

**PROMOTING THE WELL-BEING AND ACADEMIC  
SUCCESS OF COLLEGE ATHLETES**

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**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

**ONE HUNDRED THIRTEENTH CONGRESS**

**SECOND SESSION**

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**JULY 9, 2014**  
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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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## **PROMOTING THE WELL-BEING AND ACADEMIC SUCCESS OF COLLEGE ATHLETES**

**WEDNESDAY, JULY 9, 2014**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:36 p.m. in room SR-253, Russell Senate Office Building, Hon. John D. Rockefeller IV, Chairman of the Committee, presiding.

### **OPENING STATEMENT OF HON. JOHN D. ROCKEFELLER IV, U.S. SENATOR FROM WEST VIRGINIA**

The CHAIRMAN. This hearing will come to order, and I want to thank all of you very much for coming here. You're a bit squeezed in there but water is on the house.

[Laughter.]

The CHAIRMAN. So be comfortable, and be glad.

College sports has an absolutely extraordinary position in the culture of our country. Not only have college sports inspired incredible fan passion all across the country but they have provided a very important way for young men and women to, as is written, both do athletics as an avocation and get an education. We are going to talk about that today.

For many young people, however, athletics has provided an avenue to college that would have otherwise not have existed, and it is important to understand that.

College athletes and athletics are rooted in the notion of amateurism. The history of that is very interesting and important, going back to the founding of the NCAA in 1906 and all the rest of it and going back, actually, to the Greek's concept of amateurism.

Playing college sports is supposed to be an avocation. Students play college sports for the love of the game not for the love of money. That is the ideal but many people believe this notion of college sports as being undermined by the power and the influence of money.

I remember a meeting I had in my office with the three top executives of ESPN and it was one of those meetings in which I didn't say a word because they just went around in circles, each talking about what a great business model they had and how they had the control and the power that no other broadcast system would ever have and how thrilled they were with it, and how they were going to make it even stronger.

There's a growing perception that college athletics, particularly Division I football and basketball, are not avocations at all. What they really are is highly profitable commercial enterprises. They believe that.

Critics of big-time college athletics say that the goal of these programs is not to provide young people with a college education, but to produce a winning program that reaps financial rewards for the athletic departments and their schools. It is not, however, about the students; they're part of what generates the money.

It's about capturing the billions of dollars of television and marketing revenues that college sports do generate. And it will generate even more.

Colleges and universities say that these revenues benefit college athletes and their student bodies at large. But I think we have to consider whether the lure of such riches could corrupt the basic mission of athletic programs. Winning teams get higher payouts than losing teams which creates a strong incentive to win—an incentive which land-grant public universities and others are more than happy to follow. And win at any cost.

Much of the money is often funneled right back into those sports programs in the form of multimillion-dollar coaching salaries and state-of-the-art facilities—many of them paid for by the taxpayers to perpetuate the cycle of winning. I think somewhere in my reading here, about \$48 million of all the \$900 million that NCAA gets from their broadcasting—March Madness and all the rest of it, a very small portion—goes specifically to academics. But even that is hard to figure because nobody has the figures.

Mr. Emmert works for them. They make the decisions. He carries out what they want and, yet, I think a subject of discussion is: how does he carry out what they want? What powers do you have, Mr. Emmert, for actually carrying out what you think is a good idea? You've been president of three major universities, different places. Then, I would think, your passion for education would need to show itself.

Athletics to me are meant to serve schools and their public duty to educate students, not the other way around. That's the way it's always put forward and that's the way it should be.

Dr. Mark Emmert is here to present the perspective of the colleges and universities that belong to the NCAA and I would like to thank you for testifying. You could have declined to do so. Some do, but you didn't. And I'm grateful for that.

I believe that you were put at the helm of the NCAA because you have impressive academic credentials and a sterling reputation. And I think that we all appreciate that you're extremely well compensated. Your commendable individual qualities and capabilities are not what trouble me. I think I'm just very skeptical that the NCAA can ever live up to the lofty mission that you constantly talk about, and which is written and printed in speeches and statements and responses to Penn State this or something else that. The mission—nothing comes before education—is always there but the actions don't appear to be.

I don't see how the NCAA will ever be capable of truly making a safe, good education experience for students its number one priority. I want you to tell me that I'm wrong, that I am wrong and

that I'm particularly wrong about the future. But I'll be a tough sell.

I think we believe that the NCAA has largely been left to its own to determine what reforms are appropriate and how to accomplish its mission. As we continue to learn more about what goes on at some major universities and colleges, we want to know if the NCAA is seriously considering how college athletes are faring under this system. Not just living as they do but injured as they often become, racked by poverty if they don't do well and maybe their stipends are cut off. And is there an advantage in a mandated four-year scholarship. All of these things are put at play.

How are young men, who strap on their helmets on a football field in front of 100,000 passionate and paying customers, how are they doing? How are young men who lace up their shoes and play basketball for March Madness, which consumes the nation, is deliberately spread out over a long period of time so that no kid, 12 years or 10 years or over, can ever hope to do any homework because there's always basketball on?

Are colleges and universities living up to their end of the bargain in providing them with a good education? Are these young athletes entitled to any of the billions of dollars that are reaped from their athletic services? And when young men and women put their bodies at risk from playing sports for their schools, whether women's lacrosse or men's soccer, do they have adequate health insurance? I don't know. I don't know.

And I never go into a restaurant or a barber shop or anything without asking, sometimes to their discomfort, "Do you have health insurance?" Because I know the answer is going to be no. And I care about health care and I get very unhappy when people who work in places don't make a lot of money, don't have health insurance.

Do the schools and athletic leagues sufficiently minimize the risk of concussions? And what happens to a student who is injured before graduation? Can he or she finish out their studies or does the scholarship run dry?

Well, a couple of months ago, we all heard the deeply troubling comments of Shabazz Napier, the talented University of Connecticut guard who was the most valuable player of the 2014 NCAA basketball tournament. In the midst of a tournament that generated hundreds of millions of dollars in revenue for the NCAA and its members, Mr. Napier talked about how sometimes he did not have enough to eat during college. How did college sports benefit Mr. Napier on the nights he had to go to bed hungry?

Now, you can look at that two ways. So there he is, he's trying to pick out a sensational example of a famous athlete and turn it into some very large problem. I'm not trying to do that. I think it is a problem. And the whole sense of giving students a safety net and a sense of confidence that, if they don't turn out to be as good running backs or point guards or whatever and they don't make the team or they're let off in their third year. Are they dropped? Do they get the scholarships or what happens? I don't know.

The title of today's hearings is "Promoting the Well-Being and Academic Success of College Athletes." I want to have an objective,

open-minded and frank discussion on this subject. I'm going to try my best to. The NCAA has the same goal as I do.

Dr. Emmert is going to tell us that the NCAA's mission is to protect college athletes from abusive practices and exploitation and to promote college sports as a means towards achieving academic excellence.

Today, I want to explore whether the NCAA is fulfilling its mission. We still hear too many reports of fraudulent academics. We still hear too many tragic stories of former college athletes who have absolutely nothing to show for the services they provided even though they helped generate millions and millions of dollars. This subject is often discussed, but I'm here to tell you that—and if perchance the Democrats should control the Congress next time, and nobody is quite sure of that, John Thune has one idea, Bill Nelson has another idea, and you. Yes, okay.

[Laughter.]

The CHAIRMAN. And that I think that we want to continue this. We want to make this a continuing surge of this oversight committee. We have jurisdiction over sports—all sports. All sports. And we have the ability to subpoena; we've created a special investigations unit. We're very into this subject. I personally am. I think our members are. And so, this is the part of a process here.

So I'm going to have some tough questions for our panel: is the NCAA and its member schools: is it simply a legal cartel; have college sports become a multibillion-dollar commercial enterprise which is no different than the other corporate witnesses who have appeared before this committee; or is the NCAA truly different; and does the 100-year-old organization, in fact, have the best interest of college athletes? They're large questions and important to be answered.

I turn now to my very distinguished Ranking Member, Senator John Thune, from the state of South Dakota.

**STATEMENT OF HON. JOHN THUNE,  
U.S. SENATOR FROM SOUTH DAKOTA**

Senator THUNE. Thank you, Mr. Chairman, for holding the hearing today. And I want to thank our panelists for the opportunity to examine the current state of collegiate athletics. And, like you, I look forward to hearing from our witnesses including the President of the National Collegiate Athletic Association on how the NCAA and its member institutions are fulfilling the commitments made to our collegiate student-athletes.

I'm an avid sports fan and I know other members of this committee are as well. As a former basketball player in high school and college, and the proud father of a daughter who competed at the Division I level, I certainly recognize that participation in organized sports not only requires physical and mental strength, but also teaches teamwork and other skills that serve you throughout life. However, the college student-athlete is, and should be, a student first. Colleges and universities must remember and prioritize their academic obligation to student-athletes.

As the popularity of college sports has grown, particularly the popularity of college football and men's and women's basketball, so too has the profitability of many collegiate athletic programs. In



the current environment, the stakes have been raised both for the student-athlete who wants to succeed and for the university that has a financial interest in winning games. Increasing revenues for some schools in conferences, due in large part to lucrative contracts for the broadcast rights to football and basketball games, have become more common. Revenues from ticket sales and merchandising efforts for some schools are also significant. And, of course, alumni want to see their teams win, and may be inspired to contribute to winning programs.

As we'll hear today, the NCAA is a member-driven organization whose stated mission is "to integrate intercollegiate athletics into higher education so that the educational experience of the student-athlete is paramount." However, a major criticism of college sports is that some institutions appear unable to balance the core academic mission of the university and the commercial considerations that often accompany college athletics, particularly in high-profile sports. Many feel the commitment to the student-athlete is falling short.

Another point of contention involves athletic scholarships and whether the practice of offering annual, as opposed to multiyear, scholarships unfairly places student-athletes at risk of losing their scholarships as a result of poor-performance or injury. But, while multiyear scholarships may benefit student-athletes, they may disadvantage smaller schools who can't match the resources of larger institutions.

Clearly, collegiate athletics in America is not without controversy, and we will hear from some of the NCAA's most vocal critics today. While I'm sure that today's hearing will highlight a host of important issues, I hope we will not lose sight of the positive impact that amateur athletics has made on the lives of countless student-athletes. And we must remember that college athletics is not just about football and basketball.

The Director of Athletics at the University of South Dakota recently shared the results of the student-athlete exit interviews he conducts annually to evaluate the school's athletic program for the vantage point of the athletes themselves. He underscored two stories that stood out from this past year's athletes.

The Athletic Director at USD reiterated how Dustin Gens, a sophomore diver at USD, recovered from open-heart surgery to qualify to dive at the NCAA's Zone Championships, a feat that would not have been possible without the work of a dedicated training staff, academic support, coaches, team, and family. He also noted the moving story of Hanna Veselik, a sophomore swimmer, who leaned on friends, family, and teammates to help her through the tragic loss of her father who passed away early in the season. With this support, Hanna was able to return to the pool and achieve lifetime best times in all of her swimming events at the Summit League Championships.

As the USD Athletic Director puts it, "These two are just a sample of what college athletics should mean. If you strip away the money, fancy locker rooms, charter flights, and large budgets, you're left with student-athletes who often have to overcome personal, social, economic, academic, and athletic adversity, all just to compete. But they frequently do it with passion and a determina-

tion that makes us all proud.” That’s from the Athletic Director at the University of South Dakota.

Recognizing the challenges exist, it is my hope that the NCAA, its member institutions, the student athletes themselves, and other stakeholders will seek solutions that promote the education, health, and well-being of student athletes and seek to preserve amateurism in collegiate athletics. This is an area where Congress can provide a forum, but the solutions are most likely to come from those most directly involved in the education and development of student-athletes.

Mr. Chairman, thank you again for holding this hearing, and I look forward to hearing and having an opportunity to question our witnesses. Thank you.

The CHAIRMAN. Thank you, sir.

What we are going to do now is we are going to hear the testimony. And then, both Senator McCaskill and Senator Booker, both of whom are sterling and wonderful people, are going to get very, very angry at me. Because I’m going to charge into the regular order and I’m going to allow Senator Coats to ask the first question, which violates all the rules of the Committee but—

Senator MCCASKILL. Oh, I’m mad.

The CHAIRMAN. That’ll make you a better questioner.

Senator BOOKER. As the most junior member on the Committee, I must say that Senate rules do not allow me to be mad at you, Chairman.

[Laughter.]

Senator COATS. And, Mr. Chairman, for what it’s worth, I was under the impression, also, that we were the first to arrive and ask questions in order. So I arrived at 2:10—

The CHAIRMAN. See?

Senator COATS.—just so I can be first.

The CHAIRMAN. What am I going to do?

[Laughter.]

Senator COATS. Because I didn’t want to put you in a bad spot or breach the rules either.

The CHAIRMAN. You never do and you are wonderful. So you will ask the first questions after the two of us.

Mr. Rolle, and thank you for being here.

And don’t be nervous.

**STATEMENT OF MYRON LAURENT ROLLE, STUDENT-ATHLETE,  
FLORIDA STATE UNIVERSITY COLLEGE OF MEDICINE**

Mr. ROLLE. OK.

The CHAIRMAN. I mean it.

Mr. ROLLE. All right.

The CHAIRMAN. It’s a wonderful opportunity to say what’s in your heart and on your mind.

Mr. ROLLE. Yes, sir.

First, I want to thank you and the Committee for inviting me here today to share some of my experience and knowledge on this very important subject, very complicated subject as well.

I’ve had many conversations with fellow student-athletes on this issue about the current role of student-athletes today in this giant scheme of collegiate athletics. And we often walk away from those

conversations with more questions than answers. So I'm hoping today is a first step toward answering some of those questions and providing some context and some clarity to this discussions so that we can see our student-athletes receive maximum edification in all aspects of their person, be it a student, and athlete, a leader, and a man and a woman. That's very important to me.

I want to start my remarks by beginning at the genesis of my story. My parents are from the islands of the Bahamas, my brothers are as well. I was born here in the states and I was raised in New Jersey. I went to high school in Princeton, New Jersey.

And after my school days in Princeton, I would go over to the university and I saw this big poster, a statue, and trophies of this guy who became my hero. His name was Bill Bradley. He was just a rock star, in my opinion, an epitome of what a student-athlete ought to be; college basketball American, best player in college at a school like Princeton, Hall-of-Famer, a U.S. Senator, and a Rhodes Scholar. That's the first time I heard those two words, Rhodes Scholar, used in the same sentence.

And once I finished high school in Princeton, I had 83 scholarship offers to go anywhere I want to to play football and I was rated the number one high school prospect in the country by ESPN. I decided to go to Florida State. And when I got to Tallahassee on campus, first thing I did was go to the Office of National Fellowships and told them that I wanted to be a Rhodes Scholar like my hero Bill Bradley. If he did it, I want to try and do it as well. And so, 3 years later, I was fortunate to earn that scholarship.

Then, I went to see my teachers and academic advisors at FSU and tell them that I want you guys to help increase my intellectual capital so 1 day I can be an outstanding pediatric neurosurgeon, like another one of my influences, Dr. Ben Carson. Now, I'm a second year medical student hopefully able to do that in the future.

And last, I went to my strength coaches and my athletic trainers and my football coaches, Bobby Bowden included, and told them that I want them to equip my body and get me ready for a career as a national football player. And fortunately, I was able to be drafted by the Titans and play for the Steelers as well.

Now, it may sound like my story is pristine and ideal, and maybe used as the poster child for which you want a collegiate student-athlete to have experienced, but I will say that my story is quite rare and unique. And some people even call it an anomaly because, outside of Senator Cory Booker, the last major Division I football player to earn a Rhodes Scholarship was a guy named Pat Haden. And that was in the 1970s, he played at USC, and played for the Las Angeles Rams as well as a quarterback.

There are very few student-athletes who I've come in contact with that have had the same infrastructure as I've had; the family support, had the foresight, not come from a broken school system in high school, and not come from a broken family who are able to engage in their college experience and maximize their time.

Many more of my teammates and friends and fellow student-athletes struggled in the college environment; they struggled mightily, struggled economically. Because, now, with the scholarship stipend that they receive they became, believe it or not, the main breadwinners for their families and would have to send some of their

scholarship money home to take care of their immediate and extended family.

They also struggled academically as well. A lot of them would go through this academic machinery in their colleges and be spit out at the end of that machine left torn, worn and asking questions, and with really no direction, no guidance, on where they should go; no purpose, no idea of their trajectory and sometimes left with a degree in hand that didn't behoove any of their future interest.

So I hope today we can shed light on this aspect, as you said, Chairman Rockefeller, that we are really pouring energy and life and money and exposure, and highlighting on TV, the life of the athlete. But I believe that we're still falling a bit short of edifying and improving, augmenting, the aspect of the students; the person, the man, the woman, and even the philanthropist and the leader.

And I believe if we can do that, we can not only see our student-athletes at these major schools go on to be productive athletes in the professional ranks but, more importantly, be productive leaders and citizens that go on to be leaders of industry and leaders of men, leaders of women, and just really have an indelible impact as they go on into their future.

So thank you for having me here. And I'm looking forward to joining this discussion.

[The prepared statement of Mr. Rolle follows:]

PREPARED STATEMENT OF MYRON LAURENT ROLLE, SCHOLAR-ATHLETE, FLORIDA STATE UNIVERSITY COLLEGE OF MEDICINE

### **Introduction**

Chairman Rockefeller, Ranking Member Thune, and Members of the Committee, it is a pleasure and a blessing to have this opportunity to be in your presence and present my thoughts on a compelling matter concerning college athletics. Let me first thank you and your wonderful staff for the invitation.

In the confines of academia, I am what is commonly referred to as a "Scholar-Athlete." I wear that mantle proudly and I strived each day to be an outstanding person, student and athlete. As my career has transitioned, I am today striving to be the best medical student I can be at The Florida State University College of Medicine with a view to being a pediatric neurological surgeon. I used the values my parents, Whitney and Beverly Rolle, instilled in me at an early age and in my brothers, as the foundation for my growth and the light to the path of life. In our household, education superseded sports and our Christian faith superseded all. The message was very clear and understood. My parents taught me how to value life, education, respect authority, treat others as you would like to be treated, respect our elders, serve our community, set lofty goals and never say never. These principles have made me who I am today.

### **Academic and Athletic Background**

Before I address the collegiate athlete compensation issue, let me briefly recap my academic and athletic careers as this may shed light on my thoughts on the subject matter of concern.

In primary, high school and college, I took an active role in student life outside of athletics. I served as a student leader in all levels of my academic life. I was Student Council President in both Primary and High School. I served as Vice President of our Student Athlete Advisory Council at FSU. I was editor of my primary and high school newspapers. I played the baritone saxophone, participated on Brain Bowl Teams and played the lead role of Tevye in Fiddler on the Roof. I spent hours visiting the elderly in Absecon Manner in Galloway, New Jersey, where I grew up and served Habitat for Humanities in Florida and West Virginia during my high school years at The Peddie School and The Hun School.

My athletic career started on the playing fields at Gabriel Fields and basketball courts throughout South Jersey. I was athletically gifted and participated at a high level in Baseball, Basketball, Track and Football. By the time my high school career

was over, I was ranked the Number One High School Football Player in America by ESPN.

At Florida State University, I started at strong safety on a full athletic scholarship throughout the three years I spent at FSU. I earned both academic and athletic All-American honors. We will discuss FSU later in this conversation.

In 2010, I was drafted in the sixth round of the NFL draft by the Tennessee Titans and remained in the NFL for three years.

I recently completed my first year as a full-time medical student at Florida State University College of Medicine.

### **Influences**

At an early age I felt I knew what I wanted in life. I wanted to serve. Today, I envision myself as a combination Servant and Transformative Leader.

At the Smithville School in Galloway, New Jersey we studied the nervous system. This intrigued me to the extent that my older brother bought me a book “Gifted Hands” by Ben Carson. I completed this book in 3 days and I was hooked. I knew I wanted to be a neurosurgeon. My parents encouraged me and allowed me to participate in a very valuable program The National Youth Leadership Forum on Medicine—where I spent time during my high school breaks at LSU and Tulane University shadowing doctors and being exposed to the medical profession as it truly is performed.

Another life changing episode in my young life happened while at The Hun School of Princeton. The Hun School is minutes away from Princeton University where one of your former colleagues, Senator Bill Bradley was an outstanding All-American Basketball Player and also a Rhodes Scholar. While I did not have definitive plan as to how to accomplish what Senator Bradley accomplished, it set my thoughts in motion. During my recruitment by all of the major Universities, I emphasized education was my priority and football would be secondary. Florida State University accepted this condition and I was allowed to pursue my academic endeavors without hindrance and thus my connection to the Office of National Fellowships. The relationship with the Office of National Fellowships allowed me to make the dreams that Senator Bradley’s accomplishments instilled in me to become a reality and my earning the Rhodes Scholarship in 2009.

Serving my community was indeed an active part of my life. As I grew and matured, I wanted this aspect of my life to continue. Using the platform that my FSU career and the Rhodes Scholarship provided, I along with my family, formed The Myron L Rolle Foundation whose mission statement embodies my very being—“Dedicated to the support of health, wellness, education and other charitable initiative throughout the world that benefit children and families in need.” We have annually hosted for five years the Myron Rolle Wellness and Leadership Academy at Camp Blanding, Starke, Florida for foster children in the State of Florida. We have conducted the “Our Way To Health” program for Native Americans in Florida, New Mexico and Arizona, Rhodes To Success program in Florida and now a Bahamas version of the Myron Rolle Wellness and Leadership Academy.

### **College Life**

I spent three full years at FSU immersed with the football program and players with the exception of a six week period that I spent in Europe at FSU’s London Study Centre Abroad, graduated magna cum laude from FSU in two and one-half years and won the Rhodes Scholarship in my final year. As a member of the football team, we trained during the off-season and during the season together, we spent much of our down-time together, enjoyed off-campus life together, we studied together and generally lived together. During this period, I was able to participate in student life as a normal student by being involved in extra-curricular activities including pledging for my Fraternity, Kappa Alpha Psi, participating in human mesenchymal stem cell research and serving an executive role in Seminole Student Boosters.

Because of the unique position in which I placed myself at FSU, I was able to see both sides of the student-athlete challenges, conflicts and now the controversial positions relative to compensating college athletes.

I can appreciate the traditional arguments from the University perspective that they are providing one a full-four year scholarship that values in excess of US\$250,000.00 or the claims from non-athlete students that the athlete is taking a position that a more qualified non-athlete student should have occupied. There are many legitimate arguments to support the University’s and non-athlete student’s positions. However, there is an equally compelling argument from the athletes.

Let me talk about a few scenarios that I have personally experience and one shared with me second-hand.

Playing football in a major university program is almost like a full time job. There is very little margin for error in managing your time. Typically during the season, your day begins with either a 5:00 or 6:00 AM work-out in the weight room or a study session at the football facilities. This is followed by getting dressed and breakfast between 7:00 and 8:00 AM. After breakfast, most players have morning classes that can take you through the morning and up to 1:00 PM. Lunch is normally at an on-campus restaurant or cafeteria. There may be a little down-time between lunch and the time you must be at the facilities. If you have an injury, you make every effort to get that treated during this down-time. Around 2:30 PM or 3:00 PM, players report to their section meetings dressed. Around 4:00 PM players report to the field for practice that can last anywhere from 1½ to 2½ hours. After practice the players shower and clean-up for supper that is around 6:30 or 7:00 PM. Depending on the situation, there may be position meetings after supper or study sessions. A player normally could leave the facility between 8:00 PM and 9:30 PM and return to his dorm or apartment where he must study his films as well as his class work. Bed time could be any-time between 11:00 PM and 1:00 AM. At 5 or 6:00 AM the process repeats itself. As you can see a significant portion of the football players day is consumed by football and at the football facility.

The University provides a small monthly stipend to the athletes to cover food and rent at a minimal but acceptable living standard. Many of my team mates struggled to make ends meet on a monthly basis. Why you may ask? Many of the athletes come from deprived economic backgrounds where they must support their families back home so that the family could survive. Many of them take a portion of their allowance and send it home to support their family. If by chance an unplanned child is involved, the athlete must provide for that child as best he can. With the schedule delineated above there is no possible chance the athletes can take a second job to supplement his monthly stipend.

Here are some of the issues and challenges the athlete and University face. The vast majority of the athletes are not prepared and ready for the rigorous and regimented life style of college football. In high school they were promoted socially and not provided the tools to navigate their way through an intense college curriculum that will provide for them once the college or NFL careers come to an end. The vast majority of college football players' careers end when their college eligibility ends. There are a few and a small select group who manage to make it to the NFL and survive where they can create financial security for their family. The universities are pressured to accept marginal students in order to remain competitive and share in the enormous wind-fall of bowl and television revenues.

While many athletes enter college ill-equipped, the universities have excellent educational support systems that manage to keep the athletes eligible. The universities provide the opportunities for the athletes to change the trajectory of their and their families' lives. Some embrace this opportunity and others do not. My argument with universities is that they should evaluate each case on its own merit and develop a program where the individual's dreams and passion are channeled into the direction where once a course of study is completed the athlete becomes a productive citizen maximizing his or her skills.

### **Compensation to Athletes**

Compensation to athletes is an administrative nightmare but time has come to walk through the door and in the words of Spike Lee "Do the right thing". I am a proponent of compensating athletes. All college athletes should be compensated but not at the same level. However, I believe athletes in revenue generating sports should be compensated more than those in non-revenue generating sports.

There are many who struggle with the idea of paying college athletes. Maybe a Managed Fund should be set-up that will be available to the athlete upon graduation or some criteria that demands some level of academic accomplishment from the athlete. This Managed Fund could be an outstanding way to fiscally support the continued education of the student-athlete once their playing days cease. A portion of the overall revenues generated from the product within which the athletes participate should fund the Managed Fund. A certain portion for non-revenue generating sports should also be set-aside.

It is my view that there should be a mechanism in place to address the immediate needs of the athlete who struggles with the standard monthly stipend. Maybe the monthly stipend needs to be increased or a means test be developed to ascertain the economic immediate needs which could carefully be deducted from the Managed Fund.

Paying college athletes is the right thing to do and now is the right time to do it. Once we sharpen the mechanism in which to deliver this novel system, I believe

we will see more successful student-athletes making significant contributions beyond the playing field.

Thank you for the opportunity to testify, and I look forward to answering your questions.

The CHAIRMAN. Thank you very, very much.  
And now, Devon Ramsay.  
Welcome.

**STATEMENT OF DEVON JAHMAI RAMSAY, FORMER COLLEGE  
FOOTBALL PLAYER, UNIVERSITY OF NORTH CAROLINA**

Mr. RAMSAY. Good afternoon, Chairman Rockefeller.

The CHAIRMAN. Devon, right? Yes.

Mr. RAMSAY. Good afternoon, Chairman Rockefeller and members of the Committee. It is an honor and a pleasure to have this opportunity to be in your presence and share my story and thoughts on the current state of college athletics. Let me first thank you and your staff for the invitation.

I was born to Sharon Lee and Devon Anthony Ramsay on December 8, 1988 in Red Bank, New Jersey. My mother always valued a strong education and sent me to the Rumson County Day School, which was a Blue Ribbon private winning school that covered kindergarten through eighth grade. At Rumson, I excelled in the classroom and participated in athletics. And by the time it was for me to leave, I had the opportunity to go to the Lawrenceville School, which is right down the road in Princeton where I played against Myron.

[Laughter.]

Mr. RAMSAY. I decided this would be the best academic and athletic environment for me. I would go on to have a successful academic and athletic career, graduating in 2007. And I decided to sign my letter of intent to go to the University of North Carolina at Chapel Hill. And what drew me to that school was not only its esteemed reputation as a top academic institution but also as the new hire of then new head coach, Butch Davis. This showed that the university had an all-around commitment to excellence.

Now, my career at the University of North Carolina has been one filled with adversity. I've undergone five surgeries, been through three head coaches, and been asked if I wanted to transfer or if I wanted to take a medical redshirt. However, despite all this, I managed to succeed, being named an offensive starter for another 6 years and, by NFL draft analyst Mel Kiper, named the top three in my position.

But most importantly, I got my degree in public policy with a concentration of business. After graduating, I moved back to Red Bank, where I would pursue my hopes of making an NFL team. However, I didn't make the team at Tampa Bay.

Now, in the summer of 2010, two of my teammates had violated NCAA rules and attended a party thrown by sports agents. The University of North Carolina then launched their own investigation into the matter and discovered several potential counts of academic fraud. After the final practice of the week, before we played Clemson, I was told to report to one of the conference rooms and brought in for questioning by University officials. Before the questioning began, I was told that this conversation would be recorded

and was asked if I needed a lawyer. I thought I had been called in there to see if they could find any more leads for the investigation, but then they began to ask me about my definition of academic fraud, academic dishonesty and plagiarism. And that is when they brought up a two-year-old e-mail correspondence between myself and a tutor. In the said e-mail, I ask the university's tutor for help with grammar and overall quality in the paper. And she replied by adding four to five sentences to a two and half page paper.

They ask me if this is the exact same paper I turned in. However, I couldn't remember since it was 2 years ago. In the following 4 weeks that I was held out of competition, they sent me to the University's Honor Court. And the Attorney General of the Honor Court said that there was no case here; that there wasn't enough evidence. They had no final version of the paper, it wasn't submitted electronically and, I don't know, most people don't keep papers from 2 years ago.

As I was being held out by UNC, an official from the compliance office proposed that if I were to plead guilty after being held out for so many games, that the NCAA would, in fact, allow me to play. At this time, I believe that the UNC's compliance office which was very well-versed in NCAA policy. However, it was a shocking blow that the NCAA then ruled me guilty of academic fraud which strips away my remaining eligibility and tarnishes my reputation.

After coming to the realization that UNC was more concerned with penalties and losses of scholarships than protecting one of its own, my mother and I set out to find lawyers that would hopefully have my best interests at heart. However, none would stand against the NCAA nor its membership.

Fortunately for me, Robert Orr, a State Supreme Court judge, reached out to my mother after reading an article that she had been involved with in *The News and Observer*. Without Judge Orr's legal knowledge and tenacity, I would have no one to turn to. As we went through the appeals process, which was possible with the endorsement of the University of North Carolina, the leadership at UNC once again wanted me to take a plea for a reduced sentence. However, Judge Orr, my mother and I needed to have my name unsullied. By going back and looking at the original interview, reviewing a lack of evidence and disregarding the guided testimony, the NCAA overturned its ruling and reinstated my eligibility.

Unfortunately, the first game of the next season, I tore three ligaments in my knee. After receiving my sixth year of eligibility, I was not able to return to the field of play until my final game; which I participated in two plays.

Now, one of the things that was, looking back at my career, that I wish I could have partaken in was in internships. A few of my friends from Lawrenceville went on to play at the Ivy League. It's not as demanding as, you know, high-level Division I football. They were allowed to go and pursue other things during the summer. And upon graduation, some of my friends got great job offers.

