

Stenographic Transcript of

COMMITTEE ON
COMMERCE, SCIENCE AND TRANSPORTATION

UNITED STATES SENATE

PROMOTING THE WELL-BEING AND ACADEMIC SUCCESS OF COLLEGE ATHLETES

Wednesday, July 9, 2014

Washington, D.C.

ALDERSON REPORTING COMPANY
1155 CONNECTICUT AVENUE, NW
SUITE 200
WASHINGTON, D.C. 20005-5650
(202) 289-2260

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1 PROMOTING THE WELL-BEING AND ACADEMIC SUCCESS OF COLLEGE
2 ATHLETES

3
4 Wednesday, July 9, 2014

5
6 U.S. Senate
7 Committee on Commerce,
8 Science, and Transportation
9 Washington, D.C.

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11 The committee met, pursuant to notice, at 2:36 p.m. in
12 Room SR-253, Russell Senate Office Building, Senator John
13 D. Rockefeller, chairman of the committee, presiding.

14 Present: Senators Rockefeller [presiding], Nelson,
15 McCaskill, Klobuchar, Blumenthal, Booker, Thune, Ayotte,
16 Heller, Coats, Scott, and Johnson.

17 Index: Senators Rockefeller, Thune, McCaskill,
18 Booker, Coats, Klobuchar, Heller, Nelson, Blumenthal,
19 Ayotte, and Scott.

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1 OPENING STATEMENT OF HON. JOHN ROCKEFELLER, U.S.
2 SENATOR FROM WEST VIRGINIA

3 The Chairman: This hearing will come to order, and I
4 want to thank all of you very much for coming here. You're
5 a bit squeezed in there but water is on the house.

6 [Laughter.]

7 The Chairman: So be comfortable and be glad.

8 College sports has an absolutely extraordinary
9 position in the culture of our country. Not only have
10 college sports inspired incredible fan passion all across
11 the country but they provided a very important way for
12 young men and women to, as is written, both do athletics as
13 an avocation and get an education. We are going to sort of
14 talk about that today.

15 Many young people, however, athletics has provided an
16 avenue to college they would have otherwise not have
17 existed and it is important to understand that.

18 College athletes and athletics are rooted in the
19 notion of amateurism. And the history of that is very
20 interesting and important, going back to the founding of
21 NCAA, 1906, and all the rest of it; and going back,
22 actually, to the Greek's concept of amateurism.

23 Playing college sports is supposed to be an avocation.
24 Students play college sports for the love of the game not
25 for the love of money. That is the ideal but many people

1 believe this notion of college sports as being undermined
2 by the power and the influence of money.

3 I remember a meeting I had in my office with the three
4 top executives of ESPN and it was one of those meetings in
5 which I didn't say a word because they just went around in
6 circles, each talking about what a great business model
7 they had and how they had the control and the power that no
8 other broadcast system would ever have and how thrilled
9 they were with it, and how they were going to make it even
10 stronger.

11 There's a growing perception that college athletics,
12 particularly Division I football and basketball, are not
13 avocations at all. What they really are is highly
14 profitable commercial enterprises. They believe that.

15 Critics of big-time college athletics say that the
16 goal of these programs is not to provide young people with
17 a college education, but to produce a winning program that
18 reaps financial rewards for the athletic departments and
19 their schools. It is not, however, about the students;
20 their part of what generates the money.

21 It's about capturing the billions of dollars of
22 television and marketing revenues that college sports do
23 generate. And it will generate even more.

24 Colleges and universities say that these revenues
25 benefit college athletes and their student bodies at large.

1 But I think we have to consider whether the lure of such
2 riches could corrupt the basic mission of athletic
3 programs. Winning teams get higher payouts than losing
4 teams which creates a strong incentive to win. An
5 incentive which land-grant public universities and others
6 are more than happy to follow. And win at any cost.

7 Much of the money is often funneled right back into
8 those sports programs in the form of multimillion-dollar
9 coaching salaries and state-of-the-art facilities. Many of
10 them paid for by the taxpayers to perpetuate the cycle of
11 winning. I think somewhere in my reading here, about \$48
12 million of all the \$900 million that NCAA gets from, you
13 know, their broadcasting, March Madness and all the rest of
14 it, a very small portion goes specifically to academics.
15 But even that is hard to figure because nobody has the
16 figures.

17 Mr. Emmert works for them. They make the decisions.
18 He carries out what they want and, yet, I think a subject
19 of discussion is: how does he carry out what they want?
20 What powers do you have, Mr. Emmert, for actually carrying
21 out what you think is a good idea? You've been president
22 of three major universities, different places. Then, I
23 would think, your passion for education would need to show
24 itself.

25 Athletics to me are meant to serve schools and their

1 public duty to educate students, not the other way around.
2 That's the way it's always put forward and that's the way
3 it should be.

4 Dr. Mark Emmert is here to present the perspective of
5 the colleges and universities that belong to the NCAA and I
6 would like to thank you for testifying. You could have
7 declined to do so. Some do, but you didn't. And I'm
8 grateful for that.

9 I believe that you were put at the helm of the NCAA
10 because you have an impressive academic credentials and a
11 sterling reputation. And I think that we all appreciate
12 that you're extremely well compensated. Your commendable
13 individual qualities and capabilities are not what trouble
14 me. I think I'm just very skeptical that the NCAA can
15 never live up to the lofty mission that you constantly talk
16 about, and which is written and printed in speeches and
17 statements and responses to Penn State this or something
18 else that. The mission, nothing comes before education, is
19 always there but the actions don't appear to be.

20 I don't see how the NCAA will ever be capable of truly
21 making a safe, good education experience for students their
22 number one priority. I want you to tell me that I'm wrong.
23 That I am wrong and that I'm particularly wrong about the
24 future. But I'll be a tough sell.

25 I think we believe that the NCAA has largely been left

1 to its own to determine what reforms are appropriate and
2 how to accomplish its mission. As we continue to learn
3 more about what goes on at some major universities and
4 colleges, we want to know if the NCAA is seriously
5 considering how college athletes are faring under this
6 system. Not just living as they do but injured as they
7 often become, racked by poverty if they don't do well and
8 maybe their stipends are cut off and is there an advantage
9 in the mandated four-year scholarship. All of these things
10 are put at play.

11 How are young men, who strap on their helmets on a
12 football field in front of a 100,000 passionate and paying
13 customers, how are they doing? How are young men who lace
14 up their shoes and play basketball for March Madness, which
15 consumes the nation, is deliberately spread out over a long
16 period of time so that no kid, 12 years or 10 years or
17 over, can ever hope to do any homework because there's
18 always basketball on.

19 Are colleges and universities living up to their end
20 of the bargain in providing them with a good education?
21 Are these young athletes entitled to any of the billions of
22 dollars that are reaped from their athletic services? And
23 when young men and women put their bodies at risk from
24 playing sports for their schools, whether women's lacrosse
25 or men's soccer, do they have adequate health insurance? I

1 don't know. I don't know.

2 And I never go into a restaurant or a barber shop or
3 anything without asking, sometimes to their discomfort, "Do
4 you have health insurance?" Because I know the answer is
5 going to be no. And I care about health care and I get
6 very unhappy when people who work in places don't make a
7 lot of money, don't have health insurance.

8 Do the schools and athletic leagues sufficiently
9 minimize the risk of concussions? And what happens to a
10 student who is injured before graduation? Can he or she
11 finish out their studies or does the scholarship run dry?

12 Well, a couple of months ago, we all heard the deeply
13 troubling comments of Shabazz Napier, the talented
14 University of Connecticut guard who was the most valuable
15 player of the 2014 NCAA basketball tournament. In the
16 midst of a tournament that generated hundreds of millions
17 of dollars in revenue for the NCAA and its members, Mr.
18 Napier talked about how sometimes he did not have enough to
19 eat during college. How did college sports benefit Mr.
20 Napier on the nights he had to go to bed hungry?

21 Now you can look at that two ways. So there he is,
22 he's trying to pick out a sensational example of a famous
23 athlete and turn it to some very large problem. I'm not
24 trying to do that. I think it is a problem. And the whole
25 sense of giving students a safety net and a sense of

1 confidence that, if they're not, they don't turn out to be
2 as good running backs or point guards or whatever and they
3 don't make the team or they're let off in their third year.
4 Are they dropped? Do they get the scholarships or what
5 happens? I don't know.

6 The title of today's hearings is "Promoting the Well-
7 Being and Academic Success of College Athletes." I want to
8 have an objective, open-minded and frank discussion on this
9 subject. I'm going to try my best to. The NCAA has the
10 same goal as I do.

11 Dr. Emmert is going to tell us that the NCAA's mission
12 is to protect college athletes from abusive practices and
13 exploitation and to promote college sports as a means
14 towards achieving academic excellence.

15 Today, I want to explore whether the NCAA is
16 fulfilling its mission. We still hear too many reports of
17 fraudulent academics. We still hear too many tragic
18 stories of former college athletes who have absolutely
19 nothing to show for the services they provided even though
20 they helped generate millions and millions of dollars.
21 This subject is often discussed, but I'm here to tell you
22 that -- and if perchance the Democrats should control the
23 Congress next time, and nobody is quite sure of that, John
24 Thune has one idea, Bill Nelson has another idea, and you.
25 Yes, okay.

1 [Laughter.]

2 The Chairman: And that I think that we want to
3 continue this. We want to make this a continuing surge of
4 this oversight committee. We have jurisdiction over
5 sports; all sports. All sports. And we have the ability
6 to subpoena; we've created a special investigations unit.
7 We're very into this subject. I personally am. I think
8 our members are. And so, this is the part of a process
9 here.

10 So I'm going to have some tough questions for our
11 panel: Is the NCAA and its member schools, is it simply a
12 legal cartel; have college sports become a multibillion-
13 dollar commercial enterprise which is no different than the
14 other corporate witnesses who have appeared before this
15 committee; or is the NCAA truly different; and does the
16 100-year-old organization, in fact, have the best interest
17 of college athletes? They're large questions and important
18 to be answered.

19 I turn now to my very distinguished Ranking Member,
20 Senator John Thune, from the State of South Dakota.

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1 STATEMENT OF HON. JOHN THUNE, U.S. SENATOR FROM SOUTH
2 DAKOTA

3 Senator Thune: Thank you, Mr. Chairman, for holding
4 the hearing today. And I want to thank our panelists for
5 the opportunity to examine the current state of collegiate
6 athletics. And, like you, I look forward to hearing from
7 our witnesses including the President of the National
8 Collegiate Athletic Association on how the NCAA and its
9 member institutions are fulfilling the commitments made to
10 our collegiate student-athletes.

11 I'm an avid sports fan and I know other members of
12 this committee are as well. As a former basketball player
13 in high school and college, and the proud father of a
14 daughter who competed at the Division I level, I certainly
15 recognize that participation in organized sports not only
16 requires physical and mental strength, but also teaches
17 teamwork and other skills that serve you throughout life.
18 However, the college student-athlete is, and should be, a
19 student first. Colleges and universities must remember and
20 prioritize their academic obligation to student-athletes.

21 As the popularity of college sports has grown,
22 particularly the popularity of college football and men's
23 and women's basketball, so too has the profitability of
24 many collegiate athletic programs. In the current
25 environment, the stakes have been raised both for the

1 student-athlete who wants to succeed and for the university
2 that has a financial interest in winning games. Increasing
3 revenues for some schools in conferences, due in large part
4 to lucrative contracts for the broadcast rights to football
5 and basketball games, have become more common. Revenues
6 from ticket sales and merchandizing efforts for some
7 schools are also significant. And, of course, alumni want
8 to see their teams win, and may be inspired to contribute
9 to winning programs.

10 As we'll hear today, the NCAA is a member-driven
11 organization whose stated mission is "to integrate
12 intercollegiate athletics into higher education so that the
13 educational experience of the student-athlete is
14 paramount." However, major criticism of college sports is
15 that some institutions appear unable to balance the core
16 academic mission of the university and the commercial
17 considerations that often accompany college athletics,
18 particularly in high-profile sports. Many feel the
19 commitment to the student-athlete is falling short.

20 Another point of contention involves athletic
21 scholarships and whether the practice of offering annual,
22 as opposed to multiyear, scholarships unfairly places
23 student-athletes at risk of losing their scholarships as a
24 result of poor-performance or injury. But, while multiyear
25 scholarships may benefit student-athletes, they may

1 disadvantage smaller schools who can't match the resources
2 of larger institutions.

3 Clearly, collegiate athletics in America is not
4 without controversy, and we will hear from some of the
5 NCAA's most vocal critics today. While I'm sure that
6 today's hearing will highlight a host of important issues,
7 I hope we will not lose sight of the positive impact that
8 amateur athletics has made on the lives of countless
9 student-athletes. And we must remember that college
10 athletics is not just about football and basketball.

11 The director of athletics at the University of South
12 Dakota recently shared the results of the student-athlete
13 exit interviews he conducts annually to evaluate the
14 school's athletic program for the vantage point of the
15 athletes themselves. He underscored two stories that stood
16 out from this past year's athletes.

17 The athletic director at USD reiterated how Dustin
18 Gens, a sophomore diver at USD, recovered from open-heart
19 heart surgery to qualify to dive at the NCAA's Zone
20 Championships; a feat that would not have been possible
21 without the work of a dedicated training staff, academic
22 support, coaches, team, and family. He also noted the
23 moving story of Hanna Veselik, a sophomore swimmer, who
24 leaned on friends, family, and teammates to help her
25 through the tragic loss of her father who passed away early

1 in the season. With this support, Hanna was able to return
2 to the pool and achieve lifetime best times in all of her
3 swimming events at the Summit League Championships.

4 As the USD athletic director puts it, "These two are
5 just a sample of what college athletics should mean. If
6 you strip away the money, fancy locker rooms, charter
7 flights, and large budgets, you're left with student-
8 athletes who often have to overcome personal, social,
9 economic, academic, and athletic adversity, all just to
10 compete. But they frequently do it with passion and a
11 determination that makes us all proud." That's from the
12 athletic director at the University of South Dakota.

13 Recognizing the challenges exist, it is my hope that
14 the NCAA, its member institution, the student athletes
15 themselves, and other stakeholders will seek solutions that
16 promote the education, health, and well-being of student
17 athletes and seek to preserve amateurism in collegiate
18 athletics. This is an area where Congress can provide a
19 forum, but the solutions are most likely to come from those
20 most directly involved in the education and development of
21 student-athletes.

22 Mr. Chairman, thank you again for holding this
23 hearing, and I look forward to hearing and having an
24 opportunity to question our witnesses. Thank you.

25 The Chairman: Thank you, sir.

1 What we are going to do now is we are going to hear
2 the testimony. And then, both Senator McCaskill and
3 Senator Booker, both of whom are sterling and wonderful
4 people, are going to get very, very angry at me. Because
5 I'm going to charge into the regular order and I'm going to
6 allow Senator Coats to ask the first question, which
7 violates all the rules of the committee but --

8 Senator McCaskill: Oh, I'm mad.

9 The Chairman: That'll make you a better questioner.

10 Senator Booker: As the most junior member on the
11 committee, I must say that Senate rules do not allow me to
12 be mad at you, Chairman.

13 [Laughter.]

14 Senator Coats: And, Mr. Chairman, for what it's
15 worth, I was under the impression, also, that we were on
16 the first to arrive and ask questions in order. So I
17 arrived at 2:10 --

18 The Chairman: See?

19 Senator Coats: -- just so I can be first.

20 The Chairman: What am I going to do?

21 [Laughter.]

22 Senator Coats: Because I didn't want to put you in a
23 bad spot or breach the rules either.

24 The Chairman: You never do and you are wonderful. So
25 you will ask the first questions after the two of us.

1 Mr. Rolle, and thank you for being here.
2 And don't be nervous.
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1 STATEMENT OF MYRON LAURENT ROLLE, STUDENT-ATHLETE,
2 THE FLORIDA STATE UNIVERSITY COLLEGE OF MEDICINE

3 Mr. Rolle: Okay.

4 The Chairman: I mean it.

5 Mr. Rolle: All right.

6 The Chairman: It's a wonderful opportunity to say
7 what's in your heart and on your mind.

8 Mr. Rolle: Yes, sir.

9 First, I want to thank you and the committee for
10 inviting me here today to share some of my experience and
11 knowledge on this very important subject; very complicated
12 subject as well.

13 I've had many conversations with fellow student-
14 athletes on this issue about the current role of student-
15 athletes today in this giant scheme of collegiate
16 athletics. And we often walk away from those conversations
17 with more questions than answers. So I'm hoping today is a
18 first step towards answering some of those questions and
19 providing some context and some clarity to this discussions
20 so that we can see our student-athletes receive maximum
21 edification in all aspects of their person, be it a
22 student, and athlete, a leader, and a man and a woman.
23 That's very important to me.

24 I wanted start my remarks by beginning at the genesis
25 of my story. My parents are from the islands of the

1 Bahamas, my brothers are as well. I was born here in the
2 states and I was raised in New Jersey. I went to high
3 school in Princeton, New Jersey.

4 And after my schooldays in Princeton, I would go over
5 to the university and I saw this big poster, a statue, and
6 trophies of this guy who became my hero. His name was Bill
7 Bradley. He was just a rock star, in my opinion, an
8 epitome of what a student-athlete ought to be; college
9 basketball American, best player in college at a school
10 like Princeton, Hall-of-Famer, a U.S. Senator, and a Rhodes
11 Scholar. That's the first time I heard those two words,
12 Rhodes Scholar, used in the same sentence.

