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**US House Subcommittee on Consumer Protection and Commerce Hearing
“A Level Playing Field: College Athletes’ Rights to Their Name, Image, and Likeness”**

September 27, 2020

Dear Chairwoman Schakowsky, Ranking Member Bilirakis, and members of the Subcommittee on Consumer Protection and Commerce,

Thank you very much for inviting me to participate in the “A Level Playing Field: College Athletes’ Rights to Their Name, Image, and Likeness” hearing on Thursday, September 30, 2021. This discussion encompasses important economic rights and freedoms that college athletes should be afforded. The National College Players Association (NCPA) served as a co-sponsor of California SB 206 known as The Fair Pay to Play Act, and served as the primary advocate for NIL laws in a dozen other states.

Please accept this summary, full written testimony, the attached documents, and the list of topics and links at the end of this letter to be entered as my written testimony.

Summary

Congress should not ignore sexual and physical abuse, deadly negligence, poor graduation rates, and other serious issues that harm college athletes while passing NIL legislation requested by the NCAA designed to roll back rights and freedoms states are providing college athletes. Instead, the NCPA encourages congress to adopt broad based reform that includes the third-party enforcement of uniform health and safety standards, enforce Title IX, protections to increase graduation rates, medical expenses, and other key provisions for college athletes.

Full Written Testimony

NCAA sports has sentenced generations of college athletes, many of whom are Black athletes from underprivileged households, into second class citizenship. Separate is not equal in education and college athletes should have equal rights and freedoms afforded to other students and Americans. NCAA sports is asking Congress to eliminate college athletes' protection under both antitrust and labor law in return for tinkering with just a sliver of the racially discriminatory economic exploitation inflicted upon college athletes.

College athlete name, image, and likeness (NIL) pay is the smoke that hovers above the raging fire of injustices at the core of NCAA sports. College athletes' economic, academic, and physical well-being continue to be consumed by an insatiable greed and a mentality that treats players as property rather than people.

Equal Rights

Instead of excluding college athletes from antitrust protections, Congress can address certain restraints on trade directly through legislation. For instance, Congress can prevent NIL agreements from being used as inducements to lure high school recruits and college transfers to a particular college. Congress does not need to give the NCAA an antitrust exemption to accomplish these things.

Similarly, Congress does not need to proactively exclude college athletes from rights under the National Labor Relations Act or state labor laws. The NIL pay in question does not have implications on employee status so there is no compelling reason for Congress to address the issue. Though college athletes have yet to prove that they are employees, this could change in the future. Plenty of students are university employees – including those who work in the student store, dining halls, and libraries. Congress should not block an avenue that could help college athletes address a host of critical issues such as health and safety and degree completion.

Ignore the Competitive Equity Myth

NIL arrangements with boosters, alumni, and college sponsors should not be banned in the name of competitive equity because competitive equity does not exist in college sports. These same sources already give athletic programs money that is used to recruit the best recruits, win the most games, and generate the biggest TV deals that allow rich athletic programs to continue their dominance. In their most recent report to the Department of Education, Florida State University reported \$155 million dollars in athletic revenue while Florida Atlantic University reported only \$32 million in athletic revenue. They are both in the FBS Division. How can anyone suggest that these two colleges compete on an equal playing field? How can colleges, conferences, and the NCAA justify denying college athletes economic freedoms in the name of competitive equity when this severe disparity among colleges exists and is held up as the system that should be preserved? Colleges, conferences, and the NCAA have not moved to address these inequities – they haven't banned booster payments to colleges and they don't share athletics revenue equally among colleges in the name of competitive equity. In addition, other leagues do not ban 3rd party NIL deals with fan clubs and those leagues operate very well.

Federal legislation should not sacrifice college athletes' freedoms so that NCAA sports can pretend that competitive equity exists. Additionally, roster and scholarship limits keep the inequity from "getting worse". There is a finite number of recruits each year and the top recruits already flow to the Power 5 Conferences. If fair legislation inadvertently changes recruiting migrations to where some of

the top recruits begin to flow away from some of the Power 5 Conferences, it would actually increase competitive equity compared to where it is today.

“Patchwork of State Laws”

Last year’s college sports season exposes as false claims that the NCAA, conferences, and colleges would be unable to withstand competitive inequities or navigate around a patchwork of state name, image, and likeness (NIL) laws. The vigor and support these same entities have for complying with everchanging state, county, and city COVID-19 orders related to the return of college sports makes clear that they are capable of complying with an array of different laws – just as other businesses involved in interstate commerce must do. Federal legislation is not necessary to preserve college sports. Federal law is not necessary to ensure college athletes gain NIL compensation freedoms since state action has already accomplished this.

Congressional Action

It would be unjust for Congress to turn a blind eye on critical aspects of college athlete well-being and economic equity that are much more important than narrow NIL compensation.

Today, the NCAA says it has no duty to protect college athletes and refuses to enforce health and safety standards despite negligent deaths during workouts, sexual assaults against hundreds of college athletes, and athletic trainer surveys finding rampant mistreatment of concussions and other serious injuries nationwide. The NCAA says it has no duty to ensure a quality education for college athletes while football and basketball players’ federal graduation rates hover around 50% and many college athletes are pushed into classes and majors that they do not want to take for athletic eligibility purposes.

Economic equity for college athletes is inextricably tied to not only college athlete NIL freedoms and ensuring they receive a significant portion of commercial revenue that their talents generate, but it is tied to their freedom from medical expenses, freedom from preventable sports-related injury and abuse, freedom from serious obstacles that impede degree completion, freedom to transfer once without punishment in pursuit of better academic and athletic opportunities, freedom from unfair athletic association investigations that can harm their economic stability and future, and freedom from illegal, cartel activity that stifles their economic opportunities.

The NCPA is asking Congress to decline NCAA sports’ request for narrow and unjust NIL legislation. Instead, the NCPA is asking Congress to pursue broad-based reform that is critical to college athletes’ well-being. The NCPA has background information and well as a roadmap for legislative provisions that will provide critical freedoms and protections for college athletes. I ask for a continued dialogue with each of your offices so that we can work together to bring forth a fair and just arrangement for college athletes.

