

Kristen F. Soares  
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April 12, 2017

The Honorable Kansen Chu  
Chair, Assembly Arts, Entertainment, Sports, Tourism and Internet Media Committee  
Legislative Office Building  
1020 N Street, Room 152  
Sacramento, CA 95814

**RE: AB 1435 (Gonzalez Fletcher): The Athlete Protection Act**  
**Position: Oppose, as introduced February 17, 2017**

Dear Chair Chu:

The Association of Independent California Colleges and Universities (AICCU) respectfully opposes Assembly Bill 1435 (Gonzalez Fletcher), which would create the Athlete Protection Commission to oversee protection of student athletes participating in intercollegiate athletic programs offered by California colleges and universities. The Act would charge the Commission with specified duties related to the protection of these athletes and would subject individuals who commit violations of the act to penalties, which may include civil liability or a temporary or permanent prohibition from employment at institutions of higher education pursuant to regulations adopted by the Commission. The Act would also require an athletic conference, and a California higher education institution with an intercollegiate athletic program that does not belong to an athletic conference, to pay regulatory fees to fund the Commission.

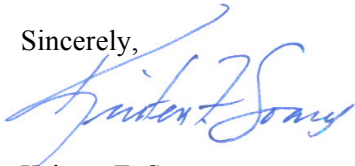
AICCU is the sector organization for 79 WASC-accredited, nonprofit colleges and universities. AICCU institutions educate 188,000 undergraduate students, and 144,000 graduate students each year. We have a number of concerns with the provisions of AB 1435:

- AICCU institutions play in several athletic associations including: the National Collegiate Athletic Association (NCAA); the National Association of Intercollegiate Athletics (NAIA); a small subset play in either the NCAA or NAIA; the National Christian College Athletic Association (NCCAA); and across their division/conferences. The governing bodies in these athletic conferences intentionally set different regulations for different divisions and types of schools, making it impossible for the Commission to set uniform standards that are applied to all types of institutions. This would result in an institution being penalized for not meeting standards that were not appropriate for the type of institution or types of sports in which the campus competes.
- The Commission structure and oversight also poses a problem with the current implementation date of February 18, 2018. If the bill were to not take effect until January 1, 2018, it would not be practical to have the commission up and running in one month. Additionally, the Commission excludes the expertise of individuals who have worked in college athletics, within the last 10 years, and there would also be no way to revise or appeal the decisions and guidelines established without the needed expertise of these individuals. The Commission would also be authorized to review individual medical records; however, these are protected by the Federal Health Insurance Portability and Accountability Act and Family Educational Rights and Privacy Act.

- The powers of this new Commission are wide-ranging, with duties that include oversight of health and safety, academic performance, practice time, and sexual assault. This would be duplicative and perhaps conflicting with other organizations, such as the Federal Office of Civil Rights and the NCAA, which have oversight of these subject areas.
- The Commission would have the ability to impose fees to cover the cost of the Commission, without a cap on expenditures, as well as the ability to impose penalties, also without a cap. As tuition dependent institutions without state funding, AICCU campuses would be forced to raise tuition or otherwise divert existing funds from student services to fund this Commission. For those campuses that play in either the NCAA or the NAIA, and the NCCAA, if all Associations were charged, small Christian colleges would be forced to pay twice to the Commission.
- The employment prohibitions listed in the bill could prevent personnel of any individual who is “contracted with an athletic association, an athletic conference, or an institution of higher education” from ever working in *any* California college or university in any capacity. This would be a far harsher penalty than for any other individual in the state of California.
- Because the bill would only apply to campuses within California, this could create an unlevel playing field and a competitive disadvantage for California’s student athletes with athletes and programs in other states.

AICCU campuses are deeply committed to the well-being of their student athletes; however, for the above reasons, AICCU must respectfully oppose AB 1435.

Sincerely,



Kristen F. Soares  
President

Cc: Assembly Member Lorena Gonzalez Fletcher  
Members, Assembly Arts, Entertainment, Sports, Tourism and Internet Media Committee  
Dana Mitchell, Chief Consultant, Assembly Arts, Entertainment, Sports, Tourism and Internet Media Committee  
Barbara Gausewitz, Consultant, Assembly Republican Caucus