An internship gives you direction, teaches you valuable life lessons and prepares you for a level of professionalism. At a competitive football school, completing an internship is almost impossible. In order to be eligible to receive your scholarship stipend during



the summer and granted aid, if you're eligible, one was if you were enrolled in a certain number of credit hours. I've seen several teammates attempt to manage school, summer workouts and their internship. Most of these athletes ended up quitting their internship because of the sheer level of exhaustion experienced on an average day. Only one was able to complete this internship because it counted towards his credit hours so he wasn't required to go to any classes.

At the University of North Carolina, football players are one of the only teams not allowed to participate in University camps, which would hone skills for those that would want to get into coaching and create another source of income. In fact, during a panel discussion about the documentary "\$chooled: The Price of College Sport," Head Coach of the George Mason men's basketball team Paul Hewitt stated that his team has to do an internship before they graduate a mandatory one. I think this is a great practice.

If the NCAA truly wants to develop student-athletes and prepare them for success off the field, then they should mandate that all athletes complete an internship. The reason it needs to be mandated is because there exists a culture that demonizes any activity that won't directly help a program. Players that go home for a semester, and I had friends that had done this, are labeled as selfish and lazy and almost a cancer to the team. But, in fact, he's just going home. He's still working out. He's just trying to improve his own value for the likelihood that he's not going to make the NFL.

I've come to realize that there is a void in college athletics. The NCAA, as an institution, no longer protects the student-athlete. They are more concerned with signage and profit margins. As I was called up to the initial meeting with UNC's investigators, I wasn't aware that I needed to defend myself against my university and the NCAA. And, as a student, I lack the resources and the knowledge to defend myself against an 80 year-old institution. My family lacked the resources to hire a lawyer. And if I refused to be interviewed, I would have been held down until I testified.

In the NCAA, college football players have a very small window of opportunity to prove our worth to the NFL. Therefore, every game you miss is a lost opportunity and a means to devalue your worth. There needs to exist an entity that quickly and effectively advocates for the student-athlete. I was extremely fortunate that Judge Orr reached out to my family to help. However, it terrifies me how many students might have had their eligibility unjustly taken and their reputation damaged.

The student-athlete has a short career and is an amazing new, renewable resource. And because of that, the NCAA is able to take advantage of naive young men and women. There needs to be an organization that will, in fact, protect the college athlete and has no ties to the financial being of the universities or to the NCAA. Allowing the NCAA continue to intimidate schools and athletes is dangerous and unfair. To quote a famous Roman poet, "Who will watch the watchmen?"

Thank you for the opportunity to appear before you today.  
[The prepared statement of Mr. Ramsay follows:]

PREPARED STATEMENT OF DEVON RAMSAY, FORMER COLLEGE FOOTBALL PLAYER,  
UNIVERSITY OF NORTH CAROLINA

### **Introduction**

Good afternoon Chairman Rockefeller and Members of the Committee, it is an honor and a pleasure to have this opportunity to be in your presence and share my story and thoughts on the current state of college athletics. Let me first thank you and your staff for the invitation.

### **Academic and Athletic Background**

I was born to Sharon Lee and Devon Anthony Ramsay on December 8th 1988 in Red Bank, New Jersey. My mother has always valued a strong education and sent me to the Rumson County Day School, a Blue Ribbon winning private school that covered kindergarten through the eighth grade. At Rumson, I excelled in the classroom and participated in athletics. By 2003, My achievements at Rumson County Day School garnered the attention of many prestigious boarding schools along the east coast. I decided to attend the Lawrenceville School, an elite preparatory and boarding school outside of Princeton New Jersey. This would be the best environment academically and athletically. At Lawrenceville, I would go on to have a successful academic and athletic career graduating in 2007. In 2007, I signed a letter of intent to attend the University of North Carolina at Chapel Hill. What drew me to this amazing school was its esteemed reputation as a top academic institution and the hire of then new head coach Butch Davis. This showed that the University had an all around commitment to excellence.

My career at the University of North Carolina has been one filled with adversity. I have underwent five surgeries, been through three head coaches, have been asked if I wanted to transfer and if I wanted to take a medical redshirt. However, despite all the adversity, I have managed to succeed being named an offensive starter for four out of my six seasons, named as one of the top three fullbacks in the country by NFL Draft Analyst Mel Kiper Jr. and most importantly attaining a degree in Public Policy with a concentration in business. After graduation, I moved back home to Red Bank, where I pursued my dreams of making an NFL team. I would get an opportunity with the Tampa Bay Buccaneers; however, I did not end up making the roster.

### **NCAA Case**

In the summer of 2010, two of my teammates had violated NCAA rules and attended a party thrown by sports agents. The University of North Carolina then launched their own investigation into the matter and discovered several potential counts of academic fraud. After the final practice before we are to play Clemson, I was told to report to one of our conference rooms and brought in for questioning by University officials. Before the questioning began and was told that this conversation would be recorded and I was asked if I needed a lawyer. I thought I had been called to see if they could find any more leads in the investigation. They then proceed to ask my definition and understanding of plagiarism. After which the investigators presented a two year old e-mail correspondence between myself and a tutor. In said e-mail, I ask the university's tutor for help with grammar and overall quality. She replies by adding four sentences to a two and half page paper.

They began to ask me if I turned in the paper as the tutor sent it and I couldn't remember since it had been two years for a two and half page paper. In the following four weeks that I was held out of competition, I was sent to see the Attorney General of UNC's Honor Court who came to the conclusion that since there was no final version of the paper present, this case would not go to trial due to lack of evidence.

As I was being held out by UNC, an official from the compliance office proposed that if I were to plead guilty after being held out for so many games that the NCAA would in fact allow me to play. At this time, I believed that UNC's compliance to be well versed in NCAA policy. It was a shocking blow when the NCAA had ruled I was guilty of "academic fraud" which strips away my remaining eligibility and tarnishes my reputation. After coming to the realization that UNC was more concerned with penalties and loss of scholarships than protecting one of its own, my mother and I set out to find lawyers that would hopefully have my best interests at heart. However, none wanted to stand against the NCAA nor its membership. Fortunately, Robert Orr, a former State Supreme Court judge, reached out to my mother after reading an article in *The News and Observer*. Without Judge Orr's legal knowledge and tenacity, I would have no one to turn to. As we went through the appeals process, which was only possible with the endorsement of the University of North Carolina, the leadership at UNC once again wanted me to take a plea for a reduced sen-

tenced. However, Judge Orr, my mother and I needed to have my name unsullied. By going back and looking at the original interview, reviewing a lack of evidence and disregarding the guided testimony, the NCAA overturned its ruling and reinstated my eligibility. Unfortunately, the first game of the next season, I tore three ligaments in my left knee. After receiving a sixth year of eligibility, I was not able to make a return to the field of play in my final game.

### **Internships**

A few of my friends from the Lawrenceville School went on to play football in the Ivy League and one of the things I noticed and admired is that they were able to participate in assorted internships during their summers and upon graduation received great job offers. An internship gives you direction, teaches you valuable life lessons and prepares you for a level of professionalism. At a competitive football school, completing an internship is almost impossible. In order to be eligible to receive your scholarship stipend and grant in aid (if you're eligible) one must be enrolled in a certain number of credit hours. I've seen several teammates attempt to manage school, summer workouts and their internship. Most of these athletes ended up quitting their internship because of the sheer level of exhaustion experienced on an average day. Only one was able to complete his internship because it counted towards his credit hours. At the University of North Carolina, football players are one of the only teams not allowed to participate in University camps, which would hone skills for those that want to get into coaching and create another source of income. During a panel discussion about the documentary "\$chooled: The Price of College Sport," Head Coach of the George Mason Men's Basketball team Paul Hewitt stated that his team has to do an internship before they graduate. I think this is a great practice. If the NCAA truly wants to develop "student athletes" and prepare them for success off the field, then they should mandate that all athletes complete an internship. The reason it needs to be mandated is because there exists a culture, that demonizes activity that won't directly help a program. Players that go for a semester are labeled as "selfish" and "lazy", when in fact he is only improving his value for the likelihood that he will not make the NFL.

I have come to realize that there is a void in college athletics. The NCAA as an institution no longer protects the "student athlete". They are more concerned with signage and profit margins. As I was called up to the initial meeting with UNC's investigators, I wasn't aware that I needed to defend myself against my university and the NCAA and as a student I lacked the resources and knowledge to defend myself against an eighty year old system. My family lacked the resources to hire a lawyer and if I refused to be interviewed I would have been held out until I testified. In the NCAA, college football players have a small window of opportunity to prove their worth to the NFL. Therefore, every game you miss is a lost opportunity and a means to devalue your worth. There needs to exist an entity that quickly and effectively advocates for the "student athlete" I was extremely fortunate that Judge Orr reached out to my family to help. However, It terrifies me how many students might have had their eligibility unjustly taken and their reputation damaged. The "student athlete" has a short career and is an amazing renewable resource and because of that the NCAA is able to take advantage of naive young men and women. There needs to be an organization that will in fact protect the college athlete and has no ties to the financial well being of the Universities or to the NCAA. Allowing the NCAA to continue to intimidate schools and athletes is dangerous and unfair. To quote a famous Roman poet, "Who will watch the watchmen?"

Thank you for the opportunity to appear before you today. I look forward to taking your questions.

The CHAIRMAN. Thank you very much, Mr. Ramsay. We appreciate it a lot.

Mr. Taylor Branch is from Baltimore. He is an author and an historian. And he has written one of the, what I call, five best books ever written in terms of my own reading preferences, about the civil rights movement and the development of it. And he's also an expert on this subject and has written extensively.

We welcome you, sir.

### **STATEMENT OF TAYLOR BRANCH, AUTHOR AND HISTORIAN**

Mr. BRANCH. Thank you.

Thank you, Senator Rockefeller. Thank you, Senator Thune. Thank you, members of the Committee, guests, sports fans and educators. I am honored to be here.

The subject for your hearing today, college sports and the well-being of college athletes, is full of mine fields and myths. I hope to offer some summary comments for possible discussion under three headings: amateurism, balance and equity.

Amateurism has become the distinguishing feature of NCAA governance. It is identified in official pronouncements as the bedrock principle of college athletics. The NCAA Bylaws define and mandate amateur conduct as follows: "Student athletes shall 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 student athletes should be protected from exploitation by professional and commercial enterprises." That's NCAA Bylaw 2.9.

The word "amateur" reflects conflicted attitudes about money, youth, and the purposes of recreation. Its broad ambivalence has opened a muddled flexibility in public habits, allowing the United States to become the world's only nation to develop commercialized sports at institutions of higher learning. Even the major universities involved, which were founded to uphold intellectual rigor, routinely ignore or excuse the contradictions of a multibillion-dollar side industry built on their undergraduate students.

Confusion and mythology begin with the word itself. Dictionary synonyms for "amateur" range from a wholesome "enthusiast" or "devotee" to a bumbling "dabbler" or "rookie." Merriam-Webster gives a stinging illustration of the latter tone: "The people running that company are a bunch of amateurs." Accordingly, the same word expresses praise and scorn without distinction. This ambiguity gains reinforcement in our uniquely designed popular world of sports, where fans are encouraged to cheer and boo without thinking objectively.

The ideal of ancient Greek amateurism has always been misleading, because the athletes of Olympus actually competed for huge prizes. Aristotle researched well-rewarded champions back through records of the earliest Olympic festivals. And modern scholars have confirmed evidence of high-stakes victory and loss. "Ancient amateurism is a myth," noted the classicist David Young. "Purists who refused to mix money with sport did not exist in the ancient world," concludes Michael B. Poliakoff, "and victors' monuments boast of success in the cash competition as openly as they boast of victory in the sacred contests."

Golf legend Bobby Jones is enshrined in modern sports history as the ideal, as the model amateur, and gentleman who decline every championship prize he earned. His reputation fits the true definition of amateur, which is derived from the Latin "amator" or "lover," specifying one who chooses to pursue a skill out of subjective devotion rather than the hope of financial gain. Some non-college sports still allow athletes to declare and renounce amateur status.

Significantly, students themselves called themselves amateurs when they invented intercollegiate sports after the Civil War. Until

1905, students retained general control of the new phenomenon in everything from scheduling and equipment to ticket sales. They recruited alumni to construct Harvard Stadium in 1903 with zero funds from the college. "Neither the faculties nor other critics assisted in building the structure of college athletics," declared Walter Camp, Yale class of 1880, who became the father of college football in his spare time.

The NCAA, created in 1906, slowly transformed the amateur tradition inherited from college athletes. Its board declared a goal of total faculty control as late as 1922, and the weak NCAA organization could not hire its first full-time staff member until 1951. After that, however, burgeoning revenue from television contracts allowed NCAA officials to enforce amateur rules as an objective requirement rather than a subjective choice. This is problematic because attempts to regulate personal motivation and belief commonly run afoul of the Constitution. Even if internal standards were allowed, and somehow could be measured, NCAA rules contradict the key requirement that college sports must be an avocation, or calling, which comes from "vocare," to call, and "vox," voice, by denying athletes an essential voice. NCAA rules govern the players by fiat, excluding them from membership and consent.

Balance. Checks and balances are required for sound governance, and the NCAA structure is unbalanced in at least four basic respects. First, NCAA enforcement suffers an inherent conflict of interest between alleged violations in football as opposed to basketball, because the organization lost its television revenue from college football and is almost wholly dependent on a sole-source broadcasting contract for the March Madness basketball tournament.

Second, the NCAA structure creates a false impression of common practice between the very few schools that aggressively commercialize college athletics, roughly 100 to 150 of some 1,200 NCAA members, and the vast majority of schools with small crowds and negligible sports revenue. An elastic NCAA amateurism stretches all the way from a Division III cross-country race to Notre Dame Football on ESPN.

Third, NCAA officials resolutely obscure differences between commercialized sports and the academic mission on campus. In the classroom, colleges transfer highly valued expertise to students, but this traditional role is reversed in big-time sports. There, athletes deliver highly valued expertise to the colleges. This distinction is basic and fundamental to your Committee's stated purpose of promoting educational integrity. College athletes are, or should be, students in the classroom and competitor players in the athletic department. They face multiple roles in careers like many Americans, but their conflicting demands cannot be managed or balanced unless they are squarely recognized. The NCAA undermines this logical separation by insisting that sports are an educational supplement for a hybrid creature under its jurisdiction called the student-athlete. Universities implicitly concur by offloading some of their academic responsibility to the NCAA.

Fourth, the NCAA and its member schools strip rights from athletes uniquely as a class. No college tries to ban remunerative work for all students, and no legislature could or would write laws to

confiscate earnings from one targeted group of producers in a legitimate enterprise. On the contrary, universities sponsor extensive work study programs, and student-citizens everywhere exercise freedom to market skills everywhere from bookstore jobs and pizza delivery to the entrepreneurial launch of Facebook, unless they are athletes. For college athletes alone, the NCAA brands such industry unethical.

Equity. Basic fairness requires attention to the rights and freedom of participants above the convenience of observers. Applied to college sports, this principle would mean that no freedom should be abridged because of athletic status. While I am neither a lawyer nor a professional economist, I find ample historical evidence that experts object to collusion in the NCAA's regulatory structure.

In *Microeconomics*, a prominent textbook, professors Robert Pindyck and Daniel Rubinfeld make the NCAA a featured example of an economic cartel that reaps anti-competitive profit. The courts have agreed in two landmark cases. In NCAA versus Board of Regents of the University of Oklahoma in 1984, the U.S. Supreme Court struck down the NCAA's exclusive control of college football broadcasts as an illegal restraint of trade. Overnight, the major football schools won the freedom to sell every broadcast their markets would bear, without having to share proceeds with the smaller schools through the NCAA. "We eat what we kill," bragged one official at the University of Texas.

In *Law v. the NCAA*, 1998, assistant coaches won a \$54 million settlement along with an order vacating the NCAA's \$16,000 limit on starting salaries. The compensation of assistant football coaches has cracked the \$1 million barrier since then with salaries skyrocketing even in non-revenue sports. By 2010, the University of Florida paid its volleyball coach \$365,000.

Thus, the supervisors of college sports have won economic freedom, and they enjoy enormous largesse from a distorted cartel marketplace that now shackles only the most vital talent: the players. "To reduce bargaining power by student athletes," wrote Pindyck and Rubinfeld, "the NCAA creates and enforces rules regarding eligibility and the terms of compensation."

NCAA officials, of course, steadfastly assert that their whole system is devoted to the educational welfare and benefit of the college athletes. "Football will never again be placed ahead of educating, nurturing and protecting young people," NCAA president Mark Emmert, sitting near me, vowed when he announced NCAA sanctions for the recent scandal at Penn State.

Such professions must be reconciled somehow with NCAA rules that systematically deny college athletes a full range of guaranteed rights from due process and representation to the presumption of innocence. These rules can turn words on their head, like Alice in Wonderland. The NCAA's bedrock pledge to avoid commercial exploitation of college athletes, for instance, aims to safeguard them from getting paid too much, or at all, rather than too little in the ordinary usage of the word exploit, to use selfishly for one's ends, as employers who exploit their workers.

In closing, I would suggest one hopeful precedent from the past work of your Commerce Committee. This is not the first time that the governance of amateur sports, together with the education of

college athletes, has presented a daunting tangle of passions and vested interests.

Fifty years ago, an early bonanza in sports revenue intensified the bitter feud between the NCAA and the Amateur Athletic Union, AAU, which controlled access to the Olympic Games. AAU leaders accused an “unpatriotic” NCAA of sabotaging U.S. chances to win medals. They claimed that college athletes already were paid, and therefore not amateurs at all since the NCAA approved athletic scholarships in 1956. NCAA officials retorted that AAU coaches were parasites on college training facilities.

These two sides nitpicked, boycotted, sabotaged, and disqualified each other until President Kennedy enlisted no less a mediator than General Douglas MacArthur to foster U.S. hopes for the 1964 Tokyo Olympics. The squabbling exhausted MacArthur, who recommended a Blue Ribbon commissions that brought proposals eventually to this committee.

Your predecessors shaped what became the Olympic and Amateur Sports Act of 1978. One key provision of that law secured for active athletes a 20 percent share of the voting seats on each of the 39 new U.S. Olympic Committees. Though small, this representation soon transformed amateur sports. Granted a voice, athletes tipped the balance on governing committees in the United States and inexorably around the globe. Marathon races, then tennis tournaments, recognized a right for players to accept prize money and keep their Olympic eligibility. New leagues sprang up to popularize volleyball and other games with corporate sponsors. Olympic officials came to welcome professional competitors in every sport except boxing.

By 1986, when the International Olympic Committee expunged the word amateur from its bylaws, the modified games defied every prediction of disasters. Indeed, most people scarcely don’t notice the change. Some of you helped recognize success in the revised Ted Stevens Olympic and Amateur Sports Act of 1998.

This example suggests a good place to start. Wherever possible, make athletes true citizens rather than glorified vassals in college sports. Where markets extend into college sports, make them fair and competitive. Recognize the rights, uphold the rights, of college athletes. Give them a voice, and challenge universities, in turn, to make wise, straightforward decisions about the compatibility of commercialized sports with education.

Thank you.

[The prepared statement of Mr. Branch follows:]

PREPARED STATEMENT OF TAYLOR BRANCH

Thank you, Senator Rockefeller. Thank you, Senator Thune. Thank you, members of the Committee. I am honored to be here.

My name is Taylor Branch, from Baltimore, Maryland. My educational background includes an AB degree in history from the University of North Carolina at Chapel Hill (1968) and an MPA (Master of Public Affairs) degree from the Woodrow Wilson School of Public and International Affairs at Princeton University (1970). Since 1976, I have made my living primarily as an independent author of books.

Pertinent to the title for your session today, “Pursuing the Well-Being and Academic Success of College Athletes,” I wrote a capsule history of the National Collegiate Athletic Association (NCAA) for the October 2011 issue of *The Atlantic Monthly*, entitled “The Shame of College Sports.” Because of widespread public debate that ensued, I expanded the *Atlantic* article into a digitally published e-book called *The*

*Cartel*, and I proposed a short “Three-Point Reform Agenda for Sports in Higher Education.” The agenda is available on my website at <http://taylorbranch.com/2012/06/14/a-three-point-reform-agenda-for-sports-in-higher-education/>.

What follows are summary comments for possible discussion under three headings: Amateuism, Balance, and Equity.

### **Amateurism**

“Amateurism” has become the distinguishing feature of NCAA governance. It is identified in official pronouncements as “a bedrock principle of college athletics<sup>1</sup>.” The NCAA Bylaws define and mandate amateur conduct as follows: “Student athletes shall 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 student athletes should be protected from exploitation by professional and commercial enterprises.”<sup>2</sup>

The word “amateur” reflects conflicted attitudes about money, youth, and the purpose of recreation. Its broad ambivalence has opened a muddled flexibility in public habits, allowing the United States to become the world’s only nation to develop commercialized sports at institutions of higher learning. Even the major universities involved, which were founded to uphold intellectual rigor, routinely ignore or excuse the contradictions of a multi-billion-dollar side-industry built on their undergraduate students.

Confusion and mythology begin with the word itself. Dictionary synonyms for “amateur” range from a wholesome “enthusiast” or “devotee” to a bumbling “dabbler” or “rookie.” Merriam-Webster gives a stinging illustration of the latter tone: “The people running that company are a bunch of amateurs.” Accordingly, the same word expresses praise and scorn without distinction. This ambiguity gains reinforcement in our uniquely designed world of sports, where fans are encouraged to cheer and boo without thinking objectively.

The ideal of ancient Greek amateurism has always been misleading, because the athletes of Olympus actually competed for huge prizes. Aristotle researched well-rewarded champions back through records of the earliest Olympic festivals, and modern scholars have confirmed evidence of high-stakes victory and loss<sup>3</sup>. “Ancient amateurism is a myth,” noted the classicist David Young.<sup>4</sup> “Purists who refused to mix money with sport did not exist in the ancient world,” concludes Michael B. Poliakoff, “and victors’ monuments boast of success in the cash competitions as openly as they boast of victory in the sacred contests.”<sup>5</sup>

Golf legend Bobby Jones is enshrined in modern sports history as the model amateur, and gentleman, who declined every championship prize he earned. His reputation fits the true definition of “amateur,” which is derived from the Latin “*amator*,” or “lover,” specifying one who chooses to pursue a skill out of subjective devotion rather than the hope of financial gain.<sup>6</sup> Some non-college sports still allow athletes to declare and renounce amateur status.

Significantly, students called themselves amateurs when they invented intercollegiate sports after the Civil War.<sup>7</sup> Until 1905, students retained general control of the new phenomenon in everything from schedule and equipment to ticket sales. They recruited alumni to construct Harvard Stadium in 1903 with zero funds from the college.<sup>8</sup> “Neither the faculties nor other critics assisted in building the structure of college athletics,” declared Walter Camp (Yale class of 1880), who became the “father” of college football in his spare time.<sup>9</sup>

The NCAA, created in 1906, slowly transformed the amateur tradition inherited from college athletes.<sup>10</sup> Its board declared a goal of “total faculty control” as late as 1922, and the weak NCAA organization could not hire its first full-time staff

<sup>1</sup> Opening sentence of the NCAA website page headed, “Office of the President, Remaining Eligible, Amateurism,” at [www.ncaa.com](http://www.ncaa.com).

<sup>2</sup> NCAA Bylaw 2.9.

<sup>3</sup> Michael B. Poliakoff, *Combat Sports in the Ancient World*. New Haven: Yale University Press, 1987, pp. 3, 131.

<sup>4</sup> David Young, *The Olympic Myth of Greek Amateur Athletics*. Chicago: Ares Press, 1985, p. 7.

<sup>5</sup> Poliakoff, *Combat Sports in the Ancient World*, p. 19.

<sup>6</sup> <http://www.merriam-webster.com/dictionary/amateur>.

<sup>7</sup> Joseph N. Crowley, *In the Arena: The NCAA’s First Century*. Indianapolis: The NCAA, 2006, p. 37.

<sup>8</sup> Mark F. Bernstein, *Football: The Ivy League Origins of an American Obsession*. Philadelphia: University of Pennsylvania Press, 2001, p. 72.

<sup>9</sup> Ronald A. Smith, *Sports & Freedom: The Rise of Big-Time College Athletics*. New York: Oxford University Press, 2006, pp. 83–88, 118.

<sup>10</sup> Crowley, *In the Arena: The NCAA’s First Century*, p. 44.



member until 1951.<sup>11</sup> After that, however, burgeoning revenue from television contracts allowed NCAA officials to enforce amateur rules as an objective requirement rather than a subjective choice.<sup>12</sup> This is problematic, because attempts to regulate personal motivation and belief commonly run afoul of the Constitution. Even if internal standards were allowed, and somehow could be measured, NCAA rules contradict their requirement that college sports must be an “avocation,” or calling (“*vocare*,” to call, from “*voc-*, *vox*,” voice), by denying athletes an essential voice. NCAA rules govern the players by fiat, excluding them from membership and consent.

### Balance

Checks and balances are required for sound governance, and the NCAA structure is unbalanced in at least four respects. First, NCAA enforcement suffers an inherent conflict of interest between alleged violations in football, as opposed to basketball, because the organization lost its television revenue from college football and is almost wholly dependent on a sole-source broadcasting contract for the March Madness basketball tournament.<sup>13</sup>

Second, the NCAA structure creates a false impression of common practice between the few schools that aggressively commercialize college athletics—roughly 100–150 of some 1,200 NCAA members—and the vast majority of schools with small crowds and negligible sports revenue. An elastic NCAA “amateurism” stretches all the way from a Division III cross-country race to Notre Dame football on ESPN.

Third, NCAA officials resolutely obscure differences between commercialized sports and the academic mission on campus. In the classroom, colleges transfer highly valued expertise to students, but this traditional role is reversed in big-time sports. Athletes there deliver highly valued expertise to the colleges. This distinction is basic, and is fundamental to your committee’s stated purpose of promoting educational integrity. College athletes are, or should be, students in the classroom and competitors in the athletic department. They face multiple roles, like most Americans, but their conflicting demands cannot be managed or balanced until they are squarely recognized. The NCAA undermines this logical separation by insisting that sports are an educational supplement for a hybrid creature under its jurisdiction, called the “student-athlete.” Universities implicitly concur by offloading some of their academic responsibility to the NCAA.

Fourth, the NCAA and its member schools strip rights from athletes uniquely as a class. No college tries to ban remunerative work for all students, and no legislature could or would write laws to confiscate earnings from one targeted group of producers in a legitimate enterprise. On the contrary, universities sponsor extensive work-study programs, and student-citizens exercise freedom to market skills everywhere from bookstore jobs and pizza delivery to the entrepreneurial launch of Facebook—unless they are athletes. For college athletes alone, the NCAA brands such industry “unethical.”

### Equity

Basic fairness requires attention to the rights and freedoms of participants above the convenience of observers. Applied to college sports, this principle would mean that no freedom should be abridged because of athletic status. While I am neither a lawyer nor a professional economist, I find ample historical evidence that experts object to collusion in the NCAA’s regulatory structure.

In *Microeconomics*, a prominent textbook, professors Robert Pindyck and Daniel Rubinfeld make the NCAA a featured example of an economic cartel that reaps anti-competitive profit.<sup>14</sup> The courts have agreed in two landmark cases. In *NCAA v. Board of Regents of the University of Oklahoma* (1984), the U.S. Supreme Court struck down the NCAA’s exclusive control of college football broadcasts as an illegal restraint of trade.<sup>15</sup> Overnight, the major football schools won freedom to sell every broadcast their markets would bear, without having to share the proceeds with smaller schools through the NCAA. (“We eat what we kill,” bragged one official at the University of Texas.) In *Law v. NCAA* (1998), assistant coaches won a \$54-mil-

<sup>11</sup> *Ibid.*, p. 67.

<sup>12</sup> John Sayle Watterson, *College Football: History, Spectacle, Controversy*. Baltimore: The Johns Hopkins University Press, 200, pp. 265–276; Paul R. Lawrence, *Unsportsmanlike Conduct: The National Collegiate Athletic Association and the Business of College Football*. New York: Praeger Publishers, 1987, pp. 71–82

<sup>13</sup> Lawrence, *Unsportsmanlike Conduct*, p. 148; Keith Dunnevant, *The Fifty-Year Seduction*. New York: St. Martin’s Press, 2004, pp. 160–167.

<sup>14</sup> Robert S. Pindyck and Daniel L. Rubinfeld, *Microeconomics* (Eighth Edition). New York: Prentice Hall, 2001, pp. 480–481.

<sup>15</sup> Dunnevant, *The Fifty-Year Seduction*, pp. 160–167.

lion settlement along with an order vacating the NCAA's \$16,000 limit on starting salaries.<sup>16</sup> The compensation of assistant football coaches has cracked the \$1 million barrier since then,<sup>17</sup> with salaries skyrocketing even in "non-revenue" sports. By 2010, the University of Florida paid its volleyball coach \$365,000.<sup>18</sup>

Thus, the supervisors of college sports won economic freedom, and they enjoy enormous largesse from a distorted cartel market that now shackles only the most vital talent: the players. "To reduce bargaining power by student athletes," wrote Pindyck and Reubinfeld, "the NCAA creates and enforces rules regarding eligibility and the terms of compensation."<sup>19</sup> NCAA officials, of course, steadfastly assert that their whole system is devoted to the educational benefit of college athletes. "Football will never again be placed ahead of educating, nurturing, and protecting young people," NCAA president Mark Emmert vowed when he announced NCAA sanctions for the recent scandal at Penn State.<sup>20</sup> Such professions must be reconciled with NCAA rules that systematically deny college athletes a full range of guaranteed rights—from due process and representation to the presumption of innocence. These rules can turn words on their head, like Alice in Wonderland. The NCAA's bedrock pledge to avoid "commercial exploitation" of college athletes, for instance, aims to safeguard them from getting paid too much, or at all, rather than too little in the ordinary usage of the word exploit: "to use selfishly for one's ends—employers who exploit their workers."<sup>21</sup>

In closing, I would suggest one hopeful precedent from the past work of your Commerce Committee. This is not the first time that the governance of amateur sports, together with the education of college athletes, has presented a daunting tangle of passions and vested interests. Fifty years ago, an early bonanza in sports revenue intensified a bitter feud between the NCAA and the Amateur Athletic Union (AAU), which controlled access to the Olympic Games. AAU leaders accused an "unpatriotic" NCAA of sabotaging U.S. chances to win medals. They claimed that college athletes already were "paid," and therefore not amateurs at all, once the NCAA approved athletic scholarships in 1956. NCAA officials retorted that AAU coaches were "parasites" on college training facilities. The two sides nitpicked, boycotted, sabotaged, and disqualified each other until President Kennedy enlisted no less a mediator than General Douglas MacArthur to mediate U.S. hopes for the 1964 Tokyo Olympics. The squabbling exhausted MacArthur, who recommended Blue Ribbon commissions that brought proposals eventually to this Committee.

