAA rules?*

The term "advisor" is not defined in the NCAA manual, but rather is a term that has been adopted by some, in part, to suggest compliance with NCAA agent legislation. You must remember that the label an individual places on himself or herself is not relevant to the NCAA's agent determination. An advisor who engages in activities on your behalf that are not permissible as outlined in this memorandum is an agent under NCAA legislation and your association with that person could jeopardize your eligibility.

7. *Am I permitted to have an advisor to assist during this process?*

**YES!** You are allowed to have an advisor to advise you regarding the process provided the advisor does not market you to MLB teams. However, an advisor will be considered an agent if they contact teams on your behalf to arrange private workouts or tryouts. Under NCAA regulations, you and your parents are permitted to receive assistance from an advisor (e.g., lawyer) concerning a proposed professional sports contract, provided the advisor does not represent you directly in negotiations for the contract. In this regard, it is permissible for an advisor to discuss with you the merits of a proposed contract and give you suggestions about the type of offer you should consider. In order to maintain your eligibility at an NCAA school; however, this advisor may not serve as a link between you and the professional sports team. Rather, you must view the advisor as an extension of your own interests and not as a source to contact a professional team. If the advisor has direct contact with a professional team regarding you or your status, whether independently or per your request or direction, the advisor shall be considered an agent and you have jeopardized your eligibility at an NCAA school. For example, an advisor may not be present during the discussions of a contract offer with a professional team or have any direct contact (including, but not limited to, in person, by telephone, text message, Facebook, Instagram, Twitter, email or mail) with the professional sports team on your behalf.

8. *Am I required to pay for the services that my advisor provides for me?*

**YES!** In order to maintain your eligibility at an NCAA school, if you receive assistance from an advisor, you are required to pay that advisor at his or her normal rate for such services. You may not receive such services at a free or reduced rate without jeopardizing your eligibility, regardless of whether the advisor typically charges clients for such services.

9. *Do I need an advisor?*

You will likely receive many different opinions on this subject depending on who you ask. It is permissible for you to use an advisor to provide advice regarding the draft and/or a professional contract offer, as long as your advisor acts in accordance with the NCAA legislation summarized in this memorandum. So that you do not jeopardize your NCAA eligibility, when you and your family are making your decision, keep the following in mind:

- a. You do not need to have an advisor to be recognized or drafted by an MLB club. MLB and its clubs employ numerous scouts, and with 40 rounds of selections, their teams can discover the talents of potential draftees without the assistance of advisors.
- b. According to MLB, negotiable terms in a first-year-player contract may include:
  - (1) Signing bonus;
  - (2) College Scholarship Plan (CSP); and
  - (3) Incentive bonus plan.

Through your own research, you can learn about scholarship money and the bonus plan, and you may also be able to locate past MLB Draft signing bonus numbers to make your own comparison of the offer you receive.

10. *Is an agent or advisor allowed to contact teams on my behalf?*

**NO!** You cannot allow an agent or advisor to have conversations with MLB clubs on your behalf. This means that an agent or advisor cannot discuss your draft status with any club. An agent or advisor cannot discuss your signability or contract status with any club. An agent or advisor cannot arrange tryouts for you with any club.

11. *Can my family members or other individuals who are associated with me as a result of playing baseball (e.g., high school coach, summer baseball coach, etc.) have an agreement with an agent to perform services on my behalf?*

**NO!** Family members and other individuals are not permitted to enter into any agreements with an agent on your behalf.

*12. Am I allowed to have an agreement with an agent if it is for future representation?*

**NO!** You are **NOT** permitted to agree to a future representation agreement with an agent.

*13. Is an agent allowed to provide me any benefits?*

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

*14. Can an institution cancel my athletics scholarship if I have an agreement with an agent?*

**YES!** An institution is permitted to rescind your athletics scholarship if you have an agreement with an agent.

**Key Points to Remember:**

You will lose your eligibility IF:

1. You agree orally or in writing to be represented by an agent or any individual acting on behalf of the agent (e.g., runner).
2. You accept any benefits from an agent, a prospective agent or any individual acting on behalf of the agent (e.g., runner).
3. If an advisor markets your athletics ability or reputation to a professional team on your behalf.
4. If an advisor contacts a professional team on your behalf.
5. If an advisor negotiates on your behalf.
6. If you use an advisor and do not pay for the advising service.

**Helpful Tips:**

- You should keep your head coach and compliance staff informed of all activities during this process.
- Be careful who you associate with during this process. You may receive assistance from your family members, provided they are not working with any individual who is marketing your athletics ability (e.g., contacting MLB teams, setting up tryouts with MLB teams).
- If applicable, you should remain in school and complete your academic courses while you weigh your options of pursuing a potential professional baseball career.

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- If you have questions regarding this information, please contact the NCAA Customer Service line at 317-917-6008.

If you have questions regarding MLB policy and procedure, please contact Fox, at MLB at 212-931-7680, [chuck.fox@mlb.com](mailto:chuck.fox@mlb.com).