The NCPA strongly opposes the following athlete NIL restrictions proposed by the NCAA and the Power 5 Conferences that would roll back protections and freedoms guaranteed by states across the nation:

- A federal ban on direct compensation above a scholarship to college athletes from colleges, conferences, or athletic associations – opposed.
No other student or American faces such a threat to or restriction of their rights. All college athletes should receive a fair portion of the revenue they generate. In fact, athletes from predominantly White sports receive their fair market value while athletes in the three

predominantly Black sports do not (football, men's basketball, women's basketball). This type of compensation ban would impose second class citizenship on college athletes, many of whom are Black athletes from low-income households. This is a shameful attempt to legalize NCAA sports' racially discriminatory system that pays lavish salaries to predominantly White coaches, athletic directors, and commissioners, off the backs of disproportionately Black athletes in revenue sports. A path for college athletes to receive an equitable portion of athletic revenue they help generate should remain open.

- Antitrust and litigation exemptions - opposed.

The NCAA is a chronic antitrust violator whose immoral, illegal price fixing schemes have harmed generations of college athletes. The US Supreme Court made very clear in its 9-0 decision in favor of plaintiffs in the *Alston v. NCAA* antitrust lawsuit that the NCAA is subject to federal antitrust laws and deserve no special treatment. The NCPA agrees.

Each antitrust action against the NCAA has resulted in benefits for countless college athletes. The NCPA has assisted antitrust lawsuits and investigations that have led to important advancements for college athletes such as the elimination of an NCAA prohibition on medical coverage during summer workouts (*White v. NCAA* antitrust lawsuit settlement), removing the NCAA's 1-year scholarship limit (US DOJ Antitrust Investigation), eliminating the NCAA's ban on player stipends to cover basic necessities (*O'Bannon v. NCAA* NIL antitrust ruling), and, thanks to the US Supreme Court's ruling in *Alston v. NCAA*, the option for colleges to pay athletes educational-related compensation including up to \$14,000 per year in academic achievement awards. If the NCAA already had an antitrust exemption, these gains would never had been made and the states would have never had the ability to adopt NIL laws at the core of this hearing.

The very narrow areas where restraint of trade are justified such as prohibiting NIL deals to be used as inducements for prospective college athletes should be enacted directly by Congress.

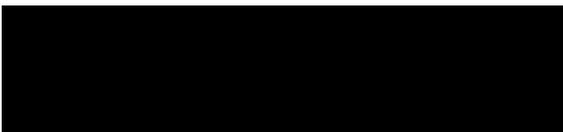
- Prohibiting employee status for college athletes – opposed.
Targeting and stripping college athletes of rights under labor laws is unethical and racially discriminatory. Plenty of regular students are university employees and this exclusion would have a disparate impact on thousands of college athletes from protected classes. Third party NIL reform does not invoke employee status so there is no need for Congress to address this issue at all.
- Denying college athletes the ability to secure representation and earn NIL pay for a semester – opposed.
This is simply an unjustifiable and needless attack on college athletes' rights. Other students work long hours to put themselves through college and do not face such prohibitions in the name of academics. As compared to traditional student employment, NIL deals can require very little time demand. If there is true concern about having the appropriate balance of time demands, NCAA sports should reduce athletic time demands. NCAA surveys found that Division I athletes spend 32 hrs/week in their sport alone (42 hrs/week in football) despite the NCAA's 20 hr/week limit on athletics participation. Reducing athletic time demands to give players more time to exercise their economic freedom is a fair way to address this issue.
- Punishment of college athletes who do not publicly expose their NIL deals – opposed.
This would prevent opportunities in which college athletes could otherwise start a small business or enter into NIL deals with businesses that need to protect trade secrets. The right

to secure proper representation and financial skills development will help ensure players are informed about agreements that may enter into.

- Prohibiting NIL deals with athletic boosters and companies/competitors contracting with colleges – opposed.
College athletes are people not university property. Universities deals should not dictate whether or not athletes are free to earn compensation from their own name, image, and likeness rights. And again, competitive equity does not exist in college sports. Athletic booster donations and corporate sponsorships already inhibit competitive equity. It is unjust to allow booster payments and sponsorship money to continue to athletic programs while excluding players from NIL deals with these same sources. Such restraints of trade would significantly harm players' economic freedom and opportunities.
- Prohibition on group licensing – oppose.
The NCAA's claim that college athlete group licensing could only take place with a union is false. For instance, One Team is a group licensing entity that services a number of professional athletes and is not a union.
- Enlisting the Federal Trade Commission (FTC) to handle agent certification and NIL governance - opposed.
Agent certification in pro sports is operated by players unions. While no such union exists in college, Congress should create player-led oversight commission for this function. The FTC has no experience in college athlete NIL, has not shown the propensity to punish violators, and cannot be expected to properly fulfill this role.
- Preemption of state NIL laws – opposed unless it upholds the NIL freedoms guaranteed by states and includes broad-based reforms.

Thank you again for the opportunity to participate in this hearing and I am committed to working with you in continuing discussions on this issue and other issues concerning college athletes' well-being.

Sincerely,



Ramogi Huma
NCPA Executive Director

Attachments to be included as part of written testimony:

- “2019 Adjusted Graduation Gap Report: NCAA FBS Football” by The College Sport Research Institute

- “2019 Adjusted Graduation Gap Report: NCAA Division I Basketball” by The College Sport Research Institute

Links to be included as part of written testimony:

NCAA Sports' Racially Discriminatory System

“How the NCAA’s Empire Robs Predominantly Black Athletes of Billions in Generational Wealth” - Ramogi Huma, Executive Director, National College Players Association
Ellen J. Staurowsky, Ed.D., Professor, LeBow College of Business, Drexel University & Professor, Sports Media, Roy H. Park School of Communications, Ithaca College
https://drive.google.com/file/d/1z97vhcjErrHlvuO3Nu2wUWbG90bFKnm_/view

“Four Years a Student-Athlete” https://www.vice.com/en_us/article/ezexjp/four-years-a-student-athlete-the-racial-injustice-of-big-time-college-sports

“The Shame of College Sports” - Civil Rights Historian Taylor Branch in The Atlantic
<https://www.theatlantic.com/magazine/archive/2011/10/the-shame-of-college-sports/308643/>

Players Can be Stuck With Sports-Related Medical Expenses

<https://www.nytimes.com/2009/07/16/sports/16athletes.html>

<https://abcnews.go.com/Health/kevin-ware-injury-draws-attention-ncaa-healthcare-debate/story?id=18889697>

<https://www.nytimes.com/2014/04/25/sports/a-fight-to-keep-college-athletes-from-the-pain-of-injury-costs.html>

<https://www.forbes.com/sites/karenweaver/2020/01/18/add-this-to-your-list-of-ncaa-to-dos-medical-expenses/#53b92d8e752f>

The NCPA sponsored a 2012 Athletes Bill of Rights in California that requires colleges with high media revenues to pay for players' out-of-pocket sports related medical expenses as well as premiums for low income college athletes. It also prohibits colleges from refusing to renew scholarships due to permanent injury:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB1525

Power 5 Conferences (65 of 351 Division I colleges) adopted a rule aimed at covering players' sports-related medical expenses for up to two years, and the Pac-12 adopted a rule requiring colleges to pay up to 4 years of sports-related medical expenses. However, conferences have not demonstrated enforcement. For instance, Stanford's policy states such expenses are covered only between 12-24 months.

