

Written Testimony of Dr. Mark A. Emmert  
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Good afternoon Chairman Rockefeller, Ranking Member Thune and distinguished members of the Committee. I appreciate the opportunity to discuss the role of the NCAA in promoting the well-being and academic success of student-athletes. Let me say at the outset that I personally, along with the entire leadership of the NCAA, share many of the concerns outlined by the members of this Committee. I am pleased to be here today to talk to you about those issues, and I commit and look forward to working with you and your staffs to address them directly and constructively.

Our mission is multidimensional, but first and foremost it is to promote student-athlete success in the classroom and on the field to ultimately enable them to succeed throughout life. And while we strive every day to do just that, I strongly believe improvements need to be made and more work must be done. Every day the membership, NCAA staff and I work single-mindedly to accomplish our goal.

I have spent most of my 40-year career in higher education as a university professor, provost or president. In my many years on campus at schools of different sizes and missions, I witnessed first-hand and came to believe deeply in the valuable role of sports in education. This belief, and my desire to address the changing needs of 21st century student-athletes, led me to my role as NCAA president.

Since assuming the presidency of the NCAA in 2010, I have actively worked with the Division I Board of Directors, NCAA Executive Committee, member colleges and universities, and varied stakeholders to drive much-needed reform and address many of the concerns that surround intercollegiate athletics. Indeed, in August 2011, Division I leaders convened to launch the current reform efforts. Division I has a large and diverse membership with an equally large and diverse range of viewpoints. Unfortunately, this can at times slow the pace of reform in our democratically-governed association. We have made significant strides in some areas and continue to work through others. No one is more impatient than I am. We will continue to push to meet the needs and challenges of the times.

Before I address the challenges, I want to begin by highlighting a core truth of intercollegiate athletics. For the vast majority of those who participate in NCAA sports - more than 460,000 young men and women each year at 1,084 institutions across three divisions and in 23 different sports – the experience is exactly what it is intended to be: a meaningful extension of the educational process that provides the opportunity for students to compete fairly against other students, in an educational environment. While NCAA member schools spend roughly \$13.8 billion per year on athletics – including \$2.7 billion on direct scholarship support – athletic spending represents a very small proportion of total institutional spending: approximately 3.8 percent. Further, those same schools generate far less revenue from athletics than they spend: the deficit of operating expense over generated revenue is greater than \$6 billion per year collectively. These NCAA institutions make this imbalanced investment because they are not pursuing intercollegiate athletics as a vehicle for maximizing revenue or minimizing expenses; rather, they believe that athletics, like many other extracurricular activities, plays an integral role in the overall educational experience. Our data demonstrate that 13 years after college enrollment, 86 percent of former Division I student-athletes favorably report that they count their athletics experience as an important part of their overall college experience.

Moreover, research conducted by Nobel Prize winning labor economist Professor James Heckman of the University of Chicago, which he based on the National Education Longitudinal Survey (NELS), shows that participants in athletics are more likely to go to college, to stay and graduate from college, to secure a good job after college, and earn more money within a few years after college and for a lifetime. These results hold for football and men's basketball players, within Division I and across all divisions, and are accurate across many peer comparisons, including those from diverse racial and ethnic backgrounds as well as disadvantaged or difficult family circumstances, controlling for standardized testing variables and non-cognitive traits. College is a powerful force for social advancement and building human capital, and research shows that athletics has a positive relationship with that force. Participation in intercollegiate sports has been a significant means to realizing the benefits of college for hundreds of thousands of young people for decades.

For the millions of other students, alumni and fans who follow their school teams, sports provide a rallying point and a source of pride and unity that weaves together diverse communities. This is a uniquely American phenomenon. There is no model elsewhere in the

world where athletics are tied so directly to colleges and universities as an extension of the educational process. Some countries, in fact, have indicated a desire to emulate our model and have visited with us to study it. They do so because of the teamwork and leadership cultivated by intercollegiate sports, as well as the sense of community and common purpose they create. Student-athletes receive training and education on subjects spanning from how to keep themselves physically fit and healthy for a lifetime to how to deal with the challenges of stress, loss and adversity, how to manage multiple responsibilities, and how to properly manage time. For all of these reasons, intercollegiate athletics is appropriately situated as part of the educational experience within higher education.

Our research shows most Americans view intercollegiate athletics in a positive light. That said, my hope – both in our discussions today and in my role as NCAA president – is to address concerns about the well-being of all student-athletes. I do so with the understanding that the most visible athletics programs in college sports reside within Division I FBS football and Division I men’s basketball, and those programs disproportionately shape public opinion about the NCAA and the experience of student-athletes. The students in these sports are a critical part of the collegiate model of athletics, and we must ensure that their experiences reflect the fact that they are students first.

No system is perfect, and the same holds true for intercollegiate athletics. Over the history of the NCAA, we have witnessed some issues and challenges in every sport in every division. Yet the sports of football and men’s basketball at 123 well-known institutions in the larger conferences attract the most attention, make the most news and are the subject of the most criticism. The student-athletes who participate in these sports at this level represent only 3.5 percent of all NCAA student-athletes. Yet these are the sports and institutions that prompt many questions relating to multi-year scholarships, transfer rules and behaviors, health care for student-athletes and the costs of college sports. These are areas of concern to me and to the Division I Board of Directors, a representative body of 18 university presidents who are appointed by the membership from all of Division I. And, these issues have been the subject of robust debate among member schools in Division I over the last several years.

