

HB 4306 - New Suggested Additions to Introduce – 9/28/21

To Establish Accountability & Build Preventive Measures for CSC within Sports at the Collegiate Level

New Special Category: “Your Voice is Heard”- College Athlete Law (CSC Protection for College Athletes)

- ❖ Form a specific category for college athletes collectively under a **special class of individuals called “Amateur Athletes”**, to provide constitutional CSC protective measures under the law for college athletes.
 - Create a specialty clause for College Athletes, which would provide special CSC coverage during their tenure in collegiate sports under ALL NCAA (Including “Redshirt Athletes” and the like) Title IX, and any other recognized agency guidelines and regulations.
 - Under this special class of **“Amateur Athletes”**, a claim would not begin to accrue until after the expiration of their NCAA college years, graduation from the institution, transfer to professional league, or their 24th birthday, whichever is later.
 - At the age/time the **“Amateur Athletes”** claim begins to accrue under this statute, the athlete’s claim would then fall under the same statutes as any other victim of CSC, subject to subsection (3). For example, an **“Amateur Athlete”** who’s claim began to accrue at 24 years of age, would have until the age of 34 years to recover damages (if the ten-year time limit is provided for general CSC claim accrual).

Accountability & Prevention – A New Foundation for Future Justice & Athlete Safety (Application of Discovery & Liability)

- ❖ If a victim of CSC at a University or College (i.e., College Athlete) proves it was caused or resulted in a “cover-up” or any level of aiding or enablement of the abuser, the person(s) and/or institution would be liable for **Treble the Damages**.
 - **Example of Elements for Accountability & Prevention:**
 - ✓ ***An act of liability for treble the damages** against any individual, person(s) or entity alleged to have committed CSC, **if the victim proves** there was (1) any concerted effort to hide evidence or knowledge relating to the CSC; and/or (2) mislead, misconstrue or misrepresent the victim or information relating to the CSC; and/or (3) the CSC was facilitated, aided, supported, and/or “overlooked” to escape or evade consequences, prosecution and/or to intentionally silence a victim (i.e. threats, lack of protection or stereotyping); and/or (4) the CSC is “allowed”, ignored/discounted or made indifferent for means of non-economic profit, financial gain or reputation.*

Justification: (1) To address the lack of accountability at the University and College level for CSC within civil law, by creating and implementing preventive measures capable of holding any person(s) and/or entities responsible for their actions or inactions for CSC acts committed within their institutions. (2) **To form a more direct applicable law that speaks to the unique dynamic of CSC for athletes within college sports, and one that can match the types of power, monetary means, and reach, these entities innately have when it comes to CSC and the extreme levels of enablement, evasiveness, and secretive nature of the conduct.** (3) To provide a constitutive preventive measure within civil law, through a more relevant use of the discovery rule, that would in turn not require a victim to rely only on the law of **“Fraudulent Concealment”**, which legal elements are truly meant/designed for product law and NOT CSC. **However, adding this verbiage would allow for victims to pursue entities for “cover-ups” (i.e., hiding or destroying evidence etc.), turning a blind eye, silence, and/or causing additional injury or trauma resulting from a failure to act and/or not reporting CSC for non-economic or indirect profit, financial gain, or reputation.** (4) Thus, creating this construct of accountability and prevention through an application of the law will not only provide an intrinsic source for victim justice, but it will also demonstrate to the masses the seriousness and severity that the legal system holds regarding CSC within Civil Law and not only within Criminal Law.