



Testimony of Jon Steinbrecher
Commissioner, The Mid-American Conference (MAC)

For the U.S. House of Representatives Energy & Commerce Committee,
Subcommittee on Innovation, Data, and Commerce
Hearing Entitled “NIL Playbook: Proposal to Protect Student Athletes' Dealmaking Rights”

Thursday, January 18, 2024

Chairman Bilirakis, Ranking Member Schakowsky, and members of the Subcommittee on Innovation, Data, & Commerce, thank you for the opportunity to provide written testimony for this hearing. The Mid-American Conference would also like to thank Congresswoman Dingell for her engagement on the issues facing college athletics and for working with Subcommittee Chair Bilirakis on his draft FAIR College Sports Act bill to help advance much-needed legislation. The following four key points are central to my testimony:

- The MAC fully supports name, image, and likeness (NIL) opportunities for collegiate athletes. Many NIL endeavors provide important financial, educational, professional networking, career development, and service dimensions. However, there must be certain safeguards in place that will prevent pay-for-play and help insure more equitable opportunities for female and male student-athletes.
- There should be a national set of rules and oversight of collegiate athletics, and for that, federal legislation is needed to preempt state-level NIL regulations. Collegiate athletics is national in scope and thus its rules should be as well. Leaving regulation to the states creates confusion and unnecessary complexity and, as we are already seeing, race-to-the-bottom type of pressure that does not have the student-athlete’s best interests necessarily in mind.
- The MAC does not support the designation of student-athletes as employees. Regardless of the evolution of colleges’ relationships with student-athletes, the relationship must remain anchored in the concept that the student’s primary purpose is to attain a degree and that each student-athlete is first and foremost, a student. While the current concept surrounding the relationship between student-athletes and their universities is changing with the addition of NIL deals, Congress should ensure that college athletes are not considered employees.



- The MAC firmly believes that the health and well-being of our student-athletes is a priority. However, efforts to ensure such must be done with all institutions and programs in mind and not be done at the expense of student-athletic opportunities. We believe that the new NCAA guidelines starting this year are a great step in the right direction in protecting our student-athletes and providing them with the best care possible.

The following is broader testimony supporting these key points. This narrative is important to fully understanding the values and guiding principles of the Mid-American Conference, and our commitment to the student-athlete experience.

The Mid-American Conference

Founded in 1946, the Mid-American Conference (MAC) is an NCAA Division I, 12-member conference that sponsors 23 championships and is one of 10 members of the Football Bowl Subdivision (FBS). With a total enrollment of nearly 300,000 students, the league represents institutions of higher learning in five states – Illinois, Indiana, Michigan, New York, and Ohio. The Mid-American Conference office is based in Cleveland, OH.

In addition to providing over 6,000 collegiate athletes with participation opportunities, the MAC provides programming and services intended to support student-athletes, coaches, administrators, and faculty, including:

- A student-athlete-centered Mental Health Program
- An Academic Leadership Development Program
- Conference Governance leadership in students' voices

The MAC also boasts high graduation rates across all of its athletic teams, with most teams regularly passing 90%. Furthermore, the MAC is one of the few FBS conference's that spends more on each student's academic success than on their athletics, including spending more on student-athlete grants-in-aid than on coaches compensation, highlighting our deep commitment to each student-athlete's education and status as a student first and foremost.



Name Image and Likeness (NIL) Opportunities

Just like all other students, MAC student-athletes can profit off their name, image, and likeness (NIL). The MAC fully supports NIL opportunities, as many provide important educational, professional networking, career development, and service dimensions, all of which assist in preparing student-athletes to make meaningful contributions to society.

That being said, safeguards are needed to protect the interests of the student-athlete and to prevent NIL arrangements from becoming incentives for recruitment and pay-for-play.

Federal Preemption

The MAC believes that regulations impacting collegiate athletics, such as those involving NIL, should be national in scope. Preemptive federal-level intervention is in the best interest of intercollegiate athletics and higher education, rather than a state-by-state legislative approach. Many states have already passed NIL laws and have created a patchwork network of different standards, rules, and regulations. This patchwork approach will lead to recruiting advantages for some schools and disadvantages for others. This system also eliminates or severely hinders the ability to conduct fair and equitable competition at the national level and within conferences. Additionally, some state laws have little or no regulations around who can represent student-athletes or the reporting of the deals struck between the parties. This leaves ample space for predatory actors to take advantage of student-athletes in the signing of NIL contracts.

Student-Athlete Employment Status

The MAC opposes policies supporting the designation of student-athletes as employees. The idea that a student-athlete, who is fully participating in the academic and co-curricular opportunities available on our campuses, would be considered an employee of that institution as a result of that engagement is incongruent with the notion that the student-athlete is first and foremost, a student. Allowing student-athletes to be deemed employees of their prospective institutions creates a plethora of unintended secondary consequences including, but not limited to, new substantial tax strains on student-athletes, complications related to hiring and firing “for cause”, a massive new financial burden for each institution, and more.



It is the MAC's firm belief that our primary relationship with our students is that of an educator and a student, not an employer and their employee, and that that relationship should be looked at holistically, across institutions and programs, rather than narrowly focused as we are seeing in current court and administrative cases.

The Health and Wellbeing of Student Athletes

The MAC is firmly committed to seeing our student-athletes receive the best care possible while they are students at our institutions and for a reasonable amount of time afterward. The MAC believes that student-athletes should not have to pay out of pocket for medical care relating to their time as athletes for the institution they attend and supports measures ensuring that each player's medical care is taken care of financially. The MAC has also been a fervent supporter of mental health care initiatives for student-athletes and has taken several substantial measures to ensure our student-athletes receive only the best mental health care when they need it. The MAC has created required annual mental health affidavits for each member, which must be filled out every year, and it has established a mental health well-being committee, with representation from each member institution to help further student-athlete well-being regarding a variety of issues, including concussions and familial issues. With this sincere concern for our student-athletes' well-being in mind, it should be noted that the MAC supports reasonable measures to ensure the health of our student-athletes, including the current NCAA guidelines allowing for institutions to cover payment of medical costs for up to 2 years after graduation.

Closing

Since 1852, collegiate athletics has been an important, vital part of the American collegiate experience. While collegiate athletics, like many institutions, needs to and continues to change, the challenges it now faces speak to the core of what collegiate athletics stands for. Due to the nature of these challenges, Congress is best situated to address them, and the solutions for these challenges must preserve the universally-considered positives of intercollegiate athletics – its connectivity to the educational mission and provision of opportunity to hundreds of thousands of students.

To accomplish this, it will take the leadership that Subcommittee Chair Bilirakis and Congresswoman Dingell have displayed. I thank the Subcommittee for having this hearing and urge all its Members and the rest of Congress to act.



Thank you for your time.

Dr. Jon A. Steinbrecher

Commissioner

Mid-American Conference