Yet it is not only those programs that need our attention as we strive to make our system better. The college and university members and I also are concerned about issues around the academic preparation, health and safety and overall success of all student-athletes. These include

issues such as time demands on student-athletes; the impact of participation on the health of student-athletes now and in the future, especially in the area of traumatic brain injury; the full cost of attending college; and how the 346 institutions in Division I as a whole should be structured and governed. We must depend on good data to inform values-based decision-making and then follow through according to those values. We must uphold our commitment to the academic and athletic success of all 460,000 student-athletes.

More often than not, the tension has been around how institutions of vastly different resources and missions will compete against one another. The drive to compete – the very thing that makes sports such a vital feature of American culture – often complicates attempts to bring serious change or rapid reform to intercollegiate athletics. The diversity of Division I creates both its appeal (Cinderella stories as well as traditional rivalries) and its challenges.

Before I address on an issue-by-issue basis some of the concerns expressed about college sports, I want to highlight three key points about intercollegiate athletics that often go unnoticed or unmentioned.

- First, NCAA sports have provided and continue to provide an enormous number of men and women access to higher education. Over the last several decades, this number has included many whose financial situation would have otherwise prevented them from attending college. In fact, just shy of 20 percent of all student-athletes are first-generation college students, and a similar number report that they would not have attended college at all if not for athletics. Division III and the Ivy League do not permit athletically related financial aid, but they do provide other types of financial aid to student-athletes. And, in Divisions I and II, more than \$2.7 billion annually in direct financial aid helps make all this possible. Of that amount, \$2.1 billion is spent on athletic scholarships in Division I alone.
- Second, the NCAA has made substantial progress in supporting the academic success of student-athletes. Improving student-athlete academic success has been a concentrated effort by the Division I membership for more than two decades. Division I, led by its Board of Directors, has steadily increased the academic requirements for initial eligibility, which has helped motivate many high school

students to enroll in college preparatory courses they otherwise might not have taken. Moreover, the Board also has approved membership initiatives that require student-athletes make continuous progress toward a specific degree in order to maintain eligibility once in college. The NCAA has developed two metrics to get a better picture of how well student-athletes are performing from semester to semester, and ultimately graduate. The first metric is the Academic Progress Rate (APR), which examines how well a team is doing in the classroom every semester. The APR is a strong predictor of eventual student-athlete graduation rates. It also serves as the basis for penalties if certain threshold rates are not achieved and sets the standard that teams must meet to compete in the post-season. The second metric is the Graduation Success Rate (GSR), which uses the same six-year window as the federal graduation rate but requires institutions to account for student-athletes who transfer in and those who transfer out in good academic standing. Because it accounts for transfers-in and transfers-out, it is a much more appropriate rate than the current federal formulation that ignores transfers-in and counts transfers-out as academic failures. It is also superior to proposed alternatives, such as the Adjusted Graduation Gap (AGG), which makes a number of faulty assumptions about student-athlete academic pathways and results in a “hypothetical” graduation gap rather than a real counting of actual graduates.

In 2013, the GSR for all student-athletes in Division I was 82 percent, one point higher than a year ago and eight points higher than in 1995. More than 11,000 student-athletes have graduated over the last decade who may not have graduated had the GSR remained at 1995 levels. And in the two sports I have specifically raised in this testimony, student-athletes competing in football at Division I FBS schools are graduating at a rate of 71 percent, and members of Division I men’s basketball teams are graduating at a rate of 73 percent. Since 1995, the rate of graduation for men’s basketball has increased 17 percentage points, with a 22 percentage-point increase for African-American male student-athletes. For FBS football in the same timeframe, the graduation rate has increased eight percentage points, with an 11-point increase for African-American football student-athletes. This is remarkable progress, resulting

from significant research into the academic behaviors of students and the determination of university presidents to raise the standards. And these numbers are projected to continue to rise.

Also worth noting, our Study of College Outcomes and Recent Experiences (SCORE) research indicates that between 25 and 30 percent of former student-athletes report earning a graduate degree by age 30. U.S. Census research continues to show those with a college degree earn \$1 million more over a lifetime than those without a degree. Those with doctorates earn an additional \$500,000. Higher self-esteem, better physical health and reduced rate of smoking are other observed outcomes of attending college. The benefits to earning a degree are real by any measure.

- Third, a valuable untold story about the contribution of intercollegiate athletics is that college sports helped shape many leaders and great citizens of America. Indeed, five members of this Committee were student-athletes. Six of the last 11 presidents of the United States were student-athletes. Supreme Court justices, countless Cabinet officials, ambassadors, military leaders, astronauts and other senior government personnel, as well as captains of business, competed in intercollegiate athletics.

These individuals and innumerable others learned much about leadership and life from their days on the field or court. They learned about the pursuit of excellence and how to work as a team from coaches who were teachers of persistence and resilience, self-discipline and self-sacrifice. In our surveys, more than 90 percent of former student-athletes report that participation in college athletics enhanced their leadership, work ethic, teamwork and time management skills. I'm sure the five of you on this Committee could speak volumes about the experiences and opportunities intercollegiate athletics presented you.

