

# NCAA Agent Certification Frequently Asked Questions

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## NCAA General Agent Information.

### **How does the NCAA identify or define the term "agent"?**

An agent is any individual who, directly or indirectly: (a) Represents or attempts to represent an individual for the purpose of marketing the individual's athletics ability or reputation for financial gain; or (b) Seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.

### **What is the NCAA's general rule about agents?**

An individual shall be ineligible for participation in an intercollegiate sport if he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport. Further, an agency contract not specifically limited in writing to a sport or sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport. (Bylaw 12.3.1.)

### **Why did the NCAA create an agent certification program?**

The April 2018 report from the Commission on College Basketball recommended, and the NCAA adopted, legislation to allow men's basketball athletes to receive meaningful assessment of their professional prospects earlier in the draft process. The commission believed that these athletes needed earlier professional advice that an agent could provide to determine whether it is in their best interests to declare for the NBA draft or whether college basketball offers a superior pathway. As a result, the NCAA agent-certification program was created.

### **What is the primary purpose of the NCAA agent-certification program?**

The NCAA agent certification program allows men's basketball athletes the opportunity to work with experienced agents as they "test the waters" of the NBA draft process without negatively impacting their collegiate eligibility.

## NCAA Agent Certification General Information

### **Where can I find more information about the NCAA's agent certification requirements?**

For more information, please review Bylaw 12.3 (Use of Agents) in the Division I manual. Search by the bylaw number in the Legislative Services Database at <https://web3.ncaa.org/lstdbi/>. Additional information about the certification process, procedures and requirements is available on <http://www.ncaa.org/enforcement/basketball-certification/agent-certification>

### **Which agents are required to be NCAA certified?**

In men's basketball, any individual besides an immediate family member who desires to enter into a Standard Player Agent Contract (SPAC) with, solicit feedback from NBA personnel or arranges workouts with professional teams for a prospective student-athlete or student-athlete without negatively impacting the athlete's NCAA eligibility must obtain NCAA agent certification. If anyone besides an immediate family member or NCAA certified agent attempts to solicit feedback from NBA personnel, arranges workouts with

professional teams or provides benefits of any kind, including training expenses, any remaining college eligibility for the student-athlete will be forfeited.

**What are the consequences for someone participating in agent activities without NCAA certification?**

If anyone besides an immediate family member or NCAA certified agent attempts to solicit feedback from NBA personnel, arranges workouts with professional teams or provides benefits of any kind, including training expenses, any remaining college eligibility for the student-athlete will be forfeited.

**What if an agent is not NCAA-certified?**

If an agent who is NOT NCAA-certified represents a student-athlete in any way (with or without a signed agent agreement), the student-athlete's remaining college eligibility will be forfeited. In addition, the NBPA will be notified that a student-athlete lost his eligibility due to the actions of one of its agents. [Representation includes, but is not limited to, having a signed a Standard Player Agent Contract (SPAC) with, soliciting feedback from NBA personnel or arranging workouts with professional teams for, or providing benefits of any kind (including training expenses) to a student-athlete.]

**What happens if an agent that is not NCAA-certified represents a currently enrolled student-athlete?**

If an agent who is NOT NCAA-certified represents a student-athlete in any way (with or without a signed agent agreement), the student-athlete's remaining college eligibility will be forfeited, the agent's eligibility to be NCAA-certified may be affected and the NBPA will be made aware and may impose penalties of their own. [Representation includes, but is not limited to, calling NBA teams on the student-athlete's behalf and providing any benefits.]

**Are there any exceptions that would allow an agent that is not NCAA certified to represent a student-athlete without negatively impacting his collegiate eligibility?**

Yes. A family member of a prospective or enrolled student-athlete or an individual acting solely on behalf of a professional sports team or organization is not required to be certified through the NCAA agent certification program.

