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SENATE BILL DRS35135-TCz-8

Short Title: University Student-Athlete Protection Comm. (Public)

Sponsors: Senators Krawiec, Daniel, and D. Davis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE PROTECTIONS FOR THE RIGHTS OF INTERCOLLEGIATE
3 STUDENT-ATHLETES AND TO ALLOW IN-STATE TUITION FOR CERTAIN
4 SCHOLARSHIPS FOR OUT-OF-STATE STUDENT-ATHLETES, AS RECOMMENDED
5 BY THE LEGISLATIVE COMMISSION ON THE FAIR TREATMENT OF COLLEGE
6 STUDENT-ATHLETES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1.(a) Chapter 116 of the General Statutes is amended by adding a new
9 Article to read:

10 "Article 37.

11 "Student-Athlete Protections.

12 "**§ 116-400. Purpose and applicability.**

13 (a) Purpose. – The General Assembly finds that independent oversight is needed to
14 ensure consistent and fair treatment of student-athletes. The purpose of this Article is to provide
15 protection and assistance for student-athletes who participate in interscholastic athletics at
16 constituent institutions and to ensure consistency in standards related to the health, welfare,
17 academic opportunities, and treatment of student-athletes.

18 (b) Application. – This Article applies to all constituent institutions that have an athletic
19 program. Constituent institutions with athletic programs shall comply with all rules and sanctions
20 of the University Student-Athlete Protection Commission authorized by this Article.

21 "**§ 116-405. Definitions.**

22 As used in this Article, the following terms shall have the following meanings:

- 23 (1) Athletic personnel. – Individuals employed or independently contracted by a
24 constituent institution who work with an athletic program.
- 25 (2) Athletic program. – A sport program played at the collegiate level for which
26 eligibility requirements for participation by a student-athlete are established
27 by a national association for the promotion or regulation of collegiate
28 athletics. The term "athletic program" shall not include any club sports or any
29 student-led recreational organizations.
- 30 (3) Athletic program event. – An event in which one or more student-athletes
31 compete in connection with their participation in an athletic program.
- 32 (4) Commission. – The University Student-Athlete Protection Commission.
- 33 (5) Medical personnel. – Individuals providing primary athletic health care, such
34 as a team physician or athletic trainer.
- 35 (6) Student-athlete. – A student enrolled at a constituent institution who
36 participates in an athletic program at that institution.



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1 **"§ 116-410. Rights of student-athletes.**

2 In order to protect the rights of student-athletes, constituent institutions with an athletic
3 program shall have the following duties:

4 (1) Health and safety. – Constituent institutions shall have the following duties
5 related to health and safety:

6 a. Ensuring that athletic personnel follow the health and safety standards
7 established pursuant to G.S. 116-435.

8 b. Ensuring that athletic personnel follow the code of conduct established
9 pursuant to G.S. 116-435.

10 c. Requiring athletic trainers to meet the standards set by the North
11 Carolina Association of Athletic Trainers.

12 d. Requiring applicants for athletic personnel positions to present
13 documentation regarding any disciplinary action taken against them
14 by previous employers.

15 e. Requiring contracts for athletic personnel to provide for immediate
16 termination if the athletic personnel is found to have withheld
17 documentation required by sub-subdivision d. of this subdivision.

18 (2) Academic opportunities. – Constituent institutions shall have the following
19 duties related to academic opportunities:

20 a. Disclosing to recruits, current student-athletes, and the public the
21 percentage of student-athletes enrolled in each academic major on
22 each team.

23 b. Awarding an injured student-athlete scholarship to any qualifying
24 student, as provided in G.S. 116-465.

25 c. Providing continuous academic monitoring and support for first-year
26 student-athletes who were admitted without meeting minimum
27 admission requirements or minimum course requirements for The
28 University of North Carolina.

29 (3) Due process. – Constituent institutions shall have the following duties related
30 to due process in an athletic investigation related to eligibility conducted by
31 that institution:

32 a. Establishing and following a process for determining whether a
33 student-athlete is ineligible for participation in an athletic program.

34 b. Providing student-athletes with notice and an opportunity to respond
35 24 hours prior to requesting any admission of responsibility that could
36 impact athletic eligibility.

37 c. Ensuring that a certified attorney is available to a student-athlete in
38 accordance with G.S. 116-460. This requirement may be waived by a
39 student-athlete if one of the following applies:

40 1. The student-athlete elects to retain counsel independently, and
41 a waiver of a certified attorney is signed by the student-athlete
42 and the student-athlete's counsel.

