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April 11, 2018

The Honorable Jose Medina
Chair, Assembly Higher Education Committee
California State Capitol, Room 2141
Sacramento, CA 95814

Subject: Assembly Bill (AB) 2747, as amended April 9, 2018– Opposed

Dear Assembly Member Medina:

On behalf of the Association of Independent California Colleges and Universities (AICCU), I am writing in regretful opposition to AB 2747, by Assembly Member Holden, which would, as amended, add to the Student Athlete Bill of Rights provisions declaring that college athletes have the right to self-organization, that student athletes have the right to enforce a provision of this Student Athlete Bill of Rights in the superior court through a civil action for injunctive relief or money damages, or both, and make changes to the mandated reporter language, among other things.

AICCU, and its campuses that offer **intercollegiate athletic programs**, take the academic success, as well as mental and physical well-being of our student athletes very seriously and strive to provide them with the most robust support systems.

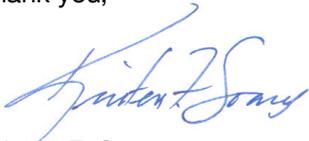
The primary reasons for AICCU's opposition are summarized below:

- 1) This bill would allow athletes the right to organize, which would be in conflict with the NCAA's rules (in addition to the NAIA) and could endanger the ability of California's student athletes to compete in athletics.
- 2) The bill establishes a new process by which student athletes can make complaints about student athletics (Student Athlete Liaisons). First, we are not clear on what NCAA Bill of Rights the bill makes reference to, as the NCAA does not have a Bill of Rights. Second, each institution has a Faculty Athletic Representative, who is independent of the athletics now, to which any student athlete could raise a concern or complaint. Third, the bill requires written assurance the complaint will remain confidential, which will most likely result in creating problems in investigating the complaint, should the bill be enacted.
- 3) This bill creates a new civil action for injunction relief or money damages, or both, to student athletes for a violation of this new section. The bill also allows the Department of Justice to investigate and enforce all complaints, in addition to the Student Athlete Liaison complaint process listed above. Creating three new enforcement mechanisms creates additional potential cost burdens for our campuses, which are largely tuition dependent. There is nothing in law now that would prevent a student from taking action, should they feel the campus treated them unfairly, nor do we understand there to be a need for such action. We therefore do not understand the need for multiple processes and a civil right of action.

- 4) The bill furthermore creates penalties for the institution, its paid staff and unpaid volunteers for violations of the act. This creates a disincentive in particular for unpaid volunteers, who in some cases may be volunteering for the safety of athletes on the sidelines. In addition, when added to all the items listed above, creates additional cost pressures for institutions that are largely tuition dependent, and are already fundraising to keep student athletics available on campus.
- 5) The bill also prohibits a student athlete who is accused of a rule violation, other than a criminal charge, from being deprived of eligibility for competition until the investigation has been completed. It is important to note, that this would mean that a student athlete who was under investigation for, among other things, sexual assault or harassment, would have to be allowed to take the field during investigations by a Title IX office, since there are usually no criminal proceedings until after a Title IX office has done an investigation (if then).
- 6) While this bill makes reference to the National Collegiate Athletic Association (NCAA) rules, and all campuses who currently fall under the SABR play in the NCAA, it is important to note, there are California private (and a few public) universities who play in the National Association of Intercollegiate Athletics (NAIA). While the rules are often the same or similar, we question applying the NCAA rules to campuses, who for any variety of reasons, chose to play in the NAIA. NAIA campuses tend to be much smaller than NCAA campuses, their budgets tend to be smaller, and there are fewer sales of sports paraphernalia, and other revenue than the NCAA.
- 7) The bill would change the current mandatory reporting language. Currently, the mandatory reporting law is aimed at preventing the sexual or physical abuse, statutory rape, or sexual exploitation of a child under 18. This law was applied to California's institutions of higher education as a result of the crimes that occurred at Penn State. This bill would alter the section of law directed at protecting minors by including adult student athletes, which is not the intent of this code section. Furthermore, the language actually changes the commonly accepted mandated reporter language from "knows or reasonably should have known" to "knows or suspects," this could have serious unintended consequences.

For these reasons, and others not enumerated, we must respectfully oppose AB 2747. If you have any questions, please do not hesitate to reach out to Erica Romero, Vice President of External Relations via email (erica.romero@aiccu.edu) or at 916-446-7626.

Thank you,



Kristen F. Soares
President

CC: Assembly Member Chris Holden
Members, Assembly Higher Education Committee
Kevin Powers, Consultant, Assembly Higher Education Committee
Katie Sperla, Consultant, Assembly Republican Caucus