
**NCAA ENFORCEMENT CERTIFICATION AND
APPROVALS GROUP (ECAG)**

Agent Certification Guidelines

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Chapter 1 - Enforcement Certification and Approvals Group

1-1. Overview. The NCAA enforcement certification and approvals group (ECAG) is a team within the NCAA enforcement staff dedicated to administering the certification/approval programs identified below and responsible for evaluating those services/activities to ensure compliance with established policies, procedures and relevant NCAA legislation, all which are subject to change without prior notice.

- Basketball Leagues: SAs enrolled at NCAA Division I institutions are permitted to participate. [NCAA Bylaws 17.31.4, 17.31.4.1]
- Basketball Events (scholastic and nonscholastic): NCAA Division I coaches are permitted to attend and observe prospective student-athletes (PSAs) who participate in the activities. [NCAA Bylaws 13.1.7.5.3, 13.18]
- Recruiting/Scouting Services: NCAA Division I coaches are permitted to purchase the service as a resource for the recruiting process in the sports of basketball and football. [NCAA Bylaw 13.14.3]
- Agents. Specific National Basketball Players Association (NBPA) registered agents who are permitted to enter into an agent agreement with eligible SAs or two-year college PSAs without impacting the SA's eligibility. [NCAA Bylaw 12.02.1.2].

The NCAA reserves the right to withdraw current or deny future opportunities to participate in or benefit from the NCAA-certification and approval process for any individual who fails or refuses to meet the requirements below or as otherwise provided by NCAA legislation, guidelines and requirements; or whose conduct is detrimental to the integrity and public confidence in the NCAA or its approval is not in the best interests of the NCAA's mission and/or certification/approval programs program. Impermissible conduct that is intentional, deceptive, contrary to the NCAA's core mission or which may adversely affect the interest or well-being of PSAs or SAs will be subject to adverse actions and/or penalties. The presumed penalty for the most severe violations is withdrawal of certification.

1-2. Terms and Conditions.

1-2-1. NCAA Requirements and Non-NCAA Members. Because agents are not NCAA members subject to its bylaws, by participating in the certification and approval process, all such individuals and/or entities are required to acknowledge and agree that they are voluntarily assuming the responsibility to: (a) comply with NCAA legislation and ECAG policies and procedures; (b) fully disclose information required by ECAG and operate in a financially transparent manner; and (c) allow the NCAA and/or ECAG staff unfettered access to the physical event location and to all relevant information and/or financial records associated with operation of the event. Individuals submitting applications, rosters and/or requesting some other

NCAA approval in one of ECAG's online systems are assumed to know and understand all requirements and have plans/procedures to successfully comply. In other words, in determining whether an agent violated NCAA legislation or policies/procedures, and in assessing any associated penalty, ECAG will not consider the individual's purported lack of knowledge as a mitigating factor.

1-2-2. Responsibility for NCAA Compliance. NCAA-certified agents are ultimately responsible for ensuring that their events, leagues, teams, services and agencies are compliant with NCAA legislation, requirements, policies and procedures. They are presumed to be responsible for the actions of all staff members who report to them directly or indirectly, including any individual who contributes to the event, league, team, service or agency's operation, activities or end product and will be held accountable for violations in the event, league, team, service or agency unless he/she can rebut the presumption of responsibility by showing he/she has promoted an atmosphere of compliance and have monitored the activities of those individuals.

1-2-3. Promotion of Certification/Approval.

1-2-3-1. False Representation of NCAA Approval or Certification. It is not permissible for an agent or any affiliated entity/individual to claim NCAA certification/approval when advertising (website, brochures, application, etc.) until that is a factual statement. Past NCAA certification or approval does not guarantee certification/approval the following year; so, it is prohibited to reference previous certification/approval as assurance that an event/league, recruiting/scouting service or agent will or is likely to be certified/approved in the current application period.

It would be permissible to communicate that "NCAA certification/approval is pending" once an application has been successfully submitted, but not before. Promotion of being NCAA certified/approved is permissible once the following is true:

- a. The agent is included on the appropriate approval list accessible in one of the ECAG subject areas posted on www.ncaa.org/ecag;
- b. The agent receives notification of the approval from ECAG; and
- c. For applications completed in the Agent Certification System, the status of the application appears as "approved".

Representation of certification/approval prior to it being granted (or possibly even requested) is inaccurate and is false and misleading to participating PSAs, their coaches and their families; participating SAs and

their families; and to the NCAA membership. False claims of certification may result in denial of current or future certification/approval.

1-2-3-2. Promotion of NCAA-Certified Agents. Once an agent has been notified by ECAG that he/she has passed all the necessary steps to be eligible for certification, paid the certification fees, and appears on the NCAA-certified agent directory posted on <http://www.ncaa.org/enforcement/basketball-certification/agent-certification>, the agent may use the following language to promote the NCAA certification:

"I, <<agents name>>, have been certified by the NCAA in accordance with NCAA bylaws, policies, and procedures. This certification permits me to represent a currently enrolled NCAA Division I men's basketball student-athlete as the student-athlete explores opportunities to become a professional without negatively affecting that athlete's collegiate eligibility."

If the agent has applied, but a decision has not yet been rendered, OR the agent has not yet applied in the current season/year, no claims of NCAA certification are permitted. False claims of certification/approval may impact future eligibility to be NCAA-certified/approved.

1-2-3-3. NCAA Brand and Trademark Limitations. It is not permissible for an agent or any affiliated entity/individual to utilize the NCAA brand in association with the operation of an event, league, team, recruiting/scouting service, or sports agent/agency including, but not limited to, use of the name, NCAA trademarked terms (i.e., March Madness, Final Four, Big Dance, etc.) or use of the blue disk or other NCAA logos. Impermissible use of the NCAA brand, logos and trademarks may result in denial of current or future certification, participation or approval and could be subject to additional legal action.

1-2-4. Unethical Conduct and/or Participation in a Violation. Participation in unethical activities and/or a violation(s) of NCAA legislation/requirements include, but are not limited to, involvement in:

- a. Fraudulent activities;
- b. Misconduct in the NCAA certification and approval process or activities associated with those processes;
- c. Influencing others to furnish the NCAA false or misleading information; or

- d. Any other activity conducted with intent to otherwise deceive.

1-2-5. Responsibility to Cooperate. Current/former NCAA-certified agents have agreed to an affirmative obligation to cooperate fully with and assist the NCAA with any investigation regarding possible NCAA rules violations, even if the violations are unrelated to ECAG certification/approval. ECAG may take adverse action and impose penalties, including withdrawal of current or denial of future certification/approval until that time when the individual does cooperate. ECAG has sole authority to determine whether a failure to cooperate has occurred and assess the resulting penalty. Such decisions are final and not subject to appeal. Full cooperation includes, but is not limited to:

- a. Provide relevant information;
- b. Provide complete and accurate information;
- c. Provide supporting documentation requested by the NCAA staff; or
- d. Respond to inquiries in a timely manner.

1-2-6. False or Misleading Information. Current/former NCAA-certified agents have agreed to an affirmative obligation to provide accurate information to the NCAA. ECAG may take adverse action and impose penalties, including withdrawal of current or denial of future certification/approval to these individuals or organizations who fail to provide complete and accurate information to the NCAA or who provide false and misleading information to the NCAA in an investigation, in obtaining certification or approval, in participating in activities associated with the NCAA or to circumvent NCAA legislation/requirements. ECAG has sole authority to determine when false or misleading information has been provided and assess the resulting penalty. Such decisions are final and not subject to appeal.

1-2-7. Restrictions on Involvement. Any active or passive connection/participation in an NCAA-certified event/league by any of the following individuals and/or pertaining to any of the following activities (in the capacity set forth below) is strictly prohibited.

1-2-7-1. Agent Restrictions. Neither the event/league nor any participating team shall be associated with any individual or agency involved in the marketing of any individual's athletics reputation or ability (including an employee of an agent or anyone associated with an agent in his or her capacity of marketing any individual's athletics reputation or ability). Further, all NCAA-certified agents are prohibited from associating with an NCAA-certified event/league or participating team.

1-2-7-1-1. Financial Support Restrictions. Neither the event/league nor any participating team may receive financial support from any individual or agency involved in marketing any individual's athletics reputation or ability or any representatives of an NCAA member institution's athletics interests who is assisting or has assisted in the recruiting process. Further, all NCAA-certified agents are prohibited from financially supporting an NCAA-certified event/league or participating team.

1-2-7-2. Sports Wagering Restrictions. Neither the event/league nor any participating team may receive financial support or be associated in any way with a venue or other entity that is associated in any way with wagering on intercollegiate athletics.

1-2-7-3. Restrictions on Bribery, Point Shaving or Game Fixing Involvement. Neither the event nor any participating team shall have on its staff or as a participant any individual who has been found guilty or pleaded guilty in a court of law for having been involved in sports bribery, point shaving or game fixing.