Stanford's SA Handbook (p. 66):

https://s3.amazonaws.com/sidearm.sites/gostanford.com/documents/2019/10/29/2019_20_Student_Athlete_Handbook.pdf

Power 5 4-year medical expense (unenforced?) commitment: <https://swimswam.com/power-5-conferences-vote-extend-medical-care-student-athletes/>

Lack of Enforced Health & Safety

- Health and safety standards are not enforced in college sports - NCAA says colleges “self-police”, can choose not to follow NCAA guidelines, including those related to COVID-19.

<http://a.espncdn.com/nfl/news/2001/0816/1240463.html>

COVID-19 “Guidance” not mandatory... <http://www.ncaa.org/sport-science-institute/resocialization-collegiate-sport-action-plan-considerations>

<https://deadspin.com/ncaa-lets-michigan-state-off-the-hook-in-nassar-case-1828719733>

https://www.washingtonpost.com/sports/oregon-football-workouts-sent-players-to-hospital-who-will-stand-up-for-them/2017/01/17/1c0d7fae-dcf7-11e6-918c-99ede3c8cafa_story.html

<https://www.insidehighered.com/news/2016/09/01/advocates-say-uncs-hiring-coach-accused-abuse-points-lack-ncaa-oversight>

- NCAA holds it has no duty to protect college athletes.

<https://www.cbssports.com/general/news/ncaa-denies-legal-duty-to-protect-student-athletes-court-filing-says/>

<https://www.ocregister.com/2020/06/02/ncaa-argues-in-sex-abuse-case-it-has-no-legal-duty-to-protect-athletes/>

- Athletic staff’s sexual and physical assaults against college athletes, and injuring or killing an athlete in a negligent workout are not against NCAA rules.
- Countless sexual assaults by athletic personnel against college athletes led to no NCAA sanctions.
- NCAA study: 50% of college athletic trainers admit to returning concussed players back to same game.

<https://www.cbssports.com/college-football/news/why-the-ncaa-wont-adopt-concussion-penalties----at-least-not-yet/>

<https://www.cnn.com/interactive/2014/10/us/ncaa-concussions/index.html>

- National Athletic Trainers Assoc: 19% of coaches played athletes who were not medically cleared, 2/3 report being pressured by nonmedical staff to make medical decisions for athletes, despite NCAA guidelines discouraging this practice.

<https://www.nata.org/press-release/062619/only-half-collegiate-level-sports-programs-follow-medical-model-care-student>

<http://www.chronicle.com/article/Trainers-Butt-Heads-With/141333/?cid=longform-related>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4639885/>

- California Athletic Trainers Association Survey: 82% of trainers do not follow colleges’ own concussion policies.

(Attached)

- Multiple claims of serious athlete mistreatment at UCLA, USC, Loyola Marymount.

<https://www.latimes.com/sports/ucla/la-sp-ucla-football-lawsuit-jim-mora-20190530-story.html>
https://sports.vice.com/en_us/article/usc-football-team-doctor-admits-to-ignoring-fda-and-ncaa-painkiller-regulations
http://www.espn.com/college-football/story/_/id/14682233/university-california-admits-negligence-2014-death-lineman-ted-agu
<http://www.latimes.com/sports/usc/la-sp-usc-brian-baucham-lane-kiffin-lawsuit-20160425-story.html>
<http://deadspin.com/5949336/uscs-robert-woods-couldnt-keep-his-balance-after-a-helmet-to-helmet-hit-missed-one-play>
<http://sanfrancisco.cbslocal.com/2016/07/08/stanford-university-ncaa-facing-concussion-lawsuit-from-former-football-players/>
<http://www.dailycal.org/2016/09/01/former-cal-football-players-files-concussion-lawsuit-pac-12-ncaa/>
Loyola Marymount faculty member & NCPA spoke w multiple players claiming misconduct – here’s a glimpse https://www.youtube.com/watch?v=S_aW6skSHOs

- African American college athletes and football players may have an increased risk of COVID-19 complications (high blood pressure, sickle cell, obesity)

<https://prospect.org/health/playing-games-with-college-athletes-lives/>
<http://www.ncaa.org/sport-science-institute/core-principles-resocialization-collegiate-sport>
<http://www.ncaa.org/sport-science-institute/resocialization-collegiate-sport-action-plan-considerations>



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2019 Adjusted Graduation Gap Report: NCAA Division-I Basketball

Columbia, SC – September 20, 2019... The College Sport Research Institute's (CSRI) annual analysis of NCAA Division-I (D-I) men's (-23.3) and women's (-12.4) basketball players' Adjusted Graduation Gaps (AGGs) reveals players' AGGs continue a negative trend. Since first reporting results in 2011, the overall men's AGG has become 3.3 percentage points *larger*, while the women's has increased by 3.9 points. The AGG is especially troubling for Black male basketball players in Major conferences, at -37.2 percentage points. This is 10.3 points worse than the (-26.9) AGG for White players. Among all D-I conferences for both men and women, the best performers continue to be the

SWAC men's (-1.5) and women's (+8.5) and Mid-Eastern (MEAC) men's (-3.0), conferences comprised of historically black colleges and universities (HBCU).

The AGG results are in contrast to the National Collegiate Athletic Association (NCAA) recent reports of increasing graduation rates and the use of Division I college athletics as vehicles of opportunity for "student-athletes" to matriculate and gain a meaningful degree. The conflicting results indicate the need to further study graduation rates across all D-I programs.

CSRI Research-Team Statement

Since its inception, CSRI's analysis of NCAA D-I players' graduation rates has consistently shown men's and women's basketball players do not graduate at rates comparable to other full-time students at their universities.