43 2. The student-athlete, after speaking with the certified attorney,
44 elects to waive the right to a certified attorney, and a waiver of
45 certified attorney is signed by the student-athlete and the
46 certified attorney.

47 d. Requiring athletic investigations related to eligibility to take place in
48 a timely manner.

49 (4) Other duties. – Constituent institutions shall have the following other duties:

50 a. Preventing retaliation against individuals, including student-athletes,
51 who report suspected violations of this Article.

- 1 b. Providing all data and reports requested by the Commission in a timely
2 manner.
3 c. Ensuring that revenue is not derived by the constituent institution from
4 the use of a student-athlete's name, image, or likeness, except as
5 provided in G.S. 116-415.

6 **"§ 116-415. Limiting revenue derived from a student-athlete's name, image, or likeness.**

- 7 (a) Revenue Limitations. – Constituent institutions shall only derive revenue from the
8 use of a student-athlete's name, image, or likeness if both of the following criteria are met:
9 (1) The student-athlete consents in writing to the constituent institution's use of
10 the student-athlete's name, image, or likeness.
11 (2) The revenue is derived from an athletic program event, including through
12 ticket sales, media rights, advertising or sponsorship rights, event programs,
13 or parking permits.
14 (b) Conditioning Participation. – Constituent institutions may condition a
15 student-athlete's participation in an athletic program on the student-athlete granting permission
16 to use his or her name, image, or likeness, as described in subsection (a) of this section.

17 **"§ 116-420. University Student-Athlete Protection Commission.**

- 18 (a) Creation. – There is created the University Student-Athlete Protection Commission,
19 which shall be administratively located as a part of The University of North Carolina System.
20 (b) Membership. – The Commission shall have nine members, appointed as follows:
21 (1) Three members shall be appointed by the Board of Governors. One member
22 appointed by the Board of Governors shall have experience and expertise with
23 an athletic program.
24 (2) Three members shall be appointed by the General Assembly upon the
25 recommendation of the President Pro Tempore of the Senate. One member
26 appointed upon the recommendation of the President Pro Tempore of the
27 Senate shall have experience and expertise with employment law and human
28 resources.
29 (3) Three members shall be appointed by the General Assembly upon the
30 recommendation of the Speaker of the House of Representatives. One member
31 appointed upon the recommendation of the Speaker of the House of
32 Representatives shall have experience and expertise with sports medicine.
33 (c) Membership Disqualifications. – No member of the General Assembly or officer or
34 employee of The University of North Carolina, or any constituent institution, or the board of
35 trustees of any constituent institution, may be appointed as a member of the Commission. No
36 current officer or employee of a private college or university in the State may be appointed as a
37 member of the Commission.
38 (d) Terms. – Members shall serve for a term of four years and until their successors are
39 appointed and duly qualified. Terms of office shall begin July 1 of odd-numbered years. No
40 member shall serve more than two full terms of office.
41 (e) Vacancies. – Vacancies on the Commission shall be filled by the appointing authority
42 for the remainder of the unexpired term.
43 (f) Removal. – The appointing authority may remove any member for misfeasance,
44 malfeasance, or nonfeasance. The Board of Governors may remove a member by resolution. The
45 General Assembly may remove a member by joint resolution.
46 (g) Officers. – The Commission shall elect a chair, vice-chair, and secretary at the first
47 meeting held after July 1 in each year for a one-year term of office. The chair, or in the chair's
48 absence, the vice-chair, shall preside at all meetings of the Commission. In the absence of the
49 chair or vice-chair, the chair shall appoint a chair pro tempore to preside.
50 (h) Meetings. – The Commission shall meet at least quarterly and at other times as called
51 by its chair or by five of its members.

1 (i) Quorum. – Five members shall constitute a quorum for the transaction of business of
2 the Commission. The favorable vote of at least a majority of the members of the Commission
3 present at any meeting is required for the adoption of any official action.

4 (j) Expenses. – The members of the Commission shall receive per diem and allowances
5 as provided in G.S. 138-5 and G.S. 138-6. These expenses and compensation shall be paid from
6 funds collected as provided in G.S. 116-430.

7 **"§ 116-425. Commission Director.**

8 (a) Director. – There is hereby created the position of Director of the Commission, who
9 shall perform all duties imposed by statute and such duties as may be assigned by the
10 Commission.

11 (b) Term and Vacancies. – The Commission shall appoint a Director for a term of two
12 years. The Director shall serve beginning August 1 after the first meeting held after new
13 appointments to the Commission are made in odd-numbered years, unless removed for cause,
14 until a successor is appointed. In the event of a vacancy, the vacancy shall be filled for the
15 remainder of the term.