To summarize these three points: Intercollegiate athletics provides more financial aid to more student-athletes than ever before; more student-athletes are graduating than ever before; and student-athletes enter college better prepared and leave college better conditioned to take on

leadership roles throughout our society. These are the central facts about the experience of intercollegiate athletics for the vast majority of student-athletes.

As I discuss specific areas of interest and concern, it may be helpful to reiterate that the NCAA is a membership-driven association. Nearly 1,100 NCAA member colleges and universities work together to create rules for fair and safe competition and to protect the collegiate model of athletics. Those rules are administered by NCAA national office staff, which also organizes 89 national championships in 23 sports and provides other resources to support student-athletes and the schools they attend. The NCAA president is hired by the NCAA Executive Committee, which comprises college and university presidents from all three divisions. The Executive Committee also sets policy on Association-wide issues and approves the NCAA budget. I work at their pleasure to help schools implement the rules set by NCAA membership and to oversee the daily operations of the Association's national office in Indianapolis. For that reason, my role should not be equated with a league commissioner, as I do not have those powers. Neither I nor any NCAA national office staff member has a vote on Association policy or infractions decisions.

To enact reform, members must make rules through committees, much like Congress does. These committees include student-athletes, coaches, athletics administrators, faculty members and university presidents. For Division I, the Board of Directors is the decision-maker on most important issues. The 346 universities that comprise Division I can; however, overturn decisions of the Board and the committees below it with a 62.5 percent majority vote. This scenario happened in 2012, after the Board twice approved a miscellaneous expense allowance to cover additional costs of college attendance for student-athletes. In short, the member universities make the rules and, like Congress, they do not always agree.

Given the diversity of the Division I membership and the tens of thousands of individual cases, the membership also has created a broad range of waivers, exemptions and exceptions to assist student-athletes in unique circumstances. These requests are granted either by NCAA staff or a membership committee in the vast majority of cases. There is even a process by which membership policy can be set aside to avoid certain unanticipated or unintended consequences. All these processes are often slow, sometimes cumbersome and, by the time of passage, can be anti-climactic. This, of course, is the common complaint of any democratic process in which there is more than one opinion of what the outcome should be. As I will discuss next, we are

working to normalize and rationalize our governance process to achieve more common-sense, practical and timely results.

### *Specific Issues of Interest*

#### Multiyear Grants

There has been considerable focus on the length of grants-in-aid, commonly referred to as athletic scholarships, awarded to student-athletes. I, along with many in the membership, have supported the multiyear grant and believe it is a critical component of the ongoing reform efforts to expand benefits to student-athletes. It is worth noting that since athletically related financial aid was first awarded in the 1950s, most grants have been renewed for multiple years (even when the original award was for one year). Indeed, in most cases it is renewed for the full five years in which student-athletes have four years of eligibility. Further, under NCAA bylaw 15.3.2, whether a grant is for one year and renewable or for multiple years, an institution may not revoke the aid for any reason – including injury – unless the student has been afforded an opportunity to challenge the decision through an institutional review board consisting of faculty and non-athletics administrators. Nonetheless, many in the Division I membership and I support permitting institutions the option of awarding multiyear scholarships, and many have committed to do so on a regular basis. We have recently seen some institutions, such as Indiana University and the University of Southern California, make announcements of their commitment, while many schools across the Association, such as Northwestern, have been providing such grants since it was permitted.

In 2011, the Board of Directors approved the option to award guaranteed multiyear grants at the time of enrollment. As it turned out, a majority of member institutions disagreed with that decision and mounted an effort to override the Board's decision. The effort to override failed by the slimmest of margins. A 62.5 percent majority is required for override, and 62.12 percent supported the override in a roll-call vote. This issue is a good example of the challenges of implementing reform in a membership association.

#### Transfer Rules

There is also considerable concern regarding student-athletes transferring. The National Student Clearinghouse reported in 2012 that more than a third of all college students in America



transfer at some point before earning a degree. In intercollegiate athletics, only 11.7 percent of all student-athletes competing in Division I during the 2011-12 academic year were transfers; one of the highest percentages of transfers, nearly 28 percent, was in men's basketball. Despite the fact that transferring is a common occurrence among students, there is academic risk in doing so. Any student-athlete may transfer to any school at any time, similar to all college students. There is no NCAA rule that prohibits transfer. In order to foster academic success, however, transferring student-athletes in certain sports must sit out from competition the first year after their transfer unless he or she meets certain exceptions or a waiver is granted. Research shows student-athletes who transfer are less likely to earn a degree than those who remain at their original school, and the APR for transfers from four-year institutions is 21 points lower. Most student-athletes who are not eligible to compete immediately benefit from a year to adjust to their new school and focus on their classes. Student-athletes who must sit out a year of competition at their new school in most cases may still receive athletics-related financial aid and practice with their new team.

