



OFFICE OF THE PRESIDENT

NELSON PEACOCK

Senior Vice President – Government Relations

Office of State Governmental Relations

1130 K Street, Suite 340

Sacramento, California 95814

(916) 445-9924

Kieran Flaherty, Interim Director

April 11, 2017

The Honorable Kansen Chu

Chair, Assembly Arts, Entertainment, Sports, Tourism and Internet Media Committee

1020 N Street, Room 152

Sacramento, CA 95814

RE: AB 1435 (Gonzalez Fletcher), as introduced February 17, 2017
Scheduled to be heard in the Assembly Arts, Entertainment, Sports, Tourism and Internet Media
Committee on April 18, 2017
Position: OPPOSE

Dear Chair Chu:

The University of California (UC) must respectfully oppose AB 1435, the “Athlete Protection Act” (Act). The Act would establish the Athlete Protection Commission (Commission) for the purpose of protecting college athletes participating in intercollegiate athletic programs offered by institutions of higher education in California. The Act would charge the Commission with specified duties to protect student-athletes and would subject individuals to penalties for violations of regulations to be promulgated 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.

UC has several concerns with the bill’s provisions. First, we are concerned that the proposed members appointed to the Commission will not have the necessary expertise to meet its charge. The proposed Commission specifically excludes individuals with expertise that have worked in college athletics in the last ten years. It is unclear how the appointees envisioned in the bill would help protect student-athletes. For example, the bill authorizes commissioners to review personal medical records but does not include individuals with the expertise to review such records. We are also concerned about the Commission accessing records protected under the federal Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA).

Second, we believe the level of oversight the Act is intended to provide is already in place through the operation of the National Collegiate Athletic Association (NCAA), the respective athletic conferences, and individual institutions, as well as through the standards of care provided by medical professionals - including team physicians and athletic trainers. The NCAA Sport Science Institute is specifically tasked with upholding the mission of protecting the well-being of student-athletes. Institutions have adopted new policies based on the Institute’s work and UC campuses utilize these policies and best practice procedures to minimize risk and increase safety for our student-athletes. Further, each governing body in athletics intentionally sets different regulations and expectations for their schools based on their varying athletic divisions. We do not believe it will be possible for the Commission to require a single set of standards that would apply to all types of institutions in the same manner. We are concerned the bill could result in an

institution being penalized for not meeting standards developed by the Commission that are inconsistent with the type of sports and division in which the school competes.

Finally, UC is deeply concerned that while the Commission has complete discretion to collect funds and impose penalties, the Act is silent on the source of funding that California schools will inevitably need to implement the Commission's guidelines and requirements. Further, there is no process in place to vet, revise, or repeal the required fees, policy decisions, or guidelines created by the Commission.

The University of California takes very seriously its responsibility to support student-athletes in both their academic and athletic endeavors. Athletic programs at the UC serve as a standard of excellence across the country. We are committed to keeping our student-athletes safe. The University remains on the cutting edge of better understanding athletic injuries, including concussions. It is simply not the case that higher education institutions are failing to address the risks associated with athletic injuries. As an example, UCLA is one of four institutions currently participating with the NCAA and the Department of Defense on a comprehensive study of concussions and head trauma. The study has already gathered more than 25 million data points and ultimately intends to include more than 37,000 students and military members.

The University takes additional steps to ensure the safety and success of its student-athletes – both on and off the field. This includes ensuring that campuses identify recruits who may need academic support once they are admitted, as well as requiring students who are having academic challenges to meet with counselors who are trained to work with student-athletes. In an effort to alleviate some of the time demands of athletic travel and practice, student-athletes receive priority class registration and athletic programs are diligent in limiting practice maximums to those implemented by the NCAA. Moreover, under UC Regents policy, each campus guarantees financial support for student-athletes who have suffered an injury while participating in intercollegiate athletic activities and are medically unable to continue their athletic commitments. As such, we strongly disagree with the assertions in the bill suggesting the success and well-being of student-athletes is at risk due to institutions not having the proper safeguards in place.

We appreciate and share the author's interest in protecting student-athletes and UC takes great pride in remaining a leader in our ongoing efforts to do so. However, we believe the approach proposed in the bill will duplicate efforts, create confusion, and could unintentionally penalize athletic professionals without achieving the intended benefits.

As always, thank you for your consideration of our views and your commitment to higher education. Please do not hesitate to contact me at (916) 445-9924 if I can provide further information.

Sincerely,



Nadia Leal-Carrillo
Legislative Director

cc: Assemblymember Gonzalez Fletcher
Vice Chair and Members, Assembly Arts, Entertainment, Sports, Tourism and Internet Media
Committee
President Janet Napolitano
Executive Vice President and CFO Nathan Brostrom
Senior Vice President Nelson Peacock
Interim Director Kieran Flaherty