1-2-8. Strict Enforcement of Deadlines. All deadlines are STRICTLY enforced and expire at 11:59 p.m. Eastern Time. Deadlines are NOT speculative and therefore there is no gray area; they are either met or not met. Participants/applicants are expected to plan accordingly to make sure that all processes and information are completed or submitted by the applicable deadline.

For processes that are completed in an online system (BBCS, Recruiting/Scouting Service Approval System, or Agent Certification Application), the system will time/date stamp all activity. This date CANNOT be disputed. Similarly, an online application/PERF is NOT considered submitted until the status has changed online from "Not Submitted" to "Submitted". Although all the information may have been entered online, until it is completely submitted and the status has changed, ECAG will not process the application/PERF. Leaving the application/PERF status as "Not Submitted" will result in denial of NCAA certification/approval.

1-2-8-1. Deadline Verification. Online submissions will be date-stamped and are not disputable. For all other submissions, it is the applicant's responsibility to verify and produce proof of a timely submission. For documents sent via email it is advisable to mark them for a read and delivery receipt and keep that verification as proof of successfully submitting the information. Information submitted in writing should be sent to the NCAA staff via some type of traceable delivery (i.e., FedEx, UPS, certified mail, etc.).

1-2-9. Terms of Use and Privacy Policy. The Terms of Use (Terms) and Privacy Policy for the NCAA Agent Certification System website, together with its subpages and microsites are accessible on the login page of the Agent Certification System (<https://web3.ncaa.org/AgentCertification>). Individuals required to use the Agent Certification System are encouraged to read the Terms (including the Privacy Policy) carefully before using the Agent Certification System. Access to and use of the Agent Certification System is subject to the outlined Terms (including the Privacy Policy) and all applicable laws. Accessing and using the Agent Certification System, signifies the individual's assent to the outlined Terms (including the Privacy Policy), which constitute a legal agreement between that individual and the National Collegiate Athletic Association ("NCAA," "we," or "us") governing his/her access to and use of the Agent Certification System. If an individual does not agree to the outlined Terms (including the Privacy Policy), he/she is instructed not to use the Agent Certification System. These Terms may be amended or modified, or new conditions may be imposed, at any time. Any such changes or additions will be reflected by an update of the online posting but will not be otherwise communicated. Those using the Agent Certification System are encouraged to check the Terms (including the Privacy Policy) periodically for changes. An individual's continued use of the Agent Certification System following the posting of changes to these terms (including the Privacy Policy) signifies the individual's acceptance of those changes.

Chapter 2 - Definitions

As used in these guidelines and in connection with ECAG processes, the following definitions apply:

Academic and Membership Affairs (AMA) Staff: The AMA staff supports the NCAA membership and general public in six basic areas: (1) legislation; (2) interpretation of NCAA bylaws; (3) education; (4) self-study; (5) academics; and (6) committee and governance liaison support for all three divisions and provides compliance assistance for member institutions.

Activity Type: Identification of whether the occurrence seeking basketball certification is an event or a league or is for predetermined teams or individual athletes.

Actual and Necessary Expenses: The fair market value of those expenses essential for participation on a team or a tryout for that team. [NCAA Bylaw 12.02.2] Such expenses should be limited to the item(s)' cost in the locale where the athlete competes. Actual and necessary expenses include:

1. Meals and lodging tied directly to competition and practice held in preparation for such competition;
2. Apparel, equipment and supplies;
3. Coaching and instruction;
4. Health/medical insurance;
5. Transportation (i.e., expenses to and from practice and competition, cost of transportation from home to the training/practice site at the beginning and end of the season);
6. Medical treatment and physical therapy;
7. Facility usage;
8. Entry fees; and
9. Other expenses necessary to participate on the team.

Adjoining State: A state sharing a continuous boarder with another state.

Adjoining State Rule: The residency requirement applied to nonscholastic teams participating in NCAA-certified events. Teams participating in NCAA-certified events are restricted to including athletes who reside within the same state as the team's official address or within a geographically adjoining state to the team's official address. MEN'S TEAMS are limited to three adjoining state

athletes. WOMEN'S TEAMS are not limited in number, but the athletes must be from an adjoining state.

Advisor: A lawyer or other individual who can discuss the components of a proposed professional sports contract with a SA provided that the individual does not:

1. Represent the SA directly in negotiations for the contract; OR
2. Facilitate in any manner communications between the SA and professional teams.

Amateurism: NCAA Division I member institutions adhere to a "Commitment to Amateurism" whereby they are required to conduct their athletics programs for students who choose to participate in intercollegiate athletics as a part of their educational experience and in accordance with NCAA bylaws, thus maintaining a line of demarcation between SAs who participate in the Collegiate Model and athletes competing in the professional model. SAs must be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation, and SAs should be protected from exploitation by professional and commercial enterprises. [NCAA Division I Constitution 2.9; NCAA Bylaw 12.1.2, et seq.]

Agent: See definition of Non-NCAA-Certified Agent.

Agency Contract: As used herein, agency contract means a written agreement in which a SA authorizes a person to negotiate or solicit on behalf of the athlete a professional-sports-services contract or endorsement contract or other agreement made for the purpose of marketing the SA's athletics ability or reputation. NOTE: NCAA-certified agents are ONLY permitted to provide representation services for the purposes of obtaining employment for an individual with a professional sports team or organization or as a professional athlete.

Application: Form submitted to request NCAA approval or certification for the following categories of applicants:

1. Basketball events/leagues;
2. Recruiting/scouting services in the sports of basketball and football; and/or
3. Agents.

Athlete: Any PSA or SA participating in a nonscholastic basketball event or league.

Basketball Certification: The process by which basketball activities (events, leagues, showcases, tournaments, festivals, camps) for PSAs and Division I SAs request NCAA approval as a league or an event for the defined purpose (see definition of league and event).

Basketball Certification System (BBCS): The online service used by ECAG to administer the basketball certification process. BBCS registration is required for all individuals involved in coaching activities and in operating or managing an event, league operators, nonscholastic coaches, participating PSAs and those who are financially responsible for an organization of nonscholastic teams. All basketball application requests, PERFs, team rosters, financial disclosures and other documentation necessary for compliance with certification requirements are submitted via the BBCS.

Board of Directors (BOD): The NCAA Division I governing body comprised of conference chairpersons and is the top governing body for Division I, responsible for strategy and policy and overseeing legislation and management of the division. The BOD focuses on strategic topics in college sports and their relationship to higher education; monitors legislation to ensure it does not conflict with policies and goals; reviews and approves policies and procedures governing the infractions program; approves an annual budget; adopts legislation when significant values are at stake or an issue requires fast action that does not allow use of the regular legislative process; and collaborates with NCAA staff on how the national office can best serve Division I members.

Booster: See definition for "Representative of the Institution's Athletics Interests."

Broad Based Coverage: Information provided by an NCAA-approved recruiting/scouting service must include PSAs from a broad spectrum and not limit the coverage to select teams, individuals or geographical locations.

Coach: As applicable to ECAG, "coach" means any individual who is a nonplayer and who inhabits the bench during an event or competition, or who engages in other coaching activities.

Coaching Activities: Coaching activities including, but not limited to providing instruction or training; directing the behavior of a team or individual player; having the responsibility for improving a team through player development, strategy and in-game management; and nonplayer individuals who sit on the team bench during an event.

Coaches'/Event Packet: A packet of material prepared by an event operator available for purchase by NCAA coaches that includes information about the event (i.e., schedule, driving direction between sites, team rosters with contact information, etc.).

Contact: A contact is any face-to-face encounter between a PSA or the PSA's family members and an NCAA institutional staff member or athletics representative during which any dialogue occurs in excess of an exchange of a greeting. Any such face-to-face encounter that takes place at the site of organized competition or practice involving the PSA is considered a contact, regardless of whether any conversation occurs. [NCAA Bylaw 13.02.4]

Contact Period: A contact period is that time period when it is permissible for authorized athletics department staff members to make in-person, off-campus recruiting contacts and evaluations. [NCAA Bylaw 13.02.5.1]. Note that NCAA recruiting periods and calendars for each sport change

from time to time and it is the responsibility of the event operator and/or nonscholastic coach to stay apprised of any such changes.

Dead Period: A dead period is that time period when it is not permissible to make in-person recruiting contacts or evaluations on or off the member institution's campus or to permit official or unofficial visits by PSAs to the institution's campus. [NCAA Bylaw 13.02.5.5] Note that NCAA recruiting periods and calendars for each sport change from time to time and it is the responsibility of the event operator and/or non-scholastic coach to stay apprised of any such changes.

Demographic Information: Information that identifies a PSA including, but not limited to name, address telephone number, high school, non-scholastic team, position, jersey number, date of birth, graduation year, height, weight, etc.

Director of Athletics: As used herein, director of athletics means the individual responsible for administering the overall athletic program of an educational institution, or his or her designated representative.

