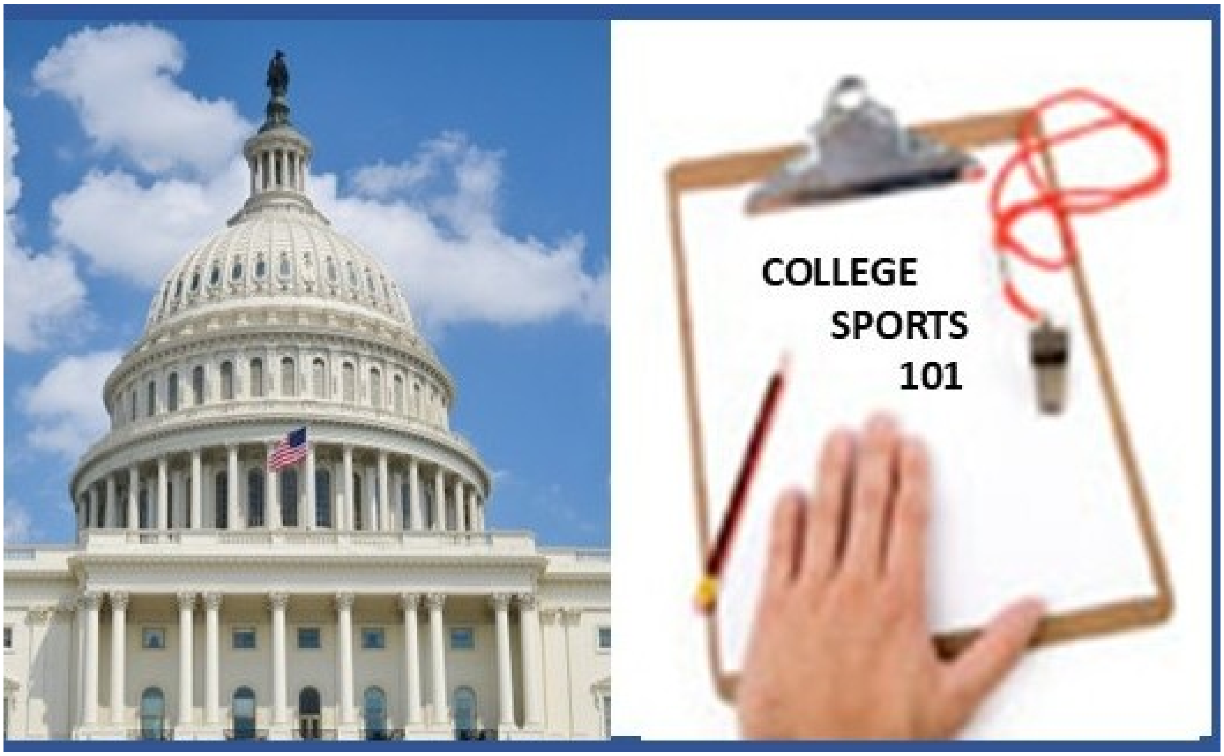
THE DRAKE GROUP

Advancing Positive Legislative Change In College Athletics

Report #6 – October 15, 2025
Our Messaging When First Engaging Congressional Staff Members



Supporter,

We are often asked how we educate staff members in Congressional offices about critical issues in college sports. Accordingly, educating Congressional staff members is the focus of this report in our eight-part series. The short answer is: one-on-one virtual or in-person meetings.

During our initial discussions with a staff member, we aim to cover two main areas: (1) the economics of college sports, and (2) our positions on any bill addressing the tough challenges faced by college athletic programs. The first topic is straightforward because we ask them to watch a 10-minute video before the meeting in which Drake's former president and nationally known sports economist, Andrew Zimbalist, addresses questions such as:

- Why should Congress have an interest in correcting the major economic problems faced by college athletics programs?
- Why do tax-exempt educational institutions have astronomical head coach salaries and luxurious athletic facilities?
- Why are only 20 to 30 institutions, out of 2,000 higher education institutions, sponsoring athletics programs generating more athletic revenues than

operating expenses?
- Who is providing subsidies to cover the deficits at the other 98.5 percent of all college athletics programs and how does this relate to student loan debt?
- Why is it important to understand the implications of "pay for play" as it may impact the educator/student relationship?

Second topic conversations can be general, covering the broad scope of critical issues, or specific, if we are focusing on requesting support from a representative for one or more bills being considered during that legislative session. Below is an overview of the pressing legislative needs cover, a hard copy of which we always leave with the staff member:

1. Revising the coach, institutional, and NCAA control mechanisms that allow schools to treat athletes as employees should be a top priority.

a. Currently, scholarship agreements last for one year and are similar to at-will employment agreements allowing coaches to threaten non-renewal without restraint. Coaches may simply choose a better prospective player. If the institution is dedicated to athlete graduation and provides athletic financial aid, this support should continue for five years or until graduation, whichever comes first, without being withdrawn due to injury or poor performance. This support should only be contingent on the student meeting participation, academic eligibility, and conduct standards.

b. Athletics departments should not be allowed to revoke athletic scholarships or deny eligibility to participate due to violations of the institution's student code of conduct or team rules without first going through the institution's regular student disciplinary process.

