



Fair and Equitable Governance Framework for College Athletes

I. GUIDING PRINCIPLES

Tax-exempt education institutions operate extra- or co-curricular intercollegiate athletics programs that enhance student development and contribute to building campus community. However, the primary mission of accredited education agencies to provide the opportunity and environment that enable students to earn bona fide undergraduate and graduate degrees must never be usurped by athletic programs that place commercial considerations above the health, wellbeing, and education of athletes.

The following guiding principles should dictate policy and financial priorities:

1. Every athlete must have the opportunity to receive a meaningful education in a major of the athlete's choice and earn the baccalaureate degree.
2. If an institution recruits and admits an academically underprepared athlete, it has an obligation to remediate deficiencies.
3. The opportunity to participate, receive athletics financial aid, and other athletics-related treatment and benefits must be equally provided to male and female athletes consistent with federal law (Title IX) and are not, by law, conditioned on whether the sports are revenue-producing or compensation or other benefits are paid by third parties.
4. The education institution should be required to provide benefits and medical treatment necessary to protect the health and wellbeing of college athletes with conferences and national governance organization supporting this obligation.
5. Higher education institutions should have the right to own and commercially monetize performance events involving students participating in the institutions' co-curricular and extracurricular activities through the sale of tickets, parking, game or event programs, advertising and sponsorship rights, and rights to live and delayed electronic telecasts. The revenues from such activities should be used to defray the costs of the extracurricular activity or otherwise advance the mission of the nonprofit higher education institution.
6. Institutions should be required to obtain the consent of students for the use of their names, images, and likenesses (NILs) if such extracurricular events are to be audio or videocast (e.g., television, streaming, etc.), or otherwise recorded for live or delayed electronic distribution, photographed, sketched, or in any other way reproduced for print or digital publication, including social media.
7. All divisions and subdivisions should condition membership on sponsorship of a minimum number of revenue and nonrevenue sports for both men and women.



II. ATHLETE WELFARE, PROTECTIONS, AND BENEFITS

Athletics program expenditures should cover the following costs:

1. **Athletics Scholarships with Numbers Limited by Sport.** Athletics scholarships (grants-in-aid or GIA) should be awarded for a term of five years or until graduation, conditioned only on athletic participation (not athletic ability), full-time enrollment during the academic year, academic good standing, normal academic progress requirements, and compliance with the institution's student and athlete codes of conduct.
 - a. If an athletics injury precludes athletics participation, the GIA should not be reduced or withdrawn as long as the athlete meets academic and conduct conditions.
 - b. Within each competitive division or subdivision, national association governance rules should limit the number of "full" GIAs (tuition, required fees, room, board, books, and a cash allowance for transportation, miscellaneous personal expenses, including rental or purchase of a computer as calculated by each institution's office of student financial aid according to the Federal Student Aid Handbook).
2. **Cash or Benefits Unrelated to Athletics Scholarships.** The following cash or benefits should not be included in the computation of a full scholarship and no national governance association limitations should be imposed on the institution providing college athletes with the following:
 - a. academic or need-based scholarships or financial assistance available on the same basis as available to other students;
 - b. summer school attendance to achieve academic purposes, study abroad programs, graduate education scholarships, cash awards for academic achievement, cash incentives to meet academic remediation goals, and return-to-graduate scholarships following completion of athletics eligibility available to all athletes on the same basis; and
 - c. special assistance based on demonstrated financial need for costs related to emergency needs such as food insufficiency or shelter security, family emergencies (travel expenses for funerals, etc.), medical and dental costs not covered by another insurance program (e.g. premiums for loss of value or optional medical insurance, hearing aids, prescription medications, vision therapy, and off-campus psychological counseling), and clothing, travel, and other essential expenses.
3. **Campus Work Wages.** The institution may employ athletes, paying hourly wages and benefits for work actually performed (and not for participation in college athletic events) and at a rate commensurate with the going rate in the locality of the institution for similar work.
4. **Insurance and Medical.** The institution, conference, and/or national athletic governance association should be required to provide benefits and treatment necessary to protect the health and wellbeing of college athletes including:



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- a. primary athletic injury insurance during the term of collegiate eligibility and for four years thereafter and all athletic injury uncovered medical expenses including second opinions, out-of-pocket costs, diagnostic and baseline testing, and physical therapy without any limitation related to preexisting conditions;
 - b. catastrophic injury insurance;
 - c. mental health services; and
 - d. long-term disability insurance and/or a medical trust for the long-term effects of athletics injuries, both physical and cognitive (dementia, Parkinsons, Alzheimers, CTE).
5. **Academic Support Expenses.** The institution should be obligated to pay all costs (testing for ADHD and other learning disabilities, reading, writing, math deficiencies, provision of specialized academic staff and tutors, summer bridge and intensive learning programs, prescription medications, etc.) associated with remediating learning disabilities and/or academic deficiencies of recruited and admitted underprepared athletes.

III. CONDITIONS OF FAIR AND EFFECTIVE GOVERNANCE

The current NCAA governance structure is controlled by institutions with the richest and most commercialized athletic programs, namely, schools in the top four conferences (“autonomy” or “Power Four of the Football Bowl Subdivision. These are the institutions that most benefit from restraining the costs associated with providing athletic scholarships and health and welfare protections to college athletes. Governance rules effectively enable institutions to keep the bulk of media rights revenues for their own use for spending on lavish facilities to aid in recruiting talent, excessive coach and administrative salaries, enormous athletic department staffs, and further engaging in an incredibly expensive and uncontrollable “arms race.” The following conditions describe the minimum predicates for building a fair and effective governance system that more effectively balances the interests of the institution and college athletes.