Division I Council (Council): The NCAA Division I governing body comprised of athletics administrators, faculty athletics representatives and institutional administrators representing Divisions I-A, I-AA and I-AAA. The Council recommends nonacademic policies to the BOD; coordinates strategic planning activities; identifies and examines trends and issues in college sports; takes final action on matters delegated to it by the BOD; supervises qualifications and selection procedures for Division I championships and national collegiate championships; reviews recommendations from sports committees regarding the administration of championships; and oversees Division I membership standards.

Eligibility: The determination of a PSAs or SAs compliance with NCAA rules resulting in the right to practice, compete and get a scholarship from a member institution through satisfaction of the appropriate conditions (academic record, SAT® or ACT scores, and amateur status). [NCAA Bylaw 14.3]

Eligibility Center (EC): The EC is responsible for processing and certifying the initial eligibility (academic and amateurism status) of PSAs. The EC is responsible for academic certification, amateurism certification, the NCAA customer service center, high school review and managing the daily operations of the National Letter of Intent (NLI) program.

Evaluation Period: An evaluation period is a time period when it is permissible for authorized athletics department staff members to be involved in off-campus activities designed to assess the academic qualifications and playing ability of PSAs. No in-person, off-campus recruiting contacts shall be made with the PSA during an evaluation period. [Bylaw 13.02.5.2]. Note that NCAA recruiting periods and calendars for each sport change from time to time and it is the responsibility of the event operator and/or non-scholastic coach to stay apprised of any such changes.

Event Participant Information (EPI): As part of the PERF, operators are required to identify who participated in the event.

1. For individual events, operators are required to search the BBCS for each PSA and individual involved in coaching activities and add them to the event's individual participants tab of the PERF. Operators will also have to disclose compensation paid for everyone involved in coaching activities.
2. For team events, it is the operator's responsibility to ensure that all participating teams have registered in the BBCS. The operator is required to access the roster of all participating teams in the BBCS and identify each coach and PSA who participated. Additionally, it is the operator's responsibility to confirm that the address and telephone number provided in the BBCS is accurate for each participant, is a permissible address for that athlete (sometimes requiring collection of documentation of residence) and is compliant with ECAG residency requirements.

Event: An athletics activity (event, league, showcase, tournament, festival, camp, etc.) that is certified to allow Division I basketball coaches to attend and evaluate PSAs.

Family Member: A family member is an individual with any of the following relationships to the PSA: spouse, parent or legal guardian, child, sibling, grandparent, domestic partner or any individual whose close association with the PSA is the practical equivalent of a family relationship. [NCAA Bylaw 12.02.4]

Games (Countable Competition): [NCAA Bylaw 17.31.2.1 Organized Basketball Competition]
An athletic activity would be considered a game if any of the following conditions are met:

1. Competition is scheduled and publicized in advance;
2. Official score is kept;
3. Individual or team standings are maintained;
4. Official timer or game officials are used;
5. Admission is charged;
6. Teams are regularly formed, or team rosters are predetermined;
7. Team uniforms are used;
8. A team is privately or commercially sponsored; or

9. The competition is either directly or indirectly sponsored, promoted or administered by an individual, an organization or any other agency.

Individual Analysis: Analysis reported by a recruiting/scouting service beyond demographics (e.g., height, weight, class and position), ranking (e.g., Division I level PSA) and general comments (e.g., excellent shooter) for an institution to make an athletics or academic analysis of the PSA. Each PSA named in a standard recruiting/scouting service is required to be evaluated.

Individual Associated with a Prospect (IAWP): In basketball, an individual associated with a PSA is any person who maintains (or directs others to maintain) contact with the PSA, the PSA's family members or coaches at any point during the PSA's participation in basketball, and whose contact is directly or indirectly related to either the PSA's athletics skills and abilities or the PSA's recruitment by or enrollment in an NCAA institution. This definition includes, but is not limited to family members, handlers, personal trainers and coaches. [NCAA Bylaw 13.02.19]

Individual Event: An event most often in a camp type format, involving PSAs who register by themselves and not as part of a team. In some cases, individual events still involve team competition, but the teams are created at the event for the purpose of competition.

Interpretation: As applicable to ECAG, an explanation of meaning, guidance on the application of NCAA legislation or determination of whether a violation has occurred, as provided by the AMA staff.

League: An activity that is certified to allow currently enrolled Division I SAs to compete outside of the regular season. Such competition is only permissible from **June 15 to August 31** or the institution's first day of classes, whichever is earlier, and only after obtaining written permission from the institution's director of athletics (or the director's official representative).

Legislative Services Database (LSDBi): The online version(s) of the NCAA Divisions I, II, and III manuals. NCAA legislation changes frequently. The most up-to-date legislation is available in LSDBi. LSDBi includes a directory of proposals, and legislation is updated continuously throughout the year as it changes. Portions of LSDBi are accessible to those outside the NCAA membership. Note that the LSDBi manual cites and text may differ from those in the hardcopy of the bylaw manual that is issued once a year.

Metro Area Rule: An exception to the adjoining state rule that allows for men's teams with an official address in a city that is divided by the state line of multiple states (i.e., Washington, D.C.; Kansas City; St. Louis/East St. Louis; etc.) to include more than three out-of-state athletes from adjoining states if each additional participant resides within the same metropolitan area as the team. If the team's official address does not border two different states, this exception does not apply.

Minimum Level of Analysis: Information disseminated by a standard recruiting/scouting service must include individual analysis beyond demographics (e.g., height, weight, class and position), ranking (e.g., Division I level PSA) and general comments (e.g., excellent shooter) for an

institution to make an athletics or academic analysis of the PSA. Each PSA named in the service is required to be evaluated.

NBPA: National Basketball Players Association. The NBPA is the union for current professional basketball players in the National Basketball Association (NBA). The NBPA certifies agents who represent the players in the NBA.

NCAA Bylaws: The legislation adopted by the NCAA membership that governs, among other things, permissible recruiting activities by member institutions and coaches, as well the eligibility of PSAs and SAs.

NCAA-Certified Agent: Any individual who has met all of the annual requirement of the NCAA agent certification program and as a result, is permitted to solicit a SA/PSA (PSA representation is not permitted until high school students are eligible to enter the NBA draft) to enter into an agency contract for purposes of obtaining employment with a professional sports team or organization or as a professional athlete.

Non-NCAA-Certified Agent: A non-NCAA-certified agent is any individual who directly or indirectly: (1) represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation for financial gain; or (2) seeks to obtain any type of financial gain or benefit from securing a PSA's enrollment at an educational institution or from a SA's potential earnings as a professional athlete. [NCAA Bylaw 12.02.1]

Non-Prospect Aged Teams: Any team of athletes comprised of athletes who do not meet the definition of a PSA as defined in Bylaw 13.12.1.1.1 (men's basketball) and Bylaw 13.02.13 (women's basketball).

Operating or Managing the Event: encompasses all staff people who are in a managerial or leadership role, not just someone assisting or working in an administrative role (check-in staff, concessions, janitorial staff, score keepers, etc.); those people who would be the "go to" person for all emergencies or issues at each event facility; for multi-site events, the individual "in charge" at each site (site director, gym supervisor, organizer, coordinator). Individuals involved in operating or managing the event must have a USA Basketball (USAB) Gold License and meet NCAA standards of eligibility.

Operator: Any individual who establishes, owns in whole or in part, organizes or operates an NCAA-certified event/league or NCAA approved recruiting/scouting service.

Participant(s)/Participation: All coaches, SAs and PSAs who take part in athletically related activities at NCAA-certified events and/or NCAA approved leagues.

Participant Employment Program: Opportunity provided to participating PSAs by an event/league operator to work (clocks, stats, etc.) to assist the athlete in earning money to apply to any fees associated with their participation provided that certain criteria are met. If offered, an

employment program must be made available to all qualifying participants and must be based on financial need that is unrelated to a participant's athletics ability, reputation or value that the individual would bring to the event/league. Compensation must be paid only for work performed and at a rate commensurate with their experience and for similar employment in that locale. Any participant employment program must be publicized in advance.

Post Event Review Form (PERF) : If an event is certified and Division I coaches were provided the opportunity to attend and observe PSAs, the activity operator is required to submit a PERF providing ECAG with information regarding the conduct of the event (e.g., identity of participants, staff, coaches/event packets sold, Division I coaches in attendance, post-event financial information, etc.) NCAA-certified leagues are not required to submit a PERF. The PERF must be submitted no later than two months after the last certified event date. The specific deadline will be visible on the Event Applications tab in the BBCS and will appear in the Respond by Date column of an approved event application.

Preferential Treatment: NCAA legislation prohibits a SA from receiving preferential treatment, benefits or services because of the individual's athletics ability or payback potential as a professional athlete, unless NCAA rules specifically states otherwise. [NCAA Bylaw 12.1.2.1.6]

Primary Facility: The main location utilized by an event/league. Facility used as event/league headquarters.

Proof of Insurance: Documentation required of an event/league operator that indicates the event/league has insurance compliant with the NCAA requirements.

