

**ADDRESSING DOMESTIC VIOLENCE IN  
PROFESSIONAL SPORTS**

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**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

**ONE HUNDRED THIRTEENTH CONGRESS**

**SECOND SESSION**

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**DECEMBER 2, 2014**  
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ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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## ADDRESSING DOMESTIC VIOLENCE IN PROFESSIONAL SPORTS

TUESDAY, DECEMBER 2, 2014

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:32 p.m. in room SR-253, Russell Senate Office Building, Hon. John D. Rockefeller IV, Chairman of the Committee, presiding.

### OPENING STATEMENT OF HON. JOHN D. ROCKEFELLER IV, U.S. SENATOR FROM WEST VIRGINIA

The CHAIRMAN. The hearing will come to order.

Sports have always played a huge role, culturally and otherwise, in the United States. Just last week on Thanksgiving, millions of Americans were probably paying more attention to their TV sets than to their turkeys. It's part of our cultural deal. I hope it's a good one. Athletes have become icons in America. I remember my, at that time 10-year-old, son had this gigantic poster of Ray Nitschke. It took up half his room. That's the way it was then. He's now 45. That's the way it was then, it's the way it is now.

Whether we like it or not, major league athletes serve as role models for our youth. Generations of children have grown up watching sporting events with their parents—it's a family affair—and game day traditions have been handed down from one generation to the next, just literally. It's an amazing American phenomenon. Kids wear the jerseys of their favorite players, they have their posters, and collect their cards, most of which are not charged for, I guess. But it's an amazing figure, and it's one that we want to talk about.

Given this reality, I hope we can skip protestations about how domestic violence is a larger societal problem and not unique to sports. We often get that. It's not known by most, but this committee has complete and absolute jurisdiction, that is oversight, over all sports at all levels, and we have exercised it with college sports, the NCAA, and we are doing through the courtesy of your presence. Of course, it's a societal problem, and it's a grievous one, and it's kind of come upon us really fast in terms of public awareness and the coverage of it. But as a nation, we have a responsibility to collectively and aggressively address this terrible problem. We all do, you, we.

But given the high-profile nature of professional sports, when a celebrity athlete is charged with committing domestic violence, it uniquely reverberates through our society in fascinating ways. And

because professional sports enjoy unique benefits bestowed upon them by the public, such as public funds for stadiums or exemptions from antitrust laws, it's entirely proper for this committee to focus its attention on how professional sports leagues and their unions are handling the problem of domestic violence within their ranks.

At today's hearing, I want to learn what the four major professional sports leagues and their players' associations are doing to address this problem, and we really do want to find out. I want to know if you're developing uniform policies that will effectively and appropriately punish players who commit what are criminal acts against women and children. I want to learn what the leagues can already do with their existing authorities—the NFL comes to mind on that—and what must be the subject of new collective bargaining, which may be more popular with some than with others.

I also want to be clear. The problem of domestic violence in professional sports is not a problem unique to the NFL. The NFL has made most of the recent headlines in recent months, both for shocking and high-profile incidents and for the league's controversial response. All of the professional sports leagues represented here today, however, have a problem with athletes or employees who have committed violent, criminal acts, all of them. And I can give them to you if you try to deny it.

Until very recently, the leagues' records have not been good. There's a long list of players in the NFL, the NBA, the NHL, and Major League Baseball who have been charged with, and in some cases convicted of, domestic violence, and the leagues have done little or nothing in response. In fact, the press has reported that a culture of silence within the leagues often prevents victims from reporting their abuse to law enforcement. This has to change. There are reasons for that, financial, etc. The culture is silence, because in most case, the athlete being male, the wife doesn't want to give up the salary, and all of these things come into it. But it has to stop, and that's what we're here for, to talk about it and to move forward.

My very excellent Co-Chair here, Senator Thune.

**STATEMENT OF HON. JOHN THUNE,  
U.S. SENATOR FROM SOUTH DAKOTA**

Senator THUNE. Thank you, Mr. Chairman, for holding this hearing to discuss the serious issue of domestic violence in professional sports.

And let me just say that I was that 10-year-old kid that you're talking about who grew up aspiring, admiring and idolizing professional athletes. I grew up in a small town in South Dakota of 800 people, where we didn't get a newspaper until the following day. You didn't get box scores, you got line scores to follow your baseball players. We got one television channel, the CBS affiliate, so I got to watch the Green Bay Packers twice a year which happened to be the two times they played the Minnesota Vikings in their divisional games. That became my team because we only got that one television station. We didn't have a lot of the apparel either, so I'd take a white T-shirt and a blue felt pen and put 32 on it for LA Dodgers pitcher Sandy Koufax, and I wore that. Also, when I was

younger, I was a big Bart Starr fan, my younger brother was a Roger Staubach fan.

I tell you all that by way of background, just to indicate that all of us in this country have a tremendous admiration for people who succeed at that level. And it is incredible the influence that people who are successful in professional sports have on the young people in this country who watch them. Whether they like it or not, these athletes are role models, and certainly, we hope, good ones. That's why I think this domestic violence issue that's been brought to our attention here of late and entered the national discussion is so important.

As a father of two daughters, I found the graphic security camera footage of running back Ray Rice and his then fiancée to be sickening, like so many others did across this country. I think the NFL's initial response to this matter was completely inadequate. A two-game suspension was a paltry sentence for such violent behavior. At best, the NFL failed to understand the scope and severity of the incident. At worst, by waiting to suspend Mr. Rice only after the elevator video was made public, the NFL sent a mixed message to millions of fans and the general public about how it handles such acts of violence.

And of course, as you mentioned Mr. Chairman, this isn't unique to professional football. We're going to hear today that every league has experienced similar acts of violence by their respective players over the years. I'm troubled by recent remarks from the Commissioner of Baseball that seemed to downplay the extent of the problem within his sport. Rather than minimizing the issue, I believe the correct approach is for the leagues to engage in meaningful talks with their players' unions and other stakeholders to ensure player conduct policies are sufficient when such acts of violence are carried out. That may mean renegotiating certain contract provisions and strengthening penalties where appropriate.

Questions of due process, such as determining if, when, and how a player should be disciplined are also an important part of this conversation. But this is a conversation that needs to take place because sadly, this issue isn't going away any time soon. While I'm encouraged to hear that in many of the leagues represented here today the conversation has begun, we should be working toward a consistent policy when it comes to such acts of violence.

Violence of any kind, but particularly against women and children, is simply unacceptable. It is my hope that today's hearing will shed some light on what professional sports leagues are doing to address these issues. If, as many believe, the current policies of the national sports leagues are insufficient to address these concerns in an adequate and equitable manner, I hope that today's hearing will put pressure on the leagues and the players' unions to make whatever changes are necessary to ensure that such acts of violence are addressed swiftly, and perpetrators are disciplined appropriately.

Mr. Chairman, in the past, we've used our jurisdiction in this area to examine a number of issues, ranging from steroids in sports to protecting children from concussions. So often, when we turn our attention to issues involving professional sports, questions are raised about whether it's the best use of our time and resources.

For instance, in 2005, this committee held a series of hearings to examine the policies of major league baseball concerning the use of steroids. I wasn't on the Committee at that time, but I'm aware of some of the headlines that these hearings generated, including those that called the steroid hearings a waste of time and money.

But Mr. Chairman, as a result of those hearings, something remarkable happened. Major league baseball turned the corner from its sordid so-called "Steroid Era" and implemented a series of sweeping reforms that we're still witnessing. Our committee's ability to shine a bright light on problems in the world of sports is often all it takes to induce real and meaningful change, and we've been able to do so without changes in Federal law.

So I believe this hearing is important. Questions surrounding how professional sports leagues address domestic violence are valid ones and rightly warrant scrutiny by this committee. Professional athletes and the teams they play for are, for better or worse, role models and opinion makers. What they do to combat this unacceptable behavior can help set an example, especially for the youngsters who grow up watching them. And while I thank the witnesses for being here today and sharing your testimony, it's disappointing that the league commissioners are not here to speak for their sports. It's also unfortunate that, with the notable exception of the NBA Players Association, the heads of the other players' associations are not here today.

These are issues that are not and should not be partisan. And it may very well be appropriate for the Committee to revisit this topic in the next Congress to assess the progress of the leagues and the players' association in dealing with domestic violence.

Mr. Chairman, thank you.

The CHAIRMAN. Thank you very much, Senator.

Now, we're going to have something that we don't usually do but we're going to do today. The Chair of the relevant subcommittee, Claire McCaskill, will speak for two minutes, I do believe, and be followed by Senator Heller.

**STATEMENT OF HON. CLAIRE McCASKILL,  
U.S. SENATOR FROM MISSOURI**

Senator McCASKILL. Thank you, Mr. Chairman, for holding this important hearing.

The bright light of public attention needs to be turned on at a very high wattage at a problem that exists in the shadows in a very dark and scary place. With great power and influence comes great responsibility, and no one will debate that probably the leagues you represent here today have more power and influence in our country than maybe any other institutions that I can think of. Professional sports must do a better job of setting an example to young people and victims of domestic violence, who face very difficult decisions as they struggle with holding their abusers accountable.

Professional sports, with very few exceptions, have done little to hold those who commit this crime accountable. And perpetrators know that if they can only get their victims to recant, refuse to cooperate, threaten their financial future, threaten the future of their



family's financial status, or put them on an airplane to Venezuela, if they can accomplish those things, then nothing will happen.

There has been little or no effort to independently get the facts, rather just use the predictable outcome that very few who are abused will have an adequate support system within the families of the professional sports teams where they exist, to get the support to come forward and hold their abuser accountable. And so, by and large, professional sports teams have relied on the failure of the criminal justice system to get convictions as their excuse as to why no players or very few players have been held accountable.

I'm anxious to hear how you view your responsibility to independently gather the facts and hold the professional athletes that commit these crimes accountable with sanctions within your leagues.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Heller.

**STATEMENT OF HON. DEAN HELLER,  
U.S. SENATOR FROM NEVADA**

Senator HELLER. Thank you Mr. Chairman. I appreciate the Committee's attention to this important issue.

I didn't realize until this hearing that Nevada was so advanced, because with three channels, three television channels, we were able to watch our Warriors, our San Francisco 49ers, and the Giants play.

I know that there are some here in this room that may question why Congress is involved in this issue, and I'd like to explain why. Every minute in the United States, 20 people will experience domestic violence.

Last night, more than 20,000 phone calls were made to domestic violence hotlines. One in three women will experience physical violence from a partner sometime in their lifetime. Children exposed to domestic violence are more likely commit domestic violence later in life. As a husband, a father of two wonderful daughters, this is simply unacceptable and something that must be changed.

These numbers aren't just statistics, they're people. They're wives, they're mothers, daughters, they're sisters, and they're friends. The witnesses before us today represent the most popular and commercially successful sports leagues in the world. Their star players are household names and role models for fans and aspiring young athletes.

In the past few years, we've witnessed some truly shocking acts from some of these public figures. But just as concerning is how the leagues have handled these situations and how the unions protected these players for years.

It's very clear to me that getting these players back on the field was more important than addressing incidences of sexual assault, domestic violence, even child abuse. In the past, leagues and the unions simply brushed these problems aside and left it to the courts. Only when a video surfaced of the brutal punch an NFL player landed on his fiancée did the collective conscience of America demand these leagues and unions change their approach.

I can only imagine what survivors feel like today. As I wrote in a letter earlier this year to NFL Commissioner Roger Goodell, by

waiting until the video of a shocking act of domestic violence by one of their players became public, they effectively condoned the actions of this player. I believe the same holds true for the players' association, and in fact, I don't think you even understand the full scope of the problem.

When the Ray Rice decision was overturned the NFL Players Association said, "This decision is a victory for a disciplinary process that is fair and transparent. This union will always stand up and fight for the due process of our players."

This is not about due process. This is not about the collective bargaining agreements you do not like anymore or want to change. This is not about any type of labor issues you may have with the league. This is about helping to stop a terrible problem in society. Wives, mothers, sisters, daughters, and friends are being beaten. When you are worrying more about getting back on the field instead of stopping abuse, your priorities are out of order. Instead of addressing the problem, inadequate or nonexistent league policies and codes of conduct mean that aggressors have not been dealt with appropriately, and the survivors of domestic violence have been left behind.

There is no place in any society for these horrifying acts of domestic violence and sexual assault. Our nation's professional sports leagues have a unique ability to make a difference. The American people need you to step up, and this committee wants to know what you're going to do to take a stand.

Thank you.

The CHAIRMAN. Thank you, Senator.

We go now to the witness list. Again, I express our appreciation for your being here. And we'll start with Mr. Troy Vincent, who is Executive Vice President of Football Operations, the National Football League. Welcome.

**STATEMENT OF TROY VINCENT, EXECUTIVE VICE PRESIDENT FOR FOOTBALL OPERATIONS, NATIONAL FOOTBALL LEAGUE**

Mr. VINCENT. Mr. Chairman and Members of the Committee, my name is Troy Vincent. I'm the Executive Vice President of Football Operations at the National Football League. I'm pleased to discuss the work we have underway at the NFL to address conduct standards, including domestic violence and sexual assault. We want to set the highest standards for personal behavior in order to meet the expectations of our fans, players, and those of the general broader public.

In 2007, Commissioner Goodell issued an enhanced Personal Conduct Policy for all players, owners, and league employees. But as recent events made clear, we have not kept our standards current with our own values. We've made mistakes. We've been humbled. We accept the criticism we've received, and we are committed to being part of the solution. We will get this right.

Mr. Chairman and committee, when I consider these issues, I bring a perspective far beyond an NFL executive. Domestic violence was a way of life in my home growing up. My brother and I watched helplessly numerous times as my mother was beaten and knocked unconscious as we dialed 911. We saw how she struggled to seek help and find the courage to say no more. The sense of fear

and the complexities accompanying this violence remain very real in my life today.

I have committed my life's work for the last 20 years as an advocate against domestic violence, in an effort to keep others from experiencing this lifetime pain. I relate to the 12 million victims, survivors of domestic violence, and sexual abuse in every community across our great nation.

In addition, I had the honor and the privilege of playing in the National Football League for 15 years. Twelve of those years, I served as a union official. Four of those years, I served as the NFL Players Association president. I support the interest of all players in a fair process. I led those efforts. I know the majority of our current and former players are terrific husbands, fathers, and men who have made incredible contributions into their communities.

Mr. Chairman, players know that league standards are not labor issues nor management issues. They're issues that concern everyone.

In 2007, the league and the players' union worked closely together, collaborated in developing a Personal Conduct Policy. I was part of those efforts. And today, just as in the past, the league has invited the NFLPA along with other experts to assist us in setting the highest possible standards.

The NFL is taking a number of steps to improve how we respond to incidents of domestic violence, child abuse, and sexual assault.

First, through efforts personally led by the Commissioner, the NFL has undertaken a thorough review of our Personal Conduct Policy, having consulted with over 100 leading experts across a broad range of subjects. Our goal is a set of clear rules to govern accountability for misconduct, and to establish a fair process for our player and employee discipline. We will create a conduct committee responsible for review and recommend changes to the Personal Conduct Policy going forward. Experts will continue to advise both the conduct committee and the Commissioner, so that we always have the right voices at the table on both educational and disciplinary work.

Second, we are deploying a comprehensive mandatory education program for the more than 5,000 men and women in the NFL family. Our goal is to ensure that everyone understands the full scope of this behavior and is familiar with the warning signs associated with these crimes. Education also promotes prevention. By standard intervention, how individuals can appropriately and safely help those at risk, is another key focus area of our education.

Third, we're training critical response teams to help prevent and respond quickly to family violence and sexual assault, including safety, medical, legal, and financial support.

Fourth, we are supporting leading domestic violence and sexual assault awareness and prevention groups, including the National Domestic Violence Hotline and the National Sexual Violence Resource Center.

Fifth and finally, we are raising awareness of the critical issues of domestic violence, child abuse, and sexual assault. In collaboration with the "No More" campaign and the Joyful Heart Foundation, the NFL is airing public service announcements during our games. Finally, we are promoting programs for those who play,

coach, and manage our games at all levels, including age-appropriate character development, healthy relationship education, as well as dating violence, domestic violence, child abuse, and sexual assault education.

We've learned a great deal from our mistakes, and by listening to experts in the domestic violence, child abuse, and the sexual assault communities. The more we've listened, the more we've learned and become more aware of these complexities, both of the problem and the solutions. We're working hard to balance the issues of a fair process with the goal of preventing and punishing these behaviors.

Mr. Chairman and the Committee, we believe that wearing the uniform of an NFL player is a privilege. It is not a right. Every member of the NFL community must embrace this unique leadership role that we play in our society and the trust that you place in us. We look forward to working with the Committee to advance these goals I know we all share.

Thank you for this opportunity. And Chairman, I thank you for your lifetime service in this area.

[The prepared statement of Mr. Vincent follows:]

PREPARED STATEMENT OF TROY VINCENT, EXECUTIVE VICE PRESIDENT FOR FOOTBALL OPERATIONS, NATIONAL FOOTBALL LEAGUE

Mr. Chairman and Members of the Committee:

My name is Troy Vincent, and I am the Executive Vice President for Football Operations at the National Football League. I am pleased to appear here this afternoon to discuss the work we are currently undertaking to address standards of personal conduct, with a particular focus on domestic violence and sexual assault. At the NFL, we want to set the highest goal for personal behavior in order to meet the expectations of our fans, players, and broader public.

Shortly after he became Commissioner in 2007, Commissioner Goodell issued an enhanced Personal Conduct Policy to reinforce the high standards expected of all NFL players, owners, and league employees. But as deeply disturbing recent events made clear, we have not kept our standards current with our own values. We made mistakes, and we have been humbled by this experience. Much of the criticism of the league stems from a fundamental recognition of the NFL's unique place in our society and the opportunity we have to project important values in ways that have a positive impact beyond professional football. We will get this right: we accept the criticism that we have received; and we are committed both to learn and to being part of the solution.

Mr. Chairman, when I consider these issues, I bring perspectives beyond that of an NFL executive.

Domestic violence was a way of life in my home growing up. As young boys, my brother and I watched helplessly numerous times as our mother was beaten, and we called 911 while she lay unconscious. We saw how she struggled to seek help, and find the voice and courage to say "no more." The sense of fear, powerlessness, and all the complexities that accompany this violence remain very real for me today. I have worked for over 20 years as an advocate against domestic violence to try to help keep others from experiencing this pain. So I very much relate to the more than 12 million victims of domestic violence and sexual assault in every community in this nation, amongst every economic class and racial and ethnic group. This is not an issue limited to the NFL, or to professional sports.

In addition, I was privileged myself to play in the National Football League for 15 years. I relate to our current and former players, the vast majority of whom are terrific husbands, fathers, and men who make incredible contributions within their communities. We know that when one player engages in unacceptable conduct, it unfairly casts all of us in the League in the same light. Finally, for 12 years I served as a union officer, and four of those years I was President of the NFL Players Association. I support the interest all players have in a fair process. But I know full well that our players have no tolerance for these incidents, and that they in fact support high standards and enforcement. The players know that standards and integrity are

not labor issues or management issues—they are issues that concern everyone in our game.

The 2007 version of the Personal Conduct Policy was developed and implemented by the League in close collaboration with players and their leadership, and it had the strong support of players and the union. I was part of those discussions. Today, the NFL has invited the NFLPA to join us again in setting the highest possible standards in our Personal Conduct Policy and to help us work to prevent this violence going forward.

The NFL is taking a number of steps to improve how we respond to incidents of domestic violence, child abuse, and sexual assault involving our employees and personnel, which I would like to outline for you.

First, the NFL is currently undertaking an intensive and exhaustive review of our Personal Conduct Policy, and we will implement changes soon. Our new Policy is being developed through an effort led personally by the Commissioner. I am a part of this project, as are other League officials and outside advisors with specific expertise in domestic violence, child abuse, and sexual assault, and legal process. Having consulted with over 100 leading experts throughout the country, we are evaluating every aspect of our approach to discipline and accountability for employees and players. Our goal is nothing less than a set of clear rules to govern accountability for misconduct and to establish a fair process for player and employee discipline.

Our challenge, while not unique, is complex. Our policy is broader than what employers typically seek to cover, in the sense that it primarily addresses off the field, or out of workplace, conduct. We have engaged with others who are struggling with a similar task—including law enforcement and educational institutions—to share perspectives and look for best practices on how to prevent personal misconduct and respond when it does occur.

Once the revised policies and procedures are in place, we will create a Conduct Committee of owners who will be responsible for regularly reviewing and recommending changes to the NFL's personal conduct policy going forward, to ensure continual attention and revision when needed. Subject matter experts will continue to advise both the Conduct Committee and the Commissioner and his staff so that going forward we have the right voices at the table on both educational and disciplinary work.

Second, we are deploying a comprehensive and mandatory education program for the more than 5,000 men and women in the NFL family. All league and team personnel—owners, players, coaches, and staff—are currently participating in broad-based domestic violence, child abuse, and sexual assault education, and the sessions are available to and highly encouraged for family members and loved ones. All teams will have participated in these sessions within the next two weeks. Education will continue on an ongoing basis for rookies and returning players, and specialized training for key responders will be rolled out as well.

Our goal is to ensure that everyone understands the full scope of behavior that constitutes domestic violence, child abuse, and sexual assault and is familiar with the warning signs associated with these crimes. We also want to make sure everyone appreciates that they can help prevent this violence. Bystander intervention—how individuals can appropriately and safely help those at risk—is another key focus area of the education. The League also has identified resources that offer prompt and confidential assistance both within the organization and outside in the community to anyone in need.

Third, we are training our existing Critical Response Teams to help prevent and to respond quickly to family violence and sexual assault. When a situation arises, these teams will focus on providing immediate assistance across the board—medical, legal, financial—to anyone in the NFL family, including spouses, significant others, or other family members, who experiences abuse.

Fourth, we are supporting leading domestic violence and sexual assault awareness and prevention groups, including the National Domestic Violence Hotline and the National Sexual Violence Resource Center. Our support has allowed these organizations to expand their call volume capacity so that calls for assistance do not go unanswered.

Fifth, we are raising awareness of the critical issues of domestic violence, child abuse, and sexual assault. In collaboration with the NO MORE campaign and the Joyful Heart Foundation, the NFL is airing public Service Announcements during every game broadcast, including a new PSA featuring current and former NFL players. More information can be found at [www.nomore.org](http://www.nomore.org).

Finally, we are promoting programs that develop the character of young people by developing age-appropriate character development, healthy relationship education as well as dating/domestic violence, child abuse, and sexual assault programming—for those who play, coach, or manage the game in college, high school, and

youth football programs. The League recently sent a video to thousands of high school coaches across the Nation to encourage them to engage in frank and frequent discussions of family violence and sexual assault with their players. The NFL Foundation will focus on the development of character education programs that will reach youth football players, as well as girls and boys, athletes and non-athletes alike.

Mr. Chairman, in the past months, we have learned a great deal by our own mistakes, and by listening to experts in domestic violence, child abuse, and sexual assault—researchers, lawyers and judges, advocates, women’s rights groups, law enforcement, and campus presidents. The more we’ve listened, the more we’ve learned and, in turn, the more aware we are of the complexities of both the problems and the solutions. At the NFL, we are working hard to balance the issues of fair process with the goals of preventing and punishing this behavior. At the end of the day, we believe that wearing the uniform of an NFL player is a privilege, not a right. And every member of the NFL community must embrace the unique leadership role that we play in society and the trust that is placed in us. We look forward to working with the Committee to advance the goals I know we all share.

Thank you for this opportunity to discuss this important subject.

The CHAIRMAN. Thank you, Mr. Vincent. That was excellent testimony and honest. And it’s a good beginning. Thank you.

Ms. Teri Patterson, Deputy Managing Director, National Football League Players Association.

**STATEMENT OF TERI PATTERSON, DEPUTY MANAGING  
DIRECTOR, NFL PLAYERS ASSOCIATION**

Ms. PATTERSON. Good afternoon, Mr. Chairman and members of the Committee. As stated, my name is Teri Patterson, and I serve as the Deputy Managing Director and Special Counsel of the NFL Players Association, whom I represent on the panel today.

We greatly appreciate the Committee’s interest in the critical issue of domestic violence. We always welcome the opportunity to meet with any Members of the Committee to discuss the issues concerning our sport. We’ve seen in the past that the leadership of elected officials brought thoughtful and meaningful change to our sport, for example, in the area of concussions. We’ve worked with and supported members of this committee as they continued to push for better standards to protect athletes that participate in football on all levels.

We’re here today to address your concerns surrounding domestic violence in professional sports. Just to be clear, neither our players nor the NFLPA condone domestic violence in any form. We understand the significance of our position, both for society at large and, more importantly, for the families and individuals involved. Any incident of domestic violence by any player is one too many, but it does not and should not reflect on the overwhelming majority of our members who contribute to their communities in countless ways. This week, for example, you’ll see players out in the community with many of your constituents and their children, as part of the “Play 60” campaign.

We believe that a comprehensive system of education, prevention, intervention, and counseling will help us find solutions to lowering the instances of domestic violence that present themselves each and every year. Specifically related to our sport, we believe that those tools combined with fair and appropriate discipline is the best way to achieve the goals of preventing incidents of domestic violence and assisting those involved. Unfortunately, we’ve seen repeated instances where discipline under the Personal Conduct

Policy of the NFL, implemented unilaterally by its Commissioner, has failed to get us closer to those solutions.

We've seen on more than one occasion when disciplinary matters are left solely to the NFL, the process is mismanaged and often the end result has not been able to withstand outside review. For example, in the bounty incident in New Orleans, the Commissioner's unilaterally imposed discipline was overturned, not only by a system arbitrator, but also by a former NFL Commissioner who was tasked with reviewing the NFL's actions. In the more recently imposed discipline of Ray Rice, the Commissioner's arbitrary discipline was also overturned after further review by a former Federal judge appointed as a neutral arbitrator. This current system, run unilaterally by the NFL, simply does not work. It does not work for our members, and we've heard from your constituents as well, as I'm sure you have, who continue to express distrust and displeasure in the current system of discipline.

So we've been tasked by our membership to find solutions and to collectively bargain with the NFL for a better process. Accordingly, in early October of this year, we established a Blue Ribbon Commission to advise us on matters of domestic violence prevention, intervention, and processes of discipline. I've included the names of the members of the commission in the submitted testimony and also their bios. We're also fortunate and pleased to see that a member of our NFLPA commission, Ms. Virginia Seitz, is testifying at the hearing today.

With the assistance of experts and community leaders, we have started a meaningful dialogue with our membership on ways to create programming and policy to address these societal issues. We requested that the NFL join with us in appointing the members of the commission and participating in the Commission's work. The NFL declined to do so to date, but that did not stop us from moving ahead.

But we cannot move ahead in bargaining by ourselves. We've attempted to engage the league in formal negotiations and bargaining to improve the Personal Conduct Policy and the processes by which it is to be administered. We provided the NFL with a fair proposal over a month ago, and despite the receipt of a letter response only this past Sunday, the NFL still refuses to commit to collective bargaining. We believe that a jointly bargained system is the only way to ensure that professional football's approach to the issue of domestic violence has the credibility and effectiveness that the fans, the sport's business partners, and our players have come to expect and respect, such as our comprehensive drug-related policies.

We remain fully committed to addressing these issues in a meaningful way because that's the only way we can ensure that change happens. We also remain ready to assist any Members of the Committee in improving the way domestic violence is addressed in our sport and in our country.

Thank you again for your time, and we look forward to answering any questions you may have for us.

[The prepared statement of Ms. Patterson follows:]

PREPARED STATEMENT OF TERI PATTERSON, DEPUTY MANAGING DIRECTOR,  
NFL PLAYERS ASSOCIATION

Good afternoon Mr. Chairman and members of the Committee. My name is Teri Patterson and I serve as the Deputy Managing Director of the NFL Players Association whom I represent here on the panel today. We greatly appreciate the Committee's interest in the critical issue of domestic violence. We always welcome the opportunity to meet with any Members of the Committee to discuss the issues concerning our sport. We have seen in the past that the leadership of elected officials brought thoughtful and meaningful change to our sport, for example, concussions. We have worked with and supported members of this committee as they continued to push for better standards to protect athletes that participate in football on all levels.

We are here today to address your concerns surrounding domestic violence in professional sports. Neither our players nor the NFLPA condone domestic violence in any form. We understand the significance of our position, both for society at large and more importantly, for the families and individuals involved. Any incident of domestic violence by any player is too many, but it does not and should not reflect on the overwhelming majority of our members who contribute to their communities in countless ways. This week, for example, you will see players out in the community with many of your constituents and their children, as part of the Play60 campaign. For more examples of the extraordinary things our players do in the community, particularly during this Holiday season, please visit this link: <https://nflpa.com/news/all-news/nfl-players-give-back-for-thanksgiving-2>.

We believe that a comprehensive system of education, prevention, intervention, and counseling will help us find solutions to lowering the instances of domestic violence that present themselves each and every year. Specifically related to our sport we believe that those tools combined with fair and appropriate discipline is the best way to achieve the goals of preventing incidents of domestic violence and assisting those involved. Unfortunately we have seen repeated instances where discipline under the Personal Conduct Policy of the NFL, implemented unilaterally by its Commissioner, has failed to get us closer to those solutions.

We have seen on more than one occasion when disciplinary matters are left solely to the NFL, the process is mismanaged and often the end result has not been able to withstand outside review. For example, in the "Bounty" incident in New Orleans, the Commissioner's unilaterally imposed discipline was overturned not only by a system arbitrator but also by a former NFL Commissioner who was tasked with reviewing the NFL's actions. In the more recently imposed discipline of Ray Rice, the Commissioner's arbitrary discipline was also overturned after further review by a former Federal judge appointed as a neutral arbitrator. The current system, run unilaterally by the NFL, simply does not work. It does not work for our members but we have heard from your constituents as well as I am sure you have that continue to express distrust and displeasure in the current system of discipline.

So we have been tasked by our membership to find solutions and to collectively bargain with the NFL for a better process. Accordingly, in early October of this year, we established a Blue Ribbon Commission to advise us on matters of domestic violence prevention, intervention and processes of discipline. Members of that commission are as follows:

Deborah Epstein  
Professor of Law and Director of the Domestic Violence Clinic  
Georgetown Law School

Sue Else  
CEO  
Girl Scouts of Historic Georgia  
\*\*Former President and CEO of the National Network to End Domestic Violence, Inc.

Steve Stenstrom  
President  
Professional Athletes Outreach  
\*\*Former Player

John Jenkins  
Pastor  
First Baptist Church of Glenarden

Joshua DuBois  
Founder  
Values Partnerships



Kathy Ruemmler  
 Partner  
 Latham & Watkins  
 \*\*Former White House Counsel to Presidents Clinton and Obama

Virginia Seitz  
 Partner  
 Sidley Austin  
 \*\*Former USDOJ Assistant Attorney General of the Office of Legal Counsel

Billy Dexter  
 Partner, Global Diversity Advisory Services Practice  
 Heidrick & Struggles

We submit, at this time for the record along with this testimony, the full biographical information on the members of our commission for your review. We pleased to see that a member of our NFLPA Commission, Virginia Seitz, will be testifying at the hearing today. With the assistance of experts and community leaders, we have started a meaningful dialogue with our membership on ways to create programming and policy to address these societal issues. We requested that the NFL join with us in appointing the members of the Commission and participating in the Commission's work. The NFL declined to do so but that did not stop us from moving ahead.

But we cannot move ahead in bargaining alone. We have attempted to engage the NFL in formal negotiations and bargaining to improve the Personal Conduct Policy and the processes by which it is to be administered. We provided the NFL with a fair proposal over three weeks ago and despite the receipt of a letter response only this past Sunday, November 30, 2014, the NFL still refuses to commit to collective bargaining. We believe that a jointly bargained system is the only way to ensure that professional football's approach to the issue of domestic violence has the credibility and effectiveness the fans, the sport's business partners, and our players have come to expect and respect such as our comprehensive drug related policies.

We remain fully committed addressing these issues in a meaningful way because that is the only way we can ensure change happens. We also remain ready to assist any Members of the Committee in improving the way domestic violence is addressed in our sport and in our country. Thank you again for your time and we look forward to answering any questions you may have for us.

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#### NFLPA COMMISSION—BIOGRAPHIES

##### **Experts, Clinicians and Educators—Education, Prevention Tactics and Resources**

*Deborah Epstein, Professor of Law, Director of Domestic Violence Clinic and Associate Dean of Clinical Education and Public Interest and Community Service Programs, Georgetown Law School*

Prior to joining the law faculty, Professor Epstein practiced at the civil rights firm of Bernabei & Katz, representing plaintiffs in sex discrimination suits, and clerked for Eastern District of Pennsylvania Judge Marvin Katz. From 1994–96, Professor Epstein co-chaired a multi-disciplinary effort to create a new Domestic Violence Unit within the D.C. Superior Court that fundamentally restructured the way that the local justice system handles civil and criminal family abuse matters. Until 2001, she co-directed the D.C. Superior Court's Domestic Violence Intake Center and directed the Emergency Domestic Relations Project, a public interest organization providing legal and educational services to indigent victims of intimate abuse. She is a member of the Mayor's Commission on Violence Against Women, the D.C. Domestic Violence Fatality Review Team, the D.C. Domestic Violence Coordinating Council, and has served on the Board of Directors of the D.C. Coalition Against Domestic Violence. She is the author of several publications in the areas of domestic violence and sexual harassment law.

*Sue Else, Former President and CEO of the National Network to End Domestic Violence, now CEO of the Girl Scouts of Historic Georgia, Inc.*

After volunteering at a battered women's shelter, Ms. Else later secured a job at the shelter and went on to become its executive director. Ms. Else later moved to Kansas City, Mo., where she served as the President and CEO of Hope House for 18 years. Under her leadership, the organization grew from 13 staff members and a five-bedroom bungalow to more than 70 staffers and two shelters with beds for up to 104 women and children.

In 2006, she became the *President of the National Network to End Domestic Violence* in Washington, D.C. During her seven-year tenure there, she brought national attention to the cause, expanded the agency's reach, *oversaw the development of a curriculum that has since been implemented in 32 states* and served as the national spokesperson, appearing on "Good Morning America," "Dr. Phil," CNN, NPR and other media outlets.

#### **Faith-based Advisors**

*Steve Stenstrom, Former Player, President of Professional Athletes Outreach*

Mr. Stenstrom comes to PAO from his ministry to students on the campus of Stanford University. Mr. Stenstrom has a passion for *connecting with and mentoring others*, and developing their God-given potential. Mr. Stenstrom is also a Bay Area regional coach of *The Master's Program, a leadership mentoring program for Christian business and ministry leaders*. He has a passion for God's Word, and his experiences in the business and sports worlds offer a unique and exciting outlook for PAO's future.

*John Jenkins, Pastor, First Baptist Church of Glenarden*

Pastor John K. Jenkins Sr. is senior pastor of First Baptist Church of Glenarden in Maryland. He became a licensed minister in 1973 at the age of 15 and has an honorary Doctorate of Divinity from Southern California School of Ministry in Inglewood, California. Pastor Jenkins, founded First Baptist Church of Glenarden SHABACH! Ministries, Inc., a 501 (c)(3) arm of the church and serves as its chairman emeritus, *which provides clothing, food, education and other resources to more than 11,000 people* in the Washington, D.C. area. In addition to his role at First Baptist, he is a trustee at Bethel University and board chairman for Project Bridges and The Skinner Institute. Furthermore, he sits as a board member for the Greater Prince George's Business Roundtable and National Association of Evangelicals. *In the past he served as vice president/executive director of National Ministries with Converge Worldwide and was on the boards of Great Dads and Teen Challenge.*

*Joshua DuBois, Founder of Values Partnerships*

Joshua DuBois is the best-selling author of *The President's Devotional*, a compilation of the devotionals which he sends President Obama. He is also the Founder of Values Partnerships, which works with *foundations, nonprofits and private companies to create partnerships with the faith communities and grassroots initiatives*. Prior to founding Values Partnerships, Mr. DuBois was a Special Assistant to President Obama and Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships. In this capacity, Mr. DuBois *facilitated the Obama Administration's engagement of faith-based organizations around the country.*

#### **Judges and Attorneys—Due Process, Fairness and Discipline**

*Kathy Ruemmler, Partner at Latham & Watkins, Formerly President Obama's Chief Counsel, Formerly Principal Associate Deputy Attorney General*

Ms. Ruemmler is a *Partner at Latham and Watkins* in the Litigation Department and the global Co-chair of the White Collar Defense and Investigations Practice. As *President Obama's chief lawyer*, Ms. Ruemmler was one of his most senior advisors, providing strategic advice on all legal matters. Prior to the four and a half years Ms. Ruemmler was in the White House, she served as the *Principal Associate Deputy Attorney General at the Department of Justice*, joining the Justice Department on the first day of the Obama Administration as its highest-ranking political appointee.

*Virginia Seitz, Former USDOJ Assistant Attorney General for the Office of Legal Counsel, now Partner at Sidley Austin*

Ms. Seitz specializes in *constitutional law, labor law*, employment law and administrative law and recently returned to the partnership at Sidley in DC in the firm's Supreme Court and Appellate practice. Following her nomination by President Obama and Senate confirmation, Ms. Seitz was sworn in as *Assistant Attorney General for the Office of Legal Counsel* in September 2011 and served through December 2013. As the leader of the Office of Legal Counsel, Virginia was responsible for providing legal advice to the President and Executive Branch departments and agencies on *issues of particular difficulty and importance*, including those issues on which there was a dispute between Federal agencies.

**Successful Business Leaders—Leadership, Education and Implementation**

*Billy Dexter, Partner and Member of Global Diversity Advisory Services*

Billy Dexter has been a leader in talent acquisition and diversity/inclusion related efforts for more than 20 years. He is a partner with Heidrick & Struggles and is a member of the global Diversity Advisory Services Practice that *assists clients in creating diverse leadership teams*. Prior to joining Heidrick & Struggles, Billy was executive vice president and chief diversity officer of MTV Networks, a Viacom company.

The CHAIRMAN. Thank you very much, Ms. Patterson. I just have to note at this point that there was an enormous amount of pressure coming from many directions, not necessarily the folks at the witness table but the folks that you work with, for us not to have this hearing. We went ahead anyway, so not everything is—this openness is not as commonly held a process as I would like.

Mr. Joe Torre, who is Executive Vice President of Baseball Operations of Major League Baseball. Welcome.

**STATEMENT OF JOE TORRE, EXECUTIVE VICE PRESIDENT OF  
BASEBALL OPERATIONS, MAJOR LEAGUE BASEBALL**

Mr. TORRE. Thank you, Mr. Chairman. Good afternoon, Chairman Rockefeller, Senator Thune, and members of the Committee. I'm Joe Torre, Executive Vice President of Baseball Operations for Major League Baseball. I want to thank you for the opportunity to discuss the efforts we are undertaking to address the issues of domestic violence and sexual assault.

The subject matter of this hearing is personally important to me. As a person whose childhood was touched by domestic violence, I have come to understand that discussing the issue publicly has the potential to help millions of victims who believe that they must suffer in silence. In 2002, my wife Ali and I formed the Safe at Home Foundation to create educational programs aimed at ending the cycle of domestic violence. And I'm proud to say that we've reached close to 50,000 youngsters in that time.

Through my work in this area, including co-chairing the Attorney General's Task Force on Children Exposed to Violence, I have had the opportunity to work with some truly outstanding individuals who have devoted their lives to working toward solving the issue of domestic violence in this country.

Commissioner Selig has instilled in our sport the understanding that Major League Baseball is a social institution, and as our national pastime, has an obligation to set a positive example. The Commissioner and I deplore domestic violence and crimes against women and families. We recognize the clear public expectation for the professional sports leagues to be leaders in addressing this social ill. Some of our clubs already have taken a leading role in this issue. For example, the Seattle Mariners have partnered with the Washington State Coalition Against Domestic Violence on a state-wide educational initiative called "Refuse to Abuse."

Going forward, the Commissioner has instructed his staff to develop a stand-alone policy to address domestic violence and sexual assault prior to the upcoming season. Although we are in the midst of developing this policy, I would like to explain to the Committee what we have done thus far and what we hope to do in the next few months.

Since September 2014, as part of our education process, representatives of Major League Baseball have met with over a dozen national and local organizations focused on addressing domestic violence and violence against women, and/or providing services and support to victims. Representatives from those groups consistently told us that, while they were obviously unsettled by the recent incidents of domestic violence in professional sports, they believe that those incidents have shined a light on an issue often in the shadows. They believe, and we agree, that sports leagues can make a difference.

We have begun selecting a variety of organizations to serve on a joint MLB/MLBPA steering committee that will develop education and training materials for players, staff, and their families. Some of these initiatives include posting informational materials at Major League and Minor League ballparks and publicizing contact information for confidential hotlines and shelters. MLB intends to develop educational programs at each club specifically designed for the families and intimate partners of players. We also are developing protocols that our clubs must follow in response to domestic violence or sexual assault incidents that will include appropriate measures to ensure the safety of affected individuals, providing confidential counseling and treatment for victims, and providing counseling and intervention for perpetrators.

Major League Baseball has selected a San Francisco-based group called "Futures Without Violence" to help us develop and implement training and education programs for all of our players. Futures has been partnering with the San Francisco Giants on these important issues for more than a decade. Futures has arranged for Dr. Linda Chamberlain to speak with the medical staffs of our clubs at MLB's Winter Meetings in San Diego this coming weekend. Dr. Chamberlain founded the "Alaska Family Violence Prevention Project," and will be speaking to our club medical staffs on a trauma-informed approach to addressing domestic violence.