c. The NCAA should not declare an athlete ineligible to participate if there is a violation of athletic governance association rules without due process and appeal guarantees that include:
- mandated use of independent investigators and adjudicators (e.g., former administrative law judges) based on a violation severity threshold;
- fair notice, prompt process, and penalties aligned with the seriousness of offenses; and
- athlete access to AAA arbitration.

d. Athletic department staff members should not be allowed to restrict athletes' rights to choose their academic courses and majors, even if these choices conflict with athletic practices or competitions.

e. Athletic departments should not be allowed to limit athletes' rights to organize and protest, as long as they do so in accordance with the rights of all students.

f. College athletes should be allowed to transfer without eligibility penalties at least two times. NCAA rules that restrict athletes' transfer options with eligibility penalties should be limited to just one or two transfers.

g. Institutions should be financially responsible for athletic injury care, including short- and long-term injury insurance, covering all medical costs not paid by insurance, costs for second opinions, catastrophic injury coverage, mental health services, and rehabilitation.

h. All athlete academic advising and support programs should be managed by the institution's provost, and all medical and mental health services should be overseen by independent physicians.

i. Confidential student ombudsperson services from non-athletic department personnel should be available to any athlete who has concerns about treatment by athletics staff, including any violation of athletics-related time restrictions for athletes.

2. National governance organizations should continue to require financial assistance tied to educational objectives and prohibit "pay for play" (cash benefits based on performance and derived from ticket sales, broadcast rights, or other revenues). Revenues from extracurricular activities should be distributed to all sports, not just those that bring in income, similar to how tuition from all classes and income from various other institutional activities support a wide range of academic programs. Revenues earned by the nonprofit enterprise should operate as a "united fund."

a. If compensation is pay for playing disconnected from educational expense or purpose, and athletes are arbitrarily declared non-employees, the rights and benefits of being employees—such as medical and disability benefits, collective bargaining rights, etc. must be provided to compensate for the loss of these benefits.

b. Such offsets in lieu of employee status should include 50% of all conference and NCAA governance decision-making positions designated for former athlete representatives elected by current athletes, effectively creating a surrogate collective bargaining structure.

3. Control of costs and prohibition of excessive costs inappropriate for non-profit education institutions is an essential national governance association responsibility. A "conditional" antitrust exemption may be beneficial to permit such governance without fear of litigation for efforts to control costs, but should also ensure that non-profit higher education institutions use revenues for their tax-exempt purposes.

a. All athletic programs benefit from their institution's tax-exempt status, such as donor tax deductions, the use of tax-exempt bonds, and exemption from sales taxes on goods and services. Ninety-eight percent of institutions with athletic programs are subsidized by student tuition and mandatory activity fees.

b. The antitrust exemption should be conditioned on satisfying the requirements of 1 and 2 above, along with the following expenditure mandates and restrictions.

- **cost controls -** implement rules that help institutions manage costs so they can meet obligations related to the medical care of injured athletes and comply with Title IX.
  (i) Limit the number of athletics personnel by sport;
  (ii) Establish aggregate salary caps for coaches and staff.
  (iii) Limit the employment terms of coach and administrative staff, including severance provisions.
  (iv) Establish maximum contest limits by sport that better balance athletes' time and travel needs with sufficient time to meet academic responsibilities and get enough sleep to recover from the physical and mental demands of competitive sport.

- **aggregated expenditure guardrails —** institutions offering athletic financial aid should be required to annually provide athletes with direct support (scholarships, medical, or other benefits) at an amount equal to or greater than the total compensation and benefits given to coaches and staff (excluding athletics academic and medical support program professionals).

- **membership rules that mandate gender equity** -- Title IX compliance should be a condition of national association membership with third-party certification of compliance every 3 years and 1 year to remedy identified inequities.

4. College athletes should have the right to all employment outside the institution and institutional employment offered to all students.

a. College athletes should be allowed to receive third-party NIL payments for legitimate business purposes related to promoting or endorsing goods or services offered to the public for profit, with compensation rates and terms comparable to those paid to individuals with similar rights to their name, image, and likeness who are not college athletes or prospective student athletes.

b. College athletes should be allowed to receive NIL payments provided by the institution, either in the same amount paid to all athletes or to individual athletes for specific services related to advertising, promotion, or endorsement of its intercollegiate athletic program. Such NIL employment opportunities should be equally available to male and female athletes, with compensation at rates and terms comparable to those paid to non-athlete students promoting the institution or its academic or extracurricular programs. This compensation should not be considered pay for play.

c. College athletes should have the right to engage in any institutional or third-party employment unrelated to name, image, and likeness activities, with compensation paid only for work actually performed and at a rate consistent with the prevailing local rates for similar services.

Consider becoming a member? We hope you will consider supporting our efforts to ensure that any bill reaching the floor of Congress includes the strong protections detailed above. We are a 100 percent volunteer 501(c)(4) nonprofit organization funded by membership dues and contributions from friends and supporters. If you're not already a member or contributor, we invite you to consider joining us.

Gratefully,

Kassandra

Kassandra Ramsey, Esq.
President

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Thank you for your support. Together, we can make a difference.

The Drake Group is a 501(c)(4) non-profit organization working to better educate the U.S. Congress and higher education policy-makers about critical issues in intercollegiate athletics for the purpose of ensuring that the promise of college athletics is realized for all stakeholders. Visit The Drake Group web site to volunteer or support our Congressional advocacy work.