13 And once I finished high school in Princeton, I had 83
14 scholarship offers to go anywhere I want to to play
15 football and I was rated the number one high school
16 prospect in the country by ESPN. I decided to go to
17 Florida State. And when I got to Tallahassee on campus,
18 first thing I did was go to the Office of National
19 Fellowships and tell them that I wanted to be a Rhodes
20 Scholar like my hero Bill Bradley. If he did it, I want to
21 try and do it as well. And so, three years later, I was
22 fortunate to earn that scholarship.

23 Then, I went to see my teachers and academic advisors
24 at FSU and tell them that I want you guys to help increase
25 my intellectual capital so one day I can be an outstanding

1 pediatric neurosurgeon, like another one of my influences,
2 Dr. Ben Carson. Now, I'm a second year medical student
3 hopefully able to do that in the future.

4 And lastly, I went to my strength coaches and my
5 athletic trainers and my football coaches, Bobby Bowden
6 included, and told them that I want them to equip my body
7 and get me ready for a career as a national football
8 player. And fortunately, I was able to be drafted by the
9 Titans and play for the Steelers as well.

10 Now, it may sound like my story is pristine and ideal,
11 and maybe used as the poster child for which you want a
12 collegiate student-athlete to have experienced, but I will
13 say that my story is quite rare and unique. And some
14 people even call it an anomaly because, outside of Senator
15 Cory Booker, the last major Division I football player to
16 earn a Rhodes Scholarship was a guy named Pat Haden. And
17 that was in the 1970s, and played at USC, and played for
18 the Las Angeles Rams as well; as a quarterback.

19 There are very few student-athletes who I've come in
20 contact with that have had the same infrastructure as I've
21 had; the family support, had the foresight, not come from a
22 broken school system in high school, and not come from a
23 broken family who are able to engage in their college
24 experience and maximize their time.

25 Many more of my teammates and friends and fellow

1 student-athletes struggled in the college environment; they
2 struggled mightily, struggled economically. Because, now,
3 with the scholarship stipend that they receive they became,
4 believe it or not, the main breadwinners for their families
5 and would have to send some of their scholarship money home
6 to take care of their immediate and extended family.

7 They also struggled academically as well. A lot of
8 them would go through this academic machinery in their
9 colleges and be spit out at the end of that machine left
10 torn, worn and asking questions, and with really no
11 direction, no guidance, on where they should go; no
12 purpose, no idea of their trajectory and sometimes left
13 with a degree in hand that didn't behoove any of their
14 future interest.

15 So I hope today we can shed light on this aspect, as
16 you said, Chairman Rockefeller, that we are really pouring
17 energy and life and money and exposure, and highlighting on
18 T.V., the life of the athlete. But I believe that we're
19 still falling a bit short of edifying and improving,
20 augmenting, the aspect of the students; the person, the
21 man, the woman, and even the philanthropist and the leader.

22 And I believe if we can do that, we can not only see
23 our student-athletes at these major schools go on to be
24 productive athletes in the professional ranks but, more
25 importantly, be productive leaders and citizens that go on

1 to be leaders of industry and leaders of men, leaders of
2 women, and just really have an indelible impact as they go
3 on into their future.

4 So thank you for having me here. And I'm looking
5 forward to joining this discussion.

6 [The prepared statement of Mr. Rolle follows:]

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1 The Chairman: Thank you very, very much.
2 And now, Devon Ramsay.
3 Welcome.
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1 STATEMENT OF DEVON JAHMAI RAMSAY, FORMER COLLEGE
2 FOOTBALL PLAYER, UNIVERSITY OF NORTH CAROLINA

3 Mr. Ramsay: Good afternoon, Chairman Rockefeller.

4 The Chairman: Devon, right? Yes.

5 Mr. Ramsay: Good afternoon, Chairman Rockefeller and
6 members of the committee. It is an honor and a pleasure to
7 have this opportunity to be in your presence and share my
8 story and thoughts on the current state of college
9 athletics. Let me first thank you and your staff for the
10 invitation.

11 I was born to Sharon Lee and Devon Anthony Ramsay on
12 December 8, 1988 in Red Bank, New Jersey. My mother has
13 always valued a strong education and has sent me to the
14 Rumson County Day School, which was a Blue Ribbon private
15 winning school that covered kindergarten through eighth
16 grade. At Rumson, I excelled in the classroom and
17 participated in athletics. And by the time it was for me
18 to leave, I had the opportunity to go to the Lawrenceville
19 School, which is right down the road in Princeton that I
20 played against Myron.

21 [Laughter.]

22 Mr. Ramsay: I decided this would be the best academic
23 and athletic environment for me. I would go on to have a
24 successful academic and athletic career, graduating in
25 2007. And I decided to sign my letter of intent to go to

1 the University of North Carolina at Chapel Hill. And what
2 drew me to that school was not only its esteemed reputation
3 as a top academic institution but also as the new hire of
4 then new head coach, Butch Davis. This showed that the
5 university had an all-around commitment to excellence.

6 Now, my career at the University of North Carolina has
7 been one filled with adversity. I've undergone five
8 surgeries, been through three head coaches, and been asked
9 if I wanted to transfer or if I wanted to take a medical
10 redshirt. However, despite all this, I managed to succeed;
11 being named an offensive starter for another six years and,
12 by NFL draft analyst Mel Kiper, named the top three in my
13 position.

14 But most importantly, I got my degree in public policy
15 with a concentration of business. After graduating, I
16 moved back to Red Bank, where I would pursue my hopes of
17 making an NFL team. However, I didn't make the team at
18 Tampa Bay.

19 Now, in the summer of 2010, two of my teammates had
20 violated NCAA rules and attended a party thrown by
21 sports agents. The University of North Carolina then
22 launched their own investigation into the matter and
23 discovered several potential counts of academic fraud.
24 After the final practice of the week, before we played
25 Clemson, I was told to report to one of the conference

1 rooms and brought in for questioning by University
2 officials. Before the questioning began, I was told that
3 this conversation would be recorded and was asked if I
4 needed a lawyer. I thought I had been called in there to
5 see if they could find any more leads for the
6 investigation, but then they began to ask me about my
7 definition academic fraud, academic dishonesty and
8 plagiarism. And that is when they brought up a two-year-
9 old email correspondence between myself and a tutor. In
10 the said email, I ask the university's tutor for help with
11 grammar and overall quality in the paper. And she replied
12 by adding four to five sentences to a two and half page
13 paper.

14 They ask me if this is the exact same paper I turned
15 in. However, I couldn't remember since it was two years
16 ago. In the following four weeks that I was held out of
17 competition, they sent me to the University's Honor Court.
18 And the Attorney General of the Honor Court said that there
19 was no case here; that there wasn't enough evidence. They
20 had no final version of the paper, it wasn't submitted
21 electronically and, I don't know, most people don't keep
22 papers from two years ago.

23 As I was being held out by UNC, an official from the
24 compliance office proposed that if I were to plead guilty
25 after being held out for so many games, that the NCAA

1 would, in fact, allow me to play. At this time, I believe
2 that the UNC's compliance which was very well versed in
3 NCAA policy. However, it was a shocking blow that the NCAA
4 then ruled me guilty of academic fraud which strips away my
5 remaining eligibility and tarnishes my reputation.

6 After coming to the realization that UNC was more
7 concerned with penalties and losses of scholarships than
8 protecting one of its own, my mother and I set out to find
9 lawyers that would hopefully have my best interests at
10 heart. However, none would stand against the NCAA nor its
11 membership.

12 Fortunately for me, Robert Orr, a State Supreme Court
13 judge, reached out to my mother after reading an article
14 that she had been involved with in The News and Observer.
15 Without Judge Orr's legal knowledge and tenacity, I would
16 have no one to turn to. As we went through the appeals
17 process, which was possible with the endorsement of the
18 University of North Carolina, the leadership at UNC once
19 again wanted me to take a plea for a reduced sentence.
20 However, Judge Orr, my mother and I needed to have my name
21 unsullied. By going back and looking at the original
22 interview, reviewing a lack of evidence and disregarding
23 the guided testimony, the NCAA overturned its ruling and
24 reinstated my eligibility.

25 Unfortunately, the first game of the next season, I

1 tore three ligaments in my knee. After receiving my sixth
2 year of eligibility, I was not able to return to the field
3 of play until my final game; which I participated in two
4 plays.

5 Now, one of the things that was, looking back at my
6 career, that I wish I could have partaken in was in
7 internships. A few of my friends from Lawrenceville went
8 on to play at the Ivy League. It's not as demanding as,
9 you know, high-level Division I football. They were
10 allowed to go and pursue other things during the summer.
11 And upon graduation, some of my friends got great job
12 offers.

13 An internship gives you direction, teaches you
14 valuable life lessons and prepares you for a level of
15 professionalism. At a competitive football school,
16 completing an internship is almost impossible. In order to
17 be eligible to receive your scholarship stipend during the
18 summer and granted aid, if you're eligible, one was if you
19 were enrolled in a certain number of credit hours. I've
20 seen several teammates attempt to manage school, summer
21 workouts and their internship. Most of these athletes
22 ended up quitting their internship because of the sheer
23 level of exhaustion experience on an average day. Only one
24 was able to complete this internship because it counted
25 towards his credit hours so he wasn't required to go to any

1 classes.

2 At the University of North Carolina, football players
3 are one of the only teams not allowed to participate in
4 University camps, which would hone skills for those that
5 would want to get into coaching and create another source
6 of income. In fact, during a panel discussion about the
7 documentary "\$chooled: The Price of College Sport," head
8 coach of the George Mason men's basketball team, Paul
9 Hewitt, stated that his team has to do an internship before
10 they graduate; a mandatory one. I think this is a great
11 practice.

12 If the NCAA truly wants to develop student-athletes
13 and prepare them for success off the field, than they
14 should mandate that all athletes complete an internship.
15 The reason it needs to be mandated is because there exists
16 a culture that demonizes any activity that won't directly
17 help a program. Players that go home for a semester, and I
18 had friends that had done this, are labeled as selfish and
19 lazy and almost a cancer to the team. But, in fact, he's
20 just going home. He's still working out. He's just trying
21 to improve his own value for the likelihood that he's not
22 going to make the NFL.

23 I've come to realize that there is a void in college
24 athletics. The NCAA, as an institution, no longer protects
25 the student-athlete. They are more concerned with signage

1 and profit margins. As I was called up to the initial
2 meeting with UNC's investigators, I wasn't aware that I
3 needed to defend myself against my university and the NCAA.
4 And, as a student, I lack the resources and the knowledge
5 to defend myself against an 80 year-old institution. My
6 family lacked the resources to hire a lawyer. And if I
7 refused to be interviewed, I would have been held down
8 until I testified.

9 In the NCAA, college football players have a very
10 small window of opportunity to prove our worth to the NFL.
11 Therefore, every game you miss is a lost opportunity and a
12 means to devalue your worth. There needs to exist an
13 entity that quickly and effectively advocates for the
14 student-athlete. I was extremely fortunate that Judge Orr
15 reached out to my family to help. However, it terrifies me
16 how many students might have had their eligibility unjustly
17 taken and their reputation damaged.

18 The student-athlete has a short career and is an
19 amazing new, renewable resource. And because of that, the
20 NCAA is able to take advantage of naïve young men and
21 women. There needs to be an organization that will, in
22 fact, protect the college athlete and has no ties to the
23 financial being of the Universities or to the NCAA.
24 Allowing the NCAA continue to intimidate schools and
25 athletes is dangerous and unfair. To quote a famous Roman

1 poet, "Who will watch the watchmen?"

2 Thank you for the opportunity to appear before you
3 today.

4 [The prepared statement of Mr. Ramsay follows:]

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1 The Chairman: Thank you very much, Mr. Ramsay. We
2 appreciate it a lot.

3 Mr. Taylor Branch is from Baltimore. He is an author
4 and an historian. And he's written one of the, what I
5 call, five best books ever written in terms of my own
6 reading preferences, about the civil rights movement and
7 the development of it. And he's also an expert on this
8 subject and has written extensively.

9 We welcome you, sir.

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1 STATEMENT OF TAYLOR BRANCH, AUTHOR AND HISTORIAN

2 Mr. Branch: Thank you.

3 Thank you, Senator Rockefeller. Thank you, Senator
4 Thune. Thank you, members of the Committee, guests, sports
5 fans and educators. I am honored to be here.

6 The subject for your hearing today, college sports and
7 the well-being of college athletes, is full of mine fields
8 and myths. I hope to offer some summary comments for
9 possible discussion under three headings: Amateurism,
10 balance and equity.

11 Amateurism has become the distinguishing feature of
12 NCAA governance. It is identified in official
13 pronouncements as the bedrock principle of college
14 athletics. The NCAA Bylaws define and mandate amateur
15 conduct as follows: "Student athletes shall be amateurs in
16 an intercollegiate sport, and their participation should be
17 motivated primarily by education and by the physical,
18 mental and social benefits to be derived. Student
19 participation in intercollegiate athletics is an avocation,
20 and student athletes should be protected from exploitation
21 by professional and commercial enterprises." That's NCAA
22 Bylaw 2.9.

23 The word "amateur" reflects conflicted attitudes about
24 money, youth, and the purposes of recreation. Its broad
25 ambivalence has opened a muddled flexibility in public

1 habits, allowing the United States to become the world's
2 only nation to develop commercialized sports at
3 institutions of higher learning. Even the major
4 universities involved, which were founded to uphold
5 intellectual rigor, routinely ignore or excuse the
6 contradictions of a multibillion-dollar side industry built
7 on their undergraduate students.

8 Confusion and mythology begin with the word itself.
9 Dictionary synonyms for "amateur" range from a wholesome
10 "enthusiast" or "devotee" to a bumbling "dabbler" or
11 "rookie." Merriam-Webster gives a stinging illustration of
12 the latter tone: "The people running that company are a
13 bunch of amateurs." Accordingly, the same word expresses
14 praise and scorn without distinction. This ambiguity gains
15 reinforcement in our uniquely designed popular world of
16 sports, where fans are encouraged to cheer and boo without
17 thinking objectively.

18 The ideal of ancient Greek amateurism has always been
19 misleading, because the athletes of Olympus actually
20 competed for huge prizes. Aristotle researched well-
21 rewarded champions back through records of the earliest
22 Olympic festivals. And modern scholars have confirmed
23 evidence of high-stakes victory and loss. "Ancient
24 amateurism is a myth," noted the classicist David Young.
25 "Purists who refused to mix money with sport did not exist

1 in the ancient world," concludes Michael B. Poliakoff, "and
2 victors' monuments boast of success in the cash competition
3 as openly as they boast of victory in the sacred contests."

4 Golf legend Bobby Jones is enshrined in modern sports
5 history as the ideal, as the model amateur, and gentlemen
6 who decline every championship prize he earned. His
7 reputation fits the true definition of amateur, which is
8 derived from the Latin "amator" or "lover," specifying one
9 who chooses to pursue a skill out of subjective devotion
10 rather than the hope of financial gain. Some non-college
11 sports still allow athletes to declare and renounce amateur
12 status.

13 Significantly, students themselves called themselves
14 amateurs when they invented intercollegiate sports after
15 the Civil War. Until 1905, students retained general
16 control of the new phenomenon in everything from scheduling
17 and equipment to ticket sales. They recruited alumni to
18 construct Harvard Stadium in 1903 with zero funds from the
19 college. "Neither the faculties nor other critics assisted
20 in building the structure of college athletics," declared
21 Walter Camp, Yale class of 1880, who became the father of
22 college football in his spare time.

23 The NCAA, created in 1906, slowly transformed the
24 amateur tradition inherited from college athletes. Its
25 board declared a goal of total faculty control as late as

1 1922, and the weak NCAA organization could not hire its
2 first full-time staff member until 1951. After that,
3 however, burgeoning revenue from television contracts
4 allowed NCAA officials to enforce amateur rules as an
5 objective requirement rather than a subjective choice.
6 This is problematic because attempts to regulate personal
7 motivation and belief commonly run afoul of the
8 Constitution. Even if internal standards were allowed, and
9 somehow could be measured, NCAA rules contradict the key
10 requirement that college sports must be an avocation, or
11 calling, which comes from "vocare," to call, and "vox,"
12 voice, by denying athletes an essential voice. NCAA rules
13 govern the players by fiat, excluding them from membership
14 and consent.

15 Balance. Checks and balances are required for sound
16 governance, and the NCAA structure is unbalanced in at
17 least four basic respects. First, NCAA enforcement suffers
18 an inherent conflict of interest between alleged violations
19 in football as opposed to basketball, because the
20 organization lost its television revenue from college
21 football and is almost wholly dependent on a sole-source
22 broadcasting contract for the March Madness basketball
23 tournament.

24 Second, the NCAA structure creates a false impression
25 of common practice between the very few schools that

1 aggressively commercialize college athletics, roughly 100
2 to 150 of some 1,200 NCAA members, and the vast majority of
3 schools with small crowds and negligible sports revenue.
4 An elastic NCAA amateurism stretches all the way from a
5 Division III cross-country race to Notre Dame Football on
6 ESPN.

7 Third, NCAA officials resolutely obscure differences
8 between commercialized sports and the academic mission on
9 campus. In the classroom, colleges transfer highly valued
10 expertise to students, but this traditional role is
11 reversed in big-time sports. There, athletes deliver
12 highly valued expertise to the colleges. This distinction
13 is basic and fundamental to your committee's stated purpose
14 of promoting educational integrity. College athletes are,
15 or should be, students in the classroom and competitor
16 players in the athletic department. They face multiple
17 roles in careers like many Americans, but their conflicting
18 demands cannot be managed or balanced unless they are
19 squarely recognized. The NCAA undermines this logical
20 separation by insisting that sports are an educational
21 supplement for a hybrid creature under its jurisdiction
22 called the student-athlete. Universities implicitly concur
23 by offloading some of their academic responsibility to the
24 NCAA.