In January 2015, the top prospects in baseball will be educated on domestic violence and sexual assault during MLB's annual Rookie Career Development Program. Beginning with MLB spring training this February, every major and minor league player will be educated on issues relating to domestic violence and sexual assault by Futures and other organizations, including: Mentors in Violence Prevention, Men Can Stop Rape, A Call to Men, and Casa De Esperanza. The staffs of MLB clubs and the Commissioner's office also will be educated.

The Commissioner understands that an important component of any policy covering domestic violence and sexual assault is appropriate discipline for players who engage in this conduct. Presently, the Commissioner has the authority, under MLB's Collective Bargaining Agreement with the Players Association, to discipline players for just cause and for conduct that is materially detrimental or materially prejudicial to the best interests of baseball including, but not limited to, engaging in conduct in violation of Federal, state, or local law.

Under a just cause standard, the Commissioner's office is required to prove a violation by a player at an evidentiary hearing before a neutral arbitrator, which can be difficult in the absence of

a conviction or a plea, or without cooperating witnesses or tangible evidence regarding the conduct. In addition, our arbitrators in the past have been less inclined to uphold severe discipline under a just cause standard for off-field conduct that does not impact the player's ability to perform.

MLB has proposed revisions to its disciplinary policy covering MLB players that would make it easier for the Commissioner to impose an appropriate level of discipline on players who commit acts of domestic violence or sexual assault, and have that discipline be upheld in arbitration. MLB does not have the right to insist on any changes to player discipline until its current Collective Bargaining Agreement with the Players Association expires in December of 2016. However, we are hopeful that we will come to an agreement with the Players Association prior to the start of next season on a disciplinary policy specifically tailored to domestic violence and sexual assault.

As we told our owners two weeks ago, Major League Baseball is committed to developing a culture in which its athletes implicitly understand their moral obligation, as both men and role models, to speak out and act against crimes against women and families. We fully understand that educating over 4,000 players from diverse backgrounds on an issue that many of them have not previously considered is not an easy undertaking. However, we intend to devote the time and the resources necessary to accomplish just that.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Torre follows:]

PREPARED STATEMENT OF JOE TORRE, EXECUTIVE VICE PRESIDENT OF BASEBALL OPERATIONS, MAJOR LEAGUE BASEBALL

Chairman Rockefeller, Senator Thune, and members of the Committee, I am Joe Torre, Executive Vice President of Baseball Operations for Major League Baseball. On behalf of Major League Baseball, I thank you for the opportunity to discuss the efforts that we are undertaking to address the issues of domestic violence and sexual assault.

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Going forward, the Commissioner has instructed his staff to develop a stand-alone policy to address domestic violence and sexual assault prior to the 2015 baseball season. Although we are in the midst of developing this policy, I would like to explain to the Committee what we have done thus far and what we hope to do in the next few months.

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services and support to victims. Representatives from those groups consistently told us that while they were obviously unsettled by the recent incidents of domestic violence in professional sports, they believe that those incidents have shined a light on an issue often in the shadows. They believe, and we agree, that sports leagues can make a difference.

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The Commissioner understands that an important component of any policy covering domestic violence and sexual assault is appropriate discipline for players who engage in this conduct. Presently, the Commissioner has the authority under MLB’s collective bargaining agreement with the Players Association to discipline players for “just cause” for conduct that is materially detrimental or materially prejudicial to the best interests of Baseball including, but not limited to, engaging in conduct in violation of federal, state or local law. Under a “just cause” standard, the Commissioner’s Office is required to prove a violation by a player at an evidentiary hearing before a neutral arbitrator, which can be difficult in the absence of a conviction or plea, or without cooperating witnesses or tangible evidence regarding the conduct. In addition, our arbitrators in the past have been less inclined to uphold severe discipline under a “just cause” standard for off-field conduct that does not impact the player’s ability to perform.

MLB has proposed revisions to its disciplinary policy covering MLB players that would make it easier for the Commissioner to impose an appropriate level of discipline on players who commit acts of domestic violence or sexual assault, and have that discipline be upheld in arbitration. MLB does not have the right to insist on any changes to player discipline until its current collective bargaining agreement with the MLBPA expires in December 2016. However, we are hopeful that we will come to an agreement with the MLBPA prior to the start of next season on a disciplinary policy specifically tailored to domestic violence and sexual assault.

As we told our owners two weeks ago, Major League Baseball is committed to developing a culture in which its athletes implicitly understand their moral obligation as both men and role models to speak out and act against crimes against women and families. We fully understand that educating over 4,000 players from diverse backgrounds on an issue that many of them have not previously considered is not an easy undertaking. However, we intend to devote the time and the resources necessary to accomplish just that.

The CHAIRMAN. Thank you, Mr. Torre.

It was my mistake that I did not say at the beginning of this hearing that we face two challenges. One, we have generally a rule that witnesses can speak for 5 minutes or less but not more, and second, we have votes starting at 4 o’clock. So that puts pressure on all of us to get on with it.

Ms. Virginia Seitz, Outside Counsel, Major League Baseball Players Association. What is an outside counselor? Are you a part of them, or do you advise them, or what?

Ms. SEITZ. I advise them, and I've been doing it for the past 25 years. I've been Outside Special Counsel for most of the last 25 years to the Major League Baseball Players Association.

The CHAIRMAN. But they couldn't make it.

Ms. SEITZ. Well, I'm testifying on behalf of the Association's Executive Director, Tony Clark. He couldn't attend today, because he is right now chairing MLBPA's annual Executive Board meeting. And it will not surprise you to hear that one of the major topics at that meeting that's under discussion today and tomorrow is, in fact, domestic violence and the work the Association has been doing this fall to address domestic violence.

The CHAIRMAN. Please proceed with your testimony and the time—

Ms. SEITZ. I will attempt to be brief.

The CHAIRMAN. You don't need to be. That time is mine. You have your full 5 minutes.

**STATEMENT OF VIRGINIA SEITZ, OUTSIDE COUNSEL, MAJOR LEAGUE BASEBALL PLAYERS ASSOCIATION**

Ms. SEITZ. This fall, the Players Association has been working with Major League Baseball to examine our current program addressing domestic violence, which only covers players, in light of recent events. We've been considering how it needs to be modified and perhaps folded into a program for the entire baseball family that's based on accountability, consequences, and fairness.

Back in 2011, the Players Association and Major League Baseball negotiated and implemented a policy that addresses off-field violent conduct, including domestic violence, in two ways. It provides for both therapeutic intervention and for discipline in cases of inappropriate and unlawful conduct.

With respect to the first, under our Joint Treatment Program, we utilize medical professionals all around the country to design therapeutic treatments for players who are charged with domestic violence-related crimes. Based on our understanding of domestic violence, we had moved away from a one-size-fits-all approach in favor of an individualized evaluation and case-by-case treatment for the player and the family involved.

With respect to discipline, as Mr. Torre described, the program gives the Commissioner of Baseball or the employer club the authority to discipline a player where an act of domestic violence has been alleged. Under the Collective Bargaining Agreement, a player may be disciplined for just cause for any conduct materially detrimental or materially prejudicial to the best interests of baseball including any conduct that violates Federal, state, or local law. It's critically important, from the association's point of view, that discipline be imposed for just cause and that it be subject to review before a neutral arbitrator.

In addition to the program just described, the Association maintains its own clinical psychiatrist on staff. He's well-known and frequently meets with players on a confidential basis to address mental health issues as they arise, including those that might lead to

violence. This part of the Association's program reflects its belief that the most effective treatment is that which happens before violence can occur.

In sum, under our current program, a player may be disciplined, may undergo treatment developed by licensed professionals, and may seek help through our own clinical psychiatrist. We recognize, however, that more can be done, and so this fall, we have begun a dialogue with MLB about modifications and improvements to our program. That includes, first, an enhanced public relations program to promote the understanding and eradication of domestic violence in our society. Second, an improved educational and therapeutic program for Major League Baseball players and their families, so that potential issues can be addressed in an appropriate and confidential manner before violence occurs and so that all are aware of resources that can provide assistance and prevent harm. And third, possible changes to the existing disciplinary structure for domestic violence offenses.

Like many organizations, the MLBPA has devoted an extraordinary amount of time and effort this fall to consulting with a wide range of experts and expert organizations in the domestic violence area. We have learned that there is no one simple solution, no one easy answer, but we hope that by working with the experts and gathering their recommendations, we can develop a more effective program for all of baseball and become a credible voice in the ongoing national dialogue about how to end domestic violence.

Mr. Chairman, thank you again for this opportunity. I'll be happy to answer any questions you might have.

[The prepared statement of Ms. Seitz follows:]

PREPARED STATEMENT OF VIRGINIA SEITZ ON BEHALF OF THE MAJOR LEAGUE  
BASEBALL PLAYERS ASSOCIATION

Mr. Chairman, members of the Committee, my name is Virginia Seitz, and for much of the last 20 years, I have served as outside counsel to the Major League Baseball Players Association (MLBPA). I am testifying on behalf of the Association and the Association's Executive Director, Tony Clark, who could not attend today. As you know, Mr. Clark is chairing the MLBPA's annual Executive Board meeting as we speak. Not surprisingly, one of the topics Mr. Clark is discussing with our members at that meeting is the same topic we are here to discuss today—Domestic Violence.

This fall, the Players Association has been working with Major League Baseball (MLB) to determine whether our current program addressing domestic violence, which only covers players, is sufficient in light of recent events, or whether it needs to be modified and folded in with a program that could be a solution for the entire baseball family—players, coaches, managers, club officials, union and league officials and owners.

As Mr. Clark observed in a recent response to the House Committee on Energy and Commerce, domestic violence is an enormous problem for our Nation. It cuts across all lines of class, race, income, profession, and gender. Its reach is not limited to the locker room. According to the National Network to End Domestic Violence (the Network), one in three women have experienced rape, physical violence or stalking by an intimate partner in their lifetime. Other experts report that more than three women are murdered by their husbands and boyfriends in the United States every day. One in three female homicide victims in cases reported to the police are killed by an intimate partner. Domestic violence costs employers in the United States approximately \$13 billion each year and, tragically, between 25 percent and 50 percent of victims of domestic violence become unemployed.

On a single day in West Virginia last year, according to the Network, 65 children and 90 adults found refuge in emergency shelters or transition housing provided by local domestic violence programs. 276 adults and children received non-residential assistance and services related to domestic violence. In South Dakota, comparable



figures were 99 children and 82 adults finding refuge in emergency shelters or transitional housing, and 124 adults and children receiving non-residential assistance. Again, this was in one day. Clearly, domestic violence is a national crisis.

The Players Association and MLB have already negotiated and implemented in 2011 a policy that addresses off-field violent conduct—including domestic violence—and it provides for both therapeutic intervention and the possibility of discipline in cases of inappropriate and/or illegal conduct. The parties' existing Joint Treatment Program (herein "the Program") engages qualified medical professionals from around the country who are given wide latitude to design therapeutic treatment programs geared, where necessary, to attempt to rehabilitate Players who are charged with domestic violence-related crimes. The existing Program also gives the Commissioner of Baseball or the employer Club authority to discipline a Player where an act of domestic violence has been alleged—subject to the critical ability of the Player and the Association to challenge (if they so choose) that discipline before a neutral arbitrator. The adoption of this Program shows that Player conduct policies can and should be the product of arms-length collective bargaining, and it is against that backdrop that the parties have returned to the bargaining table to see if our Program can be improved.

A few specifics on the treatment options offered under our current Program: The Program provides that the MLB/MLBPA Treatment Board, a joint enterprise originally created by the parties under the auspices of baseball's joint drug testing program, is responsible for designing and supervising individualized therapeutic treatment programs for Players who have engaged in off-field violent conduct, including domestic violence or sexual assault. Referrals to the Treatment Board are mandatory when, among other things, "a Player is charged by law enforcement authorities with a crime involving the use of physical force or violence, including but not limited to, sexual assault, domestic violence, resisting arrest, battery, and assault."

The parties thus have eschewed a one-size-fits-all approach in favor of individualized evaluation and treatment on a case-by-case basis. Any Player referred to the Treatment Board is evaluated by a neutral expert to determine whether he could benefit from a counseling-based treatment program and, if so, which type of program would be most effective. The deliberations of the Treatment Board are completely confidential, and the Board members work collaboratively to design a therapeutic model that is most appropriate for the Player, and family, involved.

Once a treatment program has been developed for an individual Player, participation thereafter is voluntary and a Player is not subject to discipline for failing to participate. Nevertheless, Players are incentivized to cooperate because, where discipline has been or may be imposed, a Player's participation in a treatment program established through the MLB/MLBPA Treatment Board must be considered by the arbitrator as a mitigating factor in any disciplinary challenge.

As for discipline, baseball's current labor agreement contemplates the potential for discipline when a Player commits an act of domestic violence or sexual assault. Our Collective Bargaining Agreement provides as a general matter that a Player "may be subjected to disciplinary action for just cause by his Club. . . or the Commissioner," and also more specifically that "Players may be disciplined for just cause for conduct that is materially detrimental or materially prejudicial to the best interests of baseball including, but not limited to, engaging in conduct in violation of Federal, state or local law." The key phrase in these provisions from the Association's point of view is of course "just cause." The just cause standard is a cornerstone of American labor-management relations, and is particularly salient in the context of alleged domestic violence by professional athletes, where the high visibility and sensitivity of each incident demands a commitment to deliberation, consistency, reasonableness and fundamental fairness that, as recent events have shown, can prove elusive.

But, Mr. Chairman, as you know, domestic violence does not always result in the filing of a police report or the airing of a video, and the best policies are the ones that address root causes before violence occurs. Therefore, in addition to the Program described above, the Association maintains its own clinical psychiatrist on staff, who frequently meets with Players on a confidential basis to address mental health issues as they arise. Where necessary, he refers Players to other specialists and/or to practitioners in the Player's home city and/or the city where the Player resides in the off-season. The Association's program reflects its belief that the most effective treatment is that which happens before the violence occurs.

In sum, Mr. Chairman, under our current program, a Player may be disciplined, may undergo treatment developed by licensed professionals and may seek help on his own through our own clinical psychiatrist. We recognize, however, that this may not be enough. Obviously, more can be done with regard to education, public out-

reach and awareness, for victims, for families and for all who are involved in or touched by our sport.

Consequently, starting this fall, we have begun a dialogue with MLB about possible modifications or improvements to our current program. Although the precise content of these ongoing discussions is confidential, there are three main elements under consideration:

- (1) an enhanced public relations program that would help to promote an understanding for, and an eradication of, domestic violence in our society;
- (2) an education and improved therapeutic intervention program for Major League Baseball Players and their families so that potential issues can be better addressed in an appropriate and confidential manner before violence occurs; and
- (3) possible changes to the existing disciplinary structure for domestic violence offenses.

Like many organizations, the MLBPA has devoted an extraordinary amount of time and effort this fall to consulting with a wide range of experts and groups in the domestic violence area. We have met with national and local groups who are involved with the domestic violence issue both on the policy and the treatment levels. We have interviewed practitioners and groups with an eye towards providing additional education, training and resources for the Players and their families in the months to come—whether or not we ultimately agree with MLB on a new, comprehensive domestic violence policy.

From these discussions, we have come to appreciate better the myriad issues involved with domestic violence, and the needs, fears, and hopes of all who are impacted. Finding effective solutions that can actually help those who are victimized—as opposed to focusing exclusively on punishing the perpetrators—is not always easy. There is no one simple solution, no one easy answer.

It is our hope that by working with experts in the field and by gathering the recommendations of the best and the brightest, we can develop a more effective, more comprehensive program for all of baseball. If we can, we will then be able to offer a credible voice to the ongoing national dialogue about how best to end domestic violence.

Mr. Chairman, thank you again for this opportunity, and I would be happy to answer any questions you may have about our program or the objectives of the Major League Baseball Player Association.

The CHAIRMAN. Thank you very much, Ms. Seitz.

Ms. Kathleen Behrens, Executive Vice President, Social Responsibility and Player Programs, the National Basketball Association. Please proceed.

**STATEMENT OF KATHY BEHRENS, EXECUTIVE VICE  
PRESIDENT, PLAYER PROGRAMS AND SOCIAL  
RESPONSIBILITY, NATIONAL BASKETBALL ASSOCIATION**

Ms. BEHRENS. Thank you, Mr. Chairman, Senator Thune, and Members of the Committee. I appreciate your inviting us to this hearing today.

My written testimony has been submitted to the Committee, so I will certainly try to be brief in the interest of time. We share your view, however, that a hearing like this is certainly helpful and expect that it will generate not only thought, but action, and that can certainly help all of us at this table.

I am the NBA's Executive Vice President for Social Responsibility and Player Programs, and as such, I oversee all of our community programs and partnerships as well as all of our educational efforts with our players. Our Commissioner, Adam Silver, regrets that he is not able to be here today, but he had a long-standing commitment to lead a group of NBA owners and executives on a trip to India this week.

Like the Committee and like others who already have spoken we have taken a fresh look at all of our programs, policies, and educational efforts in this area over the course of the last few months, and we have determined through our work, especially in partnership with the Players Association, that there is more that we can and should be doing to better educate our players and to help prevent domestic violence from occurring in the first place. We work closely with the Players Association on all of our educational programs for players and have determined that this year we need to do even more.

We'll be doing new awareness and educational sessions with our players, with player's family members, and with team and league staff, to help raise awareness, inspire leadership, and hopefully prevent domestic violence from happening within the NBA family. At the same time, we know that discipline is part of the process as well, and our Collective Bargaining Agreement allows for the discretion of the Commissioner, but also neutral arbitration for our players, due process that we believe is fair.

In the end, we want to stress to this committee and to others that we take this issue seriously. We are committed to doing all that we can to prevent it. We are committed to doing all that we can to provide firm but fair discipline when necessary and we will continue to learn and improve in all of these areas.

I am happy to answer any questions that the Committee has. Thank you.

[The prepared statement of Ms. Behrens follows:]

PREPARED STATEMENT OF KATHY BEHRENS, EXECUTIVE VICE PRESIDENT, PLAYER PROGRAMS AND SOCIAL RESPONSIBILITY, NATIONAL BASKETBALL ASSOCIATION

Chairman Rockefeller, Senator Thune, and Members of the Committee:

The National Basketball Association appreciates the opportunity to provide information to this Committee about our programs and policies relating to the issue of domestic violence. We take this issue extremely seriously and are committed to a comprehensive program of prevention and, when necessary, discipline to deter such conduct.

1. *Education and Training.* The NBA provides substantial education and training programs for players that address, among other things, player conduct issues such as domestic violence. Examples of such programs are:

- a. Prior to the start of each season, the NBA and the National Basketball Players Association (the union representing NBA players) conduct a comprehensive Rookie Transition Program for incoming NBA players. Over four full days of sessions, and with the assistance of NBA and Players Association staff, former players, subject matter experts, and outside speakers, rookie players are exposed to a wide variety of educational and developmental sessions designed to help them transition into their new roles as professional athletes. In addition to sessions on professional and life skills, media and community relations, and personal development, players receive education and training on numerous topics related to conduct. These include sessions focusing on domestic violence and sexual misconduct, as well as sessions devoted to drugs and alcohol, safe driving, gambling, and compliance with law.
- b. Two times each year, the NBA and Players Association conduct a Team Awareness Meeting with all players on each NBA team. These meetings cover selected topics determined annually by the NBA and the Players Association, including issues relating to player behavior. During the 2014–15 season, we will be conducting a third Team Awareness Meeting focused solely on domestic violence and related issues. These sessions, to be completed by mid-February of 2015, will be conducted by Ted Bunch, co-founder of A Call to Men, a leading violence prevention organization providing training and education for men,

boys, and communities, and Kalimah Johnson, founder of SASHA Center, a Detroit-based healing and awareness center focusing on sexual assault.

The league office maintains a robust Player Development Department, staffed by ten full-time employees and a number of consultants, whose mission is to provide support, education and resources to assist players with all manner of issues during their time in the NBA and to help them transition successfully into and out of the league. In addition, each team employs a Player Development Director who serves the same function on a local basis. Some of the key initiatives of Player Development personnel include tailored programs for players who are 20 years-old and under; life-skills programs that are conducted at our Pre-Draft Camp, Draft, and Summer League; and a financial education program that is created and delivered in partnership with the Players Association. Other special resources are provided to individual players on an as-needed basis.

The NBA and the Players Association also oversee a Player Assistance Program designed to help players struggling with emotional, mental health, anger management, or addiction issues—any one of which may be associated with domestic violence. The Player Assistance Program is managed by professionals jointly retained by the NBA and the Players Association, and includes a nationwide network of counselors who are available to players on a 24/7/365 basis.

2. *Rules and Policies.* The primary source for rules and policies governing NBA player conduct is the Collective Bargaining Agreement (CBA) negotiated between the NBA and the Players Association. The following provisions of the CBA, among others, are relevant to the issue of domestic violence:

- a. Under the CBA, all NBA players enter into Uniform Player Contracts (UPCs) with their respective teams. The UPC, in paragraph 5 thereof and elsewhere, contains various conduct provisions, including the requirement that players conduct themselves on and off the court according to the highest standards of honesty, citizenship, and sportsmanship. (*See Exhibit A hereto.*)
- b. The UPC also incorporates Article 35 of the NBA Constitution and By-Laws, which among other things grants the Commissioner the power to impose a suspension or fine (up to a maximum fine of \$50,000) on any player who, in the Commissioner's opinion, is guilty of conduct that does not conform to standards of morality or fair play, that does not comply at all times with all federal, state, and local laws, or that is prejudicial or detrimental to the NBA. (*See Exhibit B hereto.*)
- c. Article VI of the CBA contains various provisions governing player conduct, including the following: (i) a provision requiring that a player undergo counseling if there is reasonable cause to believe that he has engaged in any off-court violent conduct (or if he is convicted of such conduct); (ii) a provision requiring that a player who is convicted of a violent felony receive a minimum suspension of 10 games; and (iii) a prohibition against players possessing a firearm or deadly weapon of any kind at NBA or team venues or events or when traveling with the NBA or an NBA team. (*See Exhibit C hereto.*)

The foregoing provisions of the CBA are explained and amplified in other memoranda and notices supplied to players at various times. For example, all players receive a memo summarizing the player conduct rules at the beginning of each NBA season. Another reminder—focusing on respect in the workplace, and making clear that prohibited conduct includes bullying, hazing, retaliation, or discriminatory or harassing behavior—is prominently displayed in poster form in all team locker rooms. (*See Exhibit D hereto.*) Also under the CBA, NBA teams are entitled to establish and maintain reasonable Team Rules governing the conduct of their players.

3. *Enforcement Process, Discipline, and Appeal.* The league office is responsible for the enforcement of the NBA's policies relating to player misconduct—specifically, members of the Legal, Security, Social Responsibility and Player Development, and Basketball Operations Departments, as well as the Commissioner's Office. Where appropriate, and particularly with respect to allegations of domestic violence, the NBA will seek guidance from outside subject matter experts.

With respect to alleged criminal conduct by players, it has been the NBA's practice to rely on the disposition of the criminal proceedings. If the player is convicted, the NBA will make a determination as to the appropriate disciplinary penalty for the conduct. If the charges are dismissed, no penalty will be imposed. More recently, however, our approach has evolved and we will, where warranted by the allegations and the preliminary evidence, conduct our own investigations and make our disciplinary determinations based on the facts as we find them.

Under the CBA, a player (through the Players Association) has the right to challenge any discipline imposed by the NBA if it has a financial impact on him in ex-

cess of \$50,000. Such challenges are governed by the grievance procedures set forth in the CBA and are heard and determined by a neutral arbitrator jointly selected by the NBA and the Players Association.

4. *Recent Developments.* In the past few months, the NBA has endeavored to take a fresh look at our policies and practices in the domestic violence area, and as part of this effort has sought guidance from experts in the field—including representatives from the Corporate Alliance to End Partner Violence, Men Can Stop Rape, Safe Horizon, Joyful Heart Foundation, and the Institute on Domestic Violence in the African American Community. We have also retained Valli Kalei Kanuha, a Professor of Social Work at University of Hawaii and well-known domestic violence expert, as a consultant. In addition, we are working with officials at the Pentagon to learn how the military handles domestic violence issues.

This season, the NBA and the Players Association will implement domestic violence training sessions for players' family members through both national and local providers, and will make available appropriate resource guides. Additionally, we are examining the creation of a NBA-dedicated hotline support system for players and their families (and for league and team staff) that require assistance and support in dealing with domestic violence and related issues.

On September 25, 2014, Jeffery Taylor, a player for the Charlotte Hornets, was arrested and charged with misdemeanor counts of domestic violence assault, assault, and destruction of property—all in connection with an incident at a Michigan hotel with a woman with whom he was having a romantic relationship. Immediately thereafter, the NBA commenced its own independent investigation of the matter. During this investigation, by agreement of all parties, Mr. Taylor was on a paid leave of absence from the team. On October 29, 2014, Mr. Taylor pleaded guilty to domestic violence assault, subject to the charges against him being dismissed if he completes domestic violence training and a series of other court-ordered conditions. On November 19, 2014, after consulting with outside domestic violence experts and others, Commissioner Silver suspended Mr. Taylor without pay for 24 games, imposed other conditions, and issued a publicly-released opinion fully explaining the NBA's process and rationale. (*See Exhibit E.*) Although Mr. Taylor had the option under the CBA of contesting the discipline before a neutral arbitrator, he chose not to do so, and instead accepted the Commissioner's discipline as appropriate and apologized for his actions.

The NBA is committed to vigilance with respect to the issue of domestic violence. We have made it clear to all members of the NBA Family that domestic violence is not acceptable in any form and will result in appropriate discipline, but that there will also be resources and support available to help prevent its occurrence in the first place.

I thank the Committee for the opportunity to provide this information.

## EXHIBIT A



**NATIONAL BASKETBALL ASSOCIATION  
UNIFORM PLAYER CONTRACT**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, is by and between \_\_\_\_\_ (hereinafter called the "Team"), a member of the National Basketball Association (hereinafter called the "NBA" or "League") and \_\_\_\_\_, an individual whose address is shown below (hereinafter called the "Player"). In consideration of the mutual promises hereinafter contained, the parties hereto promise and agree as follows:

**1. TERM.**

The Team hereby employs the Player as a skilled basketball player for a term of \_\_\_\_\_ year(s) from the 1st day of September \_\_\_\_\_.

**2. SERVICES.**

The services to be rendered by the Player pursuant to this Contract shall include: (a) training camp, (b) practices, meetings, workouts, and skill or conditioning sessions conducted by the Team during the Season, (c) games scheduled for the Team during any Regular Season, (d) Exhibition games scheduled by the Team or the League during and prior to any Regular Season, (e) if the Player is invited to participate, the NBA's All-Star Game (including the Rookie-Sophomore Game) and every event conducted in association with such All-Star Game, but only in accordance with Article XXI of the Collective Bargaining Agreement currently in effect between the NBA and the National Basketball Players Association (hereinafter the "CBA"), (f) Playoff games scheduled by the League subsequent to any Regular Season, (g) promotional and commercial activities of the Team and the League as set forth in this Contract and the CBA and (h) any NBADL Work Assignment in accordance with Article XLI of the CBA.

**3. COMPENSATION.**

(a) Subject to paragraph 3(b) below, the Team agrees to pay the Player for rendering the services and performing the obligations described herein the Compensation described in Exhibit 1 or Exhibit 1A hereto (less all amounts required to be withheld by any governmental authority, and exclusive of any amount(s) which the Player shall be entitled to receive from the Player Playoff Pool). Unless otherwise provided in Exhibit 1 or Exhibit 1A, such Compensation shall be paid in twenty-four (24) equal semi-monthly payments beginning with the first of said payments on November 15th of each year covered by the Contract and continuing with such payments on the first and fifteenth of each month until said Compensation is paid in full.

(b) The Team agrees to pay the Player \$2,000 per week, pro rata, less all amounts required to be withheld by any governmental authority, for each week (up to a maximum of four (4) weeks for Veterans and up to a maximum of five (5) weeks for Rookies) prior to the Team's first Regular Season game that the Player is in attendance at training camp or Exhibition games; provided, however, that no such payments shall be made if, prior to the date on which he is required to attend training camp, the Player has been paid \$10,000 or more in Compensation with respect to the NBA Season scheduled to commence immediately following such training camp. Any Compensation paid by the Team pursuant to this subparagraph shall be considered an advance against any Compensation owed to the Player pursuant to paragraph 3(a) above, and the first scheduled payment of such Compensation (or such subsequent payments, if the first scheduled payment is not sufficient) shall be reduced by the amount of such advance.

(c) The Team will not pay and the Player will not accept any bonus or anything of value on account of the Team's winning any particular NBA game or series of games or attaining a certain position in the standings of the League as of a certain date, other than the final standing of the Team.

#### **4. EXPENSES.**

The Team agrees to pay all proper and necessary expenses of the Player, including the reasonable lodging expenses of the Player while playing for the Team "on the road" and during the training camp period (defined for this paragraph only to mean the period from the first day of training camp through the day of the Team's first Exhibition game) for as long as the Player is not then living at home. The Player, while "on the road" (and during the training camp period, only if the Player is not then living at home and the Team does not pay for meals directly), shall be paid a meal expense allowance as set forth in the CBA. No deductions from such meal expense allowance shall be made for meals served on an airplane. During the training camp period (and only if the Player is not then living at home and the Team does not pay for meals directly), the meal expense allowance shall be paid in weekly installments commencing with the first week of training camp. For the purposes of this paragraph, the Player shall be considered to be "on the road" from the time the Team leaves its home city until the time the Team arrives back at its home city.

#### **5. CONDUCT.**

(a) The Player agrees to observe and comply with all Team rules, as maintained or promulgated in accordance with the CBA, at all times whether on or off the playing floor. Subject to the provisions of the CBA, such rules shall be part of this Contract as fully as if herein written and shall be binding upon the Player.

(b) The Player agrees: (i) to give his best services, as well as his loyalty, to the Team, and to play basketball only for the Team and its assignees; (ii) to be neatly and fully attired in public; (iii) to conduct himself on and off the court according to the highest standards of honesty, citizenship, and sportsmanship; and (iv) not to do anything that is materially detrimental or materially prejudicial to the best interests of the Team or the League.

(c) For any violation of Team rules, any breach of any provision of this Contract, or for any conduct impairing the faithful and thorough discharge of the duties incumbent upon the Player, the Team may reasonably impose fines and/or suspensions on the Player in accordance with the terms of the CBA.

(d) The Player agrees to be bound by Article 35 of the NBA Constitution, a copy of which, as in effect on the date of this Contract, is attached hereto. The Player acknowledges that the Commissioner is empowered to impose fines upon and/or suspend the Player for causes and in the manner provided in such Article, provided that such fines and/or suspensions are consistent with the terms of the CBA.

(e) The Player agrees that if the Commissioner, in his sole judgment, shall find that the Player has bet, or has offered or attempted to bet, money or anything of value on the outcome of any game participated in by any team which is a member of the NBA, the Commissioner shall have the power in his sole discretion to suspend the Player indefinitely or to expel him as a player for any member of the NBA, and the Commissioner's finding and decision shall be final, binding, conclusive, and unappealable.

(f) The Player agrees that he will not, during the term of this Contract, directly or indirectly, entice, induce, or persuade, or attempt to entice, induce, or persuade, any player or coach who is under contract to any NBA team to enter into negotiations for or relating to his services as a basketball player or coach, nor shall he negotiate for or contract for such services, except with the prior written consent of such team. Breach of this subparagraph, in addition to the remedies available to the Team, shall be punishable by fine and/or suspension to be imposed by the Commissioner.

(g) When the Player is fined and/or suspended by the Team or the NBA, he shall be given notice in writing (with a copy to the Players Association), stating the amount of the fine or the duration of the suspension and the reasons therefor.

**6. WITHHOLDING.**

(a) In the event the Player is fined and/or suspended by the Team or the NBA, the Team shall withhold the amount of the fine or, in the case of a suspension, the amount provided in Article VI of the CBA from any Current Base Compensation due or to become due to the Player with respect to the contract year in which the conduct resulting in the fine and/or the suspension occurred (or a subsequent contract year if the Player has received all Current Base Compensation due to him for the then current contract year). If, at the time the Player is fined and/or suspended, the Current Base Compensation remaining to be paid to the Player under this Contract is not sufficient to cover such fine and/or suspension, then the Player agrees promptly to pay the amount directly to the Team. In no case shall the Player permit any such fine and/or suspension to be paid on his behalf by anyone other than himself.

(b) Any Current Base Compensation withheld from or paid by the Player pursuant to this paragraph 6 shall be retained by the Team or the League, as the case may be, unless the Player contests the fine and/or suspension by initiating a timely Grievance in accordance with the provisions of the CBA. If such Grievance is initiated and it satisfies Article XXXI, Section 14 of



the CBA, the amount withheld from the Player shall be placed in an interest-bearing account, pursuant to Article XXXI, Section 10 of the CBA, pending the resolution of the Grievance.

**7. PHYSICAL CONDITION.**

(a) The Player agrees to report at the time and place fixed by the Team in good physical condition and to keep himself throughout each NBA Season in good physical condition.

(b) If the Player, in the judgment of the Team's physician, is not in good physical condition at the date of his first scheduled game for the Team, or if, at the beginning of or during any Season, he fails to remain in good physical condition (unless such condition results directly from an injury sustained by the Player as a direct result of participating in any basketball practice or game played for the Team during such Season), so as to render the Player, in the judgment of the Team's physician, unfit to play skilled basketball, the Team shall have the right to suspend such Player until such time as, in the judgment of the Team's physician, the Player is in sufficiently good physical condition to play skilled basketball. In the event of such suspension, the Base Compensation payable to the Player for any Season during such suspension shall be reduced in the same proportion as the length of the period during which, in the judgment of the Team's physician, the Player is unfit to play skilled basketball, bears to the length of such Season. Nothing in this subparagraph shall authorize the Team to suspend the Player solely because the Player is injured or ill.

(c) If, during the term of this Contract, the Player is injured as a direct result of participating in any basketball practice or game played for the Team, the Team will pay the Player's reasonable hospitalization and medical expenses (including doctor's bills), provided that the hospital and doctor are selected by the Team, that the Team shall be obligated to pay only those expenses incurred as a direct result of medical treatment caused solely by and relating directly to the injury sustained by the Player. Subject to the provisions set forth in Exhibit 3, if in the judgment of the Team's physician, the Player's injuries resulted directly from playing for the Team and render him unfit to play skilled basketball, then, so long as such unfitness continues, but in no event after the Player has received his full Base Compensation for the Season in which the injury was sustained, the Team shall pay to the Player the Base Compensation prescribed in Exhibit 1 to this Contract for such Season. The Team's obligations hereunder shall be reduced by (i) any workers' compensation benefits, which, to the extent permitted by law, the Player hereby assigns to the Team, and (ii) any insurance provided for by the Team whether paid or payable to the Player.

(d) The Player agrees to provide to the Team's coach, trainer, or physician prompt notice of any injury, illness, or medical condition suffered by him that is likely to affect adversely the Player's ability to render the services required under this Contract, including the time, place, cause, and nature of such injury, illness, or condition.

(e) Should the Player suffer an injury, illness, or medical condition, he will submit himself to a medical examination, appropriate medical treatment by a physician designated by the Team, and such rehabilitation activities as such physician may specify. Such examination when made at the request of the Team shall be at its expense, unless made necessary by some act or conduct of the Player contrary to the terms of this Contract.

(f) The Player agrees (i) to submit to a physical examination at the commencement and conclusion of each Contract year hereunder, and at such other times as reasonably determined by the Team to be medically necessary, and (ii) at the commencement of this Contract, and upon the request of the Team, to provide a complete prior medical history.

(g) The Player agrees to supply complete and truthful information in connection with any medical examinations or requests for medical information authorized by this Contract.

(h) A Player who consults or is treated by a physician (including a psychiatrist) or a professional providing non-mental health related medical services (e.g., chiropractor, physical therapist) other than a physician or other professional designated by the Team shall give notice of such consultation or treatment to the Team and shall authorize and direct such other physician or professional to provide the Team with all information it may request concerning any condition that in the judgment of the Team's physician may affect the Player's ability to play skilled basketball.

(i) If and to the extent necessary to enable or facilitate the disclosure of medical information as provided for by this Contract or Article XXII or XXXIII of the CBA, the Player shall execute such individual authorization(s) as may be requested by the Team or the Medical Director of the Anti-Drug Program or as may be required by health care providers who examine or treat the Player.

**8. PROHIBITED SUBSTANCES.**

The Player acknowledges that this Contract may be terminated in accordance with the express provisions of Article XXXIII (Anti-Drug Program) of the CBA, and that any such termination will result in the Player's immediate dismissal and disqualification from any employment by the NBA and any of its teams. Notwithstanding any terms or provisions of this Contract (including any amendments hereto), in the event of such termination, all obligations of the Team, including obligations to pay Compensation, shall cease, except the obligation of the Team to pay the Player's earned Compensation (whether Current or Deferred) to the date of termination.

**9. UNIQUE SKILLS.**

The Player represents and agrees that he has extraordinary and unique skill and ability as a basketball player, that the services to be rendered by him hereunder cannot be replaced or the loss thereof adequately compensated for in money damages, and that any breach by the Player of this Contract will cause irreparable injury to the Team, and to its assignees. Therefore, it is agreed that in the event it is alleged by the Team that the Player is playing, attempting or threatening to play, or negotiating for the purpose of playing, during the term of this Contract, for any other person, firm, entity, or organization, the Team and its assignees (in addition to any other remedies that may be available to them judicially or by way of arbitration) shall have the right to obtain from any court or arbitrator having jurisdiction such equitable relief as may be appropriate, including a decree enjoining the Player from any further such breach of this Contract, and enjoining the Player from playing basketball for any other person, firm, entity, or organization during the term of this Contract. The Player agrees that this right may be enforced

by the Team or the NBA. In any suit, action, or arbitration proceeding brought to obtain such equitable relief, the Player does hereby waive his right, if any, to trial by jury, and does hereby waive his right, if any, to interpose any counterclaim or set-off for any cause whatever.

**10. ASSIGNMENT.**

(a) The Team shall have the right to assign this Contract to any other NBA team, and the Player agrees to accept such assignment and to faithfully perform and carry out this Contract with the same force and effect as if it had been entered into by the Player with the assignee team instead of with the Team.

(b) In the event that this Contract is assigned to any other NBA team, all reasonable expenses incurred by the Player in moving himself and his family to the home territory of the team to which such assignment is made, as a result thereof, shall be paid by the assignee team.

(c) In the event that this Contract is assigned to another NBA team, the Player shall forthwith be provided notice orally or in writing, delivered to the Player personally or delivered or mailed to his last known address, and the Player shall report to the assignee team within forty-eight (48) hours after said notice has been received (if the assignment is made during a Season), within one (1) week after said notice has been received (if the assignment is made between Seasons), or within such longer time for reporting as may be specified in said notice. The NBA shall also promptly notify the Players Association of any such assignment. The Player further agrees that, immediately upon reporting to the assignee team, he will submit upon request to a physical examination conducted by a physician designated by the assignee team.

(d) If the Player, without a reasonable excuse, does not report to the team to which this Contract has been assigned within the time provided in subsection (c) above, then (i) upon consummation of the assignment, the Player may be disciplined by the assignee team or, if the assignment is not consummated or is voided as a result of the Player's failure to so report, by the assignor Team, and (ii) such conduct shall constitute conduct prejudicial to the NBA under Article 35(d) of the NBA Constitution, and shall therefore subject the Player to discipline from the NBA in accordance with such Article.

**11. VALIDITY AND FILING.**

(a) This Contract shall be valid and binding upon the Team and the Player immediately upon its execution.

(b) The Team agrees to file a copy of this Contract, and/or any amendment(s) thereto, with the Commissioner of the NBA as soon as practicable by facsimile or email and overnight mail, but in no event may such filing be made more than forty-eight (48) hours after the execution of this Contract and/or amendment(s).

(c) If pursuant to the NBA Constitution and By-Laws or the CBA, the Commissioner disapproves this Contract (or amendment) within ten (10) days after the receipt thereof in his office by overnight mail, this Contract (or amendment) shall thereupon terminate and be of no further force or effect and the Team and the Player shall thereupon be relieved of their respective rights and liabilities thereunder. If the Commissioner's disapproval is subsequently overturned

in any proceeding brought under the arbitration provisions of the CBA (including any appeals), the Contract shall again be valid and binding upon the Team and the Player, and the Commissioner shall be afforded another ten-day period to disapprove the Contract (based on the Team's Room at the time the Commissioner's disapproval is overturned) as set forth in the foregoing sentence. The NBA will promptly inform the Players Association if the Commissioner disapproves this Contract.

## 12. PROHIBITED ACTIVITIES.

The Player and the Team acknowledge and agree that the Player's participation in certain other activities may impair or destroy his ability and skill as a basketball player, and the Player's participation in any game or exhibition of basketball other than at the request of the Team may result in injury to him. Accordingly, the Player agrees that he will not, without the written consent of the Team, engage in any activity that a reasonable person would recognize as involving or exposing the participant to a substantial risk of bodily injury including, but not limited to: (i) sky-diving, hang gliding, snow skiing, rock or mountain climbing (as distinguished from hiking), rappelling, and bungee jumping; (ii) any fighting, boxing, or wrestling; (iii) driving or riding on a motorcycle or moped; (iv) riding in or on any motorized vehicle in any kind of race or racing contest; (v) operating an aircraft of any kind; (vi) engaging in any other activity excluded or prohibited by or under any insurance policy which the Team procures against the injury, illness or disability to or of the Player, or death of the Player, for which the Player has received written notice from the Team prior to the execution of this Contract; or (vii) participating in any game or exhibition of basketball, football, baseball, hockey, lacrosse, or other team sport or competition. If the Player violates this Paragraph 12, he shall be subject to discipline imposed by the Team and/or the Commissioner of the NBA. Nothing contained herein shall be intended to require the Player to obtain the written consent of the Team in order to enable the Player to participate in, as an amateur, the sports of golf, tennis, handball, swimming, hiking, softball, volleyball, and other similar sports that a reasonable person would not recognize as involving or exposing the participant to a substantial risk of bodily injury.