NCAA members decided in April 2014 that student-athletes transferring due to difficult life circumstances will be granted a sixth year to complete their eligibility. However, there is no longer a waiver option to get permission to compete immediately. This change becomes effective with the 2015-16 academic year. The altered policy allows transfer student-athletes facing challenging personal issues the opportunity to focus on what is important and adjust to a new academic environment before facing the pressures of competition without limiting their overall eligibility.

#### National Letter of Intent (NLI)

The NLI program was originated by conference commissioners in both Divisions I and II and is administered by the NCAA on behalf of the conferences. The terms of the program commit a scholarship student-athlete to a specific institution for one year. If the student-athlete does not fulfill the obligation, he or she must sit out from competition for one year and lose one of his or her four seasons of competition. There is also a process for release from the NLI, and a prospective student-athlete can sign an athletics aid agreement which has no binding effect on him or her to attend the institution. The process is entirely voluntary, and there are upsides and downsides to participating. On the one hand, signing a letter of intent effectively ends the

recruiting process, and the prospective student-athlete is free to focus on finishing high school without the attention and disruption of the recruiting process. On the other hand, a 17- or 18-year old may not fully consider all the options and may want to change his or her mind after the letter is signed. It should be noted that parents are also involved in the NLI process and are required to sign in addition to the prospective student-athlete if they are under the age of 21. Over the last five years, fewer than 2.5 percent of prospective student-athletes have requested a release, and 95 percent of those requests were granted.

### Health and Accident Care Coverage

As I am certain you understand, health insurance is different from accident or injury insurance. The NCAA has focused its rules on ensuring student-athletes are covered for injuries or accidents that occur as a result of athletics participation. Currently, Division I members may provide unlimited health care for student-athletes. In addition, NCAA members have enacted rules that require all members to ensure a student-athlete has insurance coverage in place that covers athletically related injuries before they can practice or play. The NCAA also provides full coverage for all student-athletes competing in one of our championship events. As I have previously stated, not every NCAA school has the same resources available. Thus, NCAA rules permit schools to provide the type and scope of coverage that meets their unique campus circumstances. Where a school cannot provide the coverage, it must be in place through a policy purchased individually or through the student-athlete's parents or guardians. Division I members spend more than \$135 million each year on medical care and insurance premiums for their student-athletes. In addition, the NCAA pays 100 percent of the \$13.6 million premium for the catastrophic injury insurance program – a safety-net program that picks up medical costs above \$90,000 after other institutional or individual policies have been exhausted. The program provides \$20 million in lifetime benefits to student-athletes who are catastrophically injured while playing or practicing. The program covers all 460,000 student-athletes at active member schools in all divisions. It is the country's most comprehensive program of its kind in terms of lifetime limits and benefits. Certainly, health care of our student-athletes is a priority for the Association, and any gaps in medical insurance coverage should be identified and closed.

### Rising Costs of College Sports

Notwithstanding increases in revenue from some sports, in my view, the rising costs at America's universities are among the biggest issues facing higher education generally and intercollegiate athletics specifically, and they are among the most difficult to address. I am especially concerned that these financial challenges can make it difficult to sustain athletics programs for women and other student-athletes who compete in sports that do not generate revenue or a lot of publicity, but provide the same educational benefits as the highest-profile sports. This is particularly true in light of the great progress that has been made with respect to Title IX over the last four decades. Rising costs create significant issues for individual institutions and are the source of significant tension among institutions within a division, subdivision or even a conference. As I noted earlier, the widening gap between educational institutions with greater resources and those struggling to keep up often plays out in uncompromising positions on national policy on many issues and especially with regard to benefits for student-athletes. This widening gap in resources arguably has roots in the U.S. Supreme Court's application of the antitrust laws to the NCAA in *NCAA v. Board of Regents of University of Okla.*, 468 U.S. 85 (1985), wherein the NCAA's efforts to contain costs and commercialism were stuck down by the court. As recently as within the last two years, further efforts to confront these rising costs and find solutions along even the periphery of the issue have demonstrated how polarizing and entrenched these divergent views can be. Additionally, efforts by forces external to the membership could further erode the NCAA's ability to take practical steps to resolve financial and policy issues.

Many have argued for greater transparency of individual institutional costs among member schools. I agree with this recommended reform, and we have made some progress toward greater disclosure. But while public institutions are accustomed to making their financial information public, private universities have no such obligation. Accordingly, no consensus has been reached to provide financial data other than in aggregated formats. Frankly, it is difficult to envision an immediate resolution. The members of this Committee represent states with 133 Division I member schools, and I suspect you understand from your regular engagement with them how widely varied, and deeply held, the beliefs can be.

