



Stanford



June 15, 2018

The Honorable Chris Holden
California State Assembly
California State Capitol, Room 5132
Sacramento, CA 95814

RE: Assembly Bill 2747, As Amended May 25, 2018, Support if Amended

Dear Assembly Member Holden:

On behalf of the Association of Independent California Colleges and Universities (AICCU), the California State University (CSU), the University of California (UC), Stanford University, and the University of Southern California (USC), we write to express our gratitude to you and your office for working with us on your Assembly Bill (AB) 2747. We have each changed our position on your legislation to support if amended.

Below are the amendments we seek to the May 25 amended version:

1. Throughout the bill, it should refer to student athletes. First and foremost, we consider our student athletes to be students. This is also consistent with current Student Athlete Bill of Rights language (**Education Code 67450 – 67453**).
2. Section 2, Legislative Findings:
 - a. In a search of the Healthy People 2020 findings, we find no reference to student athletes being at an elevated risk for poor public health outcomes. We would like this provision stricken.
 - b. We do not disagree, as cited in (c) that students should be shielded from discrimination, which is why all institutions are subject to the Equity in Higher Education Act. We find the inclusion of this section to indicate that there is a belief that we are somehow not in conformity with the Equity Act. We would like to see this section removed, as all students are protected from discrimination. Moreover, we do not believe it is accurate that the majority of student athletes across all intercollegiate sports are members of vulnerable sectors of society.
3. Section 3 of the bill, we would like to see amended to read: **67452.3**. An institution of higher education may establish a degree completion ~~fund~~ [*program, in accordance with rules and bylaws of any applicable governing body.*](#)

While we appreciate that the findings indicate that we do not have to violate the rules and bylaws of any applicable governing body, we believe there is more force of law including this language in the statute itself. The change from fund to program alleviates concerns over fiduciary responsibilities implied with fund.

4. Section 5 of the bill, we would like to see amended to read:

67455. (a) An institution of higher education shall not retaliate against a student athlete for making a complaint in good faith or for reporting, in good faith, a violation of the student athlete's rights identified in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 67454.

(b) (1) For purposes of this section, "retaliation" shall include all of the following:

~~(A) A reduction in or loss of playing time.~~

(B) A reduction in or loss of any education benefits, including *athletic* scholarships and ~~stipends~~ *financial aid refund*.

(C) A reduction in or loss of any meal benefits provided to a student athlete.

(D) A reduction in or loss of any housing benefits provided to a student athlete, including the relocation of a student athlete's housing owned by the institution of higher education.

(2) For purposes of subparagraphs (A) to (C), inclusive, of paragraph (1), "retaliation" does not include an action taken, in good faith, by an institution of higher education on the basis of conduct other than a complaint made in good faith or the reporting, in good faith, of an alleged violation, as provided in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 67454.

We respectfully request that you strike section (A). There are many reasons why an athletic coach could reduce the playing time of a player, this is a decision that rests with the coach. By including this language, the bill could expose the state's institutions and coaches to frequent and costly investigations and even litigation over playing time.

Based on conversations with the author's staff, stipend is not the intended word in (B) as we cannot provide stipends to student athletes. While campuses call it various items, the most frequently cited was **financial aid refund** and should be sufficient to cover all sectors.

Once again, we thank you for your willingness to participate in discussion with us, and hope that we are able to come to full support on your measure.

Sincerely,

California State University
University of California
Association of Independent California Colleges and Universities
Stanford University
University of Southern California