## 13. PROMOTIONAL ACTIVITIES.

(a) The Player agrees to allow the Team, the NBA, or any League-related entity to take pictures of the Player, alone or together with others, for still photographs, motion pictures, television, or other Media (as such term is defined in Article XXVIII of the CBA), at such reasonable times as the Team, the NBA or the League-related entity may designate. No matter by whom taken, such images may be used in any manner desired by either the Team, the NBA, or the League-related entity for publicity or promotional purposes for Teams or the NBA. The rights in any such images taken by the Team, the NBA, or the League-related entity shall belong to the Team, the NBA, or the League-related entity, as their interests may appear.

(b) The Player agrees that, during any year of this Contract, he will not make public appearances, participate in radio or television programs, permit his picture to be taken, write or sponsor newspaper or magazine articles, or sponsor commercial products without the written consent of the Team, which shall not be withheld except in the reasonable interests of the Team or the NBA. The foregoing shall be interpreted in accordance with the decision in *Portland Trail Blazers v. Darnell Valentine and Jim Paxson*, Decision 86-2 (August 13, 1986).

(c) Upon request, the Player shall consent to and make himself available for interviews by representatives of the media conducted at reasonable times.

(d) In addition to the foregoing, and subject to the conditions and limitations set forth in Article II, Section 8 of the CBA, the Player agrees to participate, upon request, in all other reasonable promotional activities of the Team, the NBA, and any League-related entity. For each such promotional appearance made on behalf of a commercial sponsor of the Team, the Team agrees to pay the Player \$3,000 (or, commencing with the 2017-18 Salary Cap Year, \$3,500) subject to Article II, Section 8 of the CBA, or, if the Team agrees, such higher amount that is consistent with the Team's past practice and not otherwise unreasonable.

#### 14. GROUP LICENSE AND LEAGUE PROMOTION.

(a) The Player hereby grants to NBA Properties, Inc. (and its related entities) the exclusive rights to use the Player's Player Attributes as such term is defined and for such group licensing purposes as are set forth in the Agreement between NBA Properties, Inc. and the National Basketball Players Association, made as of September 18, 1995 and amended January 20, 1999, July 29, 2005 and December 8, 2011 (the "Group License"), a copy of which will, upon his request, be furnished to the Player; and the Player agrees to make the appearances called for by such Agreement.

(b) Notwithstanding anything to the contrary contained in the Group License, the CBA or this Contract, the NBA, all League-related entities, and the Teams may use, and may authorize others to use, in connection with League Promotions, the Player's Player Attributes (as defined in the Group License). The NBA, all League-related entities and the Teams shall be entitled to use the Player's Player Attributes individually pursuant to the preceding sentence and shall not be required to use the Player's Player Attributes in a group or as one of multiple players. As used herein, League Promotion shall mean any and all uses intended to publicize, promote or market, in any way (including in any and all Media) (i) the NBA, any League-related entity that generates BRI (as defined in Article VII of the CBA), any Team or any Player, (ii) any game in which a Team participates (including a Pre-Season, Exhibition, Regular Season, and Playoff game), (iii) any telecast, broadcast or other exhibition or distribution of any such game or of any NBA or Team-related program or content, (iv) any NBA or Team-related facility or platform or any public service, promotional, advertising, marketing program or other activity conducted or authorized by the NBA, a League-related entity that generates BRI or a Team or (v) the sport of basketball. For purposes of clarity, the foregoing rights of the NBA, League-related entities and the Teams include the right and authority to use, and to authorize others to use, after the term of this Contract, any Player Attributes fixed in a tangible medium (e.g., filmed, photographed, recorded or otherwise captured) during the term of this Contract solely for the purposes described herein. The foregoing does not confer any right or authority to use the Player's Player Attributes in a manner that constitutes an unauthorized Endorsement (as such term is defined and clarified in Article XXVIII of the CBA).

(c) The Player does not and will not contest during or after the term of this Contract, and the Player hereby acknowledges, the exclusive rights of the NBA, all League-related entities that generate BRI and the Teams (i) to telecast, broadcast, or otherwise distribute, transmit, exhibit or perform, on a live, delayed, or archived basis, in any and all Media, any performance

by the Player under this Contract or the CBA (including in NBA games or any excerpts thereof) and (ii) to produce, license, offer for sale, sell, market, or otherwise, exhibit, distribute, transmit or perform (or authorize a third party to do any of the foregoing), on a live, delayed, or archived basis, any such performance in any and all Media, including, but not limited to, as part of programming or a content offering or in packaged or other electronic or digital media. The foregoing does not confer any right or authority to use the Player's Player Attributes in a manner that constitutes an unauthorized Endorsement (as such term is defined and clarified in Article XXVIII of the CBA).

#### **15. TEAM DEFAULT.**

In the event of an alleged default by the Team in the payments to the Player provided for by this Contract, or in the event of an alleged failure by the Team to perform any other material obligation that it has agreed to perform hereunder, the Player shall notify both the Team and the League in writing of the facts constituting such alleged default or alleged failure. If neither the Team nor the League shall cause such alleged default or alleged failure to be remedied within five (5) days after receipt of such written notice, the National Basketball Players Association shall, on behalf of the Player, have the right to request that the dispute concerning such alleged default or alleged failure be referred immediately to the Grievance Arbitrator in accordance with the provisions of the CBA. If, as a result of such arbitration, an award issues in favor of the Player, and if neither the Team nor the League complies with such award within ten (10) days after the service thereof, the Player shall have the right, by a further written notice to the Team and the League, to terminate this Contract.

#### **16. TERMINATION.**

(a) The Team may terminate this Contract upon written notice to the Player if the Player shall:

(i) at any time, fail, refuse, or neglect to conform his personal conduct to standards of good citizenship, good moral character (defined here to mean not engaging in acts of moral turpitude, whether or not such acts would constitute a crime), and good sportsmanship, to keep himself in first class physical condition, or to obey the Team's training rules;

(ii) at any time commit a significant and inexcusable physical attack against any official or employee of the Team or the NBA (other than another player), or any person in attendance at any NBA game or event, considering the totality of the circumstances, including (but not limited to) the degree of provocation (if any) that may have led to the attack, the nature and scope of the attack, the Player's state of mind at the time of the attack, and the extent of any injury resulting from the attack;

(iii) at any time, fail, in the sole opinion of the Team's management, to exhibit sufficient skill or competitive ability to qualify to continue as a member of the Team; provided, however, (A) that if this Contract is terminated by the Team, in accordance with the provisions of this subparagraph, prior to January 10 of any

Season, and the Player, at the time of such termination, is unfit to play skilled basketball as the result of an injury resulting directly from his playing for the Team, the Player shall (subject to the provisions set forth in Exhibit 3) continue to receive his full Base Compensation, less all workers' compensation benefits (which, to the extent permitted by law, and if not deducted from the Player's Compensation by the Team, the Player hereby assigns to the Team) and any insurance provided for by the Team paid or payable to the Player by reason of said injury, until such time as the Player is fit to play skilled basketball, but not beyond the Season during which such termination occurred; and provided, further, (B) that if this Contract is terminated by the Team, in accordance with the provisions of this subparagraph, during the period from the January 10 of any Season through the end of such Season, the Player shall be entitled to receive his full Base Compensation for said Season; or

(iv) at any time, fail, refuse, or neglect to render his services hereunder or in any other manner materially breach this Contract.

(b) If this Contract is terminated by the Team by reason of the Player's failure to render his services hereunder due to disability caused by an injury to the Player resulting directly from his playing for the Team and rendering him unfit to play skilled basketball, and notice of such injury is given by the Player as provided herein, the Player shall (subject to the provisions set forth in Exhibit 3) be entitled to receive his full Base Compensation for the Season in which the injury was sustained, less all workers' compensation benefits (which, to the extent permitted by law, and if not deducted from the Player's Compensation by the Team, the Player hereby assigns to the Team) and any insurance provided for by the Team paid or payable to the Player by reason of said injury.

(c) Notwithstanding the provisions of paragraph 16(b) above, if this Contract is terminated by the Team prior to the first game of a Regular Season by reason of the Player's failure to render his services hereunder due to an injury or condition sustained or suffered during a preceding Season, or after such Season but prior to the Player's participation in any basketball practice or game played for the Team, payment by the Team of any Compensation earned through the date of termination under paragraph 3(b) above, payment of the Player's board, lodging, and expense allowance during the training camp period, payment of the reasonable traveling expenses of the Player to his home city, and the expert training and coaching provided by the Team to the Player during the training season shall be full payment to the Player.

(d) If this Contract is terminated by the Team during the period designated by the Team for attendance at training camp, payment by the Team of any Compensation earned through the date of termination under paragraph 3(b) above, payment of the Player's board, lodging, and expense allowance during such period to the date of termination, payment of the reasonable traveling expenses of the Player to his home city, and the expert training and coaching provided by the Team to the Player during the training season shall be full payment to the Player.

(e) If this Contract is terminated by the Team after the first game of a Regular Season, except in the case provided for in subparagraphs (a)(iii) and (b) of this paragraph 16, the

Player shall be entitled to receive as full payment hereunder a sum of money which, when added to the salary which he has already received during such Season, will represent the same proportionate amount of the annual sum set forth in Exhibit 1 or Exhibit 1A hereto as the number of days of such Regular Season then past bears to the total number of days of such Regular Season, plus the reasonable traveling expenses of the Player to his home.

(f) If the Team proposes to terminate this Contract in accordance with subparagraph (a) of this paragraph 16, it must first comply with the following waiver procedure:

(i) The Team shall request the NBA Commissioner to request waivers from all other clubs. Such waiver request may not be withdrawn.

(ii) Upon receipt of the waiver request, any other team may claim assignment of this Contract at such waiver price as may be fixed by the League, the priority of claims to be determined in accordance with the NBA Constitution and By-Laws.

(iii) If this Contract is so claimed, the Team agrees that it shall, upon the assignment of this Contract to the claiming team, notify the Player of such assignment as provided in paragraph 10(c) hereof, and the Player agrees he shall report to the assignee team as provided in said paragraph 10(c).

(iv) If the Contract is not claimed prior to the expiration of the waiver period, it shall terminate and the Team shall promptly deliver written notice of termination to the Player.

(v) The NBA shall promptly notify the Players Association of the disposition of any waiver request.

(vi) To the extent not inconsistent with the foregoing provisions of this subparagraph (f), the waiver procedures set forth in the NBA Constitution and By-Laws, a copy of which, as in effect on the date of this Contract, is attached hereto, shall govern.

(g) Upon any termination of this Contract by the Player, all obligations of the Team to pay Compensation shall cease on the date of termination, except the obligation of the Team to pay the Player's Compensation to said date.

**17. DISPUTES.**

In the event of any dispute arising between the Player and the Team relating to any matter arising under this Contract, or concerning the performance or interpretation thereof (except for a dispute arising under paragraph 9 hereof), such dispute shall be resolved in accordance with the Grievance and Arbitration Procedure set forth in Article XXXI of the CBA.



**18. PLAYER NOT A MEMBER.**

Nothing contained in this Contract or in any provision of the NBA Constitution and By-Laws shall be construed to constitute the Player a member of the NBA or to confer upon him any of the rights or privileges of a member thereof.

**19. RELEASE.**

The Player hereby releases and waives any and all claims he may have, or that may arise during the term of this Contract, against (a) the NBA and its related entities, the NBADL and its related entities, and every member of the NBA or the NBADL, and every director, officer, owner, stockholder, trustee, partner, and employee of the NBA, NBADL and their respective related entities and/or any member of the NBA or NBADL and their related entities (excluding persons employed as players by any such member), and (b) any person retained by the NBA and/or the Players Association in connection with the NBA/NBPA Anti-Drug Program, the Grievance Arbitrator, the System Arbitrator, and any other arbitrator or expert retained by the NBA and/or the Players Association under the terms of the CBA, in both cases (a) and (b) above, arising out of, or in connection with, and whether or not by negligence, (i) any injury that is subject to the provisions of paragraph 7 hereof, (ii) any fighting or other form of violent and/or unsportsmanlike conduct occurring during the course of any practice, any NBADL game, and/or any NBA Exhibition, Regular Season, and/or Playoff game (in all cases on or adjacent to the playing floor or in or adjacent to any facility used for such practices or games), (iii) the testing procedures or the imposition of any penalties set forth in paragraph 8 hereof and in the NBA/NBPA Anti-Drug Program, or (iv) any injury suffered in the course of his employment as to which he has or would have a claim for workers' compensation benefits. The foregoing shall not apply to any claim of medical malpractice against a Team-affiliated physician or other medical personnel.

**20. ENTIRE AGREEMENT.**

This Contract (including any Exhibits hereto) contains the entire agreement between the parties and, except as provided in the CBA, sets forth all components of the Player's Compensation from the Team or any Team Affiliate, and there are no other agreements or transactions of any kind (whether disclosed or undisclosed to the NBA), express or implied, oral or written, or promises, undertakings, representations, commitments, inducements, assurances of intent, or understandings of any kind (whether disclosed or undisclosed to the NBA) (a) concerning any future Renegotiation, Extension, or other amendment of this Contract or the entry into any new Player Contract, or (b) involving compensation or consideration of any kind (including, without limitation, an investment or business opportunity) to be paid, furnished, or made available to the Player, or any person or entity controlled by, related to, or acting with authority on behalf of the Player, by the Team or any Team Affiliate.

**EXAMINE THIS CONTRACT CAREFULLY BEFORE SIGNING IT.**

THIS CONTRACT INCLUDES EXHIBITS \_\_\_\_\_, WHICH ARE ATTACHED  
HERETO AND MADE A PART HEREOF.

IN WITNESS WHEREOF the Player has hereunto signed his name and the Team has  
caused this Contract to be executed by its duly authorized officer.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Title:  
Team:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Player:  
Player's Address:

**EXCERPT FROM NBA CONSTITUTION****MISCONDUCT**

35. The provisions of this Article 35 shall govern all Players in the Association, hereinafter referred to as "Players."

(a) Each Member shall provide and require in every contract with any of its Players that they shall be bound and governed by the provisions of this Article. Each Member, at the direction of the Board of Governors or the Commissioner, as the case may be, shall take such action as the Board or the Commissioner may direct in order to effectuate the purposes of this Article.

(b) The Commissioner shall direct the dismissal and perpetual disqualification from any further association with the Association or any of its Members, of any Player found by the Commissioner after a hearing to have been guilty of offering, agreeing, conspiring, aiding or attempting to cause any game of basketball to result otherwise than on its merits.

(c) If in the opinion of the Commissioner any act or conduct of a Player at or during an Exhibition, Regular Season, or Playoff game has been prejudicial to or against the best interests of the Association or the game of basketball, the Commissioner shall impose upon such Player a fine not exceeding \$50,000, or may order for a time the suspension of any such Player from any connection or duties with Exhibition, Regular Season, or Playoff games, or he may order both such fine and suspension.

(d) The Commissioner shall have the power to suspend for a definite or indefinite period, or to impose a fine not exceeding \$50,000, or inflict both such suspension and fine upon any Player who, in his opinion, (i) shall have made or caused to be made any statement having, or that was designed to have, an effect prejudicial or detrimental to the best interests of basketball or of the Association or of a Member, or (ii) shall have been guilty of conduct that does not conform to standards of morality or fair play, that does not comply at all times with all federal, state, and local laws, or that is prejudicial or detrimental to the Association.

(e) Any Player who, directly or indirectly, entices, induces, persuades or attempts to entice, induce, or persuade any Player, Coach, Trainer, General Manager or any other person who is under contract to any other Member of the Association to enter into negotiations for or relating to his services or negotiates or contracts for such services shall, on being charged with such tampering, be given an opportunity to answer such charges after due notice and the Commissioner shall have the power to decide whether or not the charges have been sustained; in the event his decision is that the charges have been sustained, then the Commissioner shall have the power to suspend such Player for a definite or indefinite period, or to impose a fine not exceeding \$50,000, or inflict both such suspension and fine upon any such Player.

(f) Any Player who, directly or indirectly, wagers money or anything of value on the outcome of any game played by a Team in the league operated by the Association shall, on being charged with such wagering, be given an opportunity to answer such charges after due notice, and the decision of the Commissioner shall be final, binding and conclusive and unappealable.

The penalty for such offense shall be within the absolute and sole discretion of the Commissioner and may include a fine, suspension, expulsion and/or perpetual disqualification from further association with the Association or any of its Members.

(g) Except for a penalty imposed under Paragraph (f) of this Article 35: (i) any challenge by a Team to the decisions and acts of the Commissioner pursuant to Article 35 shall be appealable to the Board of Governors, who shall determine such appeals in accordance with such rules and regulations as may be adopted by the Board in its absolute and sole discretion, and (ii) any challenge by a Player to the decisions or acts of the Commissioner pursuant to Article 35 shall be governed by the provisions of Article XXXI of the NBA/NBPA Collective Bargaining Agreement then in effect.

**EXCERPT FROM NBA BY-LAWS**

5.01. *Waiver Right.* Except for sales and trading between Members in accordance with these By-Laws, no Member shall sell, option, or otherwise assign the contract with, right to the services of, or right to negotiate with, a Player without complying with the waiver procedure prescribed by this Constitution and By-Laws.

5.02. *Waiver Price.* The waiver price shall be \$1,000 per Player.

5.03. *Waiver Procedure.* A Member desiring to secure waivers on a Player shall notify the Commissioner or the Commissioner's designee, who shall, on behalf of such Member, immediately notify all other Members of the waiver request. Such Player shall be assumed to have been waived unless a Member shall notify the Commissioner or the Commissioner's designee in accordance with Section 5.04 of a claim to the rights to such Player. Once a Member has notified the Commissioner or the Commissioner's designee of its desire to secure waivers on a Player, such notice may not be withdrawn. A Player remains the financial responsibility of the Member placing him on waivers until the waiver period set by the Commissioner or the Commissioner's designee has expired.

5.04. *Waiver Period.* If the Commissioner or the Commissioner's designee distributes notice of request for waiver, any Members wishing to claim rights to the Player shall do so by giving notice by telephone and in a Writing of such claim to the Commissioner or the Commissioner's designee within forty-eight (48) hours after the time of such notice. A Team may not withdraw a claim to the rights to a Player on waivers. Notwithstanding Article 40 of the NBA Constitution, Saturdays, Sundays and legal holidays shall be included when computing the above-referenced waiver period.

5.05. *Waiver Preferences.*

(a) In the event that more than one (1) Member shall have claimed the rights to a Player placed on waivers, the claiming Member with the lowest team standing at the time the waiver was requested shall be entitled to acquire the rights to such Player. If the request for waiver shall occur after the last day of the Season and before 11:59 p.m. eastern time on the following November 30, the standings at the close of the previous Season shall govern.

(b) If the winning percentage of two (2) claiming Teams are the same, then the tie shall be determined, if possible, on the basis of the Regular Season Games between the two (2) Teams during the Season or during the preceding Season, as the case may be. If still tied, a toss of a coin shall determine priority. For the purpose of determining standings, both Conferences of the Association shall be deemed merged and a consolidated standing shall control.

5.06. *Players Acquired Through Waivers.* A Member who has acquired the rights and title to the contract of a Player through the waiver procedure may not sell or trade such rights for a period of thirty (30) days after the acquisition thereof; provided, however, that if the rights to such Player were acquired between Seasons, the 30-day period described herein shall begin on the first day of the next succeeding Season.

5.07. *Additional Waiver Rules.* The Commissioner or the Board of Governors may from time to time adopt additional rules (supplementary to those set forth in this Section 5) with respect to the operation of the waiver procedure. Such rules shall not be inconsistent with the provisions of this Section 5 and shall apply to but shall not be limited to the mechanics of notice, inadvertent omission of notification to a Member, and rules of construction as to time.

**AGENT CERTIFICATION**

(To be completed only if Player was represented by an agent who negotiated the terms of this Contract.)

I, the undersigned, having negotiated this Contract on behalf of \_\_\_\_\_, do hereby swear and certify, under penalties of perjury, that the terms of Paragraph 20 of this Contract ("Entire Agreement") are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Player Representative

\_\_\_\_\_  
(Print or Type Name of Player Representative)

State of \_\_\_\_\_  
County of \_\_\_\_\_

On \_\_\_\_\_, before me personally came \_\_\_\_\_ and acknowledged to me that he/she had executed the foregoing Agent Certification.

\_\_\_\_\_  
Notary Public

UNIFORM PLAYER CONTRACT

Exhibit 1 — Compensation

Player:

Team:

Date:

Season      Current Base Compensation      Deferred Base Compensation

**Payment Schedule** (if different from paragraph 3):

Current  
Base:

Deferred  
Base:

**Signing Bonus** (include dates of payment):

**Incentive Compensation** (include dates of payment):

**Other Arrangements:**

Initialed:

\_\_\_\_\_  
Player

\_\_\_\_\_  
Team



UNIFORM PLAYER CONTRACT

Exhibit 1A — Compensation: Minimum Player Salary

Player:

Team:

Date:

<u>Season</u>	<u>Current Base Compensation</u>	<u>Deferred Base Compensation</u>
---------------	----------------------------------	-----------------------------------

This Contract is intended to provide for a Base Compensation for the \_\_\_\_\_ Season(s) equal to the Minimum Player Salary for such Season(s) (with no bonuses of any kind) and shall be deemed amended to the extent necessary to so provide.

Payment Schedule (if different from paragraph 3):

Other Arrangements:

Initialed:

_____	_____
Player	Team

UNIFORM PLAYER CONTRACT

Exhibit 2 — Compensation Protection

Player:

Team:

Date:

<u>Season</u>	<u>Type of Protection</u>	<u>Amount of Protection</u>	<u>Additional Conditions or Limitations</u>
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**Automatic Stretch Provision:** In the event that the Team terminates this Contract (resulting in the Player's separation of service from the Team), and the Team is obligated thereafter to make payments to the Player pursuant to this Exhibit 2, such payments shall be rescheduled as follows: (i) if the request for waivers on the Player is made during the period from September 1 through the following June 30, then (x) the Base Compensation owed to the Player pursuant to this Exhibit 2 with respect to the Salary Cap Year in which the request for waivers is made shall be paid in accordance with the payment schedule set forth in this Contract; and (y) the remaining Base Compensation owed to the Player pursuant to this Exhibit 2 shall be aggregated and paid in equal amounts per Season over a period equal to twice the number of Seasons (including any Player Option Year) remaining on this Contract following the Salary Cap Year in which the request for waivers occurred (not including the then-current Season (or, in the case of requests for waivers made from September 1 through the first day of a Regular Season, the upcoming Season)), plus one Season; and (ii) if the request for waivers on the Player is made during the period from July 1 through August 31, then the remaining Base Compensation owed to the Player pursuant to this Exhibit 2 shall be aggregated and paid in equal amounts per Season over a period equal to twice the number of Seasons (including any Player Option Year) remaining on this Contract following the date of the waiver (including the upcoming Season), plus one Season. In all circumstances described above except where specifically noted otherwise, the Base Compensation in each Season shall be paid in accordance with the schedule set forth in paragraph 3 of this Contract.

Initialed:

_____	_____
Player	Team

**UNIFORM PLAYER CONTRACT**

**Exhibit 3 — Prior Injury Exclusion**

Player:

Team:

Date:

The Player's right to receive his Compensation as set forth in paragraphs 7(c), 16(a)(iii), 16(b) of this Contract, or otherwise is limited or eliminated with respect to the following reinjury of the injury or aggravation of the condition set forth below:

Describe injury or condition:

Describe the extent to which liability for Compensation is limited or eliminated:

Initialed:

\_\_\_\_\_  
Player

\_\_\_\_\_  
Team

**UNIFORM PLAYER CONTRACT**

**Exhibit 4 — Trade Payments**

Player:

Team:

Date:

In the event this Contract is traded by the Team executing the Contract to another NBA team, the Player shall be entitled to receive from the assignor team, within thirty (30) days of the date of such trade, the following payment:

Initialed:

\_\_\_\_\_  
Player

\_\_\_\_\_  
Team

UNIFORM PLAYER CONTRACT

Exhibit 5 — Other Activities

Player:

Team:

Date:

Notwithstanding the provisions of paragraph 12 of this Contract, the Player and the Team agree that the Player need not obtain the consent of the Team in order to engage in the activities set forth below:

Initialed:

\_\_\_\_\_  
Player

\_\_\_\_\_  
Team

**UNIFORM PLAYER CONTRACT**

**Exhibit 6 — Physical Exam**

Player:

Team:

Date:

The Player and the Team agree that this Contract will be invalid and of no force and effect unless the Player passes, in the sole discretion of a physician designated by the Team, a physical examination in accordance with Article II, Section 12(h) of the CBA that is (i) conducted within three (3) business days of the execution of this Contract, and (ii) the results of which are reported by the Team to the player within six (6) business days of the execution of this Contract. The Player agrees to supply complete and truthful information in connection with any such examinations.

Initialed:

\_\_\_\_\_  
Player

\_\_\_\_\_  
Team

UNIFORM PLAYER CONTRACT

Exhibit 7 — Substitution for UPC Paragraph 7(b)

Player:

Team:

Date:

Paragraph 7(b) is hereby deleted and the following shall be substituted in place and instead thereof:

“7. (b) The Player agrees, notwithstanding any other provision of this Contract, that he will to the best of his ability maintain himself in physical condition sufficient to play skilled basketball at all times. If the Player, in the reasonable judgment of the physician designated for that purpose by the Team, is not in good physical condition at the date of his first scheduled game for the Team, or if, at the beginning of or during any Season, he fails to remain in good physical condition, in either event so as to render the Player unfit in the reasonable judgment of said physician to play skilled basketball, the Team shall have the right to suspend the Player for successive one-week periods until the Player, in the reasonable judgment of the Team’s physician, is in good physical condition; provided, however, that at the end of each such one-week period of suspension, if the Team notifies the Player, orally or in writing, that in its reasonable judgment it believes the Player is still not in good physical condition, and if the Player so requests, then the Player shall be examined by a physician or physicians designated for such purpose by the President, or any Vice President if the President is not available, of the American Society of Orthopedic Physicians, or equivalent organization (the “Reviewing Physician”), whose sole judgment concerning the physical condition of the Player to play skilled basketball shall be binding upon the Team and the Player for purposes of this paragraph. The suspension of the Player shall be terminated promptly upon the failure of the Team to give the Player the notice required at the end of the one-week period or upon the finding of said Reviewing Physician that the Player is in physical condition sufficient to play skilled basketball. In the event of a suspension permitted hereunder, the Compensation (excluding any signing bonus or Incentive Compensation) payable to the Player for any Season during such suspension shall be reduced in the same proportion as the length of the period of disability so determined bears to the length of the Season. Nothing in this paragraph 7(b) shall authorize the Team to suspend the Player solely because the Player is injured or ill.”

Initialed:

\_\_\_\_\_  
Player

\_\_\_\_\_  
Team

UNIFORM PLAYER CONTRACT

Exhibit 8 — Sign and Trade

Player:

Team:

Date:

The Player and the Team agree that this [Contract] [amendment] will be invalid and of no force and effect unless the Contract is traded to the [assignee team] within forty-eight (48) hours of its execution, and all conditions to such trade are ultimately satisfied.

Initialed:

\_\_\_\_\_  
Player

\_\_\_\_\_  
Team



**UNIFORM PLAYER CONTRACT**

**Exhibit 9 — One-Season, Non-Guaranteed Training Camp Contracts**

Player:

Team:

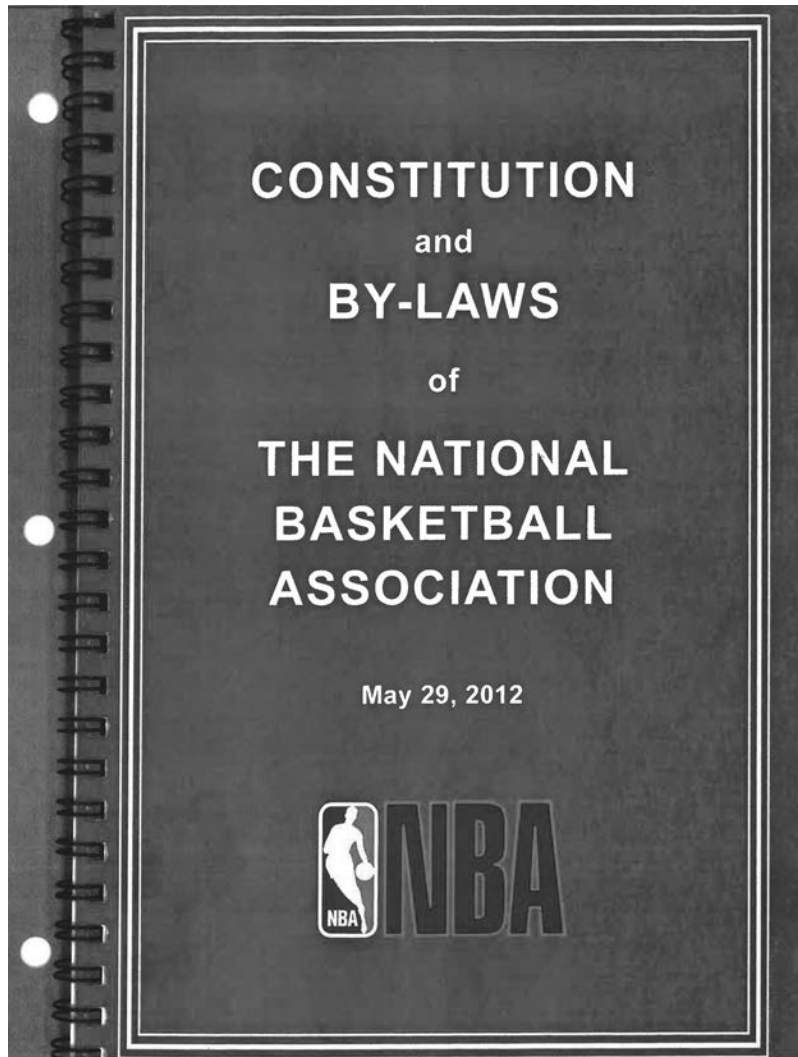
Date:

The Player's right to receive any Compensation under this Contract (other than Compensation in accordance with paragraph 3(b)) is eliminated in the event the Contract is terminated prior to the first day of the Regular Season covered by the Contract; provided, however, that if the Player is injured as a direct result of playing for the Team and, accordingly, would have been entitled (but for this Exhibit 9) to Compensation pursuant to paragraphs 7(c), 16(a)(iii), 16(b), or otherwise, the Team's sole liability shall be to pay the Player \$6,000 upon termination of the Player's Contract.

Initialed:

\_\_\_\_\_  
Player

\_\_\_\_\_  
Team



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maximum number of Players permitted to be listed on the Member's Active List during the Regular Season.

(iv) To the payment of the fees and traveling and maintenance costs of the Referees appointed for the games.

(v) The balance, if any, shall be distributed equally to the Members.

(c) In the event that the monies so received by the Association are insufficient to pay the items referred to in Paragraph (b) hereof, the deficit shall be supplied equally by the Members.

**ARTICLE 34**

**MEMBERS, THEIR POWERS AND RESPONSIBILITIES**

In circumstances where a rule is not provided by the Constitution and By-Laws, rules, regulations, resolutions, or agreements of the Association, each Member shall conduct its operations in accordance with its own business judgment.

**ARTICLE 35**

**MISCONDUCT**

The provisions of this Article 35 shall govern all Players in the Association.

(a) Each Member shall provide and require in every contract with any of its Players that they shall be bound and governed by the provisions of this Article. Each Member, at the direction of the Board of Governors or the Commissioner, as the case may be, shall take such action as the Board or the Commissioner may direct in order to effectuate the purposes of this Article.

(b) The Commissioner shall direct the dismissal and perpetual disqualification from any further association with the Association or any of its Members, of any Player found by the Commissioner after a hearing to have been guilty of offering, agreeing, conspiring, aiding or attempting to cause any game of basketball to result otherwise than on its merits.

(c) If in the opinion of the Commissioner any act or conduct of a Player at or during an Exhibition, Regular Season, or Playoff Game has been prejudicial to or against the best interests of the Association or the game of basketball, the Commissioner shall impose upon such Player a fine not exceeding \$50,000, or may order for a time the suspension of any such Player from any connection or duties with Exhibition, Regular Season, or Playoff Games, or he may order both such fine and suspension.

(d) The Commissioner shall have the power to suspend for a definite or indefinite period, or to impose a fine not exceeding \$50,000, or inflict both such suspension and fine upon any Player who, in his opinion, (i) shall have made or caused to be made any statement having, or that was designed to have, an effect prejudicial or detrimental to the best interests of basketball or of the Association or of a Member, or (ii) shall have been guilty of conduct that does not conform to standards of morality or fair play, that does not comply at all times with all federal, state, and local laws, or that is prejudicial or detrimental to the Association.

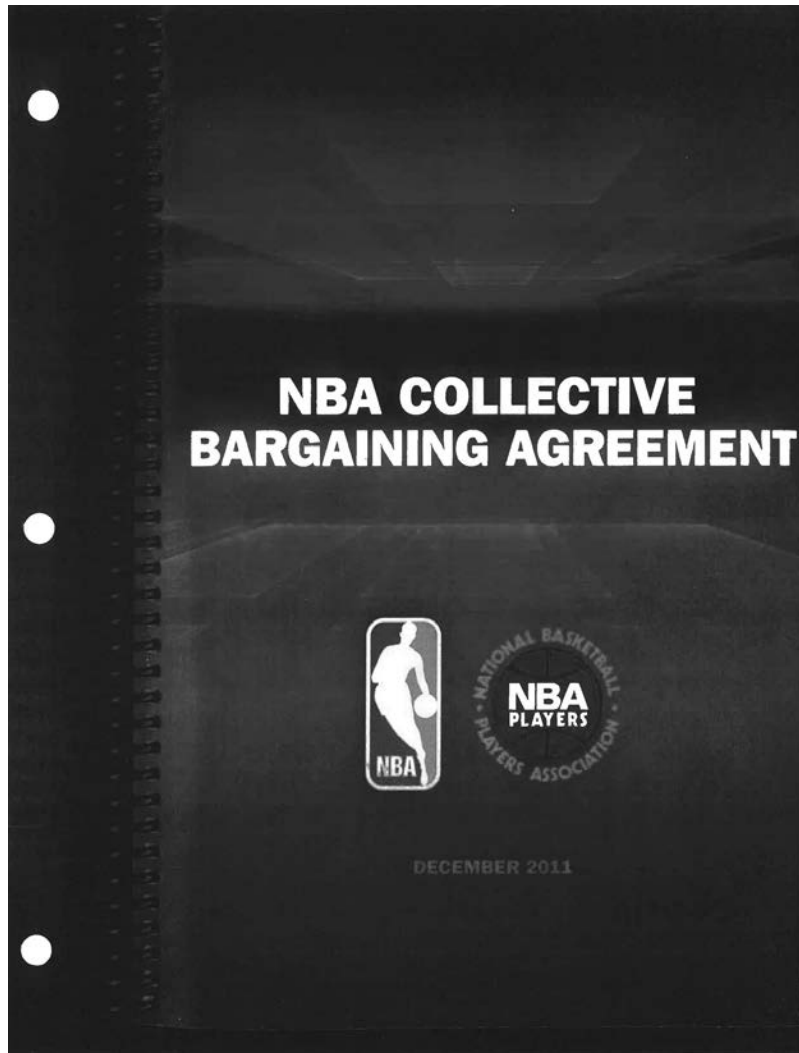
(e) Any Player who, directly or indirectly, entices, induces, persuades or attempts to entice, induce, or persuade any Player, Coach, Trainer, General Manager or any other person who is under contract to any other Member of the Association to enter into negotiations for or relating to his services or negotiates or contracts for such services shall, on being charged with such tampering, be given an opportunity to answer such charges after due notice and the Commissioner shall have the power to decide whether or not the charges have been sustained; in the event his decision is that the

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charges have been sustained, then the Commissioner shall have the power to suspend such Player for a definite or indefinite period, or to impose a fine not exceeding \$50,000, or inflict both such suspension and fine upon any such Player.

(f) Any Player who, directly or indirectly, wagers money or anything of value on the outcome of any game played by a Team in the league operated by the Association shall, on being charged with such wagering, be given an opportunity to answer such charges after due notice, and the decision of the Commissioner shall be final, binding and conclusive and unappealable. The penalty for such offense shall be within the absolute and sole discretion of the Commissioner and may include a fine, suspension, expulsion and/or perpetual disqualification from further association with the Association or any of its Members.

(g) Except for a penalty imposed under Paragraph (f) of this Article 35: (i) any challenge by a Team to the decisions and acts of the Commissioner pursuant to Article 35 shall be appealable to the Board of Governors, who shall determine such appeals in accordance with such rules and regulations as may be adopted by the Board in its absolute and sole discretion, and (ii) any challenge by a Player to the decisions or acts of the Commissioner pursuant to Article 35 shall be governed by the provisions of Article XXXI of the NBA/NBPA Collective Bargaining Agreement then in effect.



**ARTICLE VI****PLAYER CONDUCT****Section 1. General.**

In addition to any other rights a Team or the NBA may have by contract (including but not limited to the rights set forth in paragraphs 9 and 16 of the Uniform Player Contract) or by law, when a player fails or refuses, without proper and reasonable cause or excuse, to render the services required by a Player Contract or this Agreement, or when a player is, for proper cause, suspended by his Team or the NBA in accordance with the terms of such Contract or this Agreement, the Current Base Compensation payable to the player for the year of the Contract during which such refusal or failure and/or suspension occurs may be reduced (or, in the case of a suspension, shall be reduced) by 1/110th of the player's Base Compensation for each missed Exhibition, Regular Season or Playoff game.

**Section 2. Practices.**

(a) When a player, without proper and reasonable excuse, fails to attend a practice session scheduled by his Team, he shall be subject to the following discipline: (i) for the first missed practice during a Season -- \$2,500; (ii) for the second missed practice during such Season -- \$5,000; (iii) for the third missed practice during such Season -- \$7,500; and (iv) for the fourth (or any additional) missed practice during such Season -- such discipline as is reasonable under the circumstances.

(b) Notwithstanding Section 2(a) above, when a player, without proper and reasonable excuse, refuses or intentionally fails to attend any practice session scheduled by his Team, he shall be subject to such discipline as is reasonable under the circumstances.

**Section 3. Promotional Appearances.**

When a player, without proper and reasonable excuse, fails or refuses to attend a promotional appearance required by and in accordance with Article II, Section 8 and Paragraph 13(d) of the Uniform Player Contract, he shall be fined \$20,000.

**Section 4. Mandatory Programs.**

(a) NBA players shall be required to attend and participate in educational and life skills programs designated as "mandatory programs" by the NBA and the Players Association. Such "mandatory programs," which shall be jointly administered by the NBA and the Players Association, shall include a Rookie Transition Program (for rookies only), Team Awareness Meetings (which shall cover, among other things, substance abuse awareness, HIV awareness, and gambling awareness), and such other programs as the NBA and the Players Association shall jointly designate as mandatory.

(b) When a player, without proper and reasonable excuse, fails or refuses to attend a "mandatory program," he shall be fined \$20,000 by the NBA; provided, however, that if the player misses the Rookie Transition Program, he shall be suspended for five (5) games.

**Section 5. Media Training, Business of Basketball and Anti-Gambling Training.**

(a) All players shall be required each Season to attend and participate in one (1) media training session conducted by their Team and/or the NBA. If a player, without proper and reasonable excuse, fails or refuses to attend a media training session, he shall be fined \$20,000.

(b) All players shall be required to attend and participate each Season in one (1) "business of basketball" program conducted by their Team and/or the NBA. If a player, without proper and reasonable excuse, fails or refuses to attend such program, he shall be fined \$5,000.

(c) All players shall be required each Season to attend and participate in one (1) anti-gambling training session conducted by their Team and/or the NBA. If a player, without proper and reasonable excuse, fails or refuses to attend an anti-gambling training session, he shall be fined \$20,000.

**Section 6. Charitable Contributions.**

(a) In the event that (i) a fine or suspension is imposed on a player, (ii) such fine or suspension-related Compensation amount is collected by the League, and (iii) the fine or suspension is not grieved pursuant to



Article XXXI, then the NBA shall remit fifty percent (50%) of the amount collected to the National Basketball Players Association Foundation (the "NBPA Foundation") or such other charitable organization selected by the Players Association that qualifies for treatment under Section 501(c)(3) of the Internal Revenue Code of 1986, as now in effect or as it may hereafter be amended (a "Section 501(c)(3) Organization"), and that is approved by the NBA (which approval shall not be unreasonably withheld) (both hereinafter, the "NBPA-Selected Charitable Organization"). The NBA shall remit the remaining fifty percent (50%) of the amount collected to a Section 501(c)(3) organization selected by the NBA and approved by the Players Association, which approval shall not be unreasonably withheld. For purposes of this Section 6(a), and with respect to any suspension imposed on a player by the NBA of five (5) games or more, the NBA shall be required to collect a suspension-related Compensation amount equal to at least five (5) games of such suspension.