**Are members of an NCAA-certified agent's agency that are not NCAA certified required to comply with NCAA legislation?**

Yes. An NCAA-certified agent is presumed responsible for the actions of all employees who report, directly or indirectly, to the NCAA-certified agent. Improper conduct of an NCAA-certified agent's employees shall subject the agent to disciplinary action pursuant to the NCAA agent certification program.

## NCAA Agent Certification Process

### **What are the prerequisites for an agent to become an NCAA-certified agent?**

Before applying to be an NCAA-certified agent, the agent must:

- A) Be an NBPA certified agent for at least three consecutive years.
- B) Be in good standing with the NBPA.
- C) Have a bachelor's degree from an accredited four-year college or university OR if the NBPA has waived its degree requirement and granted NBPA certification to an agent, the NCAA will honor that decision as an exception to its own education requirements provided that the agent remains in good standing with and certified by the NBPA.
- D) Apply annually with the NCAA (requires nonrefundable application fee).
- E) Successfully complete a background check with the NCAA's chosen provider (part of annual application).
- F) Disclose any conflicts of interest (part of annual application).
- G) Maintain professional liability insurance.
- H) Successfully complete the NCAA first-year applicant exam (or continuing education requirement).
- I) Pay the annual certification fee.

### **How do I apply with the NCAA to become certified?**

The NCAA-certification application is available on

<http://www.ncaa.org/enforcement/basketball-certification/agent-certification>

### **When is the NCAA application available?**

The NCAA-agent certification application is usually made available in the early fall after the conclusion of the NBA draft. Specific application dates are posted on the agent certification website at [www.ncaa.org/agent-certification](http://www.ncaa.org/agent-certification).

### **What if I miss the deadline to apply for NCAA agent certification?**

All deadlines are strictly enforced. Agents that miss the deadline will have to wait until the next application period to apply. Late applications will not be accepted.

### **Do I need to reapply every year to maintain my NCAA certification?**

Yes. Applicants are required to reapply annually. For an agent to maintain NCAA certification, the agent must annually apply with ECAG, receive NCAA certification, and conduct his/her business in accordance with NCAA Bylaw 12.02.1.2, ECAG P&Ps established and maintained by SVPC and guidelines established and maintained by ECAG.

### **What does it cost to become an NCAA-certified agent?**

To apply, an NBPA certified agent will be required to pay a non-refundable application fee to the NCAA's chosen background check provider. If the background check is consistent with ECAG requirements, the educational component is completed successfully and the application is determined to be eligible for approval, the agent will be notified to upload a photo and pay a certification fee in the NCAA Certified Agent Portal (NCAP).

Specific application and certification fees are identified on the agent certification website at [www.ncaa.org/agent-certification](http://www.ncaa.org/agent-certification).

**What if the information I submitted on my NCAA application is insufficient?**

When processing the agent certification application, if additional information is required, staff will identify the information needed in the NCAA Certified Agent Portal (NCAP) and applicants will be alerted via an email. 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. The applicant must provide the requested information in the NCAP no later than 10 days after the date of the NCAA request email. Failure to submit the requested information by the appropriate deadline will result in a denial of the application.

**What if I need to make changes to the information I provided online after my application has been submitted?**

If any of the information reported in the agent certification application changes, the agent must report those changes to the NCAA Enforcement Certification and Approvals Group (ECAG) via the "Change Request" feature in the NCAA Certified Agent Portal (NCAP) or via email with the [ECAG Contact Email Form](#) no later than 10 days from the date the change occurred.

**Is an NCAA-certified agent required to have insurance?**

Yes. 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. The specific details about policy limits and additional requirements are outlined in the ECAG Standard Operating Procedures.

**How much professional liability insurance is an NCAA-certified agent required to carry?**

The NCAA requires agents to maintain professional liability insurance in an amount and under terms consistent with those in the industry but does not identify any specific minimum or maximum amounts.

**What is the format for the first-year applicant exam?**

The first-year applicant exam will be open book and consist of 50 multiple choice or true/false questions focusing on: NCAA initial and continuing eligibility requirements, NCAA recruiting and related rules, NCAA agent rules and certification requirements, amateurism, extra benefits and financial competency.

