

The Coalition on Intercollegiate Athletics (COIA) Report, 2020-2021

Submitted by Bonnie Ownley (COIA Immediate Past Chair of the Steering Committee and UTK Campus Representative)

COIA is one of only two national faculty senate associations and is specifically focused on promoting academic excellence, integrity, and student well-being in intercollegiate athletics. For the 2020-21 pandemic year, the Steering Committee was focused on physical and mental health and well-being of student-athletes and outcome of the debates and court cases involving payment of student-athletes for their Name Image and Likeness (NIL). COIA holds an annual meeting with university members and guest speakers from the NCAA, and various advocacy groups, such as the Drake Group, Lead-1, and the Knights Commission. The summary points of various speakers follow.

### **Summary of Presentations at the 18<sup>th</sup> Annual Meeting of the Coalition on Intercollegiate Athletics (COIA). Virtual Meeting (February 19 – 20, 2021)**

#### **Essential Takeaways:**

- 1) Athletics departments and universities must be intentional about recruiting and retaining diverse talent, especially in the positions of student athletic trainer and academic counselor.
- 2) Faculty should engage with athletic health care providers regarding student-athletes' behavioral (mental) health.
- 3) Faculty senates should demand transparency regarding special admits. Tenured faculty should recommend special admits after a solid review process.
- 4) Resolution to NIL is coming this summer after SCOTUS rules in the Alston case.

#### **Friday, February 19, 2021**

##### **1:00 p.m. Jason Mihalik, PhD – NCAA CARE Consortium and Policy Change - The University of North Carolina at Chapel Hill – *Intersecting Science and Sports Safety: Can We Engineer a Safer Game?***

Traumatic Brain Injury and Concussion Research - From 1975 to 2018, there were 195 deaths due to inadequate helmets. In 2010, the media made public the evidence related to concussion research.

Do helmets prevent concussions? Research shows:

- There has been a 29% reduction in head injury risk among skiers/snowboarders.
- Football helmets worn reduced head injury rate.
- Inadequate helmet fit is associated with increased symptom severity.
- Mouthguards are effective in reducing maxillofacial and dental trauma and should be worn for that reason.
- Prevention and treatment related to concussion injuries are important.
- Football head-related fatalities are reduced because helmets are meeting the standards for preventing concussions.
- Currently, no standard exists for helmets for children. An intervention approach has been used to mentor young players to change their behavior.
- Concussion is a multi-faceted condition and can overlap with others like heat stroke that can lead to sudden death.
- Concussed students are at higher risk for other injuries and for psychological issues.

- NCAA kick-off rule has been changed and there has been a 42% reduction in concussions.
- Regarding brain degeneration, chronic traumatic encephalopathy (CTE) is identified in a small percentage of NFL players, and occurs from exposure and repetition. It is possible that CTE occurs in a small number of college athletes.

**2:00 p.m. Val Ackerman – NCAA Speaker – Commissioner of the Big East Conference - *Name, Image, & Likeness (NIL) and Legislative Changes***

The timetable for approving NIL is uncertain. NIL will happen in a form to be determined after the legislative issues are settled. Six states have passed NIL approval bills and 30+ states have pre-filed NIL bills. May 2019 – Jean Smith and Val Ackerman were selected to serve on an NIL working group. This report was submitted April 2020.

On the NCAA website (<https://www.ncaa.org/about/taking-action>), this information is posted.

- There are \$3.5M in scholarship awards.
- A 35-page framework was designed and published.
- The legislative solution group has provided NIL guidelines related to recruitment of athletes.
- High school athletes can select Division I universities they want to attend.
- Degree completion and academic standing are important.
- NIL transactions must be transparent.
- Tutors and advisors can be hired.
- NIL disconnects universities and payments are not provided by universities.

Additional points:

- NIL, the ability of student-athletes to commercialize, is a matter of when, not if. It is a new frontier.
- In January 2021, the NCAA tabled or deferred the package. They are awaiting the SCOTUS court ruling in the Alston case.
- More than 30 states have pre-filed their own NIL bills, creating the possibility of a patchwork of state laws.
- The NCAA must account for our schools recruiting and transfer of athletes. They must maintain a level of integrity and academic achievement. The NCAA must mitigate the harmful involvement of boosters and others.
- Third parties will pay under the NCAA model. The NCAA must safeguard the non-employee status of student-athletes.
- Some of the basics around the proposed NCAA NIL model: student-athlete commercialization would look like the current nonstudent athlete model. They could produce or endorse. Producing might include start-ups, books, TV, modeling, lessons, camps, and being social influencers.
- Students must disclose all NIL arrangements and can hire third parties. Schools provide baseline programming for student-athlete NILs. Beyond that, schools are not involved, and booster activity is restricted.
- The Drake Group and Knight Commission have proposed creation of a third-party entity to monitor NIL activity instead of each university doing its own monitoring. The NCAA working group thinks the idea has merit.
- On the plus side, NIL represents an expansion of benefits for students; brings educational experiences for student-athletes to be business entrepreneurs and learn to be responsible regarding filing requirements, entering contracts, etc.