(b) The remittances made by the NBA pursuant to this Section 6 shall be made annually, ninety (90) days following the Accountants' (as defined in Article VII, Section 10(a)) submission to the NBA and the Players Association of a final Audit Report or an Interim Escrow Audit Report (as defined in Article VII, Section 10(a)) for the Salary Cap Year covering the Season during which the fines and suspension-related Compensation amounts are collected by the NBA. For purposes of this Article and all other provisions of this Agreement, any money remitted or paid to the National Basketball Players Association Foundation by the NBA shall be used for charitable purposes only, and not, for example, for any salaries of Foundation employees or administrative expenses.

(c) If a timely Grievance is filed under Article XXXI challenging a fine or suspension of the kind designated in Section 6(a) above, and, following the disposition of the Grievance, the Grievance Arbitrator determines that all or part of the fine or suspension-related amount (plus any accrued interest thereon) is payable by the player to the League, then the League shall remit the amount collected by the League (plus any interest) in accordance with the provisions of Sections 6(a) and (b) above.

**Section 7. Unlawful Violence.**

When a player is convicted of (including a plea of guilty, no contest, or nolo contendere to) a violent felony, he shall immediately be suspended by the NBA for a minimum of ten (10) games.

**Section 8. Counseling for Violent Misconduct.**

(a) In addition to any other rights a Team or the NBA may have by contract or law, when the NBA and the Players Association agree that there is reasonable cause to believe that a player has engaged in any type of off-court violent conduct, the player will (if the NBA and the Players Association so agree) be required to undergo a clinical evaluation by a neutral expert and, if deemed necessary by such expert, appropriate counseling, with such evaluation and counseling program to be developed and supervised by the NBA and the Players Association. For purposes of this paragraph, "violent conduct" shall include, but not be limited to, any conduct involving the use or threat of physical violence or the use of, or threat to use, a deadly weapon, any conduct which could be categorized as a "hate crime," sexual assault or any other sexual offense, acts of domestic violence, and any conduct involving dog fighting or animal cruelty.

(b) Any player who is convicted of (including a plea of guilty, no contest, or nolo contendere to) a crime involving violent conduct shall be required to attend at least five (5) counseling sessions with a therapist or counselor jointly selected by the NBA and the Players Association. These sessions shall be in addition to any discipline imposed on the player by the NBA for the conduct underlying his conviction. The therapist or counselor who is jointly selected by the NBA and the Players Association shall determine the total number of counseling sessions to be attended by the player; however, in no event shall a player be required to attend more than ten (10) sessions.

(c) Any player who, after being notified in writing by the NBA that he is required to undergo the clinical evaluation and/or counseling program authorized by Section 8(a) or 8(b) above, refuses or fails, without a reasonable explanation, to attend or participate in such evaluation and counseling program within seventy-two (72) hours following such notice, shall be fined by the NBA in the amount of \$10,000 for each day following such seventy-two (72) hours that the player refuses or fails to participate in such program.

**Section 9. Firearms and Other Weapons.**

(a) Whenever a player is physically present at a facility or venue owned, operated, or being used by a Team, the NBA, or any League-related entity, and whenever a player is traveling on any NBA-related business, whether on behalf of the player's Team, the NBA, or any League-related entity, such player shall not possess a firearm of any kind or any other deadly weapon. For purposes of the foregoing, "a facility or venue" includes, but is not limited to: an arena; a practice facility; a Team or League office or facility; an All-Star or NBA Playoff venue; and the site of a promotional or charitable appearance.

(b) At the commencement of each Season, and if the player owns or possesses any firearm, the player will provide the Team with proof that the player possesses a license or registration as required by law for any such firearm. Each player is also required to provide the Team with proof of any modifications or additions made to this information during the Season.

(c) Any violation of Section 9(a) or Section 9(b) above shall be considered conduct prejudicial to the NBA under Article 35(d) of the NBA Constitution and By-Laws, and shall therefore subject the player to discipline by the NBA in accordance with such Article.

**Section 10. One Penalty.**

(a) The NBA and a Team shall not discipline a player for the same act or conduct. The NBA's disciplinary action will preclude or supersede disciplinary action by any Team for the same act or conduct.

(b) Notwithstanding anything to the contrary contained in Section 10(a), (i) the same act or conduct by a player may result in both a termination of the player's Uniform Player Contract by his Team and the suspension of the player by the NBA if the egregious nature of the act or conduct is so lacking in justification as to warrant such double penalty, and (ii) both the NBA and the Team to which a player is traded may impose discipline for a player's failure to report for a trade in accordance with paragraph 10(d) of the Uniform Player Contract.

**Section 11. League Investigations.**

(a) Players are required to cooperate with investigations of alleged player misconduct conducted by the NBA. Failure to so cooperate, in the absence of a reasonable apprehension of criminal prosecution, will subject the player to reasonable fines and/or suspensions imposed by the NBA.

(b) Except as set forth in Section 11(c) below, the NBA shall provide the Players Association with such advance notice as is reasonable in the circumstances of any interview or meeting to be held (in person or by telephone) between an NBA representative and a player under investigation by the NBA for alleged misconduct, and shall invite a representative of the Players Association to participate or attend. The failure or inability of a Players Association representative to participate in or attend the interview or meeting, however, shall not prevent the interview or meeting from proceeding as scheduled. A willful disregard by the NBA of its obligation to notify the Players Association as provided for by this Section 11(b) shall bar the NBA from using as evidence against the player in a proceeding involving such alleged misconduct any statements made by the player in the interview or meeting conducted by the NBA representative.

(c) The provisions of Section 11(b) above shall not apply to interviews or meetings: (i) held by the NBA as part of an investigation with respect to alleged player misconduct that occurred at the site of a game; and (ii) which take place during the course of, or immediately preceding or following, such game. With respect to any such interview or meeting, the NBA's only obligation shall be to provide notice to the Players Association that the NBA will be conducting an investigation and holding an interview or meeting in connection therewith. Such notice may be given by telephone at a telephone number or by email at an email address to be designated in writing by the Players Association.

**Section 12. On-Court Conduct.**

In addition to its authority under paragraph 5 of the Uniform Player Contract, the NBA is entitled to promulgate and enforce reasonable rules governing the conduct of players on the playing court (as that term is defined in Article XXXI, Section 9(c)) that do not violate the provisions of this Agreement. Prior to the date on which any new rule promulgated by the NBA becomes effective, the NBA shall provide notice of such new

rule to the Players Association and consult with the Players Association with respect thereto.

**Section 13. Motor Vehicles.**

At the commencement of each Season, and if the player owns or operates any motor vehicle, the player will provide the Team with proof that the player possesses a valid driver's license, registration documents, and insurance for any such vehicle. For players who sign Player Contracts during the Season, the player will provide the Team with such information within fourteen (14) days following the execution of his Contract. Each player is also required to provide the Team with proof of any modifications or additions made to this information during the Season.

**Section 14. Player Convictions Involving Alcohol or Controlled Substances.**

In addition to any other discipline imposed by the NBA for such conduct, any player who is convicted of (including a plea of guilty, no contest, or nolo contendere to) driving while intoxicated, driving under the influence, driving under the influence of a controlled substance (if that controlled substance is not a Prohibited Substance) or any similar crime shall be required to submit to a mandatory evaluation by the Medical Director of the Anti-Drug Program. After that mandatory evaluation, the Medical Director may require the player to attend up to ten (10) substance abuse counseling sessions.

**Section 15. Player Arrests.**

A Team shall not impose discipline on a player solely on the basis of the fact that the player has been arrested. Notwithstanding the foregoing, (a) a Team may impose discipline on a player for the conduct underlying the player's arrest if it has an independent basis for doing so, (b) nothing herein shall permit a Team to discipline a player for his failure to cooperate with a Team's investigation of his alleged misconduct if he has a reasonable apprehension of criminal prosecution, and (c) nothing herein shall prevent a Team from precluding a player from participating in Team activities without loss of pay to the extent it otherwise has the right to do so.

## EXHIBIT D



## NATIONAL BASKETBALL ASSOCIATION

**RESPECT IN THE WORKPLACE**

The NBA and its teams are committed to providing a work environment in which all individuals are treated with respect and dignity. The following standards apply to all persons employed by the NBA and its teams, including players, at all times when in any NBA or team facility, at any NBA or team event, or traveling on, conducting, or communicating (including, for example, through email or social media) in connection with NBA-related matters.

**All players and team personnel are prohibited from engaging in:**

- Discriminatory or harassing words or conduct based on an individual's race, color, national origin, religion, gender, age, disability, sexual orientation, or any other status or characteristic protected by law.
- "Bullying" or "hazing," which means malicious words or conduct that harm, intimidate, offend, degrade, threaten or humiliate another individual or create a risk to his/her health or safety. This includes, but is not limited to:
  - Physical abuse or threats of violence against an individual or his/her family.
  - Requiring an individual to engage in physical activity (e.g., confinement in a restricted area, consumption of a substance) that poses an unreasonable risk of harm or adversely affects health or safety.
  - Verbal abuse (including slurs or epithets) concerning an individual's status or characteristic protected by law.
  - Subjecting an individual to extreme mental stress, embarrassment, or humiliation.
  - Requiring an individual to unreasonably pay for goods, services, or expenses that are solely for the benefit of others.
  - Requiring an individual to engage in any activity that violates the law or the NBA's rules and regulations.
- Retaliation against anyone who, in good faith, reports a potential violation of these standards or who honestly participates in an investigation.

The conduct and language described above are detrimental to the NBA, and anyone who engages in, encourages, or mindfully disregards such conduct or language will be subject to penalty, including but not limited to a fine, suspension, and/or termination of employment.

Any player or team personnel who is subjected to conduct or language described above should report it to the NBA (Rod Thorn, 212-407-8040; or Kathy Behrens, 212-407-8127), your team's General Manager, and/or any other individual identified by your team to receive such reports.



## National Basketball Association

### In re Jeff Taylor (Charlotte Hornets)

Domestic violence is a serious societal issue that is antithetical to any community or organization that prides itself on the values of respect for others, good moral character, and common decency. These values are central to the NBA, and domestic violence is an issue that is commanding our full attention.

I have the responsibility to safeguard the best interests of the league and all of its constituents. In addition to its profound impact on victims, domestic violence committed by any member of the NBA family causes damage to the league and undermines the public's confidence in it.

It is against this backdrop that I issue this opinion.

In the early morning of September 25, 2014, Jeffery Taylor of the Charlotte Hornets was arrested in East Lansing, Michigan after an altercation at a local Marriott hotel with a woman with whom he was having a romantic relationship. Mr. Taylor was charged with one count of misdemeanor domestic violence assault, one count of misdemeanor assault on a hotel security officer, and one count of malicious destruction of hotel property.

The NBA immediately commenced its own independent investigation into the incident. The NBA retained David Anders of Wachtell, Lipton, Rosen & Katz and Martha Stolley of Morgan, Lewis & Bockius to handle this matter. Both Mr. Anders and Ms. Stolley are former prosecutors, and Ms. Stolley has substantial prior experience handling domestic violence cases. Over the course of several weeks, these investigators conducted numerous interviews (including separate interviews of Mr. Taylor and the woman involved in this matter) and reviewed various materials in order to determine the facts. During this period, by agreement of all parties, Mr. Taylor was on a paid leave of absence from the Hornets.

Based on the NBA's investigation, the following summary of facts is undisputed. After a night of heavy drinking on September 24, 2014, Mr. Taylor and the woman had an intense and high-volume argument that began in the hotel room where Mr. Taylor was staying, prompting hotel guests to call Marriott security. The argument escalated and resulted in Mr. Taylor shoving the woman in a violent manner into the hotel hallway so that she fell to the ground and struck her head on the opposite door, slapping her arm, and punching a hole in a wall near his hotel room. She had marks on her upper arm and a bump on her head but declined medical treatment.

Shortly thereafter, when Mr. Taylor was arrested by East Lansing police officers, he was belligerent and uncooperative.

On October 29, 2014, Mr. Taylor pleaded guilty to misdemeanor domestic violence assault and malicious destruction of hotel property; the remaining assault charge with respect to the security officer was dismissed. Mr. Taylor was sentenced to 18 months of probation. As part of his probation, Mr. Taylor must complete 26 weeks in a domestic violence intervention program. Mr. Taylor also must enter an outpatient alcohol treatment program and perform alcohol sensor tests daily for 60 days, after which he will be subject to random testing by the Probation Department. Finally, Mr. Taylor must perform 80 hours of community service. If Mr. Taylor successfully meets these and other conditions of his probation, his domestic violence assault charge will be dismissed.

In the course of the NBA's review of this matter, I received guidance from a group of domestic violence experts: Ted Bunch, Co-Founder of A Call To Men; Linda Fairstein, former Chief of the Sex Crimes Prosecution Unit of the Manhattan District Attorney's Office; and Kalimah Johnson, Founder of SASHA Center, a Detroit-based healing and awareness center focusing on sexual assault. I also involved an internal group that focuses on education and counseling of players, including Kathy Behrens, the NBA's Executive Vice President for Social Responsibility & Player Programs; Greg Taylor, the NBA's Senior Vice President of Player Development; and Chrysa Chin, the NBA's Vice President for Player Development; as well as Eric Hutcherson, the NBA's Senior Vice President of Human Resources.



Based on all the facts and circumstances of this matter, I hereby suspend Mr. Taylor without pay for a period of 24 regular season games. Because Mr. Taylor has been on paid leave from the Hornets since the start of the regular season and has therefore already missed 11 games as of the date of this decision, he will be required to miss an additional 13 games, but will suffer a financial penalty equal to 24 games. This suspension is necessary to protect the interests of the NBA and the public's confidence in it. Mr. Taylor's conduct violates applicable law and, in my opinion, does not conform to standards of morality and is prejudicial and detrimental to the NBA. While the suspension is significantly longer than prior suspensions for incidents of domestic violence by NBA players, it is appropriate in light of Mr. Taylor's conduct, the need to deter similar conduct going forward, and the evolving social consensus -- with which we fully concur -- that professional sports leagues like the NBA must respond to such incidents in a more rigorous way.

Because education and training is just as important as the imposition of discipline, Mr. Taylor must also satisfactorily complete the terms of his sentence, including the domestic violence intervention program, alcohol counseling, and community service (which we recommend be directed toward efforts to help victims of domestic violence). In addition, he will be required to attend individual counseling sessions with a counselor jointly selected by the NBA and the National Basketball Players Association. If Mr. Taylor fails to comply with any of these conditions, I reserve the right to revisit this matter.

The NBA is committed to vigilance with respect to domestic violence. We will continue to work closely with the Players Association to provide education, awareness training, and appropriate resources to NBA players and their families. We recognize our responsibility to do all that we can to prevent this destructive and unacceptable conduct from happening in the future.

November 19, 2014

  
Commissioner

The CHAIRMAN. Thank you very much for that.

Ms. Michele Roberts, who is the Executive Director, NBA Players Association. Welcome.

Ms. ROBERTS. Thank you. Good afternoon, Mr. Chairman. Is my mike on? I can't tell. Now it's on.

The CHAIRMAN. Beautiful.

Ms. ROBERTS. OK. Great.

**STATEMENT OF MICHELE ROBERTS, EXECUTIVE DIRECTOR,  
NATIONAL BASKETBALL PLAYERS ASSOCIATION**

Ms. ROBERTS. My name is Michele Roberts, and I am the Executive Director of the National Basketball Players Association, the labor union that represents all NBA players in collective bargaining.

I appreciate the Committee's desire to explore the topic of domestic violence in professional sports. As a lawyer formerly in private practice with the law firm of Skadden Arps, my most rewarding pro bono project involved the representations of victims of domestic violence who were seeking civil protection orders in local courts right here in D.C. When I began work at the NBPA as Executive Director in mid-September, I was encouraged to learn that domestic violence is a topic that our players recognized needed to be addressed long before the events of recent months when the public's attention turned so intently on the subject.

Recent events have given us an opportunity to reexamine and strengthen the already comprehensive scheme the NBA and the NBPA had in place and add even more safeguards with a focus on prevention and counseling. We want to make sure that every player, wife, significant other, and family member has a safe environment to seek help without fear of retaliation or additional harm. And in doing so, our recent efforts have brought together representatives of all members of the NBA family in an unprecedented fashion. We also want to lead by example and help create the kind of awareness and attention that this prevalent and society-wide problem deserves.

Let me first step back though to briefly describe some of the steps our players had already taken, through collective bargaining and otherwise, to address these issues. I do not exaggerate when I say that we begin to broach this topic with our players years before they even enter the NBA. Each June at our "Top 100 Camp," the NBPA brings together the nation's elite high school basketball players, together with their parents, and helps prepare them for competitive life at the next level, with an emphasis on character, education, and life-skills development.

Close to 200 current NBA players have attended the Top 100 Camp. During this week-long program at the University of Virginia campus, the players work on their basketball skills, but the majority of each day is focused away from the court, where our staff of retired players, counselors, psychologists, and psychiatric professionals lead large and small group discussions that, in part, focus specifically on respect issues with girls and women. At this young and impressionable age, we teach players that part of embracing their manhood includes treating every woman with kindness and respect. At last June's Camp, the boys and their parents spent a

great deal of time with Kalimah Johnson, a very effective educator and founder of the SASHA Center, a Detroit-based healing and awareness center focusing on sexual assault.

The education continues the moment a player enters the league, with the Rookie Transition Program, a 4 day joint program between labor and management that likewise focuses on personal skills development and provides training on numerous topics related to conduct, including domestic violence. In past years, Judge Glenda Hatchett has been a very effective voice, delivering graphic and powerful presentations on the effects and consequences of sexual misconduct and abuse of women.

To complete the progression, we not only raise awareness for our players before and upon entering the NBA, but we now hold a Team Awareness Meeting, designed jointly by the NBA and NBPA, devoted solely to the topic of domestic violence. As we speak, Kalimah Johnson, whom I mentioned earlier, and Ted Bunch, co-founder of "A Call to Men," a leading violence prevention organization, are traveling around the country to meet with every NBA team for a session devoted solely to domestic violence awareness. These sessions supplement the year-round work done by our NBPA Player Programs staff, a group of seven retired players who work full-time for the union together with the joint labor-management Player Assistance and Health Education Programs, that help players confront many of the emotional, anger management, and other stress-related issues that can be at the root of a domestic conflict.

Our Collective Bargaining Agreement itself specifically lays out various policies designed to prevent, deter, and, if necessary, punish acts of domestic violence. Under our Uniform Player Contract, players are required to conduct themselves on and off the court according to the highest standards of honesty, citizenship, and sportsmanship, and the Commissioner may impose a fine or suspension for conduct that does not conform to standards of morality or fair play, that does not comply at all times with all Federal, state, and local laws, or that is prejudicial or detrimental to the NBA.

And let me, because I see I'm running out of time, end on this final note.

Since I began my tenure, I have determined that, in addition to the CBA-mandated levels of discipline, a greater focus is warranted on prevention and services to family members. At the union's expense, I recently convened a group of NBA mothers, fathers, spouses, and significant others for an all-day session at our offices in New York. Those discussions were facilitated by a domestic violence expert, Karma Cottman, with the D.C. Coalition Against Domestic Violence. And among other things, we identified as a principal need the establishment of a hotline and counseling service that will encourage not just players, but family members and other interested persons to seek out help without the fear of retaliation. Many people are fearful that, if they speak out about the possibility or the actual occurrence of a domestic violence event, they will expose themselves to public ridicule, be alienated by relatives and friends, and/or jeopardize a player's livelihood, and thus, put at risk their family's financial health. Everyone must be comfortable that there is a safe and confidential manner to seek help.

And with that and the passage now of 6 minutes and 14 seconds, I'll conclude my presentation, and I'm happy to answer any questions.

[The prepared statement of Ms. Roberts follows:]

PREPARED STATEMENT OF MICHELE ROBERTS, EXECUTIVE DIRECTOR,  
NATIONAL BASKETBALL PLAYERS ASSOCIATION

Mr. Chairman and Members of the Committee:

My name is Michele Roberts and I am the Executive Director of the National Basketball Players Association, the labor union that represents all NBA players in collective bargaining. I also serve as Executive Director of the Women's National Basketball Players Association, the labor union that represents all WNBA players in collective bargaining.

I appreciate the Committee's desire to explore the topic of domestic violence in professional sports. As a lawyer formerly in private practice with the law firm of Skadden Arps, my most rewarding pro bono project involved the representation of victims of domestic violence seeking civil protection orders in local courts, right here in the District of Columbia. When I began work at the NBPA as Executive Director in mid-September, I was encouraged to learn that domestic violence is a topic that our players recognized needed to be addressed long before the events of recent months, when the public's attention has turned so intently on the subject. Recent events have given us an opportunity to re-examine and strengthen the already comprehensive scheme the NBA and NBPA had in place, and add even more safeguards with a focus on prevention and counseling. We want to make sure that every player, wife, girlfriend, and family member has a safe environment to seek help without fear of retaliation or additional harm. And in doing so, our recent efforts have brought together representatives of all members of the NBA family in an unprecedented fashion. We also want to lead by example and help create the kind of awareness and attention that this prevalent and society-wide problem deserves.

Let me first step back, though, to briefly describe some of the steps our players had already taken through collective bargaining and otherwise to address these issues. I do not exaggerate when I say that we begin to broach this topic with our players years before they even enter the NBA. Each June at our Top 100 Camp, the NBPA brings together the Nation's elite high school basketball players, together with their parents, and helps prepare them for competitive life at the next level, with an emphasis on character, education and life-skills development. Close to 200 current NBA players have attended the Top 100 Camp. During the week-long program at the University of Virginia campus, the players work on their basketball skills, but the majority of each day is focused away from the court, where our staff of retired players, counselors, psychologists and psychiatric professionals lead large and small group discussions that, in part, focus specifically on respect issues with girls and women. At this young and impressionable age, we teach players that part of embracing their manhood includes treating every woman with kindness and respect. At last June's Camp, the boys—and their parents—spent a great deal of time with Kalimah Johnson, a very effective educator and founder of the SASHA Center, a Detroit-based healing and awareness center focusing on sexual assault.

The education continues the moment a player enters the league, with the Rookie Transition Program, a four-day joint program between labor and management that likewise focuses on personal skills development and provides training on numerous topics related to conduct, including domestic violence. In past years, Judge Glenda Hatchett has been a very effective voice delivering graphic and powerful presentations on the effects and consequences of sexual misconduct and abuse of women.

To complete the progression, we not only raise awareness for our players before and upon entering the NBA, but we now hold a Team Awareness Meeting, designed jointly by the NBA and NBPA, devoted solely to the topic of domestic violence. As we speak, Kalimah Johnson, whom I mentioned earlier, and Ted Bunch, co-founder of A Call to Men, a leading violence prevention organization, are traveling around the country to meet with every NBA team for a session devoted solely to domestic violence awareness. These sessions supplement the year-round work done by our NBPA Player Programs staff—a group of seven retired players who work full-time for the union—together with the joint labor-management Player Assistance and Health Education Programs, that help players confront many of the emotional, anger management and other stress-related issues that can be at the root of a domestic conflict.

Our Collective Bargaining Agreement itself specifically lays out various policies designed to prevent, deter and, if necessary, punish acts of domestic violence. Under our Uniform Player Contract, players are required to conduct themselves on and off the court according to the highest standards of honesty, citizenship and sportsmanship, and the Commissioner may impose a fine or suspension for conduct that does not conform to standards of morality or fair play, that does not comply at all times with all federal, state, and local laws, or that is prejudicial or detrimental to the NBA.

More specifically, as far back as 1999, the parties agreed that when there is reasonable cause to believe that a player has engaged in sexual assault or acts of domestic violence, he is required to undergo a clinical evaluation and appropriate counseling, with conviction of a violent felony punishable by an immediate suspension of at least ten (10) games. Players are required to cooperate with investigations, and all discipline is appealable to an independent arbitrator.

Since I began my tenure, I have determined that, in addition to the CBA-mandated levels of discipline, a greater focus is warranted on prevention and services to family members. At the union's expense, I recently convened a group of NBA mothers, fathers, spouses and girlfriends for an all-day session at our offices in New York. Among other things, we identified as a principal need the establishment of a hotline and counseling service that will encourage not just players, but family members and other interested persons, to seek out help without the fear of retaliation or unintended consequences. Many people are fearful that if they speak out about the possibility or the actual occurrence of a domestic violence event, they will expose themselves to public ridicule, be alienated by relatives and friends, and/or jeopardize a player's livelihood, and, thus, put at risk their family's financial health. Everyone must be comfortable that there is a safe and confidential manner to seek help. This is my foremost priority at this point.

As a final note, we continue to believe that collective bargaining is the most appropriate forum for the resolution of these issues and are confident that our policies and initiatives address in a meaningful way the concerns of the Committee. Congress has long given deference to parties operating under collective bargaining agreements to develop their own solutions to problems, properly recognizing that the parties bound by a collective bargaining agreement have a longstanding relationship with unique problems and problem solving methods that are often difficult to comprehend by those outside the relationship. We fully believe in and support the Committee's and Congress' goal of eliminating domestic violence in sports, and we believe this goal is best accomplished by the leagues and players working together to accomplish this universal objective. Together we can and will set a tone of appropriate respect for women and all family members.

The CHAIRMAN. Thank you very much.

Jessica Berman, who is Vice President and Deputy General Counsel of the National Hockey League. Welcome.

**STATEMENT OF JESSICA BERMAN, VICE PRESIDENT AND DEPUTY GENERAL COUNSEL, NATIONAL HOCKEY LEAGUE**

Ms. BERMAN. Thank you, Chairman, Ranking Member, and the members of the Committee for inviting the National Hockey League to testify here today regarding domestic violence in professional sports.

The NHL takes very seriously the issues of domestic violence. We believe we have an obligation to raise awareness, provide education, and penalize offenders, all with the hope and intention of deterring future misconduct. To that end, and working with the NHLPA, the duly authorized collective bargaining representative of all NHL players, the League has responsibly developed, implemented, and enforced strict policies, practices, and procedures regulating the off-ice personal conduct of its players, which extend to and encompass situations of domestic abuse.

A core component underlying these rules and policies is a comprehensive education program, which has existed for at least the last decade. The League provides annual training for our players

on a variety of critical social issues, and these issues have included domestic abuse. This training and education has been delivered in a number of forms and contexts, and by multiple voices. Those voices have included the NHL security department and medical professionals charged with administering our substance abuse and behavioral health program, which is a jointly administered program created by the NHL and NHLPA in 1996. They meet with players on an annual basis on each team to discuss with them, among other things, personal conduct issues.

In addition, the NHL and NHLPA organize an annual Rookie Orientation Program, and at this past year's program, at two different breakout sessions, the issue of domestic violence was addressed, as well as other personal conduct issues. We believe that by making the messages clear and reinforcing them on a regular basis, the players are better prepared to appreciate and manage difficult problems that they face, both from a personal and professional standpoint. As a result, they will be better equipped to avoid situations that will bring harm to themselves and to their families.

In addition to our work in the area of education and raising awareness, the Collective Bargaining Agreement, which will remain in effect until at least September 15, 2020, governs the terms and conditions of employment for all NHL players. The CBA grants both the League and each of its 30 Clubs the authority to enforce the rules regulating players' personal off-ice conduct, and this responsibility has, and will continue to be, exercised appropriately, fairly, and judiciously.

I'll just briefly go through a couple of the relevant provisions which provide the League with that authority. In our Collective Bargaining Agreement, the Commissioner has broad authority to act and impose discipline when a player has been or is guilty of conduct that is detrimental to or against the welfare of the League or the game of hockey. This language has historically been applied by the League Office to a wide array of personal conduct off-ice matters, and we believe it provides the League with an adequate degree of discretion and authority.

The standard form employment contract, which is also part of our Collective Bargaining Agreement, provides NHL teams with the authority to discipline players for conduct that violates the rule that requires a player to conduct himself, on and off the rink, according to the highest standards of honesty, morality, fair play, and sportsmanship, and to refrain from conduct detrimental to the best interest of the Club, the League, and professional hockey generally.

The National Hockey League remains committed to the principle of addressing players' personal conduct problems in a meaningful way, and by doing so, protecting and maintaining both the integrity and generally good reputation of our players and our sport. We do not hesitate to take disciplinary action in necessary and appropriate circumstances, as most recently evidenced by the indefinite suspension issued to a player in the NHL who was recently charged with a domestic violence offense. While no trial has occurred in that situation, and the player remains innocent until proven guilty, we felt the most appropriate course of action in that case was to remove the player from the ice, at least until we are

able to satisfy ourselves with respect to what has actually transpired.

The NHL appreciates being provided with the opportunity to express our views here today, and we remain available to answer any questions that you may have. Thank you.

[The prepared statement of Ms. Berman follows:]

PREPARED STATEMENT OF JESSICA BERMAN, VICE PRESIDENT AND DEPUTY GENERAL COUNSEL, NATIONAL HOCKEY LEAGUE

I would like to thank the Chairman, the Ranking Member, and the Committee Members for inviting the National Hockey League (“NHL” or the “League”) to testify today regarding domestic violence in professional sports.

The NHL takes seriously issues of domestic violence. While our historical experience suggests that these issues are not prevalent among our Player population, we nonetheless believe we have an obligation to raise awareness, provide education, and penalize offenders, all with the hope and intention of deterring future misconduct. To that end—working with the National Hockey League Players’ Association (“NHLPA”), the duly authorized collective bargaining representative of NHL Players—the League has responsibly developed, implemented and enforced strict policies, practices and procedures regulating the off-ice personal conduct of its Players, which extend to and encompass situations of domestic violence.

A core component underlying all of these rules and policies is a comprehensive education program. For at least the last decade, the League has provided annual education for our Players on a variety of critical social issues, including issues relating to domestic violence. This training and education has been delivered in a number of forums and contexts, by multiple voices. In particular, on an annual basis both the NHL Security Department personnel and the medical professionals charged with administering our Substance Abuse and Behavioral Health (“SABH”) Program (the “Program Doctors”) meet with the Players on each NHL team to educate them, and to discuss with them, among other things, personal conduct issues. In addition, the NHL and NHLPA organize an annual Rookie Orientation Program at which at least two different breakout sessions comprehensively address the importance of avoiding personal conduct issues—including, specifically, domestic abuse.

Although the emphasis and content of the League’s annual sessions are reviewed and modified on a regular basis to ensure that they remain engaging and relevant, in general, the education programs focus on: (i) identifying the triggers that lead to conflict, personal conduct issues and domestic violence; (ii) outlining ways to avoid dangerous situations prior to their escalation; (iii) offering alternative mechanisms for handling personal conflicts; (iv) providing information about third-party assistance for Players and their families in need of counseling or other behavioral intervention; and (v) explaining the criminal, civil, professional, personal and other consequences associated with engaging in personal misconduct. It is our hope and sincere belief that the NHL’s comprehensive education and training programs have helped our Players make better decisions in their lives; certainly that would include their conduct with respect to their relationships with family members and other loved ones.

We believe that by making the messages clear and reinforcing them on a regular basis, the Players are better prepared to appreciate and manage difficult problems that may arise, both from a personal and professional standpoint, and, as a result, avoid situations that will bring harm to their families and themselves. Our Players are continuously reminded that they live and act as role models to people both inside and outside the hockey community and that their behavior and conduct will always be judged and held to the highest standards. Our Players take seriously the importance of their roles in this regard, and in representing each of their respective team organizations, the League and the sport of hockey generally, and, overwhelmingly, their conduct has made a positive contribution to their communities.

In addition to the our work in the area of education and raising awareness, the Collective Bargaining Agreement (“CBA”), which will remain in effect until at least September 15, 2020, sets forth provisions (as may be amended from time to time by agreement of the parties) that govern terms and conditions of employment for all NHL Players. The CBA grants both the League and each of its 30 NHL Member Clubs authority to enforce rules relating to Players’ personal (off-ice) conduct, and this responsibility has been—and will continue to be—exercised appropriately, fairly and judiciously. I will now briefly identify and describe various of these provisions,

and I have included full text versions of the relevant materials as attachments to my written statement.

1. *CBA Article 18-A: Commissioner Discipline for Off-Ice Conduct*—Article 18–A of the CBA sets forth the rules, procedures and guidelines for the League pursuant to which it can review, assess and impose supplementary discipline for Players’ off-ice conduct. The provision, which has been collectively bargained with the NHLPA, grants to the Commissioner broad authority to act and impose discipline when a Player “has been or is guilty of conduct (whether during or outside the playing season) that is detrimental to or against the welfare of the League or the game of hockey.” This language historically has been applied to a wide array of personal conduct matters, and we believe it provides the League with an adequate degree of discretion and authority. (Full text attached at Attachment 1)
2. *CBA Exhibit 1: Standard Player’s Contract*—Exhibit 1 to the CBA is the standard form employment contract (the “Standard Player’s Contract” or “SPC”) used for all NHL Players with their NHL teams. The SPC also contains rules that are applicable to Players’ personal conduct. In particular, Section 2(e) requires that a Player “conduct himself on and off the rink according to the highest standards of honesty, morality, fair play and sportsmanship, and to refrain from conduct detrimental to the best interest of the Club, the League or professional hockey generally.” This paragraph provides NHL teams with discretion to apply appropriate discipline in the event a Player’s personal conduct violates this standard. (Full text attached at Attachment 2)
3. *NHL Constitution Article 6 & NHL By-Law Section 17*—The NHL Constitution Article 6 & NHL By-Law Section 17 each contain rules and guidelines for imposing discipline both for Players and for other League and Club personnel for off-ice misconduct. (Full text attached as Attachments 3 and 4)
4. *Substance Abuse and Behavioral Health Program (“SABH Program”)*—The NHL/NHLPA SABH Program is a joint program established and implemented by the NHL and the NHLPA that comprehensively addresses matters relating to substance abuse and behavioral health (including as they may relate to certain criminal arrests and/or convictions) through education, counseling, treatment, follow-up care, and where appropriate, sanctions in the form of Player discipline. The SABH Program is administered by the Program Doctors that have been retained by the NHL and NHLPA jointly, and those professionals make their services available to all NHL Players and their families, as necessary. The Program Doctors deliver annual education to the Players on each of our 30 Member Clubs, a portion of which education is dedicated to domestic violence issues. The SABH Program also makes available a 24/7 confidential hotline to Players and their families to assist with crisis management and intervention, including as it might relate to personal conduct matters.
5. *NHL Security Department Policies/Education*—The NHL Security Department acts as a liaison with each team’s security department in an effort to safeguard and protect the Players and all other constituents and stakeholders in the game. This results in regular and consistent communication between the League Office and the 30 NHL Member Clubs, and ensures that the League is aware of any issues that may warrant intervention or might otherwise need to be addressed by the League.

Furthermore, the Security Department has developed and regularly disseminates to the Players information and education in areas where Players may encounter increased risk, including areas such as gambling, domestic conflict and personal conduct management.

The National Hockey League remains committed to the principle of addressing Players’ personal conduct problems in a meaningful way, and by doing so, protecting and maintaining both the integrity and generally good reputation of our Players and our sport generally. We do not hesitate to take disciplinary action in necessary and appropriate circumstances, as most recently evidenced by the indefinite suspension issued to a Los Angeles Kings’ Player, who recently was charged with a domestic violence offense against his spouse in California. While no trial has occurred and the Player remains innocent until proven guilty, we felt that the most appropriate course of action in that case was to remove the Player from the ice, at least until we are able to satisfy ourselves with respect to what actually transpired.

Please be assured that we will certainly continue to prioritize the subject of training and education of the Players who play in our League on issues related to personal conduct, including domestic violence. Indeed, in light of recent events, we have undertaken a process to reevaluate everything that we do in this area, both at the



League and local Club level to ensure they are both effective and state-of-the-art. In this regard, we will continue to utilize third-party providers and experts to ensure best practices, and we obviously intend to engage and involve our Players' Association in any "next steps" that might prove appropriate.

The NHL appreciates being provided with the opportunity to express our views regarding these issues. We remain available should you seek additional information.

Attachment 1

**ARTICLE 18-A**  
**COMMISSIONER DISCIPLINE FOR OFF-ICE CONDUCT**

**18-A.1 Commissioner Discipline for Off-Ice Conduct** shall mean discipline imposed by the Commissioner or his designee for Player conduct not governed by "Supplementary Discipline for On-Ice Conduct" as defined in Article 18 and that falls within the scope of the Commissioner's authority to discipline as set out in Section 18-A.2. Disciplinary proceedings for Commissioner Discipline for Off-Ice Conduct will be conducted in accordance with the procedural rules set forth in this Article.

**18-A.2 Commissioner Authority to Impose Discipline for Off-Ice Conduct.** Whenever the Commissioner determines that a Player has violated a League Rule applicable to Players (other than Playing Rules subjecting the Player to potential Supplementary Discipline for On-Ice Conduct), or has been or is guilty of conduct (whether during or outside the playing season) that is detrimental to or against the welfare of the League or the game of hockey, he may discipline such Player in any or all of the following respects:

- (a) by expelling or suspending such Player for a definite or indefinite period;
- (b) by cancelling any SPC that such Player has with any Member Club; or
- (c) by imposing a fine on the Player not exceeding the maximum permissible fine under Section 18.7(b).

For the purpose of calculating compensation forfeited due to a suspension under this Article, the Player will forfeit all Paragraph 1 NHL Salary and Bonuses, but not Performance Bonuses, commencing on the effective date of the suspension through the completion of the last game or date of the suspension, inclusive of all intervening days.

**18-A.3 Procedures for Commissioner Discipline for Off-Ice Conduct.** The following procedures shall govern investigations and hearings involving the potential imposition of Commissioner Discipline for Off-Ice Conduct.

- (a) **League Investigation.**
  - (i) The League agrees to notify the NHLPA immediately upon deciding to undertake an investigation that may result in Commissioner Discipline for Off-Ice Conduct.
  - (ii) No interview of any Player or Players potentially subject to Commissioner Discipline for Off-Ice Conduct will take place without first providing notice to the NHLPA that affords a reasonable opportunity for the NHLPA to participate.
  - (iii) With respect to the interviews of Players who are not potentially subject to Commissioner Discipline for Off-Ice Conduct, the NHL agrees that no

interview of such Players will be conducted without first providing notice to the NHLPA that affords a reasonable opportunity for the NHLPA to participate.

- (iv) In any interview of any Player, the NHL will explain the purpose of the inquiry and the potential for Commissioner Discipline for Off-Ice Conduct.
- (v) The NHL agrees to provide the NHLPA with advance notice of any non-Player interviews conducted as part of an investigation and further agrees to make its best efforts to schedule interviews in a manner that will allow the NHLPA to participate. In the event that an interview is conducted without the NHLPA's participation, the NHL agrees to provide the NHLPA with a copy of any notes or other recording relating to the interview.
- (vi) A Player shall be afforded a right to apply for a reasonable delay of any interview in order to obtain and consult with individual counsel, and consent to such a request shall not be unreasonably withheld.

(b) **Pre-Hearing Disclosures.** Prior to the hearing, the League will provide the NHLPA and the Player with a written statement that specifies the factual allegations against the Player and an explanation of why the League considers that the alleged conduct may give rise to Commissioner Discipline for Off-Ice Conduct. The League shall disclose to the NHLPA and Player all evidence and witnesses (including a summary of their testimony) that the League will present against the Player at the hearing. The NHLPA shall disclose to the League any evidence and witnesses (including a summary of their testimony) that the NHLPA and/or Player intend to introduce at the hearing. Such disclosures shall be provided (absent extraordinary circumstances) by the NHL at least two (2) days prior to the hearing, and by the NHLPA one (1) day following the NHL's disclosures.

(c) **Timing of Hearings.** Hearings will generally be held with no less than five (5) days' notice to the Player and the NHLPA. In unusual cases, where there is a compelling need, the League may seek to hold a hearing on an expedited basis. In such cases, an expedited hearing may be scheduled with reasonable notice to the NHLPA and the Player, provided, however, that the hearing may be continued if the NHLPA and/or Player establish that the Player would be prejudiced in the absence of a continuance.

In cases where the League holds an expedited hearing, the League agrees to provide the disclosures set forth in Section 18-A.3(b) as soon as such information is available to the League and, in any event, no later than one (1) day prior to the expedited hearing. The League agrees to respond to any NHLPA information requests relating to such hearing on an expedited basis so that the Player has an opportunity to present this evidence at the hearing.

(d) **Right to a Hearing.** Except with respect to discipline imposed pursuant to the procedures set forth in 18-A.5 and except as permitted by this subsection, the Commissioner or his designee will not impose Commissioner Discipline for Off-Ice Conduct without holding a

hearing. In cases involving an expedited hearing, the Commissioner may suspend the Player pending a hearing for a period not exceeding four (4) days if the failure to do so would create a substantial risk of material harm to the legitimate interests and/or reputation of the League. Such four (4) day period may be extended by the length of any continuance granted under Section 18-A.3(c) and if the failure to do so continues to present a substantial risk of material harm to the legitimate interests and/or reputation of the League. In cases where the failure to do so would create a substantial risk of material harm to the legitimate interests and/or reputation of the League, the Commissioner may continue the suspension at the conclusion of the hearing pending a determination, to be issued no later than one (1) day following the completion of the hearing. The NHL, the affected Player's Club, the Player and the NHLPA have the right to participate in the hearing. The NHLPA and the Player have the right to present testimony, evidence and argument in the Player's defense.

