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Congress Investigates Intercollegiate Athletics: Are You Ready?

Recently the United States Senate's Committee on Commerce, Science and Transportation held a hearing entitled Promoting the Well-Being and Academic Success of College Athletes. The hearing's purpose was to examine whether the NCAA is fulfilling its stated mission "to integrate intercollegiate athletics into higher education" as well as to "examine whether the commercial operation of college athletics is unfairly exploiting the talents and services of college athletes."

While former student-athlete Myron Rolle offered inspirational and enlightening testimony, the comments of Devon Ramsay were troubling and disturbing, as they suggested failure on the part of both the NCAA and its member institutions to support the academic achievement of student-athletes. NCAA President Dr. Mark Emmert, in particular was subject to harsh questioning by the Senators present who all raised serious doubts about the NCAA's achievement of its mission statement's goals and the overall experiences of student-athletes. At the end of the hearing, Committee Chair Senator Jay Rockefeller warned that this Committee would be keeping a close eye on the NCAA and what steps it takes as a body to improve the current state of college athletics.

Additionally, at the Hearing, Senator Claire McCaskill unveiled her report titled **Sexual Violence on Campus** assessing how colleges and universities "report, investigate and adjudicate sexual violence." The report's survey showed that many of the institutions are failing to comply with the law and best practices in how they

handle sexual violence among students. Equally troubling, and of great concern to members of the Committee, was the finding that many institutions use a different adjudication procedure for student-athletes and that 20% of the sampled national colleges and universities are giving the athletic department oversight of sexual violence cases involving student-athletes. These findings obviously did not sit well with the Committee.

While one might question the scope of the McCaskill Report or its conclusions, the report suggests a lack of understanding of the depth of the problem, a lack of understanding of the various laws and best practices, and a critical absence of the proper protocols and procedures at many institutions and within many athletic programs necessary to address the myriad of complex issues that routinely arise in the contemporary college athletic department.

My firm, Thompson Coburn, is prepared to provide focused assistance to college and university athletic departments, evaluating, assessing, recommending and designing appropriate protocols and procedures to avoid the very issues noted above. To provide an idea of our experience and capabilities, I am including a link to an overview of our **Off-Season Audit** program and providing a link to our webinar, **Not on My Watch—A University's Guide to Avoid Being a Sports Center Breaking News Headline**.

You know it is always better to be prepared and proactive than reactive and late. I would love to discuss how we can assist you in being ready.

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