

COLLEGE ATHLETE PROTECTION ACT – Section by Section Summary

Section 1-3. Short Title; Findings; Definitions; Sense of Congress. To amend section 487(a) of the Higher Education Act of 1965 to ensure that higher education institutions that receive federal funds provide students participating in commercialized athletic programs with sufficient health, medical, academic support, and due process protections that prevent their academic or financial exploitation. The unprecedented commercialization of these intercollegiate athletics programs threatens the academic success of college athletes and the integrity of higher education institutions and creates excessive institutional expenditures and burdensome student fees. The Act (1) provides remedies addressing these issues, including increased scholarship support and injury and medical benefits to college athletes, (2) restores the ability of national governance associations to combat commercial excesses and maintain a clear line of demarcation between collegiate and professional sport, and (3) better enables institutions to comply with the athletics provisions of Title IX of the Education Amendments of 1972.

Section 4. Program Participation Agreements. In the case of four-year institutions of higher education that have an intercollegiate athletic program with total generated revenues in excess of \$1 million annually, the institution will not be a member of a national nonprofit college athletic association (“Association”) unless the Association conforms to the following minimum standards which shall be applicable to all of its members:

- (A) Limited Antitrust Exemption.** Conditioned on enforcement of all standards specified in this Act and available only to Associations with membership of at least forty percent of all institutions of higher education in the U.S. with at least one third of all members generating revenues in excess of \$1 million. Provides Association with antitrust exemption limited to any rule adopted whose primary purpose is to enhance educational opportunities for athletes, protect athlete health or welfare, or make athletic programs compatible with the educational missions of member institutions.
- (B) Independent Governance.** Requires Association to be governed by a Board of Directors consisting of expert “independent directors” not currently employed by any member institution reflecting the interests of all athletics program stakeholders (presidents, trustees, athletic directors, tenured faculty, and college athletes) and diversity of gender, race and ethnicity.
- (C) Due Process Protections.** Requires specific due process protections before suspending a coach, athlete, or other athletics personnel from participation or suspending institution’s telecommunications privileges except for ineligibility based on properly determined academic standards.
- (D) Revenues from Collegiate Athletic Events.**
 - (I)** Allows institutions, conferences, national governance association and third party event hosts to sell media rights, event tickets, and event sponsorships and retain these and other event-related revenues conditioned on Association having sole authority to offer national championship or play-off events and requiring Association to use highest football division championship revenues to fund: (aa) cost of additional due process protections; (bb) a basic national athletics injury insurance and medical cost program that removes current reliance on student and parent provided insurance and expense coverage; (cc) basic and annual enhancements to catastrophic athletics insurance; and (dd) subsidize institutional members of highest competitive division to enable them to provide athletic scholarships covering the full cost of education under federal definitions.
 - (II)** Require the Association, conferences and member institutions to retain five percent of gross annual media rights fees to establish an Academic Trust Fund to be used to disburse education-based grants to permit college athletes to complete baccalaureate or advanced degrees following completion of athletic eligibility and provide fund for non-athletes’ financial aid.
- (E) Commercial Use of Names, Likenesses, and Images of College Athletes.** Other than use to promote current athletics events, Association, conferences and member institutions may not sell these rights for any other commercial purpose (e.g., video games, apparel, etc.) and athlete may sell their own rights during period of collegiate eligibility as long as neither the athlete’s collegiate sport nor institution is identified.

(F) Minimum Legislative Conditions of Educational Athletic Program.

- (i) Maximum full athletic scholarships to athletes in highest competitive division set at full cost of education under federal definitions.
- (ii) "Whistle blower" protections to college athletes, faculty and other institutional employees who disclose unethical behavior or rules violations.
- (iii) Required institutional participation in Association "certification" program.
- (iv) Athlete academic counseling and support program must be under direct control of institution's academic authority.
- (v) Limitation on compensation and outside income of coaches and athletic
- (vi) Athletes must have cumulative GPA of 2.0 to participate and if lower, are restricted to maximum of 10 practice hours per week.
- (vii) Athletes whose cumulative GPA falls below 2.0 for two consecutive semesters shall not be eligible for athletics financial aid which may be restored upon return to 2.0 standard.
- (viii) Freshman ineligibility for any incoming student with high school GPA or test scores more than one standard deviation below academic profile of entering class, limit of 10 hours of practice per week and required academic skills remediation.
- (ix) Athletes denied participation eligibility for reasons other than academic standards have a right to appeal by binding arbitration.
- (x) Institutions not in compliance with Title IX shall not be eligible for Association post-season competition unless deficiencies remedied with one year.
- (xi) Institutions must adopt policies approved by their respective faculty senates to minimize regular season athletic contest schedule conflict with class attendance and prohibit such contests during final exams.
- (xii) Construction and exclusive use of "athletics only" practice, competition, conditioning, academic support, housing, dining and other facilities is prohibited.
- (xiii) All athletics-related financial aid extends to graduation of maximum of five years and cannot be reduced or cancelled based on athletics performance, physical condition or injury.
- (xiv) Institutions must have faculty only Committee on Academic Oversight annually reporting to its faculty senate.
- (xv) Institution may not use mandatory student fee revenues to support athletics without vote and consent of student government (at least once every four years).

(G) Annual Report to Congress. Via Association online reporting system, each institution provides specified publicly accessible data on certification status, audited financials, and academic performance of student-athletes and Association provides data on distribution of funds to member institutions.

(H) Institutions Seeking to Separate from National governance Affiliation. If an institution with an athletics program annually generating \$1 million or more voluntarily discontinues Association membership, the Secretary of Education is authorized to find the institution out of compliance with the Higher Education Act of 1965.

(I) Implementation. Requirements shall be met within one year of enactment.

(J) Secretary of Education Oversight Responsibility. Secretary authorized to approve timetable exceptions, promulgate regulations clarifying Act requirements, and exempt certain institutions.

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