16 (c) Duties. – The Director shall be responsible for staffing, administration, and execution
17 of the Commission's decisions and orders and shall perform such other responsibilities as may
18 be assigned by the Commission. In the discretion of the Commission, the Director may be
19 authorized to hire additional staff to the extent funds are available. The Commission shall have
20 the authority to fix the compensation of the Director and other authorized staff to be payable from
21 funds made available to the Commission as provided in G.S. 116-430.

22 **"§ 116-430. University Student-Athlete Protection Commission Trust Fund.**

23 (a) Trust Fund. – There is established the University Student-Athlete Protection
24 Commission Trust Fund to be administered by the Commission.

25 (b) Required Contributions. – Each constituent institution that has an athletic program
26 shall provide one percent (1%) of all revenue derived from the sale of tickets to athletic program
27 events in the prior academic year by the constituent institution to the Commission Trust Fund for
28 its support no later than July 1 annually.

29 (c) Commission Expenses. – All funds (i) received from constituent institutions as
30 provided in subsection (b) of this section and (ii) earned as interest on these funds shall be placed
31 in the Commission Trust Fund. The purpose of the Commission Trust Fund is to provide for the
32 Commission's administrative costs, the salary of the Director of the Commission and other
33 Commission staff, and to provide the Commission with funds to use for conduct of investigations
34 required by this Article.

35 **"§ 116-435. Powers and duties.**

36 The powers and duties of the Commission shall include the following:

37 (1) Health and safety standards. – Establishing and updating health and safety
38 standards for student-athletes, in consultation with the North Carolina Athletic
39 Trainers Association, the Matthew Gfeller Sport-Related Traumatic Brain
40 Injury Research Center, and medical personnel from constituent institutions.
41 Health and safety standards shall include at least the following:

42 a. Medical personnel shall be independent of the athletic program and
43 shall not report to the athletics department of a constituent institution.

44 b. Student-athletes shall have access to medical records for all treatments
45 in the course of the student-athlete's participation in the athletic
46 program.

47 c. Standard concussion protocol shall be required across athletic
48 programs at all constituent institutions.

49 d. A student-athlete shall be copied on all correspondence regarding the
50 student-athlete between athletic personnel and medical personnel.

- 1 (2) Code of conduct. – Establishing and updating a code of conduct for athletic
2 personnel. The code of conduct shall include at least the following:
3 a. Athletic personnel shall not engage in bullying or harassing behavior,
4 including sexual misconduct.
5 b. Athletic personnel shall report any instance of reasonably suspected
6 violations of the health and safety standards or the code of conduct
7 developed pursuant to this section to the Commission.
8 c. Athletic personnel shall not retaliate against individuals, including
9 student-athletes, who report suspected violations of the health and
10 safety standards or the code of conduct developed pursuant to this
11 section.
12 (3) Publicly accessible databases. – Creating and maintaining publicly accessible
13 databases related to the protection of student-athletes. The databases shall not
14 include information otherwise protected by State or federal law. Databases
15 shall be created and maintained for each of the following:
16 a. Injuries to student-athletes arising out of participation in an athletic
17 program at a constituent institution.
18 b. Aggregate results of the surveys required by sub-subdivision a. of
19 subdivision (4) of this section.
20 c. Violations of this Article.
21 (4) Other duties. –
22 a. Conducting surveys of student-athletes regarding their experiences in
23 their athletic program.
24 b. Requiring reports from constituent institutions related to the
25 well-being of student-athletes.
26 c. Coordinating with the Secretary of State to monitor athlete agents
27 operating within the State.
28 d. Adopting rules to implement this Article.
29 e. Performing other duties as may be necessary to accomplish the
30 purposes of this Article.

31 **§ 116-440. Complaints, investigations, and hearings.**

32 (a) Jurisdiction. – A student-athlete or athletic personnel at a constituent institution may
33 submit a complaint with the Commission alleging a violation of any of the following:

- 34 (1) The health and safety standards for student-athletes established by the
35 Commission, as provided in G.S. 116-435.
36 (2) The code of conduct for athletic personnel established by the Commission, as
37 provided in G.S. 116-435.
38 (3) The duties of constituent institutions to student-athletes, as required by
39 G.S. 116-410.

40 (b) Complaint Process. – The Commission shall establish a process for student-athletes
41 and athletic personnel to file complaints and may require complaints to include specific
42 information and to be submitted within a specified time after the occurrence or discovery of the
43 violation for investigation by the Commission. The Commission shall require that a
44 student-athlete or athletic personnel must verify that either (i) the contents of the complaint are
45 within the knowledge of the student-athlete or athletic personnel verifying the complaint or (ii)
46 the basis upon which the student-athlete verifying the complaint believes the allegations to be
47 true.