(e) **Pre-Hearing Public Statements by the League.** The parties recognize that pre-hearing public statements by League officials characterizing a Player's conduct create an appearance of partiality and might impact a Player's right to a fair and impartial hearing. The League, Clubs, the NHLPA and the Player agree to limit any statement to an acknowledgement that the situation is under review and will reserve further comment until a hearing is held; provided, however, that the League, Clubs, the NHLPA and the Player may comment substantively upon any suspension issued pending an expedited hearing pursuant to subsection 18-A.3(d) but only to the extent necessary to explain the basis for the decision to suspend pending a hearing.

(f) **Prohibition on Ex Parte Contact.** Any League official who is involved with the "prosecution" of a case will not discuss the case with any League officials (including, but not limited to, the Commissioner) who are involved in deciding the case.

**18-A.4 Appeal from Commissioner Determination.** In all cases involving Commissioner Discipline for Off-Ice Conduct under this Article, the NHLPA, on a Player's behalf, may file an appeal to the Impartial Arbitrator by giving notice to the League in writing. The proceeding shall thereafter be governed by the provisions of Article 17 of this Agreement. The standard of review in cases of Commissioner Discipline for Off-Ice Conduct shall be whether the Commissioner's determination was supported by substantial evidence and was not unreasonable based on the following considerations: (i) the facts and circumstances surrounding the conduct at issue; (ii) whether the penalty was proportionate to the gravity of the offense; and (iii) the legitimate interests of both the Player and the League. Players who are disciplined by the Commissioner for Off-Ice Conduct imposed pursuant to Section 18-A.2(a) or (b) and who file an appeal shall remain suspended and/or not permitted to play pending the appeal (but in the case of a suspension, for not longer than the duration of such suspension contained in the Commissioner's determination). Players who are fined by the Commissioner pursuant to Section 18-A.2(c) and who file an appeal shall not forfeit any compensation pending the outcome of the appeal. The parties may not make public statements in respect of the matter upon the commencement of the appeal procedure before the Impartial Arbitrator (provided there will be an absolute 48-hour period following the announcement of the Commissioner's decision in which the League can release public statements to explain the basis for the decision to discipline).

**18-A.5 Criminal Investigation.** A Player subject to Commissioner Discipline for Off-Ice Conduct may seek a reasonable delay in such proceedings in order to retain and seek the advice of counsel in the event his conduct may also be subject to a criminal investigation by any governmental authority, or in the event of an ongoing civil proceeding where the Player has been named as a defendant. The League may suspend the Player pending the League's formal review and disposition of the matter where the failure to suspend the Player during this period would create a substantial risk of material harm to the legitimate interests and/or reputation of the League.

**18-A.6 Use of Fine Money and Forfeited Salary.** Any fines collected from or Paragraph 1 Salary forfeited by Players pursuant to any discipline imposed by the League pursuant to Commissioner Discipline for Off-Ice Conduct shall be deposited in the NHL Players' Emergency Assistance Fund in accordance with the procedures set out in Article 18 of this Agreement.

**EXHIBIT 1  
STANDARD PLAYER'S CONTRACT  
IMPORTANT NOTICE TO PLAYER**

Before signing this Standard Player's Contract ("SPC") you should carefully examine it to be sure that all terms and conditions agreed upon have been incorporated herein, and if any has been omitted, you should insist upon having it inserted in the SPC before you sign.

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**NATIONAL HOCKEY LEAGUE  
STANDARD PLAYER'S CONTRACT  
(2013 FORM)**

BETWEEN

\_\_\_\_\_ Hereinafter called the "Club," a member of the National Hockey League, hereinafter called the "League"

AND

\_\_\_\_\_ hereinafter called the "Player"

State/Province/Country

of \_\_\_\_\_ in \_\_\_\_\_ of \_\_\_\_\_

In consideration of the respective obligations herein and hereby assumed, the parties to this SPC severally agree as follows:

1. The Club hereby employs the Player as a skilled hockey Player for the term of \_\_\_\_\_ League Year(s) commencing the later of July 1, 20\_\_ or upon execution of this SPC and agrees, subject to the terms and conditions hereof, to pay the Player a salary of \_\_\_\_\_ US Dollars (\$ \_\_\_\_\_).

Payment of such Paragraph 1 Salary shall be in consecutive semi-monthly installments on the 15th and 30th day of each month following the commencement of the NHL Regular Season or following the dates of reporting, whichever is later (provided that the pay period shall not close more than three (3) days prior to payroll dates); provided, however, that if the Player is not in the employ of the Club for the whole period of the Club's NHL Regular Season Games, then he shall receive only part of such Paragraph 1 Salary in the ratio of the number of days of actual employment to the number of days of the NHL Regular Season.

And it is further mutually agreed that if the SPC and rights to the services of the Player are Loaned or otherwise transferred to a club in another league, the Player shall only be paid at an annual salary rate of

\_\_\_\_\_ US Dollars in the \_\_\_\_\_ league in the \_\_\_\_\_ League Year.  
or \_\_\_\_\_ US Dollars in the \_\_\_\_\_ league in the \_\_\_\_\_ League Year.  
or \_\_\_\_\_ US Dollars in the \_\_\_\_\_ league in the \_\_\_\_\_ League Year.

2. The Player agrees to give his services and to play hockey in all NHL Games, All Star Games, International Hockey Games and Exhibition Games to the best of his ability under the direction and control of the Club in accordance with the provisions hereof.

The Player further agrees,

(a) to report to his Club's Training Camp at the time and place fixed by the Club, in good physical condition,

(b) to keep himself in good physical condition at all times during the season,

(c) to give his best services to the Club and to play hockey only for the Club unless his SPC is Assigned, Loaned or terminated by the Club,

(d) to co-operate with the Club and participate in any and all reasonable promotional activities of the Club which will in the opinion of the Club promote the welfare of the Club and to cooperate in the promotion of the League and professional hockey generally,

(e) to conduct himself on and off the rink according to the highest standards of honesty, morality, fair play and sportsmanship, and to refrain from conduct detrimental to the best interest of the Club, the League or professional hockey generally.

3. In order that the Player shall be fit and in proper condition for the performance of his duties as required by this SPC and the Agreement, the Player agrees to report for practice at such time and place as the Club may reasonably designate and participate in such Exhibition Games as may be arranged by the Club.

4. The Club may from time to time during the continuance of this SPC establish reasonable rules governing the conduct and conditioning of the Player, and such reasonable rules shall form part of this SPC and the Agreement as fully as if herein written. For violation of any such rules or for any conduct impairing the thorough and faithful discharge of the duties incumbent upon the Player, the Club may impose a reasonable fine upon the Player and deduct the amount thereof from any money due or to become due to the Player. The Club may also suspend the Player for violation of any such rules. When the Player is fined or suspended, he shall be given notice in writing stating the amount of the fine and/or the duration of the suspension and the

reason therefor. Copies of the rules referred to herein shall be filed at the main offices of the League and the National Hockey League Players' Association ("NHLPA").

5. (a) Should the Player be disabled or unable to perform his duties under this SPC he shall submit himself for medical examination and treatment by a physician selected by the Club, and such examination and treatment, when made at the request of the Club, shall be at its expense unless made necessary by some act or conduct of the Player contrary to the terms and provisions of this SPC or the rules established under Paragraph 4. At any time a physician selected by a Club makes a determination as to whether or not a Player is disabled and unable to perform his duties as a hockey Player for purposes of this Paragraph 5 of this SPC, such physician shall evidence such determination by fully completing the form attached to the CBA as Exhibit 25-A, which shall be provided to the Player at the time such determination is made and immediately provided to the Club as well. Upon receipt of such fully completed form, the Club shall send an electronic copy forthwith to the Player, his Certified Agent, the NHL, and the NHLPA (the "Recipients"), which shall contain the language from CBA Exhibit 25-A contained in the "Message to Player", provided, however, that the Club's failure to include such language shall not affect the timeframes set forth in this Paragraph 5, or otherwise prejudice the Club.

(b) If the Player, in the judgment of the Club's physician, is disabled or is not in good physical condition at the commencement of the season or at any subsequent time during the season (unless such condition is the direct result of any injury sustained during the course of his employment as a hockey Player with the Club, including travel with his team or on business requested by the Club) so as to render him unfit to play skilled hockey, then it is mutually agreed that the Club shall have the right to suspend the Player for such period of disability or unfitness, and no compensation shall be payable for that period under this SPC.

(c) If the Player is injured during the course of his employment as a hockey Player with the Club, including travel with his team or on business requested by the Club, the Club will pay the Player's reasonable hospitalization until discharged from the hospital, and his medical expenses and doctor's bills, provided that the hospital and doctor are approved by the Club. This approval will not be unreasonably withheld.

(d) It is also agreed that if the Player, in the sole judgment of the Club's physician, is disabled and unable to perform his duties as a hockey Player by reason of an injury sustained during the course of his employment as a hockey Player, including travel with his team or on business requested by the Club, he shall be entitled to receive his remaining Paragraph 1 Salary and Signing Bonuses due in accordance with the terms of this SPC for the remaining stated term of this SPC as long as the said disability and inability to perform continue but in no event beyond the expiration date of the fixed term of this SPC. In consideration of the payment of such Paragraph 1 Salary, as well as payments made by the Club to fund the Hospital, Major Medical, Visioncare and Dental Plan, career ending disability policy and serious disability policy and other consideration (including the payment of salary referenced herein, where applicable), the Player does hereby covenant that in the event he receives full payment of a claim under such career ending disability policy or serious disability policy, he personally releases and will release, and will cause his corporation if a corporate contract is involved to release, the Club, the League, the NHLPA, all other Clubs, the insurance carrier, and the servants, employees, officers and agents of each of the above from any and every additional obligation, liability, claim or

demand for any additional salary or other payments, arising out of or relating to such injury or the treatment thereof, including without limitation liability in tort, and extending to all damages, whenever arising.

(e) In the event that the Player wishes to seek a second opinion in respect of the Club Physician's determination regarding the Player's fitness or unfitness to play, the Player shall provide electronic notice to the Club (unless the Player provides notice by any other means to the General Manager, Assistant General Manager or the Head Athletic Trainer) that he is seeking a second opinion pursuant to Paragraph 5 of the SPC by no later than 5:00 pm New York time on the third day after the electronic notice referred to in Paragraph 5(a) above is sent, except that, if the notice referred to in Paragraph 5(a) above is sent after 5:00 pm New York time the Player shall have until 5:00 pm New York time on the fourth day to provide such notice. Upon receiving notice that the Player is seeking a second opinion, the Club shall promptly provide the Player its complete medical file on the Player in respect of the Player's condition that is the subject of the Club Physician's determination. The Player must obtain a second opinion within five (5) days (or later only upon showing of good cause) of the electronic notice from the Club.

(f) The physician consulted by the Player ("Player's Physician") in accordance with Paragraph 5(e) must make a determination as to whether the Player is disabled and unable to perform his duties as a hockey Player and shall evidence such determination by fully completing the form attached to the CBA as Exhibit 25-A, which shall be provided to the Player at the time of the examination, with an electronic copy sent forthwith to the Club and the Recipients. The Club Physician and the Player's Physician must consult as expeditiously as possible and, in any event, by no later than 5:00 pm New York time on the third day after the Player is sent electronic notice of the determination by the Player's Physician (referenced in this Paragraph 5(f) above) (or later only upon a showing of good cause).

(g) (i) If, after consulting as provided for in Paragraph 5(f), the Club Physician and the Player's Physician agree that the Player is either disabled and unable to perform, or not disabled and able to perform, his duties as a hockey Player, their agreed-upon determination shall be evidenced by fully completing the form attached to the CBA as Exhibit 25-B (as set forth in Paragraph 5(g)(i)(iii)). Such determination shall be conclusive, final and binding upon the Club and the Player, absent a showing of improper interference with the procedures set forth in CBA Section 17.7 and Paragraph 5 of the SPC.

(ii) If after consulting as provided for in Paragraph 5(f), the Club Physician and the Player's Physician cannot agree on whether the Player is disabled and unable to perform his duties as a hockey Player, they shall each evidence such disagreement by fully completing the form attached to the CBA as Exhibit 25-B (as set forth in Paragraph 5(g)(iii)).

(iii) Pursuant to either Paragraph 5(g)(i) or 5(g)(ii) above, the Player's Physician shall complete his/her portion of Exhibit 25-B first and then shall send such form to the Club Physician. The Club Physician shall then complete his/her portion of Exhibit 25-B and then shall send such fully completed form to the Club, the Player's Physician and the Recipients.

(iv) If the Club Physician and the Player's Physician cannot agree on whether the Player is disabled and unable to perform his duties as a hockey Player pursuant to Paragraph



5(g)(ii) above, they shall confer and agree on an independent physician to examine the Player. The independent physician must be selected as expeditiously as possible and, in any event, within the time frame referred to in Paragraph 5(f) above (or later only upon a showing of good cause). If the Player's Physician and the Club Physician are unable to select the independent physician within such period, the independent physician shall be selected jointly by a medical designee appointed by the NHL and a medical designee appointed by the NHLPA. That selection shall take place as expeditiously as possible, but not later than 5:00 pm New York time on the second day after referral to the NHL and NHLPA medical designees.

(h) Following the selection of the independent physician pursuant to Paragraph 5(g)(iv), the NHLPA (with a copy sent forthwith to the Club and the Recipients) shall provide the independent physician with a completed form set out in CBA Exhibit 25-C. The Club also shall send to the independent physician a copy of the medical file that it had forwarded to the Player pursuant to Paragraph 5(e). The Player shall direct the Player's Physician to forward to the independent physician a complete copy of his medical file in respect of the condition that is the subject of the Player's Physician's second opinion pursuant to Paragraph 5(h). The Player must submit himself to examination, and the independent physician must examine the Player, within five (5) business days of his selection (or later only upon a showing of good cause). The independent physician shall make a determination of whether the Player is disabled and unable to perform his duties as a hockey Player and evidence such determination by fully completing the form attached as Exhibit 25-A, which shall be provided to the Player at the time of the examination and an electronic copy sent forthwith to the Club and the Recipients.

(i) The independent physician's determination as to whether the Player is disabled and unable to perform his duties as a hockey Player shall be conclusive, final and binding upon the Club and the Player, absent a showing of improper interference with the procedures set forth in CBA Section 17.7 and Paragraph 5 of the SPC.

(j) If, pursuant to Paragraph 5(g) or Paragraph 5(h) a Player examined in connection with Paragraph 5(d) is declared to be unfit for play by reason of an injury sustained during the course of his employment as a hockey Player, including travel with his team or on business requested by the Club, he shall continue to receive the full benefits of this Agreement in accordance with the provisions of Paragraph 5(d). If such Player is declared to be physically able to play and refuses to do so, he shall be liable to immediate suspension without pay. For the avoidance of doubt, if the Player is deemed to have had a separation from service (as defined in Treas. Reg. section 1.409A-1(h)) and, prior to such separation, the Player has not been disabled for purposes of Section 409A(a)(2)(C) of the Internal Revenue Code, any amount payable pursuant to this Paragraph 5(j) shall be paid over the Buy-Out Period prescribed by Paragraph 13(d) (i.e., over twice the remaining term of the SPC).

(k) If either the Club or the Player fail timely to comply with any of the requirements set forth in Paragraph 5, absent a showing of good cause, then such non-complying party shall be deemed to have acceded to the other party's position in such dispute.

(l) The Club and Player shall cooperate, and shall cause their respective physicians to cooperate, for the purpose of making medical records available to any physician who examines the Player pursuant to this Paragraph 5.

(m) For purposes of clarity, the Club Physician, the Player's Physician and the independent physician shall be charged only with determining whether the Player is disabled and unable to perform his duties as a hockey Player. Any other determinations, including whether a Player's disability is a hockey related injury, shall be within the jurisdiction of the Impartial Arbitrator.

(n) In connection with a disability which is not caused by an injury sustained during the course of his employment as a hockey Player including travel with his team or on business requested by his Club, the procedures set forth in this Paragraph 5 shall also apply to the Club Physician's determination regarding the Player's physical fitness to return to play. If the Player is declared to be fit for play, by the Club Physician and the Player's Physician, or by the independent doctor, he must perform his duties hereunder and shall be entitled to receive the full benefits of this Agreement. If he is declared to be not physically able to play, he shall not be entitled to the benefits of this Agreement until he has been declared to be physically fit to play by the independent medical specialist.

(o) The reasonable costs incurred by the Player in the course of obtaining a second opinion pursuant to this Paragraph 5 shall be borne equally by the Club and the Player.

6. The Player represents and agrees that he has exceptional and unique knowledge, skill and ability as a hockey Player, the loss of which cannot be estimated with certainty and cannot be fairly or adequately compensated by damages. The Player therefore agrees that the Club shall have the right, in addition to any other rights which the Club may possess, to enjoin him by appropriate injunctive proceedings without first exhausting any other remedy which may be available to the Club, from playing hockey for any other team and/or for any breach of any of the other provisions of this SPC.

7. The Player and the Club recognize and agree that the Player's participation in other sports may impair or destroy his ability and skill as a hockey Player. Accordingly the Player agrees that he will not during the period of this SPC or during any period when he is obligated under this SPC to enter into a further SPC with the Club engage or participate in football, baseball, softball, hockey, lacrosse, boxing, wrestling or other athletic sport without the written consent of the Club, which consent will not be unreasonably withheld.

8. (a) The Club recognizes that the Player owns exclusive rights to his individual personality, including his likeness. The Player recognizes that the Club owns exclusive rights to its name, emblems and uniform, which the Player wears as a hockey Player for the Club.

The Player hereby irrevocably grants to the Club during the period of this SPC and during any period when he is obligated under this SPC to enter into a further SPC with the Club the right to permit or authorize any firm, person or corporation to take and make use of any still photographs, motion pictures or electronic (including television) images of himself in uniform and agrees that thereafter all rights in such photographs, pictures and images (including the right to identify him by name) shall belong to the Club exclusively for the purposes of telecasts, film or video documentaries or features, advertisements and promotions of the Club's games, use by the media for reportorial purposes, game programs, yearbooks, magazines and the like, and purposes in which the focus is on the Club or game and not the individual Player.

The Club hereby irrevocably grants to the Player during the period of this SPC and thereafter the right to use the name of the Club (but not the emblem or uniform unless otherwise agreed) to identify himself, truthfully, as a Player of the Club, past or present.

All obligations and rights set forth in this Paragraph 8(a) shall be subject to modification from time to time by the provisions of the CBA.

(b) The Player further agrees that during the period of this SPC and during any period when he is obligated under this SPC to enter into a further SPC with the Club, he will not make public appearances, participate in radio or television programs, or permit his picture to be taken, or write or sponsor newspaper or magazine articles, or sponsor commercial products without the written consent of the Club which consent shall not be unreasonably withheld.

9. It is mutually agreed that the Club will not pay, and the Player will not accept from any person, any bonus or anything of value for winning or otherwise attempting to affect the outcome of any particular game or series of games except as authorized by the League By-Laws.

10. The Player agrees he will not tamper with or enter into negotiations with any Player under SPC or reservation to any Club of the League for or regarding such Player's current or future services, without the written consent of the Club with which such Player is connected under penalty of a fine to be imposed by the Commissioner of the League.

11. It is mutually agreed that the Club shall have the right to Assign or to Loan this SPC, and the Player agrees to accept and be bound by such Assignment or Loan, and will faithfully perform and carry out this SPC with the same purpose and effect as if it had been entered into by the Player and such other club.

It is further mutually agreed that in the event that this SPC is Assigned, or the Player's services are Loaned, to another club, the club shall by notice in writing delivered to the Player advise the Player of the name and address of the club to which he has been Assigned or Loaned, and specify the time and place of reporting. If the Player fails to report to such other club, he may be suspended by such other club and no Paragraph 1 Salary shall be payable to him during the period of such suspension.

12. **Default.** If a Club defaults in the payment of any compensation to the Player provided for in his SPC or fails to perform any other obligation under his SPC, the Player may, by notice in writing to the Club and to the League and the NHLPA, specify the nature of any and all defaults and thereafter:

(a) If the Club fails to remedy the default within fourteen (14) days from receipt of such notice, except as hereinafter provided in Paragraphs 12(b), (c) and (d), the SPC shall be terminated, and, upon the date of such termination, all obligations of both parties shall cease, except the obligation of the Club to pay the Player's compensation to that date, provided, however, that;

(b) the Player hereby irrevocably offers the League an option to cure said default within the seven (7) days next succeeding the fourteen (14) days within which the Club may cure

the default upon the condition that, in the event the League may accept this offer, the League would then guarantee payment of that portion of the Player's compensation, as set forth in the Player's SPC, as may become due for a period of twenty-one (21) days from receipt by the League of any notice of default. The League may accept this offer by notification to the Player and the NHLPA in writing of such acceptance and of its guarantee of said twenty-one (21) day compensation period as soon as possible following receipt of notice of default from Player but in no event later than fourteen (14) days following receipt of such notice. This offer will be deemed rejected if not accepted as set forth above;

(c) said option may be assigned by the League to any other Club and, upon such assignment, the assignee Club shall inure to all of the rights of and assume all obligations of the League under this Paragraph 12;

(d) the Player further agrees that, if the League has given due notice as set forth in Paragraph 12(b), he will continue to perform all of his obligations under his SPC for the full twenty-one (21) day period and, in the event the Club does not cure the default within the fourteen (14) day period, as set forth in subsection (a), the League, or any Club to which its option has been assigned, may cure the default within the seven (7) days following the first fourteen (14) days next succeeding receipt of notice of default; and

(e) the Club agrees if it does not cure the default within the fourteen (14) day period, as set forth in Paragraph 12(a) above, and the League, or an assignee Club, cures said default in accordance with Paragraph 12(b), (c) and (d) then, in such event, all rights and obligations of the Club under this SPC shall be transferred to the League, or such assignee Club, provided, however, that no obligation with respect to a default or defaults claimed to exist at the time of notice of default, as provided above, but not specifically included and set forth in said notice shall be assumed by the League or such assignee Club and the League or such assignee Club shall have no liability with respect thereto.

(f) The Club and/or the League may dispute the Player's assertion of a default through an expedited arbitration proceeding in which case the Arbitrator shall be directed both to hear and decide such case within fourteen (14) days of receipt of notice from the Player pursuant to this Paragraph 12 absent a showing of good cause by the League and/or the Club as to why it requires additional time in order to adequately investigate and try such case. In such event, it is nonetheless the intention of the parties that the case be heard and decided as expeditiously as possible. During the pendency of the Grievance concerning the existence of a default, the Player's SPC shall remain in full force and effect.

13. The Club, in addition to other rights hereunder, at its option, by written notice delivered to the Player in accordance with Exhibit 3, may terminate this SPC on the following conditions:

(a) The Club shall offer the Player on Unconditional Waivers, either before or promptly after the notice of intention to exercise the Ordinary Course Buy-Out option (herein called "notice of termination") is given.

(b) Termination pursuant to this Paragraph shall be effective upon receipt by the Player of the notice of termination and the Player clearing Unconditional Waivers pursuant to Paragraph 13(a) above.

(c) The notice of termination shall be effective if given in the form attached as CBA Exhibit 20, with a copy to the NHLPA and Central Registry as follows:

(i) beginning the later of June 15 or forty-eight (48) hours after the conclusion of the Stanley Cup Finals and ending at 5:00 p.m. New York time on June 30; and

(ii) For Clubs who have Club or Player elected Salary Arbitration filings pursuant to Article 12, within the forty-eight (48) hour period beginning on the third day following the later of: (i) the Club's receipt of its last salary arbitration award; or (ii) settlement of its last case (provided such award was received or such settlement occurred prior to 7:00 p.m. New York time; awards or settlements that occurred or were received at or after 7:00 p.m. New York time will be deemed to have occurred or received the following business day for purposes of this provision).

(d) If the Club elects to terminate this SPC pursuant to this Paragraph 13, it shall be obligated to pay to the Player, in equal semi-monthly installments, to be paid in accordance with the payroll payment schedule applicable to the Club's Active Roster, over twice the remaining term of the SPC (the "Buy-Out Period"):

(i) if the Player is under 26 years of age at the time the termination is effective, an amount equal to 1/3 of, or

(ii) if the Player is 26 years of age or older at the time the termination is effective, an amount equal to 2/3 of the total fixed amount of the Player's Paragraph 1 NHL Salary, for the unexpired fixed-term of this SPC, reduced by any advance payment of Paragraph 1 Salary received by the Player prior to the date the termination is effective.

(e) Upon termination, the Player shall immediately be an Unrestricted Free Agent and shall no longer be obligated to perform under this SPC.

(f) Waiver claim of Player by another Club shall pre-empt and relinquish Club's Buy-Out obligation, due to failure to clear Waivers.

(g) Clubs shall file their Buy-Out agreements, the form of which is attached hereto as Exhibit 21, with Central Registry and the NHLPA within 24 hours of such agreements becoming effective.

14. The Club may also terminate this SPC upon written notice to the Player (but only after obtaining Waivers from all other Clubs) if the Player shall at any time:

(a) fail, refuse, or neglect to obey the Club's rules governing training and conduct of Players, if such failure, refusal or neglect should constitute a material breach of this SPC.

(b) fail, refuse or neglect to render his services hereunder or in any other manner materially breach this SPC.

In the event of termination under Paragraph 14(a) or (b) the Player shall only be entitled to compensation due to him to the earlier of the date such notice is personally delivered to him or the date such notice is e-mailed to him.

In the event this SPC is terminated by the Club while the Player is "away" with the Club for the purpose of playing games the installment then falling due shall be paid on the first week-day after the return "home" of the Club.

15. The Player further agrees that the Club may carry out and put into effect any order or ruling of the League or its Commissioner for his suspension or expulsion and that in the event of suspension his Paragraph 1 Salary shall cease for the duration thereof and that in the event of expulsion this SPC shall terminate forthwith.

16. Except as otherwise provided in CBA Article 18, the Player agrees that, in the event of his suspension without pay pursuant to any of the provisions of this SPC, there shall be deducted from the Paragraph 1 Salary an amount equal to the exact proportion of such salary as the number of days' suspension bears to the total number of days of the Regular Season Games.

17. If because of any condition arising from a state of war or other cause beyond the control of the League or of the Club, it shall be deemed advisable by the League or the Club to suspend or cease or reduce operations, then:

(a) in the event of suspension of operations, the Player shall be entitled only to the proportion of Paragraph 1 Salary due at the date of suspension,

(b) in the event of cessation of operations, the Paragraph 1 Salary shall be automatically canceled on the date of cessation, and

(c) in the event of reduction of operations, the Paragraph 1 Salary shall be replaced by that mutually agreed upon between the Club and the Player, or, in the absence of mutual agreement, by that determined by neutral arbitration.

18. The Club and the Player severally and mutually promise and agree to be legally bound by the League Rules that affect any terms or conditions of employment of any Player and by any collective bargaining agreement that has been or may be entered into between the member Clubs of the League and the NHLPA, and by all of the terms and provisions thereof. This SPC is entered into subject to the CBA between the NHL and the NHLPA and any provisions of this SPC inconsistent with such CBA are superseded by the provisions of the CBA.

The Club and the Player further agree that in case of dispute between them, except as to the compensation to be paid to the Player on a new SPC, the dispute shall be referred within one year from the date it arose to the Commissioner of the League, as an arbitrator and his decision shall be accepted as final by both parties, unless, and to extent that, other arbitration procedures

are provided in any collective bargaining agreement between the member Clubs of the League and the NHLPA to cover such dispute.

The Club and the Player further agree that all fines imposed upon the Player under the Playing Rules, or under the provisions of the League By-Laws, shall be deducted from the Paragraph 1 Salary of the Player and be remitted by the Club to the NHL Players' Emergency Assistance Fund.

19. The Club and the Player represent and warrant that there are no undisclosed agreements of any kind, express or implied, oral or written and that there are no promises, undertakings, representations, commitments, inducements, assurances of intent, supplements or understandings of any kind between the Player or his Certified Agent and the Club that have not been disclosed to the NHL, with regard to: (i) any consideration of any kind to be paid, furnished or made available during the term of the SPC or thereafter; and/or (ii) any future renegotiation, extension, amendment or termination of this SPC.

20. Capitalized terms shall have the meaning set forth in the CBA, to the extent not otherwise defined in this SPC.

21. Unless otherwise specified, the service of all notices pursuant to the provisions of the SPC shall be effected in accordance with Exhibit 3 of the CBA.

22. The parties agree that the rights provided herein and in the CBA and in any addendum hereto and the promise of the Player to play hockey only with the Club, or such other club as provided in Paragraphs 2, 11 and 12, and the Club's right to take pictures of and to televise the Player as provided in Paragraph 8 of this SPC have all been taken into consideration in determining the Paragraph 1 Salary payable to the Player.

23. It is severally and mutually agreed that this SPC and the CBA contain the entire agreement between the parties and there are no oral or written inducements, promises or agreements except as provided herein.

**In Witness Whereof**, the parties have signed this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_.

Witnesses:

_____	_____
_____	Club
_____	_____
_____	Address of Club
_____	_____
_____	President
_____	_____
_____	Player
_____	_____
_____	Home Address of Player

I hereby certify that I have, at this date, received, examined and noted of record the within SPC, and that it is in regular form.

Dated \_\_\_\_\_, 20\_\_\_\_ for the National Hockey League

Les parties ont par les présentes exprimé leur volonté expresse que ce contrat soit rédigé en anglais.

The parties hereby state their expressed wish that this SPC be drafted in the English language.



## CONSTITUTION

### ARTICLE VI

#### COMMISSIONER

*6.1 Office of Commissioner, Election and Term of Office.* The League shall employ a Commissioner selected by the Board of Governors. The Commissioner shall serve as the Chief Executive Officer of the League and shall be charged with protecting the integrity of the game of professional hockey and preserving public confidence in the League. The Board of Governors shall determine the term of office and compensation of the Commissioner. The Commissioner shall be elected by a majority of the Governors present and voting at a League meeting at which a quorum was present when it was convened.

*6.2 Qualifications.* The Commissioner shall be a person of unquestioned integrity and shall have no financial interest, direct or indirect, in any professional sport. The Governors shall determine the other qualifications for the office of Commissioner.

*6.3 Power and Duties.*

- (a) *General.* Subject to the authority of the Board of Governors provided for in the Constitution and By-Laws and other governing documents of the League, the Commissioner shall have the responsibility for the general supervision and direction of all business and affairs of the League and shall have all such other powers as may be necessary or appropriate to fulfill his responsibilities. The Commissioner shall be responsible for the coordination and general supervision of policy matters that relate to property rights of the Member Clubs or that are other than in the normal course of operations of the League. The Commissioner's powers and duties shall include, but shall not be limited to, the powers specified in the Constitution and By-Laws and other governing documents, the powers exercised by, and duties assigned to, the League President prior to 1993, and all such other powers and duties as may be granted or assigned to the Commissioner by the Board of Governors. The Commissioner shall serve as the principal public spokesman for the League.
- (b) *Dispute Resolution.* The Commissioner shall have full and exclusive jurisdiction and authority to arbitrate and resolve:
- (1) any dispute that involves two or more Member Clubs of the League or two or more holders of an ownership interest in a Member Club of the League;
  - (2) any dispute between or among players, coaches, or other employees of any Member Club or Clubs of the League (unless such dispute is unrelated to and outside the course and scope of the employment of the disputants);
  - (3) any dispute between any player or other employee designated by the Member Club and any Member Club or Clubs;
  - (4) any dispute between a player and any official of the League; and
  - (5) any dispute involving a Member Club or Clubs, or any players or employees of the League or any Member Club or Clubs, or any combination thereof, that in the opinion of the Commissioner is detrimental to the best interests of the League or professional hockey or involves or affects League policy.

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In any case involving the deprivation of a Member Club's material property rights (other than rights to or interest in a player or other employee), an aggrieved Member Club may appeal the Commissioner's determination to the Board of Governors. The decision of the Commissioner shall be upheld unless three-fourths of the Governors shall vote to reverse it.

Except in such circumstances, the authority of the Commissioner to arbitrate disputes pursuant to this provision shall be binding to the same extent as if the parties had entered into a formal arbitration agreement and the decision of the Commissioner shall be final and binding on all parties and shall not be subject to any review. The Commissioner may elect not to arbitrate a dispute in any circumstances that he determines appropriate.

- (c) *Committees.* The Commissioner from time to time may establish committees with such powers and duties as the Commissioner determines. The Commissioner shall appoint the members of each such committee and fix their terms of office. The Commissioner shall serve as an ex officio member of all League committees and may serve as chairman of any committee in his discretion. The Commissioner may at any time dissolve any committee.

Notwithstanding the preceding paragraph, the Commissioner shall name an Executive Committee, consisting of between eight and twelve members of the Board of Governors, including the Chairman of the Governors. The Executive Committee shall confer, either formally or informally, in advance of each meeting of the Board of Governors and at such other times as the Commissioner may designate. In addition, the Commissioner shall name up to six members of the Executive Committee to serve as a Finance/Audit Committee.

Nothing in this section is intended to abrogate the powers of the Board of Governors.

- (d) *Interpretation of League Rules.* The Commissioner shall have the authority to interpret, and from time to time establish policies and procedures regarding, the provisions of the Constitution, the By-Laws, and League rules and resolutions, and their application and enforcement. Any determination made by the Commissioner with respect to any such matter shall be final and binding and shall not be subject to any review.
- (e) *Appointment of Staff.* The Commissioner may, subject to the previously-approved budget, appoint such other officers or assistants as he, in his sole discretion, determines necessary or appropriate, and shall determine the duties, compensation, and term of office of such officers or assistants. He may recommend to the Board of Governors persons to fill the positions of President, Treasurer, and Secretary. In connection with their services to the League, officers and other employees of the League shall be entitled to indemnification to the same extent as if the League were a corporation incorporated in the state of New York.
- (f) *Financial Matters.* The Commissioner may, subject to the previously-approved budget, incur on behalf of the League any expense that he determines, in his sole discretion, necessary or appropriate to conduct the business and affairs of the League, including, but not limited to, the leasing of office space and the hiring of employees, legal counsel and other professional assistance. The Commissioner may also establish and maintain bank accounts and credit facilities on behalf of the League and approve the payment of all proper charges. The Commissioner may withhold revenues due to a Member Club (including revenues collected by the League as agent for that Member Club) that has failed to discharge its financial obligations to the League or to another Member Club.
- (g) *Contracting Authority.* The Commissioner may arrange for and negotiate on behalf of the League contracts with other persons, firms, leagues, or associations; provided,

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however, that unless otherwise specifically authorized herein or in the By-Laws or by resolution, no contract involving a material commitment, including but not limited to collective bargaining agreements, television contracts and expenditures not in the budget which are individually in excess of \$100,000 or in the aggregate in excess of \$500,000 per year, unless such expenditures are approved by the Finance Committee, by the League or its Members shall be binding unless approved by the Board of Governors. No employment contract of a League office employee with a duration of more than two years will be effective without approval of the Board of Governors.

- (h) *Scheduling.* In each year, the Commissioner shall prepare and forward to the Member Clubs a proposed schedule of games for the upcoming season. Governors may forward comments on the proposed schedule to the Commissioner within ten days of its receipt. The Commissioner shall consider such comments and shall then issue the final schedule. Such schedule shall constitute the official League schedule and shall not require any consent or approval by the Member Clubs. In preparing the schedule, the Commissioner may require Member Clubs to furnish any information necessary to the preparation of the schedule. In addition, he shall solicit advice from the Clubs concerning special circumstances and shall take such circumstances into account to the extent he deems appropriate and in the best interests of the League. The Commissioner may change the date, time or playing site of any scheduled games if he determines that such a change would be in the best interest of the League or the teams involved.
- (i) *Officials.* The Commissioner shall be responsible for selecting and approving all game officials for all League games.
- (j) *Disciplinary Powers.*
  - (1) Whenever the Commissioner shall determine, based upon such information and reports as he may deem sufficient, that any person connected with the League or a Member Club has either violated the Constitution, the By-Laws, or any other governing rule or regulation of the League, or has been or is guilty of conduct (whether during or outside the playing season) detrimental to the League or the game of hockey, he shall have full and complete authority to discipline such person in any or all of the following respects:
    - (a) by expelling or suspending the person for a definite or indefinite period;
    - (b) by cancelling any contract or agreement that the person has with the League or with any Member Club;
    - (c) by imposing a fine on the person not exceeding One Million dollars (\$1,000,000) or such greater amount as may be prescribed by any League rule or By-Law; or
    - (d) if the conduct in question affects the competitive aspects of the game, by awarding or transferring players and/or draft choices and/or depriving the offending Member Club of draft choices.
  - (2) For purposes of this Section (j), the word "person" shall include a Member Club and any officer, stockholder or partner of a Member

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Club, or anyone else holding an interest in any Member Club, and any player, coach, or other employee, officer, or director of the League or of any Member Club.

- (3) In all cases involving player discipline and/or the integrity of the game of hockey and public confidence in the League, the Commissioner's determinations under this Section (j), shall be final and not subject to any review. In all other cases, the Commissioner's determinations under this Section (j), shall similarly be final, except that where the infraction would result in (a) expulsion from the League or a suspension of more than two years, or (b) imposition of a penalty provided for in subsection 1(d), of this Section (j), an aggrieved party may appeal the Commissioner's determination to the full Board of Governors. The procedures set forth in Section 32.2 of the By-Laws shall govern any such appeal, but the Commissioner's determination may only be reversed by a vote of three-fourths of the Governors.

*6.4 Indemnification.* The Commissioner shall not be liable or accountable in damages or otherwise to the League or any Member Club for any loss or damage incurred by reason of any act or omission performed or omitted by the Commissioner in good faith either on behalf of the League or in furtherance of its interests, provided the Commissioner was not guilty of fraud or bad faith with respect to such act or omission.

If, as a result of or in connection with service to the League, the Commissioner becomes involved in any manner, or is threatened with involvement in any manner, in any threatened, pending or completed claim, action, suit or proceeding (collectively, a "Proceeding"), whether civil, criminal or investigative, the League shall indemnify and hold harmless the Commissioner against all expenses (including reasonable attorneys fees) incurred by him, and all judgments, fines and settlement amounts payable by him, in connection with the Proceeding. The right to indemnification shall include the right to receive payment, prior to final disposition of the Proceeding, of any attorneys fees and other expenses incurred in connection with the Proceeding. The Commissioner shall not be entitled to indemnification, however, with respect to (a) any Proceeding arising from his own wilful acts or omissions that are fraudulent or in bad faith, as determined by a final and nonappealable judgment, decision or order of a court of competent jurisdiction, or (b) the amount of any settlement entered into without the approval of the Board of Governors.

**BY-LAWS****SECTION 17****FINES, SUSPENSIONS AND EXPULSIONS**

17.1. A player suspended or expelled by any organization or body, amateur or professional, shall at the request of that organization and with the approval of the Commissioner, be deemed to be suspended by the League until such suspension has been lifted or such expulsion has been revoked by the body imposing the same, or until the Commissioner declares that such suspension or expulsion will not be observed by the League.

17.2. Any player or person connected with a Member Club who undertakes to contribute in any way, or does intentionally contribute in any way to the losing or attempting to lose a game of hockey by the team of that Member Club, or who solicits or attempts to induce any player or person connected with a Member Club to lose or contribute to losing any hockey game in which that player is or may be in any way concerned, or, upon being solicited to so contribute fails to inform the Commissioner immediately, shall, in the discretion and by the ruling of the Commissioner, be expelled.

- 17.3. (a) If, in the opinion of the Commissioner, based upon such information and reports as he may deem sufficient, any act or the conduct of an official of a Member Club or player or employee, whether during or outside the playing season, has been dishonorable, prejudicial to or against the welfare of the League or the game of hockey, he may expel or suspend such person or impose on such a person and/or Member Club a fine not exceeding One Million Dollars (\$1,000,000) in the case of a Member Club or an official or employee of a Member Club, or Fifty Thousand Dollars (\$50,000) in the case of a player or he may order and impose both a suspension and a fine. Should a fine not be paid within ten days of imposition the Commissioner, in addition, may order a suspension. The Commissioner, with such limitation as he deems appropriate, may delegate and authorize an officer of the National Hockey League to perform the functions and exercise the disciplinary powers vested in the Commissioner under this By-Law for incidents arising under the playing rules and relating to the discipline of players and team officials. Except for suspension orders issued for deliberate injury of an opponent or abuse of an official, or issued between the end of the regular season schedule and the end of the playoffs, all suspensions ordered pursuant to this section shall take effect on the seventh day following the date of the order, unless the suspended party waives his right to appeal pursuant to Section 17.11(c).

*[NOTE: A Player betting or being interested in any pool or wager on the outcome of any National Hockey League Championship or Playoff game, whether or not the player has any connection with such game; or a physical attack or other violence upon a League Official (The Commissioner, President, Vice President, Secretary, Treasurer and any referee, linesman, scorer, timekeeper, penalty timekeeper or goal judge) will be deemed to come under this Section. These instances are only given as examples and are not to be regarded as the only acts or conduct subjecting the offender to the above penalties.]*

In the event of any verbal or physical attack upon the Commissioner, the Advisory Committee of the Board of Governors may, on referral from the Commissioner, exercise the powers of the Commissioner as set forth in

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this subsection. In the event of any other situation in which the Commissioner, in his judgment, believes it would be inappropriate for him personally to take action, he may delegate to the Advisory Committee of the Board of Governors his powers as set forth in this subsection, which Committee shall be authorized to exercise such powers.