**How does an agent study for the first-year applicant exam?**

Study resources are posted on [www.ncaa.org/agent-certification](http://www.ncaa.org/agent-certification) and a review session will be provided prior to the exam. Specific dates and times are posted online at [www.ncaa.org/agent-certification](http://www.ncaa.org/agent-certification).

**What score is necessary to pass the first-year applicant exam for agent certification?**

Applicants must achieve a score of at least 80% (40 correct responses) to pass the exam.

**What if I miss the test date?**

You will not become an NCAA-certified agent and will need to reapply next year.

**What benefits can an NCAA-certified agent provide to a student-athlete client and not negatively impact his college eligibility?**

With a signed agent agreement, an agent may provide meals, transportation and lodging to the student-athlete (and his family members) in order to meet with the agent or a professional team. NOTE: the student-athlete team's season must have concluded and a request for feedback from the NBA Undergrad Advisory Committee must occur before the student-athlete signs an agreement with an NCAA-certified agent.

**Is there an exception to the three-year NBPA certification requirement?**

The NCAA may, in its discretion, determine that an applicant meets the experience requirement if the applicant can demonstrate that they: (1) are currently certified by the NBPA and in good standing, (2) have been an NBPA certified agent for at least two total years, and (3) have unique or significant experience that would be helpful to a student-athlete navigating the test the water process

**What if I haven't been NBPA certified for the required three years and want to apply to be NCAA certified?**

Only NBPA-certified agents who meet the requirements of who qualify for the three-year exception may become NCAA-certified.

**Does an agent have to renew their certification, or does it apply indefinitely?**

For an agent to maintain NCAA certification, the agent must annually apply with ECAG, receive NCAA certification, and conduct his/her business in accordance with NCAA Bylaw 12.02.1.2, ECAG P&Ps established and maintained by SVPC and guidelines established and maintained by ECAG.

## Required Background Checks

**What issues, if identified in the background check for an agent-certification application, would result in an applicant being ineligible to become NCAA-certified?**

The disqualifying criteria for an agent background check is outlined and posted online accessible with the following link: NCAA [Agent Certification Background Check Information and Disqualifying Criteria](#).

**Are there any additional fees associated with the background check for an agent-certification application?**

The cost of the background check is included in the application fee. Some states/counties, however, charge the background check provider a fee to access the agent's records and the agent would be required to pay these pass-through fees, which will increase for each alias that is checked within the county.



**How does an agent check the status of their background check?**

An agent can check the status of their background check by logging in to their account on the Sterling Volunteers website. Allow a minimum of 7 to 10 business days for a background check to complete. NOTE: First time applicants should anticipate their background check to take 10-25 business days to process due to the review of the applicant's full history and validation of education.

**Would an agent be able to re-apply if their background check was initially denied, but the charge was later expunged?**

Yes. To complete a new screen during the current licensing season, the agent will can contact Sterling Volunteers at [TheAdvocates@sterlingvolunteers.com](mailto:TheAdvocates@sterlingvolunteers.com) or 855-326-1860 Option 3 and get assistance on how to submit a 2<sup>nd</sup> background check request. NOTE: The agent will have to pay an additional application fee.

**What should an agent do if incorrect information (SSN, DOB, Nickname etc.) was entered on their background check application?**

If you entered incorrect information on your background check, it is likely you will have to pay for the cost of the new background screen since the initial screen would have already been performed (or at least started) with the bad data. Please contact Sterling Volunteers at [TheAdvocates@sterlingvolunteers.com](mailto:TheAdvocates@sterlingvolunteers.com) or 855-326-1860 Option 3 and get assistance on how to re-run his/her background check. NOTE: The agent will be required to pay for a 2<sup>nd</sup> background check since the initial screen would have already been performed (or at least started) with the inaccurate data initially submitted by the agent.