25 Fourth, the NCAA and its member schools strip rights

1 from athletes uniquely as a class. No college tries to ban
2 remunerative work for all students, and no legislature
3 could or would write laws to confiscate earnings from one
4 targeted group of producers in a legitimate enterprise. On
5 the contrary, universities sponsor extensive work study
6 programs, and student-citizens everywhere exercise freedom
7 to market skills everywhere from bookstore jobs and pizza
8 delivery to the entrepreneurial launch of Facebook, unless
9 they are athletes. For college athletes alone, the NCAA
10 brands such industry unethical.

11 Equity. Basic fairness requires attention to the
12 rights and freedom of participants above the convenience of
13 observers. Applied to college sports, this principle would
14 mean that no freedom should be abridged because of athletic
15 status. While I am neither a lawyer nor a professional
16 economist, I find ample historical evidence that experts
17 object to collusion in the NCAA's regulatory structure.

18 In Microeconomics, a prominent textbook, professors
19 Robert Pindyck and Daniel Rubinfeld make the NCAA a
20 featured example of an economic cartel that reaps anti-
21 competitive profit. The courts have agreed in two landmark
22 cases. In NCAA versus Board of Regents of the University
23 of Oklahoma in 1984, the U.S. Supreme Court struck down the
24 NCAA's exclusive control of college football broadcasts as
25 an illegal restraint of trade. Overnight, the major

1 football schools won the freedom to sell every broadcast
2 their markets would bear, without having to share proceeds
3 with the smaller schools through the NCAA. "We eat what we
4 kill," bragged one official at the University of Texas.

5 In Law v. the NCAA, 1998, assistant coaches won a \$54
6 million settlement along with an order vacating the NCAA's
7 \$16,000 limit on starting salaries. The compensation of
8 assistant football coaches has cracked the \$1 million
9 barrier since then with salaries skyrocketing even in non-
10 revenue sports. By 2010, the University of Florida paid
11 its volleyball coach \$365,000.

12 Thus, the supervisors of college sports have won
13 economic freedom, and they enjoy enormous largesse from a
14 distorted cartel marketplace that now shackles only the
15 most vital talent: the players. "To reduce bargaining
16 power by student athletes," wrote Pindyck and Rubinfeld,
17 "the NCAA creates and enforces rules regarding eligibility
18 and the terms of compensation."

19 NCAA officials, of course, steadfastly assert that
20 their whole system is devoted to the educational welfare
21 and benefit of the college athletes. "Football will never
22 again be placed ahead of educating, nurturing and
23 protecting young people," NCAA president Mark Emmert,
24 sitting near me, vowed when he announced NCAA sanctions for
25 the recent scandal at Penn State.

1 Such professions must be reconciled somehow with NCAA
2 rules that systematically deny college athletes a full
3 range of guaranteed rights from due process and
4 representation to the presumption of innocence. These
5 rules can turn words on their head, like Alice in
6 Wonderland. The NCAA's bedrock pledge to avoid commercial
7 exploitation of college athletes, for instance, aims to
8 safeguard them from getting paid too much, or at all,
9 rather than too little in the ordinary usage of the word
10 exploit; to use selfishly for one's ends, as employers who
11 exploit their workers.

12 In closing, I would suggest one hopeful precedent from
13 the past work of your Commerce Committee. This is not the
14 first time that the governance of amateur sports, together
15 with the education of college athletes, has presented a
16 daunting tangle of passions and vested interests.

17 Fifty years ago, an early bonanza in sports revenue
18 intensified the bitter feud between the NCAA and the
19 Amateur Athletic Union, AAU, which controlled access to the
20 Olympic Games. AAU leaders accused an "unpatriotic" NCAA
21 of sabotaging U.S. chances to win medals. They claimed
22 that college athletes already were paid, and therefore not
23 amateurs at all since the NCAA approved athletic
24 scholarships in 1956. NCAA officials retorted that AAU
25 coaches were parasites on college training facilities.

1 These two sides nitpicked, boycotted, sabotaged, and
2 disqualified each other until President Kennedy enlisted no
3 less a mediator than General Douglas MacArthur to foster
4 U.S. hopes for the 1964 Tokyo Olympics. The squabbling
5 exhausted MacArthur, who recommended a Blue Ribbon
6 commissions that brought proposals eventually to this
7 committee.

8 Your predecessors shaped what became the Olympic and
9 Amateur Sports Act of 1978. One key provision of that law
10 secured for active athletes a 20 percent share of the
11 voting seats on each of the 39 new U.S. Olympic Committees.
12 Though small, this representation soon transformed amateur
13 sports. Granted a voice, athletes tipped the balance on
14 governing committees in the United States and inexorably
15 around the globe. Marathon races, then tennis tournaments,
16 recognized a right for players to accept prize money and
17 keep their Olympic eligibility. New leagues sprang up to
18 popularize volleyball and other games with corporate
19 sponsors. Olympic officials came to welcome professional
20 competitors in every sport except boxing.

21 By 1986, when the International Olympic Committee
22 expunged the word amateur from its bylaws, the modified
23 games defied every prediction of disasters. Indeed, most
24 people scarcely don't notice the change. Some of you
25 helped recognize success in the revised Ted Stevens Olympic

1 and Amateur Sports Act of 1998.

2 This example suggests a good place to start. Wherever
3 possible, make athletes true citizens rather than glorified
4 vassals in college sports. Where markets extend into
5 college sports, make them fair and competitive. Recognize
6 the rights, uphold the rights, of college athletes. Give
7 them a voice, and challenge universities, in turn, to make
8 wise, straightforward decisions about the compatibility of
9 commercialized sports with education.

10 Thank you.

11 [The prepared statement of Mr. Branch follows:]

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1 The Chairman: Thank you very much, Mr. Branch.

2 And I want to be very critical of myself because what
3 the general rule around here is that witnesses speak for
4 five or six minutes, but I failed to make that clear. And
5 so, we just got --

6 Mr. Branch: It says five minute right here, but I
7 wasn't watching.

8 [Laughter.]

9 Mr. Branch: Sorry.

10 The Chairman: But I want to just sort of keep it to
11 five or six or seven minutes. That would be the best. And
12 I thank you for your testimony. And it was my fault.

13 Mr. Bradshaw, who is the former Director of Athletics
14 at Temple University, we welcome you, sir.

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1 STATEMENT OF WILLIAM D. BRADSHAW, FORMER DIRECTOR OF
2 ATHLETICS, TEMPLE UNIVERSITY

3 Mr. Bradshaw: Chairman Rockefeller, Ranking Member
4 Thune, ladies and gentlemen of the committee, good
5 afternoon. Your invitation to me to testify today about
6 promoting the well-being and academic success of our
7 student-athletes is much appreciated.

8 It is an honor for me, this afternoon, to represent
9 the 1,600-plus institutions and 11,000-plus individual
10 members of NACDA and its athletics administrators who are
11 the practitioners of our enterprise and representing, in
12 excess, of 500,000 student-athletes across all three NCAA
13 divisions, as well as the NAIA and junior-community
14 colleges.

15 NACDA serves as the professional association for those
16 in the field on intercollegiate athletic administration.
17 It provides educational opportunities and serves as a
18 vehicle for networking the exchange of information and
19 advocacy on behalf of the association.

20 My career in higher education includes positions as an
21 assistant baseball coach, head baseball coach, director of
22 alumni and, before retiring a year ago, 36 years as a
23 Division I athletic director at three universities. My
24 athletic career includes three years as a student-athlete
25 and one as a walk-on, followed by two years as a

1 professional baseball player in the Washington Senators
2 organization where two broken ankles influenced a career
3 change and a Master's Degree. I trust my ankles are ankles
4 with you Washington Senators here today.

5 These experiences proved valuable to my subsequent 36
6 year as a Division I athletic director at La Salle, DePaul,
7 and Temple Universities, retiring from this wonderful
8 profession one year ago.

9 During the five decades of my career, I have seen
10 significant improvements and the commitment by universities
11 to the academic, athletic and personal experiences of
12 student-athletes. From state-of-the-art academic support
13 services, elite coaching and training, athletic facilities,
14 to the much improved equipment, safety requirements and
15 emerging NCAA permissive benefits, our student-athletes
16 have never had it better. And yet, we know we can do
17 better. We, as educators, are committed to maximizing and
18 developing the enormous academic, athletic and personal
19 potential that our talented student-athletes bring to our
20 universities.

21 In assessing the well-being of student-athletes, it's
22 important to examine our university's performances and
23 trends in the areas of academics, financial security,
24 health safety and life skills.

25 Academics. Over the past 20 years, graduation rates,

1 by any metric, have drastically improved for student-
2 athletes. In 2013, the Graduation Success Rate measure for
3 all student-athletes in Division I was 82 percent,
4 including 71 percent for Division I FBS football
5 participants, and 73 percent for men's basketball student-
6 athletes.

7 Among the reasons for this dramatic improvement in
8 graduation rates are: Increased NCAA requirements for
9 initial eligibility and continued eligibility, and
10 university's proactive response to the Academic Progress
11 Rate metric instituted by the NCAA to measure individual
12 teams' classroom performance each semester.

13 Health and safety. While universities strive to use
14 best practices, we can never do too much to ensure the
15 health and safety of our student-athletes. The prevention
16 and detection of concussions, for example, particularly in
17 the sport of football, remain as one of the highest
18 priorities for every athletic director at every level.
19 Best practices that have become commonplace include:
20 Hiring strength and conditioning coaches, dieticians, and
21 nutritionists; required seminars for all student-athletes
22 to discuss drugs and alcohol, assault, date rape, and
23 gambling, as well as comprehensive regular drug testing and
24 follow-up.

25 Financial security. As we all know, the real cost to

1 attend college have risen above inflation for years,
2 causing many students to have massive debt upon graduation
3 and proving too costly for others to even attend their
4 college of their choice. Currently, Division I student-
5 athletes receive \$2.1 billion in athletic scholarships, and
6 this total will continue to escalate with anticipated NCAA
7 legislation covering real costs of education, combined with
8 the annual increases in tuition, room and board, books and
9 fees.

10 In addition to the real value of an athletic
11 scholarship, and according to the U.S. Census data, a
12 college graduate, on the average, earns \$1 million more
13 over a lifetime than a non-graduate. Other financial
14 benefits for student-athletes include: universities'
15 health insurance; NCAA catastrophic insurance; multi-year
16 athletic grants; and student assistance funds available to
17 conference offices.

18 The vastly improved conditions afforded student-
19 athletes have resulted in their unprecedented performances
20 in the classroom, on the playing fields, and in preparation
21 for life. Few other campus activities or clubs produce
22 such natural diversity as intercollegiate athletics,
23 bringing together young men and women from various races,
24 religions, nations, beliefs, with the common denomination
25 being their academic profiles and athletic skills.

1 Less than 1 percent of Division I student-athletes
2 will ever participate in professional sports, and that
3 professional career, on average, lasts only a few years.
4 This reality underscores the value of a college education,
5 an education that many young men and women could not afford
6 without an athletic scholarship.

7 In our profession of intercollegiate athletics, the
8 student-athletes under our care are the center of our
9 universe, and the most important people to consider in our
10 decision making. If we always ask ourselves, before
11 allocating resources, building facilities, or hiring
12 coaches, is this decision in the best interest of our
13 student athletes, then I believe that answer has helped us
14 to arrive at the right decision.

15 Any of your questions are most welcome. Thanks,
16 again, for inviting me to be with you this afternoon.

17 [The prepared statement of Mr. Bradshaw follows:]

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1 The Chairman: Thank you very much, Mr. Bradshaw.

2 Now Dr. Richard Southall, who is a professor at the
3 University of South Carolina, the Director of the College
4 Sports Research Institute.

5 Welcome, sir.

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1 STATEMENT OF RICHARD M. SOUTHALL, ASSOCIATE
2 PROFESSOR, UNIVERSITY OF SOUTH CAROLINA, DIRECTOR, COLLEGE
3 SPORT RESEARCH INSTITUTE

4 Dr. Southall: Thank you.

5 Chairman Rockefeller, Ranking Member Thune, and
6 distinguished committee members, thank you for the
7 opportunity to speak before you today. My initial draft of
8 my comments was only 35 minutes. So thank you for giving
9 me the advice.

10 As director of the College Sport Research Institute at
11 the University of South Carolina, my comments today are not
12 off-the-cuff remarks, but informed by sociological,
13 organizational and economic theories, as well as empirical
14 studies, and drawn extensively from NCAA documents. They
15 reflect not only my work, but also that of numerous
16 colleagues and scholars.

17 While I am well aware there are distinct socio-
18 demographic differences within and between NCAA divisions,
19 as well as between NCAA revenue and Olympic sports, my
20 testimony today will focus on how, within big-time college
21 sport, NCAA members have sought to protect their business
22 interests at the expense of the well-being and academic
23 success of NCAA profit-athletes.

24 For several decades, the NCAA was aware that as the
25 scale of both revenue, generation and spending continue to

1 grow, there is a general sense that big-time athletics is
2 in conflict with the principle of amateurism and that
3 increased governmental and public scrutiny is likely if
4 graduation rates do not improve in underperforming sports.

5 Consequently, in 2003 the NCAA embarked on a two-phase
6 organizational rebranding strategy that was part of an
7 aggressive public and media relations agenda that addressed
8 critics and provided an alternative to what the NCAA
9 described as the doggerel of cynics.

10 First, the NCAA created a term of art, The Collegiate
11 Model of Athletics, as a better understood definition of
12 amateurism that isolates the principle to the way in which
13 college athletes are viewed without imposing its
14 avocational nature on revenue-producing opportunities.
15 Notably, Division I revenues have more than doubled since
16 2003.

17 Tellingly, internal NCAA documents reveal protecting
18 the collegiate model is nearly, by definition, the primary
19 focus of the office of the NCAA president.

20 Concurrently, in an effort to maintain the perception
21 of a clear line of demarcation between college and
22 professional sport, and offer support for the effectiveness
23 of its new Academic Progress Program, the NCAA developed
24 the Academic Progress Rate, or APR, and Graduation Success
25 Rate, or GSR. Since 2003, the NCAA has consistently sought

1 to utilize these rates as proof that big-time college sport
2 has one clear focus: Education.

3 However, several items are noteworthy. One, neither
4 the Federal Graduation Rate, FGR, mandated by Congress, nor
5 the NCAA's GSR, is perfect or inherently a more accurate
6 metric. They utilize different sampling and statistical
7 analyses to examine different cohorts. In short, they are
8 different graduation rates.

9 Two, the GSR consistently returns a rate 12 to 25
10 percent higher than the FGR. As far back as 1991, the NCAA
11 knew that removing eligible dropouts, in other words
12 transfers or athletes who leave school in good academic
13 standing, from the GSR cohort would result in a markedly
14 higher success rate.

15 Three, since there is no comparable national-level GSR
16 for the general student body to report GSR and FGR data
17 simultaneously in press releases or data-set tables,
18 invites inappropriate comparisons and fosters confusion
19 among the general public.

20 While the NCAA National Office has sought to protect
21 its collegiate model, academic support staffs labor within
22 a system that too often depends on an amorphous special-
23 talented admission process, focuses on maintaining
24 eligibility and results in athletes often clustering or
25 being steered to majors conducive to their practice and

1 competition; or, in other words, work schedules.

2 Tellingly, several authorities within the NCAA and
3 university governance structures recognize clustering and
4 scheduling of easy courses as problems.

5 In addition, contrary to the NCAA's public posturing
6 that they are just normal students, profit-athletes tend,
7 in important respects, to be physically, culturally and
8 socially isolated from the campus community. They live in
9 a tightly controlled parallel universe indicative of
10 Goffman's total institutions.

11 Through the steady drumbeat of sophisticated and
12 subtle institutional propaganda, the NCAA has sought
13 spontaneous consent to a mythology that big-time college
14 sport a priori enhances the educational experience of
15 "student-athletes."

16 Propaganda is effective because it exploits people's
17 reluctance to intellectually engage with any oppositional
18 alternative views. Since 2003, while the NCAA has
19 successfully embedded its Collegiate Model of Athletics
20 including the Graduation Success Rate, into the public's
21 consciousness, there has been little progress in ensuring
22 profit-athletes have equal access to educational
23 opportunities afforded other students.

24 In conclusion, there is clear evidence the NCAA's
25 Collegiate Model of Athletics not only systematically

1 inhibits access to a world-class university education, but
2 also exploits profit-athletes by denying them basic
3 bargaining rights, due process and standard forms of
4 compensation.

5 I want to thank the committee members for the
6 opportunity to visit with you today.

7 [The prepared statement of Dr. Southall follows:]

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1 The Chairman: Thank you for your excellent testimony.
2 And, finally, Dr. Mark Emmert who is -- well, you all
3 know who he is.
4 [Laughter.]
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1 STATEMENT OF MARK A. EMMERT, PRESIDENT, THE NATIONAL
2 COLLEGIATE ATHLETIC ASSOCIATION

3 Dr. Emmert: Thank you, Senator.

4 And good afternoon to you and to Senator Thune and --

5 Senator Booker: Is your microphone on?

6 Dr. Emmert: Thank you. I appreciate that.

7 Is it working now? Can you hear me fine?

8 The Chairman: I notice no difference.

9 Dr. Emmert: Okay.

10 [Laughter.]