48 (c) Complaints on Its Own Motion. – Upon receipt of a report by athletic personnel of
49 reasonably suspected violations of the health and safety standards or the code of conduct adopted
50 by the Commission as provided in G.S. 116-435, the Commission may conduct an investigation
51 under this section on its own motion. An investigation initiated by the Commission on its own

1 motion shall be treated as a complaint for purposes of this section and need not be sworn or
2 verified.

3 (d) Complaints Declined. – The Commission may decline to investigate any complaint
4 that does not meet all of the requirements of the process established by the Commission, or in its
5 sole discretion, may request additional information to be provided by the student-athlete or
6 athletic personnel within a specified period of time of no less than five business days. The
7 Commission may also decline to investigate an alleged violation if it determines that any of the
8 following apply:

9 (1) The complaint is frivolous or brought in bad faith.

10 (2) The specific alleged violation had already been the subject of a prior
11 complaint.

12 (3) The violation is primarily a matter more appropriately and adequately
13 addressed and handled by other federal, State, or local agencies or authorities,
14 including law enforcement authorities. If other agencies or authorities are
15 conducting an investigation of the same actions or conduct involved in a
16 complaint filed under this section, the Commission may stay its investigation
17 pending final resolution of the other investigation.

18 If the Commission declines to investigate a complaint, the Commission shall notify the
19 student-athlete or athletic personnel in writing of the dismissal of the complaint within 10
20 business days of the decision.

21 (e) Conduct of Investigation of Complaints by the Commission. – The Commission shall
22 conduct an investigation of any alleged violation not dismissed as provided in subsection (d) of
23 this section. The Commission shall notify the constituent institution of the alleged violation in
24 writing within 10 business days of the determination to investigate the complaint. The
25 Commission shall conduct the investigation in a timely manner.

26 (f) Constituent Institution Cooperation. – The Commission may request that any
27 student-athlete filing a complaint complete a waiver with the constituent institution of the Family
28 Educational Rights and Privacy Act (FERPA) of 1974, 20 U.S.C. § 1232g, for release of that
29 student's education records relevant to the investigation to the Commission. Constituent
30 institutions shall promptly and fully cooperate with the Commission in any investigation by
31 providing the following upon request by the Commission:

32 (1) Notwithstanding G.S. 126-24, all information, documents, and data within the
33 constituent institution's possession, or ascertainable from the constituent
34 institution's records, including any internal investigation or personnel
35 documentation.

36 (2) Any athletic or other personnel of the constituent institution for interview.

37 (3) Access to athletic facilities for inspection. Notwithstanding G.S. 126-24,
38 constituent institutions shall provide personnel records relevant to the
39 investigation to the Commission upon request.

40 Failure to cooperate fully with the Commission in any investigation shall be grounds for
41 sanctions as set forth in G.S. 116-445.

42 (g) Dismissal of Complaint after Preliminary Investigation. – The Commission shall
43 conclude the preliminary investigation within 20 business days. The Commission shall dismiss
44 the complaint if at the end of its preliminary investigation the Commission determines that any
45 of the following apply:

46 (1) The complaint does not allege facts sufficient to constitute a violation under
47 subsection (a) of this section.

48 (2) The complaint is determined to be frivolous or brought in bad faith.

49 (h) Commission Investigation. – If at the end of its preliminary investigation, the
50 Commission determines to proceed with further inquiry into the alleged violation, the
51 Commission shall provide written notice to the student-athlete or athletic personnel who filed the

1 complaint and the constituent institution as to the fact of the investigation and the alleged
2 violation. The constituent institution shall be given an opportunity to file a written response with
3 the Commission.

4 (i) Action on Inquiries. – The Commission shall conduct investigations into complaints
5 to the extent necessary to either dismiss the complaint for lack of probable cause of a violation
6 under this Article or to decide to proceed with a hearing under subsection (j) of this section.

7 (j) Hearing. –

8 (1) The Commission shall give full and fair consideration to all complaints
9 received. If the Commission determines that the complaint cannot be resolved
10 without a hearing, or if the constituent institution requests a hearing, a hearing
11 shall be held.

12 (2) The Commission shall send a notice of the hearing to the student-athlete or
13 athletic personnel and the constituent institution. The notice shall contain the
14 time and place for a hearing on the matter, which shall begin no less than 30
15 days and no more than 90 days after the date of the notice.