- (b) In addition to the penalties and discretion provided for in the NHL Constitution and By-Laws, the Commissioner may (in his sole and absolute discretion) impose a fine not to exceed One Million Dollars (\$1,000,000) upon any Member Club if the Commissioner determines (based upon such information and reports as he in his sole discretion may deem sufficient) that a Member Club has taken some act or failed to act in such a manner as to willfully breach the Collective Bargaining Agreement, the NHL Rules, the By-Laws, the NHL Constitution and/or any resolution of the Board of Governors. Such fine would be placed in the general funds of the League.
- (c) Notwithstanding anything contained herein to the contrary, regardless of any fine or other penalty, each Member Club hereby agrees to protect, indemnify and hold harmless its officers and employees, the NHL and each and every Member Club thereof as against any costs, expenses, lawyer's fees, claims, actions or causes of action and/or any loss or liability arising out of or connected with any act or omission of such Member Club which causes a willful breach of the Collective Bargaining Agreement, of the Constitution, By-Laws or Rules of the NHL, or of any resolution of the Board of Governors.

17.4. (a) Any official, player or employee of a Member Club who gives, makes, issues, authorizes or endorses any statement having or designed to have, in the opinion of the Commissioner, an effect prejudicial to the welfare of the League or the game of hockey or of a Member Club; or who makes any public statement that is critical of the League Officiating Staff shall be liable to a fine not exceeding Ten Thousand Dollars (\$10,000) in the case of officers and employees of Member Clubs, and One Thousand Dollars (\$1,000) in the case of players, to be imposed by the Commissioner. In addition to or in lieu of the above, in the case of officers and employees, the Commissioner in his discretion may also impose a fine upon the Member Club whose officer or employee violates this By-Law. Said fine shall not exceed Ten Thousand Dollars (\$10,000).

- (b) No Governor, Alternate Governor or any non-playing employee of a Member Club shall make any public statement that in any manner states, implies or suggests that (1) any member of the officiating staff has performed in an unacceptable manner or (2) the officiating in the League is less than acceptable. Violation of this Section 17.4(b) shall result in the following automatic penalties in addition to the penalties set forth in Section 17.4(a):

- (i) individual who makes such a statement — fine of \$1,000, and
- (ii) his employing club — a fine of \$5,000.

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Anyone who violates this Section 17.4(b) more than once shall also be subject to additional fines and/or suspensions under By-Law 17.

This Section 17.4(b) shall not apply to a person who is employed by a Member Club as a broadcaster and who is functioning as such at the time of making any such statements.

*[NOTE: This Section 17.4(b) shall be liberally interpreted, it being the intent of the Board to eliminate all public criticism of officials and officiating by any employee of a Member Club.]*

- (c) The Commissioner, with such limitation as he deems appropriate, may delegate and authorize an officer of the National Hockey League to perform the functions and exercise the disciplinary powers vested in the Commissioner under this By-Law.

17.5. A player under contract, agreement or reservation by a Member Club who, without the written permission of such club, plays with a Club of any other league or organization may be suspended or expelled at the discretion and by the ruling of the Commissioner.

17.6. A player refusing to sign a Standard Player's Contract containing the terms awarded by an arbitrator, duly appointed by representatives of the player and of the Club, may be suspended by the Club by notification thereof to the Commissioner and upon proof of delivery to the player of a true copy of the arbitration award. During the period of any such suspension, the Club shall retain all rights to the playing services of the player and incident thereto granted under said contract.

17.7. A player who has signed an agreement or contract with a Member Club and who refuses to fulfill or carry out its provisions may be suspended by the Member Club by notification thereof to the Commissioner.

17.8. A player suspended by a Member Club may apply to the Commissioner to review such suspension. The Commissioner, after obtaining such information as he deems sufficient, may confirm or revoke the suspension or reduce the period thereof.

17.9. A player suspended shall not play or participate in any game of hockey during the period of his suspension. An official or employee suspended shall not exercise any duty or function for his Member Club or for any club of a league affiliated with the League during the period of his suspension.

17.10. A player or person expelled shall be permanently debarred from any connection whatsoever with any club of the League, or any club of any league affiliated with the League, or any organizations with which the League has an agreement respecting rights to services of players.

- 17.11. (a) In the case of a suspension or expulsion, or a fine in excess of Two Hundred Dollars (\$200) ordered by the Commissioner, there shall be a right of appeal to the Board of Governors upon written request filed with the Commissioner within ten days from the date of the order of suspension, expulsion or fine. The appeal shall be heard at the next regularly scheduled meeting of the Board of Governors. The Governors not directly affected by the order shall review the evidence by which the Commissioner arrived at his decision to determine whether in their opinion the Commissioner reasonably exercised the powers vested in him by the

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Constitution and By-Laws, and shall confirm, amend or quash the order made, and confirm or mitigate the penalty imposed. The decision of the Governors shall be final and conclusive. However, when such suspension, expulsion or fine is ordered for betting on a championship or playoff game no such right of appeal or review will be available.

- (b) In the appeal of a suspension order, should any appellant desire an expedited hearing prior to the next regularly scheduled meeting of the Board of Governors, he may elect same by so notifying the Commissioner in writing within 24 hours after receipt of the notice of suspension. The Commissioner shall then fix the time and place of the expedited hearing of the appeal, which time, to the extent practical, shall be within five days of the Commissioner's receipt of notice of such election. In the event of such election and in the event there is no change in the decision appealed from, the Club which appealed (or whose employee has appealed), shall be obligated, through assessment to be imposed by the League, to reimburse the League and each Member Club for all expenses incurred in attending and holding such expedited hearing, including but not limited to the cost of travel, meals and lodging of the attendees. The Board of Governors shall have the power to remit all or part of such assessment.
- (c) The waiting period for commencement of a suspension shall not apply if the suspended party notifies the League office within 24 hours of the issuance of his suspension that he waives his right to appeal.
- (d) A suspension issued pursuant to Playing Rule 67(a) shall be subject to the same right of appeal under this Section 17.11 as applies to suspension ordered by the Commissioner. For the purpose of such appeal, the third sentence of Section 17.11(a) shall read "The Governors not directly affected by the order shall review the evidence by which the referee arrived at his decision, plus all available game tapes, to determine whether in their opinion the referee reasonably exercised the powers vested in him by Playing Rule 67(a), and shall confirm, amend or quash the order made, and confirm or mitigate the penalty imposed."

17.12. The Commissioner may fine any Member Club whose team becomes involved in a multi-player altercation that takes place before or after any period. The fine for the first offense shall be up to \$10,000. The fine for each subsequent offense shall be up to \$50,000.

17.13. A printed copy of this Section shall be kept posted in each player's dressing room.

- 17.14. (a) In all cases where a player or other employee has been suspended without pay, the Club by whom such player or other employee is employed shall be fined an amount equal to the pro-rata portion of that player's or other employee's salary covered by the suspension. The Club shall not pay to the player or other employee the portion of his salary covered by the suspension.
- (b) In the event a Club, whose player or other employee has been ordered suspended without pay, pays the player or other employee his salary for the days of his suspension in defiance of the suspension-without-pay order,



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the Commissioner shall be authorized to impose a fine up to Five Hundred Thousand Dollars (\$500,000) upon such Club.

- (c) The Commissioner shall have the power to direct that an audit be made of a Club's records to insure there has been compliance with this By-Law Section.

17.15. (a) No Club may enter into a written agreement with any player, or any player's corporation, or any representative of a player or his corporation, which contains any provision which repeals, amends or contradicts the approved Standard Form player's contract entered into by the Club and such player, or repeals, amends or contradicts any provision of the Collective Bargaining Agreement.

- (b) All written agreements, other than Standard Form contracts and addenda attached thereto, entered into by a Club with any player, or any player's corporation, or any representative of a player or his corporation, shall contain a provision making such agreement subject to the League's certification that it is in compliance with this By-Law, and rendering it void in the absence of such certification.

- (c) All such written agreements entered into by a Club with any player, or any player's corporation, or any representative of a player or his corporation, shall within one week of their execution, be submitted by the Club to the League's Central Registry for certification pursuant to paragraph (b) above.

- (d) The Commissioner may, in his sole and absolute discretion, impose a fine not exceeding One Hundred Thousand (\$100,000) Dollars upon any Club for each violation to this By-Law.

- (e) This By-Law shall have no application to written agreements entered into prior to December 7, 1989, provided the Club has not, on or after December 7, 1989, entered into a new player's contract or an extension of an existing player's contract with the affected player.

- (f) All written employment agreements between a Member Club and any non-playing employee who is employed in the capacity of General Manager, Coach, Supervisor of Scouting, Scout or any other employee, including "assistants" to any of the above, whose primary function relates to scouting, drafting, procurement or coaching of playing personnel, shall contain a provision whereby the employee expressly agrees to be bound by the Constitution, By-Laws, Resolutions and all other orders or rules of the National Hockey League.

17.16. The Commissioner is authorized to impose a fine up to One Hundred Fifty Thousand (\$150,000) Dollars upon a Club for the making, by any owner, officer, employee or representative thereof, of public comments regarding expansion that the Commissioner deems to be detrimental to the League.

17.17. The Commissioner is authorized to impose a fine up to Two Hundred Fifty Thousand (\$250,000) Dollars upon a Club for the making of any public disclosure or comment by the Club, or any owner, officer, employee or representative thereof, with respect to any matter, issue, position or

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discussion in any NHL Governors or Committee Meeting or otherwise pertaining to the Collective Bargaining Agreement or pending or future collective bargaining negotiations or actions or responses with respect thereto.

The CHAIRMAN. Thank you, Ms. Berman.  
Steve Fehr, the Special Counsel, National Hockey League Players' Association.

**STATEMENT OF STEVEN FEHR, SPECIAL COUNSEL, NATIONAL HOCKEY LEAGUE PLAYERS' ASSOCIATION**

Mr. FEHR. Thank you. And if I might, I would like to say I've never lived in and rarely been to West Virginia, but I've long been an admirer of the Senator from West Virginia, and I would like to thank you for all that you've done, not just in holding this hearing, but throughout your career. And I wish you the best in 2015 and beyond.

In regard to none of the Executive Directors other than Ms. Roberts being able to show up, Senator Thune, I would like to say that the Executive Director of the NHLPA, who happens to have the same last name as I do, wanted very much to be at this hearing. He had a long-standing commitment overseas. I believe staff was told that if the hearing was next week or yesterday or even this morning, he would have been able to attend, and he'd be happy to meet with you in your offices or at a future hearing.

There could be some advantages and disadvantages to going last. Like Ms. Behrens, I'm not going to read from my prepared statement. I appreciate that you will place it in the record. It's a little too long, and parts of it would be a bit repetitive, not only of what Ms. Berman said about the NHL but what my colleagues, particularly Ms. Roberts and Ms. Seitz said on behalf of the basketball players and the baseball players. But let me just make a few points.

Professional athletes face extraordinary public scrutiny, both on and off their field of play. They are often thrust into the public spotlight at a very young age, sometimes 20 or even younger in the NHL, with pressures few people ever experience during their lifetime. Many of you expect the players to be role models, but in most cases, their background and training in high-performance athletics has done little to assist them in assuming that role. In light of this, the NHLPA has worked diligently with the NHL to develop procedures, policies, and programs to help these young men and their families deal with these pressures. We believe our efforts have met with some success, but it is a never-ending project.

It starts with education. We stress education for our players beginning at a young age. As Ms. Berman indicated, much of that is done through the SABH Program, in which services are available to all players and to all who could be involved in a situation involving domestic violence. That includes families. That includes girlfriends, and I did ask staff if it was appropriate to say that word. Trained medical professionals are available for counseling and other services on a 24-hour basis.

We also have our Rookie Orientation Program, which has been in place for 2 years now. It was initiated by the Players' Association along with the League. It is based on a model that was used by MLB and the MLBPA. And as you may know, the Executive Director of the NHLPA worked as the Executive Director of the MLBPA for many years. We stress education and training of play-

ers coming into the league on many subjects, including domestic violence.

On the subject of discipline, the CBA does give the Commissioner power to discipline for what we call “off-ice conduct.” Obviously, that would include situations involving domestic violence. Under the CBA, such discipline is eventually reviewable by a neutral arbitrator. The arbitrator is asked to review, among other things, whether the discipline imposed by the Commissioner for off-ice conduct was “supported by substantial evidence” and was “proportionate to the gravity of the offense.” This right to appeal should encourage the fair and consistent application of disciplinary policies and of results that can withstand objective scrutiny. The fact that the arbitrator is independent, that is, not an employee of the NHL or a representative of the NHL, adds considerable credibility to the process and strengthens the perception that any penalties imposed are just.

I should add, as I said in my statement, that discipline in this area can be complex, particularly when there is interplay between potential criminal charges or actual criminal charges and disciplinary proceedings in the workplace.

Finally, as Commissioner Bettman said last week in a letter to the House committee, there have been very few incidents that have come to light in recent years involving NHL players and domestic violence. And I do not say that, Senator Thune, to minimize or downplay the issue, because obviously, it is a very important issue, and even if there is one, it is one too many, and we need to continue to work until there are none.

Thank you for holding this hearing, and I look forward to answering your questions.

[The prepared statement of Mr. Fehr follows:]

PREPARED STATEMENT OF STEVEN FEHR, SPECIAL COUNSEL, NATIONAL HOCKEY LEAGUE PLAYERS' ASSOCIATION (NHLPA)

My name is Steven Fehr, and I am Special Counsel to the National Hockey League Players Association (NHLPA). I appear today in response to the Chairman's invitation to testify. The Executive Director of the NHLPA, Donald Fehr, is unavailable due to a longstanding commitment overseas.

We want to thank the Chairman and the Committee for the invitation, as well as for taking the time to focus on this important issue. We all share the common goal of doing whatever we can to reduce the incidence of domestic violence in this country. Given some recent cases that have drawn great public attention from the realm of sports, today's discussion is both warranted and timely.

Professional athletes face extraordinary public scrutiny both on and off their field of play. These athletes are often thrust into the public spotlight at a young age with pressures few people ever experience during their lifetime. Our society expects them to be “role models,” but in many cases their background and training in high-performance athletics has done little to assist them in assuming this role. In light of this, the NHLPA has worked with the NHL to develop procedures, policies and programs to help these young men and their families deal with these pressures. Those will be discussed in more detail below. We believe that our efforts have met with some success. But it is a never-ending project.

The issue of player discipline in this area is a complex one. When an employer disciplines an employee for misconduct away from the workplace, it raises a host of concerns on its own. But when you add the prospect of discipline for allegations that have yet to be proven, the issues become even more difficult. The careers of athletes are very short and all games are precious. Of course, the NHLPA wants to do all that it can to eliminate domestic violence that involves our members. At the same time, we cannot accept the proposition that a player should, as a matter of course, be punished until he has had his “day in court,” or in neutral arbitration

as the case may be. And in instances in which there is an actual or potential criminal proceeding in addition to the prospect of employer discipline, the legal issues can be very complicated to navigate.

We should also make a point regarding the number of domestic violence incidents involving our members. We do not have data to compare to the numbers in society in general, or in other sports, but it would seem that such incidents involving NHL players are few and far between, as Commissioner Bettman has said. Indeed, with respect to the number of instances in recent years when NHL players were subject to prosecution for domestic violence, we are only aware of two such allegations against NHL players over the last nine years. In one, the charges were ultimately dropped, and the other is currently pending.

With that background let me give you more detail about the efforts of the NHLPA in this area.

The NHLPA is the exclusive collective bargaining representative of the more than 700 professional hockey players who play for the 30 clubs in the NHL, 23 of which are in the U.S. and the remaining 7 in Canada. As such, we negotiate the players' terms and conditions of employment, including the bases upon which "off-ice" misconduct may be addressed by the League, and to represent our members in any disciplinary proceedings. Over the years, and particularly during the 2012–2013 bargaining that culminated in the parties' new collective bargaining agreement (CBA), we have negotiated with the NHL over policies and procedures related to the authority of the League and the Clubs to discipline players for off-ice personal misconduct, which would of course include instances of domestic violence or other crimes. In addition, and perhaps more important, for many years we have worked closely with the NHL to provide our members and their families with a comprehensive program of education and personal and family support in the form of the Substance Abuse and Behavioral Health Program (SABH). As will be explained below, the successful operation of this program may well have contributed to the infrequency of incidents of domestic violence.

#### **Player Representation**

The CBA provides the NHL Commissioner with the authority to discipline players for off-ice misconduct to the extent that such behavior is found to be detrimental to the game of hockey or to the welfare of the League. In addition, under the terms of the "Standard Player Contract" between individual players and their Clubs, which is also part of the CBA, NHL Clubs are authorized to discipline their players for conduct "detrimental to the best interest of the Club, the League or professional hockey generally." Such discipline, of course, is subject to the conditions as well as the procedural and substantive protections set out in the CBA, including a player's right to have his League or club discipline for off-ice misconduct reviewed by a neutral arbitrator. The NHLPA's role in the off-ice discipline process is rooted in our statutory duty to represent our members. Under the *National Labor Relations Act* unions owe all bargaining unit employees a duty of fair representation. Thus, the NHLPA attempts to ensure that the procedural protections of the Collective Bargaining Agreement are complied with; that the discipline assessed by the League or Clubs is consistent with the relevant provisions of the CBA; and that the discipline which results comports with traditional notions of fundamental fairness and due process.

A critical component of the negotiated disciplinary process, and central to the effort to achieve fairness and protect due process, is the aforementioned right to review by a neutral, independent arbitrator. This procedure has been available for many years to players who are the subject of Club discipline; in the 2013 CBA it was extended to apply to cases of Commissioner discipline. Upon the exercise of this contractual appeal right, the arbitrator is asked to review, among other things, whether the discipline imposed by the Commissioner for off-ice conduct was "supported by substantial evidence" and "proportionate to the gravity of the offense." The right to appeal should encourage the fair and consistent application of disciplinary policies and of results that can withstand objective scrutiny. The fact that the arbitrator is independent, *i.e.*, not an NHL official or representative, adds considerable credibility to the process and strengthens the perception that any penalties imposed are just.

#### **Substance Abuse and Behavioral Health Program**

The NHLPA and NHL work together through the Substance Abuse and Behavioral Health (SABH) program to ensure that players receive education, support and, where necessary, professional counseling and treatment. As I indicated previously, the training and background of the young men, who many expect to be role models, often does little to prepare them for this role. The program teaches and encourages

players to make appropriate choices in their personal lives, including in their relationships with family members. The SABH program provides such counseling, treatment and support not only to players, but also to wives, spouses, girlfriends, and other family members. Both the League and the NHLPA are highly committed to this approach, which in this context may be considered preventative.

The parties established the SABH program in 1996. Since its inception, the primary aim of the program has been to provide a comprehensive system of professional support for players in order to promptly and effectively address behavioral issues, including conduct that might lead to criminal charges. The SABH program, which is staffed by dedicated health care professionals selected by the NHL and the NHLPA, provides players with education and information regarding the entire range of behavioral, personal, and relationship issues, including spousal abuse. The SABH "Program Doctors" are available on a 24-hour basis throughout the year to provide confidential assistance to players who may be experiencing personal or family crises.

At the commencement of each season, the SABH Program Doctors visit each of the 30 clubs and meet with players to discuss personal conduct issues and familiarize them with the array of available program services. Players are encouraged by NHLPA staff and representatives to reach out to the program before a situation gets out of hand, and are reminded that the Program Doctors are immediately available, either by telephone or in person, to assist in the management of personal crises. Considerable emphasis is placed on the confidentiality of player consultations with the Program Doctors. We believe that the players' ready access to the highly skilled and trusted professional counseling services offered by the SABH program significantly reduces the incidence of violent outcomes related to personal issues.

The SABH program also aims to resolve behavioral issues on a long-term basis. Where appropriate, Program Doctors refer players to counseling or treatment offered by a network of health professionals established for this purpose. The progress of the players who receive such counseling and treatment is monitored by the Program Doctors and, as deemed appropriate and necessary, follow-up care is available to players. As a general approach, the SABH program places emphasis on the resolution of issues within the player's family as a whole; family members, especially spouses, are involved in counseling and treatment, either on a separate basis or in conjunction with that provided to the player.

#### **Rookie Orientation Program**

More recently, the NHLPA and NHL have instituted an annual multi-faceted Rookie Orientation Program (ROP) that, among other objectives, is designed to serve as an important introduction to the SABH program for new players coming into the League. The ROP is a three-day seminar held before the commencement of training camp. Those players deemed likely to be playing in the NHL for the first time in the approaching season are required to attend. The players receive intensive education in the whole range of life-style issues confronting younger professional athletes, including the development of appropriate coping mechanisms within relationships. They are introduced to the professionals engaged in the SABH, who explain how they can utilize the program services.

Thank you again for the opportunity to be here today. I look forward to answering any questions.

The CHAIRMAN. Thank you very much.

Just make an announcement. It's very, very difficult if the leadership holds votes at 4 o'clock for us to have a reasonable hearing, and so I'm trying with everything I can to get them to postpone those votes for at least a half an hour, so that all members have a chance to speak and ask questions. It is much too important a hearing to let couple of votes get in the way of it. Senator Thune?

Senator THUNE. Mr. Vincent, as we've discussed, last Friday, the former Federal judge who heard Ray Rice's appeal of his suspension ruled that Mr. Rice had not misled NFL Commissioner Roger Goodell about his confrontation with his fiancée and in her 17-page opinion, the judge discusses the pre-discipline meeting between Ray Rice and Roger Goodell stating that, and I quote, "At the time of the June 16 meeting, the NFL also knew that there was a camera inside the elevator and thought it was likely that there was a

video from the camera. Various sources, including NFL security, had reported the existence of such a video. Rice had received this video in discovery during his criminal case, but the NFL never asked Rice for the second video.” That’s end quote. That’s from the judge.

So the question is, how did the Commissioner not know that there was a second video inside the elevator at the time of the June 16 meeting with Mr. Rice?

Mr. VINCENT. Well, Senator, I’d like to begin with Judge Jones’ decision and her opinion letter. I thought it made it very clear the Commissioner first imposing discipline and then coming back and imposing discipline again was a deficiency in our system. But as we read through her opinion letter, I think she made it obvious that if the Commissioner had imposed more severe discipline on the onset, it would have made it very difficult for her to rule any differently.

We’ve learned. I think the Commissioner has acknowledged those mistakes. We have acknowledged those mistakes. This is all part of our evaluation as we look at the new Personal Conduct Policy. We failed. The Commissioner failed to impose the proper discipline in the Ray Rice case in the very beginning.

Senator THUNE. But the question is did the NFL ask for the second video and did the Commissioner know it existed? I mean, I assume the NFL knew of it if Ray Rice had it.

Mr. VINCENT. Yes. Senator, the first video, heartless, gutless, despicable. I don’t think there was a need for a second video to impose the proper discipline. We failed in that particular area. The Commissioner has acknowledged that. Our office has acknowledged that. We made a critical mistake.

Senator THUNE. So what efforts is the NFL making to ensure that, in the future, all the relevant, available evidence is there before making a decision on whether and how to punish a player that’s involved in a domestic violence or a sexual assault case?

Mr. VINCENT. Well, I would begin, Senator, with stating that having the right people at the table, having the right voices to evaluate, to potentially investigate these horrific crimes, I thought at the time. We know now that the right people weren’t at the table. Listening to our experts across the country, we’ve learned that the right voices, the right discipline, the right process was not in place. We’ve learned from those mistakes. We’ve begun implementing, at least at a minimum, having the right people, the right discussion, the right system: one, by protecting the victims first and survivors, and then second, working toward a fair process, but firm discipline.

Senator THUNE. When might we expect the Mueller investigation to conclude?

Mr. VINCENT. We’re expecting it at any time. We’ve all been put on notice in our office, as Mr. Mueller gives us a call or he wants to speak, to be cooperative. But we’re hoping that that ends, and we’re expecting that report to come to some closure shortly.

Senator THUNE. Will that be a public report and will it detail the results of that investigation?

Mr. VINCENT. I believe so.

Senator THUNE. I want to ask a question, and this would be of the Players Association representatives, and I'll try, in the interest of time, Mr. Chairman, to give other people an opportunity to ask questions, keep this very short, so if you could answer, yes or no. A lot of the focus has been on finding the right penalty for domestic violence, but would you agree that, at its core, the solution will require athletes to take responsibility for their own conduct and use the same self-discipline that has allowed them to excel at sports to renounce and end this ugly violence? Ms. Patterson?

Ms. PATTERSON. I would say that it's a multifaceted approach, which includes personal accountability. But I do believe it also includes education, counseling, and some of the other efforts that Ms. Roberts specifically spoke about, particularly before players come into the league. You know, we'd certainly acknowledge that accountability for your own actions is important and significant, but we do have to acknowledge that players, they are sons, they are brothers, they are fathers, husbands, and we just have to assist in that development.

Senator THUNE. Ms. Berman, yes or no?

Ms. BERMAN. I would say accountability is a very critical part of any solution.

Senator THUNE. Ms. Roberts?

Ms. ROBERTS. I would concur with both responses, yes.

Mr. FEHR. I think players are and expect to be held accountable for their conduct in many ways.

Senator THUNE. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. I'm just going to ask one question, not a second question, just one question, so that everybody gets a chance to do so, then we'll have a second round if we're so lucky. This is directed to Ms. Behrens and Ms. Roberts.

The NBA's policy on domestic violence is a minimum 10 game suspension for felony violent acts. As I understand the policy, the league does not impose penalties when there is no conviction. That becomes important. But many domestic violence cases do not result in conviction, because of some of the factors we've already undertaken—there's the culture of silence and all the rest of it, the people withdraw, don't press or whatever.

Too often, victims don't cooperate with law enforcement for a variety of reasons, so the charges are mysteriously dropped, or defendants will plead no contest. When I hear no contest, red lights go off in all directions, but this has a very different effect. In the last 2 years, I'm aware of six NBA players who have been charged with domestic violence, but the league did not impose any penalties, because there have been no convictions.

So my question to Ms. Behrens and Ms. Roberts, are you prepared to develop uniform policies that will address conduct by players who have been charged with a domestic violence but there are no convictions?

Ms. BEHRENS. Mr. Chairman, as I submitted to the Committee an opinion that the Commissioner released about 2 weeks ago relating to the suspension of one of our players, and in that, the Commissioner acknowledged that we needed to do more on this issue in terms of discipline going forward, both in terms of our due process and not really relying on the criminal justice system.



One of the things that we've learned from our experts, and a number of the members talked about it, certainly Senator McCaskill mentioned it, is that domestic violence for too long has gone both under-reported, under-prosecuted, and under-sentenced. And we are committed to making sure that we're not just relying on the criminal justice system going forward, and that we are independently investigating charges that might be brought against a player, and as such, are making sure that the Commissioner, who does have discretion beyond the 10 games that you mentioned in the Collective Bargaining Agreement, does have discretion beyond that to impose a suspension that is longer, as we did in the recent case of Jeff Taylor.

So that is our plan going forward, that we will be doing independent investigations, ensuring due process for our players, and making sure that the suspensions are firm but fair.

The CHAIRMAN. Ms. Roberts?

Ms. ROBERTS. What I would add, Senator, is that in the existing CBA, there is, in fact, language that allows the Commissioner, even in the absence of a conviction, if there is a reasonable basis to conclude that a player has been engaged in violence, including domestic violence, counseling can be ordered. And again, as Kathy has mentioned, there is a basis to impose discipline. So it's "in there." Having said that, I agree with Ms. Behrens, we are continuing to have discussions about ways to tweak and improve our system to the extent that there's any absence of sufficient transparency about there being the ability to impose fair discipline.

The CHAIRMAN. So you both indicate to me that you're moving away from the necessity for a conviction before action can be taken.

Ms. ROBERTS. What I am suggesting is that there is, as I say, there is language that does permit, if there is a reasonable basis to conclude that a player has engaged in violent conduct, including domestic violence, subject to an investigation by the Commissioner, if that's substantiated, there is an ability to exact a punishment.

The CHAIRMAN. Thank you.

Ms. ROBERTS. You're welcome.

The CHAIRMAN. Senator Heller?

Senator HELLER. Thank you, Mr. Chairman. Again, thanks for holding this hearing. Also to our witnesses that are here today, thank you for taking time. Ms. Patterson, most of my questions will be directed toward you.

Yesterday, the *Washington Post* reported that the NFL and the Players Associations are still at odds regarding changes to the Personal Conduct Policy and how players discipline is handled. Is that accurate?

Ms. PATTERSON. I would say yes.

Senator HELLER. It is accurate?

Ms. PATTERSON. That's correct.

Senator HELLER. Also in the article, the union has taken the position that a player should have the right to determine whether they play or not after an incident like domestic violence or sexual assaults take place. Is that also accurate?

Ms. PATTERSON. I wouldn't say that's accurate generally.

Senator HELLER. Can you be more specific?

Ms. PATTERSON. Well, it's hard with a hypothetical.

Senator HELLER. I'm just taking the article.

Ms. PATTERSON. Right.

Senator HELLER. Is it true that the union's position is that a player should determine for themselves, under certain incidents like domestic violence or sexual assault take place, whether or not they should play?

Ms. PATTERSON. No. I would not say that's accurate.

Senator HELLER. What is accurate?

Ms. PATTERSON. That we want to have confidence in a process in terms of discipline if an incident does occur, and we would like to collectively bargain with the league on how that discipline is applied.

Senator HELLER. So you're saying that the article in the *Washington Post* is inaccurate?

Ms. PATTERSON. I'm saying the question that was posed, and it sounds narrowly such, because I'm not familiar with the article, nor was I asked to be a part of it. But I'm saying that that part that you just asked me about is inaccurate.

Senator HELLER. I'm just trying to get to the point as to whether or not the Players Association is saying it's okay to knock out a woman with one punch on Wednesday and still suit up for a team on Sunday.

Ms. PATTERSON. Absolutely not. We do not condone domestic violence. I stated that earlier, and I will keep stating it. What we do is defend players, and we defend the process.

Senator HELLER. Was a 12 game suspension for knocking out his fiancée with one punch appropriate in the Ray Rice case?

Ms. PATTERSON. I don't know that that was appropriate. What we think is inappropriate is inconsistent and unfair handling of players and their issues.

Senator HELLER. What would be appropriate? I mean, you're eluding the questions. What would be an appropriate suspension for an individual that knocks out his wife or his fiancée?

Ms. PATTERSON. Well, Senator, I apologize for appearing to elude the questions, but I just have to respectfully say that the union is not in the business of applying discipline. We are in the business of representing our membership to the full extent of their rights, both under the law and under the Collective Bargaining Agreement.

Senator HELLER. Well, I would tend to disagree, Ms. Patterson. You're either for stopping sexual assault, domestic abuse, and child abuse, or you're not.

Ms. PATTERSON. Right, but I'm not suggesting that we're condoning any sort of misconduct.

Senator HELLER. Well, let me ask you this question then. Do you believe sexual assault, domestic violence, and child abuse are far more important, than the union's issues with collective bargaining?

Ms. PATTERSON. I would agree that they're far more important, but that's outside the scope of what we're talking about in terms of labor. I agree that societal issues are more important, yes.

Senator HELLER. Mr. Chairman, I have no more questions.

The CHAIRMAN. Yes, you've done a very good job on the ones you've asked. Senator Klobuchar?

**STATEMENT OF HON. AMY KLOBUCHAR,  
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Thank you very much, Mr. Chairman. Thank you. I grew up with professional sports. I think I'm the only Senator up here that has all four teams in these leagues in their state. I'm not competitive.

And my dad, as many of you may know, was a sports writer and then became a general columnist, and he would get an extra ticket to the NFL game, and I would go watch him when I was 12 years old and stand outside the locker room and wait for him, and he would be the last one out, and there would be some rather inebriated fans as we left. And he is only 5 foot 6, but they would tap him on the back and say, "Great game." And he would always say, "It was a team effort."

And I always have looked at sports that way, and I look at it another way, and that is as a prosecutor for 8 years, and knowing what it's like when our office took on a very difficult case against the late Kirby Puckett, who is an icon in our state. We did not win that case, but I could understand that culture and how difficult it is to win those cases in the court of law, so I appreciate the questions that were asked about discipline beyond the courtroom.

I also understand what it's like to take on domestic violence cases. Mr. Vincent, in our office, we had a poster outside of my door, and it was a woman with a Band-Aid on her nose, and she was holding a little boy, and the words under the poster said, "Beat your wife, and it's your kid that will go to jail." And I so appreciated your personal story and your willingness to stop that cycle of violence in your own life, and I know how difficult that is. So thank you very much.

My question is really about how to make sure that these criminal cases move forward. I was disturbed by reports in the *New York Times* and the *Washington Post* that leagues or teams may be discouraging women that come forward to them, wives or partners of players from going forward to law enforcement. The only way you stop this cycle is not only what I hope you are all doing now with your new approach to these issues as having tough penalties, but I also think you have to make sure that people are not discouraged from going forward.

So I would just like to ask this question of the four league representatives that are here, and that is, do your teams ever discourage people that come to them, the owners or the coaches, from going forward with domestic violence cases to law enforcement? And do you have a policy in place, and can you control these owners or coaches from doing that to make sure, going forward, that this does not happen again? I would start with you, Mr. Vincent.

Mr. VINCENT. Well, Senator, we hope that that doesn't occur. And that is the culture that we have to break. That's the cycle that we have to break as we look at implementing our new policy. We've been talking about personal accountability. We've also been talking extensively about club accountability.

We want to make sure that the victims and survivors actually have the proper support that these women, these children, that we can break that silence, that they have a place that they can go to, they have support confidentially, that they're safe when they go

home. We've embedded ourselves with our critical response teams and making sure the local support is in place. But for this behavior—

Senator KLOBUCHAR. I have a very focused question about not stopping people from going forward to law enforcement, not from discouraging them. Is there a way to control the coaches and the team owners by saying you cannot do that, if someone comes forward, you have to encourage them to go to law enforcement?

Mr. VINCENT. Yes, ma'am. As part of our education, that's something that we're educating on.

Senator KLOBUCHAR. OK. Thank you. Thank you very much. Mr. Torre?

Mr. TORRE. Yes, Senator. I wholeheartedly agree with you on not discouraging the victims from coming forward, because that would be the worst thing that could happen. And I hope it doesn't happen in our sport, because I know winning games are very important, but to me, being a good human being certainly surpasses that.

Senator KLOBUCHAR. And is there a policy in place?

Mr. TORRE. Well, we are discussing with the Players Association—

Senator KLOBUCHAR. But why would the Players Association influence whether or not you tell someone to not go forward to law enforcement?

Mr. TORRE. No, I misunderstood that. There's no question—

Senator KLOBUCHAR. Yes, I don't think that that's a negotiable issue.

Mr. TORRE. Our teams, and we have general managers meetings, we have owners meetings, and I speak to every manager, and it's about doing things the right way.

Senator KLOBUCHAR. OK.

Mr. TORRE. And certainly, being a human being is much more important. I went overboard, but that's the way I feel.

Senator KLOBUCHAR. Thank you. No, no, no. I appreciate that. I just think you've got to think of this different than the collective bargaining issue.

Mr. TORRE. No question.

Senator KLOBUCHAR. This is about going forward with a criminal investigation. Ms. Behrens?

Ms. BEHRENS. Senator, yes. We, in fact, are, as part of our education efforts, doing enhanced training for our team staff. And one of the things that we're making very clear is not only are we saying not to discourage, but we're encouraging and making sure that the teams are being proactive in this space. And our first line is, support victims first, and we're making that clear.

Senator KLOBUCHAR. Ms. Berman?

Ms. BERMAN. I'm unaware of any discouragement. And to the contrary, we have a system in place where the NHL's centralized security department has contacts at every local team where, if something like that was going on, I would hope we would be hearing about it, because it certainly would violate League policy.

Senator KLOBUCHAR. Thank you.

The CHAIRMAN. Are you finished?

Senator KLOBUCHAR. Yes.

The CHAIRMAN. OK. Senator Schatz?

Senator SCHATZ. Chair, I defer to Senator McCaskill.

Senator MCCASKILL. I think I beat you in the room. First, let me correct the record on the NBA questions about punishment. I've looked at the articles and the sections on counseling for violent misconduct. Let me make sure the record is clear. The most a commissioner can do for violence without a conviction is counseling, isn't that correct, Ms. Behrens?

Ms. BEHRENS. No, Senator. I'm sorry, that's not correct.

Senator MCCASKILL. So what can the Commissioner do besides counseling if there's not a conviction?

Ms. BEHRENS. The Commissioner has discretion, under our Collective Bargaining Agreement, which was the discretion that he used in the suspension of Jeff Taylor most recently. And that discretion and the language refers to the notion that conduct that is detrimental to the League.

Senator MCCASKILL. To the League. OK.

Ms. BEHRENS. It's not necessarily related to a violation or a conviction.

Senator MCCASKILL. OK. Thank you. I also handled domestic violence cases for many years, started the first domestic violence unit in Kansas City. And when I began that unit in the nineties, the detectives told me, "Well, you know, we really can't do these cases, because victims won't come forward. Victims refuse to testify. So why are you doing this? Why are you making us go through the motions of trying to prosecute domestic violence?"

And I said, "Well, we better shut down the homicide unit." And they looked at me blankly. I said, "Well, we don't have victims in homicide cases, but we manage to put a case together based on an investigation as to what occurred, based on witnesses' testimony who witnessed the event, based on physical evidence, based on 911 calls."

And I point this out, because I think one of the biggest problems you have writ large is this notion that you all can sit back and wait to see if there is, in fact, a criminal prosecution and conviction. And I think you all know fundamentally the pressure that is brought to bear on that victim from the moment an arrest is made or from the moment the team finds out. Because many times, you all know, you have a lot of off-duty police officers that are huge fans, and they work for you all. And when they find out one of your guys are in trouble, I know this for a fact, because when I was the prosecutor, I got the call that Cris Carter was involved in something in Westport, a big famous Chiefs player, and I immediately heard from the team about what I should and shouldn't do with Cris Carter. Before I'd even heard from the police department, I heard from the team.

So what we really have to do here is look to see what you are doing independently to investigate these cases, and independently determine what the facts are, because that's how the NFL got in trouble, Mr. Vincent, is you didn't see it—Roger Goodell didn't see it as his responsibility to ask the question, is there another tape, and I need to see it before we do punishment. There was not a process in place.

And let me just give you one example. And I think we should say for the record that Major League Baseball Commissioner, Bud

Selig, has never sanctioned an MLB player for domestic violence. Never in 22 years. Now, teams have, but at the Commissioner level, that has never occurred. And I'm going to go through one example, Francisco Rodriguez. By the way, I found all this just Googling around on my iPad last night preparing for this hearing. This wasn't prepared by my staff—anybody could do just this and look into Rodriguez' record that is written in print.

In 2005, based on sworn court testimony, he put a young lady by the name of Daian Pena, he hit her so hard that she was hospitalized in Venezuela. He then convinced her to move to the United States with him and in 2010, he assaulted her father at the Mets stadium, pulling him out of the family lounge. At the time, Carlos Beltran said, "Well, this is bad. We all have problems at home, but you need to keep it at home."

He was prosecuted for that, and during the prosecution of that, he had an order of protection entered to not contact the young lady or her father. He violated those orders of protection. This is in 2010. Violated those orders or protection, was convicted of the assault of her father, and given one year of anger management.

He then goes onto the Milwaukee Brewers. And in 2012, he's arrested—a 911 call at 2:40 in the morning. And his girlfriend is huddled in a closet at their home and tells everyone what has occurred—excuse me, that's my phone—tells everyone what has occurred. They arrest him. There's staff there at the home who are also from Venezuela. So what happens? The case is not prosecuted, because guess where the victim and the housekeeper went? To Venezuela.

He then becomes a free agent, and guess where he is back in 2014? He's back in Milwaukee pitching, and pitches in the All-Star game. And nothing has ever happened to him in terms of baseball.

Now, I know I've taken all my time, but I wanted to get that story out there. And what I would like for the record, and I'm going to stick around for another round if the Chairman is willing to do it, because I want to know from each of you how serious is your league about an independent investigation into the facts? Or how content are you to sit back and go, well, maybe she won't go through with it, maybe she won't come forward, and if there's not a conviction, we're off the hook?

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator McCaskill. Senator Schatz? The votes start you think at 4:10? Senator Schatz.

**STATEMENT OF HON. BRIAN SCHATZ,  
U.S. SENATOR FROM HAWAII**

Senator SCHATZ. Thank you, Chairman. Thank you, Ranking Member. My question is for Mr. Vincent. We know Commissioner Goodell recently changed the NFL's domestic violence policy to require a six game suspension for first offenses. We also know that after he changed that policy, Mr. Goodell personally called Ray Rice. What was the content of that conversation?

Mr. VINCENT. I wasn't aware of him calling Mr. Rice.

Senator SCHATZ. Well, this has been widely reported. And my understanding is that it was to reassure him that this would be ap-

plied prospectively rather than retroactively. And you're not aware of this?

Mr. VINCENT. No, sir.

Senator SCHATZ. OK. Well, I'd like to offer you these questions, and you can get back to the Committee, because my question for you about that is, is this normal? Does the League consider this appropriate? Does the Commissioner, as a general proposition, interact directly with players who are subject to disciplinary proceedings, or was this a one-off? And I think it goes to the culture that Senator Heller spoke of in his opening statement, which is get the player back on the field. Your financial incentives are aligned toward getting the player back on the field. And I found it odd, and I found nothing in your policies and procedures that would indicate that it was appropriate for the Commissioner of the football league to call an individual player to reassure him that everything was just fine.

Mr. VINCENT. Senator, I will investigate that and get any information back to you.

Senator SCHATZ. Thank you. The NFL's handling of domestic violence is illogical in my opinion, especially when you look at the strict treatment of athletes who violate the drug policy. Take Josh Gordon. Mr. Gordon was suspended for an entire season for testing positive for marijuana during the off season. This imbalanced treatment actually happens all the time.