Your predecessors shaped what became the Olympic and Amateur Sports Act of 1978.<sup>22</sup> One key provision of that law secured for active athletes a twenty-percent share of the voting seats on each of the thirty-nine new U.S. Olympic Committees. Though small, this representation soon transformed amateur sports. Granted a voice, athletes tipped the balance on governing committees in the United States and inexorably around the globe. Marathon races, then tennis tournaments, recognized a right for players to accept prize money and keep their Olympic eligibility. New leagues sprang up to popularize volleyball and other games with corporate sponsors. Olympic officials came to welcome "professional" competitors in every sport except boxing. By 1986, when the International Olympic Committee expunged the word "amateur" from its bylaws, the modified Games defied every prediction of disaster. Indeed, most people scarcely noticed the change. Some of you helped recognize success in the revised Ted Stevens Olympic and Amateur Sports Act of 1998.

This example suggests a good place to start. Wherever possible, make the athletes true citizens rather than glorified vassals in college sports. Challenge universities in turn to make wise, straightforward decisions about the compatibility of commercialized sports with education.

Thank you.

The CHAIRMAN. Thank you very much, Mr. Branch.

<sup>16</sup> *Law v. NCAA*, 134 F.3d 1010 (10th Cir. 1998).

<sup>17</sup> Kevin Zimmerman, USC's Monte Kiffen's Salary Highest Among NCAA assistant coaches," SB Nation, Dec. 18, 2012.

<sup>18</sup> Joe Drape and Katie Thomas, "As Colleges Compete, Major Money Flows to Minor Sports," *New York Times*, Sept. 2, 2010.

<sup>19</sup> Pindyck and Rubinfeld, *Microeconomics*, p. 455.

<sup>20</sup> Emmert quoted in Taylor Branch, "The NCAA Entrenches Itself as Part of the Problem," *The Chronicle of Higher Education*, August 1, 2012.

<sup>21</sup> Listing for "exploit" at [www.dictionary.reference.com](http://www.dictionary.reference.com).

<sup>22</sup> Kenny Moore, *Bowerman and the Men of Oregon*. New York: Rodale, Inc., 2006, p. 349; Joseph M. Turrini, *The End of Amateurism in American Track and Field*. Urbana: University of Illinois Press, 2010, pp. 74–83, 140–147.

And I want to be very critical of myself because the general rule around here is that witnesses speak for five or 6 minutes, but I failed to make that clear. And so, we just got—

Mr. BRANCH. It says 5 minutes right here, but I wasn't watching. [Laughter.]

Mr. BRANCH. Sorry.

The CHAIRMAN. But I want to just sort of keep it to five or six or seven minutes. That would be the best. And I thank you for your testimony. And it was my fault.

Mr. Bradshaw, who is the former Director of Athletics at Temple University, we welcome you, sir.

**STATEMENT OF WILLIAM D. BRADSHAW, PAST PRESIDENT OF THE NATIONAL ASSOCIATION OF COLLEGIATE DIRECTORS OF ATHLETICS (NACDA)**

Mr. BRADSHAW. Chairman Rockefeller, Ranking Member Thune, ladies and gentlemen of the Committee, good afternoon. Your invitation to me to testify today about promoting the well-being and academic success of our student-athletes is much appreciated.

It is an honor for me, this afternoon, to represent the 1,600-plus institutions and 11,000-plus individual members of NACDA and its athletics administrators who are the practitioners of our enterprise and representing, in excess, of 500,000 student-athletes across all three NCAA divisions, as well as the NAIA and junior-community colleges.

NACDA serves as the professional association for those in the field on intercollegiate athletic administration. It provides educational opportunities and serves as a vehicle for networking the exchange of information and advocacy on behalf of the association.

My career in higher education includes positions as an assistant baseball coach, head baseball coach, director of alumni and, before retiring a year ago, 36 years as a Division I athletic director at three universities. My athletic career includes 3 years as a student-athlete and one as a walk-on, followed by 2 years as a professional baseball player in the Washington Senators organization where two broken ankles influenced a career change and a Master's Degree. I trust my ankles are safe with you Washington Senators here today.

These experiences proved valuable to my subsequent 36 years as a Division I athletic director at La Salle, DePaul, and Temple Universities, retiring from this wonderful profession one year ago.

During the five decades of my career, I have seen significant improvements and the commitment by universities to the academic, athletic and personal experiences of student-athletes. From state-of-the-art academic support services, elite coaching and training, athletic facilities, to the much improved equipment, safety requirements and emerging NCAA permissive benefits, our student-athletes have never had it better. And yet, we know we can do better. We, as educators, are committed to maximizing and developing the enormous academic, athletic and personal potential that our talented student-athletes bring to our universities.

In assessing the well-being of student-athletes, it's important to examine our university's performances and trends in the areas of academics, financial security, health safety and life skills.

*Academics.* Over the past 20 years, graduation rates, by any metric, have drastically improved for student-athletes. In 2013, the Graduation Success Rate measure for all student-athletes in Division I was 82 percent, including 71 percent for Division I FBS football participants, and 73 percent for men's basketball student-athletes.

Among the reasons for this dramatic improvement in graduation rates are: increased NCAA requirements for initial eligibility and continued eligibility, and universities' proactive response to the Academic Progress Rate metric instituted by the NCAA to measure individual teams' classroom performance each semester.

*Health and safety.* While universities strive to use best practices, we can never do too much to ensure the health and safety of our student-athletes. The prevention and detection of concussions, for example, particularly in the sport of football, remain as one of the highest priorities for every athletic director at every level. Best practices that have become commonplace include: hiring strength and conditioning coaches, dieticians, and nutritionists; required seminars for all student-athletes to discuss drugs and alcohol, assault, date rape, and gambling, as well as comprehensive regular drug testing and follow-up.

*Financial security.* As we all know, the real costs to attend college have risen above inflation for years, causing many students to have massive debt upon graduation and proving too costly for others to even attend the college of their choice. Currently, Division I student-athletes receive \$2.1 billion in athletic scholarships, and this total will continue to escalate with anticipated NCAA legislation covering real costs of education, combined with the annual increases in tuition, room and board, books and fees.

In addition to the real value of an athletic scholarship, and according to the U.S. Census data, a college graduate, on the average, earns \$1 million more over a lifetime than a non-graduate. Other financial benefits for student-athletes include: universities' health insurance; NCAA catastrophic insurance; multi-year athletic grants; and student assistance funds available to conference offices.

The vastly improved conditions afforded student-athletes have resulted in their unprecedented performances in the classroom, on the playing fields, and in preparation for life. Few other campus activities or clubs produce such natural diversity as intercollegiate athletics, bringing together young men and women from various races, religions, nations, beliefs, with the common denomination being their academic profiles and athletic skills.

Less than 1 percent of Division I student-athletes will ever participate in professional sports, and that professional career, on average, lasts only a few years. This reality underscores the value of a college education, an education that many young men and women could not afford without an athletic scholarship.

In our profession of intercollegiate athletics, the student-athletes under our care are the center of our universe, and the most important people to consider in our decisionmaking. If we always ask ourselves, before allocating resources, building facilities, or hiring coaches, is this decision in the best interest of our student athletes, then I believe that answer has helped us to arrive at the right decision.

Any of your questions are most welcome. Thanks, again, for inviting me to be with you this afternoon.

[The prepared statement of Mr. Bradshaw follows:]

PREPARED STATEMENT OF WILLIAM D. BRADSHAW, PAST PRESIDENT OF THE  
NATIONAL ASSOCIATION OF COLLEGIATE DIRECTORS OF ATHLETICS (NACDA)

Chairman Rockefeller, ladies and gentlemen of the Committee, good afternoon. Your invitation to me to testify today about promoting the well-being and academic success of our student-athletes is much appreciated.

It is an honor for me, this afternoon, to represent the 1,600-plus institutions and 11,000-plus individual members of NACDA and its athletics administrators who are the practitioners of our enterprise and representing in excess of 500,000 student-athletes across all three NCAA divisions, as well as the NAIA and junior/community colleges. NACDA serves as the professional association for those in the field of inter-collegiate athletics administration. It provides educational opportunities and serves as a vehicle for networking, the exchange of information and advocacy on behalf of the association.

My 45 years of experience in higher education includes completion of a bachelor's degree at La Salle University, one year as a walk on member of the baseball team, followed by three years on an athletic scholarship. Following graduation, I played two years of professional baseball in the Washington Senators organization and, following two broken ankles, I completed my master's degree at Niagara University, while serving as a resident assistant and volunteer baseball coach. I continued at Niagara as the head baseball coach for two years, followed by two years as the director of alumni.

These experiences proved valuable to my subsequent 36 year career as a Division I Athletics director at La Salle (9), DePaul University (16) and Temple (11), retiring from this wonderful profession one year ago.

During the five decades of my career, I have seen significant improvements in the commitment by universities to the academic, athletic and personal experiences of student-athletes. From state-of-the-art academic support services, elite coaching and training, athletic facilities, to the much improved equipment, safety requirements, and emerging NCAA permissive benefits—our student-athletes have never had it better. And yet, we know we can do better. We, as educators, are committed to maximizing and developing the enormous academic, athletic and personal potential that our talented student-athletes bring to our universities.

In assessing the well-being of student-athletes, it's important to examine our universities performances and trends in the areas of academics, financial security, health/safety and life skills.

#### **Academics**

Over the past 20 years graduation rates, by any metric, have drastically improved for student-athletes. In 2013, the Graduation Success Rate (GSR) measure for all student-athletes in Division I was 82 percent, including 71 percent for DI FBS football participants, and 73 percent for men's basketball student-athletes.

Among the reasons for this dramatic and continued upward momentum are:

- The NCAA has increased academic requirements for initial eligibility and mandated progress toward a specific degree for a student-athlete to maintain eligibility once enrolled.
- The NCAA also initiated the Academic Progress Rate (APR) metric, measuring progress of teams' academic performance each semester, with penalties for those teams that do not meet a minimum threshold.
- Universities have responded vigorously to the new standards by committing resources, additional hires, facilities and summer school opportunities, to improve academic advising for student-athletes.

#### **Financial Security**

As we all know, the real costs to attend college have risen above inflation for years, causing many students to have massive debt upon graduation and proving too costly for others to even attend their college of choice. Currently, Division I student-athletes receive \$2.1 billion in athletic scholarships, and this total will only increase with anticipated permissive NCAA legislation covering real costs of education, together with annual increases in tuition, room/board, books and fees.

- In addition to the real dollar value of an athletic scholarship, and according to the U.S. Census data, a college graduate, on average, earns \$1 million more over a lifetime than a non-graduate.
- The universities ability to cover health insurance, and the NCAA's catastrophic injury insurance program that picks up medical costs above \$90,000, provide full and unlimited coverage for student-athletes.
- Multi-year athletic grants now can provide security to student-athletes as they complete their degree requirements at the institutions they originally enrolled in.
- Many student-athletes also take advantage of student assistance funds, managed by the athletic conferences and funded by the NCAA, which provides emergency and other necessities to student-athletes with documented, miscellaneous needs.

#### **Health and Safety**

While universities strive to utilize best practices, hire certified trainers and strength and conditioning coaches, provide personnel certified in CPR and first aid at practices and contests, we can never do too much to insure the health and safety of our student-athletes.

As we hire dieticians and nutritionists to help our student-athletes with healthy choices, we are continuously challenged to find solutions to prevent drug and alcohol abuse by student-athletes. Comprehensive drug testing programs and policies are provided by the NCAA and each member institution. The prevention and detection of concussions, particularly in the sport of football, remain as one of the highest priorities for every athletic director at every level.

At the same time, many of our athletic departments require student-athletes to attend seminars which address issues of drugs and alcohol, assault, date rape and gambling.

#### **Life Skills**

At the vast majority of Division I institutions, there are required life skills programs organized for student-athletes, many requested by the student-athletes themselves. These programs often utilize an outside expert, and include topics such as:

- Career counseling
- Etiquette training
- Resume preparation/job interviews
- Financial planning after graduation

In addition, many of the student-athletes most meaningful and memorable experiences come from the myriad of community service projects available to each team during the academic year. And quite helpful to many of us are the individual questionnaires and exit interviews we conduct with our graduating seniors. Their candid evaluations of their student-athlete experience are invaluable toward best practices in the future.

The vastly improved conditions afforded student-athletes have resulted in their unprecedented performances in the classroom, on the playing fields, and in preparation for life.

Few other campus activities or clubs produce such natural diversity as intercollegiate athletics, bringing together young men and women from various races, religions, nations and beliefs, with the common denomination being their academic profiles and athletic skills.

Less than 1 percent of Division I student-athletes will ever participate in professional sports, and that professional career, on average, lasts only a few years. This reality underscores the value of a college education, an education that many young men and women could not afford without an athletic scholarship.

In our profession of intercollegiate athletics, the student-athletes under our care are the center of our universe, and the most important people to consider in our decision making. If we always ask ourselves, before allocating resources, building facilities, or hiring coaches—is this decision in the best interest of our student-athletes?—then I believe that answer has helped us to arrive at the right decision.

Any of your questions are most welcome.

Thanks again for inviting me to be with you this afternoon.

The CHAIRMAN. Thank you very much, Mr. Bradshaw.

Now Dr. Richard Southall, who is a professor at the University of South Carolina, the Director of the College Sports Research Institute.

Welcome, sir.

**STATEMENT OF DR. RICHARD M. SOUTHALL,  
ASSOCIATE PROFESSOR, DEPARTMENT OF SPORT  
AND ENTERTAINMENT MANAGEMENT AND DIRECTOR,  
COLLEGE SPORT RESEARCH INSTITUTE, UNIVERSITY OF  
SOUTH CAROLINA**

Dr. SOUTHALL. Thank you.

Chairman Rockefeller, Ranking Member Thune, and distinguished Committee Members, thank you for the opportunity to speak before you today. My initial draft of my comments was only 35 minutes. So thank you for giving me the advice.

As Director of the College Sport Research Institute at the University of South Carolina, my comments today are not off-the-cuff remarks, but informed by sociological, organizational and economic theories, as well as empirical studies, and drawn extensively from NCAA documents. They reflect not only my work, but also that of numerous colleagues and scholars.

While I am well aware there are distinct socio-demographic differences within and between NCAA divisions, as well as between NCAA revenue and Olympic sports, my testimony today will focus on how, within big-time college sport, NCAA members have sought to protect their business interests at the expense of the well-being and academic success of NCAA profit-athletes.

For several decades, the NCAA was aware that as the scale of both revenue, generation and spending continue to grow, there is a general sense that big-time athletics is in conflict with the principle of amateurism and that increased governmental and public scrutiny is likely if graduation rates do not improve in underperforming sports.

Consequently, in 2003 the NCAA embarked on a two-phase organizational rebranding strategy that was part of an aggressive public and media relations agenda that addressed critics and provided an alternative to what the NCAA described as the doggerel of cynics.

First, the NCAA created a term of art, The Collegiate Model of Athletics, as a better understood definition of amateurism that isolates the principle to the way in which college athletes are viewed without imposing its avocational nature on revenue-producing opportunities. Notably, Division I revenues have more than doubled since 2003.

Tellingly, internal NCAA documents reveal protecting the collegiate model is nearly, by definition, the primary focus of the office of the NCAA president.

Concurrently, in an effort to maintain the perception of a clear line of demarcation between college and professional sport, and offer support for the effectiveness of its new Academic Progress Program, the NCAA developed the Academic Progress Rate, or APR, and Graduation Success Rate, or GSR. Since 2003, the NCAA has consistently sought to utilize these rates as proof that big-time college sport has one clear focus: Education.

However, several items are noteworthy. One, neither the Federal Graduation Rate, FGR, mandated by Congress, nor the NCAA's GSR, is perfect or inherently a more accurate metric. They utilize different sampling and statistical analyses to examine different cohorts. In short, they are different graduation rates.

Two, the GSR consistently returns a rate 12 to 25 percent higher than the FGR. As far back as 1991, the NCAA knew that removing eligible dropouts, in other words transfers or athletes who leave school in good academic standing, from the GSR cohort would result in a markedly higher success rate.

Three, since there is no comparable national-level GSR for the general student body to report GSR and FGR data simultaneously in press releases or data-set tables, invites inappropriate comparisons and fosters confusion among the general public.

While the NCAA National Office has sought to protect its collegiate model, academic support staffs labor within a system that too often depends on an amorphous special-talented admission process, focuses on maintaining eligibility and results in athletes often clustering or being steered to majors conducive to their practice and competition; or, in other words, work schedules. Tellingly, several authorities within the NCAA and university governance structures recognize clustering and scheduling of easy courses as problems.

In addition, contrary to the NCAA's public posturing that they are just normal students, profit-athletes tend, in important respects, to be physically, culturally and socially isolated from the campus community. They live in a tightly controlled parallel universe indicative of Goffman's total institutions.

Through the steady drumbeat of sophisticated and subtle institutional propaganda, the NCAA has sought spontaneous consent to a mythology that big-time college sport a priori enhances the educational experience of "student-athletes."

Propaganda is effective because it exploits people's reluctance to intellectually engage with any oppositional alternative views. Since 2003, while the NCAA has successfully embedded its Collegiate Model of Athletics including the Graduation Success Rate, into the public's consciousness, there has been little progress in ensuring profit-athletes have equal access to educational opportunities afforded other students.

In conclusion, there is clear evidence the NCAA's Collegiate Model of Athletics not only systematically inhibits access to a world-class university education, but also exploits profit-athletes by denying them basic bargaining rights, due process and standard forms of compensation.

I want to thank the Committee Members for the opportunity to visit with you today.

[The prepared statement of Dr. Southall follows:]

[In addition to the prepared statement that follows, Dr. Southall submitted three articles to the Committee:]

Richard Southall and Ellen J. Staurowsky, "Cheering on the Collegiate Model: Creating, Disseminating, and Imbedding the NCAA's Redefinition Amateurism," in *Journal of Sport and Social Issues*, XX(X)1-27, 2013 Sage Publications. <http://jss.sagepub.com/content/early/2013/08/21/0193723513498606>

Richard M. Southall and Jonathan D. Weiler, "NCAA Division-I Athletic Departments: 21st Century Athletic Company Towns," in *Journal of Issues in Intercollegiate Athletics*, 2014, 7, 161-186, 2014 College Sport Research Insti-



tute. [http://csri-jiaa.org/documents/publications/research\\_articles/2014/JIIA\\_2014\\_7\\_08\\_161\\_186\\_21st%20Century.pdf](http://csri-jiaa.org/documents/publications/research_articles/2014/JIIA_2014_7_08_161_186_21st%20Century.pdf)

Richard M. Southall, Mark S. Nagel, John M. Amis, and Crystal Southall, "A Method to March Madness? Institutional Logics and the 2006 National Collegiate Athletic Association Division I Men's Basketball Tournament," in *Journal of Sport Management*, 2008, 22, 677-700, 2008 Human Kinetics, Inc. [http://www.academia.edu/740241/Southall\\_R.\\_M.\\_Nagel\\_M.\\_S.\\_Amis\\_J.\\_and\\_Southall\\_C.\\_2008\\_.A\\_method\\_to\\_March\\_Madness\\_Institutional\\_Logics\\_and\\_the\\_2006\\_National\\_Collegiate\\_Athletic\\_Association\\_Division\\_I\\_men\\_s\\_basketball\\_tournament.\\_Journal\\_of\\_Sport\\_Management\\_22\\_6\\_677-700](http://www.academia.edu/740241/Southall_R._M._Nagel_M._S._Amis_J._and_Southall_C._2008_.A_method_to_March_Madness_Institutional_Logics_and_the_2006_National_Collegiate_Athletic_Association_Division_I_men_s_basketball_tournament._Journal_of_Sport_Management_22_6_677-700)

PREPARED STATEMENT OF DR. RICHARD M. SOUTHALL, ASSOCIATE PROFESSOR,  
DEPARTMENT OF SPORT AND ENTERTAINMENT MANAGEMENT AND DIRECTOR,  
COLLEGE SPORT RESEARCH INSTITUTE, UNIVERSITY OF SOUTH CAROLINA

### Introduction

Chairman Rockefeller, Ranking Member Thune, and distinguished committee members, thank you for the opportunity to share extended written remarks with the Committee. My remarks draw upon previously published peer-reviewed articles, and utilize well-established sociological, organizational, and economic theories, as well as empirical studies. In addition, I refer extensively to National Collegiate Athletic Association (NCAA) documents and the work of numerous colleagues who—over several decades—have researched college sport.

Before I begin, I want to recognize two individuals whose work laid the groundwork for much of today's college-sport research: George Sage and Stanley Eitzen. In addition, throughout my academic career I have had the distinct honor of working with and learning from great colleagues, including: John Amis, Jamal Brooks, Brendan Dwyer, Woody Eckard, Gerry Gurney, Peter Han, Louis Harrison, Billy Hawkins, Ramogi Huma, Matthew Kelley, Che Mock, Leonard Moore, Mark Nagel, Evelyn Oregon, Michael Oriard, Kadie Otto, Amanda Paule-Kobe, Fritz Polite, Daniel Rascher, David Ridpath, Allen Sack, Gary Sailes, Linda Sharp, John Singer, Earl Smith, Crystal Southall, Deborah Southall, Ellen Staurowsky, Robert Turner, Pam Vaccaro, Sonny Vaccaro, Jonathan Weiler and Doug Wells.

In addition, while I recognize there are distinct socio-demographic differences within and between NCAA divisions, as well as between NCAA revenue and Olympic sports, my extended written remarks focus on what is euphemistically called "big-time" college sport. Specifically, my remarks (and the attached peer-reviewed research articles) trace the manner in which NCAA D-I member universities and the NCAA national office have sought to protect their business interests at the expense of the well-being and academic success of NCAA *profit-athletes*.<sup>1</sup>

### Organizational Rebranding

For several decades, the NCAA has been aware that "[a]s the scale of both revenue generation and spending [continue to grow], there is a general sense that 'big-time' athletics is in conflict with the principle of amateurism" (NCAA, 2010a, para. 3) and that increased governmental and public scrutiny is likely ". . . if graduation rates do not improve in underperforming sports" (NCAA, 2010c, para. 4).

Consequently, to deflect criticism of the business of big-time college sport, in 2003 the NCAA embarked on a two-part organizational rebranding strategy that was part of ". . . an aggressive public and media relations agenda that addresses critics . . . [and] provide[s] an alternative to [what the NCAA describes as] the doggerel of cynics" (NCAA, 2010c, para. 4).

First, the NCAA created ". . . a term of art [The Collegiate Model of Athletics] [as] . . . a better understood definition of amateurism that isolates the principle to the way in which [college] athletes are viewed without imposing its avocational nature on revenue-producing opportunities" (NCAA, 2010a, para. 3; NCAA, 2010d, para. 1). NCAA documents reveal the NCAA national office staff believes "[p]rotecting the collegiate model is nearly by definition the primary focus of the office of the NCAA president" (NCAA, 2010c, para 3).

Second, in an effort to maintain the perception of a clear line of demarcation between its collegiate model and professional sport, and offer support for the effectiveness of its new Academic Progress Program (APP), the NCAA developed two

<sup>1</sup> Profit-athletes are NCAA college athletes whose estimated market value exceeds the value of NCAA-approved compensation (*i.e.*, NCAA Bylaw 15.02.5 "A full grant-in-aid is financial aid that consists of tuition and fees, room and board, and required course-related books.").

metrics: the Academic Progress Rate (APR) & Graduation Success Rate (GSR). Over the past decade the NCAA has consistently sought to position its GSR as the best or most accurate graduation rate and utilize GSR and APR scores as evidence big-time college sport has one clear focus—education.

However, specific to this NCAA graduation-rate strategy several items are noteworthy:

1. Neither the Federal Graduation Rate (FGR), mandated by Congress, nor the NCAA's GSR is perfect or inherently a more accurate metric; they utilize different sampling and statistical analyses to examine different cohorts. In short, they are different graduation rates.
2. The GSR consistently returns a “success” rate 12–25 percent higher than the FGR. As far back as 1991 (NCAA, 1991), the NCAA knew that by removing  $\frac{1}{4}$  to  $\frac{1}{3}$  of what it referred to as “eligible dropouts” from the sample would result in a markedly higher “success” rate.
3. A comparison of published FGRs of NCAA athletes and the general student population includes a significant number of part-time students at many schools. This is problematic because NCAA athletes must be “full-time.” Consequently, it makes sense to compare full-time college athletes with other full-time students. Without adjusting for the possible downward “part-timer bias” in the student-body rate, any comparison may be distorted—or somewhat skewed. Because part-time students take longer to graduate, reported general student-body FGRs may be significantly reduced, making the relative rate of college athletes at many schools and conferences appear more favorable.
4. Finally, since there is no comparable national-level GSR for the general student body, GSR and FGR data should NOT be reported simultaneously. To do so in press releases or dataset tables invites inappropriate comparisons and fosters confusion.

While the NCAA national office has sought to protect the organization's collegiate model by focusing on rebranding strategies, athletic department academic support staffs have been caught between a proverbial rock and a hard place. As advisors will candidly admit “off-the-record,” the collegiate model depends on an amorphous “special-talent” admissions process, and results in a focus on maintaining eligibility and athletes often clustering or “being steered” to majors conducive to their work (*i.e.*, practice and competition) schedules (Gurney & Southall, 2012, 2013; Southall, 2012).

Several “authorities” within NCAA and university governance structures have identified clustering and scheduling of easy courses as problems within college sport. The 2013 *NCAA Faculty Athletics Representative (FAR) Study* (pg. 26) reports that 66 percent of DI FAR's identified “scheduling considerations” and 59 percent identified “major provides an easy academic path” as “Reasons for Major Clustering.” In addition, a 2012 report from the *Association of Governing Boards of Universities and Colleges* specifically noted that relative to intercollegiate athletics, governing boards have a responsibility to monitor clustering. These reports confirm that NCAA staff, faculty members, university administrators, and governing board trustees are all aware of clustering. While these issues may be publicly downplayed, or data aggregated to present a more palatable image of the collegiate model, disparities in graduation rates between profit-athletes and the general student body, as well as large-scale clustering of such athletes are examples of systemic impediments to profit-athletes' equal-educational access.

### **Total Institutions**

In addition, profit-athletes, tend—in important respects—to be physically, culturally, and socially isolated from the campus community. They live in what is, in many ways, a tightly controlled parallel universe indicative of Goffman's (1961) *total institutions* (Southall & Weiler, 2014).

In practice, big-time college-sport programs fall somewhere on a spectrum between two extremes: *educational utopia* and *exploitative sweatshop* (Green, 2010). Intercollegiate athletics potentially provides a chance for athletes to obtain a college degree while competing in their chosen sport. However, profit-athletes who are disproportionately *engulfed* in their athletic role (Adler & Adler, 1991), *foreclosing* themselves from other identities (Oregon, 2010), often view college sport mostly as an opportunity to dramatically improve their families' socio-economic status (Makuhari Media Production, 2013). In order to realize this economic gain players often travel to out-of-state colleges and universities, and barter their athletic abilities in exchange for an athletic grant-in-aid (Hawkins, 2010). Similar to labor migrations in which rural Southern workers headed North for job opportunities, three

Southern states (Texas [1], Florida [3], and Georgia [5]) are among the top five Football Bowl Subdivision (FBS) football-player producing states (Baker, 2010). In addition, when analyzed on a per-capita basis, six Southern states are among the country's top-ten (Louisiana [2], Florida [3], Alabama [4], Georgia [5], Texas [6], Mississippi [8]) (Baker, 2010). As a result, many profit-athletes' relationships with NCAA Division-I universities and colleges are akin to the existences of oscillating migrant laborers, who rotate between their residence and work locations (Hawkins, 2010; Southall & Weiler, 2014).

Within this environment, the behavior of current NCAA D-I athletes' (especially profit-athletes) is monitored and scrutinized by athletic department staff and coaches much more so than that of regular students. For example, athletes' use of social media, a right every other student possesses, is closely tracked and restricted. In an NCAA news release Hosick (2013) noted, "Many member institutions feel pressure to monitor their student-athletes' online activity to demonstrate effective oversight that will stand up to scrutiny if ever faced with allegations of significant violations of NCAA rules" (para. 2). While the methods of monitoring differ, most compliance directors agree that significant monitoring and regulation of content posted is justified. As one Associate Athletic Director for [NCAA] Compliance said, "We do monitor it, and we tell them we're doing it. . . . We're not going to bury our heads in the sand" (Hosick, 2013, para. 18).

In addition to monitoring and regulating athletes' social media activities, some athletic departments specifically track their profit-athletes' spending habits. In the fall of 2012 The Ohio State University (OSU) began such targeted scrutiny (Bishop, 2012). Ohio State justified the practice as a reasonable response to a recent scandal in which football players exchanged memorabilia for free tattoos, a violation of NCAA rules against impermissible benefits to athletes (Bishop, 2012). OSU's athletic director, Gene Smith, called this surveillance tactic a "common sense" policy, since there are so many different ways to run afoul of NCAA rules (Bishop, 2012).

Consistent with a post-racial perspective,<sup>2</sup> Smith said such scrutiny was simply "educational," since many profit-athletes come from poor backgrounds (where they had never before, for example, opened a checking account) (Bishop, 2012). Consistent with Goffman's (1961) total institutions and similar to the culture of Southern textile towns, big-time intercollegiate athletic administrators see nothing abnormal about exerting extreme paternalistic claims on the lives of profit-athletes that echo the social experience of migrant company-town workers.

While in fundamental ways the life of a football player at the University of Alabama-Tuscaloosa in 2013 is not equivalent to the actual conditions of life on a plantation, nor as perilous as being a West Virginia coal miner, it should be noted college football players (by far the most lucrative college sport) do face endemic health problems. According to Hootman, Dick, and Agel (2007), college football players have the highest injury rates for both practices (9.6 injuries per 1,000 A-Es) and games (35.9 injuries per 1,000 A-Es) among all college athletes. In recent years research on head trauma and its potential long-term negative health effects has cast a pall over the sport.

Similar to subsurface coal mining, which frequently led to "black lung" disease among miners, and "brown lung" disease that afflicted textile workers, college football (college sport's main economic engine) is increasingly seen as a dangerous "occupation," with "recent published reports of neuropathologically confirmed chronic traumatic encephalopathy (CTE)<sup>3</sup> in retired professional football players and other athletes who have a history of repetitive brain trauma" (Center for the Study of Traumatic Encephalopathy [CSTE], n.d., para. 1).