1. **Independent Board of Directors – Equally Shared Athlete/Institutional Governance.** The Board of Directors (BOD) of each competitive division or subdivision should consist of expert independent directors, fifty percent selected by athletes and fifty percent selected by institutional members. Members should reflect diversity of gender, race, and ethnicity. Each BOD should be led by athlete and institution co-chairs, elected by their respective directors. Each competitive division or subdivision should determine its own scholarships, benefits, cost control, and eligibility policies.¹
 - a. **Athlete Independent Directors.** Athlete directors should be at least five years removed from college athletics participation and undergraduate graduation and be experts in law, collective bargaining, economics, sports medicine, or education in

¹ The Drake Group Education Fund is currently examining athlete compensation issues and models that will be addressed in a forthcoming position paper.



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- order to effectively represent athlete interests. They should not be current or former employees or members of an institution's board of directors (trustees, regents, etc.), advisory council, or booster organization. Candidates for athlete independent directors should be selected by a nominating committee of current athletes, be required to engage in a public electronic forum attended by constituents, and elected by vote of all eligible athletes within the competitive division or subdivision.
- b. **Institutional Independent Directors.** Institutional directors should be at least five years removed from institutional or conference employment or membership on an institution's board of directors (trustees, regents, etc.), advisory council, or booster organization, and should represent a balance of former presidents, trustees, athletic directors, and tenured faculty with the academic, athletics, and other expertise to effectively represent institutional interests. Candidates for institutional independent directors should be selected by a nominating committee of member institution representatives, be required to engage in a public electronic forum attended by member institution stakeholders, and elected by vote of all institutional members of the competitive division or subdivision.
2. **Use of proceeds from all national championships.** The national governance association should be responsible for administering national championships and common administrative services to members of all divisions and subdivisions and be led by a Board of Governors consisting of the co-chairs of each competitive division and subdivision.
 - a. National championship proceeds should first be used to fund the conduct of championships for all divisions and subdivisions, common sports science institute, common sports rules, common rules enforcement program, common athlete health and safeguarding programs, and common medical benefit programs prior to any distribution of remaining proceeds to the respective competitive divisions or subdivisions, which should determine their own use of such revenues.
 - b. For any national championship not owned by the association, the association should not provide expenditures related to the conduct of that event and the subdivision owning the championship should be responsible for reimbursing the association for common services provided to that sport.
 3. **Title IX compliance as condition of membership.** Title IX compliance should be a condition of membership, with mandated three-year reviews by the institution's conference office or third-party experts. Members should be given one year to correct identified inequities or be suspended from eligibility for postseason championship competition.
 4. **Institutional and athlete due process and appeal guarantees.** Any enforcement program should be conducted by independent investigators and adjudicators required to give athletes and institutions alleged to have committed rules violations fair notice, timely process, penalties consistent with severity of offenses, and athlete access to arbitration for any offense related to ineligibility for competition.



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5. **Use of Mandatory Student Activity Fees.** The use of mandatory student activity fees for athletics should be conditioned on approval by a student referendum at least once every four years and in any year in which an increase in such allocation is proposed. A fully transparent listing of the amount of the fees supporting intercollegiate athletics should appear on the student fee bill.
6. **Cost Controls.** Institutions and/or competitive division and subdivision governance entities should impose cost controls based on meeting obligations defined in Sections I and II above. Further:
 - a. Any athletics facility restricted for majority use by athletics should not be constructed with student fees or public (state or municipal appropriated tax dollars) funds unless there is a public vote on bonds or the facility is also used by the public.
 - b. Division I competitive divisions and subdivisions should exercise better control of numbers of athletics personnel, coach and administrative salaries, contract provisions, and benefits in order to minimize the impact of institutional subsidies on general student tuition and fees.
 - c. In Division I institutions, direct cash and benefits to college athletes as defined in Section II.1. and II.2. should not be less than the amount expended to pay and support coaches and administrative staff.
7. **Athlete Welfare Advocate.** The national association should provide the services of a fully funded "Athlete Welfare Advocate Office," whose function should be to provide independent legal advice, at no cost to athletes, their parents, or legal guardians, regarding the application of governance association rules and the athlete's due process rights when athletic eligibility or access to athletics-related financial aid is threatened.
8. **Transfer Rights.** All athletes should have the right to transfer to another institution without athletic participation ineligibility or other penalty conditioned on that college athlete meeting all academic and athletic participation eligibility requirements at the original institution at the time of transfer. There should be a thirty-day grace period for an athlete to change his or her decision if such decision is made prior to the end of post-season play, acknowledging the possibility that such decision may be premature or impulsive. Such decision not to transfer should protect the athlete's scholarship renewal rights.
9. **More Balanced Athlete Time Demands.** All athletes have a right to adequate time to meet academic demands and enough sleep to permit recovery from the physical and mental demands of elite-level sport. Competitive division and subdivision boards of directors should legislate more restrictive maximum contest limitations, time restrictions based on each sport's average game day hours of participation, practice times, weights, film and competition travel time, and more significant limits for out of season that permit a greater emphasis on academic demands and recovery.

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