16 (3) The Commission shall make available to the constituent institution all
17 documents or other evidence which are intended to be presented at the hearing
18 to the Commission at least 30 days prior to the date of the hearing held in
19 connection with the investigation of a complaint. Any documents or other
20 evidence discovered within less than 30 days of the hearing shall be furnished
21 as soon as possible after discovery but prior to the hearing.

22 (4) At any hearing held by the Commission:

23 a. Oral evidence shall be taken only on oath or affirmation.

24 b. Notwithstanding Article 33 of Chapter 143 of the General Statutes, the
25 hearing shall not be open to the public but shall be held in closed
26 session, unless the student-athlete requests the hearing be open to the
27 public.

28 c. The student-athlete or athletic personnel who filed the complaint shall
29 have the right to present evidence, call and examine witnesses,
30 cross-examine witnesses, introduce exhibits, and be represented by
31 counsel.

32 d. The constituent institution being investigated shall have the right to
33 present evidence, call and examine witnesses, cross-examine
34 witnesses, introduce exhibits, and be represented by counsel.

35 (k) Settlement of Investigations. – The constituent institution who is the subject of the
36 complaint, the student-athlete or athletic personnel who filed the complaint, and the Director of
37 the Commission may meet by mutual consent before the hearing to discuss the possibility of
38 settlement of the investigation or the stipulation of any issues, facts, or matters of law. Any
39 proposed settlement of the investigation is subject to the approval of the Commission.

40 (l) Disposition of Investigations. – After the hearing, the Commission shall dispose of
41 the matter in one or more of the following ways:

42 (1) If the Commission finds substantial evidence of an alleged violation of a
43 criminal statute, the Commission shall refer the matter to the Attorney General
44 for investigation and referral to the district attorney for possible prosecution.

45 (2) If the Commission finds that the alleged violation is not established by clear
46 and convincing evidence, the Commission shall dismiss the complaint.

47 (3) If the Commission finds that the alleged violation of this Article is established
48 by clear and convincing evidence, the Commission shall determine the
49 appropriate sanction for the violation, as provided in G.S. 116-445.

50 (m) Notice of Dismissal. – Upon the dismissal of a complaint under this section, the
51 Commission shall provide written notice of the dismissal to the student-athlete or athletic

1 personnel who filed the complaint and the constituent institution against whom the complaint
2 was filed. Except as provided in subsection (o) of this section, the complaint and notice of
3 dismissal are confidential and not public records.

4 (n) Final Decision. – Except for an appeal of sanctions as provided in G.S. 116-450, the
5 decision of the Commission as to any complaint is final and not subject to appeal.

6 (o) Confidentiality. – Complaints and responses filed with the Commission, and findings,
7 reports and other investigative documents and records of the Commission connected to an inquiry
8 under this section, shall be confidential and not matters of public record, except as otherwise
9 provided in this section or when the student-athlete requests in writing that the complaint,
10 response, and findings be made public. The Commission shall render the findings of its inquiry
11 in writing. If the Commission finds that a violation of this Article has occurred, the complaint,
12 response, and findings shall be made public.

13 **"§ 116-445. Sanctions.**

14 (a) Sanctions. – In addition to any other remedy or penalty authorized by law, a
15 constituent institution that commits a violation of this Article shall be subject to sanctions
16 established pursuant to rules adopted by the Commission. The Commission is authorized to issue
17 one or more of the following sanctions:

18 (1) Requiring the constituent institution to participate in mediation with the
19 Commission.

20 (2) Requiring additional reporting to the Commission.

21 (3) Appointing a monitor to participate in athletic program decision making and
22 reporting back to the Commission.

23 (4) Requiring an athletic program to obtain a professional services contract with
24 another entity.

25 (5) Restricting the sales price of tickets to athletic program events.

26 (6) Restricting participation in post-season events.

27 (7) Terminating one or more teams within the athletic program.

28 (b) Factors for Consideration. – The Commission shall consider all of the following
29 factors when establishing sanctions for a violation of this Article:

30 (1) The number and duration of violations.

31 (2) Whether the violation was the result of an intentional or negligent action.

32 (3) The nature and extent of harm caused by the violation.

33 (c) Payment of Costs. – Any costs associated with the sanctions under subsection (a) of
34 this section shall be paid by the constituent institution.

35 (d) Notwithstanding subsection (a) of this section, the Commission shall have the
36 authority to enter into an alternative agreement with a constituent institution in lieu of sanctions.

37 **"§ 116-450. Appeal of sanctions to Board of Governors.**

38 (a) Appeal. – If the Commission finds that a constituent institution has violated this
39 Article and has issued a sanction for the violation, the constituent institution may appeal the
40 sanction to the Board of Governors.