Study Highlights

The present results indicate that graduation rates for D-I basketball players, who must maintain full-time status, are significantly lower than other full-time students. The results support concerns regarding the overall state of D-I basketball players' academic performance. In addition, the results provide additional reasons to further investigate various NCAA D-I MBB academic scandals, many of which have occurred in programs that have positive graduation rates when analyzed with NCAA metrics. The study of classroom performance beyond eligibility maintenance remains an important research priority.

MBB AGG Summary:

- The overall D-I MBB AGG remains large, at -23.3 percentage points (i.e., 23.3 points below the adjusted general male student body graduation rate).

- The Major conference AGG of -35.1 percentage points is very large and is nearly twice the Mid-Major conference AGG of -17.6 points.¹
- The D-I MBB Black AGG of -24.3 percentage points is 5.4 points worse than the White AGG of -18.9, a statistically significant difference.
- The Major conference Black AGG of -37.2 percentage points is 10.3 points worse than the White AGG of -26.9, albeit with marginal statistical significance.
- Among Major conferences, the best performers are the Atlantic 10 (-22.1) and the Big East (-30.6). Thus, the best performing Major conference graduates MBB athletes more than 22 percentage points below the general student body.
- Among all D-I conferences, the best performers are the SWAC (-1.5) and the Mid-Eastern (-3.0), both comprised of HBCUs.
- Among all D-I conferences, the worst performers are the PAC-12 (-47.2), Big West (-41.8), Big 12 (-39.8), and American (-38.2).
- All 31 D-I conferences have negative AGGs(i.e., not one D-I conference basketball graduation rate equals, let alone exceeds, the adjusted general male student body rate).
- For the Power-5 conferences, the average men's MBB AGG (-16.4) is more than twice the 2018-2019 FB AGG (-38.1).²

¹ The designations of Major and Mid-Major follow those on collegeinsider.com.

² See the 2018 Adjusted Graduation Gap Report: NCAA FBS Football.

MBB AGG Trends:

- The D-I MBB AGGs continue to show a negative trend since our initial report in 2011, i.e., the full-time athlete-student body gaps are getting worse. This includes D-I overall, as well as the major and mid-major conferences.
- Though gradual, all three negative trends are statistically significant.
- The DI MBB AGG of -23.3 is 3.3 percentage points worse than in 2011.
- The Major conference AGG of -35.1 points is 4.2 points worse than in 2011, the lowest annual value of the 9-year period.
- These results contrast sharply with the NCAA's narrative of a long-term trend toward a significant closure of the gap between athlete graduation rates and general student body rates.

WBB AGG Summary:

- The overall D-I women's AGG is sizable, at -12.4 percentage points.
- D-I women's AGGs nevertheless are much better than men's AGGs, overall and for all analyzed sub-groups. For example, the women's overall D-I AGG is roughly half of the men's AGG (-12.4 vs -23.3).
- The women's Major conference AGG of -17.9 points is 8.1 points worse than the Mid-Major AGG of -9.8 points.
- The Major vs mid-major AGG difference is larger for Blacks than for Whites, similar to men's D-I basketball.
- The women's D-I Black and White AGGs are essentially the same, in contrast to men's D-I basketball where Black AGGs are significantly worse.

- Among Major conferences, the best performers are the Big East (-11.7) and Big 12 (-14.3).
- Among all D-I conferences, the best are the SWAC (+8.5) and Metro Atlantic (-1.2).
- Among all D-I conferences, the worst are the American (-25.2) and the Mountain West (-21.6).
- Only one of 31 D-I conferences has a positive AGG. In other words, only one D-I conference has a women's basketball graduation rate that is higher than the adjusted full-time female student body graduation rate.

WBB AGG Trends:

- The women's D-I basketball AGGs continue to show negative trends, similar to men's basketball. In other words, the athlete-full-time student body graduation gaps are getting worse.
- Though gradual, the negative trends nevertheless are statistically significant.
- The women's AGG is 3.5 percentage points larger than in our initial report of 2011.
- These results contrast sharply with the NCAA's narrative that athlete graduation rates are improving relative to general student body rates.

Updated: CSRI Position on Graduation Rates

In 1990, Congress mandated full disclosure of graduation rates at schools that award athletically related aid and receive federal financial aid. The **Federal Graduation Rate (FGR)** reflects the percentage of students (athletes and non-athletes) who graduate within six years from the school where they initially enrolled as a full-time student. The FGR measures the extent to which colleges and universities retain and graduate recruited athletes, thus providing one measure of whether they are fulfilling the NCAA's mission of

maintaining athletes as an integral part of their student body. The strength of the FGR is its focus on student retention.

Another graduation rate measure, created by the NCAA to track only NCAA athletes, is called the **Graduation Success Rate (GSR)**. The GSR excludes from its calculation all athletes—including transfers—who leave a school prior to graduating, but in good academic standing (Left Eligibles - LEs). The NCAA methodology also includes athletes who transfer into an institution in that program's GSR. Essentially, the GSR removes athletes who leave and adds athletes who enter. The NCAA argues the GSR is more accurate than the FGR. However, the GSR is itself flawed, significantly *exaggerating* athlete graduation rates. The NCAA contends "student-athletes who depart a school while in good academic standing, Left Eligibles (LEs) ... are essentially passed from that school's cohort to another school's cohort".³ However, the NCAA does not acknowledge the number of transfers-in is significantly smaller than the number of LEs. Contrary to the NCAA's claims, most LEs are not just passed to another school's cohort.

The number of missing LEs is large, causing the GSR to be significantly inflated. The NCAA does not make public GSR data or calculations for FBS football and men's basketball, where public concern about athlete exploitation is the greatest. However, it does provide aggregated data for *all* Division I male and female sports.⁴ For the cohort comprised of the 2015-2018 graduating classes (the latest available GSR calculation), the total number of athletes is 95,286 and the GSR is 88%. What the NCAA does not reveal is that its dataset includes 24,298 LEs, but only 7,945 transfers-in. In other words, there are 16,353 more LE's than transfers-in. Thus, about two-thirds of all LEs are unaccounted for in the NCAA' graduation "success" data.⁵

³ NCAA, "How are NCAA Graduation Rates Calculated?" (November 2018), pg. 9

https://ncaaorg.s3.amazonaws.com/research/gradrates/2018NCAARES_HowGradRatesCalculated.pdf

⁴ NCAA Research, "Trends in Graduation Success Rates and Federal Graduation Rates at NCAA Division I Institutions" (November 2016), page 5.

http://www.ncaa.org/sites/default/files/2016RES_GSRandFedTrends-Final_sc_20161114.pdf

⁵ CSRI calculations based on data from NCAA GSR table.