**What recourse does an agent have if denied NCAA agent certification based on background check results?**

If the information returned in the background check is inconsistent with the NCAA standard for approval, an agent would not be eligible to be NCAA-certified unless there is an error found in the criminal background verification that negates the finding or the instance resulting in the denial or the charge is expunged. The agent can challenge the accuracy of the criminal information contained in the background report by contacting Sterling Volunteers at [TheAdvocates@sterlingvolunteers.com](mailto:TheAdvocates@sterlingvolunteers.com) or 855-326-1860 Option 3. If the challenge is unsuccessful and the charge(s)/conviction(s) is in fact part of the agent's criminal history, the agent will NOT be eligible for NCAA agent certification. There is no process to appeal the NCAA's standard for an eligible background check and as a result, no process to appeal denial of NCAA certification based solely on the results of the agent's background check.

## **NCAA-Certified Agents and Currently Enrolled Student-Athletes.**

**When can a men's basketball student-athlete sign with an NCAA-certified agent and retain their college eligibility?**

At the conclusion of their team's season and after requesting feedback from the NBA Undergrad Advisory Committee.

**Does the exception to the NCAA's general agent rule allowing the use of an NCAA-certified agent without negatively impacting the athlete's eligibility apply only to Division I student-athletes?**

No. The legislation applies to all men's basketball student-athletes who are enrolled full-time at a collegiate institution (e.g., NCAA, National Association of Intercollegiate Athletics, National Junior College Athletic Association, international institutions) and seeking eligibility certification at a Division I institution.

**Is it permissible for an enrolled student-athlete to seek advice from an individual without jeopardizing his NCAA eligibility?**

Yes. NCAA legislation allows an enrolled student-athlete to seek advice from an individual (e.g., non-NCAA-certified agent acting as an advisor) provided there is not a Standard Player Agent Contract (SPAC), the individual does not solicit feedback from NBA personnel, arrange workouts with professional teams or provide benefits of any kind (including training expenses) to the enrolled student-athlete or his family or friends.

**May enrolled student-athletes use the services of an NCAA-certified agent in sports other than men's basketball?**

No. The NCAA does not currently certify agents in any sport other than men's basketball. Only currently enrolled men's basketball student-athletes may work with an NCAA certified agent during the NBA draft process and only once the student-athlete team's season has concluded and he has requested feedback from the NBA Undergrad Advisory Committee. Prospective student-athletes remain exempt from representation by NCAA-certified agents until that time when the NBA rule permitting a high-school athlete to enter the NBA draft has changed.

**May individuals that are not identified as NCAA-certified agents (e.g., runners, financial advisors) provide benefits to a men's basketball enrolled student-athlete?**

No. NCAA Division I preferential treatment and offers and inducements legislation remains applicable to all other individuals.

**Can a student-athlete miss class to meet with his agent or a professional team or to participate in professional team tryouts (e.g., pro days)?**

No. Student-athletes may not miss class for any of the above activities.

**Who must an NCAA-certified agent notify if a Standard Player Agent Contract (SPAC) has been signed with a currently enrolled student-athlete?**

An agreement that involves a student-athlete must be disclosed to the student-athlete's institution and the NCAA agent certification staff requests that the agent provide a copy of the SPAC to the Enforcement Certification and Approvals Group (ECAG).

**Can an NCAA-certified agent have an oral contract with a currently enrolled student-athlete?**

No. An agreement between a prospective student-athlete or student-athlete and an NCAA-certified agent must be in writing.

**Can an NCAA-certified agent continue to represent a student-athlete or two-year college prospective student-athlete after he returns to school if he did not sign a contract with a professional team?**

No. If a student-athlete or two-year college prospective student-athlete does not sign a contract with a professional team, the agreement must be terminated before full-time enrollment in the ensuing regular academic term.