As a result, while the extensive health services provided to FBS football players may initially appear to be generous and altruistic, they can also be viewed as capital expenditures to protect universities' investments in the labor-force that drives the collegiate model (Huma & Staurowsky, 2012). If an important profit-athlete is injured and unable to compete, his athletic value to the athletic department is significantly diminished. Therefore, it is in an athletic department's best interest to insure

<sup>2</sup>Data from the 2009–2010 NCAA Student-Athlete Race/Ethnicity Report (NCAA, 2010c), Integrated Postsecondary Education Data System (IPEDS), and School District Demographics System (SDDS) provide evidence the majority of NCAA FBS football and men's basketball players (including those with the greatest market value) are African-American males, who come disproportionately from lower-to-middle class socio-economic backgrounds (National Center for Education Statistics, n.d.).

<sup>3</sup>According to the Center for the Study of Traumatic Encephalopathy (CSTE), an independent academic research center located at Boston University School of Medicine, CTE ". . . is progressive degenerative disease of the brain found in athletes (and others) with a history of repetitive brain trauma, including symptomatic concussions as well as asymptomatic subconcussive hits to the head" (CSTE, n.d.).

revenue-generating profit-athletes can be rehabilitated and return to competition as soon as possible.

### Protecting the Collegiate Model

Through sophisticated and subtle sociological propaganda (Jowett & O'Donnell, 1992; Southall & Staurowsky, 2013) the NCAA national office has achieved spontaneous consent to its collegiate model. For some, NCAA hegemony is complete (*i.e.*, coaches, conference commissioners, and administrators, corporate partners), while others exist in a state of “moral and political passivity” (Gramsci, 1971, p. 333). Some (*i.e.*, presidents, FAR's, and many loss-athletes<sup>4</sup>) view profit-athletes as valued entertainment commodities. Almost all, however, consistently proclaim the educational mission of college sport while protecting the collegiate Model of Athletics—a massive revenue-producing enterprise. To protect this model, it is crucial that college-sport stakeholders convince the general public that revenue-generating athletes are something other than ordinary employees entitled to standard forms of compensation.

As Kuhn (1991) noted, propaganda is effective because it exploits people's reluctance to intellectually engage with any oppositional or alternative views. Since 2003, while the NCAA has successfully imbedded its Collegiate Model of Athletics into the public's consciousness, there has been little progress in ensuring profit athletes have equal access to educational opportunities afforded other students. Consistent with Black's (2001) analysis, the national office's propaganda has imperceptibly influenced marginalized NCAA institutional actors to adopt a mental and emotional state that fluctuates between resistance and conformity, disagreement and apathy. In addition, by positioning the NCAA president as a *philosopher king*, who speaks with almost unquestioned moral authority, the national office maintains a semblance of order, continuity and stability within college sport.

The NCAA's consistent warning that college sport “as we know it” is under attack and that it must not “. . . be allowed to be drawn to the professional model like a moth drawn to a flame” (Brand, 2004, p. 7) is predicated on the axiom that allowing athletes independent representation or access to the college-sport market would unhinge college sport's ties to alumni and fans, and result in college sport's destruction. This assertion is not supported by empirical evidence. No publicly available research supports the notion that if profit-athletes participated in the multi-billion dollar college-sport enterprise, consumers would be so outraged they would cease attending games.

Interestingly, the term “collegiate-model” was unveiled while the NCAA was engaged in ongoing conversations with a primary media partner (ESPN) about a new venture that would deliver college-sport content to viewers seven days a week, 24 hours a day. In September of 2004, ESPNU executive John Wildhack said the new cable channel (ESPNU) would give “. . . college-sports fans more of what they want. There is not a better opportunity for ESPN than this network, considering the roots of our company that go back to college basketball and football and our relationship with the NCAA” (Reynolds, 2004, para. 16). This additional distribution channel was launched during the height of March Madness 2005. Ironically, one of ESPNU's first broadcasts—under the umbrella of ESPN's Emmy-award winning enterprise journalism franchise—*Outside the Lines*—was the “ESPNU Town Hall: Should College Athletes Be Paid?” Paradoxically, the NCAA's hegemony was so complete it could even generate revenue off discussions about issues plaguing college sports resulting from its collaboration with media partners.

While systematic and sustained propaganda need not be detrimental to society, its use to silence open critical discourse is problematic, especially when applied in educational settings. Cautioning that propaganda had the potential to discourage open-mindedness, a condition antithetical to education, Martin (1929) wrote, “Education aims at independence of judgment. Propaganda offers ready-made opinions for the unthinking herd” (as quoted in Black, 2001, p. 122). Herman and Chomsky (2002) likened the use of propaganda in a democracy to that of violence in a dictatorship, where mechanisms for dissent are effectively stifled either through benign messaging or outright force.

The NCAA national office's calculated efforts to obtain consent to “. . . a better understood definition of amateurism that isolates the principle to the way in which student-athletes are viewed without imposing its avocational nature on revenue-producing opportunities” (NCAA, 2010a, para. 3) through consistent messaging and

<sup>4</sup>In the current NCAA D-I Collegiate Model of Athletics, almost all “Olympic sport” college athletes are “loss-athletes”—athletes whose market value is less than the value of NCAA-approved compensation. In addition, not all “revenue-sport athletes” are necessarily profit-athletes, since reserve or “bench” players may have a diminished market value.

subtle persuasion—rather than member engagement—reveals the extent to which an effective sociological propaganda campaign can shape public discourse.

This strategy is consistent with the NCAA’s federated governance structure, which isolates decision-making among a small group of major conferences, and results in acquiescence from the vast majority of the “association” and “membership” (Staurowsky, 2004). While State of the Association addresses serve as blueprints for where the NCAA is headed, the vast majority of individuals working in college sport rarely read them, and only a few institutional decision makers actually hear the addresses. The subtle nuances in language and preferred terminology encoded in these speeches have been represented and retransmitted through NCAA communiqués that invite agreement rather than critical consideration. As a consequence, many groups acquiesce to a Collegiate Model of which they have little, if any, working knowledge. Some within the intercollegiate athletic community genuinely do not apprehend what is at stake in embracing a model that codifies the monetization and revenue maximization of the college-sport enterprise at every level, something once reserved only for Division I.

As a result, within today’s college-sport landscape there are many who fail to comprehend the NCAA’s institutional hegemony, others who unquestionably view their mission as maintaining and reinforcing a status quo that conforms to taken-for-granted institutional facts, and a dominant group that actively creates and wields the Collegiate Model as a linguistic and philosophical “armor of coercion” (Adamson, 1980) to deliberately form, control, and alter attitudes.

### Conclusion

Within this discursive setting, college athletes’ choices are limited (Huma & Staurowsky, 2011). Not only do they often find it difficult, if not impossible, to conceptualize an alternative college-sport institutional logic (Southall, Nagel, Amis, & Southall, 2008), but since the collegiate model marks the boundaries of any discourse (a discourse college athletes inherit but effectively play no role in shaping) it is necessarily difficult or sometimes impossible for college athletes to determine the source of their alienation within the collegiate model, let alone conceptualize ways to remedy their situation. In addition, for marginalized college athletes, who—most notably—in NCAA Division-I have “no voice and no vote” the threat of officially sanctioned force (in the form of a loss in eligibility) remains an implicit control mechanism. As a result, college athletes—especially those revenue-sport athletes who migrate to *Predominately White Institutions* (PWIs)<sup>5</sup> from geographically and culturally distant settings (Hawkins, 2010; Hawkins & Southall, 2012)—adopt a mental and emotional state that fluctuates between resistance and conformity, disagreement and apathy.

Nowhere is the NCAA national office’s overriding imposition of its authority and jurisdiction over subordinates (specifically athletes), more clearly evidenced than in its manipulation of “consent” through the use of “eligibility” documents (*i.e.*, Form 12-3a—Student-Athlete Statement—NCAA Division I) to obtain the right to *monetize* (*e.g.*, generate billions of dollars in revenue) profit-athletes’ names, images and likenesses (NILs) (Follman, 2014; Schroeder, 2014). A recent lawsuit (*O’Bannon v. NCAA*)—with its discovery, testimonies, and depositions—offered a glimpse of the NCAA’s faux commitment to amateurism.

The NCAA has manufactured consent to the economic interests of its Collegiate Model of Athletics through simultaneously threatening athletes with loss of eligibility and fostering uniform agreement among member institutions and representative leadership who consent to these practices with little opposition (Hinnen, 2013; Singer, 2013).

Achieving spontaneous consent among NCAA members allows for the proliferation of profit-seeking tendencies to move forward with little actual resistance. In concert with the national office, the NCAA’s most powerful football playing institutions have carved out a new playoff system under the name of the College Football Playoff that is expected to yield a \$500 million return on four end of season games leading to a “national” champion (Schroeder, 2012). The NCAA national office, in turn, realizes nearly \$800 million per year as a result of its multibillion-dollar contract promoting March Madness and men’s basketball.

Through the “steady drumbeat” (NCAA, 2010d, para. 3) of sophisticated and subtle sociological propaganda techniques (Jowett & O’Donnell, 1992; Southall & Staurowsky, 2013), the NCAA has sought spontaneous consent to the NCAA mythol-

<sup>5</sup> The term Predominately White Institutions (PWIs) (Hawkins, 2010) refers to the set of U.S. universities that are NCAA Division-I members competing in NCAA FBS football and/or NCAA D-I men’s basketball.

ogy that big-time college sport is a moral endeavor that enhances “. . . the educational experience of [quote-unquote] student-athletes” (Renfro, 2012, p. 33).

However, there is clear evidence the NCAA’s Division I Collegiate Model of Athletics systematically exploits profit-athletes’ by denying them access to the college-sport enterprise, due process, basic bargaining rights, standard forms of compensation, as well as equal access to a world-class university education.

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<sup>6</sup>After a link to the NCAA's President's Briefing Documents was published March 30, 2012 in *The New York Times* (Nocera, 2012), the NCAA deactivated all associated URLs. Currently, a "404 Not Found" message appears. The NCAA does not deny the existence of the documents.

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**Appendix: Graduation Rate Data+**

Table 1. 1995–2003 FGRs for D–I Football and Men's Basketball

Cohort	FGR	FGR MBB (D–I)	FGR FB (D–I)
1989	1995	43%	53%
1990	1996	44%	54%
1991	1997	45%	56%
1992	1998	44%	54%
1993	1999	47%	54%
1994	2000	46%	55%
1995	2001	49%	54%
1996	2002	51%	56%
1997	2003	47%	55%
<i>Avg. *COM001*1995–2003 (FGRs)</i>		46%	55%

Table 2. 2004–05 to 2012–13 FGRs for D–I Football and Men's Basketball

Cohort	Report	FGR MBB D–I	(N)*	FGR FBS FB	(N)*
1998	2004–05	44.0%	300	54.1%	112
1999	2005–06	44.6%	313	54.9%	111
2000	2006–07	45.3%	314	55.0%	112
2001	2007–08	46.0%	317	54.5%	116
2002	2008–09	47.3%	320	54.5%	116
2003	2009–10	47.1%	323	55.0%	116
2004	2010–11	47.2%	326	55.6%	116
2005	2011–12	46.8%	329	56.7%	115
2006	2012–13	46.3%	335	57.7%	117
<i>Avg.</i>		46.1%	320	55.3%	115

\* N = NCAA D–I and/or FBS universities for report period.  
 † Source: NCAA Student-Athlete Experiences Data Archive (n.d.). Retrieved from <http://www.icpsr.umich.edu/icpsrweb/NCAA/studies/30022#datasetsSection>

Table 3. Comparisons of Graduation Rate Metrics.

Cohort	FGR*	GSR	AGG**
Male Students	61	N/A	N/A
FBS Football	58	70	–18
D–I Men's BB	46	70	–32
Baseball	48	74	–31
Female Students	65	N/A	N/A
D–I Women's BB	64	85	–14

Notes:  
 \* FGRs are 2012–13 4-Class Averages. GSRs are 2012–13 figures. Retrieved from [http://web1.ncaa.org/app\\_data/GSR/qahad13/1\\_0.pdf](http://web1.ncaa.org/app_data/GSR/qahad13/1_0.pdf)  
 \*\* AGG Reports available at <http://csri-sc.org/research/>

The CHAIRMAN. Thank you for your excellent testimony.  
And, finally, Dr. Mark Emmert who is—well, you all know who he is.

[Laughter.]

**STATEMENT OF DR. MARK A. EMMERT, PRESIDENT,  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION**

Dr. EMMERT. Thank you, Senator.

And good afternoon to you and to Senator Thune and—

Senator BOOKER. Is your microphone on?

Dr. EMMERT. Thank you. I appreciate that.

Is it working now? Can you hear me fine?

The CHAIRMAN. I notice no difference.

Dr. EMMERT. OK.

[Laughter.]

Dr. EMMERT. As a recovering university president, I've learned to project. So thank you very much.

Good afternoon to all of you on the panel. I'm Mark Emmert. I've served now as the President of the NCAA since October 2010 following 30 years as a professor, a university administrator and a university president. I certainly appreciate the opportunity to appear before all of you today and discuss what I agree are very important issues. And I particularly want to thank you, Mr. Chairman, for working with us on the timing of this hearing. It's good that we are able to be here.

The NCAA's core purpose, as has already been pointed out, is to promote the well-being and the success of more than 460,000 student-athletes as they enjoy both world-class athletic experiences and receive access to topnotch educations. That's why I've been working diligently with the Division I Board of Directors, our member universities and all the stakeholders to drive policy changes that support student-athlete success and, indeed, address many of the issues that have already been raised here today.

During my tenure, we've enacted more than a dozen key reforms. Two notable examples are raising academic standards and adding the opportunity for a multiple-year scholarships.

As we discuss how to improve college sports today, it's important to understand that the NCAA is a democratically governed, membership-led association of nearly 1,100 colleges and universities. As such, neither I nor any member of my staff have a vote on association policy or infractions decisions. It's important to note that, appropriately, in my opinion, university presidents themselves, are the ultimate decisionmakers within the association.

Members make rules through a representative process much as you do in Congress. It is challenging, obviously, to bring together coaches, athletic administrators, faculty members, student-athletes and university presidents to achieve consensus on much of anything, let alone college sports. And while the pace of change is not what I or many others would like, the Division I member schools are working very diligently, even as we speak, to create a new decisionmaking structure that will yield practical and, I hope, timely results on all of these issues.

Before we discuss the challenges at hand, let me be clear: college sports, in my opinion, works extremely well for the vast majority

of our 460,000 student-athletes. And while it can and should be modified, the collegiate model should in fact be preserved because of all of the good it provides for so many. Nonetheless, I agree there are very important changes that need to be made and many university presidents happen to agree with me.

Let me describe the most important ones. First, student-athletes, in my opinion, should be given a scholarship for life so they may complete a Bachelor's degree even if their education is delayed for any reason unrelated to a lack of academic progress or serious misconduct.

Second, scholarships should cover the full and actual cost of attendance, not simply tuition, room and board, books, and supplies.

Third, NCAA schools must always lead in the area of health and safety. For example, the NCAA, along with a variety of medical experts, released recently, new guidelines that address the diagnosis, the management and the prevention of sports-related concussions.

Fourth, the NCAA must work assertively with all of our universities on sexual assault prevention and support for victims. This is a national crisis and we can all do better.

Fifth, while all student-athletes today are covered by insurance for injuries, and the NCAA covers catastrophic injuries, any gaps in coverage must be closed.

Sixth, the academic success of student-athletes must remain our ultimate priority. This means providing them with the time as well as the resources they need to take advantage of the opportunities at college campuses, as our two former college athletes have testified today.

Finally, all changes that are made, these and others, must maintain support for Title IX and cannot come at the cost of student-athletes in women's and non-revenue generating sports.

The NCAA provides countless opportunities to men and women, including opportunities for many from low-income families, many who would not otherwise be able to attend college. In fact, some 82,000 current student-athletes are first generation college students. And at the risk of correcting Mr. Bradshaw, it is now \$2.7 billion in athletic scholarships that are provided to students that make that a reality.

Further, NCAA revenues are reinvested in our mission. Specifically, last year's revenue allowed us to conduct 89 national championships in 23 different sports with nearly 50,000 student-athletes participating in these championships across the entire country. Those revenues allowed us to provide \$700 million directly to colleges and universities in all three divisions, \$100 million of which was used to cover extra expenses and emergency expenses for Division I student-athletes. Further, those revenues allowed us to cover the \$14 million insurance premium for catastrophic insurance policies for our student-athletes.

College sports are serving student-athletes very, very well for the most part. Yes, there are changes to both policy and the culture that are needed, and they require frank conversations like the one we're having here and serious actions.

I'm committed to working with you and our member schools to ensure that student-athletes have all the opportunities for success that they deserve. And I want to thank you for the invitation, Mr.

Chairman, to appear today. I look forward to taking your questions and working with you in the future.

[The prepared statement of Dr. Emmert follows:]

PREPARED STATEMENT OF DR. MARK A. EMMERT, PRESIDENT,  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

Good afternoon Chairman Rockefeller, Ranking Member Thune and distinguished members of the Committee. I appreciate the opportunity to discuss the role of the NCAA in promoting the well-being and academic success of student-athletes. Let me say at the outset that I personally, along with the entire leadership of the NCAA, share many of the concerns outlined by the members of this Committee. I am pleased to be here today to talk to you about those issues, and I commit and look forward to working with you and your staffs to address them directly and constructively.

Our mission is multidimensional, but first and foremost it is to promote student-athlete success in the classroom and on the field to ultimately enable them to succeed throughout life. And while we strive every day to do just that, I strongly believe improvements need to be made and more work must be done. Every day the membership, NCAA staff and I work single-mindedly to accomplish our goal.

I have spent most of my 40-year career in higher education as a university professor, provost or president. In my many years on campus at schools of different sizes and missions, I witnessed first-hand and came to believe deeply in the valuable role of sports in education. This belief, and my desire to address the changing needs of 21st century student-athletes, led me to my role as NCAA President.

Since assuming the presidency of the NCAA in 2010, I have actively worked with the Division I Board of Directors, NCAA Executive Committee, member colleges and universities, and varied stakeholders to drive much-needed reform and address many of the concerns that surround intercollegiate athletics. Indeed, in August 2011, Division I leaders convened to launch the current reform efforts. Division I has a large and diverse membership with an equally large and diverse range of viewpoints. Unfortunately, this can at times slow the pace of reform in our democratically-governed association. We have made significant strides in some areas and continue to work through others. No one is more impatient than I am. We will continue to push to meet the needs and challenges of the times.

Before I address the challenges, I want to begin by highlighting a core truth of intercollegiate athletics. For the vast majority of those who participate in NCAA sports—more than 460,000 young men and women each year at 1,084 institutions across three divisions and in 23 different sports—the experience is exactly what it is intended to be: a meaningful extension of the educational process that provides the opportunity for students to compete fairly against other students, in an educational environment. While NCAA member schools spend roughly \$13.8 billion per year on athletics—including \$2.7 billion on direct scholarship support—athletic spending represents a very small proportion of total institutional spending: approximately 3.8 percent. Further, those same schools generate far less revenue from athletics than they spend: the deficit of operating expense over generated revenue is greater than \$6 billion per year collectively. These NCAA institutions make this imbalanced investment because they are not pursuing intercollegiate athletics as a vehicle for maximizing revenue or minimizing expenses; rather, they believe that athletics, like many other extracurricular activities, plays an integral role in the overall educational experience. Our data demonstrate that 13 years after college enrollment, 86 percent of former Division I student-athletes favorably report that they count their athletics experience as an important part of their overall college experience.

Moreover, research conducted by Nobel Prize winning labor economist Professor James Heckman of the University of Chicago, which he based on the National Education Longitudinal Survey (NELS), shows that participants in athletics are more likely to go to college, to stay and graduate from college, to secure a good job after college, and earn more money within a few years after college and for a lifetime. These results hold for football and men's basketball players, within Division I and across all divisions, and are accurate across many peer comparisons, including those from diverse racial and ethnic backgrounds as well as disadvantaged or difficult family circumstances, controlling for standardized testing variables and non-cognitive traits. College is a powerful force for social advancement and building human capital, and research shows that athletics has a positive relationship with that force. Participation in intercollegiate sports has been a significant means to realizing the benefits of college for hundreds of thousands of young people for decades.

For the millions of other students, alumni and fans who follow their school teams, sports provide a rallying point and a source of pride and unity that weaves together diverse communities. This is a uniquely American phenomenon. There is no model elsewhere in the world where athletics are tied so directly to colleges and universities as an extension of the educational process. Some countries, in fact, have indicated a desire to emulate our model and have visited with us to study it. They do so because of the teamwork and leadership cultivated by intercollegiate sports, as well as the sense of community and common purpose they create. Student-athletes receive training and education on subjects spanning from how to keep themselves physically fit and healthy for a lifetime to how to deal with the challenges of stress, loss and adversity, how to manage multiple responsibilities, and how to properly manage time. For all of these reasons, intercollegiate athletics is appropriately situated as part of the educational experience within higher education.

Our research shows most Americans view intercollegiate athletics in a positive light. That said, my hope—both in our discussions today and in my role as NCAA president—is to address concerns about the well-being of all student-athletes. I do so with the understanding that the most visible athletics programs in college sports reside within Division I FBS football and Division I men’s basketball, and those programs disproportionately shape public opinion about the NCAA and the experience of student-athletes. The students in these sports are a critical part of the collegiate model of athletics, and we must ensure that their experiences reflect the fact that they are students first.

No system is perfect, and the same holds true for intercollegiate athletics. Over the history of the NCAA, we have witnessed some issues and challenges in every sport in every division. Yet the sports of football and men’s basketball at 123 well-known institutions in the larger conferences attract the most attention, make the most news and are the subject of the most criticism. The student-athletes who participate in these sports at this level represent only 3.5 percent of all NCAA student-athletes. Yet these are the sports and institutions that prompt many questions relating to multi-year scholarships, transfer rules and behaviors, health care for student-athletes and the costs of college sports. These are areas of concern to me and to the Division I Board of Directors, a representative body of 18 university presidents who are appointed by the membership from all of Division I. And, these issues have been the subject of robust debate among member schools in Division I over the last several years.

Yet it is not only those programs that need our attention as we strive to make our system better. The college and university members and I also are concerned about issues around the academic preparation, health and safety and overall success of all student-athletes. These include issues such as time demands on student-athletes; the impact of participation on the health of student-athletes now and in the future, especially in the area of traumatic brain injury; the full cost of attending college; and how the 346 institutions in Division I as a whole should be structured and governed. We must depend on good data to inform values-based decision-making and then follow through according to those values. We must uphold our commitment to the academic and athletic success of all 460,000 student-athletes.

More often than not, the tension has been around how institutions of vastly different resources and missions will compete against one another. The drive to compete—the very thing that makes sports such a vital feature of American culture—often complicates attempts to bring serious change or rapid reform to intercollegiate athletics. The diversity of Division I creates both its appeal (Cinderella stories as well as traditional rivalries) and its challenges.

Before I address on an issue-by-issue basis some of the concerns expressed about college sports, I want to highlight three key points about intercollegiate athletics that often go unnoticed or unmentioned.

- First, NCAA sports have provided and continue to provide an enormous number of men and women access to higher education. Over the last several decades, this number has included many whose financial situation would have otherwise prevented them from attending college. In fact, just shy of 20 percent of all student-athletes are first-generation college students, and a similar number report that they would not have attended college at all if not for athletics. Division III and the Ivy League do not permit athletically related financial aid, but they do provide other types of financial aid to student-athletes. And, in Divisions I and II, more than \$2.7 billion annually in direct financial aid helps make all this possible. Of that amount, \$2.1 billion is spent on athletic scholarships in Division I alone.
- Second, the NCAA has made substantial progress in supporting the academic success of student-athletes. Improving student-athlete academic success has

been a concentrated effort by the Division I membership for more than two decades. Division I, led by its Board of Directors, has steadily increased the academic requirements for initial eligibility, which has helped motivate many high school students to enroll in college preparatory courses they otherwise might not have taken. Moreover, the Board also has approved membership initiatives that require student-athletes make continuous progress toward a specific degree in order to maintain eligibility once in college. The NCAA has developed two metrics to get a better picture of how well student-athletes are performing from semester to semester, and ultimately graduate. The first metric is the Academic Progress Rate (APR), which examines how well a team is doing in the classroom every semester. The APR is a strong predictor of eventual student-athlete graduation rates. It also serves as the basis for penalties if certain threshold rates are not achieved and sets the standard that teams must meet to compete in the post-season. The second metric is the Graduation Success Rate (GSR), which uses the same six-year window as the Federal graduation rate but requires institutions to account for student-athletes who transfer in and those who transfer out in good academic standing. Because it accounts for transfers-in and transfers-out, it is a much more appropriate rate than the current Federal formulation that ignores transfers-in and counts transfers-out as academic failures. It is also superior to proposed alternatives, such as the Adjusted Graduation Gap (AGG), which makes a number of faulty assumptions about student-athlete academic pathways and results in a “hypothetical” graduation gap rather than a real counting of actual graduates.

In 2013, the GSR for all student-athletes in Division I was 82 percent, one point higher than a year ago and eight points higher than in 1995. More than 11,000 student-athletes have graduated over the last decade who may not have graduated had the GSR remained at 1995 levels. And in the two sports I have specifically raised in this testimony, student-athletes competing in football at Division I FBS schools are graduating at a rate of 71 percent, and members of Division I men’s basketball teams are graduating at a rate of 73 percent. Since 1995, the rate of graduation for men’s basketball has increased 17 percentage points, with a 22 percentage-point increase for African-American male student-athletes. For FBS football in the same timeframe, the graduation rate has increased eight percentage points, with an 11-point increase for African-American football student-athletes. This is remarkable progress, resulting from significant research into the academic behaviors of students and the determination of university presidents to raise the standards. And these numbers are projected to continue to rise.

Also worth noting, our Study of College Outcomes and Recent Experiences (SCORE) research indicates that between 25 and 30 percent of former student-athletes report earning a graduate degree by age 30. U.S. Census research continues to show those with a college degree earn \$1 million more over a lifetime than those without a degree. Those with doctorates earn an additional \$500,000. Higher self-esteem, better physical health and reduced rate of smoking are other observed outcomes of attending college. The benefits to earning a degree are real by any measure.

- Third, a valuable untold story about the contribution of intercollegiate athletics is that college sports helped shape many leaders and great citizens of America. Indeed, five members of this Committee were student-athletes. Six of the last 11 presidents of the United States were student-athletes. Supreme Court justices, countless Cabinet officials, ambassadors, military leaders, astronauts and other senior government personnel, as well as captains of business, competed in intercollegiate athletics.

These individuals and innumerable others learned much about leadership and life from their days on the field or court. They learned about the pursuit of excellence and how to work as a team from coaches who were teachers of persistence and resilience, self-discipline and self-sacrifice. In our surveys, more than 90 percent of former student-athletes report that participation in college athletics enhanced their leadership, work ethic, teamwork and time management skills. I’m sure the five of you on this Committee could speak volumes about the experiences and opportunities intercollegiate athletics presented you.

To summarize these three points: Intercollegiate athletics provides more financial aid to more student-athletes than ever before; more student-athletes are graduating than ever before; and student-athletes enter college better prepared and leave college better conditioned to take on leadership roles throughout our society. These are



the central facts about the experience of intercollegiate athletics for the vast majority of student-athletes.

As I discuss specific areas of interest and concern, it may be helpful to reiterate that the NCAA is a membership-driven association. Nearly 1,100 NCAA member colleges and universities work together to create rules for fair and safe competition and to protect the collegiate model of athletics. Those rules are administered by NCAA national office staff, which also organizes 89 national championships in 23 sports and provides other resources to support student-athletes and the schools they attend. The NCAA president is hired by the NCAA Executive Committee, which comprises college and university presidents from all three divisions. The Executive Committee also sets policy on Association-wide issues and approves the NCAA budget. I work at their pleasure to help schools implement the rules set by NCAA membership and to oversee the daily operations of the Association's national office in Indianapolis. For that reason, my role should not be equated with a league commissioner, as I do not have those powers. Neither I nor any NCAA national office staff member has a vote on Association policy or infractions decisions.

To enact reform, members must make rules through committees, much like Congress does. These committees include student-athletes, coaches, athletics administrators, faculty members and university presidents. For Division I, the Board of Directors is the decision-maker on most important issues. The 346 universities that comprise Division I can, however, overturn decisions of the Board and the committees below it with a 62.5 percent majority vote. This scenario happened in 2012, after the Board twice approved a miscellaneous expense allowance to cover additional costs of college attendance for student-athletes. In short, the member universities make the rules and, like Congress, they do not always agree.

Given the diversity of the Division I membership and the tens of thousands of individual cases, the membership also has created a broad range of waivers, exemptions and exceptions to assist student-athletes in unique circumstances. These requests are granted either by NCAA staff or a membership committee in the vast majority of cases. There is even a process by which membership policy can be set aside to avoid certain unanticipated or unintended consequences. All these processes are often slow, sometimes cumbersome and, by the time of passage, can be anti-climactic. This, of course, is the common complaint of any democratic process in which there is more than one opinion of what the outcome should be. As I will discuss next, we are working to normalize and rationalize our governance process to achieve more common-sense, practical and timely results.

### **Specific Issues of Interest**

#### *Multiyear Grants*

There has been considerable focus on the length of grants-in-aid, commonly referred to as athletic scholarships, awarded to student-athletes. I, along with many in the membership, have supported the multiyear grant and believe it is a critical component of the ongoing reform efforts to expand benefits to student-athletes. It is worth noting that since athletically related financial aid was first awarded in the 1950s, most grants have been renewed for multiple years (even when the original award was for one year). Indeed, in most cases it is renewed for the full five years in which student-athletes have four years of eligibility. Further, under NCAA bylaw 15.3.2, whether a grant is for one year and renewable or for multiple years, an institution may not revoke the aid for any reason—including injury—unless the student has been afforded an opportunity to challenge the decision through an institutional review board consisting of faculty and non-athletics administrators. Nonetheless, many in the Division I membership and I support permitting institutions the option of awarding multiyear scholarships, and many have committed to do so on a regular basis. We have recently seen some institutions, such as Indiana University and the University of Southern California, make announcements of their commitment, while many schools across the Association, such as Northwestern, have been providing such grants since it was permitted.

In 2011, the Board of Directors approved the option to award guaranteed multiyear grants at the time of enrollment. As it turned out, a majority of member institutions disagreed with that decision and mounted an effort to override the Board's decision. The effort to override failed by the slimmest of margins. A 62.5 percent majority is required for override, and 62.12 percent supported the override in a roll-call vote. This issue is a good example of the challenges of implementing reform in a membership association.