In addition, a fundamental limitation of the GSR is that currently no comparable graduation rate exists for the general student body. In other words, the GSR and FGR measures are not comparable.

The **Adjusted Graduation Gap (AGG)** was developed to address FGR and GSR limitations. The FGR focuses on an institution's ability to retain students it admits, while the GSR attempts to account for athletes who leave a school that initially admitted them. The AGG compares an adjusted FGR for full-time students and the reported FGR for college athletes from the following NCAA Division-I sports: FBS football, D-I men's and women's basketball, and D-I softball and baseball. Reports regarding each sport are released at various times during the year.

Historically, standard evaluations of NCAA athlete graduation rates have involved comparisons with general student body rates presumed to pertain to full-time students. However, many schools' general student body rates include a significant number of part-time students. This is problematic because all NCAA athletes must be "full-time" and should therefore be compared with other full-time students. The downward "part-timer bias" in the student-body FGR distorts this comparison. Because part-time students take longer to graduate, this significantly reduces the measured general student-body FGR, making the relative rate of college athletes at many schools and conferences appear more favorable. CSRI's AGG methodology addresses this "part-timer bias" using regression-based adjustments for the percentage of part-time students enrolled at an institution. The adjustments also account for the aggregate influence of school-specific factors such as location and student demographics. These estimates are the basis for the AGG comparison.⁶

CSRI

Founded in 2007, the College Sport Research Institute (CSRI) is housed within the Department of Sport and Entertainment Management at the University of South Carolina – Columbia. CSRI is dedicated to conducting and supporting independent research related to

⁶ Technical details can be found in E. Woodrow Eckard, "NCAA Athlete Graduation Rates: Less than Meets the Eye," *Journal of Sport Management*, January 2010, pp. 45-58.

college-sport issues.

Along with conducting and disseminating in-house research, CSRI hosts the annual **CSRI Conference on College Sport** each April in Columbia, SC. This conference provides college-sport scholars and intercollegiate athletics practitioners a forum to present and discuss research related to current college-sport issues and possible solutions. CSRI also publishes the peer-reviewed *Journal of Issues in Intercollegiate Athletics (JIIA)*, which provides an outlet for theoretical and data-driven college-sport research manuscripts.

This is the ninth-annual installment of CSRI's Adjusted Graduation Gap (AGG) NCAA D-I Men's and Women's Basketball Report. We hope this report not only sheds light on the collection, analysis and reporting of college athlete graduation rates, but also specifically encourages open and honest discussion regarding the quality and type of educational opportunities offered to NCAA D-I men's and women's basketball players – the labor that fuels the NCAA's March Madness™.

CSRI Student Researchers and Research Team

Student Researchers

Mr. Richard Hart – CSRI Research Assistant – was in charge of data collection for this year's Basketball AGG Report. Mr. Hart also wrote the initial draft of this year's "Study Highlights" sections.

Mr. Chris Corr – 2nd Year PhD student in the Department of Sport and Entertainment Management (SPTE) at University of South Carolina – assisted with data collection.

Mr. James R. Brown – Master's student in the Department of Sport and Entertainment Management (SPTE) at University of South Carolina – assisted with data collection

Research Team

Dr. Richard M. Southall is Director – College Sport Research Institute and Professor, Department of Sport and Entertainment Management, University of South Carolina.

Dr. E. Woodrow Eckard is Professor of Economics, Business School, University of Colorado – Denver.

Dr. Mark S. Nagel is Associate Director – College Sport Research Institute and Professor, Department of Sport and Entertainment Management, University of South Carolina.

Appendix

TABLE 1- 2018-19 NCAA D-I MAJOR AND MID-MAJOR (MM) SUMMARIES

Men: Major vs Mid-Major

	BW_AGG	B_AGG	W_AGG
All DI	-23.3	-24.3	-18.9
Major	-35.1	-37.2	-26.9
Mid-Major	-17.6	-18.1	-14.7
Major - MM =	-17.5	-19.1	-12.2

Men: Black vs White

	All DI	Major	Mid-Major
Black_AGG	-24.3	-37.2	-18.1
White_AGG	-18.9	-26.9	-14.7
Black - White =	-5.4	-10.3	-3.5

Women: Major vs Mid-Major

	BW_AGG	B_AGG	W_AGG
All D-I	-12.39	-12.06	-12.24
Major	-17.90	-21.21	-17.11
Mid-Major	-9.76	-7.71	-9.67
Major - MM =	-8.14	-13.51	-7.43

Women: Black vs White

	All DI	Major	Mid-Major
B_AGG	-12.06	-21.21	-7.71
W_AGG	-12.24	-17.11	-9.67
Black - White =	0.17	4.11	-1.97