**Can an NCAA-certified agent have an agreement with a currently enrolled student-athlete to represent them in the future?**

No. A student-athlete will be rendered ineligible per Bylaw 12.3.1 if the he enters into an oral or written agreement with an agent for representation in future professional sports negotiations that are to take place after the individual has completed eligibility in that sport.

**If a currently enrolled student-athlete has an attorney review a proposed professional contract, does that mean the student-athlete has an agent agreement with that attorney?**

Securing advice from a lawyer concerning a proposed professional sports contract is not considered contracting for representation by an agent, unless the lawyer also represents the individual in negotiations for such a contract.

**Can a student-athlete have legal representation present during discussions of a contract offer with a professional organization who is NOT an NCAA-certified agent?**

No. A lawyer may not be present during discussions of a contract offer with a professional organization or have any direct contact (in person, by telephone or by mail) with a professional sports organization on behalf of the individual. A lawyer's presence during such discussions is considered representation by an agent.

**Can an attorney who is NOT an NCAA-certified agent have contact (in person, by telephone or by mail) with a professional sports organization on behalf of a student-athlete?**

No. A lawyer may not be present during discussions of a contract offer with a professional organization or have any direct contact (in person, by telephone or by mail) with a professional sports organization on behalf of the individual. A lawyer's presence during such discussions is considered representation by an agent.

## **NCAA-Certified Agents and Expenses**

**Can an agent (regardless of certification) provide training expenses to an athlete without having a negative impact on the athlete's eligibility?**

No. The agents cannot provide training expenses.

**How does the NCAA define "family member" when it comes to expenses provided by an agent?**

A family member is an individual with any of the following relationships to an enrolled student-athlete: spouse, parent or legal guardian, child, sibling, grandparent, domestic partner or any individual whose close association with the enrolled student-athlete is the practical equivalent of a family relationship [Bylaw 12.02.4]. While not subject to the agent

certification process, family members remain subject to all applicable NCAA legislation and will jeopardize the enrolled student-athlete's eligibility if found to have solicited financial or other material benefits as a result of their relationship with the enrolled student-athlete.

**Can a student-athlete miss class in order to meet with an agent or a professional team/organization?**

No, Bylaw 12.3.1.2.4 prohibits a prospective or enrolled student-athlete from missing class in conjunction with the agent selection process or to meet with an agent or professional team.

**May an NCAA-certified agent provide expenses to a currently enrolled men's basketball student-athlete BEFORE a Standard Player Agent Contract (SPAC) has been signed?**

It depends. If the law in the state where the student-athlete currently resides (home or school) permits it, NCAA-certified agents can provide a student-athlete and his immediate family members with meals and transportation during the agent selection process provided that the agent travels to the student-athlete's locale (e.g., student-athlete's school locale or home locale).

**May an NCAA-certified agent provide expenses to family members of a currently enrolled men's basketball student-athlete BEFORE a Standard Player Agent Contract (SPAC) has been signed?**

It depends. If the law in the state where the student-athlete currently resides (home or school) permits it, NCAA-certified agents can provide a student-athlete and his immediate family members with meals and transportation during the agent selection process provided that the agent travels to the student-athlete's locale (e.g., student-athlete's school locale or home locale).

**May an institution use the student assistance fund to finance an enrolled student-athlete and/or his family members meeting with an NCAA-certified agent?**

Yes. It is permissible for an institution to finance such expenses subject to conference policies and procedures.

**May an institution use the academic counseling and support services legislation to finance an enrolled student-athlete's meeting with an NCAA-certified agent?**

Yes. An institution has discretion to determine appropriate services for its student-athletes.

**May an NCAA-certified agent provide expenses to family members of a currently enrolled men's basketball student-athlete AFTER a Standard Player Agent Contract (SPAC) has been signed?**

After the student-athlete has selected and signed an agreement with an NCAA-certified agent, the agent can provide the student-athlete and his family members with meals, transportation and lodging to meet with the agent or a professional team and to participate in professional team tryouts (e.g., pro days)

**If a student-athlete has a Standard Player Agent Contract (SPAC) with an NCAA-certified agent but withdraws from the draft and returns to school, can the agent continue to provide to the student-athlete and/or his family?**

No. All expenses (including reimbursement) must stop when the student-athlete returns to school.

