



**Written Testimony of Patrick Chun
Director of Athletics
Washington State University**

before the

Committee on Energy & Commerce, Subcommittee on Innovation, Data and Commerce

**U.S. House of Representatives
Wednesday March 29, 2023**

Madam Chair McMorris Rodgers, Ranking Member Pallone, Subcommittee Chair Bilirakis, Ranking Member Schakowsky, Congresswoman Schrier, from the state of Washington, and distinguished members of the House Energy and Commerce Subcommittee on Innovation, Data and Commerce, thank you for the opportunity to appear before you today to discuss protecting Name, Image and Likeness (NIL) rights for college student-athletes.

On behalf of Washington State University and our President Kirk Schulz, thank you Congresswoman McMorris Rodgers for the leadership you provide to eastern Washington. Specific to NIL, we are appreciative of you and your staff leaning in and learning more about this important topic by continuing to engage directly with our President, student-athletes, and our Athletics staff.

My name is Patrick Chun. I have worked in college athletics for over 25 years and currently serve as the Director of Athletics at Washington State University (WSU). As the son of two

immigrants from South Korea, I hold the distinction of being the first and only Asian American to serve as a Director of Athletics at a Power Five conference institution. Prior to coming to WSU in 2018, I served five years as the Director of Athletics at Florida Atlantic University, where the athletics program sponsored 18 varsity sports. I began my college athletics career at my alma mater, The Ohio State University, where I spent 15 years in numerous roles supporting the more than 1000 student-athletes across 36 varsity sports.

WSU is a public land-grant research institution with five physical campuses across the state of Washington and one global campus, with the main campus located in the Eastern Washington town of Pullman. The Pullman campus is the largest of our five campuses serving 17,827 undergraduate and graduate students. Our athletics program sponsors 17 varsity sports comprised of nearly 500 student-athletes, including the reigning Pac-12 Conference women's basketball champions. The mission of the WSU Department of Athletics is to unleash excellence and provide a transformational student-athlete experience. WSU Athletics prides itself on being one of the most fiscally efficient athletic departments in the country. Our student-athletes continue to perform at extraordinary levels, both in the classroom and on their fields of competition, despite our budget consistently ranking amongst the lowest at the Power Five conference level. Our student-athletes currently hold a school-record 3.22 cumulative grade point average and most recent reporting shows that WSU student-athletes graduate at an eight percent higher rate than the general student population, while also earning a 91% NCAA Graduation Success Rate, the highest in school history. Making these achievements even more impactful, more than 20 percent of our student-athletes are first-generation college students.

Washington State University is positioned in leadership roles throughout college athletics. President Schulz currently sits on the College Football Playoff Board of Managers and the Pac-12 Conference Board of Directors Executive Committee. Later this year, he will assume the role of chair of the Pac-12 Executive Committee. In 2015, President Schulz served as chair of the NCAA Board of Governors. Last year, I was honored to serve on the 21-member NCAA Division I Transformation Committee, which included presidents, faculty athletic representatives, directors of athletics, senior woman administrators and former student-athletes. The Transformation Committee was charged with identifying opportunities to modernize college sports and putting forth recommendations. Success was measured in part by whether our recommendations elevate the experience of today's student-athletes. Previously, I served on the NCAA Constitution Committee, chaired by former Secretary of Defense Dr. Robert M. Gates. The Constitution Committee was charged with redrafting the principles, governing structure and membership commitments found in the NCAA Constitution. Currently, I serve on the NCAA Division I Council, a body responsible for the legislative oversight of Division I athletics. Also, I am the First Vice President of the National Association of Collegiate Directors of Athletics, a professional association for those in the field of athletics administration, providing educational opportunities, as well as serving as a vehicle for networking and the exchange of information. Along with President Schulz, our leadership positions in college athletics have uniquely positioned WSU to understand the impacts of NIL and to provide education and guidance for today's student-athletes on this important issue.

WSU takes great pride in the programs we deliver to our student-athletes and our focus is on the total development of our student-athletes. We provide programming to our student-athletes,

focused on leadership and career development, community service and Diversity, Equity and Inclusion awareness, among other areas. In preparation for the national launch of Name, Image and Likeness, WSU Athletics partnered with the institution's Carson College of Business to develop a credited course covering the foundations of NIL to ensure our student-athletes are educated, empowered, and protected. This partnership continues today. Additionally, we employ full-time staff to educate and permissibly assist our student-athletes regarding NIL opportunities, while in compliance with all relevant NCAA and State of Washington regulations.