- At the same time, NIL should never be at the expense of coursework. Students cannot miss class for NIL activities.
- Question: How is NIL not pay-for-play?
  - Answer: Universities are not paying. Payments come from third parties. Students are still amateur athletes earning degrees. The quid pro quo is still their tuition.
- Question: Explain the anti-trust issue.
  - Answer: It revolves around the NCAA having capped what student-athletes can receive. The Alston case is looking for a pay-for-play model. But the NCAA considers the college model to be unique and very important to the public. The NCAA is trying to manage concerns around NIL but be open and flexible. Problem: States are enacting their own NIL laws now.
- Question: What about our women athletes. Is NIL going to be an exploitative experience?
  - Answer: No, currently women are the big influencers. Cheerleaders, not under the NCAA umbrella, are now big social influencers.

**3:00 p.m. Brian Hainline, MD – NCAA Chief Medical Officer, *Independent Medical Care in Intercollegiate Athletics***

Comments on Covid:

- The NCAA has the largest COVID-19 cardiac database in the world. Hainline is not sure there is a true myocarditis. The NCAA protocols have been strict. The rest of society should be doing what NCAA has done regarding socialization. The NCAA mandated how to return to practice and play.
- There is a COVID-19 hotline to report issues. More than 1,000 cases have been reported and 95% have been resolved.
- An athletes' bill of rights is around the corner.
- If a student-athlete decided to not play because of various health reasons related to COVID-19, the scholarship and position could not be removed. Hainline's idea is to expand the idea of a COVID-19 hotline to cover mental health, concussions, independent medical care, and catastrophic injury.

On Concussion Safety:

- Concussion legislation required that each Division I university develop a policy related to concussion control.
- Trainers are important and should be used by Division I athletic programs.
- An explanation was made to define primary and independent health care providers used by athletics.
- The culture of the university and the athletics department is the single most important factor in independent medical care.
- Regarding mental health, a survey on Mental Health in the Age of COVID-19 reported on cultural issues in mental health for athletes and athletes of color, especially the black male athlete who should become the basis for a new statement on mental health that prompts best practices and an initiative to develop a career path for the black male athlete to go into medicine.
- It is important for faculty to engage with athletes' healthcare providers regarding the mental health of students and engage with their Faculty Athletic Representatives (FARs) on student mental health.
- Question regarding coaches and masks.
  - Answer: The NCAA has given input to the coaches to follow the CDC guidelines regarding what type of a mask to wear.

**Tory Lindley – President, National Athletic Trainers’ Association, *Independent Medical Care in Intercollegiate Athletics***

- Applying legislation across the divisions and conferences is difficult. Medical autonomy is important. Currently schools must identify a healthcare administrator.
- Student-athletes and their sports programs should provide: a team physician, an orthopedist, and athletic trainer/s, a physiotherapist, a dietitian, a sports psychologist, a strength and conditioning specialist, an equipment specialist, a neurologist, and a neuropsychologist.
- There should be peer-to-peer evaluations conducted of trainers.
- A medical director is important.
- Question: Is an IRB process used?
  - Answer: Yes.
- The thorniest issue is about strength and conditioning specialists and sports dietitians who report to the coach. Reporting to the coach can jeopardize student-athlete health and safety. They should be reporting to athletic trainers or team physicians. Decisions must be medical.
- Student-athlete care should be housed in student health services or in a hospital system such as at UNC, Northwestern, Kansas, and Rutgers, with a budget outside of the athletic department.

**4:00 p.m. Ginger Gilmore-Childress, PhD – University of Alabama, *Behavioral Health Support for the Student-Athlete***

- The warning signs of mental health issues were presented.
- Trainers should notice struggles and should serve as good gatekeepers to identify mental struggles (depression, anxiety, depressive traits, and suicidal issues).
- A Primary Care Behavioral Health Model should be integrated and include the behavioral health clinician.
- There should be an emergency referral process and a non-emergency referral process.
- There should be assistance for student-athletes to develop wellness and coping skills to assist with functioning from day to day with activities.
- There should be screening tools such as questionnaires and self-assessments to use to assess student-athletes’ mental capacity, which is then shared with a mental health professional.
- The term “behavioral health” may have less stigma than “mental health.”
- It is important to integrate behavioral and physical care. The University of Alabama is engaged in teaching self-care, coping skills, and mindfulness. They use the ncaa.org SSI/MH as a roadmap.
- Faculty should show students that they care, ask what is going on and partner with behavioral health providers.

**Saturday, February 20, 2021**

**1:00 p.m. James Williams, PhD – University of Tennessee, *Professional Development for Student-Athletes***

An illustration of Holistic Development for the athlete was provided. He teaches them that they need to love themselves before they can love others; find joy in life; and seek knowledge as if you will live forever, but live life as if today is your last day.

A description of his implementation of mindfulness was given.