41 (b) Notice. – A notice of appeal shall be submitted to the Board of Governors within 10
42 days of the Commission's issuance of the sanction. The Board of Governors shall establish a
43 process for constituent institutions to submit appeals and may require appeals to include specific
44 information.

45 (c) Commission Documentation. – The Commission shall provide to the Board of
46 Governors within 10 days of the request any investigative documents and records related to the
47 violation.

48 (d) Reconsideration of Sanctions. – If two-thirds of the membership of the Board of
49 Governors determine that the sanctions assessed by the Commission are arbitrary or capricious,
50 the Board of Governors shall vacate the sanctions assessed by the Commission and shall direct
51 the Commission to reconsider the appropriate sanctions for the violation.

"§ 116-455. No retaliation against student-athletes or athletic personnel.

(a) Organization Retaliation. – No interscholastic or amateur athletic organization that sponsors, oversees, or conducts athletic competitions in North Carolina may penalize or retaliate against any student-athlete or that student-athlete's constituent institution in the event a court issues a valid injunctive order permitting said student-athlete to compete in that organization's event regardless of whether the injunction is later vacated, stayed, or reversed. Any entity violating this section shall be liable to the State for a civil penalty of not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) for each violation.

(b) Constituent Institution Retaliation. – No constituent institution shall penalize or retaliate against any student-athlete or athletic personnel for filing a complaint with the Commission as provided in G.S. 116-440. The Commission may issue sanctions, as provided in G.S. 116-445, upon a finding that a constituent institution has penalized or retaliated against a student-athlete or athletic personnel for filing a complaint.

"§ 116-460. Pro bono legal assistance for student-athletes.

(a) Certified Attorneys. – The Commission, in consultation with the North Carolina State Bar, shall establish a process to certify attorneys to provide pro bono legal assistance for student-athletes. At a minimum, the Commission shall require the following for certification:

- (1) The individual must be an active member of the Bar of the State of North Carolina admitted and licensed to practice as an attorney-at-law.
- (2) The individual must have completed training recognized by the Commission on legal issues related to rights of student-athletes.
- (3) The individual shall verify that they will receive no compensation, whether monetary or otherwise, for their services.

(b) Assignment of Certified Attorneys. – The Commission shall maintain a list of certified attorneys. Constituent institutions shall contact the Commission to request assignment of a certified attorney to a student-athlete for any athletic investigation by a constituent institution related to a student-athlete's athletic eligibility. The constituent institution is only required to ensure the availability of a certified attorney to protect rights established under G.S. 116-410(3), and is not required to ensure access to an attorney for any other criminal or civil matter. The constituent institution shall provide the student-athlete the opportunity to speak with the certified attorney prior to proceeding with the investigation. The opportunity to speak with the certified attorney may be satisfied by confidential in-person, telephonic, or video communications between the certified attorney and the student-athlete.

(c) Waiver. – A constituent institution may request a waiver of the requirement to ensure availability of a certified attorney to a student-athlete prior to beginning an investigation, as provided in G.S. 116-410, if the Commission determines that no certified attorney is available to initially speak with a student-athlete within 48 hours of the request by the constituent institution. The Commission shall assign a certified attorney to the student-athlete as soon as one is available and shall notify the constituent institution that a certified attorney has been assigned and that the student-athlete should be permitted to speak with the certified attorney prior to proceeding with the investigation.

(d) Civil Liability. – Any attorney serving as a certified attorney under this section shall not be civilly liable for acts or omissions committed in connection with any assistance provided to a student-athlete in an investigation if the attorney acted in good faith and was not guilty of gross negligence.

"§ 116-465. Injured Student-Athlete Scholarship Trust Fund.

(a) Scholarship Trust Fund. – There is established the Injured Student-Athlete Scholarship Trust Fund to be maintained by the Commission.

(b) Contributions. – Each constituent institution that has an athletic program shall provide one percent (1%) of all revenue derived from the sale of tickets to athletic program events in the

1 prior academic year by the constituent institution to the Scholarship Trust Fund no later than July
2 1 annually.

3 (c) Investment of Funds. – All funds (i) received from constituent institutions as provided
4 in subsection (b) of this section and (ii) earned as interest on these funds shall be placed in the
5 Scholarship Trust Fund. The purpose of the Scholarship Trust Fund is to provide scholarships to
6 constituent institutions to award to qualifying students.

7 (d) Qualifying Students. – A student is a qualifying student for purposes of this section if
8 the student meets the following qualifications:

9 (1) At the time of injury, was a member of an athletic program at the constituent
10 institution.