#### *Transfer Rules*

There is also considerable concern regarding student-athletes transferring. The National Student Clearinghouse reported in 2012 that more than a third of all col-

lege students in America transfer at some point before earning a degree. In inter-collegiate athletics, only 11.7 percent of all student-athletes competing in Division I during the 2011–12 academic year were transfers; one of the highest percentages of transfers, nearly 28 percent, was in men’s basketball. Despite the fact that transferring is a common occurrence among students, there is academic risk in doing so. Any student-athlete may transfer to any school at any time, similar to all college students. There is no NCAA rule that prohibits transfer. In order to foster academic success, however, transferring student-athletes in certain sports must sit out from competition the first year after their transfer unless he or she meets certain exceptions or a waiver is granted. Research shows student-athletes who transfer are less likely to earn a degree than those who remain at their original school, and the APR for transfers from four-year institutions is 21 points lower. Most student-athletes who are not eligible to compete immediately benefit from a year to adjust to their new school and focus on their classes. Student-athletes who must sit out a year of competition at their new school in most cases may still receive athletics-related financial aid and practice with their new team.

NCAA members decided in April 2014 that student-athletes transferring due to difficult life circumstances will be granted a sixth year to complete their eligibility. However, there is no longer a waiver option to get permission to compete immediately. This change becomes effective with the 2015–16 academic year. The altered policy allows transfer student-athletes facing challenging personal issues the opportunity to focus on what is important and adjust to a new academic environment before facing the pressures of competition without limiting their overall eligibility.

#### *National Letter of Intent (NLI)*

The NLI program was originated by conference commissioners in both Divisions I and II and is administered by the NCAA on behalf of the conferences. The terms of the program commit a scholarship student-athlete to a specific institution for one year. If the student-athlete does not fulfill the obligation, he or she must sit out from competition for one year and lose one of his or her four seasons of competition. There is also a process for release from the NLI, and a prospective student-athlete can sign an athletics aid agreement which has no binding effect on him or her to attend the institution. The process is entirely voluntary, and there are upsides and downsides to participating. On the one hand, signing a letter of intent effectively ends the recruiting process, and the prospective student-athlete is free to focus on finishing high school without the attention and disruption of the recruiting process. On the other hand, a 17- or 18-year old may not fully consider all the options and may want to change his or her mind after the letter is signed. It should be noted that parents are also involved in the NLI process and are required to sign in addition to the prospective student-athlete if they are under the age of 21. Over the last five years, fewer than 2.5 percent of prospective student-athletes have requested a release, and 95 percent of those requests were granted.

#### *Health and Accident Care Coverage*

As I am certain you understand, health insurance is different from accident or injury insurance. The NCAA has focused its rules on ensuring student-athletes are covered for injuries or accidents that occur as a result of athletics participation. Currently, Division I members may provide unlimited health care for student-athletes. In addition, NCAA members have enacted rules that require all members to ensure a student-athlete has insurance coverage in place that covers athletically related injuries before they can practice or play. The NCAA also provides full coverage for all student-athletes competing in one of our championship events. As I have previously stated, not every NCAA school has the same resources available. Thus, NCAA rules permit schools to provide the type and scope of coverage that meets their unique campus circumstances. Where a school cannot provide the coverage, it must be in place through a policy purchased individually or through the student-athlete’s parents or guardians. Division I members spend more than \$135 million each year on medical care and insurance premiums for their student-athletes. In addition, the NCAA pays 100 percent of the \$13.6 million premium for the catastrophic injury insurance program—a safety-net program that picks up medical costs above \$90,000 after other institutional or individual policies have been exhausted. The program provides \$20 million in lifetime benefits to student-athletes who are catastrophically injured while playing or practicing. The program covers all 460,000 student-athletes at active member schools in all divisions. It is the country’s most comprehensive program of its kind in terms of lifetime limits and benefits. Certainly, health care of our student-athletes is a priority for the Association, and any gaps in medical insurance coverage should be identified and closed.

*Rising Costs of College Sports*

Notwithstanding increases in revenue from some sports, in my view, the rising costs at America's universities are among the biggest issues facing higher education generally and intercollegiate athletics specifically, and they are among the most difficult to address. I am especially concerned that these financial challenges can make it difficult to sustain athletics programs for women and other student-athletes who compete in sports that do not generate revenue or a lot of publicity, but provide the same educational benefits as the highest-profile sports. This is particularly true in light of the great progress that has been made with respect to Title IX over the last four decades. Rising costs create significant issues for individual institutions and are the source of significant tension among institutions within a division, subdivision or even a conference. As I noted earlier, the widening gap between educational institutions with greater resources and those struggling to keep up often plays out in uncompromising positions on national policy on many issues and especially with regard to benefits for student-athletes. This widening gap in resources arguably has roots in the U.S. Supreme Court's application of the antitrust laws to the NCAA in *NCAA v. Board of Regents of University of Okla.*, 468 U.S. 85 (1985), wherein the NCAA's efforts to contain costs and commercialism were stuck down by the court. As recently as within the last two years, further efforts to confront these rising costs and find solutions along even the periphery of the issue have demonstrated how polarizing and entrenched these divergent views can be. Additionally, efforts by forces external to the membership could further erode the NCAA's ability to take practical steps to resolve financial and policy issues.

Many have argued for greater transparency of individual institutional costs among member schools. I agree with this recommended reform, and we have made some progress toward greater disclosure. But while public institutions are accustomed to making their financial information public, private universities have no such obligation. Accordingly, no consensus has been reached to provide financial data other than in aggregated formats. Frankly, it is difficult to envision an immediate resolution. The members of this Committee represent states with 133 Division I member schools, and I suspect you understand from your regular engagement with them how widely varied, and deeply held, the beliefs can be.

*Student-Athlete Misconduct and Discipline*

As a lifelong educator committed to a safe environment in which to learn, I am deeply troubled by misconduct, unfortunately some criminal, by students on campus. I share the concern raised by other educators, administrators, the public and Members of this Committee regarding allegations of possible crimes perpetrated by or against student-athletes. Some of those allegations have proven true and are truly heinous and tragic. If you had asked me during my tenure as president of two large universities what kept me awake at night, I would have told you one of my greatest concerns was the potential for crime against our students, faculty or the broader campus community. We must do our part to ensure an academic environment free of harassment or abuse. Of course, we must be careful not to cast all students or student-athletes as criminals or villains because of the behavior of a few. The overwhelming majority of the 460,000 student-athletes who participate in college sports annually are good campus and community citizens. They follow the rules of the campus and the laws in the community. And as concerned as I am about campus violence, it also is true that violations of criminal law do not fall under the purview of the NCAA. Local law enforcement or, when appropriate, state and Federal law enforcement officials have jurisdiction for alleged criminal activity and violations of law. Decisions about eligibility to participate in athletics also are retained locally by campus authorities in the first instance, and rightly so. Opinions differ with regard to how and at what point eligibility to participate is impacted. Some campus officials believe student-athletes must be held to a higher standard than other students, and the earliest stages of investigation by law enforcement should result in suspension of the privilege to play sports. Others hold that the judicial imperative that all citizens are innocent until proven guilty must pertain to student-athletes as well. But in either case, the membership has made it clear that these are local decisions and, as a result, our role as a national body is limited. Nonetheless, recognizing drug and alcohol abuse has been linked to some of the violent behavior and misconduct, the NCAA has invested time and resources in programs that address drug and alcohol abuse prevention. Indeed, the NCAA national office, together with its member institutions, has engaged in a number of ongoing educational and training programs on both the local and national levels to provide assistance to campuses. A few examples include:

- The NCAA is working with a consortium of nationally recognized advisers to develop a Violence Prevention Handbook, which is scheduled to be released this summer. The handbook will define the issues, identify Federal regulations through Title IX and the Campus SaVE Act, include education on prevention and response, best practices for coaches and student-athletes, and present models of collaboration between athletics and campus professionals with expertise in prevention and response. The consortium and follow-up efforts stem from the 2011 NCAA national summit on sexual assault/interpersonal violence prevention.
- For 23 years, the NCAA has supported the annual APPLE Conference Promoting Student-Athlete Wellness and Substance Abuse Prevention, designed as a strategic planning conference conducted by the University of Virginia Gordie Center. Participation in the conference facilitates athletics programs assessing their needs, developing action plans and implementing solutions to address substance abuse and consequences. Annually, more than 70 institutions attend, and more than 50 percent of NCAA member schools have attended at least once.
- Through a competitive grant program called NCAA CHOICES, the NCAA awards individual colleges and universities \$30,000, a total of \$450,000 annually, to fund institution-driven projects that engage athletics with campus efforts to reduce alcohol abuse and negative consequences, with ongoing evaluation and consultation from the George Mason Center for the Advancement of Public Health. More than 270 NCAA institutions have received NCAA CHOICES Alcohol Education Grants.
- The NCAA helps support the Step UP! Bystander Intervention Program developed by the University of Arizona. This program trains student-athletes to safely and effectively intervene when a teammate or friend is in distress, in danger or heading for trouble. Bystander intervention training has been identified as an effective approach in violence prevention and response. The NCAA Sport Science Institute recently sponsored the second facilitator training on Step UP!, which included participation from two-person teams from 40 NCAA members institutions.
- The NCAA sponsors National Hazing Prevention week, provides a Hazing Prevention Handbook to its member institutions and consults on the National Hazing Study. NCAA staff partners with other stakeholders—namely Greek Affairs—to effectively address hazing prevention on member campuses.
- In partnership with Student Affairs Administrators in Higher Education (NASPA), the NCAA piloted the 360 Proof alcohol education program at 36 Division III schools this year. This free, web-based program provides student affairs and athletics administrators an assessment tool to see how much information they already have about alcohol use on campus, inventory existing alcohol prevention activities and fill gaps based on the National Institutes on Alcohol Abuse and Alcoholism Recommended Strategies. It also includes a personalized feedback intervention, or PFI tool, to help students assess their own use and risk. Studies show that PFIs reduce the frequency and number of alcoholic beverages consumed, as well as effectively dispel myths about drinking. Following a successful pilot, the program will expand to include banned substances and street drugs in 2017.
- The NCAA provides online Title IX compliance and best practices materials and video classes. Topics include sexual harassment and violence prevention and guidance from the U.S. Department of Education Office for Civil Rights.
- The NCAA Sport Science Institute has identified mental health promotion and intervention as a critical initiative, holding a meeting of health care experts in November 2013 to fully review the issue. This meeting has resulted in the development of an anthology of issues impacting mental health and best practices for member institutions to assure early identification and treatment for those student-athletes in need.

I believe these educational initiatives are very helpful in combatting the serious issue of campus violence and student-athlete misconduct, yet the NCAA may continue to draw criticism for not inserting itself directly into specific instances of alleged student-athlete misconduct or criminal behavior. While we certainly will cooperate with any law enforcement activity, I remain convinced that to insert the NCAA directly into the issues described above would undermine local efforts to manage the conduct of student-athletes similarly to that of other students, even when the result may not be consistent from one campus to another. Nonetheless, I believe this issue is important and requires more dialogue, and I will encourage

NCAA leadership and membership to continue to explore additional areas of engagement.

*Academic Preparation and Success*

As I have described in this testimony, the academic success of student-athletes has been a major area of emphasis for the NCAA, and since the mid-1980s the Association has seen dramatic results. When the NCAA first began collecting graduation data more than 25 years ago, student-athletes were lagging behind the rest of the student body. Two years into those reform efforts, student-athlete graduation rates had drawn even with the general student population; later, they pulled ahead. That upward trajectory has continued for more than two decades. Today, student-athletes consistently graduate at higher rates than their counterparts in the general student population. More than 80 percent of all student-athletes graduate, as measured by the GSR metric noted earlier, and white males are the only demographic group who remain below their counterparts.

But this work is never done. For example, while the graduation rates of African-American student-athletes in Division I are considerably ahead of their counterparts in the student body, they lag behind those of white student-athletes, and that is not acceptable. We see steady improvement, but we must not accept this discrepancy as simply “the way it is.” The NCAA continues to study research data that predicts how well students are likely to do in completing requirements for specific degrees and then setting standards that will spur even greater success.

One of the most frequent criticisms is that these results are aided by courses that are alleged to lack serious content and majors that lack rigor. As required by our bylaws, on NCAA campuses the majors and courses available to student-athletes are the same ones available to the entire student body, and the standards for instruction and approval of majors is the responsibility of the faculty and not the athletics department. The data from our Growth, Opportunities, Aspirations, and Learning of Students in College study, known as GOALS, show that 87 percent of student-athletes would have chosen their current majors again even if they were not student-athletes and that personal interest and career fit played the greatest role in the selection of a major. The requirements for a degree in bio-medical engineering may well be more rigorous than those for political science (my undergraduate major), or business, or English, or any number of other degrees. But these courses and majors are not without serious or useful content. Of course, human behavior is such that there will be isolated instances of academic misconduct and the abuse of policies. The college and university members take these issues on their campuses very seriously and have largely retained authority and responsibility to handle matters when they arise. However, the membership has empowered the national office to investigate and act where it appears that student-athletes may be receiving disparate academic treatment from the general student body. All in all, I am very pleased with the commitment to and results from academic reform over the last two decades.

However, as I have discussed, the college and university members have given the NCAA the responsibility to explore potential NCAA violations. When these possible violations also involve issues around academic misconduct, the NCAA does not second-guess academic decisions of the institution or look into matters that may or may not violate other policies or authorities. The NCAA members and staff take allegations of academic misconduct seriously, and generally the NCAA staff conducts full and thorough investigations collaboratively with the institution. In fact, recently, the NCAA issued a Notice of Inquiry to the University of North Carolina, Chapel Hill, in connection with the information first examined in its 2011 investigation. As in any case, the enforcement staff makes clear at the time of an investigation that it may revisit a matter if new information becomes available. In this instance, the NCAA has determined that individuals previously unwilling to cooperate with the initial investigation may now agree to speak with the NCAA enforcement staff and, therefore, has decided to reopen its investigation. Further, the institution instructed its outside investigator to share relevant information from his investigation confidentially with the NCAA enforcement staff.

*Impact of Participation on Student-Athlete Health*

The NCAA national office and its member colleges and universities have been committed to the study and promulgation of sports health and science issues for decades. Indeed, the NCAA was established in part to provide safety rules governing college football. Much of the study in the past has taken place on our campuses and has engaged medical and sports science experts from throughout the country, and the results of that research have been publicly available. Moreover, a membership committee comprising physicians, athletic trainers, strength and conditioning coach-

es, nutritionists, drug abuse prevention professionals and other athletics administrators—the Competitive Safeguards and Medical Aspects of Sports, or CSMAS—has provided oversight of health and safety for more than 30 years. CSMAS has also provided the Sports Medicine Handbook as expert guidance to the membership on best practices to protect student-athlete health and safety. I wanted to bolster expert oversight and support for the membership, especially as we have entered into new areas of medical concerns surrounding participation. Fifteen months ago, I created the position of chief medical officer of the NCAA and hired a renowned neurologist as the first such CMO. With his leadership, we have created the NCAA Sport Science Institute, through which we have already convened task forces on concussion and mental health and begun substantive conversations with other medical, athletics and government groups to drive policy and action. In May, we launched a \$30 million joint initiative with the U.S. Department of Defense to fund the most comprehensive study of concussions ever conducted and issue an educational challenge to change the culture of concussion reporting and management. Just this week, we released guidelines on concussion diagnosis and management, the correct model to provide medical staff independence from the athletics department in treating student-athletes, and football practice guidelines designed to reduce concussions and other injuries. They represent the consensus of more than 10 medical and athletic trainer associations, as well as coaches and conferences. This degree of collaboration and buy-in means real changes and benefits to student-athletes, starting immediately.

We must be ever-vigilant to the impact of athletics participation on students. Safety measures to better protect students who play football student-athletes have been a primary concern since the NCAA's founding in 1906, and the NCAA takes seriously its safety commitment to all the sports it sponsors. The issue has been a significant gap in sport science and medical research compared to changes in competitive expectations. We have followed closely and are working to address many concerns beyond concussions, specifically knee injuries and the impact of over-specialization in youth sports. By late summer, we hope to have completed work with the members to develop a new mental health resource. The protection of student-athlete health and safety is a job that is never complete; there is no guarantee of safety whenever anyone steps out to practice or competes in a sports activity. However, the NCAA and its members will continue to be true to our health and safety mission and will carefully consider when changes in the health and safety space are appropriate.

#### *Time Demands on Student-Athletes*

In 1991, the membership set national policy that limited, for the first time, the supervised time student-athletes were allowed to commit to their sports to 20 hours per week. It was a bold move at the time and was disparaged by student-athletes who did not believe 20 hours a week was sufficient time to develop their full athletics potential, as well as by most coaches, who wanted their student-athletes committing more and more time to preparing for competition. Their reaction was and still is an especially true sentiment for student-athletes who participated in high school and grass-roots athletic experiences that involved intensive training and travel. The details of the legislation left ample room for interpretation and recognized that voluntary individual or group workouts likely could not be curbed. In the NCAA GOALS study, students who participate in Division I football report they spend 40 to 45 hours per week on football and about 40 hours on their academic efforts. What we have today is a rule that appears to be inadequate in limiting time spent on sports to the intended 20 hours. The big question is: What can be done about it? Athletes are by nature competitive and disciplined. With or without influences to the contrary, athletes will push themselves and their teammates to pursue excellence in preparation for competition. In fact, our data show that student-athletes participating in Division III football report spending an average of 33 hours per week on their sport. It would be difficult to find a group at any level that reports spending fewer than 25 hours per week on the sport. In the end, for all student-athletes, athletics is a time-consuming endeavor, but one they choose to pursue to the fullest. The Division I Board and I are searching for solutions to ensure that student-athletes maintain a better balance between academics and athletics with an emphasis on dedicating additional time to academic pursuits to promote their success once their playing days are over. I pledge to continue working to achieve exactly that, but I hope my testimony has informed the Committee of the difficulties of affecting such culture changes.

*Student-Athlete Benefits*

For decades, there have been some who claim that Division I student-athletes in football and men's basketball are not receiving the benefits they deserve and would be better served if they were treated as employees and paid for services. As a person with more than four decades in higher education, I disagree with the notion that the student-athlete relationship with an institution is at all akin to an employment relationship. While not a party to the *Northwestern v. National Labor Relations Board* matter, last week the NCAA filed an amicus brief in support of Northwestern's appeal. It is our position in that brief that scholarship student-athletes are not employees. Indeed, we argue they are not just primarily students, they are exclusively students. They are exclusively students because both of their major activities of being a student and being an athlete are interrelated in their overall educational pursuit.

This concern around payment for services has risen in direct proportion to: the rising commercial television exposure of the two sports through television; the mounting media fees networks are willing to pay to broadcast the inventory of regular-and post-season; the expansion of athletics facilities; and the heights to which coaching and other salaries have grown. Again, because of the way the U.S. Supreme Court applied the antitrust laws to the NCAA in *Board of Regents* and in *Law v. NCAA*, and because the NCAA does not have an antitrust exemption like professional sports leagues, the NCAA has no authority to limit coaches' compensation, prevent conference realignment or otherwise control expenditures. These behaviors have led some to argue that with so much money in the system, student-athletes are not fairly compensated for the revenue some believe they generate. I firmly believe that argument is unsound.

One differentiating component of the American collegiate model of athletics as compared to other models is that those who participate generally do not do so for the value of tangible benefits they receive. Rather, they are in fact students and treated as such.

The value of the benefits student-athletes in Division I FBS football and Division I men's basketball receive on an annual basis, if monetized, could easily be between \$120,000 and \$180,000 or more. These benefits are not compensation, and such educational support doesn't make them any less a student-athlete in the collegiate model than one in Division III who does not receive athletic-based financial aid. If both are students and are treated as students first who are competing against other students, they are part of the collegiate model.

I believe that schools should be allowed the opportunity to provide student-athletes with resources to cover the full cost of attendance—and I have advocated for such additional aid. It has been difficult to find a workable compromise within the Division I membership on this matter, even though it has been discussed for more than a decade and twice advanced by the Board of Directors. Such a proposal finds favor with institutions that have sufficient resources, while institutions that struggle to make the financial ends meet find it a threat to their competitiveness. Structural and governance changes may be necessary before progress can be made. But I can say that the Board of Directors and I will continue to look for solutions. And with every solution proposed, we make certain that our actions will not damage or undermine efforts to advance the principles of Title IX.

The most important thing for young people in college is to focus on education and earn their degrees. Attempts to label student-athletes as employees rather than students due to their participation in a voluntary athletic activity that establishes no expectation of compensation when they enroll can only blur and, in fact, undermine the focus on education. These attempts are ultimately not in the best interest of the student-athlete or the college environment.

*Financial Underpinning of Intercollegiate Athletics*

In the world of higher education, we must rely on cross-subsidization—maximizing revenue from the areas that can generate more than their costs and reallocating the additional revenue to those areas that can never cover their costs. For example, we rely on large freshman survey courses such as history, English and psychology with one lecturer and a few graduate assistants for a few hundred students to generate sufficient revenue to help support disciplines such as nursing, music or economics that have smaller instructor-to-student ratios. If not for this cross-subsidization, we simply would not have comprehensive universities. And we have applied the same approach in athletics. Few football and men's basketball programs can generate revenues sufficient to cover the costs of those programs and the costs of another dozen or so sports for both men and women. The balance comes from the institution's general operating budget or student fees. If colleges and universities did not use this cross-subsidization approach, they would not have com-

prehensive athletics programs. So, while it is true that some male student-athletes in Division I football and basketball participate in events that generate revenue used to support other sports, it is also true that the tuition for students in freshman history helps pay to train nurses.

*How NCAA Revenues are Used*

As an Association, almost all revenues that accrue to the NCAA are passed along, as I will describe, either as direct distributions to the membership or for services that benefit student-athletes.

Last year, NCAA revenues totaled a little more than \$900 million. Of that, more than 90 percent was directly distributed to the membership or provided direct membership services, such as sponsoring 89 championships. Three-quarters of that revenue was generated through a 14-year multimedia agreement with CBS and Turner Broadcasting System, providing the rights to broadcast the Division I Men's Basketball Championship. The vast majority of the other 25 percent of NCAA revenue comes from NCAA championship ticket sales, an ESPN media contract for all other championships, and investment earnings. Each year the NCAA Executive Committee, composed of 19 presidents from member schools, approves the NCAA budget, including revenues, expenses and any allocation of reserves.

Approximately 60 percent, or \$527 million, of NCAA revenue is distributed directly to the Division I membership each year. These funds are distributed for various purposes: supporting student-athletes, including leadership programs and grants promoting student-athlete well-being; enhancement of academic opportunities; and direct benefits to student-athletes with emergent or essential financial needs.

The next-largest expenditure, representing approximately 18 percent of NCAA revenues, allows the Association to conduct 89 championships in 23 sports across all three divisions. In addition to conducting championships, approximately 17 percent of the budget is set aside to allow for other fundamental services required by the membership, such as the facilitation of governance, legislation, promotion of student-athlete well-being and conducting enforcement. The smallest portion of expenditures is administration costs, which represents less than 5 percent of NCAA annual revenues.

It is important to note that the NCAA is not a recipient of any revenues generated by member schools or conferences during the regular season or from the FBS postseason bowl games.

*Division I Structure and Governance*

The issue of how Division I is structured and governed is so "inside baseball" that, at first, it might seem irrelevant to this hearing. But as I have noted throughout this testimony, it is critical to how and which decisions are made. The range of institutions in Division I extends from flagship state universities with \$3 billion to \$4 billion institutional budgets and athletics budgets exceeding \$150 million to small universities with budgets of less than \$100 million and athletics operating budgets of \$5 million. And while most small universities find it impossible to compete with large state universities for research grants, faculty and even students, they have an interest in competing athletically and depend on NCAA membership-adopted rules to find some level of fair competition. It is a big-tent approach that exists only for these institutions in the realm of athletics. The question facing the Division I membership and its leaders is twofold: If the right governance structure is in place, how will it facilitate consensus on keeping the tent open for all while allowing radically different segments to govern themselves based on their characteristics? Inside baseball or not, this issue is enormously important to the 133 institutions in the states represented on this committee and all those in Division I. And although we cannot wait for the resolution of this issue before addressing the others I've noted in this testimony, some of those issues may not be fully addressed until the structure and governance concern is worked out.

Central to the Division I governance reform expected in August 2014 are plans to ensure that all 346 Division I members continue to compete together in the same division. One element of this design is for the 65 institutions in the Atlantic Coast, Big Ten, Big 12, Pac-12 and Southeastern conferences to act as an autonomous unit that can modify certain NCAA rules. Some examples of autonomy might, for example, permit the grant in aid to cover all education-related cost for their student-athletes or otherwise provide additional athletics-related benefits. An example of the latter could be legislation allowing institutions within these conferences to cover the full cost of attendance, as reported to the U.S. Department of Education, as part of student-athletes' scholarships. After the five conferences have acted on legislation



as an autonomous unit, the intent is that remaining schools in the division would be free to follow suit at each school's discretion.

#### **Concluding Thoughts**

I recently testified in a U.S. District Court in the Northern District of California antitrust lawsuit brought by former UCLA student athlete Ed O'Bannon. My testimony made clear the vital need for the continuation of a collegiate model of amateur athletics in America and an equal need to reform our rules to make the experience even better for the student-athletes and our fans. As I did in that trial, I have tried here in my comments to provide as full a vetting as possible to the issues confronting intercollegiate athletics. Most of these issues are complex and challenging. Some view the NCAA solely through the lens of these remaining challenges and suggest that now is the time to separate sports from higher education once and for all. In truth, intercollegiate athletics is serving most student-athletes very well, and the integration of academics and athletics is essential to the collegiate model of sport.

Yes, changes are needed, and they require frank and open conversation. Both the Division I Board of Directors and I are often frustrated at the lack of consensus and the slow speed at which progress is made. Even when we have pressed for an accelerated decision-making approach for only a handful of issues, as we did three years ago with broad support from presidents of member colleges and universities, some very good recommendations failed to gain support because of the speed at which they were pushed. But too many educational opportunities exist for nearly a half-million student-athletes each year to stop searching for solutions.

I believe the model that has served this country and our young people can and should evolve to meet their needs into the future. And I remain committed to work with each of you to make sure we can do so.

Thank you for the opportunity to appear before you today. I look forward to taking your questions.

The CHAIRMAN. Thank you very much, Mr. Emmert.

I will start, Senator Thune will follow, and then Senator Coats. And then, we'll proceed from there.

According to your website, and I'm just sort of going back to some basic stuff, "student-athlete health, safety, and well-being remain our top priorities." Yet, in court papers filed for a lawsuit in which a family has sued the NCAA after their son died from a brain injury suffered in a pre-season football practice, the NCAA asserted that "The NCAA denies that it has a legal duty to protect student-athletes."

I find that extraordinary. Now, I know what your answer is going to be and that's going to upset me. But, the question is how do you reconcile your website's publicly stated priorities of promoting health and safety with your private legal arguments which you will declare somehow are different; that the NCAA doesn't have a legal duty to protect student-athletes? You either do or you don't.

Dr. EMMERT. I will not quibble about the language. I think that was, at the very least, a terrible choice of words created by legal counsel to make a legal argument. I am not a lawyer. I am not going to defend or deny what a lawyer wrote in a lawsuit. I will unequivocally state we have a clear, moral obligation to make sure that we do everything we can to support and protect student-athletes.

The CHAIRMAN. See, what I perceive is a web of convenient protection to all parties. You suggested that there are a number of universities. See, what I really want to see is a panel of subpoenaed university presidents from land-grant, publicly funded universities up here. And I think it'll come to that because I think it's going to have to. I don't know how we're going to work anything out without it.

But you say that was bad language by a lawyer who got confused or, put later, didn't have a good night's rest, or whatever it was. And so, you sort of slosh over that.

Earlier, you said that there are a number of universities that want to make a certain number of changes, which you then enumerated three or four of them. But then, you've also said, frequently in answers to questions in other fora, that you don't have the authority to do anything. You don't have a vote, which you said here. Everything is in the hands of the universities.

My cynical self says that universities like things exactly the way they are, because they're making a ton of money. In fact, they are making so much money and they have more money than they ever had before—not all, but some. There have been about 120 that make most of it—120 universities. I don't know how change is possible.

How do you make the case for saying that you can be a participant in this process of bringing about change when you say that they don't have to listen to anything you say?

Dr. EMMERT. Well, I can tell you, Senator, what is going on right now. In less than a month now, the Division I Board will vote on a completely changed decisionmaking structure. They will put all of the subjects that we're describing and discussing here today in the hands of the 65 universities that have the largest revenue. The schools that are within the five—

The CHAIRMAN. I'm sorry. I've got to interrupt.

Why would you pick the 65 schools that make the most money? Because, to me, they would be the ones who would be the least likely to want to make any changes at all.

Dr. EMMERT. Because, quite the contrary, they're the ones that precisely want to make changes; often changes that have price tags associated with them. And they want to make those changes and are often blocked from doing so by institutions that have less revenue. So if, for example, you want to move toward a scholarship model that covers full cost of attendance, something that the Division I Board, in my first year on the job, twice passed. It was overridden by the membership of the 350 schools in Division I, predominantly with the support of the 65 major schools saying this is something we really need and they were blocked from doing so by the other institutions.

So those schools are, indeed, the schools whose interests are the points that I just enumerated. Indeed, I was practically quoting from a letter signed by all the presidents of the Pac-12 and all the presidents of the Big 10, all of whom have said "These are the changes we must make in intercollegiate athletics and we need authority to make those kinds of changes."

The CHAIRMAN. Now, is this the 65 largest universities or are these also the smaller ones who you say block progress because it's—

Dr. EMMERT. Yes, sir.

The CHAIRMAN.—expensive?

Dr. EMMERT. These are the 65 schools that are members of the five largest revenue conferences: the SEC, the Big 12, the Big 10, the Pac-12 and the ACC.

The CHAIRMAN. Would you agree with me, in my final first round question, that college sports has long forgotten the word “amateurism”? And I’m talking particularly about the 120 major—but you know there’s a lot more than that. That it’s just a business and the more money you could make—I mean, West Virginia University signed onto the Big 12, which guarantees one thing and one thing only. And that means that most of the people of West Virginia who are not high income, or even moderate income, cannot go to any games out in the Southwest. Though, West Virginia University sure makes a ton of money from them.

How do you respond to that? Is that right? Is that fair? Is that progressive?

Dr. EMMERT. If I may, Senator, there are two questions that are being asked there. The first is do I believe that the 120 or so dominant schools, the FBS schools, perhaps to whom you’re referring, have abandoned the concept of amateurism? And I would say that, no, they have not.

I certainly agree with you that the topline revenue, the expenditures that are going on right now, in college athletics have unequivocally moved up very sharply in the past two decades. The fact that schools are investing those dollars back into their athletic programs makes quite clear that the universities, themselves, are not doing this to “turn a profit.” Indeed, last year, out of the 1,100 participating schools, about 23 in all of America had positive cash-flow. In other words, they invested all of the money that they had in college sports and had some left over. Everyone else in the country put resources into college sports instead of taking them out.

