



**2018 NCAA Division I Agents and Advisors Topical Working Group
Question and Answer Document
(Updated 12-03-18)**

The following questions and answers are designed to assist the NCAA membership in its understanding of NCAA Division I Proposal No. 2018-20 (amateurism – use of agents – NCAA-certified agents – men's basketball).

Editor's Note: Question No. 9 was added when the question and answer document was updated on December 3, 2018.

NCAA Agent Certification Requirements.

Question No. 1: Who must be certified through the NCAA agent certification program?

Answer: In men's basketball, individuals that solicit a prospective or enrolled student-athlete to enter into an agency contract or attempt to obtain employment for an individual with a professional sports team or organization or as a professional athlete trigger the athlete agent definition and must be certified. The definition of athlete agent is an exception to the current NCAA agent definition.

Question No. 2: In sports other than men's basketball, may prospective and enrolled student-athletes utilize the services of an NCAA-certified agent?

Answer: No. In sports other than men's basketball and pre-enrollment baseball and men's ice hockey, it is not permissible to sign an agreement or be represented by an agent.

Question No. 3: May individuals that are not identified as NCAA-certified agents (e.g., runners and financial advisors) provide benefits to a men's basketball prospective or enrolled student-athlete?

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

Question No. 4: May an NCAA-certified agent interact with a college coach on behalf of a men's basketball prospective student-athlete?

Answer: 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.

Timing of Agent Agreement – Prospective Student-Athlete.

Question No. 5: When would this legislation go into effect?

Answer: It remains impermissible for a high school student-athlete to enter into an agreement with an agent until such time that the NBA and the National Basketball Players Association change their rules to permit high school students to enter the draft. If the NBA and the NBPA change their rules to permit high school students to enter the draft, then a “to be determined” category of elite high school student-athletes may be represented by an NCAA-certified agent beginning July 1 before the senior year in high school.

Question No. 6: Is it permissible for a men’s basketball prospective student-athlete to seek advice from an individual without jeopardizing his NCAA eligibility?

Answer: 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 the individual does not market the prospective student-athlete to a professional team or organization or provide benefits of any kind to the prospective student-athlete or his family or friends.

Timing of Agent Agreement – Enrolled Student-Athlete.

Question No. 7: Does this legislation apply only to Division I student-athletes?

Answer: 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 and international institutions) seeking eligibility certification at a Division I institution.

Question No. 8: Is it permissible for an enrolled student-athlete to seek advice from an individual without jeopardizing his NCAA eligibility?

Answer: 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 the individual does not market the student-athlete to a professional team or organization or provide benefits of any kind to the enrolled student-athlete or his family or friends.

Question No. 9: When may an enrolled men's basketball student-athlete sign an agreement for representation with an NCAA-certified agent?

Answer: An enrolled men's basketball student-athlete may sign an agreement with an NCAA-certified agent after the conclusion of his playing season and

once he has requested an evaluation from the NBA Undergraduate Advisory Committee. An enrolled men's basketball student-athlete may not be represented by an NCAA-certified agent until he has signed a written agreement with the agent.

Expenses from an NCAA-Certified Agent During the Agent Selection Process.

Question No. 10: May an NCAA-certified agent provide expenses to a men's basketball enrolled student-athlete prior to an agency contract being signed?

Answer: No. It remains impermissible for an NCAA-certified agent to provide expenses to a men's basketball enrolled student-athlete prior to an agency contract being signed. The NCAA and the Uniform Law Commission are working together to modify the Uniform Athlete Agents Act in order to allow for NCAA-certified agents to provide limited expenses (i.e., transportation and meals) to enrolled student-athletes during the agent selection process (i.e., prior to signing a contract with an agent).

Question No. 11: May an NCAA-certified agent provide expenses to the family members of a men's basketball enrolled student-athlete?

Answer: No. It remains impermissible for an NCAA-certified agent to provide expenses to the family members of a men's basketball enrolled student-athlete. The NCAA and the ULC are working together to modify the Uniform Athlete Agents Act in order to allow for NCAA-certified agents to provide limited expenses (i.e., transportation and meals) to the family members of a men's basketball enrolled student-athlete during the agent selection process (i.e., prior to signing a contract with an agent).

Question No. 12: What individuals are considered to be a family member of an enrolled student-athlete?

Answer: As defined in NCAA Bylaw 12.02.4, 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. 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.

Question No. 13: 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?

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

Question No. 14: May an institution use the academic counseling and support services legislation to finance an enrolled student-athlete's meeting with an NCAA-certified agent?

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

Expenses From NCAA-Certified Agent Associated with Agent Services.

Question No. 15: What expenses may an NCAA-certified agent provide to a men's basketball enrolled student-athlete?

Answer: Once a men's basketball enrolled 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.

Question No.16: May an NCAA-certified agent provide expenses to the family members of a men's basketball enrolled student-athlete?

Answer: 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.

Question No. 17: Does this legislation allow an NCAA-certified agent to cover expenses for an enrolled student-athlete to use the services of other professionals, such as a trainer and/or nutritionist?

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

Question No. 18: If professional services (e.g., nutritionist, trainer) are available through the NCAA-certified agent, may the enrolled student-athlete access those services?

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

Question No. 19: Is the enrolled student-athlete required to compensate the NCAA-certified agent for representation services?

Answer: No. An enrolled student-athlete 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).

Question No. 20: If an enrolled student-athlete is not drafted and enters or returns to school, is he required to pay back permissible expenses received from the NCAA-certified agent?

Answer: No.