TABLE 2 – 2018-19 NCAA D-I CONFERENCE AVERAGE AGGS

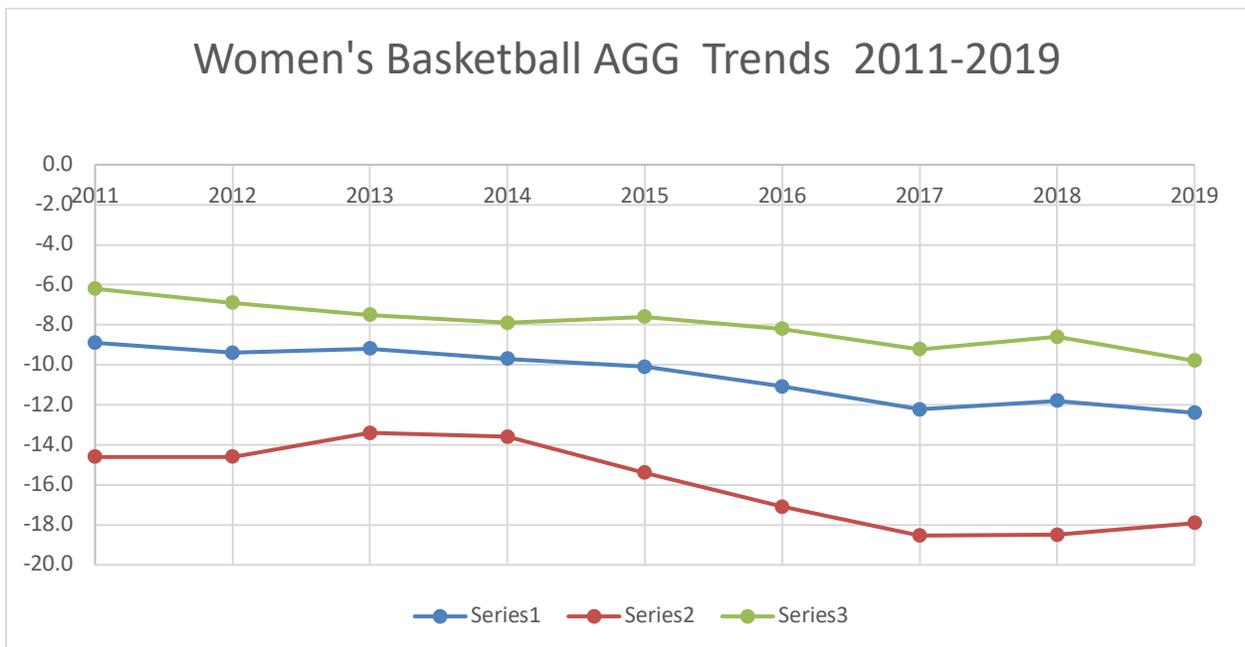
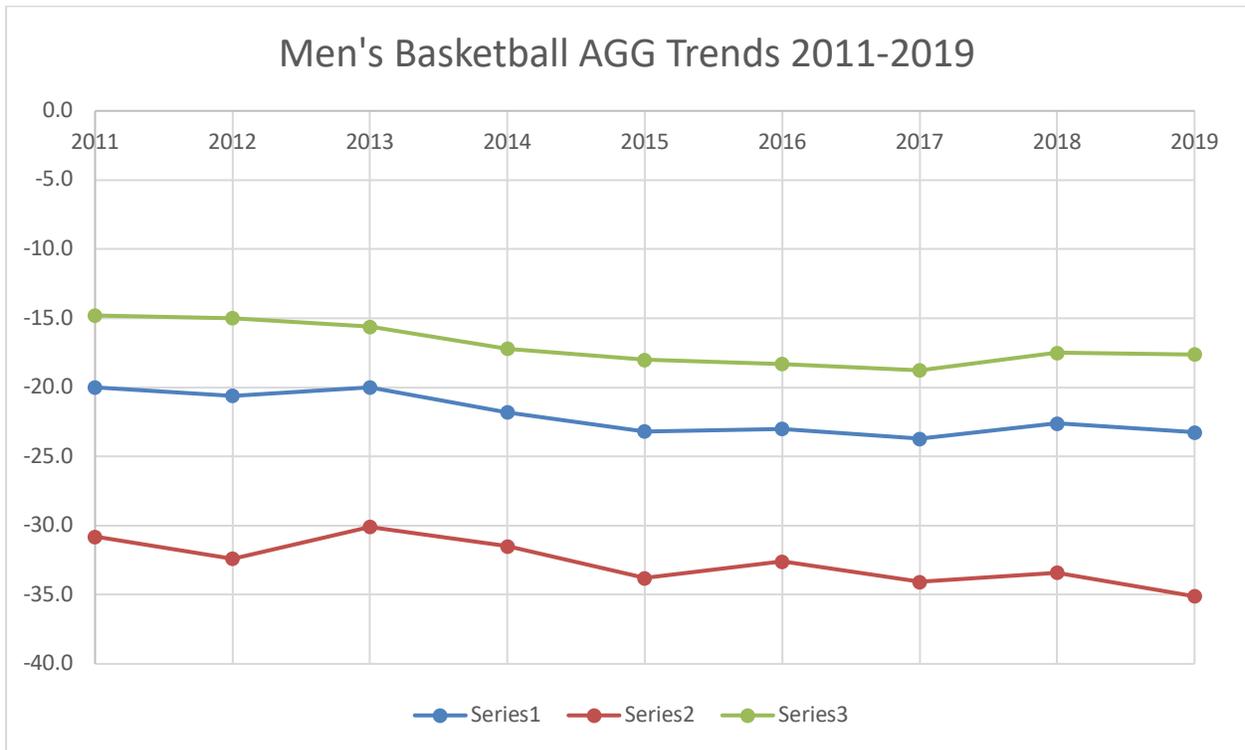
MEN'S

	AGG	B_AGG	W_AGG
MAJOR			
Atlantic 10	-22.1	-15.5	-39.1
Big East	-30.6	-33.3	1.3
Big Ten	-31.2	-39.3	-21.5
Conference-USA	-33.8	-27.5	-38.4
Southeastern	-35.9	-38.4	-29.0
Mountain West	-36.0	-41.1	-34.7
Atlantic Coast	-36.3	-39.7	-20.5
American	-38.2	-39.4	-33.9
Big 12	-39.8	-41.9	-11.5
PAC-12	-47.2	-56.2	-41.4
MAJOR AVG.	-35.1	-37.2	-26.9
MID-MAJOR			
SWAC	-1.5	0.2	N/A
Mid-Eastern	-3.0	-1.0	N/A
Patriot	-3.2	-3.6	-4.1
Metro Atlantic	-8.5	-17.1	-8.5
Big South	-10.0	-2.1	-19.8
Northeast	-10.0	-5.1	1.4
Southland	-12.3	-13.8	-12.5
Summit	-13.4	-4.4	-5.8
Southern	-14.9	-7.4	-3.1
Ohio Valley	-17.6	-24.4	-18.6
America East	-17.6	-26.6	-3.0
Horizon	-19.5	-28.8	3.4
Sun Belt	-19.5	-12.9	-36.3
Missouri Valley	-19.6	-34.2	-10.8
Colonial Athletic	-21.2	-16.7	-27.3
Mid-American	-22.0	-24.7	-16.0
West Coast	-23.8	-27.9	-19.7
WAC	-29.1	-33.7	-22.2
Big Sky	-30.6	-14.7	-24.2
Atlantic Sun	-30.7	-36.1	-31.5
Big West	-41.8	-45.9	-20.2
MID-MAJOR AVG.	-17.6	-18.1	-14.7
DIVISION-I AVG.	-23.3	-24.3	-18.9