With the ongoing focus on student-athlete benefits and services, a WSU student-athlete receives:

- Tuition and fees, room and board, books, and cost of attendance (scholarship student-athlete)
- Academic-related stipend (scholarship student-athlete)
- Student-athlete development
- Academic support
- Mental Health support
- Sports Medicine care
- Strength and Conditioning coaching
- Nutritional support and education
- Equipment and apparel
- Access to NCAA Student Assistance Fund

In addition to the benefits and services above, as a student-athlete in the Pac-12 Conference, WSU student-athletes are guaranteed the following:

- Four-year athletic scholarships in all sports (scholarship student-athlete)

- Medical expenses for those injured during their college athletic careers with coverage for up to four years after leaving the institution
- Student-athlete representation in the conference governance structure
- Degree-completion funding (scholarship student-athlete)

College athletics is facing significant challenges with no simple solutions. At the conclusion of the Transformation Committee work, recommendations were submitted to the NCAA Division I Board of Directors and approved in January of this year

(<https://www.ncaa.org/news/2023/1/12/media-center-statement-from-division-i-transformation-committee-co-chairs.aspx>).

These recommendations introduced the holistic model for student-athletes, which sets expectations for the support of their health, safety, and well-being. The recommendations also called for elevating the championship experience and creating a fairer, faster, and equitable NCAA governance model. Still, the Transformation Committee met weekly for a year to examine the major issues with key stakeholders, including current student-athletes, and decision-makers around the table, and although progress was made, there are major, complex problems in dire need of solutions. Significant challenges remain in the college athletics ecosystem including:

Academics/Employment

The primacy of academics is at the foundation of every institution of higher education. While college athletics has evolved into a multibillion-dollar industry, our mission remains to educate young people and prepare them for their respective futures. We use what is learned in competition to complement what is taught in the classroom. This relationship extends far beyond

the provision of benefits and seeks to develop and empower the individual. Any change to this relationship will forever alter the students' collegiate experience.

Proposed state legislation and ongoing litigation may impact student-athlete employment status, and the issue threatens to cause irreparable damage to the student-athlete experience. Certain aspects of a potential employer-employee relationship should be considered with caution. The notion that a student-athlete could be fired for underperformance undermines the very core of the educational mission. Additionally, transitioning to employment status could erode many of the benefits and guarantees that student-athletes currently receive through potential tax implications. Lastly, if one group of student-athletes becomes employees, such as those in high revenue-producing sports, demands and legal claims could be made that all student-athletes should become employees. The financial impact could lead to the reduction of opportunities for broad-based participation on campuses around the country, resulting in significant Title IX implications threatening generations of hard-fought progress in women's sports.

Name, Image and Likeness (NIL)

While Washington State takes pride in the benefits and experiences it provides our student-athletes, we acknowledge there is a need for more. NIL was intended to be the next significant benefit permissible for student-athletes. Like any other student on campus, student-athletes deserve the right to monetize their Name, Image and Likeness based on their reputation and platform. Although true NIL provides tremendous opportunities for student-athletes, the existing environment consists of recruiting inducements, tampering and ultimately pay-for-play, and is wrought with pitfalls and misinformation. Recent reports in the media suggest that current

student-athletes across the country are being approached with empty promises which lead to false expectations. From my role as the Director of Athletics, and as a member of numerous NCAA committees, it is my belief the current NIL environment is toxic for our student-athletes and unsustainable.

Name, Image and Likeness/Equity/Transparency

Student-athletes are negatively impacted by the inequity and lack of transparency in the NIL marketplace. Just one example of inequity is revealed by research provided by Navigate, a sports data and valuation company. The research, focused on compensation for influencers, states approximately 77% of the general (non-college athletics) NIL compensation is earned by women. Comparatively, the research suggests women student-athletes are receiving just 16.2% of the college athletics NIL compensation. These numbers support the widespread belief that the collegiate athletics NIL market is not reflective of the true value of a student's NIL. Without disclosures, institutions and student-athletes are not able to properly assess NIL opportunities for fairness and equity. Only with accurate and required transactional information can student-athletes ensure they are not being taken advantage of by bad actors giving false promises. By shielding information, third parties have profited from the uninformed decisions of student-athletes. Only with oversight and uniform regulation will unscrupulous third parties begin to act with the best interest of student-athletes at heart.

Call to Action

On behalf of Washington State University and President Schulz, we are committed to being a part of the solution. We respectfully ask Congress to partner with the NCAA and our member

institutions to develop federal standards that provide transparency and enforceable safeguards to mitigate the negative impact of the existing NIL environment. This will help ensure student-athletes benefit from the full potential of their NIL. It is also vital that we affirm the current relationship between student-athletes and institutions. WSU supports meaningful oversight that provides protection and value to the student-athlete and ensures that institutions and outside entities are complying with standardized rules and governing policies.