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Kieran Flaherty, Associate Vice President & Director

June 27, 2017

The Honorable Jerry Hill  
Chair, Senate Business, Professions, and Economic Development Committee  
State Capitol, Room 2053  
Sacramento, CA 95814

**RE: AB 1435 (Gonzalez Fletcher), as amended on May 30, 2017**  
**Scheduled to be heard in the Senate Business, Professions, and Economic**  
**Development Committee on July 3, 2017**  
**Position: OPPOSE Unless Amended**

Dear Chair Hill:

The University of California (UC) must respectfully continue to oppose AB 1435, the “Athlete Protection Act” (Act). We remain deeply concerned with the broad authority and oversight given to the Athlete Protection Commission (Commission). The Act would establish the Commission under the Department of Consumer Affairs and charges the Commission with specified duties to regulate college athletics and would subject individuals to penalties for violations of regulations to be promulgated by the Commission. The Act would also require California higher education institutions with an intercollegiate athletic program that is a member of the NCAA to pay regulatory fees up to \$750,000 per year 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 within the last year. It is unclear how the appointees envisioned in the bill would help protect student-athletes if the Commission fails to include individuals that are currently working in the field. We are also concerned about the Commission accessing and even subpoenaing 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.

Furthermore, the bill refers to college athletes instead of student-athletes, a distinction that is contrary to existing law and UC Regents policy which specifies that college student-athletes are students first. We are concerned this distinction could shift the important progress made at University of California campuses ensuring that the academic success, health and well-being of our student-athletes is the priority.

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. Therefore, UC has signed on to

proposed amendments by the Community College League of California and Stanford University that would remove the regulatory power of the proposed Commission and instead give the Commission a mandate to examine current practices regarding student-athletes and report its findings. We believe this approach will minimize confusion and the duplication of efforts and ensure that athletic personnel are not unintentionally penalized while still achieving the intended benefits under the bill.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Nadia Leal-Carrillo". The signature is fluid and cursive, with the first name "Nadia" being the most prominent part.

Nadia Leal-Carrillo  
Legislative Director

cc: Assemblymember Lorena Gonzalez Fletcher  
Vice Chair and Members, Senate Business, Professions & Economic Development  
Committee  
President Janet Napolitano  
Executive Vice President and CFO Nathan Brostrom  
Senior Vice President Nelson Peacock  
Associate Vice President and Director Kieran Flaherty