WOMEN'S

	AGG	B_AGG	W_AGG
MAJOR			
Big East	-11.7	-20.8	-15.5
Big 12	-14.3	-12.3	-20.2
Big Ten	-15.2	-29.3	-1.7
Southeastern	-15.6	-14.2	-11.4
Atlantic 10	-16.3	-16.5	-12.2
PAC-12	-18.5	-23.1	-17.4
Conference-USA	-20.1	-14.8	-40.8
Atlantic Coast	-20.6	-23.9	-14.5
Mountain West	-21.6	-31.6	-21.6
American	-25.2	-25.8	-15.8
MAJOR AVG.	-17.9	-21.2	-17.1
MID-MAJOR			
SWAC	8.5	13.4	N/A
Metro Atlantic	-1.2	3.7	-5.0
Patriot	-3.3	-1.4	-4.7
West Coast	-4.5	-0.4	-4.9
Mid-Eastern	-5.4	3.6	N/A
Northeast	-5.8	7.5	-6.6
Missouri Valley	-8.0	-20.8	-2.2
Horizon	-8.4	-3.0	-7.5
Southern	-8.5	-4.6	-11.1
Mid-American	-9.7	-17.0	1.9
Big South	-10.0	-6.4	-7.2
America East	-10.5	-4.5	-2.9
Ohio Valley	-11.9	-14.7	-9.9
Colonial Athletic	-12.2	-11.0	-4.3
Southland	-13.8	-14.0	-26.9
Summit	-14.1	-22.5	-13.8
Sun Belt	-16.2	-11.5	-33.0
WAC	-16.2	-26.4	-8.7
Big Sky	-16.6	-7.4	-14.0
Atlantic Sun	-16.7	-5.7	-18.2
Big West	-20.4	-18.8	-4.9
MID-MAJOR AVG.	-9.8	-7.7	-9.7
DIVISION-I AVG.	-12.4	-12.1	-12.2

CHART 1- NINE-YEAR AGG TREND-LINES





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2019 Adjusted Graduation Gap Report: NCAA FBS Football

College Football Playoff Top-10 cumulative AGG -26.9

Overall Power-5 Black players -21.6; Power-5 White players -1.0

Columbia, SC – January 10, 2020... The College Sport Research Institute (CSRI) at the University of South Carolina in Columbia, SC, released its tenth-annual National Collegiate Athletic Association (NCAA) Football Bowl Subdivision (FBS) Football Adjusted Graduation Gap (AGG) report today. Not surprisingly, given their nearly singular focus on qualifying for the College Football Playoff (CFP), the CFP Top-10 has a cumulative AGG of -26.9. In addition, the cumulative AGG for Power-5 Black players is -21.6, while the cumulative AGG of White players on Power-5 rosters is only -1.0 (See Table 2 in appendix.).

For the tenth year in a row, there is a significant discrepancy between FBS Football players' graduation rates and those of full-time male students. The 2019 Power-5 Conferences AGG mean remains sizable and significant at -16.5, interrupting a gradual improving trend over the previous five years, while the Group-of-5's AGG average is -8.5.

It is worth noting the growing disparity between the Power-5 (-16.5) and Group-of-5 (-8.5) Conferences AGG average. The difference of 8-points is the largest in the ten-years CSRI has been reporting AGG. In addition, for the first time, the best Power-5 Conference AGG (-12.9) is about the same as the worst Group-of-5 AGG (-13.0).

Study Highlights

(See tables and chart in appendix for additional information.)

- ❖ Power-5 Conference AGGs continue to be large: the football player graduation rate in these conferences averages 16.5 percentage points lower than the general male student body.
- ❖ The Power-5 average AGG of -16.5 is slightly worse than last year's -16.4, interrupting a gradual improving trend over the previous five years
- ❖ Black and White Power-5 AGG difference remains striking. The Black AGG is -21.6 compared to only -1.0 for the White AGG, over 20 percentage points worse.
- ❖ The College Football Playoff Top-10 has an average AGG of -26.9, as compared to -14.6 for the other Power-5 schools.
- ❖ The Group-of-5 Conference average AGG remains sizable at -8.5. Nevertheless, it is 8.0 points better than the Power-5, the largest difference in our 10 years of reporting.
- ❖ The Group-of-5/Power-5 AGG difference is caused almost entirely by a difference in Black AGGs, as White AGGs are almost the same for the two sets of schools.
- ❖ The Group-of-5, unlike the Power-5, continues to show a gradual improving trend (see graph below). Compared to 2013, The Group-of-5 AGG is 6.2 percentage points better, about one point per year.
- ❖ Among the Power-5, the Big Ten has the best AGG at -12.9, and for the 6th time in the past 7 years, the PAC-12 has the worst at -18.7.
- ❖ The Sun Belt has the best Group-of Five AGG at -2.1. The American has the worst at -13.0, although it is about the same as the best Power-5 conference.

CSRI Position on Graduation Rates

In 1990, Congress mandated full disclosure of graduation rates at schools that award athletically related aid and receive federal financial aid. The Federal Graduation Rate (FGR) reflects the percentage of students (athletes and non-athletes) who graduate within six years from the school where they initially enrolled as a full-time student. The FGR measures the extent to which colleges and universities retain and graduate recruited athletes, thus providing one measure of whether they are fulfilling the NCAA's mission of maintaining athletes as an integral part of their student body. The strength of the FGR is its focus on student retention.

Another useful graduation rate measure, created by the NCAA to track athletes, is called the Graduation Success Rate (GSR). The GSR excludes from its calculation athletes—including transfers—who leave a particular school prior to graduating (i.e., early), while in good academic standing. The NCAA methodology also includes athletes who transfer into an institution in a program's GSR. The GSR recognizes college athletes may take a different path to graduation than other full-time students. However, a limitation of the GSR is that currently no comparable "graduation" rate exists for the general student body. In other words, the GSR and FGR measures are not comparable.

The AGG was developed to partly address FGR and GSR limitations. The AGG compares an adjusted FGR for full-time students and the reported FGR for college athletes for the following NCAA Division-I sports: FBS football, D-I men's & women's basketball, D-I softball, and baseball. Reports for each sport are released at various times during the year.

The College Sport Research Institute believes in the full disclosure of all measures pertaining to college athlete graduation, including the FGR, GSR, and AGG since one measure is not "better" or somehow "fairer" than the others as each measure different things. The FGR focuses on an institution's ability to retain and graduate students it admits,

while the GSR attempts to account for athletes who leave a school that initially admitted them.

