

106TH CONGRESS
2D SESSION

H. R. 4117

To provide collegiate student-athletes who attend NCAA-member institutions the same rights and privileges afforded to all citizens.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2000

Mr. MEEKS of New York (for himself, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. PAYNE, Mr. FORD, Mr. LARSON, and Mr. CROWLEY) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide collegiate student-athletes who attend NCAA-member institutions the same rights and privileges afforded to all citizens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Collegiate Athletics
5 Due Process Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) the NCAA and its member institutions are
2 violating the individual rights of student-athletes
3 without affording them due process;

4 (2) since the governing body of the NCAA acts
5 on behalf of its member institutions, it is incumbent
6 on the member institutions to protect the rights and
7 liberties of its entire student body population if the
8 member institution receives any source of Federal
9 funding; and

10 (3) every institution of higher education should
11 afford to its student athletes the same protections of
12 individual and private rights as are afforded to all
13 other citizens.

14 **SEC. 3. OBLIGATIONS TO PROTECT DUE PROCESS.**

15 Section 487 of the Higher Education Act of 1965 (20
16 U.S.C. 1094) is amended—

17 (1) in subsection (a), by adding at the end the
18 following new paragraph:

19 “(24) The institution will comply with sub-
20 section (f).”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(f) DUE PROCESS OBLIGATION.—

24 “(1) OBLIGATION.—An institution of higher
25 education has an obligation to any student athlete

1 who is accused of a violation or infraction of ama-
2 teur sports rules, including rules and legislation of
3 the National Collegiate Athletic Association, to en-
4 sure that the due process rights of that student are
5 respected.

6 “(2) DUE PROCESS RIGHTS.—The due process
7 rights of such an accused student include the fol-
8 lowing:

9 “(A) The institution shall provide the stu-
10 dent athlete with separate independent legal
11 counsel at the institution’s expense immediately
12 upon any investigation or alleged violation or
13 infraction.

14 “(B) The independent counsel shall be re-
15 tained through the entire investigation and
16 until all matters and facts of the pending case
17 (and any other investigations that may arise
18 out of the initial investigation) have concluded
19 to the satisfaction of all parties involved.

20 “(C) Notice and opportunity to be heard
21 before an arbitrator, neutral party, or tribunal
22 not associated with the National Collegiate Ath-
23 letic Association or a member institution shall
24 be afforded before any enforcement actions are
25 administered by the institution.

1 “(D) All hearings shall include the oppor-
2 tunity to be heard by testimony or otherwise,
3 and to have the right of controverting, by proof,
4 every material fact which bears on the question
5 of the individual or private rights involved.

6 “(E) Any enforcement action taken by the
7 institution in compliance with rules or legisla-
8 tion of the National Collegiate Athletic Associa-
9 tion for amateur sports violations shall be clear-
10 ly established on the basis of specific standards
11 and guidelines for all possible infractions, in-
12 cluding punishment or restitution.

13 “(3) EXCEPTION.—This subsection does not
14 apply to disciplinary actions taken by a coach or col-
15 lege administrator for violations of the institution’s
16 policy or conduct rules that apply to the entire stu-
17 dent body of the institution.”.

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