- Start with a minute of meditation.
- Provide a quote or a reflection.
- Provide conscious instruction and provide a focus and pause.

- Explain the end in mind.
- Provide the ‘whip around’ to analyze students’ comprehension of the lesson.
- Provide intentional homework.

Ideas were presented that faculty can use to teach student-athletes to have a mindset to accept life and life’s challenges.

**2:00 p.m. Donna Lopiano, PhD, President - Drake Group, *Congressional Intervention in College Athletics Reform: NIL, Athletes Rights, Gambling and Other Issues***

- The Drake Group has given up on the NCAA, which has become a trade association for athletic directors with its onerous amateur status rules. Instead, the Drake Group is focusing their efforts on Congress.
- Congress has floundered in the last four years, meanwhile California passed its own NIL bill. Since the NCAA delayed action, 37 states have legislation; 6 have adopted legislation like that of California.
- The NCAA wants Congress to give them an anti-trust exemption so student-athletes cannot sue them. These lawsuits have cost the NCAA 50 or \$60 million. Senator Rubio’s bill would give the NCAA anti-trust exemption.
- The Booker/Blumenthal bill is closest to the Drake Group stances. For example, athletics departments will not be able to run athletic academic support. Another proposal in the bill is that a certain percentage of revenue from athletics departments must go to a national medical trust for student-athletes. The threshold is \$20 million in revenue; there would be a lower rate for those institutions with revenues less than \$20 million. Currently only 24 athletics programs generate enough revenue to be self-supporting, all other universities must finance their athletics departments. There is nothing now to cover long-term disability. All policies end two years after an injury. A student-athletes’ medical trust is a central plank of the Drake Group.
- The NCAA paused its NIL legislation to wait for the Supreme Court decision in the Alston case. Alston involved the ninth circuit court saying that schools could limit what they give student-athletes but could not cap any education-related expenses. This cause could undercut the NCAA’s control of the value of athletic scholarships.
- Another plank in the Booker/Blumenthal bill is distributing royalties to players in sports that generate revenue. This is concerning to The Drake Group, as universities will have to step in to subsidize coaches’ long-term contracts, 20-years bond to build facilities, etc.
- Question: Will companies end sponsorship contracts with schools and shift to students?
  - Answer: No, with NIL, student-athletes will be influencers on the Internet, but a company like Nike will still seek contracts with schools because they give Nike exposure on TV.
- The NCAA is hoping SCOTUS will reinforce the amateur status rules. The decision will come down in June 2021. If SCOTUS rules in favor of the NCAA, the NCAA will go to court against the states (and a patchwork of rules), and they will have a good case. Then Congress will play their card.
- The Drake Group is concerned about the Booker/Blumenthal bill undermining the student-athlete/university relationship. The Drake Group is against compensation with royalties for student-athletes, but favor a fund for academics and for student-athlete long-term health insurance.
- The Drake Group is working with Congress to improve educational outcomes for student-athletes.

- It is crucial to examine special admits processes at our schools. They are rife with fraud, which ignites academic fraud. Among D1 FBS football players, 40% do not graduate and they comprise 80 to 90% of special admits. Regarding the special admits issue, transparency is essential. Faculty senates should demand it. Ask what the numbers are and what programs receive special admits. Special admits are fine but not all should be for student-athletes. Tenured faculty should recommend special admits and question athletics departments and coaches about their plan to graduate student-athletes. The decision should be in the hands of faculty and there should be a solid review process. NCAA could develop a policy on this issue, but chooses not to do it, and insists that this is the role of faculty. The NCAA could also make policy about limiting contact in football, but they do not want the liability.
- The Drake Group also questions if the 60% who do graduate get a meaningful education. These are all predominantly black basketball and football players, and the NCAA is an enabler of the situation by manipulating graduation rates. Lopiano stressed that some resolution regarding NIL is coming. The pro leagues have responded with developmental leagues: now the NBA will pay \$150,000 a year for prospects to play in developmental leagues.
- COIA can carry weight and be more sophisticated about dealing with Congress. COIA can represent the faculty at all our institutions.

**3:00 p.m. Beth Howard, JD – University of Alabama, *Title IX Training for the Student-Athlete***

- Described Title IX work at the University of Alabama
- Sexual misconduct in athletics will be in the news
- The environment is litigious

**4:00 p.m. Toni Torres-McGehee, PhD - University of South Carolina, *Diversity, Equity, Inclusion and Social Justice in Athletics***

- There is a need for intercultural agility.
- Universities must be intentional in recruiting and retaining diverse talent and have action, advocacy, and accountability.

Post-meeting Discussion

Discussion ensued in the group about the need to enforce class time and class attendance after NIL is in effect, and about current policies regarding the hiring of agents in college basketball.

COIA-19 Steering Committee Business Meeting will be held on March 4, 2021 at 1:30 p.m. CST.

Meeting adjourned at 5:15 p.m. CST.

J. Albrecht (COIA Secretary), with L. Hutchison