In terms of the changes that occurred in the construction of the conferences over the past handful of years, I probably agree with you. I was very disappointed in the changes that conferences sought to make progress in. They created some significant travel challenges, I believe, not just for the fans but also for the student athletes. When you have to go across the country for a football game, it’s one thing because that only occurs occasionally. But when it’s your volleyball team, your basketball team, or your soccer team, it means student-athletes are traveling a great deal at great expense both in time and energy and commitment. So I was quite disappointed in not all but many of those changes that occurred.

The CHAIRMAN. I thank you and I turn to Ranking Member Thune.

Senator THUNE. Thank you, Mr. Chairman.

Mr. Emmert, under your presidency, you indicated that you’ve taken the initiative to form some of these Division I subcommittees to address needed changes. And I’m wondering if you could discuss what you hope to accomplish with that initiative?

Mr. EMMERT. Thank you, Senator.

First of all, as I mentioned, within a month we’ll see, I hope, the Board pass a completely new decision making structure because of the challenges of the past 24 months of making decisions around a very aggressive reform agenda. The leadership of the 65 leading universities have said, “We simply have to find a better way to make progress.”

They have identified, as their agenda, many of the items that I just addressed and a handful of others. So there is a very keen in-

terest in finding, first of all, ways to provide greater support for student-athletes. We passed, twice over the past 36 months, a proposal to allow universities to give student-athletes, as a bare minimum, an additional \$2,000 in their scholarship to cover all their miscellaneous expenses. I believe that the universities, this fall, and no later than January, will approve a proposal to do something just like that yet again. And, I hope, an even more robust model to cover the real legitimate costs of being a student-athlete.

We were able to pass changes that allowed, but didn't require, multi-year scholarships for a student-athletes prior to 3 years ago. The universities were literally forbidden by NCAA rules from providing multi-year scholarships. We were able to get a change in the rules to allow them and I think we're well on our way toward mandating that they be, in fact, multiple-year commitments so that student-athletes don't have to worry about whether or not they're going to be able to finish their degree on time. I think that is extremely likely to happen.

As I mentioned also, there's a very strong interest in this same group of leading universities that cover fully the cost of insurance programs. The vast majority of universities cover all of those costs today but it shouldn't be a question. It should be quite clear that no student-athlete will ever have to cover costs of insurance or injuries they sustained when they are student-athletes.

And I think, finally, we've got to address this issue of time. The demands that are placed on student-athletes right now are, in my eyes, and I think in the eyes of many, including, I suspect, Mr. Bradshaw, the demands that are being placed on young men and women; both in terms of what's required of them for regular coaching, what's required from informal coaching, what's required simply to be competitive these days, is far too great a time, a demand, and we need to find better ways—I completely agree with Mr. Ramsay, for example.

We need to find ways that young men and women can take advantage of internships, of study abroad opportunities, of all the things that we know help prepare them for life because a very, very tiny fraction of them are ever going to play a professional sport. For virtually all of college players, their last game is their last game in college. That's not going to be their profession. Their professional life and their life in general is going to be changed by having a meaningful degree and meaningful experiences that go along with that. That means we've got to create opportunities for them to do the many things that are available on campuses.

Senator THUNE. Thanks.

Mr. Bradshaw, you bring a unique perspective as a former athletic director, on the role of member institutions in taking care of the well-being of student-athletes. I'm told that it was your practice, while at Temple, to conduct exit interviews of student athletes in order to understand their individual experiences and to direct suggestions on how the program could be improved. Are those examples from those interviews that you can share with us that led to direct improvements in the way that Temple addressed the needs of student-athletes?

Mr. BRADSHAW. We gathered our best information from our student-athletes about how they were being treated. As many of you

might know, student-athletes aren't the most shy people in the world. They—absolutely. They're like my teenagers. They let you know when they're hungry, they let you know when you need things. So the exit interviews were invaluable because seniors were leaving the institution.

We'd also follow up. We had questionnaires that we sent the seniors a month before they left and then went over those questionnaires with the student-athletes, talked about every facet of their experience at the university. That was helpful.

We also had a captain's council, which was an aggregate of all the captains from every team that got together without the coaches, just myself and some administrators, to hear everything they had to say about their experience so that we could use that in recruiting and help to do a lot better job.

We also have team meetings with each of the teams before their seasons to welcome the freshman and also to gather input from those freshmen about it. And we were able to gather very valuable things. Like, we had one team who their practice facility was maybe about 25 minutes from campus and when they got back in the evening, they weren't able to get the kind of quality dinner because a lot of the students had already been in there and things were picked over. And we were able to extend that time for their meals for an hour so that those student-athletes could eat.

We also had football players who were practicing in the afternoon, some of them in pre-med. And some of the courses they were taking were right up against their practice. We were able to get that football coach to take those practices in the morning when 97 percent of the classes that the kids were taking were there. So that was very valuable input right from the center of our universe, the student-athletes.

Senator THUNE. My time has expired, Mr. Chairman, but from the athletic director's standpoint, what role do you see the AD and the universities playing? Some of these things you can go above and beyond what the NCAA requires; correct?

Mr. BRADSHAW. Yes.

Senator THUNE. There is a lot of flexibility that's allowed at the member institutions to make decisions that are in the best interests of their student-athletes.

Mr. BRADSHAW. And we should.

We have the responsibility and its institutional control. It's not only the Chairman of the Board or Trustees but the President and Athletic Director should all be onboard and have similar philosophies and missions and principles about how that works. And in concert with all those people because sometimes you need funds to do the things that you need to do and you need support from the Board and the President.

So it's very important that all of us work together to do that because we're out recruiting other student-athletes and that's a brand we call "Athletics, the front porch of the university." It might not be the most important thing you see when you drive by but it's the most visible messenger of the brand of the university.

Senator THUNE. Thank you.

Mr. Chairman, thank you.

The CHAIRMAN. Thank you, Senator Thune.

Senator Coats.

**STATEMENT OF HON. DAN COATS,  
U.S. SENATOR FROM INDIANA**

Senator COATS. Mr. Chairman, thank you.

Dr. Emmert, thank you for being willing to testify here. I know you didn't have to do this and I think it's been very constructive to hear the reforms that you have initiated and those that you hope to initiate. And it sounds like there are some real positive things that are happening relative to the issues that, as you have acknowledged, are challenges for the NCAA, and challenges for the universities and challenges for our Committee.

Mr. Chairman, I want to thank you for following through on your commitment to me and to others that, you know, we're going to have a good, solid, non-theatrical investigation and committee process here. Because, I think we're all on the same page in terms of how can we best preserve the student-athlete and best provide for them. How do we address some of the challenges that we're facing today with the revenues and so forth. And I think this is a very constructive effort that we're undertaking here. And I thank you for pulling all that together.

Here's what I'm hearing and I'm leading to a question here. But, I'm hearing from our witnesses that there are many positive things happening and many positive results coming from being a student-athlete. Opportunities are available to many athletes that otherwise would not have been able to get a college experience and a college degree in the education process.

The list of reforms that Dr. Emmert has basically said these are his proposals, and I think it goes right to what we are trying to accomplish here: Scholarship for life; the full and actual cost of attendance payment; leading and taking the lead in areas of health and safety; addressing the sexual assault issue which goes across all aspects of the college experience, it's not limited to just athletics; medical insurance, dealing with those questions; academic priorities, we talked about the time issue; and support for Title IX.

I mean, it has been remarkable what has happened under Title IX in terms of the number of women that are able to participate in athletics, games, scholarships. Many of those also would not have perhaps had a chance with scholarship help and support. The vast majority of schools that, whether Division II or Division III or not in the top 65, and that offer all these opportunities. It's something we want to preserve, it's something we want to improve.

I think we have a President of the NCAA who is a reformer, who is known for that. That's why he was hired. He has taken steps already, and willing to take significant steps forward.

Now, obviously, it goes to this question, Dr. Emmert, of the 65 largest schools. I was encouraged about your response to the Chairman's question relative to their interest in addressing these issues. Now, it's one thing to say that they are willing to do it, it's another thing to do it. So we wish you success but we understand that it's—you're the proposer. You're the initiator but they're the decision makers.

And so, I hope, Mr. Chairman, that over some period of time, hopefully relatively soon, we can get a positive result from that effort. Because, I think that's really where these major issues fall.

But Dr. Emmert, would you just give us one more shot at the ability to address what I think goes to the root of the problem, but also to the root of the solution. And that is that the top 65 schools, which are the revenue generators, we don't want to jeopardize the other 1,000 or so that aren't, and put them in a situation where they won't be able to fulfill Title IX or they won't be able to fulfill the level of sports that get so many young people the opportunities to participate and get a college education at the same time.

Dr. EMMERT. Yes, Mr. Chairman and Senator Coats. I think you're asking one of the, well, two of the most important questions.

And first, is a recognition that 100 years ago when the NCAA was created it was, as Mr. Branch pointed out, created with some impetus from the White House and Congress because of all the challenges in college sports. And at that time, it was determined that college sports should be appropriately self-governed; that the universities themselves were capable of providing the right kind of structure and governance and oversight to make college sports work effectively for young men and young women. And we're at a point now where we're going to see, yet again, whether or not that self-governance system still works. I have confidence because I know most of these presidents as colleagues and I know their interests and their considerations and concerns and that provides a mood of confidence that they want to move forward on the agendas that I described, plus more, in the coming weeks and months.

Now, I think, Mr. Chairman, this hearing is a useful cattle prod, if you will, to make sure that everyone understands that the world is watching. The U.S. Senate is watching and everyone is paying attention to what universities are going to do to address these very real and significant issues. I think all of those things, combined, give me some very positive belief that we're going to wind up in the right place in a matter of months. Now, if we're not, then we have another conversation, I'm sure. And I have no doubt, sir, that you or your successors will make sure that we have that conversation. But I have no concerns about this body or any other trying to hold universities accountable for the things that they need to, and should be, doing.

Senator COATS. Thank you, Mr. Chairman. My time has expired.

Senator KLOBUCHAR. Mr. Chairman, I wanted to note for the record that Senator Coats, out in the hallway, found out he just had his tenth grandchild.

[Laughter.]

Senator KLOBUCHAR. Just for the record.

Senator MCCASKILL. And I heard he cried——

[Laughter.]

Senator KLOBUCHAR. Oh, I didn't tell her that.

[Laughter.]

Senator COATS. I had to leave. I cried——

Senator MCCASKILL. We love that.

Senator COATS. It's as meaningful as number one.

The CHAIRMAN. You don't get to meet, you know, some kind of a——

Senator McCASKILL. A guy who cries over his grandchildren is very cool.

Senator KLOBCHAR. We like that.

Senator COATS. That's a good thing.

Senator KLOBUCHAR. Thank you.

Senator COATS. I agree.

The CHAIRMAN. It's another form of cartel.

[Laughter.]

The CHAIRMAN. Senator Heller, to be followed by——

**STATEMENT OF HON. DEAN HELLER,  
U.S. SENATOR FROM NEVADA**

Senator HELLER. Thank you, Mr. Chairman. I hope this doesn't get you in trouble also, calling on me next. But I have a couple things for the record.

First, I'd like to submit an opening statement. Your staff has that.

The CHAIRMAN. So ordered.

[The opening statement follows:]

PREPARED STATEMENT OF HON. DEAN HELLER, U.S. SENATOR FROM NEVADA

Thank you, Chairman Rockefeller.

I appreciate the hearing today on the welfare of student athletes. It is important to have a better understanding of the academic and athletic benefits that are acceptable and unacceptable for schools to offer to student athletes and whether the NCAA can handle the responsibility entrusted to it by the Presidents of the participating Universities to fairly enforce that standard.

I am a sports fan. Have been my whole life. I have always enjoyed college sports because it was about the school on the front of the jersey and not the name on the back.

I strongly believe that for many student athletes, the accessibility and affordability of a world class education at a 4 year University that a scholarship offers is life changing.

In fact, on the whole, I believe many student athletes would say they have had a good experience.

Most people see their sports careers end at high school, these talented students get to continue to compete on next level in many sports that actually cost the University to compete.

So there is no doubt that the opportunity to gain access to a World Class University because of your athletic talent is a ticket to a better future and as we discuss this issue today, I want the Committee to remember that.

Now, with that being said;

Billions of dollars are coming in from television contracts for college football and basketball. College sports fans are more invested than ever in the outcome of their alma mater or adopted team. Millions of dollars from merchandise, tickets, and even video games have turned an amateur sports performance into a lucrative money making machine for some Universities.

These developments have ignited a debate amongst many sports fans watching in their homes, at a friend's house, or in person. With so much money coming in to the Universities' coffers, should more be allowable for the student-athletes, some of whom are the reason money is flooding in, in the first place?

Can this be done while still ensuring amateur competition is a fair playing field. If one school was allowed to offer lucrative packages for student athletes or their parents such as, money or a vacation or a home, I think it would be unfair to the schools that could not or would not offer that.

Schools offering more incentives would attract more talent and would theoretically, win more often. Those wins would translate into more money for that University. Either from a larger fan following, larger payouts from big games or higher numbers of applicants who want to study at a school with a winning sports program and larger exposure.

Given that logic the University Presidents (who run the NCAA) should espouse a belief that there must be some level of fairness, that college athletics is not profes-



sional sports and there must be restrictions on what every student athlete can receive from the school they attend and from the community they live in.

But that is not to say there are not additional benefits both in academic and athletic support. For example, athletes at many Universities have access to tutors who will provide individual time with an athlete that many in the general student body do not have access to. Athletes also have access to weight rooms, world-class athletic facilities that can be incredibly state of the art, and outfitted with training staff.

These benefits help the student athlete in the classroom.

But, many of these benefits also enhance a student athlete's performance so they can be best prepared to represent their school on the playing field, so that they can better perform for the University to generate additional revenue.

So we aren't debating whether student athletes get additional benefits. They do.

But what we are seeing is that in the case of some athletes, the NCAA raises the bar of what is ok and lowers the bar in others. Sometimes the NCAA completely misses the mark.

Colgate freshman Nathan Harries was denied a year of eligibility for playing three games in an unsanctioned church league. Harries spent two years on a Mormon mission in Raleigh, NC. Upon his return home, he played three games in a league at Dunwoody Baptist Church. Apparently, that violated an NCAA rule that stipulates that athletes who do not enroll immediately after graduating from high school will be penalized one year of eligibility for every academic year they participate in organized competition (which includes an official score and referees). Colgate asked for a waiver, which was denied, and appealed the decision.

Steven Rhodes served his country for 5 years as a United States Marine. Post-service, the 24-year-old enrolled at Middle Tennessee University and joined the football team as a walk-on. The NCAA decided that Steven wasn't eligible to play the 2013 season because he participated in a military-only recreational league in 2012. Even though it was a loosely-run league that sometimes went six weeks between games, the NCAA said that because the teams kept score and there were uniforms and referees, the league counts as "organized competition."

On April 7 of this year, Shabazz Napier went on national television and declared that some nights he goes hungry because he is not able to eat. He was the star of March Madness which CBS paid 681 million to broadcast.

Every one of these situations were later revisited and fixed in one way or another.

In November 2013, a subcommittee was scheduled to hear the appeal from Colgate, but an NCAA official contacted the school Thursday after various media reports detailing Harries' case. The NCAA conducted a brief interview with Harries and immediately called back with news it had reversed its decision.

In August 2013, the NCAA reversed its decision on Steven Rhodes, immediately granting permission to Rhodes to play and maintaining his eligibility for 5 years.

On April 15, in response to Mr. Napier, the NCAA announced athletes can now get unlimited meals from their universities.

I am happy these issues were resolved but I hope it is understood that when you get it wrong so often you lose credibility.

When the NCAA loses credibility, student athletes are at risk and if these athletes are at risk, why keep the NCAA around at all.

This leads me to my point, the University Presidents run the NCAA. The NCAA cannot do much without their approval. Why not push this back onto the individual Presidents of each University? Why can't they ensure that a student athlete is getting the education they were promised and the integrity of the game they are playing is be preserved so that all schools have a fair shot at competing.

Mr. Emmert, go to your board and demand change.

Tell them that the inability to adapt to the challenges of billion dollar TV contracts, academic fraud charges and additional publicity on every sanction decision the NCAA makes is why you find yourself before us today asking you whether the NCAA can do its job of protecting the welfare of the student-athlete.

Thank you, Mr. Chairman.

Senator HELLER. And second, also for the record, as a USC alum who spoke with Pat Haden just before this hearing, I'm pretty sure that we usually watch the Trojans beat Notre Dame on NBC or ABC and not on ESPN.

Sorry, Mr. Branch.

[Laughter.]

Senator HELLER. No, that's Stanford. I wish I could say that.

Having said that to you, Dr. Emmert, I have a couple questions. The points that you brought up on what you are trying to achieve I think are more weaknesses today than they are strengths. If you have to talk about students having scholarships for life, today you don't have them, and I think that's a weakness. If you have to talk about men and women, having full and actual coverage of their costs while they're in college, it's a weakness because it's something that you don't have today. If you're talking about leading in the area of safety, you're not doing it today. If the NCAA is talking about taking the lead in sexual assault, then they are not doing it today. If you're talking about gaps in insurance coverage, it means it's not happening today. We can go on and on. Managing time and demands on these men and women that are in school, means it is not happening today.

And I'll share with you, every once in a while the Chairman and I agree on something. I call that lightening in a bottle.

The CHAIRMAN. Careful.

Senator HELLER. Maybe the stars are aligning. I'm not sure on this one. Needless to say, I agree with him. And that is that we do have jurisdiction here, in this Congress, over the NCAA.

So, my question to you is this: if tomorrow there was a bill in front of the U.S. Senate that would disband the NCAA, for all their discussions in hearings and witnesses that spoke today, give me reasons why I shouldn't vote for that bill.

Dr. EMMERT. Well, I am happy to.

The fact is that, first of all, we've been focused already in this brief period of time on the things that aren't happening. But the reality also is that an enormous amount of very, very good things are happening—

Senator HELLER. Good. I want hear those.

Dr. EMMERT.—that we have talked about. So when we focus on the issues of college sports, the vast majority of them, as many of you have noted, the vast majority of those issues are really focused on men's basketball and football as it's played in the top handful of institutions. If you look at BCS football and men's basketball, you are looking at less than 5 percent of all of intercollegiate athletics. You're missing 95 percent of intercollegiate athletics. For that other 95 percent, there are very few of those challenges or problems that are occurring. Indeed, it is serving.

I'm not very good at math in my head, but if it's 95 percent of 460,000 students, let's just say it's 450,000 students or 425,000 students for whom this is working amazingly well. They are graduating at a higher rate than the rest of the student body on their campuses, they're graduating at a higher rate than the rest of the students in the United States. Yes, we can in fact have a very good learning discussion about how we measure graduation rates. But if you use the Federal graduation rate, student-athletes in Division I graduated 1 percent higher than non-athletes on all of our campuses across America.

If you look at men's and women's basketball, if you look at football, the graduation rates, as Mr. Bradshaw pointed out, have been steadily growing for more than 15 years now; each and every year. If you look at African-American men, the African-American men on any given campus, have a 9 percent higher probability of grad-

uating if they happen to be an athlete than if they're not an athlete.

The fact is student-athletes make very good students. Yes, there are many issues, and our two former athletes here, I think, have pointed out very nicely the issues that need to be addressed. But, for the vast majority of students, being an athlete also goes along with being a better student and more likely to graduate. And also, we believe, though the data is not well done, and I just learned from Dr. Southall that he's working on a study that I think will be very useful, we believe that there's good reason to believe that they are more successful in life as well, overall.

So one of the things that we all need to work on together is to make sure that we don't throw the baby out with the bathwater here. Intercollegiate athletics, as you pointed out, Mr. Rockefeller, is a wonderful part of our society and provides extraordinary opportunities for the vast majority of student-athletes. I focused my comments on the things that I'd like to see fixed. You just elaborated on them. That should not be interpreted as everything is wrong in college sports. Indeed, even if you look at scholarships, in fact, no one is giving a guaranteed four, no one. Most schools are not giving guaranteed 4-year commitments. But, USC has just committed to do that. University of Indiana has just committed to do that. A handful of others are looking at it right now—

Senator HELLER. But wasn't that—

Dr. EMMERT.—but the reality is is that almost no student ever loses his or her scholarship.

Senator HELLER. But wasn't that prohibited by the NCAA?

Dr. EMMERT. It was.

Senator HELLER. When did that change?

Dr. EMMERT. That's one of the things that I think will occur in the coming months.

Senator HELLER. In other words, schools did offer four-year scholarships until the NCAA prohibited it.

Dr. EMMERT. They did and I have no idea why that was put into the rules. I have my own notions, but I have no idea—I don't even know when that occurred but a number of years ago.

Bill, do you know when that occurred?

Mr. SOUTHALL. 1974.

Dr. EMMERT. 1974

Mr. BRADSHAW. 1973.

Dr. EMMERT. 1973.

Senator HELLER. And no reason as to why?

Dr. EMMERT. Bill, do you know why?

Mr. BRADSHAW. I really don't know, really don't know.

Dr. EMMERT. None of us was in the room.

Mr. BRADSHAW. In recruiting, it's not a very good idea not to give multi-year scholarships.

Senator BOOKER. I trust the historian. I'd love to hear what Taylor Branch—

Senator HELLER. I would. I'd like to hear this, yes.

Mr. BRANCH. The historical record on that was that it was driven by the coaches at the biggest universities, precisely the 65 biggest schools, because they wanted more control over their athletes; they're driven to win. You have a better chance of winning if you

control the athlete and what time he gets up and how much time he spends in the weight room, and so on and so forth. And if you can yank their scholarship, then you got more control over them.

Senator COATS. But you can't do that anymore; right?

Senator McCASKILL. Yes, you can.

Mr. BRANCH. Yes, you can.

Senator COATS. You can't control the time—

Mr. BRANCH. The NCAA, in 1973, at the behest of the big school athletic departments and coaches put in a rule that you could not offer more than a 1-year scholarship. In other words, guaranteeing the coaches that control over the athletes. And that survived for 40 years. Now, what they're trying to do is to repeal that law so that you could, at your option, offer more.

Dr. EMMERT. Excuse me, for interrupting. It has, in fact, been repealed. It's one of the first things that I insisted on.

Mr. BRANCH. But it lasted for 40 years at the behest of the same 65 schools that are now proposing to do these reforms that you're talking about. And I think they're good, but it's because they can afford them and because the gap between the level of money involved and the needs of these athletes has gone so obscene that they want to do it on their own and they can afford to do it.

Senator BOOKER. If Senator Heller would allow me because this is such an important point. It has not changed. A coach, at any time, can revoke a student-athlete's scholarship so that that student is no longer able to stay at a university.

Dr. Emmert, that's true right now; right?

Dr. EMMERT. It's variable.

So, starting last year, schools—two years ago. Pardon me. Schools were provided the option. In other words, the prohibition was repealed so that a school today can offer a multi-year scholarship, and many do.

As I just mentioned, the University of Southern California and Indiana, for example, have recently announced that that is precisely what they are going to do is offer full 4-year scholarships. Many schools in the Big 10 have been doing so since this prohibition was lifted. I don't know the extent to which it—

Senator BOOKER. But it is not uniform?

Dr. EMMERT. But it is most certainly not uniform—

Senator BOOKER. And it's not even the majority of schools.

Dr. EMMERT. I believe that it's not—

The CHAIRMAN. Senator Booker—

Dr. EMMERT.—not close to the majority.

The CHAIRMAN.—your turn will come.

[Laughter.]

Senator McCASKILL. Do we need to remind him that he is junior on this committee?

[Laughter.]

Senator McCASKILL. I think somehow he forgot about this thing.

The CHAIRMAN. And now we're calling on Senator McCaskill.

**STATEMENT OF HON. CLAIRE McCASKILL,  
U.S. SENATOR FROM MISSOURI**

Senator McCASKILL. Thank you.

I would like to offer into the record the roll call of the institutions who voted to reestablish the one-year rule. After it was voted in, in 2011, that you could have the option of giving a four-year scholarship, the very next meeting there was an attempt to overrule that decision. They needed a two-thirds vote to overrule the decision to go back to the one-year requirement. I think it would be very interesting for the members of this committee to look at the institutions that voted to go back to a one-year requirement in 2012. They need 62 and a half percent. They got 62.12 to go back to the one-year. And I think you'll be surprised. It's counterintuitive. Some of the institutions that voted to go back to the one-year, like Harvard voted to go back to one-year; Yale was strong, they abstained. We had institutions like Texas, all wanted to go back to one-year, but then there were smaller schools that wanted to go back to one year.

Senator THUNE. What did Missouri do?

Senator MCCASKILL. One Missouri school did, but the University of Missouri did not. And I was willing to offer this into the record and I was nervous when I got this because I was afraid that my university might have voted to go back to one-year. But it's very telling that in 2012—Now I guess my question to you, Dr. Emmert, is why wasn't this made public at the time? Because, I think most of these universities would be embarrassed if they were publicly called out that they were unwilling to give a four-year scholarship to an athlete. So why did it take a request from Congress for this roll call for this to ever reach the light of day? And I would ask this list to made part of the public record.

The CHAIRMAN. So ordered.

[The information referred to follows:]

## Roll-Call Report

2012 Override Vote (Electronic)

Proposal 2011-97: FINANCIAL AID -- ELIGIBILITY FOR INSTITUTIONAL FINANCIAL AID -- FORMER STUDENT-ATHLETES; PERIOD OF INSTITUTIONAL FINANCIAL AID AWARD -- MULTIYEAR GRANTS-IN-AID

## LEGEND AND VOTE COUNTS

**Proposal 2011-97**  
 Total Members Eligible to Vote = 367  
 - = Did Not Cast Vote - 35  
 A = Abstain - 2 Vote(s)  
 D = Do Not Override - 125 Vote(s)  
 S = Support Override - 205 Vote(s)  
 Total S+D = 330  
 % Supporting the Override = 62.12%  
 Action = Override FAILED

Organization Name	Proposal 2011-97
University of Akron	D
University of Alabama	S
Alabama A&M University	S
Alabama State University	-
University of Alabama at Birmingham	S
University at Albany	S
Alcorn State University	-
America East Conference	S
American Athletic Conference	D
American University	S
Appalachian State University	S
University of Arizona	S
Arizona State University	D
Arkansas State University	S
University of Arkansas, Fayetteville	D
University of Arkansas, Little Rock	S
University of Arkansas, Pine Bluff	-
Atlantic 10 Conference	S
Atlantic Coast Conference	D
Atlantic Sun Conference	D

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Auburn University	D
Austin Peay State University	S
Ball State University	S
Baylor University	S
Belmont University	D
Bethune-Cookman University	S
Big 12 Conference	S
Big Sky Conference	-
Big South Conference	D
Big Ten Conference	D
Big West Conference	A
Binghamton University	S
Boise State University	S
Boston College	S
Boston University	S
Bowling Green State University	S
Bradley University	S
Brigham Young University	S
Brown University	D
Bucknell University	D
University at Buffalo, the State University of New York	S
Butler University	D
California Polytechnic State University	S
California State University, Bakersfield	S
California State University, Fresno	S
California State University, Fullerton	D
California State University, Northridge	S
California State University, Sacramento	D
University of California, Berkeley	S
University of California, Davis	S
University of California, Irvine	D
University of California, Los Angeles	D
University of California, Riverside	D
University of California, Santa Barbara	S
Campbell University	S
Canisius College	D
University of Central Arkansas	S
Central Connecticut State University	D
University of Central Florida	S
Central Michigan University	S
College of Charleston (South Carolina)	S

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Charleston Southern University	S
University of Cincinnati	S
The Citadel	S
Clemson University	S
Cleveland State University	D
Coastal Carolina University	S
Colgate University	D
Colonial Athletic Association	S
University of Colorado, Boulder	S
Colorado State University	S
Columbia University-Barnard College	-
Conference USA	D
University of Connecticut	D
Coppin State University	S
Cornell University	D
Creighton University	D
Dartmouth College	D
Davidson College	-
University of Dayton	D
University of Delaware	D
Delaware State University	S
University of Denver	S
DePaul University	D
University of Detroit Mercy	S
Drake University	S
Drexel University	S
Duke University	D
Duquesne University	S
East Carolina University	S
East Tennessee State University	S
Eastern Illinois University	S
Eastern Kentucky University	S
Eastern Michigan University	S
Eastern Washington University	S
Elon University	S
University of Evansville	S
Fairfield University	D
Fairleigh Dickinson University, Metropolitan Campus	D
University of Florida	D
Florida A&M University	S
Florida Atlantic University	S



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Florida Gulf Coast University	D
Florida International University	-
Florida State University	S
Fordham University	D
Furman University	D
Gardner-Webb University	S
George Mason University	S
George Washington University	S
Georgetown University	D
University of Georgia	D
Georgia Institute of Technology	S
Georgia Southern University	S
Georgia State University	S
Gonzaga University	S
Hampton University	S
University of Hartford	D
Harvard University	A
University of Hawaii, Manoa	S
High Point University	S
Hofstra University	S
College of the Holy Cross	D
Horizon League	-
University of Houston	S
Houston Baptist University	-
Howard University	S
University of Idaho	S
Idaho State University	S
Illinois State University	S
University of Illinois, Champaign	D
University of Illinois at Chicago	S
Indiana State University	S
Indiana University, Bloomington	D
Indiana University-Purdue University, Fort Wayne	S
Indiana University-Purdue University at Indianapolis	D
Iona College	S
University of Iowa	D
Iowa State University	S
The Ivy League	D
Jackson State University	S
Jacksonville State University	S
Jacksonville University	-

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James Madison University	S
University of Kansas	S
Kansas State University	S
Kennesaw State University	D
Kent State University	S
University of Kentucky	D
La Salle University	S
Lafayette College	-
Lamar University	S
Lehigh University	S
Liberty University	S
Lipscomb University	D
Long Beach State University	S
Long Island University-Brooklyn Campus	D
Longwood University	S
University of Louisiana at Lafayette	S
University of Louisiana at Monroe	S
Louisiana State University	S
Louisiana Tech University	S
University of Louisville	S
Loyola Marymount University	S
Loyola University Chicago	S
Loyola University Maryland	D
University of Maine, Orono	D
Manhattan College	S
Marist College	S
Marquette University	S
Marshall University	S
University of Maryland Eastern Shore	S
University of Maryland, Baltimore County	S
University of Maryland, College Park	D
University of Massachusetts, Amherst	-
McNeese State University	S
University of Memphis	S
Mercer University	-
Metro Atlantic Athletic Conference	D
University of Miami (Florida)	D
Miami University (Ohio)	D
University of Michigan	D
Michigan State University	D
Mid-American Conference	D

