

## Professionalism

An individual is not eligible for participation in an intercollegiate sport if that individual ever has been a professional in that sport. An individual becomes a professional if he or she:

- (a) Uses his or her athletics skill (directly or indirectly) for pay in any form in that sport;
- (b) Signs a contract or commitment of any kind to play professional athletics, regardless of its legal enforceability or any consideration received;
- (c) Receives, directly or indirectly, a salary, reimbursement of expenses or any other form of financial assistance from a professional sports organization based upon athletics skill or participation, except as permitted by NCAA rules and regulations; or
- (d) Competes on any professional athletics team and knows (or had reason to know) that the team is a professional athletics team (per Bylaw 12.02.4), even if no pay or remuneration for expenses was received.

### **NCAA Bylaw 12.1.2 Amateur Status if Professional in Another Sport**

A professional athlete in one sport may represent a member institution in a different sport. However, the student-athlete cannot receive institutional financial assistance in the second sport unless the student-athlete:

- (a) Is no longer involved in professional athletics;
- (b) Is not receiving any remuneration from a professional sports organization; and
- (c) Has no active contractual relationship with any professional athletics team. However, an individual may remain bound by an option clause in a professional sports contract that requires assignment to a particular team if the student-athlete's professional career is resumed.

### **Information Regarding Drafts, Inquiries, and Agents**

You become a professional if you request that your name be placed on a professional league's draft list (e.g., the drafts conducted for the National Basketball Association and the National Football League). If you participate in a sport in which you are drafted without your consent (e.g., Major League Baseball) being drafted by a professional organization does not jeopardize your amateur status.

#### **NCAA Bylaw 12.2.4.1 Draft and Inquiry**

An individual may inquire of a professional sports organization about eligibility for a professional-league player draft or request information about the individual's market value without affecting his or her amateur status.

### **NCAA Bylaw 12.2.4.2 Draft List**

An individual loses amateur status in a particular sport when the individual asks to be placed on the draft list or supplemental draft list of a professional league in that sport, even though:

- (a) The individual asks that his or her name be withdrawn from the draft list prior to the actual draft;
- (b) The individual's name remains on the list but he or she is not drafted; or
- (c) The individual is drafted but does not sign an agreement with any professional athletics team.

### **NCAA Bylaw 12.2.4.2.1 Exception – Professional Basketball Draft**

An enrolled student-athlete (as opposed to a prospective student-athlete) in the sport of basketball may enter a professional league's draft one time during his or her collegiate career without jeopardizing eligibility in that sport, provided the student-athlete is not drafted by any team in that league and the student-athlete declares his or her intention to resume intercollegiate participation within 30 days after the draft. The student-athlete's declaration of intent shall be in writing to the institution's director of athletics.

### **NCAA Bylaw 12.2.4.3 Negotiations**

An individual may request information about professional market value without affecting his or her amateur status. Further, the individual, his or her legal guardians or the institution's professional sports counseling panel may enter into negotiations with a professional sports organization without the loss of the individual's amateur status. An individual who retains an agent shall lose amateur status.

### **Agents**

NCAA rules do not prohibit meetings or discussions with an agent, but you would jeopardize your collegiate eligibility in a sport if you agree (orally or in writing) to be represented by an agent, regardless of whether the agreement becomes effective immediately or after your last season of collegiate eligibility. Additionally, the receipt of any benefits or gifts by you, your family, or friends from such an individual would jeopardize your intercollegiate eligibility in that sport.

If an individual attempts to contact you regarding the marketing of your athletics ability in any manner, you should be careful. If you have concerns regarding a player agent, please contact your coach, Associate Athletic Director/Senior Woman Administrator, Director of Athletics or Faculty Athletics Representative.

### **Question and Answers Related to Agents**

**Question:** Before and after the draft, agents who wish to represent me have contacted me. Can I reach an agreement with an agent to represent me without jeopardizing further eligibility for intercollegiate sports?

**Answer:** No. If you or your parents reach a verbal or written agreement with an agent, this will

jeopardize your eligibility at an NCAA school.

**Question:** Is it true that it is permissible for a student-athlete to have an advisor, but not an agent? If so what is the difference between an advisor and an agent?

**Answer:** It is permissible for a student-athlete to have an advisor (but not an agent) without jeopardizing further eligibility at an NCAA school. Under NCAA regulations, a student-athlete and his parents are permitted to receive advice from a lawyer or other individual concerning a proposed professional sports contract, provided the advisor does not represent the student directly in negotiations for a contract. In this regard, it is permissible for an advisor to discuss the merits of a proposed contract with a student-athlete and give suggestions about the type of offer the student should consider. In order to maintain eligibility at an NCAA school, however, the advisor may not be used as a link between the student-athlete and the professional sports team or organization. If the advisor makes a direct contact with the professional team, the advisor shall be considered an agent and the student-athlete will have jeopardized future eligibility at an NCAA school. For example, an advisor may not be present during discussions of a contract offer with a professional team or have any direct contact (i.e., by persons, telephone or mail) with a professional sports team on the student's behalf. Finally, it is important to note that in order to maintain eligibility at an NCAA school; the student-athlete must compensate the advisor at his or her normal rate.

**Question:** May I receive any benefits (e.g., transportation or meals) from an agent or advisor without jeopardizing my NCAA eligibility?

**Answer:** No. A student-athlete will be ineligible if he/she accepts any transportation or other benefits from any person who wishes to represent him or her in the marketing of athletics ability. This rule does not prohibit a student from having a meal with someone who wishes to represent him/her, provided each pays for the actual cost of their meal and arranges for transportation separately.

**Question:** Am I permitted to negotiate directly with a professional sports team?

**Answers:** Yes. NCAA rules were changed in 1992 to allow a student-athlete and his parents or legal guardians to negotiate directly with a professional team. A student also is permitted to have a representative of Marist College (e.g., sports counseling panel at an institution) negotiate on his/her behalf.

**Question:** What type of role can my head coach play in helping me review options under these regulations?

**Answer:** A head coach is not permitted to negotiate on behalf of a student-athlete, regardless of whether the coach is a member of the institution's professional sports counseling panel. However, the coach is allowed to help in determining a student-athlete's market value by assisting him/her in determining when or if the student may be drafted and the compensation that may be offered. No coach, other than the head coach, can be involved in the review of the student-athlete's market value.

**Question:** May I reach any kind of agreement for a contract with a professional team and still retain eligibility?

**Answer:** No. If a student reaches a written or verbal agreement for any portion of the terms of a

professional contract, he or she will have jeopardized future eligibility at an NCAA school.

**Question:** What happens to my eligibility if a professional team offers to fly me and my parents to its city to watch a ball game and meet with the local media? Is a representative of the team permitted to take my parents and me to dinner or entertain us in any other way?

**Answer:** In order to retain NCAA eligibility, a student-athlete is not permitted to receive any kind of entertainment expenses from the professional team. This includes a representative of a professional team purchasing a meal for the student-athlete or his/her parents or paying expenses for a visit to the city of the team for any reason whatsoever.

**Question:** Am I allowed to participate in a tryout with a professional team?

**Answer:** Yes, but only during the summer (beginning at the end of the academic year). Under these circumstances, a professional team is not permitted to provide any expenses for the tryout. Thus, if a student-athlete decides to travel to a particular place to participate in a tryout during the summer, the student-athlete must provide all expenses associated with the tryout. Accordingly, this means that a student-athlete will jeopardize eligibility if he/she participates in any professional league tryout camps that take place during the academic