Prospective Student-Athlete (PSA): Generally, a PSA is an individual who has started classes for the ninth grade. [NCAA Bylaw 13.02]. In men's basketball, for the purposes of sports camps and clinics, a PSA is an individual who has started classes for the seventh grade. [NCAA Bylaw 13.12.1.1.1]. In addition, and regardless of whether the individual has enrolled in classes, an individual is deemed a PSA if an NCAA member institution provides the individual (or his/her family members or friends) any financial assistance or other benefits that the institution does not provide to PSAs generally. An individual remains a PSA until one of the following occurs (whichever is earlier):

1. The individual officially registers and enrolls in a minimum full-time program of studies and attends classes in any term of a four-year collegiate institution's regular academic year (excluding summer);
2. The individual participates in a regular squad practice or competition at a four-year collegiate institution that occurs before the beginning of any term;
3. The individual officially registers, enrolls and attends classes during the certifying institution's summer term prior to his or her initial full-time enrollment at the certifying institution; or

4. The individual reports to an institutional orientation session that is open to all incoming students within 14 calendar days prior to the opening day of classes of a regular academic year term.

Qualified Medical Personnel: As applicable to ECAG, the term "qualified medical personnel" is intentionally broad, but at a minimum means an individual trained to respond quickly to emergency situations regarding medical issues, traumatic injuries and accident scenes, can administer CPR and utilize a defibrillator. Qualified medical personal must be present at each facility being utilized.

Quiet Period: A quiet period is that time period when it is permissible to make in-person recruiting contacts only on the member institution's campus. No in-person, off-campus recruiting contacts or evaluations may be made during the quiet period. [NCAA Bylaw 13.02.5.4]. Note that NCAA recruiting periods and calendars for each sport change from time to time and that it is the responsibility of the event operator and/or nonscholastic coach to stay apprised of any such changes.

Recruit or Solicit: Recruit or solicit means any attempt to influence the choice of an agent by a SA or, if the student-athlete is a minor, a parent or guardian of the SA. The term does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent or the agent's employer.

Recruiting Calendar: A chart/description identifying the ranges of dates designated as quiet, dead, contact and evaluation periods. [NCAA Bylaw 13.17]. Note that NCAA recruiting periods and calendars for each sport change from time to time and that it is the responsibility of the event operator and/or nonscholastic coach to stay apprised of any such changes.

Recruiting Period – Men's Basketball: In men's basketball, a recruiting period is a time period when it is permissible for authorized athletics department staff members to make in-person, off-campus recruiting contacts and evaluations. [NCAA Bylaw 13.02.5.3]

Recruiting/Scouting Service: Any individual, organization, entity or segment of an entity that is primarily involved in providing information about PSAs. This definition includes but is not limited to any service that provides information only to paid subscribers; any service that is only available to a select group of individuals (e.g., coaches), regardless of whether there is a charge associated with the service; and any service that provides information to the public free of charge. However, this definition does not include any individual, organization or entity or segment of an entity that provides information about PSAs incidental to its primary purpose and is generally available to the public (e.g., news media).

Reduced Entry Fee Program: Opportunity provided by an event/league operator to participating PSAs to pay a reduced entry fee provided that certain criteria are met. If offered, reduced entry fees must be made available to all qualifying participants and must be based on some objective criteria that is unrelated to a participant's athletics ability or reputation. Any reduced entry fee

program must be publicized in advance. (i.e., early bird registration discounts, multiple team discounts, financial need, etc.).

Representative of the Institution's Athletics Interests: An individual, independent agency, corporate entity (e.g., apparel or equipment manufacturer) or other organization who is known (or who should have been known) by a member of the institution's executive or athletics administration to do any of the activities identified below (also known as a "booster"). [Bylaw 13.02.15]

1. Participate/participated in or to be a member of an agency or organization promoting the institution's intercollegiate athletics program;
2. Make/made financial contributions to the athletics department or to an athletics booster organization of that institution;
3. Assist/assisted or to have been requested (by the athletics department staff) to assist in the recruitment of PSAs;
4. Assist/assisted in providing benefits to enrolled SAs or their family members; or
5. Involved otherwise in promoting the institution's athletics program.

Revised Uniform Athlete Agent Act (RUAAA): The Revised Uniform Athlete Agents Act (RUAAA) modernizes the Uniform Athlete Agents Act (UAAA) to more effectively protect the interests of student athletes, academic institutions, and athlete agents. While retaining many portions of the UAAA, the RUAAA expands the definition of "athlete agent", enhances agency contract requirements, requires athlete agents to notify an educational institution at which a student athlete is enrolled before contacting a student athlete, and gives student athletes a right of action against an athlete agent for violation of the act.

Scouting Service: See definition for "Recruiting/Scouting Service".

Secondary Facility(s): Additional site location utilized by an event/league other than the main/primary facility or headquarters.

Sponsor: A person, group, or company that pledges or provides any form of financial support, in-kind donation and/or service, whether directly or indirectly, to the operation of an event, league, team or scouting service.

Sports Agent Responsibility and Trust Act (SPARTA): A federal law prohibiting certain conduct by sports agents relating to the signing of contracts with SAs. SPARTA makes it unlawful for an agent to directly or indirectly recruit a SA by giving any false or misleading information, making a false promise or representation, or providing anything of value to a SA (or anyone associated with the SA), before entering into an agency contract. A violation of this act is deemed

an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act. [15 U.S.C. 7801-7807]

Standard Scouting Service: See the definition of "Recruiting/Scouting Service." Not a Video Only service.

Student-Athlete (SA): A student whose enrollment was solicited by a member of the athletics staff or other representative of athletics interests with a view toward the student's ultimate participation in the intercollegiate athletics program. Any other student becomes a SA only when the student reports for an intercollegiate squad that is under the jurisdiction of the athletics department, as specified in NCAA Constitution 3.2.4.5. A student is not deemed a SA solely based on prior high school athletics participation. [Bylaw 12.02.14]

Student-Athlete Reinstatement (SAR): The staff in AMA that processes violations and waivers on behalf of SAs who have been involved in violations of NCAA regulations that affect their eligibility. SAR evaluates the responsibility of an athlete to determine whether he or she can be reinstated, and under what conditions.

Subscription: Requiring some action in order to access information (i.e., requires payment or must register to gain access to the information). An institution subscribes to a recruiting/scouting service when a staff member registers to access information provided by the service only to paid subscribers or registers to access information available only to a select group of individuals (e.g., coaches), regardless of whether a charge is associated with accessing the information. However, an institution is not considered to have subscribed to a recruiting/scouting service if a staff member registers to access information about PSAs from a service that provides the same information to the general public at no cost.

Team: As applicable to ECAG, "team" means a group of five or more players (PSAs, current or former SAs) forming one side in a competitive game at an NCAA-certified event and/or NCAA-certified league.

Team Event: An event involving pre-existing nonscholastic teams of PSAs (i.e., travel teams, club teams, etc.).

Team/Organization Chief Executive Officer (CFO) or Primary Business Officer: The chief executive or primary business officer of a team/organization; the person of ultimate authority over a team or organization of teams.

Tribal Exception: An exception to the Adjoining State Rule that allows the Native American tribe to be viewed in its entirety as analogous to a state, although its geographic location may encompass several states. Therefore, Native American PSAs are permitted to participate on their tribal team regardless of their state of residence.

Uniform Athlete Agent Act (UAAA): The Uniform Athlete Agents Act (UAAA) is a model state law governing the relationships between student-athletes, athlete agents and academic institutions that provides for uniform registration, certification and background checks on sports agents. Although there are variances among individual states, the UAAA generally requires athlete agency contracts to contain specific information, including language notifying a student-athlete that entering into an agency agreement could render them ineligible to compete in collegiate athletics. Under the UAAA, agents and student athletes are required to give notice of the contract to the athletic director of an affected educational institution. The UAAA also prohibits agents from providing anything of value or using materially false or misleading information to coerce a student to enter into an agency contract. Finally, the UAAA provides for criminal, civil and administrative penalties with enforcement at the state level.

Unsolicited Information: Information regarding PSAs is given to, sent to or received by NCAA coaches without being paid for or requested.

Video Only Service: A recruiting/scouting service that only provides video of PSAs and does not provide information about or analysis of PSAs. Information to identify the PSA is permissible but is limited to the PSA's name, high school, position, jersey number and year of graduation.

Chapter 3 - Agent Certification Policies and Procedures

3-1. Overview.

The agent certification program permits qualified agents, who agree to and follow the NCAA requirements for agent certification, the opportunity to become an NCAA-certified agent authorized to represent SAs¹ in the sport of men's basketball who are considering careers in professional basketball but who wish to retain collegiate eligibility. The NCAA reserves the right to withdraw current or deny future opportunities to participate in or benefit from the NCAA-certification and approval process for any individual who fails or refuses to meet the requirements below or as otherwise provided by NCAA legislation.