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Mid-Eastern Athletic Conf.	S
Middle Tennessee State University	D
University of Minnesota, Twin Cities	D
University of Mississippi	D
Mississippi State University	D
Mississippi Valley State University	-
Missouri State University	S
Missouri Valley Conference	-
University of Missouri, Columbia	D
University of Missouri-Kansas City	D
Monmouth University	D
University of Montana	-
Montana State University-Bozeman	-
Morehead State University	S
Morgan State University	S
Mount St. Mary's University	D
Mountain West Conference	S
Murray State University	S
University of Nebraska, Lincoln	D
University of Nevada, Las Vegas	S
University of Nevada	-
University of New Hampshire	S
New Jersey Institute of Technology	-
University of New Mexico	D
New Mexico State University	S
Niagara University	S
Nicholls State University	S
Norfolk State University	S
University of North Carolina, Asheville	S
North Carolina A&T State University	S
North Carolina Central University	S
North Carolina State University	D
University of North Carolina, Chapel Hill	-
University of North Carolina, Charlotte	D
University of North Carolina at Greensboro	S
University of North Carolina, Wilmington	S
North Dakota State University	S
University of North Florida	S
University of North Texas	-
Northeast Conference	D
Northeastern University	S

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Northern Arizona University	D
University of Northern Colorado	S
Northern Illinois University	D
University of Northern Iowa	D
Northwestern State University	S
Northwestern University	D
University of Notre Dame	D
Oakland University	S
The Ohio State University	D
Ohio University	D
Ohio Valley Conference	S
University of Oklahoma	S
Oklahoma State University	S
Old Dominion University	D
Oral Roberts University	S
University of Oregon	D
Oregon State University	D
Pac-12 Conference	D
University of the Pacific	D
Patriot League	D
University of Pennsylvania	D
Pennsylvania State University	D
Pepperdine University	D
University of Pittsburgh	D
University of Portland	D
Portland State University	-
Prairie View A&M University	S
Princeton University	D
Providence College	S
Purdue University	D
Quinnipiac University	D
Radford University	-
University of Rhode Island	S
Rice University	-
University of Richmond	D
Rider University	D
Robert Morris University	D
Rutgers, State Univ of New Jersey, New Brunswick	S
Sacred Heart University	D
Sam Houston State University	S
Samford University	S

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University of San Diego	S
San Diego State University	S
University of San Francisco	-
San Jose State University	-
Santa Clara University	S
Savannah State University	S
Seton Hall University	-
Siena College	D
University of South Alabama	S
University of South Carolina, Columbia	D
South Carolina State University	S
University of South Carolina Upstate	D
South Dakota State University	D
University of South Florida	D
Southeast Missouri State University	S
Southeastern Conference	D
Southeastern Louisiana University	S
University of Southern California	S
Southern Conference	-
Southern Illinois University at Carbondale	D
Southern Methodist University	D
University of Southern Mississippi	S
Southern University, Baton Rouge	-
Southern Utah University	S
Southland Conference	S
Southwestern Athletic Conf.	S
St. Bonaventure University	S
St. Francis College Brooklyn	D
Saint Francis University (Pennsylvania)	D
St. John's University (New York)	S
Saint Joseph's University	S
Saint Louis University	S
St. Mary's College of California	S
St. Peter's University	D
Stanford University	D
Stephen F. Austin State University	S
Stetson University	-
Stony Brook University	S
The Summit League	D
Sun Belt Conference	S
Syracuse University	-

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Temple University	-
Tennessee State University	S
Tennessee Technological University	S
University of Tennessee at Chattanooga	S
University of Tennessee, Knoxville	S
University of Tennessee at Martin	S
Texas A&M University, College Station	S
Texas A&M University-Corpus Christi	S
Texas Christian University	S
Texas Southern University	D
Texas State University-San Marcos	S
Texas Tech University	S
University of Texas at Arlington	S
University of Texas at Austin	S
University of Texas at El Paso	S
University of Texas, Pan American	S
University of Texas at San Antonio	S
University of Toledo	S
Towson University	D
Troy University	S
Tulane University	-
University of Tulsa	D
U.S. Air Force Academy	D
U.S. Military Academy	-
U.S. Naval Academy	S
University of Utah	D
Utah State University	D
Utah Valley University	S
Valparaiso University	S
Vanderbilt University	D
University of Vermont	S
Villanova University	D
University of Virginia	S
Virginia Commonwealth University	S
Virginia Military Institute	S
Virginia Polytechnic Institute & State University	S
Wagner College	S
Wake Forest University	D
University of Washington	D
Washington State University	D
Weber State University	S

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West Coast Conference	D
West Virginia University	S
Western Athletic Conference	S
Western Carolina University	-
Western Illinois University	S
Western Kentucky University	S
Western Michigan University	D
Wichita State University	D
College of William and Mary	S
Winthrop University	S
University of Wisconsin-Green Bay	S
University of Wisconsin, Madison	S
University of Wisconsin, Milwaukee	S
Wofford College	S
Wright State University	D
University of Wyoming	S
Xavier University	S
Yale University	S
Youngstown State University	S

Dr. EMMERT. Well, the data was made available to all of the memberships. So——

Senator MCCASKILL. I'm talking about to the public. Why didn't you put it on your website?

Dr. EMMERT. I'm not debating the fact. I just don't simply know whether it was not put on the website. The debate was very public. It was, obviously, a very disputed case. It's a very interesting debate. I was quite stunned by some of the argumentation.

So we have the—and one of the things I didn't mention are about changes that I anticipate in the coming weeks. Mr. Branch pointed out something that's part of the Olympic movement, Olympic tradition now, that, in the United States, Olympic athletes have to have a substantial vote and voice in all of the deliberations of the Olympic bodies. I certainly advocate for a model much like that and, indeed, the proposal that's going to be voted on later, in August, will include a full representation of students as voting members alongside the presidents and athletic directors on all of the legislative bodies.

But, we currently do have student-athlete advisory committees that we turn to on all of these issues——

Senator MCCASKILL. Dr. Emmert, that's all great.

Dr. EMMERT. No, but if I might, ma'am. The student-athlete advisory committee advised against putting in multi-year scholarships because they happened to agree with coaches that it was a good incentive for their colleagues to remain engaged. So some universities voted to overturn this because their very own student-athlete advisory committee said, "No, no, no, no, don't give multi-year scholarships. We like 1-year scholarships."

My point is simply, ma'am, it was quite counterintuitive on many levels. And I was quite appalled by——

Senator MCCASKILL. OK. Fair enough.

I would like to talk to those students because I think they probably felt pressure from coaches if they were all student-athletes. I have a hard time imagining that any student thinks it's in their best interest to get a 1-year scholarship rather than a 4-year scholarship.

I'd like to get to handling rape accusations.

Dr. EMMERT. Yes, ma'am.

Senator MCCASKILL. In one of the responses to one of the letters I sent you, you indicated that you provide an online Title IX legal and best practices material and video classes.

My question is: In that material, do you make the recommendation to your institutions that they not be allowed to handle the adjudication of Title IX complaints involving sexual assault against student-athletes?

Dr. EMMERT. I don't know the answer to that.

Senator MCCASKILL. Well, we've done a survey and the results came out today. And I was shocked to find out 30 percent of the Division I, II, and III schools allow their athletic departments to handle the allegations against their athletes. Now, we have a big problem with victims being willing to come forward.

And I assume you've read the long cover story about the investigation that did not occur with Mr. Winston at Florida State?

Dr. EMMERT. I have.



Senator MCCASKILL. That there was no investigation of that allegation. We will never know whether he was guilty or not because nobody ever investigated it because of who he was.

If you're a victim and you know your allegation is going to be handled by the athletic department as opposed to any other student on campus who is handled in a different system, why in the world would you think the process was going to be fair?

Dr. EMMERT. I read your data this morning and I was equally surprised and dismayed by that fact.

I think the concern you're raising is spot on. I think it creates, first of all, an enormous amount of conflicts of interest. I think it creates the kind of enormous apprehension you're describing right now on the part of a victim. As somebody who has spent most of his life on campus and, in several jobs, had responsibilities for campus safety. Whenever I was a president, I had to deal with victims and family members of victims and people who had suffered egregious harm. And I always found it the most difficult problem that I'd ever wrestled with. I think this is something that needs to be addressed. I think your data is shining a very important light on a phenomenon that I think most of the members are going to be very surprised to know exists.

Senator MCCASKILL. Well, I think that, my sense, and I have a lot of questions about transparency of money and about whether or not things are made public. I feel for you, because part of me thinks you're captured by those that you're supposed to regulate but then you're supposed to regulate those that you're captured by. And I can't tell whether you're in charge or whether you're a minion to them.

The notion that you can't forcefully state "I will go after this and I will make sure that no university allows their athletic department to handle a sexual allegation against one of their team members," you know, I don't sense that you feel like you have any control over this situation. And if you have no control, if you're literally a monetary pass-through, why should you even exist?

Dr. EMMERT. Well, I think the reality is that the issue we're talking about here, I don't have a vote on and I don't get to set those policies. I can certainly set the tone on it and I can certainly be someone who voices a very loud opinion and say, "This is not right. This is inappropriate. These are the conflicts that exist when you have a policy and a practice like this on your campus."

When I first took this job, the very first summit I held in Indianapolis was a summit on sexual violence. It was a summit that led to the creation of a working group of experts and not college athletic folks but of experts from across the country to create a working group and a think tank. We're going to be issuing the results of their work this summer as a workbook and a guide to best practices.

I'm now, thanks to your work, going to go in and make sure that this issue is addressed in that handbook. And I'm going to talk to the leadership at our very next meeting in August, about the fact that this is really inappropriate and we need to find ways to make sure that athletic departments are not the ones who are responsible for adjudication of these issues because of all the obvious concerns that you raise.

Senator MCCASKILL. Thank you.

Dr. EMMERT. I couldn't agree more.

Senator MCCASKILL. Thank you. I'm over my time and I'll try to come back. I hope somebody else covers the questions about young people from families that can't afford to even travel to see their children play in the games.

Dr. EMMERT. Yes.

Senator MCCASKILL. Because, meanwhile, the universities are making gazillion dollars off their children but their parents can't even get a stipend to attend the game to watch their child play. There's something wrong with that scenario. And it's going on on college campuses across this country every single week.

Dr. EMMERT. I agree with you.

The CHAIRMAN. Thank you.

Senator Klobuchar.

**STATEMENT OF HON. AMY KLOBUCHAR,  
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. I thank you very much, Mr. Chairman.

And I just want to start with one of my favorite stories of the year; was the coach, the coach, is the coach for the University of Minnesota football team, Coach Kill, who has epilepsy. And, as you know, Dr. Emmert, he had a number of seizures during games, during stressful moments in games. And the University of Minnesota president decided we're not going to get rid of him, we're keeping him on. Our record has been a little rocky, the Gophers. But they kept Coach Kill on. He had to coach from a box. He couldn't coach on the field because of his condition. And during the entire season, he coached from a box. And I was there when we beat Nebraska with him in a box. It was a great moment.

And it was a great story, but it does make me think, as I hear all of this, that that kind of compassion, what was so captivating about that story, was that it kind of defied what had become of so many of these big sports games and the kind of cutthroat competition and how people were treated.

And so, I think what you're hearing up here today is the hope that these are deliverables. These are things that can happen. When you talk about changing the sexual assault policy, making sure the players have the healthcare insurance, making sure that they have the time to do these internships; these aren't like crazy hard things to do. I think they're possible things to do.

And so, what I want more than anything, as I listen to all this, is that we commit. And I know the Chairman will be retired, but he will be here, I'm sure, for this. That we have another hearing whether it's 6 months from now or a year from now to check up on what's happening with these things. Because, these are things that we don't have to pass a law to change, when I listen to some of these commitments and the possibilities.

And I wanted to go with one of the things, and that is what we haven't talked about as much. And that is the issue of the concussions. We've had several players, whether they are at the high school level or at the college level. And I know Senator Tom Udall, I've cosponsored his bill and we've had hearings on this specific topic already. But I understand that there is some work being done

here. I know there's a lawsuit that's going on but I wondered if you could comment, Dr. Emmert, and then I'll ask you, Mr. Rolle, with your medical focus here; just your opinion of it. But if you could talk about what's being done with this issue because I think it's a very important issue for all levels of sports.

Dr. EMMERT. I think it's a critical issue and it's most heavily identified with football, of course, but it's also the leading cause of concussions for young women in soccer, for example. And it occurs in virtually every sport.

There are a number of things going on. I'll be as quick as I can. First of all, as I mentioned in my opening comments, when I first came into the office, I was a bit surprised to find there wasn't a chief medical officer position in the NCAA. So I created that job and we went out and we hired a wonderful doctor, Brian Hainline, who is a neurologist. He has been working unbelievably hard to pull together, first of all, a best science.

One of the big problems is we don't have good science on concussions. It is not as well understood as we all might think. And so, once they've done that, just this past handful of days, they released the first ever consensus among all the medical community on the treatment and the prevention of concussions, especially around football, and new football practice guidelines around contact and a variety of other things. We also signed with the Department of Defense, about 2 months ago, an agreement to do a \$30 million project. We're putting up \$15 million, DOD is putting up \$15 million, first of its kind ever to track longitudinally, young men and women and try and get a legitimate history of the occurrence of and a treatment of concussions so that we understand it better. We're working with all of the youth sports organizations to try and get better practice guidelines, working with the NFL on their Heads UP program to try and get coaches, especially in football, coaches trying to teach young men and boys how to tackle properly.

But we have the same issue with soccer. So there are some soccer coaches, girls' soccer coaches, that are saying now we need to ban any heading until girls and boys are at least 12 years of age. And so, we're looking at trying to lend our support to those kind of efforts. We're making, pardon the pun, headway but the facts are we need a lot better understanding of this disorder and how we can prevent it. I'm pleased with where we are and I'm proud.

Senator KLOBUCHAR. Mr. Rolle?

Mr. ROLLE. Well, part of the reason, actually, why I stopped playing in the NFL to pursue medicine and go into a particular specialty of neurosurgery was because a lot of my teammates having early onset dementia or traumatic brain injury or some of these chronic traumatic encephalopathies, things that you often associate with several concussive episodes. I saw it in the NFL, I saw it in college. And now, as an aspiring neurosurgeon, I would love to add expertise to that discussion.

But I think at the collegiate level, one thing that I noticed in the locker rooms were a lot of my teammates, a lot of fellow athletes of mine, you know, we want to be fast; right? We want to be quick. We want to be nimble. We want to be agile. And so, the protective equipment that we wear, a lot of the guys choose and select equip-

ment that's lighter and maybe not as protective. And so, that might lead to more concussive episodes.

I think education, as Dr. Emmert said, is incredible important. We do have some athletic trainers and doctors that come and speak to us as collegiate athletes and talk to us about the dangers of concussion, but if you are concussed as a player, sometimes you feel pressured and forced to get back on the field as quickly as possible. And then, if you have a risk of getting a second concussion, you're likelihood of getting a third and a fourth, a fifth, goes up exponentially actually.

And so, the pressures and stresses of trying to be on the field, trying to compete, not losing your position all at the same time, as Devon said earlier, if you're not on the field and if the coaches can't see you, you're not exposed, then you perhaps lose your opportunity of getting drafted high and getting to your next level. And so, there are a lot of different issues that go on.

I think one way to address this issue along with education is just to, perhaps, change the culture, change the focus, of big collision, high velocity hits in the sport of football, and the idea that that is a part of the game. It is not a part of the game, actually. If you look at the rulebook, it's just to take a player to the ground, similar to how a rugby is performed, but you see all the highlights and all the exposure on these big, high velocity hits where guys are spearing into another player and that's what gets highlighted, that's what gets celebrated. And I think that's a wrong path.

And so, as I said, hopefully in a few years or so, I can add more knowledge to this discussion. But, from my anecdotal knowledge, it is an issue that's not only in the NFL but also in college and even before that; high school and primary football, as well.

Senator KLOBUCHAR. OK. Well, thank you.

And I'll ask the questions on the record about the internships of you, Mr. Ramsay, because I just thought that was really fascinating when you look at the numbers that Dr. Emmert gave us on what a small proportion of the student-athletes end up going into pro-sports. That's most likely not going to be their career. And they have to have that ability to pursue. And if it's supposed to be 20 hours than we have to find some way to measure that and enforce it so that it's across-the-board. And that's one of the things I'm very interested in hearing the follow-up in a year. And I thank you for bringing that to our attention.

Thank you.

And it also says to go down, as we discussed, Dr. Emmert, yesterday, to the high school level and so that we put some of this in perspective. And I do think there are ways to change cultures. We've changed cultures in this country before and still have great sports games.

Thank you.

The CHAIRMAN. Thank you, Senator Klobuchar.

Senator Nelson, I want to say something about you.

To me, this hearing so far has been a lot of talk about a lot of things which have been around for an awfully long time, which we all think should be solved. But they're not solved, and I think there are very clear reasons for it and that decisionmaking reason is very flawed, fragile and useless.

Florida, which has—everybody recruits from Florida. They have a law which you would know, Senator Blumenthal, that transparency, how money is spent, has to be made public because they have a law. And so, you know, when the contributions and the NCAA comes in and only a small portion goes to education and all kinds of things go to the stadium, that's all available to the public.

And so, I commend them for coming from a state like that. And I just think that's the path for so many answers which we just otherwise seem to be unwilling to deal with. Excuse me.

**STATEMENT OF HON. BILL NELSON,  
U.S. SENATOR FROM FLORIDA**

Senator NELSON. Well, thank you Mr. Chairman.

I think a lot has come out of this committee hearing that should enable and help Dr. Emmert to continue with the reforms that he's trying. Now, so much has been said about so many of these issues. Let me just highlight a couple.

I happen to know because I was mesmerized with Mr. Rolle as a player at Florida State. And for him to do his interview for the Rhodes Scholarship, which was in the South on a Saturday, his president, T.K. Wetherell, had to get special dispensation so that they could get someone to donate a private jet for him that could fly him somewhere in the Northeast when Florida State was playing up here. And, even so, he made it only in the second half. But, the emphasis, you know, that's something that's so common sense that you would want a player to interview for the Rhodes, and yet it was a big deal. And it shouldn't have been.

The fact of so many of these players are coming from families that are dirt poor, and they don't have the opportunities that others do. It seems to me it's common sense. We ought to have stipends or scholarships, whatever you want to call it, so it equalizes the playing field of the financial ability if those student-athletes are contributing to the financial well-being of that university.

So, too, with health insurance. That ought to be common sense. If a player is hurt and that's a career-ending injury, the best of medical care ought to be given to that player. And for it to last for some period of time in the future. And, of course, concussions just to add another whole dimension to this thing. I thought it was very interesting, in another committee that I have the privilege of chairing, we did a hearing on concussions including professional athletes, went down the line on the table and they would not recommend to their children that they play football.

So times are changing. And the NCAA has got to get with the times and so, whatever this committee hearing has done to enable you, as a reformer, to get those schools to give you the votes that you need to do a lot of these things that we're talking about; the family travel. Why should they have to sneak around in the shadows in order to get money to be able to buy a ticket to come to the game and where to stay in a hotel and so forth? I mean, it just defies common sense.

Mr. Rolle, do you want to make any final comment?

Mr. ROLLE. Sure.

One thing that I'd like to say is that when you think about the four-year scholarship discussion and the one-year renewable, a lot

of players that I was on teams with, it kind of felt like it was us versus them. You know, it wasn't a team. We didn't kind of feel like the NCAA was protecting our best interests; was looking out for us wanting, to see us succeed and thrive and flourish—it was almost as if we had to do everything we could to promote ourselves and to better ourselves against this big machine that was dictating and ordering the steps that we took. And maybe that's not true. Maybe there's some miscommunication. Maybe the information was getting disseminated to the student-athletes on the field well enough. But that's kind of how we felt.

And I think another thing is quite bothersome today, going back to the economic issue and economic struggles, a lot of my teammates, as you know Senator Nelson, I mean, come from poor areas in Florida and they come to Florida State as the first person in their family to be a college student. And they don't have a lot of money to lean back on from their families. So that leaves them open and susceptible to some unsavory things.

I mean, there are agents, NFL runners, who would come to our dorms and knock on our doors and say, "Hey, I can take you out to a night club; I can buy you a meal; I can give you a suit to wear; I can take you and your girlfriend out to eat." And then, these players accept it because they don't have much else and then they become ineligible. Then they don't have any opportunity for financial gain in the future by going to the NFL because now, they have a black mark or they just don't play anymore. So then, they end up back in Liberty City, Miami or Polk County, Florida, and that typical perpetuity continues. And it's frustrating and discouraging and I saw it often.

Senator NELSON. That is the exact example that we need to use. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Nelson.

Isn't it not Senator Cory Booker in attendance today? It's his turn to ask a question.

[Laughter.]

The CHAIRMAN. Finally. I apologize.

Senator BOOKER. No, sir. I—

The CHAIRMAN. Look, you could have run for the Senate ten years ago.

[Laughter.]

Senator BOOKER. I don't want to be disrespectful to Senator Blumenthal who I think was here before me, earlier.

Would you like to—no?

Senator BLUMENTHAL. I will ask my questions now only because I have to preside, and if you would yield for five minutes, I would really appreciate it.

Senator BOOKER. I've already been put in my place once. You're more senior than me. I will yield, sir.

Senator BLUMENTHAL. Yes, but you're bigger than I am. So—  
[Laughter.]

**STATEMENT OF HON. RICHARD BLUMENTHAL,  
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Let me thank you, Mr. Chairman, for having this hearing, which very sincerely is, I think, a very important

one, very significant, for the future of academic institutions. I want to thank all of the folks who have come to enlighten us and thank you to Senator Nelson, by the way, for having that hearing on concussions which was very enlightening.

And I want to begin by saying, for what it's worth, I think the law here is heading in a very unfortunate direction, as Dr. Emmert and I have discussed. I think the law is heading in the direction of regarding athletes at universities more and more as employees. And that is because of the growing asymmetry and inequality of bargaining positions, financial benefit, energy, time, sweat, blood, and injury that is involved. That is classically the reason why labor law protections have applied to individuals who potentially are victims of exploitations, whether it's in garment factories or construction sites or universities.

And so, I think the challenge here is to diminish that asymmetry to reduce the inequality and to return truly to the model of student-athletes, which I think many of us want to be the prevailing model but increasingly is not so, and therefore the laws will move to protect them as the NRB ruling reflects. And I say that with regret because I, too, as Dr. Emmert has articulated well, valued that student-athlete model rather than the employee/employer model. But the more the reality is that athletes in effect function as employees, the more the law will recognize that fact. And my opinion is worth what you're paying for it, I'm just a country lawyer from Connecticut. But I sincerely believe that that's the direction of the law.

I want to first ask you, Dr. Emmert, I was absolutely astonished and deeply troubled by the revelation that athletic departments, on many campuses, investigate campus sexual assaults. I'd like your commitment that you will work to change that practice as soon as possible and as effectively as possible.

Dr. EMMERT. You have my commitment.

I obviously want to understand the data more. I simply read a summary. I'm not sure what the facts are on those campuses but, as I said earlier, the data that Senator McCaskill's staff brought forward was shocking to me.

Senator BLUMENTHAL. Well, I am shocked and outraged by the apparent practice on many campuses of, in effect, re-victimizing survivors who may be, in effect, victims.

I want to focus for the moment on health insurance. You know, individual colleges and the NCAA make billions of dollars on the talents of these young men and women. And I want ask you: Couldn't the NCAA offer health insurance for athletes for a certain amount of time after they leave college? That seems eminently fair and in effect making them better athletes and better students while they're there.

So I would ask for your commitment that you will work towards providing for health insurance for these needs and injuries that may extend beyond their playing years on campus or even in professional settings. And I'd like to know what more, assuming you are committed to that cause, what more your organization can do to encourage schools to provide this kind of coverage for its student-athletes?

Dr. EMMERT. Yes, sir.

Well, today, the coverage that exists is provided either by the campus itself or by the student athlete's family. Depending upon university policies that at most of the high resource schools, they provide the insurance so that the student doesn't have to. We need to do several things.

One, we need to make sure, in my opinion, that there aren't co-payment requirements. If a young man or woman, especially from a low-income family, has an injury and all of a sudden they have a \$2,000 or a \$5,000 co-payment that seems grossly inappropriate since it was a sports-related injury. Why should they be on the hook for that? So we need to make sure that we don't have many of those circumstances out there.

We have right now, at the NCAA level, catastrophic insurance so that if there are long-term disability issues, if there are injuries that require treatment over a course of a lifetime, there is a policy in place. We have some individuals that have been on that insurance policy for 20 or more years, and we've taken a number of steps to make sure that that is as strong as it could possibly be. That policy, though, doesn't kick in until you have \$90,000 worth of bills. We need to make sure that, to your point—I'm saying yes, I guess, Senator. You have my commitment.

Senator BLUMENTHAL. I'm glad to hear the yes.

Dr. EMMERT. There are complexities in all this we need to work our way through. But I agree with you that—

Senator BLUMENTHAL. Thank you.

Dr. EMMERT.—no one should have to pay for an injury that they suffered as a student-athlete.

Senator BLUMENTHAL. I welcome and accept your yes to both the sexual assault and the insurance questions. And I would ask further for your commitment that you work with us on sensible legislation that will impose a higher level of responsibility in both areas.

Thank you.

Dr. EMMERT. Certainly.

Senator BLUMENTHAL. Thank you, Mr. Chairman.

The CHAIRMAN. Go ahead.

**STATEMENT OF HON. CORY BOOKER,  
U.S. SENATOR FROM NEW JERSEY**

Senator BOOKER. Thank you, Mr. Chairman.

First of all, I'm grateful. You know, you and I talked about this in my first days as United States Senator; that this was an issue that you wanted to cover and you saw my excitement for doing that. And a lot of that excitement stemmed from the fact that I was, back in the 1990s, an NCAA Division I football player.

And I want to first say, it's very important for me to say, that I probably wouldn't be here right now if it wasn't for that experience. And I am deeply grateful. I joke all the time that I got into Stanford University because of a 4.0 and 1,600; 4.0 yards per carry, 1,600 receiving yards in my high school years, and had lifetime experiences frankly that I could never, ever replace. And it opened up extraordinary doors for me.

And so, we could have a hearing that could go on for hours if not days about all the good things that are happening with the NCAA



and athletes. And so, please forgive me if I'm not giving that appropriate light.

But what concerns me, and what you and I have talked about, Chairperson, for quite some time are the egregious challenges we have.

Now, I want to just publicly thank Dr. Emmert, because he was gracious not only to come here, which he did not have to do, but he actually took special time to come see me as a former NCAA athlete to sit down with me and hear my concerns. And I was taken aback actually that you agreed with me across-the-board. And let me reiterate those, for the record, and make sure that we are in agreement.

So, number one, you agreed it's a big problem that athletes don't get scholarships to get a B.A.?

Dr. EMMERT. Yes.

Senator BOOKER. That is a big problem. We have athletes that pour their lives 40, 50 hours a week and end up having gone through their eligibility but don't have a B.A. That's a problem?

Dr. EMMERT. Yes.

Senator BOOKER. You agree it's a problem that we have athletes, who are often very poor, coming onto college campuses and who are restricted from working? They can't shovel driveways for some extra spending money, can't meet the needs of travel, can't buy toiletries, or clothing. If they're restricted from working, banned from working, that's a problem we have to address, right?

Dr. EMMERT. But a minor correction. They're not banned from working. They can, in fact, work and in many cases do. But the biggest challenge is they simply haven't the time.

Senator BOOKER. So, in other words, they can't work because of whatever reason. You know that's a problem; that scholarships do not cover the full costs—

Dr. EMMERT. Yes.

Senator BOOKER.—at the same time they're being expected, whether by law or not, to work 40, 50, 60 hours a week?

Dr. EMMERT. Completely agree.

Senator BOOKER. That's a problem, right?

You agree that it's a problem that health coverage is inadequate and that we have people, many of whom I know and you know, who have blown-out knees and, even though they've graduated now, they're having to go in their pockets for co-pays and the like to deal with medical injuries that were incurred, really, the root of those injuries stemming from the challenges they had when they were an athlete?

Dr. EMMERT. Yes, I agree that the insurance today is much better than most people think, but there are certainly areas that need to be closed—

Senator BOOKER. It's inadequate and it is costing some athletes thousands of dollars into their lifetimes.

Dr. EMMERT. Yes.

Senator BOOKER. You agree that there's a real problem, still, with time? That, as the two athletes at the end of the table, I know they're not much different than me, but it's not just the practice time.

Guys, how many hours would you show up before practice and get your ankles taped, get treatments? An hour, two hours?

Mr. ROLLE. Yes, sir.

Senator BOOKER. Sometimes 3 hours depending on how bad your injury, your strain is? We have athletes now putting in upwards of 60, 70 hours a week. That's a problem.

Dr. EMMERT. Huge problem.

Senator BOOKER. OK.

And you agree that there is, at least, an issue that has to be dealt with to improve the issue of sexual assault; that has to be improved in terms of the way we investigate?

Dr. EMMERT. Yes.

I think the way we educate young men and young women, and the way we educate people on campuses to handle the issues.

Senator BOOKER. Right.

And this, we didn't cover so it might not be a simple yes or no but, in terms of the due process, when a young man like Mr. Ramsay not even knowing he could get a lawyer, not even getting help, that there are breakdowns in process that are not clear. Would you say that that process could be improved?

Dr. EMMERT. It certainly could, especially on most campuses. Yes.

Senator BOOKER. So I guess I just say to you, Mr. Chairman, not having the time to go through more rounds and deeper questioning, to just say, clearly, this is my problem. This was a challenge for me when I was an athlete, some 20 years ago. And athletes after athletes are going through and facing what I consider the exploitation of athletes.

Let me be very clear. It is exploitation when you have an athlete working 60, 70 hours a week, but yet still not able to afford the basic necessities, not just having your parents fly back and forth but being put in horrible situations where they see their jersey with their name on it being sold making thousands and thousands of dollars, but they can't even afford to get the basic necessities of life. And if they try to sell their jersey for \$50, they then get penalized and lose their—that's exploitation of an athlete.

To me, it's exploitation when you give your body—gentlemen on the end, how many linemen today that played with you that have gone through four, five and six surgeries for their knees?

Mr. ROLLE. Many.

Senator BOOKER. A lot.

Mr. RAMSAY. Yes.

Mr. RAMSAY. Me.

Senator BOOKER. And if they're going into their own pocket, after giving up their knees to make millions of dollars for the university and then the universities aren't even compensating them appropriately, that's an exploitation of a college athlete. That has to be addressed.

If we have guys, like was testified by the two gentlemen on the end, who—I know this because we spent hours. We did the math, my teams, because so many players feel an assault on your dignity; that you're putting 70, 80 hours a week. You're giving up internships. You know more about your playbook. I can still tell you: Stonebreaker, Todd Lyght, Chris Zorich. I can tell you more about

them because that's what I was studying at night—that you spend all of that effort and then your university is not in any way insuring that you get a degree at the end in something like engineering or political science. But they're not honoring the fact that sometimes, hey, when you're working full time you can't finish your degree in four or five years. In fact, when they can lord over you, the removal of your scholarship, because that does still happen. Athletes are still exploited. They blow out their knee. If they somehow don't meet the mandates of a coach, they lose their scholarships. They don't get their degrees.