11 (2) Sustained an injury in connection with participation in the athletic program
12 that resulted in a determination by medical personnel that the student was not
13 medically eligible to participate in the athletic program during the remainder
14 of the student's period of athletic eligibility.

15 (e) Award of Scholarship. – A qualifying student shall be awarded by the constituent
16 institution an injured student-athlete scholarship that covers at least the same percentage of the
17 cost of attendance as the qualifying student's prior athletic scholarship. The scholarship shall be
18 awarded for the following duration, whichever is earlier:

19 (1) Through the completion of the student-athlete's undergraduate degree.

20 (2) Five years from the student-athlete's first semester of athletic eligibility.

21 (f) Scholarship Funding. – A constituent institution shall provide documentation on the
22 qualifying student and amount of the injured student-athlete scholarship to be awarded to that
23 student, and an amount equivalent to that scholarship shall be awarded to the constituent
24 institution from the Scholarship Trust Fund. In the event that there are insufficient funds in the
25 Scholarship Trust Fund for all requests received from constituent institutions, funds shall be
26 distributed by pro rata share.

27 (g) Rules. – The Commission shall adopt rules to implement this section.

28 **"§ 116-470. Annual report.**

29 The Commission shall report to the Board of Governors of The University of North Carolina
30 and the Joint Legislative Education Oversight Committee annually, no later than August 15 each
31 year, on the status of student-athlete protection under this Article. The report shall include at least
32 the following:

33 (1) Number of complaints made to the Commission under G.S. 116-440,
34 including a breakdown of complaints based on the following:

35 a. Type of complainant (student-athlete or athletic personnel).

36 b. Constituent institution identified in the complaint.

37 c. Sport or sports affected by the alleged violation.

38 d. Type of alleged violation.

39 (2) Number of violations found by the Commission under G.S. 116-440,
40 including a breakdown of violations based on the following:

41 a. Type of complainant (student-athlete or athletic personnel).

42 b. Constituent institution identified in the complaint.

43 c. Sport or sports affected by the violation.

44 d. Type of violation.

45 (3) Number and dollar amount of injured student-athlete scholarships awarded
46 under G.S. 116-465.

47 (4) Data from databases maintained under G.S. 116-435 not otherwise required
48 by subdivision (2) of this section.

49 (5) Any recommended changes in law to better protect the rights of
50 student-athletes."

51 **SECTION 1.(b)** G.S. 163A-152(70) reads as rewritten:

1 "(70) Public servants. – All of the following:

2 ...

3 w. The director of the University Student-Athlete Protection
4 Commission."

5 **SECTION 1.(c)** Notwithstanding G.S. 116-420, as enacted by this act, initial
6 appointments to the University Student-Athlete Protection Commission shall be made by the
7 appointing authority no later than July 1, 2019, and shall be as follows:

8 (1) The Board of Governors shall appoint:

9 a. Two members to a term to expire July 1, 2021.

10 b. One member to a term to expire July 1, 2023.

11 (2) The General Assembly, upon the recommendation of the President Pro
12 Tempore of the Senate, shall appoint:

13 a. One member to a term to expire July 1, 2021.

14 b. Two members to a term to expire July 1, 2023.

15 (3) The General Assembly, upon the recommendation of the Speaker of the House
16 of Representatives, shall appoint:

17 a. One member to a term to expire July 1, 2021.

18 b. Two members to a term to expire July 1, 2023.

19 **SECTION 1.(d)** Notwithstanding G.S. 116-420, as enacted by this act, the
20 University Student-Athlete Protection Commission shall hold an initial meeting no later than
21 August 1, 2019. The University of North Carolina General Administration shall provide
22 temporary staff and meeting space for the Commission until October 1, 2019.

23 **SECTION 2.(a)** The University Student-Athlete Protection Commission shall study
24 the relationship between student-athletes, constituent institutions, and the National Collegiate
25 Athletic Association from a health care perspective. In conducting the study, the Commission
26 shall evaluate and make recommendations to improve the health, safety, and welfare of
27 student-athletes by examining such topics as:

28 (1) Health insurance coverage.

29 (2) Athletic injuries, including return-to-play decisions and medical management.

30 (3) Consistency in health and safety standards.

31 (4) Any other relevant topics the Commission deems appropriate.

32 **SECTION 2.(b)** The study may include input from other states, stakeholders, and
33 experts on health care, as deemed necessary. The Commission's recommendations shall include
34 a proposed time line for implementation of any suggested changes.