NCAA-certified agents are NBPA-certified agents who have successfully completed the NCAA agent certification process administered by ECAG pursuant to NCAA Bylaw 12.02.1.2 and related NCAA legislation, which is summarized as follows:

- NBPA-certified agents are considered NCAA-certified agents (until the NCAA agent certification program is fully implemented on July 31, 2019, after which time individuals applying for NCAA Agent Certification must meet all additional present and future requirements established by NCAA legislation and ECAG policies).
- A NCAA-certified agent may not enter into an agency agreement with a SA until after completion of his TEAM's playing season.
- Before entering into an agency agreement with an NCAA-certified agent, a SA must first request an evaluation from the NBA Undergraduate Advisory Committee.
- Agency agreements must be in writing and disclosed to the SA's institution.
- After signing a written agreement with an NCAA-certified agent, the agent may provide the SA (and his family members) with transportation, lodging and meals associated with meeting with the agent or a professional team.
- If an enrolled SA does not sign a contract with a professional team, the agreement must be terminated before full-time enrollment in the ensuing regular academic term.

¹ For the purposes of the chapter on "Agent Certification Policies and Procedures," the term "student-athlete (SA)" applies only to men's basketball SAs who are enrolled full-time at a collegiate institution (e.g., NCAA, National Association of Intercollegiate Athletics, National Junior College Athletic Association and international institutions) seeking eligibility certification at a Division I institution.

3-1-1. Applicable Legislation – Agent Certification.

3-1-1-1. Enabling Legislation.

12.02.1.2 NCAA Certification Requirement – Men's Basketball

3-1-1-2. Related NCAA Bylaws.

12.3 Use of Agents.

12.3.1 General Rule

12.3.1.2 Exception -- NCAA-Certified Agents -- Men's Basketball

12.3.1.2.2 Enrolled SAs and Two-Year College Prospective Student-Athletes

12.3.1.2.3.2 Expenses After Agreement.

12.3.1.2.4 No Missed Class Time.

12.3.1.2.5 Written Agreement.

3-1-1-3. NCAA Bylaws on Use of Agents by Prospective Student-Athletes (PSAs) and Permissible Expenses (Not Yet Implemented).

12.3.1.2.1 Elite Senior PSAs.

12.3.1.2.3 Expenses from an NCAA-Certified Agent

12.3.1.2.3.1 Expenses Before Agreement

3-2. Requirements for NCAA-Certified Agents.

3-2-1. Requirements for NCAA-Certified Agent Representation of SAs.

3-2-1-1. Required Prerequisites for Representation of SAs. NCAA-certified agents may enter into an agency agreement with a SA if: (a) his team has completed all regular and post-season play; (b) he has requested an evaluation from the NBA Undergraduate Advisory Committee; and (c) he has declared for the NBA draft.

3-2-1-1-1. Violation by Agent. The agent is responsible for ensuring the SA has met the foregoing requirements and failure to do so will result in adverse action, up to and including decertification.

3-2-1-1-2. Violation by SA. It is a violation of NCAA agent legislation for any enrolled SA to: (a) enter into an oral or written agreement with an agent who is not NCAA-certified; or (b) enter into a written agreement with an NCAA-certified agent prior to the completion of his team's playing season, without first requesting an evaluation from the NBA Undergraduate Advisory Committee. The penalty for such a violation may include the loss of the SA's athletic eligibility.

3-2-1-2. Written Agency Agreement. An agreement between an enrolled SA and an NCAA-certified agent shall be in writing and disclosed to and maintained by

athletics compliance at his institution. If an enrolled SA does not sign a contract with a professional team, the agreement must be terminated before full-time enrollment in the ensuing regular academic term. If the agreement does not expressly terminate by operation of law, the agent must provide written notification to the SA and his institution that the agreement has terminated.

3-2-1-3. Permissible Expenses. After signing a written agreement with an NCAA-certified agent, the agent may provide the SA (and his family members) with transportation, lodging and meals associated with limited benefits as outlined in NCAA agent legislation or any related bylaw interpretation. Payment of any such expenses prior to the signing of a written agency agreement is not permitted and is in violation of NCAA legislation.

3-2-1-3-1. Professional Services. After signing a written agency agreement, professional services (e.g., nutritionist, trainer) available through the NCAA-certified agent may be provided to the SA only if the SA pays the going rate for the fair value of such services.

3-2-1-4. NCAA Coaches and Athletics Personnel. NCAA-certified agents are prohibited from contact with NCAA coaches and athletic personnel relating in any way to a PSA and/or the PSA's recruitment.

3-2-2. Applicant Requirements for NCAA-Certification. Effective July 31, 2019, agents seeking to represent SAs who wish to "test the waters" of professional basketball while maintaining their NCAA eligibility must meet the following requirements to become NCAA-certified agents:

3-2-2-1. NBPA Certified Agent Experience Requirement. All agents who wish to represent SAs must be currently certified by the NBPA for at least three consecutive years immediately preceding his or her NCAA application. NCAA certification will be granted only to individuals and not any firm, corporation, partnership or other business entity. There is no limit on the number of individuals in any one firm, corporation, partnership or other business entity who are eligible for certification.

3-2-2-2. Educational Requirement. All agents who wish to represent SAs must have obtained a bachelor's degree from an accredited four-year college or university and/or be certified by and in good standing with the NBPA. An accredited college or university shall include any college or university as recognized by the U.S. Department of Education and the Council for Higher Education Accreditation (CHEA), or the Office of Degree Authorization (ODA), or a degree from an equivalently credentialed international college or university.

3-2-2-3. Background Check Requirements. The agent must successfully complete a thorough background check with the NCAA-selected vendor as part of the online application; compliance with ECAG defined background check criteria is a condition of NCAA agent certification. Grounds for denial of a background check approval include, but are not be limited to, any of the following:

1. The applicant has made false or misleading statements of a material nature in his/her application.
2. The applicant has committed any felony that includes an element of violence or of a sexual nature regardless of the amount of time since the offense, and any felony within the past five years for which the defendant was convicted, pled guilty or pled nolo contendere. If pled down, then the crime to which the defendant ultimately pled.
3. The applicant has committed an offense involving financial misappropriation including but not limited to embezzlement, fraud, extortion, and theft within the last 10 years.
4. The applicant has committed any crime: (i) involving force or threat of force against a person within the last 10 years; (ii) in which sexual relations is an element, including "victimless" crimes of a sexual nature (including but not limited to pornography, lewd conduct, and indecent exposure) within the last 10 years; (iii) involving controlled substances (not paraphernalia or alcohol) within the last five years; involving cruelty to animals within the last 10 years.
5. The applicant is a registered sex offender.
6. The applicant is not in good standing with the United States Anti-Doping Agency (USADA) or World Anti-Doping Agency (WADA), or who has received a sanction by either body within the last 10 years.

3-2-2-4. Registered Agent Certification System Account. All agents must have an active account in the Agent Certification System. Only ONE user account is needed. Once an account is created, that same account should be utilized each year. Contact information can be update at any time; so, agents should NOT create a new account if edits need to be made to the address, phone number or email.

3-2-2-4-1. User Account Contact Information. It is the agent's responsibility to make sure their contact information is accurate and up to date and to confirm whether the NCAA staff and ECAG@ncaa.org are added as safe users in any filters being used. If an issue arises or an application is incomplete, ECAG will contact the agent via the information provided on the user

account. If an email is sent to request additional information for an application and is returned as undeliverable, regardless of the reason, the NCAA staff will not send the request by other means (fax, FedEx, regular post, etc.) or call the agent associated with the account.

3-2-2-4-2. Registration Agreements and Attestations. All agents must agree to comply with all NCAA rules, policies and guidelines; and authorize the NCAA to share information related to the agent's work, actions, operations, etc. unilaterally to any other party deemed appropriate by the NCAA.

3-2-2-5. Compliance with NCAA Legislation. The applicant must acknowledge and agree in writing that, as an NCAA-certified agent, he or she will:

1. Comply with and agree to be bound by all NCAA legislation and agent regulations and acknowledge that failure to do so shall constitute grounds for denial, revocation, limitation or suspension of certification or other disciplinary action.
2. Report to the NCAA within thirty (30) calendar days any material changes in employment status, contact information, player representation or disciplinary actions.
3. Properly monitor and supervise all employees or other associates who provide any benefits or services in connection with SA representation.
4. Fully cooperate with the NCAA in connection with investigations of possible NCAA violations, even if the violations are unrelated to agent certification requirements, acknowledge that he or she has read the policies and procedures for obtaining and maintaining certification, and agree to be subject to applicable penalties for lack of cooperation or the provision of false and misleading information to the NCAA.
5. Promptly self-report potential NCAA rules violations as well as possible violations by member institutions, institutional personal and other individuals.
6. Take corrective action when notified.
7. Permit a professional auditor or certified public accountant designated by the NCAA to conduct an independent review or audit of all relevant books and records relating to any services provided to a SA.

3-2-3. Insurance Requirements. Applicants must maintain professional liability insurance in an amount and under terms consistent with those in the industry from a carrier with at least an A.M. Best A- VII rating or greater.

