

Before the
Committee on Education and the Workforce
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Mr. Chairman and Members of the Committee,

Thank you for the opportunity to appear before you today and present my views on the on-going quest to improve the environment for student-athletes on college campuses. Before I do so, I would like to make it clear that my comments today are strictly my own. Although I was a student-athlete at the University of Notre Dame and later obtained a masters degree from the Kellogg Graduate School of Management at Northwestern University, I do not represent or speak for either of these institutions. I speak only for myself.

I graduated from the University of Notre Dame in 1989 with a Bachelor of Science degree in Biology (pre-Med) while simultaneously pursuing a second undergraduate degree in Mechanical Engineering -- which I received a year later in 1990. While I was a student at Notre Dame, I played four years of varsity football and I also played on the varsity baseball team. I had transferred to Notre Dame from Yale University at the beginning of my sophomore year and therefore I had a fifth year of athletic eligibility, affording me the opportunity to complete my second degree.

I transferred to Notre Dame to pursue excellence in the classroom and on the football field. Yale's football program wasn't competing for National Championships. I don't mean this as a criticism of Yale, just a reality. I should say, however, Yale does compete for championships in other sports, like their 2013 National Championship in hockey. I transferred because I believed I didn't have to sacrifice football in the name of academics. Further, Notre Dame didn't sacrifice their academic program for football; I felt Notre Dame offered me the ability to pursue excellence both in the classroom and on the football field. While it wasn't

easy, it certainly was achievable. The infrastructure was and remains in place to assist student-athletes to achieve both at Notre Dame. I have a daughter who is currently a collegiate student-athlete there, and I have witnessed even further improvements in the program -- such as mandatory study hall for all freshmen.

I am here to today as a former collegiate student-athlete. I am not an attorney and versed in labor law, so I'll leave the legal arguments to the experts.

It's apparent the impetus for today's panel is the NLRB regional director's ruling that college athletes are deemed "employees," which would enable them to potentially unionize under the National Labor Relations Act. This union pursuit is a means to an end, a vehicle if you will, to implement improvements to our collegiate athletic system. I believe there is little debate about the necessary logical improvements -- which I will describe. I believe the debate today should instead be focused on seeking the most effective vehicle to cause the implementation of these improvements.

The crux of the problem is that student-athletes should be students, first and foremost, as the description suggests. I'm concerned that calling student-athletes "employees" will make the system more of a business than it is already is. In my mind, we need to gravitate collegiate athletics toward a student centric model -- not the other way around. I also worry about the unintended consequences of being deemed an "employee" and what unionization could bring to college athletics.

That said, as a former student-athlete, I support many of the goals of the National College Players Association ("NCPA") and the College Athletes Players Association ("CAPA").

I favor mandated four-year scholarships, health and insurance benefits, and stipends. I will address transfer eligibility briefly.

Four-year scholarship

As a student-athlete, you should be able to maintain your athletic scholarship for at least four (or perhaps five) years from the date you entered college, assuming you maintain the school's academic and disciplinary standards, with the goal of obtaining an undergraduate degree. This obligation should be maintained regardless of your productivity on the athletic field and even if you sustain a permanent injury.

The sad reality at some colleges is if the student-athlete is not performing on the field their athletic scholarship may not be renewed year-to-year. This reality incents student-athletes to focus only on scholarship renewal at all cost, rather than striking the right balance of performance in the classroom and on the field of play. The system is a total charade, in my opinion; if in general, the student-athlete doesn't graduate with a degree in hand.

Health and Insurance Benefits

After sustaining a sports-related injury, a student-athlete's scholarship should neither be reduced nor eliminated, and there should be guaranteed coverage for medical expenses for current and former players. Student-athletes that sustain permanent injuries should be afforded healthcare and insurance benefits for life. I also hasten to add that all college athletic programs should enhance their efforts to minimize the risk of sports-related traumatic brain injuries.

Stipend

Student-athletes should be afforded stipends so they can handle out-of-pocket expenses associated with attending college; at the very least on a needs based assessment.

Transfer

If four-year scholarships are mandated, not at the option of each college, then I'm ok with current transfer restrictions. I was a product of these transfer restrictions; I was ineligible my sophomore year at Notre Dame. However, if honoring four-year scholarships is not required, then the one-time no-penalty transfer option should be afforded to all student-athletes, not just select sports.

Conclusion

These four initiatives are, in my mind, obvious and necessary improvements. The first three have monetary implications, which make them more difficult to implement for athletic programs that already operate in the red. However, there is clearly plenty of money in the system, making this impediment an unacceptable excuse.

The National Collegiate Athletic Association ("NCAA") is quote "dedicated to safeguarding the well-being of student-athletes and equipping them with the skills to succeed on the playing field, in the classroom and throughout life." If this mission statement is true, why then haven't these goals already been implemented? I believe this problem exists simply because of the fact that the NCAA is a membership-driven organization; quote "made up of colleges and universities, but also conferences and affiliated groups." Perhaps because of this

charter, it appears to me that the NCAA may not have been able to get consensus from its diverse membership on these issues. I don't have a solution to this problem, but I question the need to unionize to effectuate the implementation of these initiatives.

One final note: It is difficult to maintain that we truly have a student-athlete system given the relatively low graduation rates for student-athletes at many institutions across the country. This is not an acceptable outcome, and I don't see how classifying these student-athletes as "employees" is going to improve this situation.

In conclusion, I was a student-athlete at Notre Dame. Period. I was not an employee of the University – nor did I want to be one.

Thank you. I would be pleased to answer any questions that you may have.