### *Student-Athlete Misconduct and Discipline*

As a lifelong educator committed to a safe environment in which to learn, I am deeply troubled by misconduct, unfortunately some criminal, by students on campus. I share the concern raised by other educators, administrators, the public and Members of this Committee regarding allegations of possible crimes perpetuated by or against student-athletes. Some of those allegations have proven true and are truly heinous and tragic. If you had asked me during my tenure as president of two large universities what kept me awake at night, I would have told you one of my greatest concerns was the potential for crime against our students, faculty or the broader campus community. We must do our part to ensure an academic environment free of harassment or abuse. Of course, we must be careful not to cast all students or student-athletes as criminals or villains because of the behavior of a few. The overwhelming majority of the 460,000 student-athletes who participate in college sports annually are good campus and community citizens. They follow the rules of the campus and the laws in the community. And as concerned as I am about campus violence, it also is true that violations of criminal law do not fall under the purview of the NCAA. Local law enforcement or, when appropriate, state and federal law enforcement officials have jurisdiction for alleged criminal activity and violations of law. Decisions about eligibility to participate in athletics also are retained locally by campus authorities in the first instance, and rightly so. Opinions differ with regard to how and at what point eligibility to participate is impacted. Some campus officials believe student-athletes must be held to a higher standard than other students, and the earliest stages of investigation by law enforcement should result in suspension of the privilege to play sports. Others hold that the judicial imperative that all citizens are innocent until proven guilty must pertain to student-athletes as well. But in either case, the membership has made it clear that these are local decisions and, as a result, our role as a national body is limited. Nonetheless, recognizing drug and alcohol abuse has been linked to some of the violent behavior and misconduct, the NCAA has invested time and resources in programs that address drug and alcohol abuse prevention. Indeed, the NCAA national office, together with its member institutions, has engaged in a number of ongoing educational and training programs on both the local and national levels to provide assistance to campuses. A few examples include:

- The NCAA is working with a consortium of nationally recognized advisers to develop a Violence Prevention Handbook, which is scheduled to be released this summer. The handbook will define the issues, identify federal regulations through Title IX and the Campus SaVE Act, include education on prevention and response, best practices for coaches and student-athletes, and present models of collaboration between athletics and campus professionals with expertise in prevention and response. The consortium and follow-up efforts stem from the 2011 NCAA national summit on sexual assault/interpersonal violence prevention.
- For 23 years, the NCAA has supported the annual APPLE Conference Promoting Student-Athlete Wellness and Substance Abuse Prevention, designed as a strategic planning conference conducted by the University of Virginia Gordie Center. Participation in the conference facilitates athletics programs assessing their needs, developing action plans and implementing solutions to address substance abuse and consequences. Annually, more than 70 institutions attend, and more than 50 percent of NCAA member schools have attended at least once.
- Through a competitive grant program called NCAA CHOICES, the NCAA awards individual colleges and universities \$30,000, a total of \$450,000 annually, to fund institution-driven projects that engage athletics with campus efforts to reduce alcohol abuse and negative consequences, with ongoing evaluation and consultation from the George Mason Center for the Advancement of Public Health. More than 270 NCAA institutions have received NCAA CHOICES Alcohol Education Grants.
- The NCAA helps support the Step UP! Bystander Intervention Program developed by the University of Arizona. This program trains student-athletes to safely and effectively intervene when a teammate or friend is in distress, in danger or heading for trouble. Bystander intervention training has been identified as an effective approach in violence prevention and response. The NCAA Sport Science Institute recently sponsored the second facilitator training on Step UP!, which included participation from two-person teams from 40 NCAA members institutions.

- The NCAA sponsors National Hazing Prevention week, provides a Hazing Prevention Handbook to its member institutions and consults on the National Hazing Study. NCAA staff partners with other stakeholders – namely Greek Affairs – to effectively address hazing prevention on member campuses.
- In partnership with Student Affairs Administrators in Higher Education (NASPA), the NCAA piloted the 360 Proof alcohol education program at 36 Division III schools this year. This free, web-based program provides student affairs and athletics administrators an assessment tool to see how much information they already have about alcohol use on campus, inventory existing alcohol prevention activities and fill gaps based on the National Institutes on Alcohol Abuse and Alcoholism Recommended Strategies. It also includes a personalized feedback intervention, or PFI tool, to help students assess their own use and risk. Studies show that PFIs reduce the frequency and number of alcoholic beverages consumed, as well as effectively dispel myths about drinking. Following a successful pilot, the program will expand to include banned substances and street drugs in 2017.
- The NCAA provides online Title IX compliance and best practices materials and video classes. Topics include sexual harassment and violence prevention and guidance from the U.S. Department of Education Office for Civil Rights.
- The NCAA Sport Science Institute has identified mental health promotion and intervention as a critical initiative, holding a meeting of health care experts in November 2013 to fully review the issue. This meeting has resulted in the development of an anthology of issues impacting mental health and best practices for member institutions to assure early identification and treatment for those student-athletes in need.

I believe these educational initiatives are very helpful in combatting the serious issue of campus violence and student-athlete misconduct, yet the NCAA may continue to draw criticism

for not inserting itself directly into specific instances of alleged student-athlete misconduct or criminal behavior. While we certainly will cooperate with any law enforcement activity, I remain convinced that to insert the NCAA directly into the issues described above would undermine local efforts to manage the conduct of student-athletes similarly to that of other students, even when the result may not be consistent from one campus to another. Nonetheless, I believe this issue is important and requires more dialogue, and I will encourage NCAA leadership and membership to continue to explore additional areas of engagement.