Historically, standard evaluations of NCAA athlete graduation rates have involved comparisons with general student body rates presumed to pertain to full-time students. However, many schools' general student body rates include a significant number of part-time students. This is problematic because all NCAA athletes must be "full-time" and should therefore be compared with other full-time students. The downward "part-timer bias" in the student-body FGR distorts this comparison. Because part-time students take longer to graduate, this significantly reduces the measured general student-body FGR, making the relative rate of college athletes at many schools and conferences appear more favorable. CSRI's Adjusted Graduation Gap methodology addresses this "part-timer bias" using regression-based adjustments for the percentage of part-time students enrolled at an institution. The adjustments also account for the aggregate influence of school-specific factors such as location and student demographics. These estimates then become the basis for the AGG comparison.

CSRI

The College Sport Research Institute (CSRI) is housed within the Department of Sport and Entertainment Management at the University of South Carolina – Columbia. CSRI is dedicated to conducting and supporting independent data collection and analysis related to college-sport issues.

Along with conducting and disseminating in-house research on college athletes' graduation rates, post-athletic transition issues, and oscillating migration patterns, CSRI hosts the annual CSRI Conference on College Sport in Columbia, SC. This conference provides a forum for research of current college-sport issues and possible solutions to these challenges. CSRI also publishes a peer-reviewed scholarly journal entitled: *Journal of Issues in Intercollegiate Athletics (JIIA)*, which provides an additional outlet for research related to college-sport issues.

This is the tenth-annual installment of the CSRI's AGG FBS Football Report. We hope this information encourages continuing research and discussion regarding both graduation rates and the quality and type of educational opportunities offered college athletes.

CSRI Student Researchers and Research Team

Student Researchers

Mr. Chris Corr – 2nd Year PhD student in the Department of Sport and Entertainment Management (SPTE) at the University of South Carolina – supervised data collection for this year's Football AGG Report. Mr. Corr also wrote the initial draft of this year's "Study Highlights" sections.

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Appendix

Table 1-2019 Football Bowl Sub-division (FBS) Power-5 and Group-of-5 AGGs

Power-5 Conference	B+W Mean	Black Mean	White Mean
Big Ten	-12.9	-20.3	+0.4
Big XII	-13.9	-17.1	-0.9
Southeastern	-18.3	-24.3	+5.0
Atlantic Coast	-18.5	-23.5	-2.9
PAC-12	-18.7	-23.0	-6.7
Average	-16.5	-21.6	-1.0

Group-of-5 Conference	B+W Mean	Black Mean	White Mean
Sun Belt	-2.1	-4.4	+8.1
Mid-American	-6.3	-9.6	+1.9
Conference-USA	-10.5	-12.2	-0.3
Mountain West	-10.6	-17.6	-3.0
American	-13.0	-14.1	-6.7
Average	-8.5	-11.6	0.0

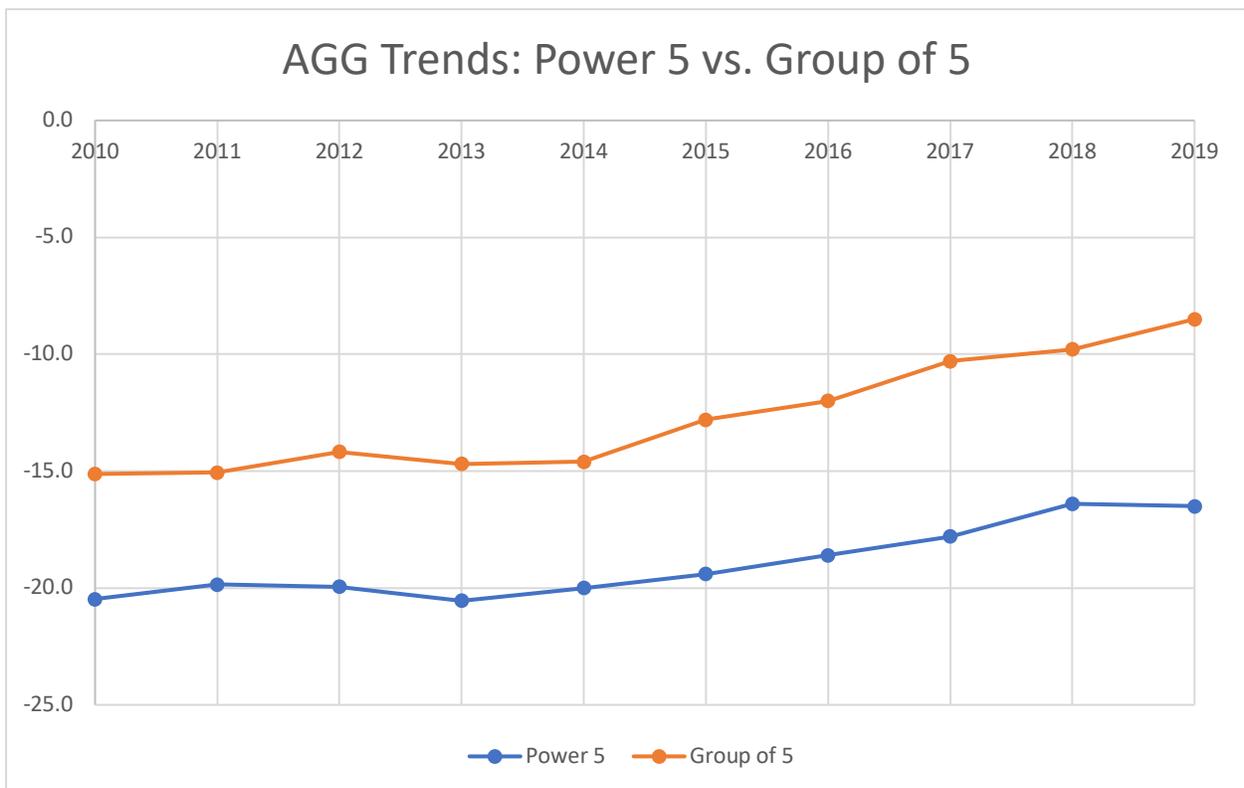
Notes:

- ❖ Power-5
 - Notre Dame excluded - Independent in FB
- ❖ Group-of-5
 - Charlotte excluded - No FB FGRs
 - Air Force & Navy excluded - Data not comparable to civilian schools

Table 2 – 2019 College Football Playoff Ranking AGGs

	B+W	Black	White
College Football Playoff	Mean	Mean	Mean
Top-10	-26.9	-33.9	-7.6
Non-Top 10	-14.6	-19.6	+0.4

Chart 1 – Ten-year Trend-lines: Power-5 and Group-of-5 AGGs*



* "AGG Trends" means are based on individual school AGGs, not conference mean AGGs. Consequently, means may differ slightly from "Conference Summary" means.