11 Dr. Emmert: As a recovering university president,
12 I've learned to appreciate. So thank you very much.

13 Good afternoon to all of you on the panel. I'm Mark
14 Emmert. I've served now as the President of the NCAA since
15 October of 2010 following 30 years as a professor, a
16 university administrator and a university president. I
17 certainly appreciate the opportunity to appear before all
18 of you today and discuss what I agree are very important
19 issues. And I particularly want to thank you, Mr.
20 Chairman, for working with us on the timing of this
21 hearing. It's good that we are able to be here.

22 The NCAA's core purpose, as has already been pointed
23 out, is to promote the well-being and the success of more
24 than 460,000 student-athletes as they enjoy both world-
25 class athletic experiences and receive access to topnotch

1 educations. That's why I've been working diligently with
2 the Division I Board of Directors, our member universities
3 and all the stakeholders to drive policy changes that
4 support student-athlete success and, indeed, address many
5 of the issues that have already been raised here today.

6 During my tenure, we've enacted more than a dozen key
7 reforms. Two notable examples are raising academic
8 standards and add in the opportunity for a multiple-year
9 scholarships.

10 As we discuss how to improve college sports today,
11 it's important to understand that the NCAA is a
12 democratically governed, membership-led association of
13 nearly 1,100 colleges and universities. As such, neither I
14 nor any member of my staff have a vote on association
15 policy or infractions decisions. It's important to note
16 that, appropriately, in my opinion, university presidents
17 themselves, are the ultimate decision makers within the
18 association.

19 Members make rules through a representative process
20 much as you do in Congress. It is challenging, obviously,
21 to bring together coaches, athletic administrators, faculty
22 members, student-athletes and university presidents to
23 achieve consensus on much of anything, let alone college
24 sports. And while the pace of change is not what I or many
25 others would like, the Division I member schools are

1 working very diligently, even as we speak, to create a new
2 decision making structure that will yield practical and, I
3 hope, timely results on all of these issues.

4 Before we discuss the challenges at hand, let me be
5 clear. College sports, in my opinion, works extremely well
6 for the vast majority of our 460,000 student-athletes. And
7 while it can and should be modified, the collegiate model
8 should in fact be preserved because all of the good
9 provides for so many. Nonetheless, I agree there are very
10 important changes that need to be made and many university
11 presidents happen to agree with me.

12 Let me describe the most important ones. First,
13 student-athletes, in my opinion, should be given a
14 scholarship for life so they may complete a Bachelor's
15 Degree even if their education is delayed for any reason
16 unrelated to a lack of academic progress or serious
17 misconduct.

18 Second, scholarships should cover the full and actual
19 cost of attendance not simply tuition, room and board,
20 books and supplies.

21 Third, NCAA schools must always lead in the area of
22 health and safety. For example, the NCAA, along with the
23 variety of medical experts, released recently, new
24 guidelines that address the diagnosis, the management and
25 the prevention of sports-related concussions.

1 Fourth, the NCAA must work assertively with all of our
2 universities on sexual assault prevention and support for
3 victims. This is a national crisis and we can all do
4 better.

5 Fifth, while all student-athletes today are covered by
6 insurance for injuries, and the NCAA covers catastrophic
7 injuries, any gaps in coverage must be closed.

8 Sixth, the academic success of student-athletes must
9 remain our ultimate priority. This means providing them
10 with the time as well as the resources they need to take
11 advantage of the opportunities at college campuses, as our
12 two former college athletes have testified.

13 Finally, all changes that are made, these and others,
14 must maintain a support for Title IX and cannot come at the
15 cost of student-athletes in women's and non-revenue
16 generating sports.

17 The NCAA provides countless opportunities to men and
18 women, including many from low income families who would
19 not otherwise attend college. In fact, some 82,000 current
20 student-athletes are first generation college students.
21 And at the risk of correcting Mr. Bradshaw, it is now \$2.7
22 billion in athletic scholarships that are provided to
23 students that make that a reality.

24 Further, NCAA revenues are reinvested in our mission.
25 Specifically, last year's revenue allowed us to conduct 89

1 national championships in 23 different sports with nearly
2 50,000 student-athletes participating in those
3 championships from across the entire country. Those
4 revenues allowed us to provide \$700 million directly to
5 colleges and universities in all three divisions. A \$100
6 million of which was used to cover extra expenses and
7 emergency expenses for Division I student-athletes.
8 Further, those revenues allowed us to cover the \$14 million
9 insurance premium for catastrophic insurance policies for
10 our student-athletes.

11 College sports are serving student-athletes very, very
12 well for the most part. Yes, there are changes to both
13 policy and the culture that are needed, and they require
14 frank conversations like the one we're having here and
15 serious actions.

16 I'm committed to working with you and our member
17 schools to ensure that student-athletes have all the
18 opportunities for success that they deserve. And I want to
19 thank you for the invitation, Mr. Chairman, to appear
20 today. I look forward to taking your questions and working
21 with you in the future.

22 [The prepared statement of Dr. Emmert follows:]
23
24
25

1 The Chairman: Thank you very much, Mr. Emmert.

2 I will start, Senator Thune will follow, and then
3 Senator Coats. And then, we'll proceed from there.

4 According to your website, and I'm just sort of going
5 back to some basic stuff, student-athlete health, safety
6 and well-being remain our top priorities. Yet, in court
7 papers filed for a lawsuit in which a family has sued the
8 NCAA after their son died from a brain injury suffered in a
9 pre-season football practice, the NCAA asserted that "The
10 NCAA denies that it has a legal duty to protect student-
11 athletes."

12 I find that extraordinary. Now, I know what your
13 answer is going to be and that's going to upset me. But,
14 the question is how do you reconcile your website's
15 publically stated priorities of promoting health and safety
16 with your private legal arguments which you will declare
17 somehow are different; that the NCAA doesn't have a legal
18 duty to protect student-athletes? You either do or you
19 don't.

20 Dr. Emmert: I will not quibble about the language. I
21 think that was, at the very least, a terrible choice of
22 words created by legal counsel to make a legal argument. I
23 am not a lawyer. I am not going to defend or deny what a
24 lawyer wrote in a lawsuit. I will unequivocally state we
25 have a clear, moral obligation to make sure that we do

1 everything we can to support and protect student-athletes.

2 The Chairman: See, what I perceive is a web of
3 convenient protection to all parties. You suggested that
4 there are a number of universities. See, what I really
5 want to see is I have a panel of subpoenaed universities
6 presidents from land-grant, publically funded universities
7 up here. And I think it'll come to that because I think
8 it's going to have to. I don't know how we're going to
9 work anything out without it.

10 But you say that was bad language by a lawyer who got
11 confused or, put later, didn't have a good night's rest; or
12 whatever it was. And so, you sort of slosh over that.

13 Earlier, you said that there are a number of
14 universities that want to make a certain number of changes,
15 which you then enumerated three or four of them. But then,
16 you've also said, frequently in answers to questions in
17 other fora that you don't have the authority to do
18 anything. You don't have a vote, which you said here.
19 Everything is in the hands of the universities.

20 My cynical self says that universities like things
21 exactly the way they are because they're making a ton of
22 money. In fact, they are making so much money and they
23 have more money than they ever had been before, not all,
24 but some. That there's been about 120 that make most of
25 it; 120 universities. I don't know how change is possible.

1 How do you make the case for saying that you can be a
2 participant in this process of bringing about change when
3 you say that they don't have to listen to anything you say?

4 Dr. Emmert: Well, I can tell you, Senator, what is
5 going on right now. In less than a month now, the Division
6 I board will vote on a completely changed decision making
7 structure. They will put all of the subjects that we're
8 describing and discussing here today in the hands of the 65
9 universities that have the largest revenue. The schools
10 that are within the five --

11 The Chairman: I'm sorry. I've got to interrupt.

12 Why would you pick the 65 schools that make the most
13 money? Because, to me, they would be the ones who be the
14 least likely to want to make any changes at all.

15 Dr. Emmert: Because, quite the contrary, they're the
16 ones that precisely want to make changes; often changes
17 that have price tags associated with them. And they want
18 to make those changes and are often blocked from doing so
19 by institutions that have less revenue. So if, for
20 example, you want to move toward a scholarship model that
21 covers full cost of attendance. Something that the
22 Division I board, in my first year on the job, twice
23 passed. It was overridden by the membership of the 350
24 schools in Division I, predominantly with the support of
25 the 65 major schools saying this is something we really

1 need and they were blocked from doing so by the other
2 institutions.

3 So those schools are, indeed, the schools whose
4 interests are the points that I just enumerated. Indeed, I
5 was practically quoting from a letter signed by all the
6 presidents of PAC-12 and all the presidents of the BIG 10,
7 all of whom have said "These are the changes we must make
8 in intercollegiate athletics and we need authority to make
9 those kinds of changes."

10 The Chairman: Now, is this the 65 largest
11 universities or are these also the smaller ones who you say
12 block progress because it's --

13 Dr. Emmert: Yes, sir.

14 The Chairman: -- expensive?

15 Dr. Emmert: These are the 65 schools that are members
16 of the five largest revenue conferences: the FCC, the BIG
17 12, the BIG 10, the PAC-12 and the ACC.

18 The Chairman: Would you agree with me, in my final
19 first round question, that college sports has long
20 forgotten the word amateurism? And I'm talking
21 particularly about the 120 major -- but you know there's a
22 lot more than that. That it's just a business and the more
23 money you could make -- I mean, West Virginia University
24 signed onto the BIG 12, which guarantees one thing and one
25 thing only. And that means that most of the people of West

1 Virginia who are not income, or even moderate income,
2 cannot go to any games out in the Southwest. Though, West
3 Virginia University sure makes a ton of money from them.

4 How do you respond to that? Is that right? Is that
5 fair? Is that progressive?

6 Dr. Emmert: If I may, Senator, there's two questions
7 that are being asked there. The first is do I believe that
8 the 120 or so dominant schools, the FBS schools, perhaps to
9 whom you're referring, have abandoned the concept of
10 amateurism? And I would say that, no, they have not.

11 I certainly agree with you that the topline revenue,
12 the expenditures that are going on right now, in college
13 athletics have unequivocally moved up very sharply in the
14 past two decades. The fact that schools are investing
15 those dollars back into their athletic program, makes quite
16 clear that the universities, themselves, are not doing this
17 to "turn a profit." Indeed, last year, out of the 1,100
18 schools, about 23 in all of America had positive cash flow.
19 In other words, invested all of the money that they had in
20 college sports and had some left over. Everyone else in
21 the country put resources into college sports instead of
22 taking them out.

23 In terms of the changes that occurred in the
24 construction of the conferences over the past handful of
25 years, I probably agree with you. I was very disappointed

1 in the changes that conferences sought to make progress in.
2 They created some significant travel challenges. I
3 believe, not just for the fans but also for the student
4 athletes. When you have to go across a country for a
5 football game, is one thing because that only occurs
6 occasionally. When it's your volleyball team, your
7 basketball team, or your soccer team, it means student-
8 athletes are traveling a great deal at great expense both
9 in time and energy and commitment. So I was quite
10 disappointed in not all but many of those changes that
11 occurred.

12 The Chairman: I thank you and I turn to Ranking
13 Member Thune.

14 Senator Thune: Thank you, Mr. Chairman.

15 Mr. Emmert, under your presidency, you indicated that
16 you've taken the initiative to form some of these Division
17 I subcommittees to address needed changes. And I'm
18 wondering if you could discuss what you hope to accomplish
19 with that initiative?

20 Mr. Emmert: Thank you, Senator.

21 First of all, as I mentioned, within a month we'll
22 see, I hope, the board pass a completely new decision
23 making structure because of the challenges of the past 24
24 months of making decisions around a very aggressive reform
25 agenda. The leadership of the 65 leading universities have

1 said, "We simply have to find a better way to make
2 progress."

3 They have identified, as their agenda, many of the
4 items that I just addressed and a handful of others. So
5 there is a very keen interest in finding, first of all,
6 ways to provide greater support for student-athletes. We
7 passed, twice over the past 36 months, a proposal to allow
8 universities to give student-athletes as a bare minimum an
9 additional \$2,000 in their scholarship to cover all their
10 miscellaneous expenses. I believe that the universities,
11 this fall and no later than January, will approve a
12 proposal to do something just like that yet again. And I
13 hope an even more robust model to cover the real legitimate
14 cost of being a student-athlete.

15 We were able to pass changes that allowed, but didn't
16 require, multi-year scholarships for a student-athletes
17 prior to three years ago. The universities were literally
18 forbidden by NCAA rules about providing multi-year
19 scholarships. We were able to get a change in the rules to
20 allow them and I think we're well on our way toward
21 mandating that they be, in fact, multiple-year commitments
22 so that student-athletes don't have to worry about whether
23 or not they're going to be able to finish their degree on
24 time. I think that is extremely likely to happen.

25 As I mentioned also, there's a very strong interest in

1 this same group of leading universities that cover the
2 cost, fully, the cost of insurance programs. The vast
3 majority of universities cover all of those costs today but
4 it shouldn't be a question. It should be quite clear that
5 no student-athlete will ever have to cover costs of
6 insurance or injuries that they are inflicting on them when
7 they are student-athlete.

8 And I think, finally, we've got to address this issue
9 of time. The demands that are placed on student-athletes
10 right now are, in my eyes and I think in the eyes of many
11 including, I suspect, Mr. Bradshaw, the demands that are
12 being placed on young men and women; both in terms of
13 what's required of them for regular coaching, what's
14 required from informal coaching, what's required simply to
15 be competitive these days, is far too great a time, a
16 demand, and we need to find ways -- I completely agree with
17 Mr. Ramsay, for example.

18 We need to find ways that young men and women can take
19 advantage of internships, of study abroad opportunities, of
20 all the things that we know that help prepare them for life
21 because a very, very tiny fraction of them are ever going
22 to play professional sport. For virtually all of college
23 players, their last game is their last game in college.
24 That's not going to be their profession. Their
25 professional life and their life in general is going to be

1 changed by having a meaningful degree and meaningful
2 experiences that go along with that. That means we've got
3 to create opportunities for them to do the many things that
4 are available on campuses.

5 Senator Thune: Thanks.

6 Mr. Bradshaw, you bring a unique perspective as former
7 AD, and as a member institution, taking care of the well-
8 being of your student-athletes. And I'm told that it was
9 your practice, while at Temple, to conduct exit interviews
10 and I'm wondering, and at sometimes those led to
11 substantive changes in policy and how programs could be
12 improved. But do you got some examples from those
13 interviews that you can share with us that led to direct
14 improvements in the way that Temple addressed the needs of
15 student-athletes?

16 Mr. Bradshaw: We gathered our best information from
17 our student-athletes about how they were being treated. As
18 many of you might know, student-athletes aren't the most
19 shy people in the world. They -- absolutely. They're like
20 my teenagers. They let you know when they're hungry, they
21 let you know when you need things. So the exit interviews
22 were invaluable because seniors were leaving the
23 institution.

24 We'd also follow-up. We had questionnaires that we
25 sent the seniors a month before they left and then went

1 over those questionnaires with the student-athletes, talked
2 about every facet of their experience at the university.
3 That was helpful.

4 We also had a captain's council, which was an
5 aggregate of all the captains from every team that got
6 together without the coaches, just myself and some
7 administrators, to hear everything they had to say about
8 their experience so that we could use that in recruiting
9 and help to do a lot better job.

10 We also have team meetings with each of the teams
11 before their seasons to welcome the freshman and also to
12 gather input from those freshmen about it. And we were
13 able to gather very valuable things. Like, we had one team
14 who their practice facility was maybe about 25 minutes from
15 campus and when they got back in the evening, they weren't
16 able to get the kind of quality dinner because a lot of the
17 students had already been in there and things were picked
18 over. And we were able to extend that time for their meals
19 for an hour so that those student-athletes could eat.

20 We also had football players who were practicing in
21 the afternoon, some of them in pre-med. And some of the
22 courses they were taking were right up against their
23 practice. We were able to get that football coach to take
24 those practices in the morning when 97 percent of the
25 classes that the kids were taking were there. So that was

1 very valuable input right from the center of our universe,
2 the student-athletes.

3 Senator Thune: My time has expired, Mr. Chairman, but
4 from the athletic director's standpoint, what role do you
5 see the AD and the universities playing? I mean, some of
6 these things you can go above and beyond what the NCAA
7 requires; correct? I mean there's --

8 Mr. Bradshaw: Yes.

9 Senator Thune: -- a lot of flexibility that's allowed
10 at the member institutions to make decisions that are the
11 best interests of their student-athletes.

12 Mr. Bradshaw: And we should.

13 We have the responsibility and its institutional
14 control. It's not only the Chairman of the Board or
15 trustees but the president and athletic director should all
16 be onboard and have similar philosophies and missions and
17 principles about how that works. And in concert with all
18 those people because sometimes you need funds to do the
19 things that you need to do and you need support from the
20 board and the president.

21 So it's very important that all of us work together to
22 do that because we're out recruiting other student-athletes
23 and that's a brand we call "Athletics, the front porch of
24 the university." It might not be the most important thing
25 you see when you drive by but it's the most visible

1 messenger of the brand of the university.

2 Senator Thune: Thank you.

3 Mr. Chairman, thank you.

4 The Chairman: Thank you, Senator Thune.

5 Senator Coats.

6 Senator Coats: Mr. Chairman, thank you.

7 Dr. Emmert, thank you for being willing to testify
8 here. I know you didn't have to do this and I think it's
9 been very constructive to hear the reforms that you have
10 initiated and those that you hope to initiate. And it
11 sounds like there's some real positive things that are
12 happening relative to the issues that, as you have
13 acknowledged, are challenges for the NCAA, and challenges
14 for the universities and challenges for our committee.