35 **SECTION 2.(c)** The Commission shall submit a final report of its findings and
36 recommendations to the Joint Legislative Oversight Committee on Health and Human Services
37 and the Joint Legislative Education Oversight Committee by December 1, 2020.

38 **SECTION 3.(a)** The University Student-Athlete Protection Commission shall
39 collaborate with the chief academic officers at each constituent institution to study ways to
40 improve academic support provided to student-athletes by constituent institutions. In conducting
41 the study, the Commission shall consider the following:

42 (1) Evaluating ways athletic time constraints interact with academic time
43 requirements and recommending any criteria or restrictions in order to ensure
44 student-athletes have the necessary time available to devote to academic
45 pursuits.

46 (2) Studying student-athlete's selection of courses and majors for the past three
47 academic years and identifying any necessary reform to ensure independence
48 when courses and majors are selected by student-athletes.

49 (3) Examining the creation of a summer internship program specifically designed
50 to accommodate student-athletes and to provide opportunities to explore
51 career interests.

(4) Any other relevant topics the Commission deems appropriate.

SECTION 3.(b) The Commission shall submit a final report of its findings and recommendations to the Joint Legislative Education Oversight Committee by December 1, 2020.

SECTION 4.(a) The University Student-Athlete Protection Commission shall study ways to compensate student-athletes for participation in athletic programs at constituent institutions. The Commission shall consider the following in conducting the study:

(1) Feasibility and obstacles of constituent institutions awarding grant-in-aid up to the full cost of attendance to student-athletes.

(2) Exploring substantially less restrictive alternatives to the National Collegiate Athletic Association's current rules on compensating student-athletes.

(3) Ongoing and recent litigation involving the compensation of student-athletes.

(4) Any other relevant topics the Commission deems appropriate.

SECTION 4.(b) The Commission shall submit a final report of its findings and recommendations to the Joint Legislative Education Oversight Committee by December 1, 2021.

SECTION 5.(a) The University Student-Athlete Protection Commission shall study how to create a system for a student-athlete to request and receive records pertaining to an investigation by the constituent institution of the student-athlete in a timely manner. In conducting the study, the Commission shall consider all of the following:

(1) Establishing a streamlined method for student-athletes to submit record requests to a constituent institution.

(2) Setting reasonable deadlines for a constituent institution to provide records to student-athletes.

(3) Reviewing issues related to confidentiality.

(4) Any other relevant topics the Commission deems appropriate.

SECTION 5.(b) The Commission shall submit a final report of its findings and recommendations to the Joint Legislative Education Oversight Committee by December 1, 2021.

SECTION 6. G.S. 116-143.6 reads as rewritten:

"§ 116-143.6. Full scholarship students attending constituent institutions.

(a) Notwithstanding any other provision of law, if the Board of Trustees of a constituent institution of The University of North Carolina elects to do so, it may by resolution adopted consider as residents of North Carolina all persons who receive full ~~scholarships, unless the scholarship is for athletics,~~ scholarships to the institution from entities recognized by the institution and attend the institution as undergraduate students. The aforesaid persons shall be considered residents of North Carolina for all purposes by The University of North Carolina.

(b) The following definitions apply in this section:

(1) "Full cost" means an amount calculated by the constituent institution that is no less than the sum of tuition, required fees, and on-campus room and board.

(2) "Full scholarship" means a grant that meets the full cost for a student to attend the constituent institution for an academic year.

(c) This section shall not be applied in any manner that violates federal law.

(d) This section shall be administered by the electing constituent institution so as to have no fiscal impact.

(e) In administering this section, the electing constituent institution shall maintain at least the current number of North Carolina residents admitted to that constituent institution."

SECTION 7. The University Student-Athlete Protection Commission shall adopt rules for health and safety standards and athletic personnel codes of conduct as required by G.S. 116-435, as enacted by this act, by January 1, 2020. Constituent institutions shall comply with G.S. 116-410, as enacted by this act, and with the rules for health and safety standards and athletic personnel codes of conduct established by the Commission as provided in G.S. 116-435, as enacted by this act, beginning July 1, 2020. Complaints for violations as provided in G.S. 116-440, as enacted by this act, occurring on or after July 1, 2020, shall be submitted to the

1 University Student-Athlete Protection Commission on or after August 1, 2020. G.S. 116-465, as
2 enacted by this act, applies to qualifying students who sustained injuries during or after the
3 2016-2017 academic year.

4 **SECTION 8.** If any provision of this act or its application is held invalid, the
5 invalidity does not affect other provisions or applications of this act that can be given effect
6 without the invalid provisions or applications, and to this end, the provisions of this act are
7 severable.

8 **SECTION 9.** This act is effective when it becomes law.