

Kristen F. Soares  
PRESIDENT



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June 20, 2017

The Honorable Jerry Hill  
Chair, Senate Business, Professions and  
Economic Development  
California State Assembly  
State Capitol, Room 5035  
Sacramento, CA 95814

RE: AB 1435 (Gonzalez Fletcher), as amended May 30, 2017  
Position: Oppose

Dear Senator Hill:

The Association of Independent California Colleges and Universities (AICCU) respectfully opposes Assembly Bill 1435 (Gonzalez Fletcher), as amended May 30, 2017, which would create the College 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.

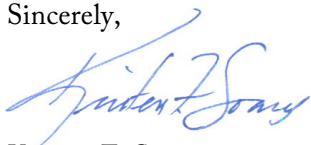
AICCU is the sector organization for 79 WASC-accredited, nonprofit colleges and universities. AICCU institutions educate 188,000 undergraduate students, and 144,000 graduate students each year. We continue to have a number of concerns with the provisions of AB 1435:

- 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 has subpoena powers under this bill; however, the Federal Health Insurance Portability and Accountability Act and Family Educational Rights and Privacy Act protect student records from being shared except under very narrow circumstances.

- 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. There are concerns as to how the fee structure would be triggered (student athletes or number of coaches), how the fees are to be paid, as well as the ability to impose penalties, 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.
- The employment penalties included in the amendments could include temporary or permanent prohibition from employment at institutions of higher education. 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

Cc: Assembly Member Lorena Gonzalez Fletcher  
Members, Senate Business, Professions and Economic Development Committee  
Sarah Mason, Senate Business, Professions and Economic Development Committee  
Kayla Willimas, Consultant, Senate Republican Caucus