

TESTIMONY OF MICHELE ROBERTS
EXECUTIVE DIRECTOR
NATIONAL BASKETBALL PLAYERS ASSOCIATION
DECEMBER 2, 2014
BEFORE THE UNITED STATES SENATE
COMMITTEE ON COMMERCE, SCIENCE & TRANSPORTATION

Mr. Chairman and Members of the Committee:

My name is Michele Roberts and I am the Executive Director of the National Basketball Players Association, the labor union that represents all NBA players in collective bargaining. I also serve as Executive Director of the Women's National Basketball Players Association, the labor union that represents all WNBA players in collective bargaining.

I appreciate the Committee's desire to explore the topic of domestic violence in professional sports. As a lawyer formerly in private practice with the law firm of Skadden Arps, my most rewarding pro bono project involved the representation of victims of domestic violence seeking civil protection orders in local courts, right here in the District of Columbia. When I began work at the NBPA as Executive Director in mid-September, I was encouraged to learn that domestic violence is a topic that our players recognized needed to be addressed long before the events of recent months, when the public's attention has turned so intently on the subject. Recent events have given us an opportunity to re-examine and strengthen the already comprehensive scheme the NBA and NBPA had in place, and add even more safeguards with a focus on prevention and counseling. We want to make sure that every player, wife, girlfriend, and family member has a safe environment to seek help without fear of retaliation or additional harm. And in doing so, our recent efforts have brought together representatives of all members

of the NBA family in an unprecedented fashion. We also want to lead by example and help create the kind of awareness and attention that this prevalent and society-wide problem deserves.

Let me first step back, though, to briefly describe some of the steps our players had already taken through collective bargaining and otherwise to address these issues. I do not exaggerate when I say that we begin to broach this topic with our players years before they even enter the NBA. Each June at our Top 100 Camp, the NBPA brings together the nation's elite high school basketball players, together with their parents, and helps prepare them for competitive life at the next level, with an emphasis on character, education and life-skills development. Close to 200 current NBA players have attended the Top 100 Camp. During the week-long program at the University of Virginia campus, the players work on their basketball skills, but the majority of each day is focused away from the court, where our staff of retired players, counselors, psychologists and psychiatric professionals lead large and small group discussions that, in part, focus specifically on respect issues with girls and women. At this young and impressionable age, we teach players that part of embracing their manhood includes treating every woman with kindness and respect. At last June's Camp, the boys -- and their parents -- spent a great deal of time with Kalimah Johnson, a very effective educator and founder of the SASHA Center, a Detroit-based healing and awareness center focusing on sexual assault.

The education continues the moment a player enters the league, with the Rookie Transition Program, a four-day joint program between labor and management that likewise focuses on personal skills development and provides training on numerous topics related to conduct, including domestic violence. In past years, Judge Glenda Hatchett has been a very effective voice delivering graphic and powerful presentations on the effects and consequences of sexual misconduct and abuse of women.

To complete the progression, we not only raise awareness for our players before and upon entering the NBA, but we now hold a Team Awareness Meeting, designed jointly by the NBA and NBPA, devoted solely to the topic of domestic violence. As we speak, Kalimah Johnson, whom I mentioned earlier, and Ted Bunch, co-founder of A Call to Men, a leading violence prevention organization, are traveling around the country to meet with every NBA team for a session devoted solely to domestic violence awareness. These sessions supplement the year-round work done by our NBPA Player Programs staff – a group of seven retired players who work full-time for the union – together with the joint labor-management Player Assistance and Health Education Programs, that help players confront many of the emotional, anger management and other stress-related issues that can be at the root of a domestic conflict.

Our Collective Bargaining Agreement itself specifically lays out various policies designed to prevent, deter and, if necessary, punish acts of domestic violence. Under our Uniform Player Contract, players are required to conduct themselves on and off the court according to the highest standards of honesty, citizenship and sportsmanship, and the Commissioner may impose a fine or suspension for conduct that does not conform to standards of morality or fair play, that does not comply at all times with all federal, state, and local laws, or that is prejudicial or detrimental to the NBA.

More specifically, as far back as 1999, the parties agreed that when there is reasonable cause to believe that a player has engaged in sexual assault or acts of domestic violence, he is required to undergo a clinical evaluation and appropriate counseling, with conviction of a violent felony punishable by an immediate suspension of at least ten (10) games. Players are required to cooperate with investigations, and all discipline is appealable to an independent arbitrator.

Since I began my tenure, I have determined that, in addition to the CBA-mandated levels of discipline, a greater focus is warranted on prevention and services to family members. At the union's expense, I recently convened a group of NBA mothers, fathers, spouses and girlfriends for an all-day session at our offices in New York. Among other things, we identified as a principal need the establishment of a hotline and counseling service that will encourage not just players, but family members and other interested persons, to seek out help without the fear of retaliation or unintended consequences. Many people are fearful that if they speak out about the possibility or the actual occurrence of a domestic violence event, they will expose themselves to public ridicule, be alienated by relatives and friends, and/or jeopardize a player's livelihood, and, thus, put at risk their family's financial health. Everyone must be comfortable that there is a safe and confidential manner to seek help. This is my foremost priority at this point.

As a final note, we continue to believe that collective bargaining is the most appropriate forum for the resolution of these issues and are confident that our policies and initiatives address in a meaningful way the concerns of the Committee. Congress has long given deference to parties operating under collective bargaining agreements to develop their own solutions to problems, properly recognizing that the parties bound by a collective bargaining agreement have a longstanding relationship with unique problems and problem solving methods that are often difficult to comprehend by those outside the relationship. We fully believe in and support the Committee's and Congress' goal of eliminating domestic violence in sports, and we believe this goal is best accomplished by the leagues and players working together to accomplish this universal objective. Together we can and will set a tone of appropriate respect for women and all family members.