15 Mr. Chairman, I want to thank you for following
16 through on your commitment to me and to others that, you
17 know, we're going to have a good, solid, non-theatrical
18 investigation and committee process here. Because, I think
19 we're all on the same page in terms of how can we best
20 preserve the student-athlete and best provide for them.
21 How do we address some of the challenges that we're facing
22 today with the revenues and so forth. And I think this is
23 a very constructive effort that we're undertaking here.
24 And I thank you for pulling all that together.

25 Here's what I'm hearing and I'm leading to a question

1 here. But, I'm hearing from our witnesses that there are
2 many positive things happening and many positive results
3 coming from being a student-athlete. That opportunities
4 that are available to athletes that otherwise would not
5 have been able to get a college experience and a college
6 degree in the education process.

7 The list of reforms that Dr. Emmert has basically said
8 these are his proposals, and I think it goes right to what
9 we are trying to accomplish here: Scholarship for life;
10 the full and actual cost of attendance payment; leading and
11 taking the lead in areas of health and safety; addressing
12 the sexual assault issue which goes across all aspects of
13 athletics but also college experience, it's not limited to
14 just one; medical insurance, dealing with those questions;
15 academic priorities, and we talked about the time issue;
16 support for Title IX.

17 I mean, it's been remarkable what has happened under
18 Title IX in terms of the number of women that are able to
19 participate in athletics, games, scholarships. Many of
20 those also would not have perhaps had a chance with
21 scholarship help and support. The vast majority of schools
22 that, whether Division II or Division III or not in the top
23 65, and that offer all these opportunities. It's something
24 we want to preserve, it's something we want to improve.

25 I think we have a president of the NCAA who is a

1 reformer, known as that. That's why he was hired. He's
2 taken steps already, and willing to take significant steps
3 forward.

4 Now, obviously, it goes to this question, Dr. Emmert,
5 of the 65. I was encouraged about your response to the
6 Chairman's question relative to their interest in
7 addressing these issues. Now, it's one thing to say that
8 their willing to do it, it's another thing to do it. So we
9 wish you success but we understand that it's -- you're the
10 proposal. You're the initiator but they're the decision
11 makers.

12 And so, I hope, Mr. Chairman, that over some period of
13 time here, hopefully relatively soon, we can get a positive
14 result from that effort. Because, I think that's really
15 where these major issues fall.

16 But Dr. Emmert, would you just give us one more shot
17 at the ability to address what I think goes to the root of
18 the problem, but also to the root of the solution. And
19 that is that the top 65, which are the revenue generators,
20 we don't want jeopardize is the other 1,000 or so that
21 aren't, and put them in a situation where they won't be
22 able to fulfill Title IX or they won't be able to fulfill
23 the level of sports that get so many young people the
24 opportunities to participate and get a college education at
25 the same time.

1 Dr. Emmert: Yes, Mr. Chairman and Senator Coats. I
2 think you're asking one of the, well, two of the most
3 important questions.

4 And first, is a recognition that 100 years ago when
5 the NCAA was created it was, as Mr. Branch pointed out,
6 created with some impetus from the White House and Congress
7 because of all the challenges in college sports. And at
8 that time, it was determined that college sports should be
9 appropriately self-governed; that the universities
10 themselves were capable of providing the right kind of
11 structure and governance and oversight to make college
12 sports work effectively for young men and young women. And
13 we're at a point now where we're going to see, yet again,
14 whether or not that self-governance system still works. I
15 have confidence because I know most of these presidents as
16 colleagues and I know their interests and their
17 considerations and concerns that provides a mood of
18 confidence that they want to move forward on the agendas
19 that I described, plus more, in the coming weeks and
20 months.

21 Now, I think, Mr. Chairman, this hearing is a useful
22 cattle prod, if you will, to make sure that everyone
23 understands that the world is watching. The U.S. Senate is
24 watching and everyone is paying attention to what
25 universities are going to do to address these very real and

1 significant issues. I think all of those things, combined,
2 give me some very positive belief that we're going to wind
3 up in the right place in a matter of months. Now, if we're
4 not, then we have another conversation that we can have.
5 I'm sure. And I have no doubt, sir, that you or your
6 successors will make sure that we have that conversation.
7 But I have no concerns about this body or any other trying
8 to hold universities accountable for the things that they
9 need to and should be doing.

10 Senator Coats: Thank you, Mr. Chairman. My time has
11 expired.

12 Senator Klobuchar: Mr. Chairman, I wanted to note for
13 the record that Senator Coats, out in the hallway, found
14 out he just had his tenth grandchild.

15 [Laughter.]

16 Senator Klobuchar: Just for the record.

17 Senator McCaskill: And I heard he cried --

18 [Laughter.]

19 Senator Klobuchar: Oh, I didn't tell her that.

20 [Laughter.]

21 Senator Coats: I had to leave. I cried --

22 Senator McCaskill: We love that.

23 Senator Coats: It's as hard as number one.

24 The Chairman: You don't get to meet, you know, some
25 kind of a --

1 Senator McCaskill: A guy who cries over his
2 grandchildren is very cool.

3 Senator Klobchar: We like that.

4 Senator Coats: That's a good thing.

5 Senator Klobuchar: Thank you.

6 Senator Coats: I agree.

7 The Chairman: It's another form of cartel.

8 [Laughter.]

9 The Chairman: Senator Heller, to be followed by --

10 Senator Heller: Thank you, Mr. Chairman. I hope this
11 doesn't get you in trouble also; calling on me next. But I
12 have a couple things for the record.

13 First, I'd like to submit an opening statement. Your
14 staff has that.

15 The Chairman: So ordered.

16 [The information referred to follows:]

17 [COMMITTEE INSERT]

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1 Senator Heller: And second, also for the record, is a
2 USC alum who spoke with Pat Haden just before this hearing.
3 I'm pretty sure that we usually watch the Trojans beat
4 Notre Dame on NBC and not on ESPN.

5 Sorry, Mr. Branch.

6 [Laughter.]

7 Senator Heller: No, that's Stanford. I wish I could
8 say that.

9 Having said that to you, Dr. Emmert, I have a couple
10 questions. The seven points that you brought up I think
11 are, what you say you're trying to achieve, I think are
12 more weaknesses today than they are strengths. If you have
13 to talk about students having scholarships for life, today
14 you don't have them. And I think that's a weakness. If
15 you have to talk about men and women, and having full and
16 actual coverage of their costs while they're in college, is
17 a weakness because it's something that you don't have
18 today. If you're talking about leading in the area of
19 safety, you're not doing it today. If the NCAA is talking
20 about taking the lead in sexual assault, then they are not
21 doing it today. If you're talking about gaps in insurance
22 coverage, means it's not happening today. We can go on and
23 on. Managing time and demands on these men and women that
24 are in school, means it is not happening today.

25 And I'll share with you, every once in a while the

1 Chairman and I agree on something. I call that lightening
2 in a bottle.

3 The Chairman: Careful.

4 Senator Heller: Maybe the stars are aligning. I'm
5 not sure on this one. But, needless to say, I agree with
6 him. And that is that we do have jurisdiction here, in
7 this Congress, over the NCAA.

8 And so, my question to you is this: If tomorrow there
9 was a bill in front of the United States Senate that would
10 disband the NCAA, and for all their discussions in hearings
11 and witnesses that spoke today, give me reasons why I
12 shouldn't vote for that bill.

13 Dr. Emmert: Well, I am happy to.

14 The fact is that, first of all, we've been focused
15 already in this brief period of time on the things that
16 aren't happening. But the reality also is is that an
17 enormous amount of very, very good things are happening --

18 Senator Heller: Good. I want hear those. I want to
19 hear those.

20 Dr. Emmert: -- that we have talked about. So when we
21 focus on the issues of college sports, the vast majority of
22 them, as many of you have noted, the vast majority of those
23 issues are really focused on men's basketball and football
24 as it's played in the top handful of institutions. If you
25 look at BCS football and men's basketball, you are looking

1 at less than 5 percent of all of intercollegiate athletics.
2 You're missing 95 percent of intercollegiate athletics.
3 For that other 95 percent, there are very few of those
4 challenges or problems that are occurring. Indeed, it is
5 serving.

6 So, I'm not very good at math in my hand, but if it's
7 95 percent of 460,000 students, let's just say it's 450,000
8 students or 425,000 students for whom this is working
9 amazingly well. They are graduating at a higher rate than
10 the rest of the student body on their campuses, they're
11 graduating at a higher rate than the rest of the students
12 in the United States. Yes, we can in fact have a very good
13 learning discussion about how we measure graduation rates.
14 But if you use the federal graduation rate, student-
15 athletes in Division I graduated 1 percent higher than non-
16 athletes on all of our campuses across America.

17 If you look at men's and women's basketball, if you
18 look at football, the graduation rates, as Mr. Bradshaw
19 pointed out, have been steadily growing for more than 15
20 years now; each and every year. If you look at African-
21 American men the African-American men on any given campus,
22 have a 9 percent higher probability of graduating if they
23 happen to be an athlete than if they're not an athlete.

24 The fact is its student-athletes make very good
25 students. Yes, there are many issues, and our two former

1 athletes here, I think, have pointed them out very nicely
2 that need to be addressed. But, for the vast majority of
3 students, being an athlete also goes along with being a
4 better student and more likely to graduate. And also, we
5 believe, though the data is not well done, and I just
6 learned from Dr. Southall that he's working on a study that
7 I think will be very useful, we believe that there's good
8 reason to see that they are more successful in life as
9 well, overall.

10 So one of the things that we all need to work on
11 together is to make sure that we don't throw the baby out
12 with the bathwater here. Intercollegiate athletics, as you
13 pointed out, Mr. Rockefeller, is a wonderful part of our
14 society and provides extraordinary opportunities for the
15 vast majority of student-athletes. I focused my comments
16 on the things that I'd like to see fixed. You just
17 elaborated on them. That should not be interpreted as
18 everything is wrong in college sports. Indeed, even if you
19 look at scholarships, in fact, no one is giving a
20 guaranteed four, no one. Most schools are not giving
21 guaranteed four-year commitments. USC has just committed
22 to do that. University of Indiana has just committed to do
23 that. A handful of others are looking at it right now --

24 Senator Heller: But wasn't that --

25 Dr. Emmert: -- but the reality is is that almost no

1 student ever losses their scholarship.

2 Senator Heller: But wasn't that prohibited by the
3 NCAA?

4 Dr. Emmert: It was.

5 Senator Heller: When did that change?

6 Dr. Emmert: That's one of the things that I think
7 will occur in the coming months.

8 Senator Heller: In other words, schools did offer
9 four-year scholarships until the NCAA prohibited it.

10 Dr. Emmert: They did and I have no idea why that was
11 put into the rules. I have my own notions, but I have no
12 idea -- I don't even know when that occurred but a number
13 of years ago.

14 Bill, do you know when that occurred?

15 Mr. Southall: 1974.

16 Dr. Emmert: 1974

17 Mr. Bradshaw: 1973.

18 Dr. Emmert: '73.

19 Senator Heller: And no reason as to why?

20 Dr. Emmert: Bill, do you know why?

21 Mr. Bradshaw: I really don't know, really don't know.

22 Dr. Emmert: None of us was in the room.

23 Mr. Bradshaw: In recruiting, it's not a very good
24 idea not to give multi-year scholarships.

25 Senator Booker: I trust the historian. I'd love to

1 hear what Taylor Branch --

2 Senator Heller: I would. I'd like to hear this, yes.

3 Mr. Branch: The historical record on that was that it
4 was driven by the coaches at the biggest universities,
5 precisely the 65 biggest schools, because they wanted more
6 control over their athletes; they're driven to win. You
7 have a better chance of winning if you control the athlete
8 and what time he gets up and how much time he spends in the
9 weight room, and so on and so forth. And if you can yank
10 their scholarship, then you got more control over them.

11 Senator Coats: But you can't do that anymore; right?

12 Senator McCaskill: Yes, you can.

13 Mr. Branch: Yes, you can.

14 Senator Coats: You can't control the time --

15 Mr. Branch: The NCAA, in 1973, at the behest of the
16 big school athletic departments and coaches put in a rule
17 that you could not offer more than a one-year scholarship.
18 In other words, guaranteeing the coaches that control over
19 the athletes. And that survived for 40 years. Now, what
20 they're trying to do is to repeal that law so that you
21 could, at your option, offer more.

22 Dr. Emmert: Excuse me, for interrupting. It has, in
23 fact, been repealed. It's one of the first things that I
24 insisted on.

25 Mr. Branch: But it lasted for 40 years at the behest

1 of the same 65 schools that are now proposing to do these
2 reforms that you're talking about. And I think they're
3 good, but it's because they can afford them and because the
4 gap between the level of money involved and the needs of
5 these athletes has gone so obscene that they want to do it
6 on their own and they can afford to do it.

7 Senator Booker: If Senator Heller would allow me
8 because this is such an important point. It has not
9 changed. A student-athlete, right now, who for the reasons
10 of a coach at any time can revoke that scholarship so that
11 that student is no longer able to stay at a university.

12 Dr. Emmert, that's true right now; right?

13 Dr. Emmert: It's a variable.

14 So, starting last year, schools -- two year ago.
15 Pardon me. Schools were provided the option. In other
16 words, this prohibition was repealed so that a school today
17 can offer a multi-year scholarship and many do.

18 So, as I just mentioned, the University of Southern
19 California and Indiana, for example, have recently
20 announced that that is precisely what they are going to do
21 is offer full four-year scholarships. Many schools in the
22 BIG 10 have been doing so since this prohibition was
23 lifted. I don't know the extent to which it --

24 Senator Booker: But it is not uniform?

25 Dr. Emmert: But it is most certainly not uniform --

1 Senator Booker: And it's not even the majority of
2 schools.

3 Dr. Emmert: I believe that it's not --

4 The Chairman: Senator Booker --

5 Dr. Emmert: -- not close to the majority.

6 The Chairman: -- your turn will come.

7 [Laughter.]

8 Dr. Emmert: Would the NCAA ever order this --

9 Senator McCaskill: Do we need to remind him that he
10 is junior on this committee?

11 [Laughter.]

12 Senator McCaskill: I think somehow he forgot about
13 this thing.

14 The Chairman: And now we're calling on Senator
15 McCaskill.

16 Senator McCaskill: Thank you.

17 I would like to offer into the record the roll call of
18 the institutions who voted to reestablish the one-year
19 rule. After it was voted in, in 2011, that you could have
20 the option of giving a four-year scholarship, the very next
21 meeting there was an attempt to overrule that decision.
22 They needed a two-thirds vote to overrule the decision to
23 go back to the one-year requirement. I think it would be
24 very interesting for the members of this committee to look
25 at the institutions that voted to go back to a one-year

1 requirement in 2012. They need 62 and a half percent.
2 They got 62.12 to go back the one-year. And I think you'll
3 be surprised. It's counterintuitive. Some of the
4 institutions that voted to go back to the one-year, like
5 Harvard voted to go back to one-year; Yale was strong, they
6 abstained. We had institutions like Texas, all wanted to
7 go back to one-year, but then there were smaller schools
8 that wanted to go back to one year.

9 Senator Thune: What did Missouri do?

10 Senator McCaskill: One Missouri school did, but the
11 University of Missouri did not. And I was willing to offer
12 this into the record and I was nervous when I got this
13 because I was afraid that my university might have voted to
14 go back to one-year. But it's very telling that in 2012 --
15 Now I guess my question to you, Dr. Emmert, is why wasn't
16 this made public at the time? Because, I think most of
17 these universities would be embarrassed if they were
18 publically called out that they were unwilling to give a
19 four-year scholarship to an athlete. So why did it take a
20 request from Congress for this roll call for this to ever
21 reach the light of day? And I would ask this list to made
22 part of the public record?

23 The Chairman: So ordered.

24 [The information referred to follows:]

25 [COMMITTEE INSERT]

1 Dr. Emmert: Well, the data were made available to all
2 of the memberships. So --

3 Senator McCaskill: I'm talking about to the public.
4 Why didn't you put it on your website?

5 Dr. Emmert: I'm not debating the fact. I just don't
6 simply know whether it was not put on the website. The
7 debate was very public. It was, obviously, a very disputed
8 case. It's a very interesting debate. I was quite stunned
9 by some of the argumentation.

10 So we have the -- and one of the things I didn't
11 mention about changes that I anticipate in the coming
12 weeks. Mr. Branch pointed out something that's part of the
13 Olympic movement, Olympic tradition now that, in the United
14 States, that student-athletes have to have a very -- not
15 student-athletes. Olympic athletes have to have a
16 substantial vote and voice in all of the deliberations of
17 the Olympic bodies. I certainly advocate for a model much
18 like that and, indeed, the proposal that's going to be
19 voted on later, in August, will include a full
20 representation of students as voting members alongside the
21 presidents and athletic directors on all of the legislative
22 bodies.

23 But, we currently have student-athlete advisory
24 committees that we turn to all of these issues --

25 Senator McCaskill: Dr. Emmert, that's all great.

1 Dr. Emmert: No, but if I might, ma'am. The student-
2 athlete advisory committee advised against putting in
3 multi-year scholarships because they happened to agree with
4 coaches that it was a good incentive for their colleagues
5 to remain engaged. So some universities voted to overturn
6 this because they're very own student-athlete advisory
7 committee said, "No, no, no, no, don't give multi-year
8 scholarships. We like one-year scholarships."

9 My point is simply, ma'am, it was quite
10 counterintuitive in many levels. And I was quite appalled
11 by --

12 Senator McCaskill: Okay. Fair enough.

13 I would like to talk to those students because I think
14 they probably felt pressure from coaches if they were all
15 student-athletes. I have a hard time imagining that any
16 student thinks it's in their best interest to get a one-
17 year scholarship rather than a four-year scholarship.