### Academic Preparation and Success

As I have described in this testimony, the academic success of student-athletes has been a major area of emphasis for the NCAA, and since the mid-1980s the Association has seen dramatic results. When the NCAA first began collecting graduation data more than 25 years ago, student-athletes were lagging behind the rest of the student body. Two years into those reform efforts, student-athlete graduation rates had drawn even with the general student population; later, they pulled ahead. That upward trajectory has continued for more than two decades. Today, student-athletes consistently graduate at higher rates than their counterparts in the general student population. More than 80 percent of all student-athletes graduate, as measured by the GSR metric noted earlier, and white males are the only demographic group who remain below their counterparts.

But this work is never done. For example, while the graduation rates of African-American student-athletes in Division I are considerably ahead of their counterparts in the student body, they lag behind those of white student-athletes, and that is not acceptable. We see steady improvement, but we must not accept this discrepancy as simply “the way it is.” The NCAA continues to study research data that predicts how well students are likely to do in completing requirements for specific degrees and then setting standards that will spur even greater success.

One of the most frequent criticisms is that these results are aided by courses that are alleged to lack serious content and majors that lack rigor. As required by our bylaws, on NCAA campuses the majors and courses available to student-athletes are the same ones available to the entire student body, and the standards for instruction and approval of majors is the responsibility of the faculty and not the athletics department. The data from our Growth, Opportunities,

Aspirations, and Learning of Students in College study, known as GOALS, show that 87 percent of student-athletes would have chosen their current majors again even if they were not student-athletes and that personal interest and career fit played the greatest role in the selection of a major. The requirements for a degree in bio-medical engineering may well be more rigorous than those for political science (my undergraduate major), or business, or English, or any number of other degrees. But these courses and majors are not without serious or useful content. Of course, human behavior is such that there will be isolated instances of academic misconduct and the abuse of policies. The college and university members take these issues on their campuses very seriously and have largely retained authority and responsibility to handle matters when they arise. However, the membership has empowered the national office to investigate and act where it appears that student-athletes may be receiving disparate academic treatment from the general student body. All in all, I am very pleased with the commitment to and results from academic reform over the last two decades.

However, as I have discussed, the college and university members have given the NCAA the responsibility to explore potential NCAA violations. When these possible violations also involve issues around academic misconduct, the NCAA does not second-guess academic decisions of the institution or look into matters that may or may not violate other policies or authorities. The NCAA members and staff take allegations of academic misconduct seriously, and generally the NCAA staff conducts full and thorough investigations collaboratively with the institution. In fact, recently, the NCAA issued a Notice of Inquiry to the University of North Carolina, Chapel Hill, in connection with the information first examined in its 2011 investigation. As in any case, the enforcement staff makes clear at the time of an investigation that it may revisit a matter if new information becomes available. In this instance, the NCAA has determined that individuals previously unwilling to cooperate with the initial investigation may now agree to speak with the NCAA enforcement staff and, therefore, has decided to reopen its investigation. Further, the institution instructed its outside investigator to share relevant information from his investigation confidentially with the NCAA enforcement staff.

### *Impact of Participation on Student-Athlete Health*

The NCAA national office and its member colleges and universities have been committed to the study and promulgation of sports health and science issues for decades. Indeed, the NCAA was established in part to provide safety rules governing college football. Much of the study in



the past has taken place on our campuses and has engaged medical and sports science experts from throughout the country, and the results of that research have been publicly available. Moreover, a membership committee comprising physicians, athletic trainers, strength and conditioning coaches, nutritionists, drug abuse prevention professionals and other athletics administrators – the Competitive Safeguards and Medical Aspects of Sports , or CSMAS – has provided oversight of health and safety for more than 30 years. CSMAS has also provided the Sports Medicine Handbook as expert guidance to the membership on best practices to protect student-athlete health and safety. I wanted to bolster expert oversight and support for the membership, especially as we have entered into new areas of medical concerns surrounding participation. Fifteen months ago, I created the position of chief medical officer of the NCAA and hired a renowned neurologist as the first such CMO. With his leadership, we have created the NCAA Sport Science Institute, through which we have already convened task forces on concussion and mental health and begun substantive conversations with other medical, athletics and government groups to drive policy and action. In May, we launched a \$30 million joint initiative with the U.S. Department of Defense to fund the most comprehensive study of concussions ever conducted and issue an educational challenge to change the culture of concussion reporting and management. Just this week, we released guidelines on concussion diagnosis and management, the correct model to provide medical staff independence from the athletics department in treating student-athletes, and football practice guidelines designed to reduce concussions and other injuries. They represent the consensus of more than 10 medical and athletic trainer associations, as well as coaches and conferences. This degree of collaboration and buy-in means real changes and benefits to student-athletes, starting immediately.

We must be ever-vigilant to the impact of athletics participation on students. Safety measures to better protect students who play football student-athletes have been a primary concern since the NCAA's founding in 1906, and the NCAA takes seriously its safety commitment to all the sports it sponsors. The issue has been a significant gap in sport science and medical research compared to changes in competitive expectations. We have followed closely and are working to address many concerns beyond concussions, specifically knee injuries and the impact of over-specialization in youth sports. By late summer, we hope to have completed work with the members to develop a new mental health resource. The protection of student-athlete health and safety is a job that is never complete; there is no guarantee of safety

whenever anyone steps out to practice or competes in a sports activity. However, the NCAA and its members will continue to be true to our health and safety mission and will carefully consider when changes in the health and safety space are appropriate.

