

Written Testimony of

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Before the Committee on Commerce, Science, and Transportation

Hearing on “NCAA Student Athletes and NIL Rights.”

Chairwoman Cantwell, Ranking Member Wicker, and distinguished members of the United States Senate Committee on Commerce, Science, and Transportation: thank you for inviting me to share my experiences as a student athlete today. It is a great honor and privilege to be here. My name is Kaira Brown, and I am a rising junior and track and field athlete at Vanderbilt University. I want to share my experiences with NCAA guidelines, gender equity on my campus, and my thoughts on how NIL legislation could alleviate difficulties on both fronts.

Challenges of Present Eligibility Rules

Part of maintaining my eligibility means that I cannot receive what the NCAA terms “extra benefits,” which refers to anything that is not available to the general Vanderbilt student body. It has also been explained as not being able to receive anything special because I am an athlete. While I understand the spirit of the rule intends to prevent boosters from giving me special gifts, it becomes a constant worry that I may unintentionally endanger my athletic eligibility. For example, I was unsure if I could accept a free flight to come to this hearing because it was an extra benefit directly tied to the fact that I am a student athlete. Even though I wasn’t being rewarded for an athletic performance, I still had to call my compliance office and ensure that accepting the flight would be permissible. In another example, one of my teammates’ dad once offered to buy our relay team ice cream after a particularly successful meet. After overhearing the offer, our head coach said “I’ll pretend I didn’t hear that,” jokingly because buying ice cream might be considered an extra benefit. While there is an exception for people with whom there’s an “established pre-existing relationship” and we would have been able to accept the ice cream, it just serves as another example of how the rule functions more as a headache than the protective barrier it was meant to provide.

Title IX and Unequal Treatment

Even in the age of Title IX, men's and women's sports are not treated equally in college sports. Some of this disparity is systemic and other issues are simply interpersonal. For example, the nutritionist assigned to my team when I started at Vanderbilt was also assigned to the football team. While I have seen her pick up food for the football players and even draw smiley faces on their sandwiches, I had some trouble scheduling a meeting with her to discuss my nutritional needs. There was also an issue a few years ago when only the football team was allowed to have breakfast in the athlete dining hall even though there were women's teams who also had morning practice. After some requests were made by the women's soccer team, all athletes are now permitted to use the dining hall for all three meals. Although I do not believe either of these anecdotes reflect a malicious or sexist intent on behalf of Vanderbilt athletics, I think they speak to the fact that while our men's teams needs are often top of mind, women's teams accommodations can become an afterthought.

Possibilities with NIL Legislation

One justification provided for some of the gendered disparities in treatment is that men's sports often make more money. I think that NIL legislation could also be a key element in changing that as well. It's well known that the NCAA does not promote women's sports with the same vigor that it does their men's sports. I think that if female athletes were able to partner with companies to promote their own athletic endeavors, that might be a way to supplement the advertising that the NCAA neglects to provide and bring more viewers to women's sports events.

Passing NIL legislation would also likely free student athletes from many of their fears surrounding extra benefits and eligibility. For example, the way the rules are currently structured, I would not be able to advertise as a track coach by saying that I'm a Vanderbilt track athlete even though that is what makes me qualified to coach the sport. That could be considered getting paid for athletic ability or reputation. Especially in sports that don't get as much publicity, this is a great way for student athletes to earn some extra money but it's currently prohibited. By freeing student athletes from their fears surrounding extra benefits rules, NIL legislation also has the potential to help student athletes become entrepreneurs and create their own opportunities in an arena they already know well-- their sports.