18 I'd like to get to handling rape accusations.

19 Dr. Emmert: Yes, ma'am.

20 Senator McCaskill: In one of the responses to one of
21 the letters I sent you, you indicated that you provide an
22 online Title IX legal and best practices material and video
23 classes.

24 My question is: In that material, do you make the
25 recommendation to your institutions that they not be

1 allowed to handle the adjudication of Title IX complaints
2 involving sexual assault against student-athletes?

3 Dr. Emmert: I don't know the answer to that.

4 Senator McCaskill: Well, we've done a survey and the
5 results came out today. And I was shocked to find out 30
6 percent of the Division I, II, and III schools allow their
7 athletic departments to handle the allegations against
8 their athletes. Now, we have a big problem with victims
9 being willing to come forward.

10 And I assume you've read the long cover story about
11 the investigation that did not occur with Mr. Winston at
12 Florida State?

13 Dr. Emmert: I have.

14 Senator McCaskill: That there was no investigation of
15 that allegation. We will never know whether he was guilty
16 or not because nobody ever investigated it because of who
17 he was.

18 If you're a victim and you know your allegation is
19 going to be handled by the athletic department as opposed
20 to any other student on campus who is handled in a
21 different system, why in the world would you think the
22 process was going to be fair?

23 Dr. Emmert: I read your data this morning and I was
24 both, it sounds like, equally surprised and dismayed by
25 that fact.

1 I think the concern you're raising is spot on. I
2 think it creates, first of all, an enormous amount of
3 conflicts of interest. I think it creates the kind of
4 enormous apprehension you're describing right now on the
5 part of a victim. As somebody who has spent most of his
6 life on campus and, in several jobs, had responsibilities
7 for campus safety. Whenever I was a president, I had to
8 deal with victims and family members of victims and people
9 who had suffered egregious harm. And I always found it the
10 most difficult problem that I'd ever wrestle with. I think
11 this is something that needs to be addressed. I think your
12 data is shining a very important light on a phenomenon that
13 I think most of the members are going to be very surprised
14 to know exist.

15 Senator McCaskill: Well, I think that, my sense, and
16 I have a lot of questions about transparency of money and
17 about whether or not things are made public. I feel for
18 you, because part of me thinks you're captured by those
19 that you're supposed to regulate but then you're supposed
20 to regulate those that you're captured by. And I can't
21 tell whether you're in charge or whether you're a minion to
22 them.

23 The notion that you can't forcefully state "I will go
24 after this and I will make sure that no university allows
25 their athletic department to handle a sexual allegation

1 against one of their team members," you know, I don't sense
2 that you feel like you have any control over this
3 situation. And if you have no control, if you're literally
4 a monetary pass-through, why should you even exist?

5 Dr. Emmert: Well, I think the reality is is that
6 while the issue we're talking about here, I don't have a
7 vote on and I don't get to set those policies. I can
8 certainly set the tone on it and I can certainly be someone
9 who voices a very loud opinion and says, "This is not
10 right. This is inappropriate. These are the conflicts
11 that exist when you have a policy and a practice like this
12 on your campus."

13 When I first took this job, the very first summit I
14 held in Indianapolis was a summit on sexual violence. It
15 was a summit that led to the creation of a working group of
16 experts and not college athletic folks but of experts from
17 across the country to create a working group and a think
18 tank. We're going to issuing the results of their work
19 this summer as a workbook and a guide to best practices.

20 I'm now, thanks to your work, going to in and make
21 sure that this issue is addressed in that handbook. And
22 I'm going to talk to the leadership at our very next
23 meeting in August, about the fact that this is really
24 inappropriate and we need to find ways to make sure that
25 athletic departments are not the ones who are responsible

1 for adjudication of these issues because of all the obvious
2 concerns that you raise.

3 Senator McCaskill: Thank you.

4 Dr. Emmert: I couldn't agree more.

5 Senator McCaskill: Thank you. I'm over my time and
6 I'll try to come back. I hope somebody else covers the
7 questions about young people from families that can't
8 afford to even travel to see their children play in the
9 games.

10 Dr. Emmert: Yes.

11 Senator McCaskill: Because, meanwhile, the
12 universities are making gazillion dollars off their
13 children but their parents can't even get a stipend to
14 attend the game to watch their child play. There's
15 something wrong with that scenario. And it's going on
16 college campus across this country every single week.

17 Dr. Emmert: I agree with you.

18 The Chairman: Thank you.

19 Senator Klobuchar.

20 Senator Klobuchar: I thank you very much, Mr.
21 Chairman.

22 And I just want to start with one of my favorite
23 stories of the year; was the coach, the coach, is the coach
24 for the University of Minnesota football team, Coach Kill,
25 who has epilepsy. And, as you know, Dr. Emmert, he had a

1 number of seizures during games, during stressful moments
2 in games. And the University of Minnesota president
3 decided we're not going to get rid of him, we're keeping
4 him on. Our record has been a little rocky, the Gophers.
5 But they kept Coach Kill on. He had to coach from a box.
6 He couldn't coach on the field because of his condition.
7 And during the entire season, he coached from a box. And I
8 was there when we beat Nebraska with him in a box. It was
9 a great moment.

10 And it was a great story, but it does make me think,
11 as I hear all of this, that that kind of compassion, what
12 was so captivating about that story, was that it kind of
13 defied what had become of so many of these big sports games
14 and the kind of cut throat competition and how people were
15 treated.

16 And so, I think what you're hearing up here today is
17 the hope that these are deliverables. These are things
18 that can happen. When you talk about changing the sexual
19 assault policy, making sure the players have the healthcare
20 insurance, making sure that they have the time to do these
21 internships; these aren't like crazy hard things to do. I
22 think they're possible things to do.

23 And so, what I more want anything, as I listen to all
24 this, is that we commit. And I know the Chairman will be
25 retired, but he will be here, I'm sure, for this. That we

1 have another hearing whether it's six months from now or a
2 year from now to check up on what's happening with these
3 things. Because, these are things that we don't have to
4 pass a law to change, when I listen to some of these
5 commitments and the possibilities.

6 And I wanted to go with one of the things, and that is
7 that we haven't talked about as much. And that is the
8 issue of the concussions. We've had several players,
9 whether they are at the high school level or at the college
10 level. And I know Senator Tom Udall, I've cosponsored his
11 bill and we've had hearings on this specific topic already.
12 But I understand that there is some work being done here.
13 I know there's a lawsuit that's going on but I wondered if
14 you could comment, Dr. Emmert, and then I'll ask you, Mr.
15 Rolle, with your medical focus here; just your opinion of
16 it. But if you could talk about what's being done with
17 this issue because I think it's a very important issue for
18 all levels of sports.

19 Dr. Emmert: I think it's a critical issue and it's
20 most heavily identified with football, of course, but it's
21 also the leading cause of concussions for young women in
22 soccer, for example. And it occurs in virtually every
23 sport.

24 There's a number of things going on. I'll be as quick
25 as I can. First of all, as I mentioned in my opening

1 comments, when I first came into the office, I was a bit
2 surprised to find there wasn't a chief medical officer
3 position in the NCAA. So I created that job and we went
4 out and we hired a wonderful doctor, Brian Hainline, who is
5 a neurologist. He has been working unbelievably hard to
6 pull together, first of all, a best science.

7 One of the big problems is we don't have good science
8 on concussions. It is not as well understood as we all
9 might think. And so, once they've done that, just this
10 past handful of days, they released the first ever
11 consensus among all the medical community on the treatment
12 and the prevention of concussions, especially around
13 football and new football practice guidelines around
14 contact and a variety of other things. We signed with the
15 Department of Defense, about two months ago, an agreement
16 to do a \$30 million project. We're putting up \$15 million,
17 DoD is putting up \$15 million to track longitudinally,
18 first of its kind ever track longitudinally, young men and
19 women and try and get a legitimate history of the
20 occurrence of and a treatment of concussions so that we
21 understand it better. We're working with all of the youth
22 sports organizations to try and get better practice
23 guidelines, working with the NFL on their Heads UP program
24 to try and get coaches, especially in football, coaches
25 trying to teach young men and boys how to tackle properly.

1 But we have the same issue with soccer. So there's
2 some soccer coaches, girls' soccer coaches, that are saying
3 now we need to ban any heading until girls and boys are at
4 least 12 years of age. And so, we're looking at trying to
5 lend our support to those kind of efforts. We're making,
6 pardon the pun, headway but the facts are we need a lot
7 better understanding of this disorder and how we can
8 prevent it. I'm pleased with where we are and I'm proud.

9 Senator McCaskill: Mr. Rolle?

10 Mr. Rolle: Well, part of the reason, actually, why I
11 stopped playing in the NFL to pursue medicine and go into a
12 particular specialty of neurosurgery was because a lot of
13 my teammates having early onset dementia or traumatic brain
14 injury or some of these chronic traumatic encephalopathies,
15 things that you often associate with several concussive
16 episodes. I saw it in the NFL, I saw it in college. And
17 now, as an inspiring neurosurgeon, I would love to add
18 expertise to that discussion.

19 But I think at the collegiate level, one thing that I
20 noticed in the locker rooms were a lot of my teammates, a
21 lot of fellow athletes of mine, you know, we want to be
22 fast; right? We want to be quick. We want to be nimble.
23 We want to be agile. And so, the protective equipment that
24 we wear, a lot of the guys were choose and select equipment
25 that's lighter and maybe not as protective. And so, that

1 might lead to more concussive episodes.

2 I think education, as Dr. Emmert said, is incredible
3 important. We do have some athletic trainers and doctors
4 that come and speak to us as collegiate athletes and talk
5 to us about the dangers of concussion, but if you are
6 concussed as a player, sometimes you feel pressured and
7 forced to get back on the field as quickly as possible.
8 And then, if you have a risk of getting a second
9 concussion, you're likelihood of getting a third and a
10 fourth, a fifth, goes up exponentially actually.

11 And so, the pressures and stresses of trying to be on
12 the field, trying to compete, not losing your position all
13 at the same time, as Devon said earlier, if you're not on
14 the field and if the coaches can't see you, you're not
15 exposed, then you perhaps lose your opportunity of getting
16 drafted high and getting to your next level. And so,
17 there's a lot of different issues that go on.

18 I think one way to address this issue along with
19 education is just to, perhaps, change the culture, change
20 the focus, of big collision, high velocity hits in the
21 sport of football, and the idea that that is a part of the
22 game. It is not a part of the game, actually. If you look
23 at the rulebook, it's just to take a player to the ground,
24 similar to how a rugby is performed, but you see all the
25 highlights and all the exposure on these big, high velocity

1 hits where guys are spearing into another player and that's
2 what gets highlighted, that's what gets celebrated. And I
3 think that's a wrong path.

4 And so, as I said, hopefully in a few years or so, I
5 can add more knowledge to this discussion. But, from my
6 anecdotal knowledge, it is an issue that's not only in the
7 NFL but also in college and even before that; high school
8 and primary football, as well.

9 Senator McCaskill: Okay. Well, thank you.

10 And I'll ask the questions on the record about the
11 internships of you, Mr. Ramsay, because I just thought that
12 was really fascinating when you look at the numbers that
13 Dr. Emmert gave us on what a small proportion of the
14 student-athletes end up going into pro-sports. That's most
15 likely not going to be their career. And they have to have
16 that ability to pursue. And if it's supposed to be 20
17 hours than we have to find some way to measure that and
18 enforce it so that it's across-the-board. And that's one
19 of the things I'm very interested in hearing the follow-up
20 in a year. And I thank you for bringing that to our
21 attention.

22 Thank you.

23 And it also says to go down, as we discussed, Dr.
24 Emmert, yesterday, to the high school level and so that we
25 put some of this in perspective. And I do think there's

1 ways to change cultures. We've changed cultures in this
2 country before and still have great sports games.

3 Thank you.

4 The Chairman: Thank you, Senator Klobuchar.

5 Senator Nelson, I want to say something about you.

6 To me, this hearing so far has been a lot of talk
7 about a lot of things which have been around for an awfully
8 long time, which we all think should be solved. But
9 they're not solved, and I think there are very clear
10 reasons for it and that decision making reason is very
11 flawed, fragile and useless.

12 Florida, which has -- everybody recruits from Florida.
13 They have a law which you would know, Senator Blumenthal,
14 that transparency, how money is spent, has to be made
15 public because they have a law. And so, you know, when the
16 contributions and the NCAA comes in and only a small
17 portion goes to education and all kinds of things go to the
18 stadium, that's all available to the public.

19 And so, I commend them for coming from a state like
20 that. And I just think that's the path for so many answers
21 which we just otherwise seem to be unwilling to deal with.
22 Excuse me.

23 Senator Nelson: Well, thank you Mr. Chairman.

24 I think a lot has come out of this committee hearing
25 that should enable and help Dr. Emmert to continue with the

1 reforms that he's trying. Now, so much has been said about
2 so many of these issues. Let me just highlight a couple.

3 I happen to know because I was mesmerized with Mr.
4 Rolle as a player at Florida State. And for him to do his
5 interview for the Rhodes Scholarship, which was in the
6 South on a Saturday, his president, T.K. Wetherell, had to
7 get special dispensation so that they could get someone to
8 donate a private jet for him that could fly him somewhere
9 in the Northeast when Florida State was playing up here.
10 And, even so, he made it only in the second half. But, the
11 emphasis, you know, that's something that's so common sense
12 that you would want a player to interview for the Rhodes,
13 and yet it was a big deal. And it shouldn't have been.

14 The fact of so many of these players are coming from
15 families that are dirt poor, and they don't have the
16 opportunities that others do. It seems to me it's common
17 sense. We ought to have stipends or scholarship, whatever
18 you want to call it, so it equalizes the playing field of
19 the financial ability if those student-athletes are
20 contributing to the financial well-being of that
21 university.

22 So, too, with health insurance. That ought to be
23 common sense. If a player is hurt and that's a career-
24 ending injury, the best of medical care ought to be given
25 to that player. And for it to last for some period of time

1 in the future. And, of course, concussions just to add
2 another whole dimension to this thing. I thought it was
3 very interesting, in another committee that I have the
4 privilege of chairing, we did a hearing on concussions
5 including professional athletes, went down the line on the
6 table and they would not recommend to their children that
7 they play football.

8 So times are changing. And the NCAA has got to get
9 with the times and so, whatever this committee hearing has
10 done to enable you, as a reformer, to get those schools to
11 give you the votes that you need to do a lot of these
12 things that we're talking about; the family travel. Why
13 should they have to sneak around in the shadows in order to
14 get money to be able to buy a ticket to come to the game
15 and where to stay in a hotel and so forth? I mean, it just
16 defies common sense.

17 Mr. Rolle, do you want to make any final comment?

18 Mr. Rolle: Sure.

19 One thing that I'd like to say is that when you think
20 about the four-year scholarship discussion and the one-year
21 renewable, a lot of players that I was on teams with, it
22 kind of felt like it was us verse them. You know, it
23 wasn't a team. We didn't kind of feel like the NCAA was
24 protecting our best interests; was looking out for us.
25 Wanting, to see us succeed and thrive and flourish was

1 almost as if we had to do everything we could to promote
2 ourself and to better ourself against this big machine that
3 was dictating and ordering the steps that we took. And
4 maybe that's not true. Maybe there's some
5 miscommunication. Maybe the information was getting
6 disseminated to the student-athletes on the field well
7 enough. But that's kind of how we felt.

8 And I think another thing is quite bothersome today,
9 going back to the economic issue and economic struggles, a
10 lot of my teammates, as you know Senator Nelson, I mean,
11 come from poor areas in Florida and they come to Florida
12 State as the first person in their family to be a college
13 student. And they don't have a lot of money to lean back
14 on from their families. So that leaves them open and
15 susceptible to some unsavory things.

16 I mean, these are agents, NFL runners, who would come
17 to our dorms and knock on our doors and say, "Hey, I can
18 take you out to a night club; I can buy you a meal; I can
19 give you a suit to wear; I can take you and your girlfriend
20 out to eat." And then, these players accept it because
21 they don't have much else and then they become ineligible.
22 Then they don't have any opportunity for financial gain in
23 the future by going to the NFL because now, they have a
24 black mark or they just don't play anymore. So then, they
25 end up back in Liberty City, Miami or Polk County, Florida,

1 and that typical perpetuity continues. And it's
2 frustrating and discouraging and I saw it often.

3 Senator Nelson: That is the exact example that we
4 need to use.

5 Thank you, Mr. Chairman.

6 The Chairman: Thank you, Senator Nelson.

7 Isn't it not Senator Cory Booker in attendance today?
8 It's his turn to ask a question.

9 [Laughter.]

10 The Chairman: Finally. I apologize.

11 Senator Booker: No, sir. I --

12 The Chairman: Look, you could have run for the Senate
13 ten years ago.

14 [Laughter.]

15 Senator Booker: I don't want to be disrespectful to
16 Senator Blumenthal who I think was here before me, earlier.

17 Would you like to -- no?

18 Senator Blumenthal: I will ask my questions now only
19 because I have to preside, and if you would yield for five
20 minutes, I would really appreciate it.

21 Senator Booker: I've already been put in my place
22 once. You're more senior than me. I will yield, sir.

23 Senator Blumenthal: Yes, but you're bigger than I am.
24 So --

25 [Laughter.]

1 Senator Blumenthal: Let me thank you, Mr. Chairman,
2 for having this hearing, which very sincerely is, I think,
3 a very important one, very significant, for the future of
4 academic institutions. I want to thank all of the folks
5 who have come to enlighten us and thank you to Senator
6 Nelson, by the way, for having that hearing on concussions
7 which was very enlightening.