### *Time Demands on Student-Athletes*

In 1991, the membership set national policy that limited, for the first time, the supervised time student-athletes were allowed to commit to their sports to 20 hours per week. It was a bold move at the time and was disparaged by student-athletes who did not believe 20 hours a week was sufficient time to develop their full athletics potential, as well as by most coaches, who wanted their student-athletes committing more and more time to preparing for competition. Their reaction was and still is an especially true sentiment for student-athletes who participated in high school and grass-roots athletic experiences that involved intensive training and travel. The details of the legislation left ample room for interpretation and recognized that voluntary individual or group workouts likely could not be curbed. In the NCAA GOALS study, students who participate in Division I football report they spend 40 to 45 hours per week on football and about 40 hours on their academic efforts. What we have today is a rule that appears to be inadequate in limiting time spent on sports to the intended 20 hours. The big question is: What can be done about it? Athletes are by nature competitive and disciplined. With or without influences to the contrary, athletes will push themselves and their teammates to pursue excellence in preparation for competition. In fact, our data show that student-athletes participating in Division III football report spending an average of 33 hours per week on their sport. It would be difficult to find a group at any level that reports spending fewer than 25 hours per week on the sport. In the end, for all student-athletes, athletics is a time-consuming endeavor, but one they choose to pursue to the fullest. The Division I Board and I are searching for solutions to ensure that student-athletes maintain a better balance between academics and athletics with an emphasis on dedicating additional time to academic pursuits to promote their success once their playing days are over. I pledge to continue working to achieve exactly that, but I hope my testimony has informed the Committee of the difficulties of affecting such culture changes.

### Student-Athlete Benefits

For decades, there have been some who claim that Division I student-athletes in football and men's basketball are not receiving the benefits they deserve and would be better served if they were treated as employees and paid for services. As a person with more than four decades in higher education, I disagree with the notion that the student-athlete relationship with an institution is at all akin to an employment relationship. While not a party to the *Northwestern v National Labor Relations Board* matter, last week the NCAA filed an amicus brief in support of Northwestern's appeal. It is our position in that brief that scholarship student-athletes are not employees. Indeed, we argue they are not just primarily students, they are exclusively students. They are exclusively students because both of their major activities of being a student and being an athlete are interrelated in their overall educational pursuit.

This concern around payment for services has risen in direct proportion to: the rising commercial television exposure of the two sports through television; the mounting media fees networks are willing to pay to broadcast the inventory of regular- and post-season; the expansion of athletics facilities; and the heights to which coaching and other salaries have grown. Again, because of the way the U.S. Supreme Court applied the antitrust laws to the NCAA in *Board of Regents* and in *Law v NCAA*, and because the NCAA does not have an antitrust exemption like professional sports leagues, the NCAA has no authority to limit coaches' compensation, prevent conference realignment or otherwise control expenditures. These behaviors have led some to argue that with so much money in the system, student-athletes are not fairly compensated for the revenue some believe they generate. I firmly believe that argument is unsound.

One differentiating component of the American collegiate model of athletics as compared to other models is that those who participate generally do not do so for the value of tangible benefits they receive. Rather, they are in fact students and treated as such.

The value of the benefits student-athletes in Division I FBS football and Division I men's basketball receive on an annual basis, if monetized, could easily be between \$120,000 and \$180,000 or more. These benefits are not compensation, and such educational support doesn't make them any less a student-athlete in the collegiate model than one in Division III who does not receive athletic-based financial aid. If both are students and are treated as students first who are competing against other students, they are part of the collegiate model.

I believe that schools should be allowed the opportunity to provide student-athletes with resources to cover the full cost of attendance – and I have advocated for such additional aid. It has been difficult to find a workable compromise within the Division I membership on this matter, even though it has been discussed for more than a decade and twice advanced by the Board of Directors. Such a proposal finds favor with institutions that have sufficient resources, while institutions that struggle to make the financial ends meet find it a threat to their competitiveness. Structural and governance changes may be necessary before progress can be made. But I can say that the Board of Directors and I will continue to look for solutions. And with every solution proposed, we make certain that our actions will not damage or undermine efforts to advance the principles of Title IX.

The most important thing for young people in college is to focus on education and earn their degrees. Attempts to label student-athletes as employees rather than students due to their participation in a voluntary athletic activity that establishes no expectation of compensation when they enroll can only blur and, in fact, undermine the focus on education. These attempts are ultimately not in the best interest of the student-athlete or the college environment.

#### *Financial Underpinning of Intercollegiate Athletics*

In the world of higher education, we must rely on cross-subsidization – maximizing revenue from the areas that can generate more than their costs and reallocating the additional revenue to those areas that can never cover their costs. For example, we rely on large freshman survey courses such as history, English and psychology with one lecturer and a few graduate assistants for a few hundred students to generate sufficient revenue to help support disciplines such as nursing, music or economics that have smaller instructor-to-student ratios. If not for this cross-subsidization, we simply would not have comprehensive universities. And we have applied the same approach in athletics. Few football and men's basketball programs can generate revenues sufficient to cover the costs of those programs and the costs of another dozen or so sports for both men and women. The balance comes from the institution's general operating budget or student fees. If colleges and universities did not use this cross-subsidization approach, they would not have comprehensive athletics programs. So, while it is true that some male student-athletes in Division I football and basketball participate in events that generate revenue

used to support other sports, it is also true that the tuition for students in freshman history helps pay to train nurses.