ESPN analyzed cases of players found guilty of domestic violence between 2000 and 2014. The analysis showed that, in 88 percent of the cases, the NFL suspended players for only one game or not at all for domestic violence. While in comparison, in 82 percent of substance abuse cases, the NFL handed out suspensions of four games or more. Does the league consider that to be an inconsistency that has to be corrected going forward?

Mr. VINCENT. Yes, sir, Senator. And that's one of the things that we've been looking at, that we've been evaluating. I think now, our staffers, the Commissioner, when you learn the complexities and the severity of child abuse, domestic violence, and sexual assault, we failed, we failed in that area to punish, to hold one accountable. I know recently in the Players Association's most recent proposal—and this is one of the complexities that we have, when is it the appropriate time to take someone off the field? The most recent proposal said you need a conviction. We strongly disagree with that. We strongly disagree that there needs to be a felony or a conviction for us to remove someone off the field.

Senator SCHATZ. Where are the owners in all of this? I know we've sort of touched upon this issue, but it seems to be, in particular with the NFL, a lot of the leverage is with the individual teams, and a lot of the difficulty is with the individual teams. And the teams aren't represented, if I'm not mistaken, at this table. And I'm wondering what leverage you think the NFL can exercise with respect to its interactions with the owners. Because certainly in the Ray Rice case, the problem was system-wide, but it was in particular with the Baltimore Ravens as an organization, and I'm wondering how those interactions are going. I think Senator Heller and other are referring to the collective bargaining process. That's part of it. But really, a lot of the challenges of the financial incen-

tives of the owners are to get the player back on the field and figure that the fans will forgive them in the end.

Mr. VINCENT. Yes. And in our last two owners meetings—we have one coming in the next 2 weeks—it has been the focus of our discussion, some uniformity to make sure that we are consistent with in penalty process and how we see—

Senator SCHATZ. So what leverage are you prepared to exercise in your interactions with the owners, because I understand that by revenue, the owners are bigger than the League, and I'm wondering what you're prepared to do to try to get the owners to participate in this new system of accountability?

Mr. VINCENT. Well, we're looking at all options. And one of the things when we start talking about club accountability, maybe the removal of draft picks. You know, you have to do things to really hit the club, to hold the clubs accountable. But all things are on the table. We're discussing all options to make sure that everyone is held accountable, the player, the staff, local law enforcement that's working with the team, as well as the clubs themselves.

Senator SCHATZ. Thank you very much.

The CHAIRMAN. Senator Walsh, followed by you.

**STATEMENT OF HON. JOHN WALSH,  
U.S. SENATOR FROM MONTANA**

Senator WALSH. This question is for you. As you mentioned, you and your wife founded the Safe at Home Foundation to education young people about domestic violence. Proactive approaches to ending the cycle of domestic violence, like your foundation, are critical, so thank you and your wife for taking that on. Can you tell us about your experience with the foundation and what education strategies you have found to be most effective in preventing domestic violence before it starts and what could be incorporated from your foundation into the leagues?

Mr. TORRE. Well, I just feel our Safe at Home Foundation, when we first started the foundation, we were deciding on which way to approach, because growing up in that environment, I really didn't find out until later on in life that a lot of my insecurities came from what was going on in my home where my dad was abusing my mom. And having been a child growing up that way, I was lucky, I got to play baseball, so I had a place to hide. Not a lot of youngsters were that lucky.

So when we first started, went to a middle school and start talking to youngsters, not about baseball. I said, "We'll talk about baseball in a minute, but I want to explain this camera crew behind me, because we were going to have our first gala." And in speaking to the youngsters about what was going on in my home, I looked out there, and about six or seven are shaking their head like this. In other words, we struck a nerve.

So the most important thing, we have a master's level counselor in each one of our rooms. We name them after my mom, Margaret's Place. And what we do is let the kids know that, first of all, it's not their fault, and they're not the only ones going through this. When I grew up, I thought I was the only one. I was embarrassed to share it with anybody. And we've had a number—as I said ear-



lier, close to 50,000 youngsters—that have come through our programs, and we have peer leadership programs.

We just don't reach enough kids. That's our issue for me. Because I don't believe there are bad kids. I think kids do bad things. And you know, just from my experience with the Attorney General's Defending Childhood Taskforce, going around and listening to so many different gang members, tribal communities, you realize how many different layers of domestic violence or violence period that there are. And what we try to do with these youngsters that come through our program is to make them think that their future, make them understand their future is out there. It's not like when they leave school and they're sort of helpless, just go with the first strong personality they see. We educate them to the point of making them feel pretty good about themselves.

Senator WALSH. Thank you.

The CHAIRMAN. Thank you, Senator Walsh. Senator Ayotte?

**STATEMENT OF HON. KELLY AYOTTE,  
U.S. SENATOR FROM NEW HAMPSHIRE**

Senator AYOTTE. Thank you, Mr. Chairman. One thing I wanted to note up front is that all of you are here, we're appreciative that you're here testifying today. But Commissioner Goodell, Commissioner Selig, Commissioner Silver, Commissioner Bettman were all asked to be here, and leadership does start at the top. I do think that it's pretty convenient that none of them were able to appear today, and it says something about their level of commitment. They should all be here today. And while I'm appreciative that you've been willing to appear in their stead, I think that it says something about how big a commitment there is going to be on this. That does need to lead to the owners as well, who have to take responsibility for what happens here.

I want to associate myself with the comments of Senator McCaskill, because you do need to establish an investigative process for these cases that do not result in criminal conviction. This is imperative, because you have to hold yourselves to a higher standard. The bottom line is that, in many of these cases, victims are not going to come forward because of the financial pressure that they face, the social pressure that they face, and the terror that they face. However, that does not alleviate your responsibility to get the facts, to look at the evidence, and to still impose discipline, even if a victim is too terrified to come forward.

In the same regard, I wanted to follow up on Senator Klobuchar's questions about the reports of victims who are being encouraged not to come forward, or, in the instance that Senator McCaskill gave, where one victim was actually flown to another country. I believe as you look at your policies, the sanctions should be as severe for this type of witness tampering as it should be for the underlying violent acts, because this is, witness tampering. If you put those sanctions in place, it will make very clear that, if someone is a victim of domestic or sexual violence, that neither the coaches nor the players nor anyone else should be interfering with their ability to come forward or interfering with the way that they are able to be safe and receive the support that they need as victims of a crime.

Now, I wanted to ask specifically a follow-up question on an issue. As I look to you, Ms. Roberts and to Ms. Patterson, one of the things that I'm concerned about as I've listened to the testimony today is that, in terms of the players-side of this, that they not hide behind the collective bargaining process or agreement when it comes to basic accountability and basic responsibility for not committing crimes. This is what they are, crimes, crimes of violence against women, sexual violence against women, or, as we've seen some instances, violence against children.

I want to use as an example, Ms. Roberts, the recent situation of the imposition of discipline against Jeff Taylor, who is a Charlotte Hornet player. I understand he received a 24 game suspension for a conviction for domestic violence for beating a girlfriend. What I saw was the union's complaint that that suspension was "excessive." As I understand it, the player himself has accepted this suspension. I have to say your response, or the union's response, I don't know if it was yours in particular, to say that this was excessive. To me this highlights the problem that we're facing, and it's disgusting to me that you would say that it is excessive. So I would want you to address that.

Ms. ROBERTS. Sure. I'm happy to.

Senator AYOTTE. What do we do in those situations? Why do you believe that was excessive? If we're going to get at this issue, this has to be the player's responsibility, the responsibility of the officials in the league, and the owners, everyone needs to have a hand at this. So I would like to know what you were thinking, or not you particularly, but the unions.

Ms. ROBERTS. I'm happy to answer your question, Senator. And let me be clear, because the Players Association was not, for one second, suggesting that some punishment was not warranted. Of course, it was warranted. And we expected the Commissioner to impose punishment, and he did. Our position was simply that, we have a CBA, which we believed, and we have a disagreement about this, had precedent that indicated that that was an excessive punishment. The Commissioner, when he imposed the punishment, acknowledged that it was a significant departure from prior punishments. And so again, our position was that the CBA required us to collectively bargain, if there was going to be some imposition of punishment that belied the CBA.

Having said that, the player was never discouraged from accepting responsibility. It was his desire, his right to grieve or not to grieve. He chose not to grieve. And I said to him in his face, and I said it behind his back, and I'll say it again, we absolutely endorse his decision to take responsibility for what he did, and the matter has been closed.

My only point, Senator, is this. While we all agree, and we do all agree that this is very serious business, and we need to take it seriously, we don't believe that we need to, at the same time, abandon due process. And that's the only point. That doesn't mean that 24 games may not be appropriate under certain circumstances. It simply meant that, within the four corners of the CBA, and again, we have a disagreement about this, it did go beyond the scope of what was collectively bargained for.

But I don't want you, Senator, or anyone to assume that the National Basketball Players Association does not take this seriously. We do. I have spent the last 2 weeks visiting with 9 of my 30 teams. I intend to see the rest of them in the next 2 months. And every time I meet with them, I make clear to them that we will not tolerate this kind of conduct. It's not the NFL's problem. It's our problem as well. And so I don't want our position on the Jeff Taylor matter to in any way confuse our commitment to making sure that this thing goes away.

My only final point I make is this—

The CHAIRMAN. No, I'm sorry. Your time is over.

Ms. ROBERTS. Then I guess I won't.

The CHAIRMAN. Senator Blumenthal is next. I'm going to go vote. Senator Cantwell will be Chair. And I'll be back. And let's just work it out, OK? But we got to keep it going.

**STATEMENT OF HON. RICHARD BLUMENTHAL,  
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thank you. Thank you, Mr. Chairman, and thank you for having this hearing. I want to join in expressing my admiration for your proceeding in spite of the obstacles, some of them that have been raised. And thank all of you for being here. We have some sports heroes here, and we have some professional legal heroes, and I'm grateful to each of you for coming to talk to us today.

But I want to talk about the people who are not here, the owners. And in a certain sense, they are the bosses. They're going to be the ones who make the ultimate decision. Let's just talk the realities here. And the financial reality is that words and promises are a lot more difficult than action. And I'm looking for a way to impose accountability beyond a hearing, beyond negotiations, and accountability that means something in dollars and cents.

Right now, the professional leagues represented here are not only the object of public scrutiny, they are the beneficiary of huge benefits in the form of tax breaks, subsidies for teams, and stadiums, as well as chief among them, the antitrust exemption. Today, I am proposing that we end the blank check to the leagues, the antitrust exemption that has enabled the leagues to successfully negotiate together, as no other corporations in the United States would be permitted to do under antitrust laws, for literally billions of dollars. And that antitrust exemption should be contingent on doing the right thing, really acting, not only talking about acting, but doing it. And by acting, I mean investigating comprehensively and aggressively, imposing sanctions as a consequence of that investigation, adopting a due process that has been so sorely lacking and, Mr. Vincent, is the reason why the league was so embarrassed, because there was no process, as Ms. Patterson has also observed, and, maybe most important looking forward, and really, it hasn't been mentioned here, aid to the organizations and groups that provide assistance to the survivors and victims of domestic violence within your leagues, in your families, and across the United States.

I want to thank Mr. Torre for his example, because I think men have a vital role, which is the reason why your players can be such role models, such positive role models, for others and why the

leagues can be such positive role models in providing tangible financial assistance, which you have not yet done, for all the talk here, to the advocacy groups and organizations that are so pivotal in fighting domestic violence. So I'm asking for a commitment that you will support this accountability and that you will support the groups that assist victims and survivors.

In the interest of time, I'm just going to ask, is there anyone here who would not make that commitment? By the absence of a response, I'm going to assume that you would agree with me that that kind of commitment is important and necessary. You've begun doing it. But I'm not asking you to continue what you've done, but for a substantial increase in that assistance to the hotlines and the shelters, and all the service groups. And I hope that you will all join in that commitment.

Let me ask Mr. Vincent, what is the timeline for you, for the league, to adopt a process for imposing punishment within the NFL?

Mr. VINCENT. The Commissioner had stated in his earlier press conference that he would like to have a new policy in place by the Super Bowl—that would be the latest.

Senator BLUMENTHAL. And what is the process that will provide for owners to approve that process?

Mr. VINCENT. And next week, we actually have our owners' meeting where we'll begin to talk about, again, some of the things that we've learned. We've heard much about the process, accountability. So we're hoping to have, within the next 2 weeks, a real clarity in the position on where we are as far as a real formal, clear process moving forward.

Senator BLUMENTHAL. The bill that I proposed would sunset the professional sports leagues antitrust exemptions under the 1961 Sports Broadcasting Act and the comparable provisions for the MLB. One year after the bill's enactment, it would authorize a commission to provide a report to Congress regarding the league's behavior in the interests of the public, and it would allow Congress to reauthorize exemptions every 5 years, based in part on commitments to aid public service organizations. How much is the NFL willing to commit to aid those organizations?

Mr. VINCENT. Well, we make substantial commitments. We've made 5-year commitments both to the National Domestic Violence Hotline—

Senator BLUMENTHAL. And what is the amount of those commitments?

Mr. VINCENT. I think it's almost 4 to \$5 million a year.

Senator BLUMENTHAL. You've made a commitment to the domestic violence hotline for \$5 million a year?

Mr. VINCENT. National Domestic Hotline. Yes, sir. We've also—

Senator BLUMENTHAL. Would you be willing to make commitments of the same or comparable size to other organizations that do similar kinds of work?

Mr. VINCENT. I cannot make that commitment today.

Senator CANTWELL [presiding]. Senator Booker?

Senator BLUMENTHAL. Who can make that commitment?

Senator CANTWELL. I just want to make sure, we're trying to get the rest of the members in, so your time has expired.

Senator BLUMENTHAL. Who can make that commitment?

Mr. VINCENT. That's something that we discuss as an entire team, we discuss with our experts who are those leading organizations, those organizations at the grassroots level that need the support to support our families, to support NFL personnel. So that's a collective decision that was made for us to support the National Domestic Violence Hotline and the National Sexual Assault Resource Center.

Senator BLUMENTHAL. Thank you very much to all of you. I'm sorry that my time has expired.

Senator CANTWELL. Thank you. Senator Booker?

**STATEMENT OF HON. CORY BOOKER,  
U.S. SENATOR FROM NEW JERSEY**

Senator BOOKER. Thank you. Real quick, I just want to thank the Ranking Member for saying that perhaps we should be revisiting this after the new year, when I assume you'll be the Chairperson, because that issue of accountability keeps coming up. It only can be held by this body, should we have the chance to revisit this and see the progress that has been made. I'm going to go very quickly, as a vote has been called.

You, obviously, Mr. Vincent, are saying that you're seeking to help fund, and a lot of the charity you enumerated in your opening statement was about funding and supporting domestic violence prevention, domestic violence treatment, and the like. And that's true, that you see that those organizations often need more resources, is that correct?

Mr. VINCENT. Yes, sir.

Senator BOOKER. Mr. Torre, real quick. The Major League Baseball does not have a tax-exempt status, is that correct? The league, the actual league, Major League Baseball.

Mr. TORRE. Right. Correct.

Senator BOOKER. Does that hurt your financial bottom line?

Mr. TORRE. No. I don't think so.

Senator BOOKER. Right. And so I don't think so either.

Mr. TORRE. Yes, I think we're doing well, yes.

Senator BOOKER. Mr. Vincent, the Congressional Budget Office says, if we remove those teams, those leagues—unlike Major League Baseball, there are a number of leagues, including the NFL, that have a tax-exempt status. The Congressional Budget Office says if we removed that tax-exempt status, it would yield millions of dollars a year annually back to taxpayers. And my question to you is, understanding that these organizations need more funding, why does the NFL need a tax-exempt status, when we could be redirecting the money to domestic violence prevention and treatment programs?

Mr. VINCENT. Well, what I would say, let me make it clear, all club revenues, all league generated—

Senator BOOKER. You don't have to enumerate that for the record. I am very familiar with individual teams' revenues. I'm simply asking you right now. I have to justify to my constituents why the NFL, this multi-billion dollar organization, has tax-exempt status. Do you believe that just like the Major League Baseball, do you believe that you should have tax-exempt status?

Mr. VINCENT. Yes. We're run just like a trade association, very similar, our office.

Senator BOOKER. No, no. So you think that you should continue to enjoy a tax-exempt status that Major League Baseball does not have?

Mr. VINCENT. No, it's not to enjoy. Today, that's how we're currently run. Our clubs again, our revenue is taxed. And Senator, I've actually seen your proposal, and I do believe that when we combine both public and private resources, we could fund the intervention and the prevention, some of the things that I've seen in your proposal. This is how we both collectively, both privately, and public resources, we can make a difference in the area of domestic violence, sexual assault, and child abuse.

Senator BOOKER. No, and I really appreciate that, and I appreciate the charity. My simple point is, are professional leagues that enjoy, as the Senator just said, exemptions to a lot of laws and enjoy tax-exempt status, simply should not enjoy a tax-exempt status where that money that the Congressional Budget Office says could be reaping—could save taxpayers millions of dollars annually. That money could be used to invest in these programs that right now it seems we have to rely on the charity of the NFL, and I don't think that's adequate. But let me shift gears real quick.

I feel very, very fortunate, having played college football, to have a lot of friends that have played in the NFL, played in the NBA, and some friends that are still in the NFL and NBA. And it has been described to me as just incredible resources. Player orientation to me is dazzling, when they let the players know, hey, we're here for you. If there's a crisis, you have hotlines. If you're stuck at a club and can't get a ride and are inebriated, the NFL is there for you, right? You can call. And the NBA. This I know. Thank you for shaking your head. Maybe you're not aware.

Mr. VINCENT. Yes, sir.

Senator BOOKER. Yes. And so one of the concerns I have is that when it comes to calling that team for issues of domestic violence, that often the incentive, from my experience and what I know about my friends that are players, and forgive me, I only know the NBA and NFL players, is that often the objective is to keep that player out of the news, to keep issues quiet. And to me, that works against ultimately what the goal is when it comes to domestic violence, which is bringing light and attention to a problem as opposed to just creating an environment where it's swept under the rug.

And so one of the big concerns I have as these reforms are discussed and talked about is this rapid response that clearly we see, that I know about personally, that that rapid response doesn't have two different objectives that are contrary to actually dealing with the problem that might be encountered.

And I'd just like, in the second that I have left, if you could give me some assurances that what I know to be the case from friends who've played and are playing in the NFL and NBA, that this system will be changed in a way that puts the victims' needs and concerns and family situations ahead of that player's ability to remain on the field and the corporate interest that exists to keep that player being productive.

Mr. VINCENT. Yes.

Senator BOOKER. And I'd like both NBA representatives and NFL representatives to do so, and I'm done.

Mr. VINCENT. OK. Well, that is at the core of what we're talking about, what we've been evaluating, is to make sure that the victims and the survivors have the support that they need. We recognize that we have to break the culture of silence. The programs that you mentioned, the last 4 years that was my sole responsibility, player programs and services. It's a shared responsibility. Those programs are put in place in collaboration with the Players Association to assist families.

We want to encourage the families to seek out proper help, proper assistance. I can assure you moving forward in the area of domestic violence, sexual assault, and child abuse, that we want to make sure that we break that silence, that the victims and survivors are safe.

Ms. BEHRENS. And Senator, I'll just make the same assurance, that part of our training and education program that we're rolling out with our teams and have shared at the highest levels is to make sure that this is not something that is discouraged but encouraged, both for people to get help, but also to report behavior that's in violation, certainly of any criminal law and any violation of the NBA's codes of conduct.

Senator BOOKER. And just as I return to the Chair. That's the accountability that we need to make sure these systems are changing. And just for the record, I think it's ridiculous that the NFL and other sports teams enjoy tax-exempt status. That's resources the taxpayers could be using for something else.

**STATEMENT OF HON. MARIA CANTWELL,  
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Senator Booker. So actually, thank you for emphasizing that point, because I don't think I'm going to have time for questions, and I will just submit some questions for the record.

But that particular issue is of interest to me, and obviously, the fact that the Baseball Association and Basketball Association don't enjoy that tax-exempt status, and yet, the NFL continues it.

I guess my main point is, we saw this case with Donald Sterling, and we saw immediate and swift action. In fact, Michael Jordan praised the NBA saying "a powerful message was sent that there can be no tolerance, zero tolerance, for racism and hatred." So it's clear that, in some cases, these organizations can act swiftly and do act swiftly. The question is, in this issue of domestic violence, why you don't. And I think that what we're hearing from many of my colleagues today is, what is the culture within these organizations that prevent it from acting as swiftly as was in the case of Donald Sterling?

So I'm going to submit some questions for the record, but I also, too, want to be on record that the NFL, I'm hearing from my constituents as I've raised this issue related to what is a very hateful name in association with the NFL, but my constituents now are just flabbergasted that the NFL continues to enjoy a tax-exempt status. For what purpose? And yet, on these issues of having a

name of hatred for a team, and then having these cases of domestic violence, to say nothing of the incidents of what happened in Florida with players, the NFL is not showing the leadership that I believe that it should, and it certainly doesn't deserve the tax-exempt status.

So I'm going to submit from further questions for the record, and I want to thank my colleague, Senator McCaskill, for her leadership on this issue, and certainly want to work with her in her role as previously understanding these issues from a prosecutorial perspective of how we can get some cultural issues ingrained into these institutions.

So I'm going to turn the gavel over to you, and thank you.

Senator MCCASKILL [presiding]. Thank you. I'm going to state on the record here that I'm going to miss a vote. I think this is—I would vote aye on the nominee that we're voting on right now, and the record should reflect that, but I'm going to skip that vote, because I think the questions that need to be asked here, in the long run, could have more impact on a problem that I think is pervasive and important than one more vote in a confirmation that is going to occur with or without my vote. So I'm going to stick around.

So Mr. Rubio, you have an opportunity to question now, and then hopefully, I'll get another chance.

**STATEMENT OF HON. MARCO RUBIO,  
U.S. SENATOR FROM FLORIDA**

Senator RUBIO. Thank you. Thank you, Madam Chair. I appreciate it. Thank you all for being here. And I'm going to limit my comments to the National Football League, although all of you, domestic violence is important in society as a whole and all of the sports, it's the sport I'm most familiar with as both a fan of it, living in a city that has a franchise. You may not know this, but I would have played in the NFL, had it not been for my lack of size, speed, and talent, but that was my goal.

And I want to begin by saying, Mr. Vincent, I have the highest respect for you, though. You and I have never met. We have a lot of friends in common. You're reputation among many in league circles is as high as anyone I've ever heard. Certainly as a Dolphin fan remember us drafting you in 1992 and sorry to see you leave in 1995. When Jimmy let you go, it was a big mistake—in 1996. But in any event, I appreciate your service, both as a player, and for the NFLPA, I believe, and now for the league.

But I do want to make two points about the NFL that are important and ask you this question. The NFL doesn't just play for 3 hours on Sundays, Monday, and Thursday nights. The NFL is a 24 hour, 7 day a week endeavor that actively wants Americans to admire and emulate the people it puts on the field. It wants our young people to wear—and this is true of all the leagues, but again, I'm focused on the NFL—it wants young people like my sons, and they want to and do, to wear the same shoes, to wear their jerseys, to buy the same and use the same products. I mean, we just read a couple of weeks ago, now, they regulate what ear-phone they can use during pre-game warmups, because the league has established a contract with one of the providers, and they want them to wear those. So this is an ongoing, 24 hour endeavor. It



wants young people to emulate and to look up to these athletes, and they do.

In fact, I can tell you, being involved now in youth football, and this is very sad, but it is true in some instances, some of the only positive male role models that many young Americans today have happen to be the professional athletes they'd see on Sundays or at nights on television in any of your leagues. So I think it's important to preface that, because this is not just a sport that's played on a field 3 hours at a time. This actually has deep impacts throughout society, and there are millions of young—especially young boys, but young Americans who look up to these players. And whatever happens or does not happen with them has a deep impact on them, because for many of them, it's the only male role model that they have in their lives, unfortunately, in the cases where people go wrong.

And that's why the Ray Rice case so interested me. Because the situation with Mr. Rice involved, number one, someone that my sons actually personally admired. My sons actually came to admire Ray Rice, because there's—I'm now getting deep in the weeds here, but one of my sons kind of plays a hybrid running back position. He's not the tallest kid on the team, but he's very quick. And so he looked for someone on the National Football League that had the same attributes, and that was Ray Rice, and he really looked up to him. And a few weeks ago, he wanted to know why isn't Ray Rice playing, and I had to explain to him why he wasn't playing. And the impact of that was extraordinary on him. He's still kind of young to full comprehend what it means, but what happened or didn't happen with him had an impact on him and other young people across America, because it served as an example of what happens in society and in life when someone does the wrong thing. So that's why I'm so interested in that case beyond the horrifying instance that happened.

My understanding from the testimony I watched on television a few minutes ago is that you stated that the Commissioner nor the league had ever seen the elevator video, but that it didn't need to, because in essence, everything that happened in that elevator that the video showed had already been admitted to and testified to by Mr. Rice, is that correct?

Mr. VINCENT. Yes. And if I can, Senator, again, the Commissioner had stated that he not yet seen the video, and as I mentioned earlier, I think anyone, anyone of us who had witnessed that, you know, saw that despicable act—

Senator RUBIO. But the point is that Mr. Rice, whatever we saw on the video, and it's certainly a horrifying video to watch, but he basically had already told the Commissioner, that whatever that video showed, he had already admitted to, is that correct?

Mr. VINCENT. Yes.

Senator RUBIO. And so basically, not having seen the video is the same as having seen it in this instance. I mean, that's what you've said here today, that you didn't need to see the video, because they already knew what happened.

Mr. VINCENT. Senator, as I acknowledged in the beginning, we made a mistake.

Senator RUBIO. Well, I guess I'm trying to understand the process by which—and you may have explained this already, what is the process? Because I know what would have happened to Ray Rice had he tested positive for marijuana. I know what would have happened to Ray Rice had he tested positive for steroids or an amphetamine or epinephrine, had he taken Sudafed at the wrong time without a doctor's note. I know what would have happened if he would have done any of those things.

Is this a completely arbitrary process where the Commissioner assigns punishment based on how he feels, or is there a set model in place for what an action equals, an admitted action, because this is not an instance where there was a dispute? Mr. Rice fully admitted to what he did and actually described it to an extent that you said here today you didn't need to see the video to know how bad it was. What is the criteria that they use to determine the punishment?

Mr. VINCENT. Senator, we failed to impose the proper discipline on Ray Rice.

Senator RUBIO. But I guess my question is, how do we measure? I wanted to know what is the process in place moving forward, I suppose, as well. But at the time, what was the process if someone came forward, admitted what we saw on the video, that they had punched their fiancée in the face in an elevator, by what measure did the Commissioner decide how to impose a punishment? Why 3 games instead of 10? Why six games instead of a full year? Was it fully just arbitrary, or was there something he looked to as a measuring stick?

Mr. VINCENT. No. I would say he actually looked back to some of the past cases. And when he's actually tried to impose discipline, harsher discipline in the past, it was appealed and knocked down. And I think that shows the severity of what we know about these crimes. He went back, and typically—

Senator RUBIO. Appealed to an arbitrator?

Mr. VINCENT. The Players Association appealed that offense, and the discipline that was handed out in the past was appealed and knocked down.

Senator RUBIO. So your testimony is that if a player comes forward and says to the league, I just punched my fiancée in the face and knocked her out, and the Commissioner decides, I'm going to suspend you for a year, the players' union will file an appeal against that decision, because one year is too long for someone that just punched their fiancée in the face and admitted to it?

Mr. VINCENT. The Players Association has that ability.

Senator RUBIO. And they've been successful?

Mr. VINCENT. That's one of our—that's where we have our challenge here. Yes, sir.

Senator RUBIO. What is the criteria now?

Mr. VINCENT. That's what we're developing. The Commissioner right now has the ability to either impose or designate an individual to see the case, to hear the case. Right now, understanding and learning the complexities that are associated with it, it has been talked earlier about having internal investigations or parallel investigations with law enforcement, but we're looking at, again, severe discipline. Our August 28 letter to both the owners and also

the players, the Commissioner spelled out very clearly, first offense, a minimum of six games. Aggravating factors gives him or his designee the ability to impose more severe punishment.

Senator RUBIO. My time is up.

Senator MCCASKILL. Thank you. Thank you very much. First, I wanted to comment before I didn't get a chance. I've never seen so many women representing major league sports, professional sports in this country, at a moment of high profile importance for the leagues, and I think it's a good thing. I think it's terrific. And I would tell all of you to go back to the organizations you represent and say that you need to be at the table more often, not less often. But I don't think I ever recall seeing this many women representing professional sports at a moment like this in our country's history, so I wanted to make note of that.

First, I had a question to the National Hockey League. In reading about the suspension of the player that occurred recently, I think he's a defenseman for the Kings, and I won't try to pronounce his name, I noticed in the article that the team was complaining, because his salary was going to continue to count against the salary cap while he was punished. I found that interesting, because it creates a financial incentive for the team to not punish.

So my question to you, yes or no, does the league favor removing a salary counting against the salary cap during a time of suspension?

Ms. BERMAN. Initially, when the suspension was imposed, it was determined by the League Office that the suspension should be with pay. So while the team continued to pay the player, that money counted against the team's salary cap. Subsequently, we reached an agreement with the union to change the treatment for the team's perspective with a host of conditions, so that it's no longer counting against the cap.

Senator MCCASKILL. So are you saying, and is this true with all of you that have caps, that when someone is suspended for misconduct with pay, that that pay counts against the salary cap, so the team is, in fact, being financially punished for doing the right thing?

Ms. BERMAN. Well, this wasn't discipline that was imposed by the team, with all due respect. It was imposed by the League. So the team doesn't have an incentive one way or the other to act or not act, because we handled it.

Senator MCCASKILL. But the team could impose it, and wouldn't it still count against their salary cap?

Ms. BERMAN. Only if they were choosing to pay the player during the discipline.

Senator MCCASKILL. OK. Well, is that true with the other leagues? If someone is suspended with pay, does that count against salary caps?

Mr. VINCENT. Yes, Senator. We just had our last two, when we look at the Adrian Peterson and the Greg Hardy, when they were put on the Commissioner's exempt list, the team was penalized. There's a salary cap. Why they were, it's an example of paid leave. So the team is actually being punished, because that is a cap hit.

Senator MCCASKILL. OK. Well, I think you all ought to look at that. I think you need to remove every disincentive there is to pun-

ish players who have had bad conduct. And, you know, if a team is going to have that money count against the salary cap even when the player is not playing, then that's going to weigh in favor of a much shorter suspension for the team-imposed discipline. So I'll follow up with QFRs on that.

Do any of you have a process in place now to independently investigate the facts?

Ms. BEHRENS. Yes, Senator. I'll answer that question. I think as we talked about with our recent case involving the player, Jeffrey Taylor, we immediately commenced an independent investigation, retained two outside counsel, including two former prosecutors, one of whom had extensive history in dealing with domestic violence.

Senator MCCASKILL. OK. Yes for the NBA. NHL, do you have an independent process to investigate the facts?

Ms. BERMAN. Under the CBA, we do, yes.

Senator MCCASKILL. Your own investigators.

Ms. BERMAN. Correct.

Senator MCCASKILL. They're pulling records, they're pulling 911 tapes, all of that?

Ms. BERMAN. Yes. We have an internal process for conducting investigations on all misconduct. Yes.

Senator MCCASKILL. And Mr. Torre, by the way, I can't let the hearing be over. I don't know if they put you here, because they know how much all of us in St. Louis adore you. But as you noticed—

Mr. TORRE. I was fired.

Senator MCCASKILL. Well, that always happens, right? After you leave, the affection, you know, it resurfaces, right? But I wanted to get that in.

Mr. TORRE. Thank you.

Senator MCCASKILL. As a huge Cardinal fan, you are an important part of our organization in many different ways. So does MLB yet have an independent investigation process?

Mr. TORRE. Yes, we do. It's not my department, but we do have a department of investigation.

Senator MCCASKILL. OK. I would like to know what happened on the investigation on the Rodriguez case. I would like to know what the outcome of that investigation was. I would like to know if they ever asked Mr. Rodriguez if he paid the plane ticket for the victim and the witness to go back to Venezuela.

Mr. TORRE. I'd have to get that information.

Senator MCCASKILL. Thank you. And does the NFL have its own independent investigation?

Mr. VINCENT. Yes, ma'am. We do so with our security department, our internal security department.

Senator MCCASKILL. How many of you, yes or no, have an independent program for just wives and significant others where the players are not allowed to attend, whether it is a confidential, here are the issues you're going to face, here are phone numbers you can call if you're in financial stress, here are phone numbers you can call if you've been abused, here are places you can go for help, how many of you have an independent program like that for spouses and significant others?

Mr. VINCENT. Yes, we do in the NFL.

Senator MCCASKILL. NFL?

Mr. VINCENT. Yes.

Senator MCCASKILL. MLB?

Mr. TORRE. Some teams have them. Uniformly, we don't all have them, but it's something with that we're developing at this point.

Senator MCCASKILL. Looking at. OK. I'll follow up with more questions on that, because I want to make sure you get it.

Mr. TORRE. Sure.

Senator MCCASKILL. Yes?

Ms. BEHRENS. Yes. I think as Michele Roberts explained earlier, we, with the Players Association, have been meeting with our family organizations to determine the best ways that we can provide resources for them going forward.

Senator MCCASKILL. But you don't have an independent one now?

Ms. BEHRENS. We don't currently, no.

Senator MCCASKILL. OK. Because in some of the articles I read, the women were saying, "There was no place for us to go. The teams weren't calling us. The teams weren't reaching out to us. It was all about the players." And what about NHL?

Ms. BERMAN. Our program extends to the players' families. And historically, our program doctors have been accessed by players' spouses and significant others.

Senator MCCASKILL. But do you have an independent program? For example, for initiation into the league, when someone comes, is there an independent program for the spouse of the player?

Ms. BERMAN. To the extent they exist, I think they would exist at the team level. There isn't one that's League-wide.

Senator MCCASKILL. I would like to have your league look at whether or not there should be a policy that that's required. What about mandating reporting to law enforcement? Do any of you have a policy at the league level that a coach is required, or an assistant, any team personnel is required, if they learn of conduct by a player that is illegal in terms of a felony assault or any kind of assault, that you are required to report that to law enforcement?

Mr. VINCENT. Yes, ma'am. We have that in place.

Senator MCCASKILL. So right now, if a player calls his coach and says, you know, I was drunk, got in a fight with my wife, popped her in the face, I've just left the house, she's called 911, when he calls that coach, under the NFL policy, is that coach then required to pick up the phone and call the police?

Mr. VINCENT. That coach is required to do so. Yes, ma'am.

Senator MCCASKILL. OK. And has a coach ever failed to do that? How long have you had that policy?

Mr. VINCENT. It has been in place for some time now. I can't tell you the number of years, but he is required to call.

Senator MCCASKILL. OK. Well, I'd like to know how many times coaches have called. That's a question I'll have for the record. And I don't have time to ask all of you that, but I will for the record. And I think you get my drift. You all can—and listen, I think all of you are terrific people and want to do the right thing, but you've got to understand that the status quo is not acceptable, that turning the other way and thinking that this problem is being handled by these players and their families out of the light, many, many,

many families are suffering, and I think you all know that in your hearts.

So I'm going to keep following up. There will be more accountability in the future. And I'll have a number of questions for the record. And thank you all very much for being here. I'll turn the hearing over to Mr. Rubio for more questions.

If you finish your questions and Senator Rockefeller is not here, you need to recess the hearing, because he is coming back. No? Oh, no. So you can gavel out.

Senator RUBIO. I just have two quick—I wanted to give Ms. Patterson—

Senator MCCASKILL. And I am going to go vote now, so thank you.

Senator RUBIO [presiding]. And I won't keep you, though. But I did want to give you, Ms. Patterson, the opportunity to respond, because Mr. Vincent, in his answer to my question, outlined the role the NFLPA has played in the past in defending players accused of domestic violence or other infractions. What is the NFLPA's role if a player—and so I wanted to lay the groundwork in Mr. Rice's story. Mr. Rice came forward and admitted to the facts to such an extent that we've heard here today that the league didn't even need to see the video to know what had happened, that in essence, they learned nothing new from the video they didn't already know.

In a case like that, what is the NFLPA's role in supporting the player, or what role do they play in that process?

Ms. PATTERSON. First of all, the players have the option to have us in attendance if they have a meeting or a conversation with the Commissioner, so we support them in that way. If a player chooses to grieve or appeal after a discipline has been handed down, such as in the Ray Rice case, we do prepare that appeal and represent the player on appeal.

I think it's worth noting for the record, under the Personal Conduct Policy, that appeal goes back to the Commissioner for his review of his own decision. So that is what was different in the Ray Rice case, because we fought for neutral arbitration.

Senator RUBIO. So these instances in the past that Mr. Vincent outline, the reality we're in, the past that—his testimony today was that the Commissioner felt limited by the punishment he could apply to Mr. Rice because of previous instances where he had instituted a punishment, and it had been successfully appealed. Who were those instances successfully appealed to? Or maybe, Mr. Vincent, you know the cases that you were referring to when you outlined that in your testimony.

Mr. VINCENT. Well, yes. Well, the one that comes to mind is the Brandon Marshall.

Senator RUBIO. Which Brandon Marshall? Is it the instance down in South Florida with his wife?

Mr. VINCENT. Yes, sir. And the suspension that was imposed was three games, and it was appealed and knocked down to two.

Senator RUBIO. That suspension was appealed to an independent arbitrator?

Mr. VINCENT. Yes. No, back to the Commissioner.

Senator RUBIO. So the Commissioner lowered his own decision?

Mr. VINCENT. Well, actually, it was appealed, the PA appealed it, and the neutral—I'm sorry, in this particular case a neutral arbitrator knocked it down to two games.

Senator RUBIO. To two games from three. And so based on the Brandon Marshall incident, which, as I recollect, was an instance where his wife was actually arrested by law enforcement authorities in that case, because he had been stabbed in the stomach with the end of a bottle or something, so my understanding is she was the one that had actually been arrested in that case, although the facts now have turned out to be something different, and he has clearly stated that she was not at fault.

But in that case, the Commissioner's punishment was three games, but on appeal from the NFLPA, an independent arbitrator lowered it to two games. Do you know for a fact that that's the instance that was on his mind when he settled on the suspension for Mr.——

Mr. VINCENT. I wasn't involved in the Ray Rice situation.

Senator RUBIO. OK. What is it that the NFLPA looks at when it makes these appeals? What are the grounds for an appeal? For example, does the NFLPA have a criteria for where it thinks you go too far in punishing a player because they punched their fiancée in the face?

Ms. PATTERSON. We don't have criteria. Well, first, we have to see what the player wants to do. And if the player wants to appeal, no matter what our advice is, we have a duty to do so. We represent him in that appeal, and we move forward.

In the Rice case, it wasn't a matter of the length of the suspension. It was the arbitrariness of the second suspension. We felt that Mr. Rice was in a double jeopardy situation at that point, because there was no new evidence that had emerged. So there are different grounds in each case. I hate to say that it's case by case, but unfortunately——

Senator RUBIO. No, no. I understand the distinction in the Rice case in the sense that he had already received one suspension, and then when the video came out and the world saw what the Commissioner already knew, they added an additional suspension, and the NFLPA argued you now have punished him twice for the same thing that you already knew about. I understand that.

My question is, moving forward, if, God forbid, tomorrow morning we awaken to a new Ray Rice-type case, and a player decides to appeal, I guess your argument is that at that point the NFLPA has the same obligations as a lawyer would to a client.

Ms. PATTERSON. That's correct.

Senator RUBIO. To defend them irrespective of what its personal views may be about their conduct.

Ms. PATTERSON. That's correct.

Senator RUBIO. OK. And so what we don't have is established precedent in which we know that at this point there is an appropriate suspension that is unappealable. We don't have that set yet. That's what you're working on now.

Mr. VINCENT. Yes. Yes, sir.

Senator RUBIO. OK.

Mr. VINCENT. That's exactly what we're working on is criteria, and the Commissioner spelled that out in his August 28 letter, a

minimum, with aggravating factors that will allow him to impose more harsh and severe discipline.

Ms. PATTERSON. Well, could I respond to that?

Senator RUBIO. Yes, ma'am.

Ms. PATTERSON. I would just like to say, again, to some of the earlier points, we'd like that policy to be collectively bargained. I think one of the Senators said, you know, we know what happens if a player has marijuana in his system, or we know what happens if, you know, basically if there's a drug policy violation. And this is one of the reasons why, because there is inconsistency, because there is no standard, because neither one of us can give you a criteria for what happens next. That's why we believe this policy needs to be collectively bargained.

Senator RUBIO. I mean, again, I don't want to belabor the point, but there are players that, because they've used performance enhancing drugs, some instances involving cold medicine that they took without documenting appropriately, they're suspended for more games than Mr. Rice was. And that's why I think the public looks at that and says, this doesn't make a lot of sense to us.

But I do want you to know, and again, the NFL-centered nature of it is because they're more familiar with the league than I am or the operations of other leagues, I think that the takeaway from today's hearing, to be clear, I think is going to be talked about in the days to come. And for Mr. Vincent, something I think the league is going to have to deal with is the fact that your statement here today, that the Commissioner didn't need to see the video, because he already knew what had happened. I think that's going to be problematic moving forward.

I know many of my colleagues are going to be concerned about that statement as well, because I think some of the perception early on was that—and I was under this perception, that Mr. Rice had not been accurate and honest with the League about what he had done. But in fact, today, the testimony has been that League fully understood what he had done, because there's nothing that we see in that video that he hadn't already told people about. And despite that, the sentence that was handed down or the punishment that was handed down was so limited.