8 And I want to begin by saying, for what it's worth, I
9 think the law here is heading in a very unfortunate
10 direction, as Dr. Emmert and I have discussed. I think the
11 law is heading in the direction of regarding athletes at
12 universities more and more as employees. And that is
13 because of the growing asymmetry and inequality of
14 bargaining positions, financial benefit, energy, time,
15 sweat, blood, injury that is involved. That is classically
16 the reason why labor law protections have applied to
17 individuals who potentially are victims of exploitations,
18 whether it's in garment factories or construction sites or
19 universities.

20 And so, I think the challenge here is to diminish that
21 asymmetry to reduce the inequality and to return truly to
22 the model of student-athletes, which I think many of us
23 want to be the prevailing model but increasingly is not so,
24 and therefore the laws will move to protect them as the NRB
25 ruling reflects. And I say that with regret because I,

1 too, as Dr. Emmert has articulated well, valued that
2 student-athlete model rather than the employee/employer
3 model. But the more the reality is that athletes in effect
4 function as employees, the more the law will recognize that
5 fact. And my opinion is worth what you're paying for it,
6 I'm just a country lawyer from Connecticut. But I
7 sincerely believe that that's the direction of the law.

8 I want to first ask you, Dr. Emmert, I was absolutely
9 astonished and deeply troubled by the revelation that
10 athletic departments, on many campuses, investigate campus
11 sexual assaults. I'd like your commitment that you will
12 work to change that practice as soon as possible and as
13 effectively as possible.

14 Dr. Emmert: You have my commitment.

15 I obviously want to understand the data more. I
16 simply read a summary. I'm not sure what the facts are on
17 those campuses but, as I said earlier, the data that
18 Senator McCaskill's staff brought forward was shocking to
19 me.

20 Senator Blumenthal: Well, I am shocked and outrage by
21 the apparent practice on many campuses of, in effect, re-
22 victimizing survivors who may be, in effect, victims.

23 I want to focus for the moment on health insurance.
24 You know, individual colleges and the NCAA make billions of
25 dollars on the talents of these young men and women. And I

1 want ask you: Couldn't the NCAA offer health insurance for
2 athletes for a certain amount of time after they leave
3 college? That seems eminently fair and in effect making
4 them better athletes and better students while they're
5 there.

6 So I would ask for your commitment that you will work
7 towards providing for health insurance for these needs and
8 injuries that may extend beyond their playing years on
9 campus or even in professional settings. And I'd like to
10 know what more, assuming you are committed to that cause,
11 what more your organization can do to encourage schools to
12 provide this kind of coverage for its student-athletes?

13 Dr. Emmert: Yes, sir.

14 Well, today, the coverage that exists right now is
15 provided either by the campus itself or by the student
16 athlete's family. Depending upon university policies that
17 at most of the high resource schools, they provide the
18 insurance so that the student doesn't have to. We need to
19 do several things.

20 One, we need to make sure, in my opinion, we need to
21 make sure that there aren't co-payment requirements. If a
22 young man or woman, especially from a low income family,
23 has an injury and all of a sudden they have a \$2,000,
24 \$5,000 co-payment that seems grossly inappropriate since it
25 was a sports-related injury. Why should they be on the

1 hook for that? So we need to make sure that we don't have
2 many of those circumstances out there.

3 We have right now, at the NCAA level, catastrophic
4 insurance so that if there is long-term disability issues,
5 if there are injuries that require treatment over a course
6 of a lifetime, there is a policy in place. We have some
7 individuals that have been on that insurance policy for 20
8 or more years, and we've taken a number of steps to make
9 sure that that is as strong as it could possibly be. That
10 policy, though, doesn't kick in until you have \$90,000
11 worth of bills. We need to make sure that, to your point -
12 - I'm saying yes, I guess, Senator. You have my
13 commitment.

14 Senator Blumenthal: I'm glad to hear the yes.

15 Dr. Emmert: There are complexities in all this we
16 need to work our way through. But I agree with you that --

17 Senator Blumenthal: Thank you.

18 Dr. Emmert: -- no one should have to pay for an
19 injury that they suffered as a student-athlete.

20 Senator Blumenthal: I welcome and accept your yes to
21 both the sexual assault and the insurance questions. And I
22 would ask further for your commitment that you work with us
23 on sensible legislation that will impose a higher level of
24 responsibility in both areas.

25 Thank you.

1 Dr. Emmert: Certainly.

2 Senator Blumenthal: Thank you, Mr. Chairman.

3 The Chairman: Go ahead.

4 Senator Booker: Thank you, Mr. Chairman.

5 First of all, I'm grateful. You know, you and I
6 talked about this in my first days as United States
7 Senator; that this was an issue that you wanted to cover
8 and you saw my excitement for doing that. And a lot of
9 that excitement stemmed from the fact that I was, back in
10 the '90s, an NCAA Division I football player.

11 And I want to first say, it's very important for me to
12 say, that I probably wouldn't be here right now if it
13 wasn't for that experience. And I am deeply grateful. I
14 joke all the time that I got into Stanford University
15 because of a 4.0 and 1600; 4.0 yards per carry, 1600
16 receiving yards in my high school years, and had lifetime
17 experiences frankly that I could never, ever replace. And
18 it opened up extraordinary doors for me.

19 And so, we could have a hearing that could go on for
20 hours if not days about all the good things that are
21 happening with the NCAA and athletes. And so, please
22 forgive me if I'm not giving that appropriate light.

23 But what concerns me and what you and I have talked
24 about, chairperson, for quite some time are the egregious
25 challenges we have.

1 Now, I want to just publically thank Dr. Emmert,
2 because he was gracious not only to come here, which he did
3 not have to do, but he actually took special time to come
4 see me as a former NCAA athlete to sit down with me and
5 hear my concerns. And I was taken aback actually that you
6 agreed with me across-the-board. And let me just reiterate
7 those, for the record, and just make sure that we are in
8 agreement.

9 So, number one, you agreed it's a big problem that
10 athletes don't get scholarships to get a B.A.?

11 Dr. Emmert: Yes.

12 Senator Booker: That is a big problem; that we have
13 athletes that pour their lives 40, 50 hours a week and then
14 end up having gone through their eligibility but don't have
15 a B.A. That's a problem?

16 Dr. Emmert: Yes.

17 Senator Booker: You agree it's a problem that we have
18 athletes, often very poor, coming onto college campuses
19 restricted from working? They can't shovel driveways for
20 some extra spending money, can't meet the needs of travel,
21 can't buy toiletries, clothing. If they're restricted from
22 working, banned from working, you know that that's a
23 problem we have to address?

24 Dr. Emmert: But a minor correction. They're not
25 banned from working. They can, in fact, work and in many

1 cases do. But the biggest challenge is they simply haven't
2 the time.

3 Senator Booker: So, in other words, they can't work
4 because of whatever reason. You know that's a problem;
5 that the scholarship does not cover the full costs --

6 Dr. Emmert: Yes.

7 Senator Booker: -- at the same time they're being
8 expected, whether by law or not, to work 40, 50, 60 hours a
9 week?

10 Dr. Emmert: Completely agree.

11 Senator Booker: That's a problem; right.

12 You agree that a problem that the health coverage is
13 inadequate and that we have people, many of whom I know and
14 you know, who have blown-out knees and, even though they've
15 graduated now, they're having to go in the pocket for co-
16 pays and the like to deal with medical injuries that were
17 incurred, really, the root of them was the challenges they
18 had when they were an athlete?

19 Dr. Emmert: Yes, I agree that the insurance today is
20 much better than most people think, but there's certainly
21 areas that need to be closed --

22 Senator Booker: It's inadequate and it is costing
23 some athletes thousands of dollars into their lifetimes.

24 Dr. Emmert: Yes.

25 Senator Booker: You agree that there's a real

1 problem, still, with time? That, as the two athletes at
2 the end of the table, I know they're not much different
3 than me, but it's not just the practice time.

4 Guys, how many hours would you show up before practice
5 and get your ankles taped, get treatments? An hour, two
6 hours?

7 Mr. Rolle: Yes, sir.

8 Senator Booker: Sometimes three hours depending on
9 how bad your injury, your strain is? We have athletes now
10 putting in upwards of 60, 70 hours a week. That's a
11 problem.

12 Dr. Emmert: Huge problem.

13 Senator Booker: Okay.

14 And you agree that there is, at least, an issue that
15 has to be dealt with to improve with the issue of sexual
16 assault; that has to be improved in terms of the way we
17 investigate?

18 Dr. Emmert: Yes.

19 I think the way we educate young men and young women,
20 and the way we educate people on campuses to handle the
21 issues.

22 Senator Booker: Right.

23 And this, we didn't cover so it might not be a simple
24 yes or no but, in terms of the due process, when a young
25 man like Mr. Ramsay not even knowing he could get a lawyer,

1 not even getting help, that there are breakdowns in process
2 that are not clear. Would you say that that process could
3 be improved?

4 Dr. Emmert: It certainly could, especially on most
5 campuses. Yes.

6 Senator Booker: So I guess I just to you, Mr.
7 Chairman, not having the time to go through more rounds and
8 deeper questioning, to just say, clearly, this is my
9 problem. This was a challenge for when I was an athlete,
10 some 20 years ago. And athletes after athletes are going
11 through and facing what I consider the exploitation of
12 athletes.

13 Let me be very clear. It is exploitation when you
14 have an athlete working 60, 70 hours a week, but yet still
15 not able to afford the basic necessities, not just having
16 your parents fly back and forth but being put in horrible
17 situations where they see their jersey with their name on
18 it being sold making thousands and thousands of dollars,
19 but they can't even afford to get the basic necessities of
20 life. And if they try to sell their jersey for \$50, they
21 then get penalized and lose their -- that's exploitation of
22 an athlete.

23 To me, it's exploitation when you give your body --
24 gentlemen on the end, how many linemen today that played
25 with you that have gone through four, five and six

1 surgeries for their knees?

2 Mr. Rolle: Many.

3 Senator Booker: A lot.

4 Mr. Ramsay: Yes.

5 Mr. Ramsay: Me.

6 Senator Booker: And if they're going into their own
7 pocket, after giving up their knees to make millions of
8 dollars for the university and then the universities aren't
9 even compensating them appropriately, that's an
10 exploitation of a college athlete. That has to be
11 addressed.

12 If we have guys, like was testified by the two
13 gentlemen on the end, who -- I know this because we spent
14 hours. We did the math, my teams, because so many players
15 feel an assault on your dignity; that you're putting 70, 80
16 hours a week. You're giving up internships. You know more
17 about your playbook. I can still tell you: Stonebreaker,
18 Todd Lyght, Chris Zorich. I can tell you more about them
19 because that's what I was studying at night -- that you
20 spend all of that effort and then your university is not in
21 any way insuring that you get a degree at the end in
22 something like engineering or political science. But
23 they're not honoring the fact that sometimes, hey, when
24 you're working fulltime you can't finish your degree in
25 four or five years. In fact, when they can lord over you,

1 the removal of your scholarship, because it does still
2 happen. Athletes are still exploited, that they blow out
3 their knee -- if they somehow don't meet the mandates of a
4 coach, they lose their scholarship. They don't get their
5 degree.

6 And so, to me this is plain and simple, the dark side
7 of the NCAA where athletes are being exploited. And this
8 is why I love that Taylor Branch is here. Because,
9 occasionally, and you use these words, Dr. Emmert, you used
10 "this may work as a cattle prod to get us moving." This
11 hearing may be a cattle prod. I wrote that word down
12 because I have seen the NCAA move quickly when there is
13 money and reputation on the table.

14 For example, you mentioned his name, Shabazz Napier;
15 says on the highest exultation of victory, he says on T.V.
16 what we know athletes, what coaches know, is a truth. That
17 some guys don't even have the money to buy shaving cream;
18 to eat at night. But he says it on national T.V. and
19 within seven days, because the shame and embarrassment --
20 within seven days, if I'm correct, the rules changed and
21 guys could actually eat.

22 Dr. Emmert: Yes, though I'd like to --

23 Senator Booker: So hold on, because I'm already over
24 my time, sir.

25 Dr. Emmert: Okay.

1 [Laughter.]

2 Senator Booker: Let me give you another example. Cam
3 Newton was going through the same problems you were at the
4 same time. His eligibility was being challenged, Mr.
5 Ramsay. Cam Newton, a guy that brings millions of dollars
6 into a university and his adjudication happened quickly.
7 Yours did not. You're not a name athlete. Your name isn't
8 on jersey and the like, and so it didn't.

9 So what I want to say in conclusion, Mr. Chairperson,
10 and really why I love that Taylor Branch is here because he
11 wrote one of the more seminal books of my life about the
12 Civil Rights movement, that when there's a class of
13 individuals who are being exploited and there is millions
14 and millions of dollars being brought in and guys can't
15 even afford healthcare, can't afford to finish they
16 degrees, than we have a problem. And I respect Dr. Emmert
17 in saying: We are going to try and address that but where
18 is the urgency that this has been going on decades in
19 America? And so, I don't trust, like the Supreme Court
20 when they said we're going to integrate schools. They said
21 do it with what? All, what kind of speed?

22 Mr. Branch: Deliberate.

23 Senator Booker: All deliberate speed.

24 And it took them a long time to get around to doing
25 the right thing by people.

1 Well these aren't just people, these are young people
2 in the United States of America. And we can't afford to
3 wait for all deliberate speed. There has got to be some
4 level of accountability for fast action on things that the
5 head of the NCAA says is a problem. That next season, when
6 football season starts, there are going to be kids
7 suffering from the same list of unfair things that somehow
8 someday is going to be addressed. So I think we need
9 another hearing with the real rule makers, with college
10 presidents lined up here, and ask them how fast are they
11 going to address the exploitation of college athletes?

12 Mr. Chairman, thank you.

13 Senator Coats: Well, Mr. Chairman, could Dr. Emmert
14 respond to that?

15 The Chairman: No, I have a sacred obligation to
16 Senator Ayotte. She is next.

17 Senator Ayotte: Thank you, Mr. Chairman. I
18 appreciate it.

19 Let me just say up front on this issue of athletic
20 departments investigating sexual assault allegations. That
21 is ridiculous. You've got to get up and fix that right
22 away.

23 I am a proud graduate of the Penn State University,
24 and it's obviously we're -- it was so troubling and
25 disappointing to see what happened at my own university. I

1 love the university, but the athletic department is not
2 where you handle these kinds of allegations, so you've got
3 to fix that, Dr. Emmert. Walk out this door and fix that.

4 What I'm troubled about when I hear, you know, the
5 testimony today, and I just need to understand. Senator
6 Blumenthal asked about the change to an employer/employee
7 model. We've talked about compensation potentially for
8 athletes today. I don't want to see any athletes
9 mistreated. I want them to be able to have a quality of
10 life that's important as they serve and get the education
11 and be able to an athlete; the student-athlete model.

12 But, as I think about what, for example, the NLRB did
13 in its ruling, I know it applies to private universities
14 allowing unionization at Northwestern, and I think about
15 this compensation model, the employer/employee model, what
16 does this do in terms of the schools where we're not
17 talking about the top athletes that may go on, that are the
18 revenue-generating sports? And what will that do to
19 women's athletics?

20 If we start down the road of a compensation model,
21 what will happen in our schools in terms of the schools or
22 the sports that aren't at the top where those athletes --
23 you can sell the jerseys, you can make money, but are still
24 very important to student life. And when I think about
25 Title IX and women and the opportunities women have gotten

1 because of Title IX, if you're on campus and this suddenly
2 becomes an employer/employee-type model, what does that do
3 for the women's sports if they're not revenue generating?
4 And how do we sustain them if this model changes?

5 So it's a big question but I would like you all to
6 comment on it because the last thing I want to see is for -
7 - I want to make sure that our athletes are treated well.

8 And certainly, Mr. Rolle, what you've done, it's
9 really inspiring to see what you've done.

10 And thank you, Mr. Ramsay, as well for your
11 inspiration in being here. But there's a whole category of
12 athletes that weren't quite at your level but are
13 participating in college sports. And it's been an
14 opportunity for them to get an education. And for women,
15 as well, that are at your level but don't always -- our
16 sports don't always generate the same amount of revenue.
17 And I want to make sure that women still have the
18 opportunity that they've had because of Title IX. So if
19 you could comment on that, I'd appreciate it.

20 Dr. Southall: I would love to comment on that. I
21 think it's not a zero sum game. If some athletes are
22 profit-athletes who have a higher market value than the
23 cost of their grant and aid, then we should treat them
24 differently than athletes who are not profit athletes.
25 It's not either/or or they must be. If they're employees,

1 as the NLRB found, then we should treat them as employees.
2 That does not mean that college athletics or athletes in
3 the other sports, women, or anything, it doesn't --

4 Senator Ayotte: Well, can I tell you --

5 Dr. Southall: It's not an either/or.

6 Senator Ayotte: Can I tell you, Doctor, my university
7 said that if the unionization rule were applied, University
8 of New Hampshire, that they feel like this is actually
9 going to diminish the athletic program. It would diminish
10 it for women, it will diminish it for non-revenue
11 generating sports. So I understand what you're saying but
12 that's sort of not what I'm hearing from some other
13 universities.

14 Dr. Southall: Well, I would say that probably a
15 university president, by the name of Chicken Little, might
16 have been the first one to say that because the sky will
17 not, in fact, fall.

18 By denying profit-athletes just compensation in the
19 market, does not preclude colleges and universities from
20 supporting intercollegiate athletics as an educational
21 opportunity. If they're employees, then they should have
22 all the rights of employees. Title IX does not apply in an
23 employee setting.