3-2-4. Impermissible Benefits and Inducements. No NCAA-certified agent shall provide, cause to be provided or promise to provide, any money or any other thing of value to any SA, or any person related to or associated with him, the purpose of which is to induce or encourage such the SA to use or continue to use any person's or firm's services.

3-3. Agent Application Procedures and Deadlines.

3-3-1. Application Process. All agents must complete the annual online NCAA agent certification application. Application materials will be made available on or after July 1 each year. The application period runs from August 1 through September 30. Applications submitted outside the application period will not be accepted. All deadlines expire at 11:59 p.m. (Eastern Time) on the identified date. Failure to meet deadlines may result in denial of current or future certification/approval. The agent will be notified electronically once the application has been completed and submitted to ECAG for review.

3-3-1-1. Application Fee. Applicants are required to pay a non-refundable application fee of \$250 at the end of the application process. The fee is payable to Verified Volunteers (VV), a third-party vendor contracted by the NCAA to perform the applicant's background check and educational history validation.

3-3-1-1-1. Changes to Application Fees. The application fee includes the cost of the applicant's background check and is designed to help defray the cost of administering the agent certification program. ECAG reserves the discretion to change this fee and/or fees for other ECAG services considering inflation for the cost of conducting the background check and the administrative burden on NCAA staff, the number of applications received, and volume of information submitted and the adequacy of existing resources.

3-3-1-2. Required Submissions. Applicants are required to submit the following information:

1. **Personal Information.** All applicants must provide the following personal information.
 - a. Full name (and any surname, maiden name, alias, etc.);
 - b. Date of birth;

- c. Home address;
 - d. Business address;
 - e. Contact Phone Numbers;
 - 1) Personal (home/cell) phone number;
 - 2) Business phone number;
 - 3) Agent will choose which is made public in the online directory;
 - f. Email address; and
 - g. Address of websites associated with his/her agency.
2. **Educational Background.** Applicants are required to identify all high schools and colleges attended, year they started there, and year they ended there, and degrees acquired. Information about the bachelor's degree obtained will be submitted as part of the background check process. Agents who do not have a four year degree must be certified by and in good standing with the NBPA.
3. **Employment Information.** Employment information, including all business affiliations, each business or occupation in which the applicant engaged for 10 years preceding the date of the application, including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the applicant during that time.
4. **Information Pertaining to Agent Services.**
- a. Admittance, applications and disciplinary actions related to the Bar;
 - b. Party to litigation or other legal proceedings;
 - c. Business and other affiliations;
 - d. Professional licenses (other than law);
 - e. Management personnel (relationships and representation of coaches, general managers, or other management officials of any professional team);

- f. Professional sport experience and clients represented;
- g. State certifications;
- h. Services provided;
- i. Agent fee information; and
- j. Possible conflicts of interest.

5. **Completion of Background Check.** At the end of the NCAA application process, the application will be redirected to the VV website where he/she will enter additional pertinent information required to complete the background check. The agent will be notified electronically by VV when the background check has been completed.

3-3-1-3. NCAA Review. If the applicant successfully passes the background check and has met all other application requirements, ECAG will notify the applicant via email that he or she is permitted to sit for the in-person NCAA agent certification exam and provide dates, times and location of when that exam will be administered.

3-3-1-3-1. Request for Additional Information. In its review and consideration of any application, ECAG may request the applicant to provide additional information, documents or materials, or may conduct whatever additional investigation it deems appropriate, including requiring a conference with the applicant by telephone or in person. Failure to timely and fully respond to a request for additional information may result in a denial of the application.

3-3-1-4. NCAA Agent Certification Exam. After the completion of a successful background check, the agent must pass the NCAA agent certification exam in order to become an NCAA-certified agent.

1. NCAA agent certification examination will only be given once annually at a time and location determined by ECAG and communicated to each agent in the email notice of being eligible to take the exam and on the agent certification website accessible on www.ncaa.org/ecag. The examination will be administered in-person. Study materials will be available year-round on the agent certification website accessible on www.ncaa.org/ecag and there will be an in-person review session the day before the exam is administered.

2. The exam will be in an open book format and consist of 50 multiple choice questions focusing on: (1) NCAA initial and continuing eligibility requirements; (2) NCAA recruiting and related rules; (3) NCAA agent certification rules; (4) amateurism; (5) extra benefits; and (6) financial competency. Electronic devices will not be permitted. Applicants must achieve a score of at least 80% to pass the exam.

3-3-1-4-1. Exam Score Results and Eligibility for Certification. Exams are graded, and results will be factored into the NCAA final review and determination of eligibility to be NCAA-certified.

3-3-1-5. Notification of Decision and Eligibility Status. ECAG renders an application decision. Notification of that decision is communicated to applicants via email.

- a. **If Approved** - The applicant is eligible for certification but is not considered to be NCAA-certified until they have paid the \$1,250 annual certification fee online. When the applicant logs in to the NCAA Agent Certification System to make this payment, the agent must confirm his/her preferred contact information to be posted publicly and is required to upload a professional photo to be included on the NCAA's directory of NCAA-certified agents.
- b. **If Denied.** The application is not eligible for certification. A brief explanation of the reason(s) for denial will be included in the notification email. ECAG may deny an application if the applicant fails to meet any of the foregoing requirements for NCAA agent certification.

3-3-2. Application Status Designations Defined.

- a. **Unsubmitted.** Agent has started an application, but not yet applied in the current season/year.
- b. **Submitted.** Agent has successfully submitted the application to ECAG for processing. If the status indicates Submitted and was done so by the appropriate deadline, it has been submitted and will eventually be processed.
- c. **Ready for Exam.** Agent has passed the background check and preliminary screening of the application and determined to be eligible for the in-person exam. The exam will be given in the late fall.
- d. **Denied Pre-Exam.** Agent either did not pass the background check or did not clear the preliminary screening of the application. As a result, the agent will not be permitted to take the in-person exam and cannot proceed with the application

process. Depending on the circumstances, it may be possible for the agent to re-apply the following year.

- e. **Exam Results Approved.** Agent passed the exam and met all foregoing requirements and is eligible to become an NCAA-certified agent. NOTE: the applicant is not considered to be NCAA-certified until they have paid their certification fees and are listed in the online directory of NCAA-certified agents posted on <http://www.ncaa.org/enforcement/basketball-certification/agent-certification>.
- f. **Denied Failed Exam.** Agent failed the exam and/or did not meet all foregoing requirements. As a result, the agent is not eligible for NCAA-certification in the current calendar year. Depending on the circumstances, it may be possible for the agent to re-apply the following year.
- g. **Certified.** Agent has met all foregoing requirements, paid the certification fee, and is listed in the online directory of NCAA-certified agents posted on <http://www.ncaa.org/enforcement/basketball-certification/agent-certification>.
- h. **Withdrawn.** The application was processed and posted as Exam Results Approved or as Certified, but ECAG has withdrawn the approval/certification based on supplemental information received.

3-3-2-1. Decision Final. ECAG has authority to deny an application whenever it has reasonable cause to believe that the applicant has engaged in or is engaging in any conduct prohibited by Section 5-3-3 or applicable NCAA legislation, policies, or procedures.

3-3-2-2. Reconsideration/Appeal. See Reconsideration of a Denial and/or the Appeal of a Denial section in Chapter 4 – ECAG Adverse Actions.

3-3-3. Agent Certification Deadlines.

- a. **Application Deadline.** The application is only available between 12:00 a.m. (Eastern time) August 1 and 11:59 p.m. (Eastern time) September 30. An email is sent annually when the application goes live to all agents who applied the previous year and any agent that has requested to be notified when the application is available. This email is merely a courtesy and regardless of the email's receipt, the applicant is responsible to apply prior to the specified deadline. Failure to apply while the application is available online will require the agent to wait until the application is available again the following year. All deadlines are strictly enforced, and late submissions will not be accepted.
- b. **Requests for Additional Information Deadline.** Ten days from the date of the emailed request.

- c. **Certification Fees.** The agent must pay his or her \$1,250 annual certification fee online no later than 30 calendar days following the email notification of eligibility to be certified.
- d. **Denial Reconsideration Request.** Any such request must be made in writing to ECAG and submitted no later than 10 calendar days following notification of the original decision.

3-3-4. Certification under Review. In its sole discretion, ECAG may deny renewal if the agent's NCAA certification is under current review by ECAG or the NCAA relating to possible disqualifying or impermissible conduct by the agent or related violations of NCAA legislation involving the agent and/or individuals/firms associated with the agent. Alternatively, ECAG may stay further review of the renewal application pending a final determination of whether the agent engaged in prohibited conduct.

Chapter 4 – ECAG Adverse Actions

4-1. Authority for Enforcement of Certification/Approval Legislation, Guidelines and Requirements.

4-1-1. Administrative Authority. See description of Administrative Authority in Chapter 1, section 1.4.