And so, to me this is plainly and simply the dark side of the NCAA where athletes are being exploited. This is why I love that Taylor Branch is here. Because, occasionally, and you used these words, Dr. Emmert, you used "this may work as a cattle prod to get us moving." This hearing may be a cattle prod. I wrote that word down because I have seen the NCAA move quickly when there is money and reputation on the table.

For example, you mentioned his name, Shabazz Napier. He said on the highest exultation of victory, he said on TV what we know athletes, what coaches know, is a truth. That some guys don't even have the money to buy shaving cream; to eat at night. But he said it on national TV and within 7 days, because of the shame and embarrassment, within 7 days, if I'm correct, the rules changed and guys could actually eat.

Dr. EMMERT. Yes, though I'd like to——

Senator BOOKER. So hold on, because I'm already over my time, sir.

Dr. EMMERT. OK.

[Laughter.]

Senator BOOKER. Let me give you another example. Cam Newton was going through the same problems you were at the same time. His eligibility was being challenged, Mr. Ramsay. Cam Newton, a guy that brings millions of dollars into a university and his adjudication happened quickly. Yours did not. You're not a name athlete. Your name isn't on jerseys and the like, and so it didn't.

So what I want to say in conclusion, Mr. Chairperson, and really why I love that Taylor Branch is here because he wrote one of the more seminal books of my life about the Civil Rights movement, that when there's a class of individuals who are being exploited and there is millions and millions of dollars being brought in and guys can't even afford healthcare, can't afford to finish they degrees, than we have a problem. And I respect Dr. Emmert in saying: We are going to try and address that but where is the urgency that this has been going on decades in America? And so, I don't trust, like the Supreme Court when they said we're going to integrate schools. They said do it with what? All, what kind of speed?

Mr. BRANCH. Deliberate.

Senator BOOKER. All deliberate speed.

And it took them a long time to get around to doing the right thing by people.

Well these aren't just people, these are young people in the United States of America. And we can't afford to wait for all deliberate speed. There has got to be some level of accountability for fast action on things that the head of the NCAA says is a problem.

Next season, when football season starts, there are going to be kids suffering from the same list of unfair things that somehow, someday will be addressed. So I think we need another hearing with the real rulemakers, with college presidents lined up here, to ask them how fast they are going to address the exploitation of college athletes.

Mr. Chairman, thank you.

Senator COATS. Well, Mr. Chairman, could Dr. Emmert respond to that?

The CHAIRMAN. No, I have a sacred obligation to Senator Ayotte. She is next.

**STATEMENT OF HON. KELLY AYOTTE,  
U.S. SENATOR FROM NEW HAMPSHIRE**

Senator AYOTTE. Thank you, Mr. Chairman. I appreciate it.

Let me just say up front on this issue of athletic departments investigating sexual assault allegations—it is ridiculous. You’ve got to get up and fix that right away.

I am a proud graduate of the Penn State University, and it was so troubling and disappointing to see what happened at my own university. I love the university, but the athletic department is not where you handle these kinds of allegations, so you’ve got to fix that, Dr. Emmert. Walk out this door and fix this.

I’m troubled when I hear some of the testimony today. Senator Blumenthal asked about the change to an employer/employee model. We’ve talked about compensation potentially for athletes today. I don’t want to see any athletes mistreated. I want them to be able to have a quality of life that’s important as they serve and get the education and be able to be an athlete; the student-athlete model.

But, as I think about what, for example, the NLRB did in its ruling, I know it applies to private universities allowing unionization at Northwestern, and I think about this compensation model, the employer/employee model. What does this do in terms of the schools where we’re not talking about the top athletes that may go on, that are the non-revenue generating sports? And what will that do to women’s athletics?

If we start down the road of a compensation model, what will happen in our schools in terms of the schools or the sports that aren’t at the top. You can sell the jerseys, you can make money, but they are still very important to student life. And when I think about Title IX and women and the opportunities women have gotten because of Title IX, if you’re on campus and this suddenly becomes an employer/employee-type model, what does that do for the women’s sports if they’re not revenue-generating? And how do we sustain them if this model changes?

So it’s a big question but I would like you all to comment on it because I want to make sure that our athletes are treated well.

And certainly, Mr. Rolle, what you’ve done, it’s really inspiring.

And thank you, Mr. Ramsay, as well for your inspiration in being here. But there’s a whole category of athletes that weren’t quite at your level but are participating in college sports. And it has been an opportunity for them to get an education. And for women, as well, that are at your level but don’t generate the same amount of

revenue. And I want to make sure that women continue to have the same opportunity that they've had because of Title IX. So if you could comment on that, I'd appreciate it.

Dr. SOUTHALL. I would love to comment on that. I think it's not a zero sum game. If some athletes are profit-athletes who have a higher market value than the cost of their grant and aid, then we should treat them differently than athletes who are not profit athletes. It's not either/or or they must be. If they're employees, as the NLRB found, then we should treat them as employees. That does not mean that college athletics or athletes in the other sports, women, or anything, it doesn't—

It's not an either/or.

Senator AYOTTE. Can I tell you, Doctor, my university said that if the unionization rule were applied, the University of New Hampshire, they feel like this is actually going to diminish the athletic program. It would diminish it for women, and it will diminish it for non-revenue generating sports. So I understand what you're saying but that's sort of not what I'm hearing from some other universities.

Dr. SOUTHALL. Well, I would say that probably a university president, by the name of Chicken Little, might have been the first one to say that because the sky will not, in fact, fall.

By denying profit-athletes just compensation in the market, does not preclude colleges and universities from supporting intercollegiate athletics as an educational opportunity. If they're employees, then they should have all the rights of employees. Title IX does not apply in an employee setting.

Senator AYOTTE. Well, I would like to see what Mr. Bradshaw has to say about what I just said as well. Thank you.

Mr. BRADSHAW. We probably don't have time, but I certainly like to hear that model that works. I believe it's going to be devastating to all those student-athletes including women who don't produce revenue; who aren't seen as athletes or students who create that revenue. I really would like to see that model work because, as we all know, that's going to mean those who can afford to pay for that will and those who can't won't.

Senator AYOTTE. Thank you.

Dr. SOUTHALL. Again, if I can reiterate, and I appreciate the question. I'm trying to articulate as clearly as I can. If the athletes are, in fact, employees then we have a moral obligation and an obligation under the law to treat them as such. If they're not, does not preclude them from participating. Title IX does not have to be held hostage by this because we're only talking about 5 percent of the athletes.

Senator AYOTTE. So, I know my time is up and I know others have to ask questions but—so we're just going to have a distinction. So some will be employees and some will be student-athletes?

Dr. SOUTHALL. They already are employees.

Senator AYOTTE. I don't know how that works.

Dr. SOUTHALL. They already are employees.

So by being open and honest about what we are using and exploiting these athletes for, honesty is a very good thing.

Senator AYOTTE. So as a woman athlete, if I'm not a revenue generating athlete, then I'm not going to be eligible for this em-

ployee/employer relationship. And so, then there's sort of a second category of athletes on campus.

Dr. SOUTHALL. They already have that.

Senator AYOTTE. That bothers me.

Dr. SOUTHALL. We refer to them as revenue-athletes right now in revenue sports and Olympic sports. And that's fine. It does not mean that if we compensate athletes according to the market that everyone else has to go away. That is not what has to occur at all.

Senator SCOTT. Mr. Chairman?

Dr. SOUTHALL. So if the universities find that that opportunity is very important, they will support it. They will support it. I see no way that women's athletics or Olympic athletics is going to go away. It's not going to happen. It just isn't.

Senator SCOTT. Mr. Chairman?

The CHAIRMAN. Senator Scott.

**STATEMENT OF HON. TIM SCOTT,  
U.S. SENATOR FROM SOUTH CAROLINA**

Senator SCOTT. Thank you.

Dr. Emmert, as I listen to Kelly's questions about the cost structure and the likely impact of creating unions, ultimately the cost structure itself would have impact in universities and have impact in athletic programs. I just wonder how significant that impact would be.

And let me say this before you answer the question, you think about your answer.

To Mr. Southall, it's good to have you here from Columbia, South Carolina. I would be remiss if I didn't point out that at least you're a Gamecocks fan. I like that a lot, being a South Carolina fan myself.

I will tell you that my story is very different than Cory's story, and you've got these Rhodes Scholars on the end who have done very well academically. And I'm very proud to see their success off the field as well as on the field. I will say that my story, I think, really shows a little more about my perspective and why I am asking the questions I'm asking about the cost structure.

I'm a kid that grew up in a single-parent household. Had it not been for football I would not have been able to afford to go to college at all. I played football for just a year in college and earned a Christian Leadership Scholarship which took me to a different school. And I realized the responsibilities and the burden of practice before and after classes and the challenges that I faced, and made a decision to go to a different route.

But the fact of the matter is, had it not been for that scholarship opportunity, I would not be sitting here today because I would not have had the opportunity to finish, or even start, my education. So when I think about—now I went to a small school, Presbyterian College—NAIA—back in the day. So when I think about the impact of this conversation on athletes that are not in those top tier schools, there is a significant unintended consequence that I think we are looking at that Kelly really brought to the surface that is hard to deny and perhaps even harder to figure out how to fix.

Dr. EMMERT. Well, I happen to agree with you.

I think that the implications of converting a student-athlete model to an employee/employer model would utterly transform college sports into something that doesn't begin to look like what it looks like today. With all due respect, I completely agree with Dr. Southall's interpretation of all of this.

If you simply look at the definition of an employee, as has been provided by one NLRB administrator, if a student is receiving a scholarship and additional benefits, it amounts to compensation. If they are working more as a student-athlete than they are in their academic work, then they're working. If they are subject to the oversight of a coach, then they have a boss. I'm not a labor lawyer but that's, in summary, the definition of a student-athlete. That would apply to virtually every student-athlete that has a scholarship; man, woman, doesn't matter.

You know, a woman soccer player—the difference between a women's basketball player and a men's basketball player isn't that the men's basketball player works harder. It isn't that they're more or less talented. The only difference is a single difference and that is there are more people in the stands. That's it in terms of their time commitment, their competitiveness, everything. The difference is one plays in front of a lot of people and one doesn't. The difference between a volleyball player and a soccer player is exactly the same. The only difference is whether they're playing on TV or whether they aren't.

Senator SCOTT. Yes, sir. And I want—

Dr. EMMERT. So that completely—

Senator SCOTT. You're going to have to wrap it up a little bit.

Dr. EMMERT.—changes the relationship. As Dr. Southall pointed out, Title IX has nothing to do with employee/employer relationships. So Title IX would have nothing to do with any student-athlete who is no longer a student-athlete, who is now an employee, including a women's basketball player. It would be an irrelevancy for college sports.

Senator SCOTT. Quick question for Mr. Bradshaw.

I know that you played sports a couple of years ago. I think it's five or seven years ago, I think it was.

Mr. BRADSHAW. Thank you very much.

Senator SCOTT. Yes, sir. I can't read my notes but I think it says four or five years ago.

Mr. BRADSHAW. There you go.

Senator SCOTT. Not 45.

But my question is, as you've had a lot of experience and you've looked at this opportunity as well as the challenges that come with the opportunity from multiple angles, what kind of progress have you seen over the last three decades or so? As we wrestle with some of the challenges that are going to be future challenges, and certainly are present challenges, sometimes we miss the progress that we've made along the way.

Mr. BRADSHAW. And certainly, all of us think we can do better. There's no question about it, and we spend most of our time—

Senator SCOTT. And we should. And we should.

Mr. BRADSHAW.—talking about how we can be better and not patting ourselves on the back. But I would just say, as a former assistant coach back in the day and head coach and student-ath-

lete, that it's night and day; the changes, the quality of physicians, trainers. I mean, we didn't know what a dietician was as student-athletes or head coach. I mean, the changes are enormous. They're compelling.

And I think one of the things I would recommend that you get some student-athletes to talk to, that there's a balance. Obviously, there are outliers. There are some horrible stories that have happened and none of us, none of those is too many whether it's assault or date rape or whatever it might be. But I would love to see a panel of student-athletes come in and talk about everything; a balanced panel of that. It has been significant and are across the line.

And I'm retired now. I can talk about it very objectively and not be concerned about a college president or a faculty or a board of trustees. It is really just an incredible profession that we're in, the changes that the NCAA are trying to make. And again, Mark has got to deal with votes, he's got to deal with the institutions, the college presidents, the board of trustees who pressure the college presidents. I think you've got something when you want to bring the presidents in here. I think that would be a good move and something that could help everyone. But the changes that have happened, they are just, you know, by leaps and bounds particularly even in the last decade.

Senator SCOTT. Final question, Mr. Chairman? Do I have time for a final question?

The CHAIRMAN. Sure.

Senator SCOTT. To my Gamecock fan, Dr. Southall. As you look at the opportunity for collective bargaining and its impact on the academic environment, realizing that most institutions' primary objective really is to cultivate an environment that is conducive for academic achievement. What do you see as the potential impact of the collective bargaining opportunity, though I have grave concerns with it personally, on college campuses and its impact on that academic environment? Or, do you see one?

Dr. SOUTHALL. I don't see that it would have any effect.

Senator SCOTT. Good enough. Good enough.

Dr. SOUTHALL. No.

Senator SCOTT. All right. Thank you, sir.

The CHAIRMAN. OK.

Senator SCOTT. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Coats, I know the question you want to ask and Mr. Emmert has answered most of those questions. And I know you feel a duty to ask the question but there isn't going to be a second round. I'm going to make a closing statement, and then at 5:15 we will be through this very long hearing.

I want to say this: I have two impressions. One of them is superficial and the other, I think, is worrisome, of this hearing. And I want each of you to either agree or not agree with me as kind of your closing statement. That on one level, this has been an open conversation. We've brought up all kinds of issues and those issues have been discussed to a small degree or a large degree. But my real feeling from this hearing is that we haven't accomplished much, and that people have laid down their, sort of, protective—



I'm not talking about you two gentlemen. But that there has been, sort of, a self-protection mode either for oneself or on behalf of others.

Your point about getting the board of trustees in, that would be kind of interesting because they do have a big influence over college presidents.

But all I know is, coming out of this hearing, that I don't think I've learned anything particularly new except some anecdotes that I haven't been hearing for 50 years, which is how long I've been in this business. And that the answers, you know, of course there's progress. Of course there's progress on concussions and of course there's progress in other things, but is it in any way concomitant in an effective progress to what we should have been doing—all of us including this committee and this Congress—by exercising our oversight rights?

The head of the NCAA at one point said, well, one of the things I did was to make sure that—and I forget what the example was but it was the statement I got something done. I don't believe that. I don't believe that.

I think that the system is rigged so that you are separated from the possibilities of getting something done except as you testify or, you know, you probably couldn't write articles. You'd probably get blowback on that. But I don't think you have the power and I think it's constructed for that purpose. I'm cynical. I'm cynical about it.

It's too easy to have to complain in Senate hearings about, or any other kinds of fora, what progress has been made. Of course there's always progress that has been made but does it keep up with what needs to be done? And the answer is absolutely not.

And this country is now so soaked in the culture of ESPN, plus I guess a couple of other stations, and watching football, baseball, world's soccer, all the rest of it. I mean, my own view is it's undermining our values. I'll tell you one thing for sure, I think it's undermining our commitment to education.

And Dr. Southall, I think that you're talking about the different ways of jiggering the students, who are athletes, actually doing a better job academically than those who aren't. It was said by the head of the NCAA that that was true. And it was also in his testimony. I don't believe that. I just don't believe it. Now I may be wrong, but this and then the different formulas you use—it's very interesting to me and something I'd like to know more about.

But to me it has been, in essence, an important hearing but not one which points to progress, because I think everybody is going to leave this hearing and they're going to go right back. I'm not. I don't think Senator Booker is, and I don't think a bunch of others are—go back to doing what they do. But we got that one out of the way. No harm there. Nobody did themselves any great damage. Congress doesn't usually follow through. Congress doesn't get that much done. That happens to be true for the last three or four years.

And then, there's always the question of getting people from, you know, either trustees or heads of colleges and universities from states, and then members here co-related to that might not want to have that happen. I mean, the world works in ways that protects itself, but this is a particular ugly one.

The question of rape and having—I mean, I voted not to allow the Department of Defense to settle rape questions. I think that's ridiculous. It passed. What I didn't want to pass, passed by a margin but it was not a great margin. So yes, that's progress. But what we want to do is get there, and I don't have a feeling that we're on that path.

I think this hearing symbolizes that we might be, but the substance is that we probably won't be. React to that, anybody who wants to then I'm going to close the hearing.

Mr. BRANCH, I think you had something.

Mr. BRANCH. Well, Senator, I think that some differences have been, I mean, there are big differences here between talking about the way things work and how to reform and the whole underlying structure. Frankly, I think some differences have been diminished.

I agree whole-heartedly with one thing Dr. Emmert said, which is that a lot of these economic restrictions in the NCAA rules, if they were vacated, as Senator Heller's—or abolished or somehow vacated for athletes as they were for coaches, it wouldn't make a particle of difference for 90 percent of athletes. A small athlete, recruited at a small Division III school, would be able to ask for better health coverage or a salary and the university, the little school, would be free to laugh at them and say we don't do it. You know, go somewhere else. Just like if the piccolo player said, "I want to be paid to march in the band."

The schools are free to bargain that way but it wouldn't make an enormous difference in precisely these 65 schools that we're talking about where there is gigantic money if an athlete can bargain at recruiting for better healthcare coverage for more time to study or for a longer scholarship. It would change things because right now the model is that the schools do that solely at their dispensation.

I mean, the coaches in these big schools even want to give money out of their own pocket to players, like a tip, because they know that they don't have enough money to eat. So a model that recognizes that these athletes are trying to manage two very demanding careers at once that are in separate spheres, it is a step forward.

But right now, to me, the least hopeful thing I heard today is that we are looking to these same 65 schools that are the most commercialized as the engine of reform in the NCAA. I really don't see that. They may give higher compensation, they may give more tips, but they're the ones that created most of these problems in the first place. And I don't think that the big schools are going to do anything other than be driven more and more by the market in athletics and, quite frankly, those schools exploit their athletes both as players and as students. Because I go around all of these big schools and the athletes. They're pushed into certain majors that are easy. They are not allowed to take certain courses. So the sad thing to me is, I think, that some differences are outlined and may be diminished, but I don't see the big 65 schools as an engine for much reform in the future because their record doesn't show that.

The CHAIRMAN. Any other comments?

Senator COATS. Mr. Chairman, I had asked before——

The CHAIRMAN. I know. You want to have Mr. Emmert be able to reply to everything that Cory Booker said.

Senator COATS. No. Well, I just think he deserves the opportunity to do that when someone takes an extra five minutes, and Senator Booker had every right. And he's most passionate about what he said, but he leveled some accusations at the NCAA. I think they at least deserve to be able to respond to that.

The CHAIRMAN. And he'll have ample chance to do that. I have bent over backwards, annoyed some of my members, to give you a particular break because you come from Indiana where NCAA is headquartered. And I've done that.

Senator COATS. Well, I don't think you gave me a particular break. I was the first one here and that's the normal procedure and I had my 5 minutes—

The CHAIRMAN. If you hadn't been, you made it very clear to me on the floor that you wanted to be able to be the first one to ask the questions, and I said, "That's OK. Clear it with Senator Thune."

Senator COATS. But then I said I'll be the first so that you don't—

The CHAIRMAN. Yes, but you also—so I'm not going to bend on that. This is the closing statement. And Mr. Emmert is free to answer in any form that he wants. He can write every member of the Commerce Committee a letter.

Anybody else want to say anything?

Dr. SOUTHALL. I've spent the last 15 years of my professional career examining intercollegiate athletics. And after this hearing today, I, like yourself, am very disheartened because I'm not sure that we collectively are willing to take a cold, hard, objective look, informed by research and informed by data at the collegiate model of athletics.

The CHAIRMAN. All right.

That being said, I want to thank everybody for this. This has been a long and interesting hearing. Everything is a first step, as Neil Armstrong said. We got a lot of steps to make, and as others have pointed out, the world is changing.

You know, it's like that Jackie Robinson, 42, movie. And the player comes in and he says "I want to be traded." And then, a couple weeks later he comes back and says "I don't want to be traded."

"Well, you willing to play with Robinson?"

He said, "Well, look. The world is changing and I can change too."

Now I think there's an element of that in all of this progress; it has its own varieties, its own sort of beauties. And I think there has been progress.

My question is that, for my entire adult life, I've been hearing about this and there are still so many problems that I think calls into question the way the decisions are made and carried through within the upper ranks of the football and basketball community. And that's on my mind, and I'm Chairman, so I'm going to say that. And I'm also going to say that is the last thing I'll say and this hearing is adjourned.

[Whereupon, at 5:20 p.m., the hearing was adjourned.]



## A P P E N D I X

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
*Indianapolis, IN, August 4, 2014*

Hon. JOHN THUNE,  
Ranking Member,  
Senate Committee on Commerce, Science, and Transportation,  
United States Senate,  
254 Russell Senate Office Building,  
Washington, DC.

Dear Senator Thune:

Thank you for the opportunity to testify before the Senate Commerce Committee during the July 9, 2014 hearing, "Promoting the Well-Being and Academic Success of College Athletes."

I have provided below some supplemental information following up from the hearing and would greatly appreciate having it submitted for the record.

### *Academics*

1. Graduating from college is as important an achievement as winning on the field. The NCAA embraces its role in providing student-athletes the skills for what comes next in life. The NCAA's commitment—and responsibility—is to give young people opportunities to learn, play and succeed.
2. More than eight out of 10 student-athletes will earn bachelor's degrees. More than 35 percent of Division I student-athletes will earn postgraduate degrees.
3. The NCAA and its member institutions accomplish this in part by setting standards to make sure incoming student-athletes are prepared for college coursework and by tracking their progress-toward-degree once they are on campus.
4. Each year, the NCAA releases report cards for each Division I team every year called the Academic Progress Rate (APR). If half or more of the student-athletes are not on track to graduate, that team is ineligible to participate in postseason play. That is how seriously the NCAA and its member school take their commitment to academics. Teams can also face penalties for low academic performance.
5. Now in its 10th year, the Academic Progress Rate has redefined the student-athlete experience, from when prospects are recruited in high school to their progress semester by semester on campus. Because they have a near real time academic measure, coaches and administrators now know when teams might be struggling academically and can take immediate steps to address the situation.
6. Approximately 13,000 student-athletes have returned to school to finish their degrees since APR was formed.
7. The NCAA also calculates and releases the Division I Graduation Success Rate (GSR) and the similar Division II Academic Success Rate (ASR) each year.
8. The NCAA graduation rates are more accurate than the Federal graduation rate because they account for transfer students and those student-athletes who leave in good academic standing, such as those who leave college to play professional sports.
9. Even when using the Federal graduation rate, NCAA student-athletes graduate at higher rates than their peers in the general student body.

### *Health Insurance for Student-Athletes*

1. Member institutions are required to certify that all student-athletes have insurance for athletically related injuries. That insurance must have limits

equaling the NCAA Catastrophic Program deductible, at a minimum. Insurance coverage must be in place before a student-athlete can practice or compete.

2. The NCAA's catastrophic insurance plan covers medical costs over \$90,000 to ensure injured student-athletes have access to the care they need. During championships, the NCAA provides insurance coverage for all injuries.

### **Division I Reforms**

#### *Past Reform Efforts*

In the past three years, including in recent weeks, Division I members have made a number of other changes benefiting student-athletes, some of which are clarifications of practices that have been in place, some new policies and others that will be effective soon:

1. Schools may provide student-athletes with multi-year scholarships and may provide institutional financial aid to a former student-athlete for any term in which he or she is enrolled.
2. Schools may provide meals and snacks to all student-athletes (scholarship and non scholarship) at their discretion as a benefit to participation in intercollegiate athletics. The meals proposal was developed by the Rules Working Group over an 8-month period beginning in December 2012. The proposal was sponsored by the Division I Legislative Counsel in October 2013 for consideration by the membership during the 2013–14 legislative cycle. The proposal was sent out for Division I membership comment in January 2014 and was adopted by the Division I Legislative Council in April 2014. The meals proposal takes effect on August 1, 2014.
3. Qualifying student-athletes who cannot transfer and play immediately without a waiver are allowed a sixth year to complete their four years of eligibility.
4. Clarity that student-athletes and college-bound student-athletes may work at camps and clinics for compensation without concerns about impermissible benefits.
5. In addition to mandatory general academic counseling, tutoring services and a life skills program, schools may provide their student-athletes academic support, career counseling and personal development services that support the students' success as supplements to classroom and athletics activities.

#### *Current Reform Efforts*

1. The Division I Board of Directors is considering a new governance structure to allow the division to be more streamlined and responsive to membership needs throughout the division, particularly those of student-athletes. Student-athlete voice and vote will be emphasized in the new governance model, a concept universally supported by membership comment and discussions. A comprehensive review of the structure was launched in January 2013.
2. Coaches, student-athletes, faculty athletics representatives, athletics directors, compliance professionals, and presidents and chancellors all have a voice in the Division I reform dialogue. This underscores that everyone involved in college sports needs to help improve it.
3. There have been challenges in governing under the current structure since there is such great diversity (resources, mission, size, student body make-up) among the 346 schools and 32 conferences in Division I.
4. Following the Division I Governance Dialogue, attended by more than 800 members at the annual NCAA Convention in January 2014, the presidents and chancellors on the Division I Steering Committee on Governance began narrowing choices for a new structure.
5. The proposed governance model was presented and endorsed by the Division I Board of Directors in late April and has been sent out to membership for feedback, bringing the Board closer to approving a new governance system in August. Key areas of the proposed model include:
  - a. Division I would continue to be led by a Board of Directors, composed primarily of university presidents but adding a student-athlete, a senior woman administrator, an athletics director and a faculty athletics representative. These additional individuals all would be voting members of the Board.
  - b. The Board of Directors' top responsibilities would be oversight and strategic issues, including guiding the overall direction of the division and ensuring

that rules continue to adhere to the mission and principles of the organization and support student-athlete well-being.

- c. A 38-member council would be created (composed of athletics directors, other campus and athletics administrators, two voting student-athletes and four voting conference commissioners), which would oversee much of the Division I day-to-day policy and legislative responsibilities. This group would make the final decision on specific rule changes. For example, the recent change allowing schools to provide meals and snacks to all student-athletes (scholarship and non-scholarship) at their discretion as a benefit to participation in intercollegiate athletics would go to this council in the future.
- d. The restructured governance model would provide the five conferences (Atlantic Coast Conference, Big Ten, Big 12, Pac-12, Southeastern Conference) autonomy to make rules on specific student-athlete well-being matters. Division I members not in these conferences will have the opportunity to take similar action.

#### *Division I Rulebook Changes*

Some of the most significant recent reforms to the Division I rulebook include:

1. Student-athletes may receive competition-related expenses from qualified sponsors.
2. New rules allow for open communication between a school and a student once the student has committed, promoting stronger relationships between coaches and students.
3. Student-athletes and college-bound student-athletes may work at camps and clinics for compensation.
4. Schools, conferences, and other groups may pay travel expenses for a student-athlete to receive awards not affiliated with the school.
5. Schools may provide reasonable entertainment and pay expenses for student-athletes representing the school in practice, competition and noncompetitive events. Schools may also pay expenses for student-athletes involved in national team tryouts, practices and competitions.
6. Scouting rules are simplified by prohibiting live scouting of opponents, except in limited circumstances.

#### **NCAA Revenue Distributions**

1. Sports Sponsorships and Grant in Aid Funds—\$188.3M
  - a. This fund assists Division I schools with the continuation of the sports they sponsor at the varsity level and scholarships for student-athletes.
2. Basketball Fund—\$188.3M
  - a. The basketball fund payments are made to conference offices and independent schools based upon a rolling six-year average of performance in the Division I men's basketball tournament.
3. Division I Championships—\$97.4M
  - a. The resources allocated to Division I championships include support for team travel, food and lodging for the student-athletes participating, and ancillary events at championships.
4. Student Assistance Fund—\$73.5M
  - a. This money is intended to help Division I student-athletes with essential needs that arise during their time in college. These funds are available to pay for costs associated with family emergencies; clothing and other essentials; academic supplies; and medical and dental costs not covered by another insurance program. It can also be used for educational purposes, such as enrolling in summer school.
5. Academic Enhancement Fund—\$25.1M
  - a. A companion to the Student Assistance Fund, the academic enhancement fund is intended to enhance academic support programs for student-athletes at Division I schools.

6. Division II and III allocations—\$63.2M
  - a. The NCAA allocates funds to Division II and Division III to support grants, student-athlete services and programs. It also funds championships including game expenses, meal allowances and team transportation, and supports other initiatives including grants, student-athlete services, and programs.
7. Other Division I distributions—\$43.7M
  - a. The NCAA Division I Board of Directors and Executive Committee approved a supplemental \$43.7 million distribution to Division I schools, which was available due to revenues exceeding expenses for the Association's 2011–12 Fiscal Year.
8. Conference Grants—\$8.5M
  - a. These grants are used to implement conference-level programs in five specific categories of focus. These include officiating programs, compliance and enforcement, enhancement of opportunities for ethnic minorities, and heightening awareness of drug and gambling education programs.
9. Student-Athlete Services—\$57.8M
  - a. The NCAA invests this money each year in a variety of student-athlete-focused areas. These include health and safety, catastrophic injury insurance, drug testing, and leadership development. This money also funds several NCAA scholarships, including postgraduate scholarships for former student-athletes pursuing master's degrees, doctorates or other advanced degrees. In addition, money from this fund supports the NCAA Honors Ceremony and the Woman of the Year award.
10. Membership Support Services—\$27.7M
  - a. While NCAA rules are proposed and approved by NCAA member schools, those same campuses often turn to the NCAA to help interpret and enforce the rules fairly across the Association. To assist with this work, the NCAA dedicates significant resources to the governance process, including committees and the NCAA Convention, in addition to training for campuses and national office support.
11. Educational Services—\$4.7M
  - a. The NCAA offers training and educational services to members and student athletes on a regular basis. These funds support various programs, including the Women's Coaches Academy, the Pathway Program, Emerging Leaders Seminar, and the annual NCAA Convention.
12. Other Association-wide Expenses—\$27.9M
  - a. A portion of the NCAA budget is allocated to other association-wide expenses that support member schools and the overall association, including legal services, communications and business insurance coverage.
13. General and Administration Expenses—\$40.7M
  - a. To fund the day-to-day administration of the NCAA and its national office, these expenses cover the cost of central services and initiatives at the national office, including administrative and financial services, operations, information technology, facilities management and executive.

Again, I very much appreciate your willingness to make this NCAA-provided information part of the hearing record. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

MARK A. EMMERT,  
*NCAA President.*

MAE:clk





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