24 Senator Ayotte: Well, I would like to see what Mr.
25 Bradshaw has to say about what I just said as well. Thank

1 you.

2 Mr. Bradshaw: We probably don't have time, but I
3 certainly like to hear that model that works. I believe
4 it's going to be devastating to all those student-athletes
5 including women who don't produce revenue; who aren't seen
6 as athletes or students who create that revenue. I really
7 would like to see that model work because, as we all know,
8 that's going to mean those who can afford to pay for that
9 will and those who can't won't.

10 Senator Ayotte: Thank you.

11 Dr. Southall: Again, if I can reiterate, and I
12 appreciate the question. I'm trying to articulate as
13 clearly as I can. If the athletes are, in fact, employees
14 then we have a moral obligation and an obligation under the
15 law to treat them as such. If they're not, does not
16 preclude them from participating. Title IX does not have
17 to be held hostage by this because we're only talking about
18 5 percent of the athletes.

19 Senator Ayotte: So, I know my time is up and I know
20 others have to ask questions but -- so we're just going to
21 have a distinction. So some will be employees and some
22 will be student-athletes?

23 Dr. Southall: They already are employees.

24 Senator Ayotte: I don't know how that works.

25 Dr. Southall: They already are employees.

1 So by being open and honest about what we are using
2 and exploiting these athletes for, honesty is a very good
3 thing.

4 Senator Ayotte: So as a woman athlete, if I'm not a
5 revenue generating athlete, then I'm not going to be
6 eligible for this employee/employer relationship. And so,
7 then there's sort of a second category of athletes on
8 campus.

9 Dr. Southall: They already have that.

10 Senator Ayotte: That bothers me.

11 Dr. Southall: We refer to them as revenue-athletes
12 right now in revenue sports and Olympic sports. And that's
13 fine. It does not mean that if we compensate athletes
14 according to the market that everyone else has to go away.
15 That is not what has to occur at all.

16 Senator Scott: Mr. Chairman?

17 Dr. Southall: So if the universities find that that
18 opportunity is very important, they will support it. They
19 will support it. I see no way that women's athletics or
20 Olympic athletics is going to go away. It's not going to
21 happen. It just isn't.

22 Senator Scott: Mr. Chairman?

23 The Chairman: Senator Scott.

24 Senator Scott: Thank you.

25 Dr. Emmert, as I listen to Kelly's questions about the

1 cost structure and the likely impact of creating some
2 unions or some employees and some not employees, ultimately
3 the cost structure itself would have impact in universities
4 and have impact in athletic programs. I just wonder how
5 significant that impact would be.

6 And let me say this before you answer the question;
7 you think about your answer.

8 To Mr. Southall, it's good to have you here from
9 Columbia, South Carolina University, South Carolina. I
10 would be remiss if I didn't point out that at least you go
11 to the right place; the Gamecocks. I like that a lot,
12 being a South Carolina fan myself.

13 I will tell you that my story is very different than
14 Cory's story, and you've got these Rhodes Scholars on the
15 end who have done very well academically. And I'm very
16 proud to see your success off the field as well as on the
17 field. I will say that my story, I think, really plays an
18 important part of why I am asking the questions I'm asking
19 about the cost structure.

20 I'm a kid that grew up in a single-parent household.
21 Had it not been for football I would not have been able to
22 afford to go to college at all. I played football for just
23 a year in college and earned a Christian Leadership
24 Scholarship which took me to a different school. And I
25 realize that responsibilities and the burden of practice

1 before and after labs and the challenges that I faced, and
2 made a decision to go to a different route.

3 But the fact of the matter is, had it not been for
4 that scholarship opportunity, I would not be sitting here
5 today because I would not have had the opportunity to
6 finish my, or even start, my education. So when I think
7 about -- now I went to a small school, Presbyterian
8 College; NAIA back in the day. So when I think about the
9 cost structure of this conversation on athletes that are
10 not in those top tier schools, there is a significant
11 unintended consequences that I think we are looking at that
12 Kelly really brought to the surface that is hard to deny
13 and perhaps even harder to figure out how to fix it.

14 Dr. Emmert: Well, I happen to agree with you.

15 I think that the implications of converting a student-
16 athlete model to an employee/employer model would utterly
17 transform college sports into something that doesn't begin
18 to look like what it looks like today. With all due
19 respect, I completely agree with Dr. Southall's
20 interpretation of all of this.

21 If you simply look at the definition of an employee,
22 as has been provided by one NLRB administrator, that if a
23 student is receiving a scholarship and additional benefits,
24 that's compensation. If they are working more as a
25 student-athlete than they are in their academic work, then

1 their working. If they are subject to the oversight of a
2 coach, then they have a boss. I'm not a labor lawyer but
3 that's, in summary, the definition of a student-athlete.
4 That would apply to virtually every student-athlete that
5 has a scholarship; man, woman, doesn't matter.

6 You know, a woman soccer player -- the difference
7 between a women's basketball player and a men's basketball
8 player isn't that the men's basketball player works harder.
9 It isn't that they're more or less talented. The only
10 difference is a singular difference and that is there's
11 more people in the stands. That's it in terms of their
12 time commitment, their competitiveness, everything. The
13 difference is one plays in front of a lot of people and one
14 doesn't. The difference between a volleyball player and a
15 soccer player is exactly the same. The only difference is
16 whether they're playing on T.V. or whether they're not.

17 Senator Scott: Yes, sir. And I want --

18 Dr. Emmert: So that completely --

19 Senator Scott: You're going to have to wrap it up a
20 little bit.

21 Dr. Emmert: -- changes the relationship, as Dr.
22 Southall pointed out, Title IX has nothing to do with
23 employee/employer relationships. So Title IX would have
24 nothing to do with any student-athlete that is no longer a
25 student-athlete that's now an employee including a women's

1 basketball player. It would be an irrelevancy for college
2 sports.

3 Senator Scott: Quick question for Mr. Bradshaw.

4 I know that you played sports a couple of years ago.
5 I think it's five or seven years ago, I think it was.

6 Mr. Bradshaw: Thank you very much.

7 Senator Scott: Yes, sir. I can't read my notes but I
8 think it says four or five years ago.

9 Mr. Bradshaw: There you go.

10 Senator Scott: Not 45.

11 But my question is, as you've had a lot of experience
12 and you've looked at this opportunity as well as the
13 challenges that come with the opportunity from multiple
14 angles, what kind of progress have you seen over the last
15 three decades or so? As we wrestle with some of the
16 challenges that are going to be future challenges, and
17 certainly are present challenges, sometimes we miss the
18 progress that we've made along the way.

19 Mr. Bradshaw: And certainly, all of us think we can
20 do better. There's no question about it, and we spend most
21 of our time --

22 Senator Scott: And we should. And we should.

23 Mr. Bradshaw: -- talking about how we can be better
24 and not patting ourselves on the back. But I would just
25 say, as a former assistant coach back in the day and head

1 coach and student-athlete, that it's night and day; the
2 changes, the quality of physicians, trainers. I mean, we
3 didn't know what a dietitian was as student-athletes or
4 head coach. I mean, the changes are enormous. They're
5 compelling.

6 And I think one of the things I would recommend that
7 you get some student-athletes to talk to, that there's a
8 balance. Obviously, there's outliers. There's some
9 horrible stories that have happened and none of us, none of
10 those is too many whether it's assault or date rape or
11 whatever it might be. But I would love to see a panel of
12 student-athletes to come in and talk about everything; a
13 balanced panel of that. It's been significant and are
14 across the line.

15 And I'm retired now. I can talk about it very
16 objectively and not be concerned about a college president
17 or a faculty or a board of trustees. It is really just an
18 incredible profession that we're in, the changes that the
19 NCAA are trying to make. And again, Mark has got to deal
20 with votes, he's got to deal with the institutions, the
21 college presidents, the board of trustees who pressure the
22 college presidents. I think you've got something when you
23 want to bring the presidents in here. I think that would
24 be a good move and something that could help everyone. But
25 the changes that have happened, they are just, you know, by

1 leaps and bounds particularly even in the last decade.

2 Senator Scott: Final question, Mr. Chairman? Do I
3 have time for a final question?

4 The Chairman: Sure.

5 Senator Scott: To my Gamecocker, Dr. Southall. As
6 you look at the opportunity for collective bargaining and
7 its impact on the academic environment, realizing that most
8 institution's, darn near all institutions, primary
9 objective really is to cultivate an environment that is
10 conducive for academic achievement. How do you see the
11 impact of the collective bargaining opportunity, though I
12 have grave concerns with it personally, on college campuses
13 and its impact on that academic environment? Or, do you
14 see one?

15 Dr. Southall: I don't see that it would have any
16 effect.

17 Senator Scott: Good enough. Good enough.

18 Dr. Southall: No.

19 Senator Scott: All right. Thank you, sir.

20 The Chairman: Okay.

21 Senator Scott: Thank you, Mr. Chairman.

22 The Chairman: Thank you.

23 Senator Coats, I know the question you want to ask and
24 Mr. Emmert has answered most of those questions. And I
25 know you feel a duty to ask the question but there isn't

1 going to be a second round. I'm going to make a closing
2 statement, and then at 5:15 we will be through this very
3 long hearing.

4 I want to say this: I have two impressions. One of
5 them is superficial and the other, I think, is worrisome of
6 this hearing. And I want each of you to either agree or
7 not agree with me as kind of your closing statement. That
8 on one level, this has been an open conversation. We've
9 brought up all kinds of issues and those issues have been
10 discussed to a small degree or a large degree. But my real
11 feeling from this hearing is that we haven't accomplished
12 much, and that people have laid down their, sort of,
13 protective -- I'm not talking about you two gentlemen. But
14 that there has been, sort of, a self-protection mode either
15 for oneself or on behalf of others.

16 Your point about getting the board of trustees in,
17 that would be kind of interesting because they do have a
18 big influence over college presidents.

19 But all I know is, coming out of this hearing, that I
20 don't think I've learned anything particularly new except
21 some anecdotes that I haven't been hearing for 50 years,
22 which is how long I've been in this business. And that the
23 answers, you know, of course there's progress. Of course
24 there's progress on concussions and of course there's
25 progress in other things, but isn't in any way can comment

1 in an effective progress to what we should have been doing;
2 all of us including this committee and this Congress, by
3 not exercising our oversight rights?

4 The head of the NCAA at one point said, well, one of
5 the things I did was to make sure that -- and I forget what
6 the example was but it was the statement I got something
7 done. I don't believe that. I don't believe that.

8 I think that the system is rigged so that you are
9 separated from the possibilities of getting something done
10 except as you testify or, you know, you probably couldn't
11 write articles. You'd probably get blowback on that. But
12 I don't think you have the power and I think it's
13 constructed for that purpose. I'm cynical. I'm cynical
14 about it.

15 It's too easy to have to complain in Senate hearings
16 about, or any other kinds of fora, what progress has been
17 made. Of course there's always progress that's been made
18 but does it keep up with what needs to be done? And the
19 answer is absolutely not.

20 And this country is now so soaked in the culture of
21 ESPN, plus I guess a couple of other stations, and watching
22 football, baseball, world's soccer, all the rest of it. I
23 mean, my own view is it's undermining our values. I'll
24 tell you one thing for sure, I think it's undermining our
25 commitment to education.

1 And Dr. Southall, I think that you're talking about
2 the different ways of jiggering the students, who are not
3 athletes, actually doing a better job academically than
4 those who aren't. It was said by the head of the NCAA that
5 that was true. And it was also in his testimony. I don't
6 believe that. I just don't believe it. Now I may be
7 wrong, but this and then the different formulas you use --
8 it's very interesting to me and something I'd like to know
9 more about.

10 But to me it's been, in essence, an important hearing
11 but not one which points to progress, because I think
12 everybody is going to leave this hearing and they're going
13 to go right back. I'm not. I don't think Senator Booker
14 is, and I don't think a bunch of others are -- go back to
15 doing what they do. But we got that one out of the way.
16 No harm there. Nobody did themselves any great damage.
17 Congress doesn't usually follow through. Congress doesn't
18 get that much done. That happens to be true for the last
19 three or four years.

20 And then, there's always the question of getting
21 people from, you know, either trustees or heads of colleges
22 and universities from states, and then members here would
23 correlated to that might not want to have that happen. I
24 mean, the world works in ways that protects itself, but
25 this is a particular ugly one.

1 The question of rape and having -- I mean, I voted not
2 to allow the Department of Defense to settle rape
3 questions. I think that's ridiculous. It passed. What I
4 didn't want to pass, passed by a margin but it was not a
5 great margin. So yes, that's progress. But what we want
6 to do is get there, and I don't have a feeling that we're
7 on that path.

8 I think this hearing symbolizes that we might be, but
9 the substance is that we probably won't be. React to that,
10 anybody who wants to then I'm going to close the hearing.

11 Mr. Branch, I think you had something.

12 Mr. Branch: Well, Senator, I think that some
13 differences have been, I mean, there are big differences
14 here between talking about the way things work and how to
15 reform and the whole underlying structure. Frankly, I
16 think some differences have been diminished.

17 I agree whole-heartedly with one thing Dr. Emmert
18 said, which is that a lot of these economic restrictions in
19 the NCAA rules, if they were vacated, as Senator Heller's -
20 - or abolished or somehow vacated for athletes as they were
21 for coaches, it wouldn't make a particle of difference for
22 90 percent of athletes. A small an athlete, recruited at a
23 small Division III school, would be able to ask for better
24 health coverage or a salary and the university, the little
25 school, would be free to laugh at them and say we don't do

1 it. You know, go somewhere else. Just like if the piccolo
2 player said, "I want to be paid to march in the band."

3 The schools are free to bargain that way but it
4 wouldn't make an enormous difference in precisely these 65
5 schools that we're talking about where there is gigantic
6 money if an athlete can bargain at recruiting for better
7 healthcare coverage for more time to study for a longer
8 scholarship. It would change things because right now the
9 model is that the schools do that solely at their
10 dispensation.

11 I mean, the coaches in these big schools even want to
12 give money out of their own pocket to players, like a tip,
13 because they know that they don't have enough money to eat.
14 So a model that recognizes that these athletes are trying
15 to manage two very demanding careers at once that are in
16 separate spheres, it is a step forward.

17 But right now, to me, the least hopeful thing I heard
18 today is that we are looking to these same 65 schools that
19 are the most commercialized as the engine of reform in the
20 NCAA. I really don't see that. They may give higher
21 compensation, they may give more tips, but they're the ones
22 that created most of these problems in the first place.
23 And I don't think that the big schools are going to do
24 anything other than be driven more and more by the market
25 in athletics and, quite frankly, those schools exploit

1 their athletes both as players and as students. Because I
2 go around all of these big schools and the athletes.
3 They're pushed into certain majors that are easy. They are
4 not allowed to take certain courses. So the sad thing to
5 me is, I think, that some differences are outlined and may
6 be diminished, but I don't see the big 65 schools as an
7 engine for much reform in the future because their record
8 doesn't show that.

9 The Chairman: Any other comments?

10 Senator Coats: Mr. Chairman, I had asked before --

11 The Chairman: I know. You want to have Mr. Emmert to
12 reply to everything that Cory Booker said.

13 Senator Coats: No. Well, I just thing he deserves
14 the opportunity to do that when someone takes an extra five
15 minutes, and Senator Booker had every right. And he's most
16 passionate about what he plead, but he leveled some
17 accusations at the NCAA. I think they at least deserve to
18 be able to respond to that.

19 The Chairman: And he'll have ample chance to do that.
20 I have been bent over backwards, annoyed some of my members
21 to give you a particular break because you come from
22 Indiana where NCAA is headquartered. And I've done that.

23 Senator Coats: Well, I don't think you gave me a
24 particular break. I was the first one here and that's the
25 normal procedure and I had my five minutes --

1 The Chairman: If you hadn't been, you made it very
2 clear to me on the floor that you wanted to be able to be
3 the first one to ask the questions, and I said, "That's
4 okay. Clear it with Senator Thune."

5 Senator Coats: But then I said I'll be the first so
6 that you don't --

7 The Chairman: Yes, but you also -- so I'm not going
8 to bend on that. This is the closing statement. And Mr.
9 Emmert is free to answer in any form that he wants. He can
10 write every member of the Commerce Committee a letter.

11 Anybody else want to say anything?

12 Dr. Southall: I've spent the last 15 years of my
13 professional career examining intercollegiate athletics.
14 And after this hearing today, I, like yourself, am very
15 disheartened because I'm not sure that we collectively are
16 willing to take a cold, hard, objective look, informed by
17 research and informed by data at the collegiate model of
18 athletics.

19 The Chairman: All right.

20 That being said, I want to thank everybody for this.
21 This has been a long and interesting hearing. Everything
22 is a first step, as Neil Armstrong said. We got a lot of
23 steps to make, and as others have pointed out, the world is
24 changing.

25 You know, it's like that Jackie Robinson, 42, movie.

1 And the player comes in and he says "I want to be traded."
2 And then, a couple weeks later he comes back and says "I
3 don't want to be traded."

4 "Well, you willing to play with Robinson?"

5 He said, "Well, look. The world is changing and I can
6 change too."

7 Now I think there's an element of that in all of this
8 progress; has its own varieties in its own sort of
9 beauties. And I think there has been progress.

10 My question is in that, for my entire adult life, I've
11 been hearing about this and there's still so many problems
12 that are, in accident, I think calls into question the way
13 the decisions are made and carried through within the upper
14 ranks of the football and basketball community. And that's
15 on my mind and I'm chairman so I'm going to say that. And
16 I'm also going to say that is the last thing I'll say and
17 this hearing is adjourned.

18 [Whereupon, at 5:20 p.m., the hearing was adjourned.]

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