4-1-2. Participant Agreement to NCAA Compliance. As a condition of certification, approval or participation, all NCAA-certified agents expressly agree:

- a. To terms and conditions regarding NCAA Requirements and Non-NCAA Members;
- b. To operate their event/league, team, service or agency in compliance with NCAA legislation and ECAG requirements;
- c. To be subject to the procedures and possible penalties set forth in ECAG operating procedures as the exclusive means of resolving all disputes arising from or relating to NCAA certification/approval, including without limitation the denial of initial certification/approval, the suspension or withdrawal of an existing certification/approval and the propriety of any penalty authorized hereunder; and
- d. That the NCAA is not responsible for any actions taken by another governing body (USAB, NBPA, etc.), state regulatory bodies, professional associations or other third-parties arising from or relating to administration of the NCAA certification/approvals policies, procedures, adverse actions and/or penalties, and that by agreeing to participate in ECAG programs (basketball certification, agent certification, recruiting/scouting service approvals) the agent accepts the foregoing risks.

4-1-2-1. Subject to Adverse Actions and Penalties. As a condition of participation, each agent agrees to be subject to adverse actions or penalties for failure to comply ECAG policies and/or NCAA legislation.

4-2. Conduct Subject to Adverse Actions/Penalties. An agent's failure to comply with ECAG certification/approval policies and procedures, any terms or condition or attestations agreed to when applying or completing other ECAG processes, commission of violations of state or federal law all constitute disqualifying and/or impermissible conduct. ECAG may deny an application/PERF if the applicant fails to meet any of the foregoing requirements for certification/approval.

4-2-1. Disqualifying Conduct or Event. Disqualifying conduct includes any conduct that would have warranted denial of the agent's original application. ECAG has the sole and final authority to determine whether the agent has engaged in the disqualifying conduct or whether a disqualifying event has occurred. If the violation is minor, inadvertent, or based on a factual error, the agent may request reconsideration of the decision. Disqualifying conduct includes, but is not limited to, the following:

- a. Failure to properly complete the application/PERF, including the required attestations;
- b. Failure to meet any ECAG deadline. All deadlines are strictly enforced;
- c. Failure to cooperate with the NCAA in its processing of an application/PERF;
- d. Failure to meet the NCAA background check requirements;
- e. Failure to meet the NCAA educational requirements. For agents, this would include failure to achieve a passing score on the NCAA agent certification examination.

4-2-1-1. Additional Disqualifying Conduct for Agents.

4-2-1-1-1. Loss of NBPA Certification. An NCAA-certified agent who loses his or her NBPA certification for any reason automatically forfeits NCAA certification and is subject to such other and further actions prescribed in ECAG operating procedures. In such event, in its sole discretion, ECAG may impose additional requirements or restrictions on the agent's further eligibility to reapply for NCAA certification.

4-2-1-1-2. Violations of State or Federal Law. The NCAA may also withdraw certification/approval or impose other discipline on any agent found to have violated laws governing athletic agents including but not limited to violations of state law (e.g., UAAA/RUAAA) or SPARTA [15 U.S.C. 7801-7807] In such event, in its sole discretion, ECAG may impose additional requirements or restrictions on the agent's further eligibility to reapply for NCAA certification.

4-2-2. Impermissible Conduct. Impermissible conduct is conduct that is intentional, deceptive, contrary to the NCAA's core mission or which may adversely affect the interest or well-being of SAs. Impermissible conduct may result in adverse actions and penalties in accordance with ECAG's enforcement procedures, including withdrawal of certification/approval and permanent ineligibility to reapply for NCAA certification/approval. The presumed penalty for the most severe violations is withdrawal of current certification and/or denial of certification/approval the following year. Impermissible conduct includes, but is not limited to, the following:

- a. Failure to comply with the following Terms and Conditions:
 - 1) Unethical Conduct and/or Participation in a Violation;
 - 2) Responsibility to Cooperate;
 - 3) Restrictions on Involvement;
 - 4) False Representation of NCAA Certification;
 - 5) Improper Use of the NCAA Brand and Trademarks; and
 - 6) False or Misleading Information.
- b. Failure to abide by the impermissible gifts, benefits and/or inducements Requirements described in these guidelines in the Requirements for ALL NCAA-Certified Events and Leagues and Requirements for NCAA-Certified Agents sections.
- c. Failure to act or participate in activities that result in or considered to be a violation of NCAA legislation.
- d. Misappropriating funds or engaging in specific acts of financial malpractice such as embezzlement, theft or fraud, which would render him/her unfit.
- e. For agents, engaging in other conduct that significantly impacts adversely his or her credibility, integrity or competence to serve in a representative capacity on behalf of a SA (PSA representation is not permitted until high school students are eligible to enter the NBA draft).

4-2-3. Additional Grounds for Adverse Actions/Penalties. Additional grounds for denial include, without limitations, the following:

- a. **Failure to Comply with NCAA Requirements.** Failure to comply with NCAA legislation, guidelines and requirements, can be classified as either Disqualifying Conduct or Impermissible Conduct.
- b. **Failure to comply with ECAG Terms and Conditions.** Failure to comply with any of the ECAG terms and conditions can be classified as either Disqualifying Conduct or Impermissible Conduct.
- c. **Applicant Qualifications.** Information has come to the attention of the NCAA that calls into question the applicant's qualifications.
- d. **Not Compliant with NCAA Interests and Mission.** Approval is not in the best interests of the NCAA's mission and/or certification program.
- e. **Negative Impact to NCAA Integrity and Public Confidence.** Participation and/or involvement with conduct detrimental to the integrity and public confidence in the NCAA.

4-3. Adverse Actions and Penalties for Violations. ECAG may impose the following range of adverse actions for Disqualifying Conduct and Impermissible Conduct: fines, formal reprimand, suspension of certification/approval for a prescribed period, withdrawal of current or denial of future certification/approval with or without conditions, or a lifetime ban.

4-3-1. NCAA Right to Withdraw or Deny. The NCAA reserves the right to withdraw current or deny future opportunities to participate in or benefit from the NCAA-certification and approval programs for any individual who fails or refuses to comply with NCAA legislation, ECAG guidelines, policies and procedures, terms and conditions outlined in section 1.6, or attestations agreed to when applying or completing any of the ECAG online processes or other ECAG applications.

4-3-2. Adverse Actions.

4-3-2-1. Formal Reprimand/Warning. A single instance or isolated failure to comply with ECAG policies and/or NCAA legislation may result in ECAG issuing a formal reprimand. Failure to achieve compliance and/or repetition of the same violation may elevate the reprimand to extended evaluation or ECAG may impose a penalty.

4-3-2-1-1. Corrective Action. A formal reprimand or written warning may include request for corrective action to an agent. Corrective action does not constitute a penalty and may not be appealed.

4-3-2-1-2. Not a Required First Step. ECAG is not required to provide a formal reprimand, written warning or request for corrective action prior to initiating an investigation or review determining that the agent engaged in impermissible conduct.

4-3-2-2. Extended Evaluation. ECAG may place an agent on extended evaluation status, in which case they will be presumed ineligible to apply for future certification/registration/approval unless the individual can show that they have (a) implemented remedial measures sufficient to ensure the violation[s] does not reoccur and (b) remained fully compliant with NCAA policies and legislation for duration of the probationary period.

4-3-3. Penalties for Violations. ECAG may also assess penalties for violations of NCAA policies and legislation, including the withdrawal of an existing certification/approval and deeming the agent ineligible to apply for certification/approval and disqualified from further participation for a specified time period or until such time when the individual/organization is compliant and/or has cooperated.

4-3-3-1. Types of Penalties. ECAG may impose the following range of penalties: fines, suspension of certification/approval for a prescribed period, withdrawal of current or denial of future certification/approval with or without conditions or a lifetime ban.

4-3-3-2. Duration of Penalties. The most severe penalties are reserved for violations of Impermissible Conduct. For such violations, ECAG may deem the agent ineligible indefinitely or until such time when the individual/organization is compliant and/or has cooperated. Heightened penalties are reserved for violations that: (a) result in a PSA or SA losing their NCAA eligibility; (b) involve a potential Level I or Level II bylaw violation by a member institution or institutional personnel; and (c) involve failures to comply with NCAA financial transparency and disclosure requirements. For such violations, ECAG may deem the agent ineligible to reapply for a period of up to five years.

4-3-3-3. Factors Considered when Determining Penalties. In assessing a penalty, ECAG will consider the following factors:

- a. Prior history of compliance/non-compliance.
- b. Whether the failure to comply was knowing or intentional.
- c. Any mitigating information offered by the agent.
- d. Whether the violation was isolated or continuing.

- e. The involvement, if any, of an IAWP, booster, institutional coach, or in some cases an agent.
- f. The extent of cooperation with the NCAA.
- g. Any other fact or circumstance deemed relevant to determining the appropriate penalty to be imposed.

4-3-3-4. Penalties Applicable to teams. Penalties for athlete address/residency requirement violations or associations with an agent are applicable to all coaches associated with the participating team and/or organization of teams. Further, these violations also subject the event operator for the event(s) where the team participated and/or the associated agent to ECAG Adverse Actions. Similarly, penalties resulting from financial disclosure issues for a team or organization are applicable to all coaches associated with the participating team and/or organization of teams.