**What expenses may an NCAA-certified agent provide to an enrolled men's basketball student-athlete client?**

Once an enrolled men's basketball student-athlete signs an agreement with an NCAA-certified agent, the agent may provide transportation, lodging and meals related to meeting with the agent or professional teams.

**May an NCAA-certified agent provide expenses to the family members of a men's basketball enrolled student-athlete?**

Once a men's basketball enrolled student-athlete signs an agreement with an NCAA-certified agent, the agent may provide transportation, lodging and meal expenses to the family members related to meeting with the agent or professional teams.

**Is an NCAA-certified agent permitted to cover expenses for an enrolled student-athlete to use the services of other professionals, such as a trainer and/or nutritionist?**

No. Permissible expenses are limited to meals, lodging and transportation related to meeting with the agent or professional teams.

**If the agency of an NCAA-certified agent has professional services (e.g., nutritionist, trainer) available, can the enrolled student-athlete access those services?**

Yes. He may use services available through the agent provided the enrolled student-athlete pays the going rate for such services.

**Does the NCAA require a student-athlete client to compensate the NCAA-certified agent for representation services?**

No. A student-athlete client is only required to compensate the agent for representation services if the agent charges other clients for the same services (e.g. flat rate fee for consultation).

**If a student-athlete client is not drafted and enters or returns to school, is he required to pay back permissible expenses received from the NCAA-certified agent?**

No. A prospective student-athlete or student-athlete is not required to compensate an NCAA-certified agent for services provided.

**If a student-athlete client is not drafted and enters or returns to school, is he required to compensate the NCAA-certified agent for services provided?**

No. A prospective student-athlete or student-athlete is not required to compensate an NCAA-certified agent for services provided.

**Can a currently enrolled student-athlete receive transportation or other expenses from a prospective agent?**

No. A student-athlete will be rendered ineligible per Bylaw 12.3.1 if the he (or family members or friends) accepts transportation or other benefits from

- Any person who represents any individual in the marketing of athletics ability. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general; or
- An agent, even if the agent has indicated no interest in representing the student-athlete in the marketing of the student-athlete's athletics ability or reputation and does not represent individuals in the student-athlete's sport.

## **NCAA-Certified Agents and Prospective Student-Athletes.**

**Does the exception to the NCAA's general agent rule allowing the use of an NCAA-certified agent without negatively impacting the athlete's eligibility apply to high school prospective student-athletes? In other words, can an NCAA-certified agent represent a high-school prospective student-athlete?**

No, not currently. NCAA legislation has been adopted that allows a high school prospective student-athlete identified as an elite senior by USA Basketball may be represented by an NCAA-certified agent (see Bylaw 12.02.1.2), but this legislation is NOT applicable until after the NBA and NBPA evaluation of, and determination permitting, the eligibility for high school students to enter the NBA draft.

**Is it permissible for a men's basketball prospective student-athlete to seek advice from an individual without jeopardizing his NCAA eligibility?**

Yes. NCAA legislation allows a men's basketball prospective student-athlete to seek advice from an individual (e.g., non-NCAA-certified agent acting as an advisor) provided there is not a Standard Player Agent Contract (SPAC), the individual does not solicit feedback from NBA personnel, arrange workouts with professional teams or provide benefits of any kind (including training expenses) to the prospective student-athlete or his family or friends.

**May an NCAA-certified agent interact with a college coach on behalf of a men's basketball prospective student-athlete?**

No. An NCAA-certified agent's interaction with a college coach on behalf of a men's basketball prospective student-athlete would jeopardize the agent's certification status.

**Can an NCAA-certified agent have an oral contract with a prospective student-athlete?**

No. An agreement between a prospective student-athlete or student-athlete and an NCAA-certified agent must be in writing.