### *How NCAA Revenues are Used*

As an Association, almost all revenues that accrue to the NCAA are passed along, as I will describe, either as direct distributions to the membership or for services that benefit student-athletes.

Last year, NCAA revenues totaled a little more than \$900 million. Of that, more than 90 percent was directly distributed to the membership or provided direct membership services, such as sponsoring 89 championships. Three-quarters of that revenue was generated through a 14-year multimedia agreement with CBS and Turner Broadcasting System, providing the rights to broadcast the Division I Men's Basketball Championship. The vast majority of the other 25 percent of NCAA revenue comes from NCAA championship ticket sales, an ESPN media contract for all other championships, and investment earnings. Each year the NCAA Executive Committee, composed of 19 presidents from member schools, approves the NCAA budget, including revenues, expenses and any allocation of reserves.

Approximately 60 percent, or \$527 million, of NCAA revenue is distributed directly to the Division I membership each year. These funds are distributed for various purposes: supporting student-athletes, including leadership programs and grants promoting student-athlete well-being; enhancement of academic opportunities; and direct benefits to student-athletes with emergent or essential financial needs.

The next-largest expenditure, representing approximately 18 percent of NCAA revenues, allows the Association to conduct 89 championships in 23 sports across all three divisions. In addition to conducting championships, approximately 17 percent of the budget is set aside to allow for other fundamental services required by the membership, such as the facilitation of governance, legislation, promotion of student-athlete well-being and conducting enforcement. The smallest portion of expenditures is administration costs, which represents less than 5 percent of NCAA annual revenues.

It is important to note that the NCAA is not a recipient of any revenues generated by member schools or conferences during the regular season or from the FBS postseason bowl games.

### Division I Structure and Governance

The issue of how Division I is structured and governed is so “inside baseball” that, at first, it might seem irrelevant to this hearing. But as I have noted throughout this testimony, it is critical to how and which decisions are made. The range of institutions in Division I extends from flagship state universities with \$3 to \$4 billion institutional budgets and athletics budgets exceeding \$150 million to small universities with budgets of less than \$100 million and athletics operating budgets of \$5 million. And while most small universities find it impossible to compete with large state universities for research grants, faculty and even students, they have an interest in competing athletically and depend on NCAA membership-adopted rules to find some level of fair competition. It is a big-tent approach that exists only for these institutions in the realm of athletics. The question facing the Division I membership and its leaders is twofold: If the right governance structure is in place, how will it facilitate consensus on keeping the tent open for all while allowing radically different segments to govern themselves based on their characteristics? Inside baseball or not, this issue is enormously important to the 133 institutions in the states represented on this committee and all those in Division I. And although we cannot wait for the resolution of this issue before addressing the others I’ve noted in this testimony, some of those issues may not be fully addressed until the structure and governance concern is worked out.

Central to the Division I governance reform expected in August 2014 are plans to ensure that all 346 Division I members continue to compete together in the same division. One element of this design is for the 65 institutions in the Atlantic Coast, Big Ten, Big 12, Pac-12 and Southeastern conferences to act as an autonomous unit that can modify certain NCAA rules. Some examples of autonomy might, for example, permit the grant in aid to cover all education-related cost for their student-athletes or otherwise provide additional athletics-related benefits. An example of the latter could be legislation allowing institutions within these conferences to cover the full cost of attendance, as reported to the U.S. Department of Education, as part of student-athletes’ scholarships. After the five conferences have acted on legislation as an

autonomous unit, the intent is that remaining schools in the division would be free to follow suit at each school's discretion.

### *Concluding Thoughts*

I recently testified in a U.S. District Court in the Northern District of California antitrust lawsuit brought by former UCLA student athlete Ed O'Bannon. My testimony made clear the vital need for the continuation of a collegiate model of amateur athletics in America and an equal need to reform our rules to make the experience even better for the student-athletes and our fans. As I did in that trial, I have tried here in my comments to provide as full a vetting as possible to the issues confronting intercollegiate athletics. Most of these issues are complex and challenging. Some view the NCAA solely through the lens of these remaining challenges and suggest that now is the time to separate sports from higher education once and for all. In truth, intercollegiate athletics is serving most student-athletes very well, and the integration of academics and athletics is essential to the collegiate model of sport.

Yes, changes are needed, and they require frank and open conversation. Both the Division I Board of Directors and I are often frustrated at the lack of consensus and the slow speed at which progress is made. Even when we have pressed for an accelerated decision-making approach for only a handful of issues, as we did three years ago with broad support from presidents of member colleges and universities, some very good recommendations failed to gain support because of the speed at which they were pushed. But too many educational opportunities exist for nearly a half-million student-athletes each year to stop searching for solutions.

I believe the model that has served this country and our young people can and should evolve to meet their needs into the future. And I remain committed to work with each of you to make sure we can do so.

Thank you for the opportunity to appear before you today. I look forward to taking your questions.