

By: Representatives Snowden, Montgomery

To: Universities and Colleges

HOUSE BILL NO. 1387

1 AN ACT TO CREATE THE MISSISSIPPI COLLEGIATE ATHLETIC
2 ASSOCIATION PROCEDURES ACT; TO MAKE LEGISLATIVE FINDINGS AND
3 DECLARATIONS; TO REQUIRE DUE PROCESS IN PROCEEDINGS INVOLVING
4 COLLEGE ATHLETICS; TO PROHIBIT AN ASSOCIATION FROM IMPOSING ANY
5 PENALTIES IN VIOLATION OF THE DUE PROCESS REQUIREMENTS OF THIS
6 ACT; TO PROVIDE JUDICIAL REMEDIES; TO PROVIDE LIABILITY FOR
7 PARTIES WHO VIOLATE THE PROVISIONS OF THIS ACT; TO PROVIDE FOR
8 JUDICIAL REVIEW OF ANY PENALTY IMPOSED BY AN ASSOCIATION; AND FOR
9 RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 SECTION 1. This act shall be known and may be cited as the
12 "Mississippi Collegiate Athletic Association Procedures Act."

13 SECTION 2. The Legislature hereby finds and declares that:

14 (a) The National Collegiate Athletic Association is a
15 national unincorporated association consisting of public and
16 private colleges and universities and is a private monopolist
17 that controls intercollegiate athletics throughout the United
18 States;

19 (b) The National Collegiate Athletic Association adopts
20 rules governing member institutions' admissions, academic
21 eligibility, and financial aid standards for collegiate athletes;

22 (c) A member must agree contractually to administer its
23 athletic program in accordance with National Collegiate Athletic
24 Association legislation;

25 (d) National Collegiate Athletic Association rules
26 provide that association enforcement procedures are an essential
27 part of the intercollegiate athletic program of each member
28 institution;

29 (e) The National Collegiate Athletic Association
30 exercises great power over member institutions by virtue of its

31 monopolistic control of intercollegiate athletics and its power to
32 prevent a nonconforming institution from competing in
33 intercollegiate athletic events or contests;

34 (f) Substantial monetary loss, serious disruption of
35 athletic programs, and significant damage to reputation may result
36 from the imposition of penalties on a college or university by the
37 National Collegiate Athletic Association for what the association
38 determines to be a violation of its rules; and

39 (g) Because of such potentially serious and far
40 reaching consequences, all proceedings which may result in the
41 imposition of any penalty by the National Collegiate Athletic
42 Association should be subject to the requirements of due process
43 of law.

44 **SECTION 3.** Every stage and facet of all proceedings of a
45 collegiate athletic association, college, or university that may
46 result in the imposition of a penalty for violation of such
47 association's rule or legislation shall comply with due process of
48 law as guaranteed by the Constitution of Mississippi and the laws
49 of Mississippi.

50 **SECTION 4.** No collegiate athletic association shall impose a
51 penalty on any college or university for violation of such
52 association's rule or legislation in violation of the due process
53 requirements of the Mississippi Collegiate Athletic Association
54 Procedures Act.

55 **SECTION 5.** No collegiate athletic association shall impose a
56 penalty on any college or university for failure to take
57 disciplinary action against an employee or student for violation
58 of such association's rule or legislation in violation of the due
59 process requirements of the Mississippi Collegiate Athletic
60 Association Procedures Act.

61 **SECTION 6.** A collegiate athletic association that violates
62 the Mississippi Collegiate Athletic Association Procedures Act
63 shall be liable to the aggrieved college or university in an

64 action at law, suit in equity, or other proper proceeding for
65 redress. No penalty shall be threatened against or imposed upon
66 an aggrieved college or university for seeking redress pursuant to
67 this section.

68 **SECTION 7.** In addition to costs and a reasonable attorney's
69 fee, a collegiate athletic association that violates the
70 Mississippi Collegiate Athletic Association Procedures Act shall
71 be liable to the aggrieved college or university for an amount
72 equal to one hundred percent (100%) of the monetary loss per year
73 or portion of a year suffered during the period that any monetary
74 loss occurs due to a penalty imposed in violation of this act.
75 For purposes of calculating monetary loss, one hundred percent
76 (100%) of the yearly loss shall be equal to the gross amount
77 realized by the affected athletic program during the immediately
78 preceding calendar year.

79 **SECTION 8.** A collegiate athletic association, college, or
80 university which subjects, or causes to be subjected, and employee
81 or student to a penalty in violation of the Mississippi Collegiate
82 Athletic Association Procedures Act shall be liable to the party
83 injured in an action at law, suit in equity, or other proper
84 proceeding for redress. No penalty shall be threatened against or
85 imposed upon an aggrieved party for seeking redress pursuant to
86 this section. In addition to any other relief granted, an
87 aggrieved employee or student shall be awarded costs and a
88 reasonable attorney's fee.

89 **SECTION 9.** Any penalty imposed by any collegiate athletic
90 association, college, or university shall be subject to judicial
91 review in the chancery court sitting in and for the county in
92 which the principal offices of such collegiate athletic
93 association, college, or university is situated.

94 **SECTION 10.** The remedies provided in the Mississippi
95 Collegiate Athletic Association Procedures Act are cumulative and
96 in addition to any other remedies provided by law.

97 **SECTION 11.** This act shall take effect and be in force from
98 and after its passage.