4-3-3-5. Statute of Limitations for Penalties. Adverse action and penalties for violations of NCAA legislation and impermissible conduct shall be limited to prohibited conduct occurring not earlier than four years before ECAG places the agent on written notice of the potential violation. The following conduct shall not be subject to the four-year limitation: (a) conduct involving violations affecting the eligibility of a current SA or PSA; (b) violations in which information is developed to indicate a pattern of willful violations on part of the agent involved, which began before but continued into the four-year period; or (c) conduct that involves an effort to conceal the occurrence of the prohibited conduct.

4-3-3-6. Requirement for NCAA-Certified Agents to Disclose Violations/Penalties to Clients. If uncontested or following exhaustion of review of the penalty by the NCAA, an NCAA-certified agent must disclose the violation and nature of the penalty imposed to his or her clients within 30 calendar days.

4-4. ECAG Procedures for Enforcement.

4-4-1. Notice of Investigation Not Required. At any time, subsequent to granting certification/approval, the NCAA may, based upon information brought to its attention or acting on its own initiative, initiate enforcement proceedings against an agent who is alleged to have engaged in impermissible conduct. Neither NCAA nor ECAG is required to provide advance notice to the agent of the fact or nature of the investigation.

4-4-2. Application of Relevant NCAA Legislation. The agent agrees and acknowledges that the questions involving the application of NCAA legislation to specific facts may require ECAG to request a legislative interpretation by AMA and that any such determination is

conclusive for purposes of ECAG's administration of the ECAG certification/approval programs.

4-4-3. No Stay or Extension of Application Period. An applicant's denial shall not be stayed pending reconsideration and/or appeal, nor will an applicant be given additional time to complete the certification process (e.g. exam) as a result of seeking reconsideration or appeal. The applicant must wait and reapply during the next certification/approval cycle if his or her request for reconsideration and/or appeal extends beyond the annual certification/approval period.

4-4-4. Initial Decision by ECAG. The determination whether an agent has engaged in impermissible conduct shall be made in the first instance by ECAG. ECAG will provide the agent with written notice via email of (a) the nature of violation(s) and supporting rationale; and (b) the adverse action or penalty to be imposed, if any. The agent's failure to timely respond to the initial notice or subsequent requests for additional information by ECAG shall constitute waiver of further review or appeal (where applicable) of ECAG's determination.

4-4-4-1. Contested Violations. If the agent contests the violation and/or the penalty, he or she shall respond in writing via email (or online) not more than 10 calendar days after receipt of ECAG's initial decision. The response should either admit or deny each factual allegation, provide supporting documentation for facts denied, state whether there is additional relevant information or mitigating circumstances the agent believes should be considered, and provide the agent's rationale for contesting the violation and/or penalty. In addition, ECAG may ask the agent to provide additional information. This information collectively constitutes the case record. After ECAG has completed review, it will provide the agent a final written decision via email.

4-4-5. Reconsideration of a Denial. If the denial is a result of Disqualifying Conduct or Event and/or the denial is based on a factual error, the applicant may correct the omission or error and request reconsideration [or] resubmit the application provided the application period remains open. Any such request must be made in writing to ECAG and submitted no later than 10 calendar days following notification of the original decision. The failure to timely request reconsideration will result in the waiver of the right to appeal ECAG's decision on all grounds.

The individual who submitted the application, PERF, Justification, Athlete Address/Residency Exception Request Form or who is involved in the violation may ask ECAG to reconsider its decision ONLY if the individual submits new relevant information.

For Justifications and Athlete Address/Residency Exception Request Forms, requests with new relevant information are still subject to the timeline requirements of the initial request. Late requests may not be considered and could be denied entirely on the lack of time

available for processing and the team's/athlete's reaction, which is within ECAG's authority.

Denials of requests for reconsideration are final and not subject to further review or appeal. If denied, ECAG is authorized to impose all penalties proscribed in these guidelines, including withdrawal of current or denial of future certification/approval.

4-4-6. Appeal of a Denial. If the denial is a result of Impermissible Conduct, the following rights to appeal are available to the agent:

4-4-6-1. Appeals for Basketball Certification Decisions. ECAG staff has sole authority to determine violations and impose appropriate penalties and such decisions are not subject to appeal. If, however, the denial is based on a factual error, the individual may complete steps for Reconsideration of a Denial.

4-4-6-2. Appeals for Recruiting/Scouting Service Approval Decisions. ECAG staff has sole authority to determine violations and impose appropriate penalties and such decisions are not subject to appeal. If, however, the denial is based on a factual error, the individual may complete steps for Reconsideration of a Denial.

4-4-6-3. Appeals for Agent Certification Decisions. The agent may appeal ECAG's decision to the appropriate NCAA committee authorized to hear the appeal (or his or her designee). To appeal, the application must submit a notice of the desire to appeal in writing to ECAG within 10 calendar days following receipt of the denial of reconsideration. No later than 10 calendar days thereafter, the applicant must submit to ECAG a written statement of the grounds for appeal. The statement must include: (a) a summary of relevant facts; (b) a statement of the issues being appealed; (c) a supporting argument or rationale; and (d) a request for a discretionary telephonic hearing if one is desired. Within 10 calendar days thereafter ECAG may, but is not required to, prepare a response in support of its decision. ECAG will then forward all submissions and information received relating to the applicant to the Chairperson of the NCAA committee authorized to hear the appeal (or his or her designee). If no hearing has been requested, the Chairperson will review and determine the appeal based upon the case record and parties' written submissions.

4-4-6-3-1. Appeal Procedure. An agent may appeal ECAG's determination that the agent engaged in impermissible conduct, the nature of the penalty imposed, or both. To appeal, the agent must submit a request for an appeal via the process stipulated by ECAG on the agent certification website accessible on www.ncaa.org/ecag. The filing of an appeal will not stay the penalty imposed by ECAG.

4-4-6-3-1-1. Initial Submission of Appeal Request. No later than 30 calendar days after submission of the notice of appeal, the agent must submit to ECAG a written statement of the grounds for appeal (initial submission). The initial submission must include: (a) a summary of relevant facts and, if the agent believes there are disputes of material fact or factual errors material to ECAG's determination, a statement of all such facts; (b) a statement of the issues being appealed; (c) a supporting argument or rationale; and (d) a request for telephonic hearing if one is desired. Within 14 calendar days thereafter ECAG may, but is not required to, prepare a response to the agent's initial submission and statement in support of its final decision, at which time the case record is complete and ECAG will transmit it to the appropriate NCAA appeals committee [TBD] designated to hear the appeal.

4-4-6-3-1-2. Case Record Only. The appeals committee shall consider only the information contained in the case record before ECAG, the parties' submissions on appeal and arguments presented during the telephonic hearing if one is conducted.

4-4-6-3-1-3. New Evidence Consideration for Appeal. If an agent seeks to introduce new information during the appeal process, the appeals committee shall determine the new information or evidence is relevant, material and could not have reasonably been ascertained and previously submitted to ECAG. If so, the appeals committee may stay the appeal and remand the matter to ECAG conduct further review as may be necessary to address whether the information affects ECAG's prior decision and to amend the decision, if necessary.

4-4-6-3-1-4. Appeal Hearings. All appeals in which a hearing is requested will be docketed in the order received and heard at the next regularly scheduled committee meeting. Hearings will be conducted on the record and the applicant, his or her counsel (if any) and ECAG staff member[s] may participate. Telephonic hearings before the appeals committee will be conducted on the record. The agent, his or her counsel, if any, and an ECAG staff member(s) may all participate. The format is intended to be informal, providing the parties an opportunity to answer questions from the committee and direct its attention to the most relevant portions of the record and significant issues. Unless otherwise directed, the agent and ECAG staff will each be allowed 15 minutes for an opening presentation. The applicant may not present any new information or arguments which he or she failed to provide to ECAG in the application process or in

support of a request for reconsideration. If no hearing has been requested, the appeals committee will review and determine the appeal based upon the case record and parties' written submissions.

4-4-6-3-1-5. Standard of Review of Appeal Request. ECAG's initial decision that one or more violations occurred, and the proposed penalty, if any, shall not be set aside on appeal except on a showing by the agent that: (a) ECAG made an erroneous determination of material fact that is clearly contrary to the information presented to the appeals committee; and (b) the facts found by ECAG do not constitute a violation of NCAA Bylaws, agent certification legislation or related policies and procedures. If the appeals committee affirms ECAG's finding that a violation occurred, it shall not overturn, change or modify the penalty unless it concludes the penalty was not authorized by or imposed in accordance with ECAG policies and procedures.

4-4-6-3-1-6. Appeal Decision. After considering the appeal and deliberating privately, the appeals committee shall prepare a written decision and provide a copy to the parties. All decisions of the appeals committee shall be final, binding and conclusive, and shall not be subject to further review.