I know you've admitted to the fact today that—the league admits, I should say—the punishment was not strong enough—but I do think it's going to be problematic.

Mr. VINCENT. Well, Senator, let me make sure I am firm, and correct, and accurate on what I said. No one needed to see—again, the Commissioner had stated he had not seen the second video. He acknowledged his mistakes on not handing out the proper discipline on the initial round.

Senator RUBIO. Right. No, I understand. And I guess my point on that is that your statement is he didn't need to see the video, because he already knew what had happened.

Mr. VINCENT. That's my opinion.

Senator RUBIO. Right.

Mr. VINCENT. And I think that's the general public's opinion.

Senator RUBIO. OK. All right. Well, I appreciate all of you being here today. I know it has been a long hearing. Do we have a script for the comments after or questions or—just basically.



The record will be open for two weeks.  
And with that, the hearing is adjourned.  
[Whereupon, at 4:55 p.m., the hearing was adjourned.]



## A P P E N D I X

PREPARED STATEMENT OF HON. JOHN WALSH, U.S. SENATOR FROM MONTANA

I'd like to thank Chairman Rockefeller and Ranking Member Thune for holding this important hearing.

I want to note that while this hearing will focus on domestic violence in professional sports, the recent cases of domestic violence committed by professional athletes are only the most visible examples of a horrific problem that affects millions of Americans.

The CDC reports that almost one-third of women in the U.S. will be physically abused by a partner in their lives. Women in Montana's Indian Country face sexual assault rates more than double the national average. This has to stop.

Domestic violence is a deep national stain that every segment of our society must work to confront, prevent, and end.

That is why the often inadequate, inattentive, and inconsistent responses to allegations of domestic violence are so troubling. Domestic violence is a problem that we must work to proactively confront as a nation.

We know that domestic violence is the most underreported crimes in the U.S. Domestic violence survivors face losing their homes, their privacy, and their livelihood if they come forward. The culture of silence surrounding domestic violence, whether in the locker room or in our communities, must end.

When I met with representatives of the Montana Coalition Against Domestic and Sexual Violence in Glendive, Montana, I heard about the barriers, whether it's our culture or a lack of resources, that stop victims of domestic violence from coming forward. We need to provide more transitional housing and more training for law enforcement, counselors, and healthcare workers to make it easier for victims to come forward.

But beyond reacting to domestic violence after it happens, we need to change our culture through increased awareness and education to prevent domestic violence from occurring. A key part of this is making it clear that allegations of domestic violence, even against high-profile perpetrators, will be treated with the respect and seriousness that they deserve. Everyone and every organization needs to set an example.

Thank you for holding this hearing today. I hope that this increased attention results in sustained efforts, among all your organizations, to reduce and prevent domestic violence. Thank you.

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NATIONAL TASK FORCE TO END SEXUAL AND  
DOMESTIC VIOLENCE AGAINST WOMEN

*December 9, 2014*

Hon. JOHN ROCKEFELLER, Chair,  
Hon. JOHN THUNE, Ranking Member,  
Senate Committee on Commerce, Science, and Transportation,  
Russell Senate Office Bldg. Room 254,  
Washington, DC.

Dear Chairman Rockefeller and Ranking Member Thune:

Thank you for holding a hearing regarding Domestic Violence and Professional Sports last week. The National Task Force to End Sexual and Domestic Violence ("NTF"), comprised of national state and local leadership organizations advocating on behalf of victims domestic violence, dating violence, sexual assault and stalking, as well as faith based, women's civil and human rights organizations, is pleased to submit the enclosed letter for inclusion in the record of last week's hearing, "Addressing Domestic Violence in Professional Sports." The letter has been signed by 240 organizations, including national, state and local organizations representing over 40 states (including both West Virginia and South Dakota), the District of Co-

lumbia and Puerto Rico. It contains NTF's recommendations on priority issues which should receive attention in terms of both hearings and legislation, including the status of the NFL matter, the economic impact of domestic and sexual violence in the workplace (and responses that improve productivity and workforce stability), and employer best practices and policies re: same.

We look forward to engaging with you on this important set of issues both in this Congress and the next. Please contact Lisalyn R. Jacobs who chairs our Economic Issues Subcommittee if we can assist you in any way.

Sincerely,

The National Task Force to End Sexual  
and Domestic Violence

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NATIONAL TASK FORCE TO END SEXUAL  
AND DOMESTIC VIOLENCE AGAINST WOMEN

*December 9, 2014*

Dear Senator:

We write as members of the National Task Force to End Sexual and Domestic Violence—domestic and sexual violence advocates, faith-based and law enforcement groups, civil, human, and women's rights organizations who represent millions of survivors of sexual and domestic violence and stalking, and their advocates—with both requests and reflections following two solid months of media coverage of a number of high profile domestic and sexual violence incidents.

Twenty years of work to implement and improve the Violence Against Women Act has left us well positioned to share the successes and challenges that emerged as we responded to the unprecedented surge in demand for services that followed the revelation of the second NFL tape involving Ray Rice and then fiancée, Janay Palmer. Thus, we write to request that the Congress hold hearings in furtherance of the national discussion that has begun around the issues of sexual and domestic violence, their impact on the economy, the economic lives of survivors, and the necessity for workplace and other policies that address the needs of battered and abused people and their families. Additionally, we want to express our appreciation to the many members of Congress who have called for the NFL to be held accountable, and we look forward to continuing the dialogue on this issue.

An immediate consequence of the intense national focus on the NFL is increased awareness in American society at large of the profound impact of domestic and sexual violence in our lives in general and more specifically, in the workplace. As the NFL continues to institute reforms, we wish to point out that the NFL is but one employer. Its workforce—at the player level—is disproportionately male. Domestic and sexual violence as they manifest inside and outside the workplace, however, are still experiences that are overwhelming borne by women (85 percent of survivors are women). Holding timely hearings would allow a review of NFL's experience to gain insight into how employers who are not adequately prepared can founder in responding to the workplace impact of sexual and domestic violence.

We also call upon Congress to begin work on a Federal response to the unacceptably high level of survivor job loss—as high as 50 percent among survivors of sexual or domestic violence—that occurs when ill prepared employers are reactive rather than proactive. Before one more survivor is asked why they stayed, Congress must make it possible for them to decide whether they wish to.

In the near term, we request two things:

- (1) The holding of hearings as soon as is practicable to determine:
  - a. The status/progress of the NFL matter;
  - b. How to strengthen the economy and encourage employers to be more proactive regarding domestic and sexual violence and workplace while simultaneously increasing productivity and safety in workplace; and
  - c. Best practices from employers and advocates, alike with respect to improving economic security for survivors, and accountability for perpetrators
- (2) The swiftest possible introduction, mark-up and passage of legislation designed to ensure that survivors have access to the same baseline of workplace, and broader economic protections regardless of where they live.

As it stands, some survivors have access to paid leave if they need time off because they need to attend court, see a counselor, or attend to injuries. Others have access to unemployment insurance if they need to leave their jobs because of the violence. Still others have job security afforded by laws that ban the firing of sur-

vivors because they are survivors. Though all of these measures are needed to ensure that survivors have the strongest set of options for moving forward, access to these proven remedies varies drastically according to where survivors live. It's time to afford all survivors the protections they need regardless of zip code.

We look forward to working with our public officials and private employers in the effort to enact policies, enforce the laws and ensure safety and economic stability for all survivors.

Sincerely,

Legal Momentum  
Chair, Subcommittee on Economic Issues  
Nat'l Task Force to End Sexual & Domestic Viol.

#### NATIONAL ORGANIZATIONS

9to5, National Association of Working Women  
A Window Between Worlds  
Alliance for a Just Society  
American Association of University Women  
American Federation of Government Employees: District 11 (OR. ID. WA. CO, AK, MT, UT, WY)  
Americans Overseas Domestic Violence Crisis Center  
Boat People SOS  
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities  
Clearinghouse on Women's Issues  
Communication Workers of America  
Domestic Violence Legal Empowerment and Appeals Project  
Exodus, Inc.  
General Federation of Women's Clubs  
Hadassah, The Women's Zionist Organization of America, Inc.  
Institute for Family Violence Studies  
Institute for Science and Human Values  
Legal Momentum  
Mothers of Lost Children  
National Alliance to End Sexual Violence  
National Center on Domestic and Sexual Violence  
National Clearinghouse on Abuse in Later Life  
National Coalition Against Domestic Violence  
National Coalition of Anti-Violence Programs  
National Conference of Puerto Rican Women  
National Council of Jewish Women  
National Crittenton Foundation  
National Domestic Violence Hotline  
National Organization of Women  
National Partnership for Women and Families  
National Resource Center on Domestic Violence  
National Women's Political Caucus  
Sargent Shriver National Center on Poverty Law  
University of Miami Human Rights Clinic  
Women of Color Network  
Wider Opportunities for Women  
Woodhull Sexual Freedom Alliance  
YWCA USA

## STATE &amp; LOCAL ORGANIZATIONS

**Alaska**

NOW: Alaska

**Arizona**

Arizona Coalition to End Sexual and Domestic Violence  
Time Out Inc.

**Arkansas**

Arkansas Coalition Against Sexual Assault  
Delta Crisis Center  
Serenity Inc.

**California**

Asian Pacific Women's Center  
Doves of Big Bear Valley  
House of Ruth Inc.  
Humboldt County Domestic Violence Coordinating Council  
NOW: Contra Costa  
NOW: Pacific Shore  
One SAFE Place  
Option House  
Shelter from the Storm  
Unfolding Flowers

**Colorado**

A Zen Life  
Alternatives to Violence, Inc.  
Archuleta County Victim Assistance Program  
Help for Abused Partners  
RESPONSE  
SafeHouse Denver  
Safehouse Progressive Alliance for Nonviolence

**Connecticut**

BH Care, Inc.  
CT-ALIVE  
KK Community Rebuilding  
Meriden-Wallingford Chrysalis

**District of Columbia**

D.C. Rape Crisis Center

**Florida**

Christians Against Domestic Violence  
Healing Grace  
NOW: Brevard Chapter  
NOW: Jacksonville  
NOW: Florida  
Women's Production Network

**Georgia**

The Blood Healing Services  
Circle of Hope  
Columbus Alliance for Battered Women, Inc. d/b/a Hope Harbour  
Forsyth County Family Haven  
Hospitality House, Inc.

North Georgia Counseling Education Center  
Northwest Georgia Family Crisis Center  
Polk County Women's Shelter  
Women Watch Afrika, Inc

**Hawaii**

Women Helping Women

**Idaho**

The Advocates  
Idaho Coalition Against Domestic Violence

**Illinois**

A Safe Place  
Crisis Center for South Suburbia  
Christian Community Health Center  
Family Resources  
Illinois Coalition Against Domestic Violence  
Mutual Ground, Inc.  
NOW: Illinois  
NOW: Quad Cities (also listed under IA)  
Rape Victim Advocates

**Indiana**

Crisis Connection, Inc.  
Indy Feminists  
Latino Coalition Against Domestic & Social Violence  
Noble House Ministries Inc.

**Iowa**

Center for Creative Justice  
Crisis Intervention Services  
Domestic Violence Intervention Program  
Family Resources  
Franciscan Peace Center  
NOW: Quad Cities (also listed under IL)

**Kansas**

Domestic Violence Association of Central Kansas

**Kentucky**

Kentucky Coalition Against Domestic Violence  
Spring Haven Domestic Violence Program

**Maine**

Family Crisis Services

**Maryland**

NOW: Maryland  
SMR Counseling Services

**Massachusetts**

Casa Myrna Vasquez  
Jane Doe Inc.  
Lesley University Women's Center  
Pathways for Change, Inc.

**Michigan**

EGV Teams Counseling

**HAVEN**

Michigan League for Public Policy  
 NOW: Wayne County  
 Shelter Inc.  
 The Venus Foundation

**Minnesota**

Bluff Country Family Resources  
 CADA of Waseca/Le Sueur County  
 NOW: Minnesota  
 Someplace Safe

**Mississippi**

MS Coalition Against Sexual Assault

**Missouri**

A Safe Place  
 Audrain County Crisis Intervention Services  
 Agape House Inc. of Mountain View  
 Christos House Inc.  
 NOW: Columbia  
 Safe Connections  
 The Victim Center

**Nebraska**

Center for Sexual Assault and Domestic Violence Survivors

**New Hampshire**

New Hampshire Coalition Against Domestic and Sexual Violence

**New Jersey**

Manavi  
 My Sisters Lighthouse  
 New Jersey Assoc. on Correction  
 New Jersey Coalition for Battered Women  
 NOW: Middlesex County  
 NOW: Morris County  
 NOW: New Jersey  
 NOW: Northern New Jersey  
 NOW: South Jersey

**New Mexico**

Alternatives to Violence  
 Family Crisis Center  
 Grammy's House  
 New Mexico Coalition Against Domestic Violence  
 New Mexico Coalition of Sexual Assault Programs  
 NOW: Albuquerque  
 NOW: New Mexico  
 NOW: Santa Fe  
 Rape Crisis Center of Central New Mexico  
 S.A.F.E. House

**New York**

Advocacy Center  
 Hope's Door  
 The Fortune Society



NOW: East End  
 New York State Coalition Against Sexual Assault  
 Northern Manhattan Improvement Corporation  
 The Safe Center LI, Inc.  
 Women and Work  
 VCS Inc.  
 Violence Intervention Program

#### **North Carolina**

Be Healthy Ministries  
 Durham Crisis Response Center  
 Family Services Inc.  
 Family Services of Davidson County, Inc.  
 Guilford County Family Justice Center  
 Mending Hearts  
 NOW: Fayetteville  
 NC Coalition Against Sexual Assault  
 REACH of Cherokee County, Inc.  
 Sarah's Refuge Inc.  
 The Sparrow's House of Yadkin

#### **Ohio**

ACTION OHIO Coalition For Battered Women  
 Alternatives to Violence Center  
 Cleveland Rape Crisis Center  
 Community Services of Stark Co.  
 Ohio Guidestone/Harbor House  
 Haven of Hope  
 Ohio Alliance to End Sexual Violence  
 Project Women  
 Rape Crisis Domestic Violence Safe Haven  
 SAAFE Center  
 Southern Ohio Sexual assault Treatment Center  
 Tri-County Help Center, Inc. (Belmont/Harrison/Monroe Counties)  
 Turning Point

#### **Oklahoma**

Safenet Services Domestic Violence Shelter  
 United Nations Association of Oklahoma City  
 YWCA Oklahoma City

#### **Oregon**

Bradley Angle  
 Community Works  
 Project DOVE  
 Tillamook County Women's Resource Center  
 Women's Safety & Resource Center

#### **Pennsylvania**

Alle-Kiski Area HOPE Center, Inc.  
 KenCrest  
 NOW: First Pittsburgh  
 NOW: Ni-ta-nee  
 PathWays PA  
 Pennsylvania Coalition Against Domestic Violence  
 Pennsylvania Coalition Against Rape

Roses Ministry  
Survivors, Inc.  
Women's Center of Montgomery County  
Women's Law Project  
Women's Resource Center

**South Dakota**

South Dakota Coalition Ending Domestic and Sexual Violence

**Tennessee**

22.5 Degrees  
CEASE Domestic Violence and Sexual Assault Inc.

**Texas**

Austin/Travis County Family Violence Task Force  
Crisis Center of the Plains  
Daya Inc.  
Domestic Violence Protection, Inc..  
Humboldt County Domestic Violence Coordinating Council  
NOW: South Central Region  
No More  
Radio  
SafePlace  
Women's Center of Brazoria County

**Rhode Island**

NOW: Rhode Island

**Vermont**

Project Against Violent Encounters  
Safeline Inc.  
Vermont Network Against Domestic and Sexual Violence

**Virginia**

Beth El House  
Charlottesville/Blue Ridge AAF  
NOW: Charlottesville  
NOW: Northern Virginia  
York-Poquoson Victim-Witness Assistance Program

**Washington**

Christian Coalition for Safe Families  
King County Re-entry Program  
Legal Voice  
McCready Remodeling  
Pierce County Commission Against Domestic Violence  
Truth Speaks  
Washington Coalition of Sexual Assault Programs  
Washington State Coalition Against Domestic Violence  
Women of Vision

**West Virginia**

Tug Valley Recovery Shelter  
West Virginia Coalition Against Domestic Violence  
West Virginia Foundation for Rape Information and Services

**Wisconsin**

Community Referral Agency (Polk, Barron Burnett Counties)

Forge Inc.  
 University of Wisconsin, Madison: Women's Resource Center  
 Wisconsin Coalition Against Sexual Assault

**Wyoming**  
 SAFE Project

TRIAL COALITIONS/PROGRAMS

Seven Dancers Coalition  
 Tohono O'odham Nation Domestic Violence Program

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
 TO TROY VINCENT

*Question 1.* The *New York Times* recently reported on special treatment that NFL players receive from law enforcement when they are accused and even arrested for domestic violence. The November 16 article reported that teams form cozy relationships with the local police, often employ off-duty officers, and give them special perks. According to the article, teams will work with law enforcement in order to minimize publicity and the negative impact on players. In one case, a player arrested for domestic violence was actually escorted by police back to the residence of the woman he assaulted. This is unbelievable.

*Question 1a.* Do your teams employ or otherwise provide financial benefits to off-duty police officers? If so, please give me the percentage of your teams that do so.

Answer. Yes, virtually all, if not all, of the 32 NFL clubs employ on and off-duty police officers to provide security at stadiums, training facilities, hotels, and events. Such events include games, owners meetings, the Draft, Super Bowl, Pro Bowl, and Hall of Fame Game. These employment relationships often are through third parties. For example, the Chicago Bears through SMG, a leading venue management and marketing firm, pay Monterey Security to secure the public access gates at Soldier Field on game day. Monterey, a third-party security consultant, employs dozens of off-duty police officers and sheriff's deputies from multiple jurisdictions to service the contract. In addition, in almost all cases, clubs reimburse local and state governments for law-enforcement services provided on game day.

*Question 1b.* Will you adopt a league-wide policy that prohibits such employment in order to avoid special, lenient treatment for players that run afoul of the law, including domestic violence incidents?

Answer. The League values and relies on the commitment, dedication, and service of law enforcement to maintain the safety and security of our fans, our players, and the game. In our view, a league-wide policy that prohibits the employment of law enforcement officials would unnecessarily compromise and undermine vital protections. Law enforcement personnel serve a valuable role within our clubs, and their presence has helped to anticipate and prevent potentially dangerous situations and misconduct.

*Question 2.* Mr. Vincent, you testified about the steps that the NFL is taking to prevent and respond to incidents of domestic violence, child abuse, and sexual assault. While I applaud the league for those steps, it seems like those steps, and the NFL's Personal Conduct Policy generally, are primarily focused on players. Nothing has been said about what happens to league and teams officials who play a role in these bad acts, such as conducting cover-ups. For example, Mrs. Janay Rice has alleged that the Baltimore Ravens organization scripted her press conference, and they suggested that she apologize for her role in her husband's assault on her. If true, I find that outrageous.

*Question 2a.* Are league and team officials also held accountable? Does the Personal Conduct Policy cover the examples given?

Answer. The NFL's Personal Conduct Policy (PCP) establishes clear standards of behavior that apply to all NFL personnel. This includes the Commissioner, owners, coaches, and players, as well as all League and team employees and officials. In addition, a key element of the new PCP is the clear emphasis on reporting obligations for all NFL personnel, including League and club management. Under the PCP, clubs are obligated to promptly report any potential violation of the Policy that comes to their attention and must fully cooperate with any related law enforcement and/or NFL investigation. Failure to report an incident is grounds for disciplinary action.

*Question 2b.* What is the league doing to respond to Mrs. Rice's statement that the Ravens organization very inappropriately suggested that she apologize?

Answer. The Baltimore Ravens publicly have stated that at no time prior to Ray and Janay Rice's May 23rd press conference did the club provide talking points, a script, or a suggested script to Janay or speak with her about the press conference. The Ravens also have said that no one in the organization recommended or suggested to Ray or Janay that she apologize in any way.

The League's new PCP sets out a clear series of steps to be taken when there is an incident that may constitute a violation of the PCP. These steps are intended to encourage reporting of misconduct and to prevent any retaliation against anyone who reports or was a victim of or witness to misconduct. The Policy also is intended to ensure that victims and families receive needed assistance, including the provision of or referral to appropriate counseling, social and other services, clergy, medical professionals, and specialists in dealing with children and youth. These resources will be provided through specialized Critical Response Teams affiliated with the League office and with member clubs, and non-League resources will be made known to all involved.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BARBARA BOXER TO  
TROY VINCENT

*Question 1.* The entire nation was shocked by the video of a football player knocking his fiancé unconscious in a hotel elevator and honestly I don't believe that anyone who saw that video will ever forget it—the punch and the dragging of a woman flopping like a rag doll on the cold hard floor.

Unfortunately this was not an isolated case: There have been 83 arrests of NFL players for domestic violence reported since 2000. In fact, 48 percent of all violent crime arrests for NFL players are for domestic violence.

We know this is not just a problem for the NFL. We have seen too many other horrific acts of violence perpetrated by professional athletes in the NBA, the NHL and in Major League Baseball.

We know that domestic violence is a problem that plagues our society as a whole—and we know that it is time for all of us to act to address this epidemic.

So I have some questions that I want to ask all of the sports leagues that are represented here today:

*Question 1a.* We know that, tragically, most cases of domestic violence go unreported. How many allegations of domestic violence has your league received in the last decade?

Answer. During the 10-year period between 2004 and 2013, the NFL has reviewed 92 domestic violence allegations involving players. In 51 of these cases, we were able to establish a violation of the PCP. The League issued 25 suspensions and 12 fines. The remaining violations were punished by other means, including one player who was issued a formal reprimand, or the players already had their contracts terminated prior to the imposition of discipline.

*Question 2.* As representatives of our professional sports leagues, you have the unique opportunity to lead the way—and do good for the entire nation—by preventing these crimes and setting an example when a crime occurs.

I believe there are three things you can do immediately:

*The first is prevention.* We need to stop these horrendous acts of violence before they happen. To do that, you need to act now by educating your players, employees, and their families that domestic violence is unacceptable and will not be tolerated. . This education, or call it counseling or call it life coaching, is absolutely critical to prevent violence.

*Second, you need to create a real zero-tolerance policy for domestic violence.*

Earlier this year, I led a bipartisan group of 16 Senate women urging National Football League Commissioner Roger Goodell to institute a zero-tolerance policy for domestic violence.

It is up to ALL of our professional sports leagues to send that message to their players—that if they can't meet that standard, then they shouldn't be wearing the uniform. Why do I say that? Because like it or not, here is a fact—players are role models for our children.

*Finally, you need to ensure that the victims of domestic violence are encouraged to report these crimes and immediately given an independent advocate who will fight for them every step of the way.*

That means contracting with well-respected non-profit domestic violence organizations that are right there in the community.

I am proud that, in California at my urging, the University of California and the Cal State Universities have agreed to do this voluntarily.

I believe this same model should be used by all of you.

It is critical that our professional sports teams put the victim's needs at the center of their policies.

*Question 2a.* Will your organization commit to establishing a domestic violence prevention program that includes rigorous and mandatory training for all players, coaches, personnel—and their families?

Answer. Yes. The NFL has established a domestic violence prevention program that includes mandatory education and training for all NFL personnel. This mandatory education already has been presented to team owners, club executives, and all of the teams—with all personnel, coaches and players required to attend. This education also was made available to families and significant others.

In addition, over the course of the next several months, the League will provide specialized training in the off season for appropriate personnel to identify those at risk and provide prompt and confidential counseling and other intervention. These “first responders” work most closely with players and staff and include athletic trainers, player engagement directors, chaplains, and human resources executives. Moreover, the League is developing Critical Response Teams of experts who can respond swiftly to address issues when victims or perpetrators are identified or come forward. The League also will develop and implement ongoing programs of education for all team and League employees—players, non-players, and families.

*Question 2b.* Will your organization commit to a zero tolerance policy that makes it loud and clear that domestic violence is wrong, and will not be tolerated?

Answer. The NFL has implemented a no-tolerance policy that makes it clear and explicit that domestic violence is wrong, illegal, and will not be tolerated under any circumstances. The revised PCP was developed after an extensive series of meetings and discussions with a wide range of experts, including domestic violence/sexual assault experts and advocates. Under the policy, individuals who engage in unacceptable behavior, such as domestic violence, will face strong sanctions, including banishment from the League. However, leading domestic violence experts uniformly have advised the League not to adopt a “one-strike-and-you-are-out” policy. They have warned that such a policy may have dire, unintended consequences, discouraging reporting and driving family violence underground. Such an outcome can put victims and survivors at greater risk of abuse, rather than encouraging them to seek assistance and support, and eliminates the League's ability to mandate appropriate interventions, like counseling, that can be effective in preventing future violence.

*Question 2c.* Will your organization commit to providing every victim with an independent advocate who will provide them the support that they need?

Answer. The NFL is committed to providing victims with an independent advocate who will provide support. The League will assist victims and families, including by providing or directing victims to confidential counseling, social and other support services, medical professionals, and other child and youth specialists. These resources will be provided through Critical Response Teams of experts affiliated with the League office and member clubs. The response teams will assist victims and families in matters of personal security and other needs following a reported incident. In addition, information about local non-League resources to help victims and families will be provided to affected parties.

*Question 3.* Medical researchers have determined that chronic traumatic encephalopathy, or CTE, is caused by repeated head trauma and can be brought on by helmet-to-helmet collisions and hard tackles or head trauma. In a recent study of many retired football players' brains, scientists found lesions in the part of the brain responsible for emotions and self-control. Doctors state that damage to that part of the brain may cause concussion victims to lose control over anger and other emotions, and there have been reports that many former players who have no history of domestic violence apparently become dangerous to their families as they suffer from CTE.

It seems to me that the league has a tendency to ignore problematic systemic issues until it's too late. The NFL should take a close look at whether football-related head injuries contribute to the extraordinary amount of domestic violence incidents in the NFL.

*Question 3a.* Has the NFL made any effort to understand the connection between Traumatic Brain Injury and chronic traumatic encephalopathy and violence in the home?

Answer. The problem of family violence is a broad societal issue and, to my knowledge, the scientific community has not established a causal relationship between an individual's sustaining a traumatic brain injury and committing violence in the home. The NFL has taken a number of steps to improve its response to incidents of domestic violence and child abuse, to prevent such incidents, and to support survivors when incidents do occur, as I discussed in my testimony and as set out in the PCP.

Separately, the League is working to address the serious issue of traumatic brain injury. We are working with our partners in government and the private sector to make large-scale investments and to drive an ambitious scientific research agenda around brain injuries. This work is designed to advance our understanding of the brain and long-term neurodegenerative disease, as well as to catalyze development in the diagnosis, prognosis, and prevention of brain injury in sports, military environments, and throughout society.

The NFL is supporting two primary research projects to achieve these goals:

*Foundation for the National Institutes of Health:* In 2012, the NFL announced its single-largest donation to any organization in the league's 92-year history: a \$30 million grant to the Foundation for the National Institutes of Health (FNIH) for research on brain injuries, especially among athletes and veterans—creating the Sports and Health Research Program. The NIH awarded \$14 million in grants with this money in December 2013. The grants are supporting research to better understanding chronic traumatic encephalopathy. The NIH is now considering submissions for \$16 million in grants announced by the President in May 2014. These grants will fund longitudinal studies to understand the long-term impacts of brain injury.

*Head Health Initiative:* In March 2013, the NFL formally partnered with GE and Under Armour to launch the Head Health Initiative, a four-year, \$60 million collaboration designed to benefit athletes, members of the military and the general public by developing new diagnostic equipment, further clinical research and developing innovative diagnostic and preventative solutions to brain injury.

The companies have allocated \$20 million to the Head Health Challenges. These global grant challenges have invited scientists, entrepreneurs and other experts to propose innovative approaches to the diagnosis, prognosis and prevention of brain injury. The remaining \$40 million will fund the development of next-generation imaging technologies to improve diagnosis and treatment of traumatic brain injury. After winning grants through the challenges, researchers from around the world are already hard at work on a wide variety of studies, including improved algorithms for quantification of biomarkers of brain injury severity, tools that link imaging data to clinical and cognitive data, robust methods for triaging acute-stage events and developing return-to-play guidelines using physiological, molecular, electrical or physical changes in brain or body functions.

#### **Correction**

In addition to the above answers, I have reviewed the draft of the transcript of the hearing and want to correct for the record my response to the following question:

*Senator McCaskill asked whether the NFL has a policy mandating that coaches, or other team personnel, report a felony assault or any kind of assault to law enforcement upon learning of such an incident.*

I incorrectly stated that the League has in place a policy requiring clubs to report to law enforcement. The League's policy requires teams to report any potential violations of the PCP to the League Office, as described above. In addition, clubs routinely cooperate with law enforcement when employees or players are accused of any criminal conduct.

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#### RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV TO TERI PATTERSON

*Question 1.* It's my understanding that only the NFL can promulgate uniform rules and policies to address domestic violence without reopening its collective bargaining agreement with the players unions.

*Question 1a.* For the others, can you please tell me where you are in negotiating new uniform policies to address domestic violence?

*Question 1b.* Does management and the unions see eye-to-eye on the major elements of a uniform policy, such as strong penalties and effective education and outreach?

Answer. The NFLPA was instructed by staff to only address and answer Question 1b. The NFL issues the discipline of players for violations of workplace rules governing conduct detrimental to the League, including domestic violence. The NFLPA supports discipline that is based on a fair, consistent, transparent process that ensures that such discipline is based upon established facts. The NFLPA believes that implementation of education and outreach programs that promote awareness and hopefully prevent incidents of domestic violence are key to an effective policy, and our communications with the NFL suggest that they also support education and outreach.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
TERI PATTERSON

*Question 1.* Chronic traumatic encephalopathy (CTE) is a progressive degenerative brain disease often found in individuals with a history of concussions or other forms of head injury. It is commonly associated with athletes that participate in contact sports, including football. Symptoms of CTE include, among other things, aggression, confusion and depression. Some observers speculate that a relationship exists between CTE and domestic violence. Anecdotal evidence in support of this hypothesis includes the case of former NFL linebacker Junior Seau, who was arrested on domestic violence charges after his retirement and who was diagnosed, post mortem, with CTE. Other former professional football players that have been linked to violent incidents, including domestic violence, are Chris Henry, Lou Creekmur, and Mike Webster—all of whom have been diagnosed, post mortem, with CTE.

Does the NFLPA have reason to believe that a link exists between traumatic brain injury, including CTE, and violent behavior, both on and off the field and including domestic violence? If so, what steps can the NFLPA take to ensure that current and former players and their families are protected in this regard?

Answer. The NFLPA takes domestic violence very seriously and understands that diagnosing brain disease is very complex. Medical care for NFL players is the non-delegable responsibility of the NFL Clubs (the employers). The NFLPA monitors this care extremely closely to ensure that any deviations from quality care are addressed. The NFLPA has external medical advisors and experts who follow the emerging science regarding possible links between Traumatic Brain Injury (TBI) and both CTE and violent behavior. The NFLPA's Mackey-White Health and Safety Committee, comprised of the world's best scientists, particularly in neurosciences (many of whom have published this research), monitors these developments and advises the NFLPA on both the validity of the scientific observations, as well as the best means to ameliorate exposure.

To that end, on-field policies governing the evaluation and management of concussions include monitoring the players during games (ATC spotters, Unaffiliated Neuro-Trauma Consultants (UNCs), mandated sideline exams, emergency action plans, compliance check lists, etc); carefully establishing evidence-based return to participation protocols administered by independent neurological consultants (INCs). Separately, the NFLPA meets with the NFL Competition Committee to assure there are rule changes intended to decrease the magnitude and frequency of potential concussive impacts. The CBA further mandates that the frequency of exposure to concussions is decreased by eliminating two-a-day contact practices and increasing the length of the off-season. The NFLPA has also made significant investments in medical research, most recently through a long term research partnership with Harvard University, which seek to address these issues and others surrounding player health, longevity and welfare.

*Question 2.* In an op-ed that appeared in the November 13, 2014 edition of the New York Times, NBA Commissioner Adam Silver called on Congress to "adopt a Federal framework that allows states to authorize betting on professional sports, subject to strict regulatory requirements and technological safeguards." What are the views of the NFLPA on Commissioner Silver's proposal? Please explain your answer.

Answer. The NFLPA has no opinion on the views of Commissioner Silver's proposal.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO JOE TORRE

*Question 1.* It's my understanding that only the NFL can promulgate uniform rules and policies to address domestic violence without reopening its collective bargaining agreement with the players unions.

*Question 1a.* For the others, can you please tell me where you are in negotiating new uniform policies to address domestic violence?

Answer. As I stated in my written statement, Commissioner Selig has instructed his staff to develop a stand-alone policy to address domestic violence and sexual assault prior to the 2015 baseball season, and we are in the process of developing stand-alone domestic violence, sexual assault and child abuse policies that will apply to all members of the Baseball community, including Major and Minor League players, field staff, and front office staff.

With respect to the Major League players, we are in the process of negotiating with the Major League Baseball Players Association ("MLBPA") to develop a joint policy that would cover all Major League players. In this regard, we have been discussing with the Players Association a plan to have Futures Without Violence ("FWV") develop education and training materials for all Major League players beginning in 2015 Spring Training. We also hope to select a variety of organizations to serve on a joint MLB-MLBPA steering committee that will further the development of education and training materials for players, staff and their families going forward. Further information on the status of our negotiations with the Players Association over discipline is set forth in Response to Question 1b below.

With respect to Minor League players, MLB is mandating that all Clubs provide training to all of their Minor League players (as well as their respective front office and field staffs). To accomplish this effort, MLB has certified the following five independent organizations (some of which have been utilized by Clubs in the past) that may be utilized by Clubs to provide such training:

A Call To Men  
The Center for the Study of Sport in Society at Northeastern University  
Futures Without Violence  
Men Can Stop Rape  
Mentors in Violence Prevention

By the end of the 2015 championship season, each of the 30 Clubs must certify to the Commissioner's Office that it has engaged one or more of these organizations to provide training to all of its front office and field staffs, including all of its Minor League players. If a Club would like to engage an organization not identified here to provide such training the Club must receive the prior approval of MLB's Domestic Violence Sexual Assault Response Team ("DVSART"), which is comprised of members of the Labor Relations, Human Resources and Investigations departments at the Commissioner's Office. Moreover, with respect to Minor League players in the Dominican Republic, we are considering the feasibility of hosting a centralized symposium in the DR, which would satisfy the Clubs' obligations with respect to training such players in 2015. For its part, the Commissioner's Office will engage Sanctuary for Families and Safe Horizons in New York in order to provide training, education, and outreach to the employees of the Commissioner's Office, including Baseball Advanced Media, and the MLB Network.

I also want to inform the Committee that MLB has begun working with the Sand Creek Group to develop a universal Family Support Program for everyone in the Baseball community. Sand Creek currently works with the Commissioner's Office and a number of Clubs to provide independent counseling resources on a confidential basis. Under this plan, Sand Creek would provide a dedicated 24/7 hotline in English and Spanish for addressing personal problems or crisis situations in the lives of all employees and their household members. Any support provided by Sand Creek under this plan would supplement, and not necessarily replace, any existing Employee Assistance Programs the Clubs may already have in place. We expect Sand Creek to help us develop programs at each Club specifically designed to address the welfare of families and intimate partners of players.

In addition to the foregoing, we will be posting informational materials at Major and Minor League ballparks, and publicizing contact information for local resources, including shelters, in every community in which Major or Minor League Baseball is played. We also are developing protocols that our Clubs must follow in response to domestic violence or sexual assault incidents that will include appropriate measures to ensure the safety of affected individuals, providing confidential counseling



and treatment for victims, and providing counseling and intervention for perpetrators.

*Question 1b.* Does management and the unions see eye-to-eye on the major elements of a uniform policy, such as strong penalties and effective education and outreach?

Answer. Our efforts to establish effective education and outreach are described in my Response to Question 1a above. With respect to discipline, on September 25, 2014, MLB proposed revisions to its disciplinary policy covering MLB players that would make it easier for the Commissioner to impose an appropriate level of discipline on players who commit acts of domestic violence or sexual assault, and have that discipline be upheld in arbitration. As I mentioned in my statement, MLB does not have the right to insist on any changes to player discipline until its current collective bargaining agreement with the MLBPA expires in December 2016. However, we are hopeful that we will come to an agreement with the MLBPA prior to the start of next season on a disciplinary policy specifically tailored to domestic violence and sexual assault. Although the Players Association has not formally responded as of the date of this response, the Players Association has acknowledged that changes to the existing disciplinary structure for domestic violence offenses may be necessary. The Players Association also has assured us that we will receive a response with the deliberate swiftness required given the complexities of the issues.

*Question 2a.* Do your teams employ or otherwise provide financial benefits to off-duty police officers? If so, please give me the percentage of your teams that do so.

*Question 2b.* Will you adopt a league-wide policy that prohibits such employment in order to avoid special, lenient treatment for players that run afoul of the law, including for domestic violence incidents?

Answer. Most, if not all, Clubs employ off-duty police officers for tasks like traffic control and ballpark security. The Commissioner's Office retains off-duty police officers as Resident Security Agents ("RSAs"), who are assigned to each Club. The RSAs are supervised by the Commissioner's Office's Vice President of Security. When an RSA reports that a player has had an incident with law enforcement, the case is handled by MLB's Department of Investigations, which is an independent department charged with conducting investigations of misconduct and integrity violations committed by individuals associated with MLB using full-time investigators employed by MLB. We believe that the structure that we have established serves as a check against Club personnel from attempting to intervene on the player's behalf with law enforcement. At annual RSA meeting, we routinely discuss the importance of avoiding conflicts of interest and emphasize the importance of compliance with each RSA's own departmental rules. We also intend to reiterate to the RSAs at their upcoming annual meeting that they are prohibited from seeking special or preferential treatment for a player who has been arrested for any reason.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BARBARA BOXER TO  
JOE TORRE

*Question 1a.* We know that, tragically, most cases of domestic violence go unreported. How many allegations of domestic violence has your league received in the last decade?

Answer. It would be highly unusual for a player or a victim to report an allegation of domestic violence to the Commissioner's Office. In many instances, the media learns of an allegation before the Club or the Commissioner's Office. Public sources indicate that approximately sixteen players may have been accused of domestic violence over the past ten years. These sources indicate that most of these players were not charged, and, of those who were charged, it appears that the prosecutors made the decision to drop the charges (for reasons that were not disclosed to MLB).

As set forth in my written testimony, under MLB's current disciplinary system, it is very difficult to discipline players based on an arrest when the player is not convicted of a crime. Under a "just cause" standard, the Commissioner's Office is required to prove a violation by a player at an evidentiary hearing before a neutral arbitrator, which can be difficult in the absence of a conviction or plea, or without cooperating witnesses or tangible evidence regarding the conduct. In addition, our arbitrators in the past have been less inclined to uphold severe discipline under a "just cause" standard for off-field conduct that does not impact the player's ability to perform. For these reasons, we have proposed to the Players Association a disciplinary policy specifically tailored to address domestic violence and sexual assault.

*Question 2a.* Will your organization commit to establishing a domestic violence prevention program that includes rigorous and mandatory training for all players, coaches, personnel—and their families?

Answer. Major League Baseball has committed to establishing a domestic violence prevention program that includes rigorous and mandatory training for everyone in the Baseball community, including players, coaches, personnel, and their families. We fully understand that educating so many people from diverse backgrounds on an issue that many of them have not previously considered is not an easy undertaking. However, as more fully described in my responses to Chairman Rockefeller's questions above, we intend to devote the time and the resources necessary to accomplish just that.

*Question 2b.* Will your organization commit to a zero tolerance policy that makes it loud and clear that domestic violence is wrong, and will not be tolerated?

Answer. Commissioner Selig has instilled in our sport the understanding that Major League Baseball is a social institution, and as our national pastime, has an obligation to set a positive example. The Commissioner and I deplore domestic violence and crimes against women and families. Major League Baseball recognizes the very clear public expectation for professional sports leagues to be leaders in addressing this social ill. We are committed to developing a culture in which the players implicitly understand their moral obligation as both men and role models to speak out and act against crimes against women and families.

*Question 2c.* Will your organization commit to providing every victim with an independent advocate who will provide them the support that they need?

Answer. Major League Baseball is committed to providing every victim of domestic violence in its community with the resources necessary to overcome this tragedy in their lives. As I described in my responses to Chairman Rockefeller's questions, MLB has begun working with the Sand Creek Group to develop a universal Family Support Program for everyone in the Baseball community. In addition to the foregoing, we will be posting informational materials at Major and Minor League ballparks, and publicizing contact information for local resources, including shelters, in every community in which Major or Minor League Baseball is played. Through these resources we will ensure that every victim has access to an independent advocate who will be able to provide them with the support that they need.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO VIRGINIA SEITZ

*Question 1.* It's my understanding that only the NFL can promulgate uniform rules and policies to address domestic violence without reopening its collective bargaining agreement with the players unions. For the others, can you please tell me where you are in negotiating new uniform policies to address domestic violence?

Answer. As we mentioned in our written statement, Major League Baseball and the Major League Baseball Players Association already have a policy in place that addresses domestic violence and provides for both therapeutic intervention and the possibility of discipline for just cause for inappropriate and/or illegal conduct. The existing program gives medical professionals, with the concurrence of the parties, wide latitude to design a treatment program to attempt to rehabilitate, where necessary, Players who are charged with domestic violence-related crimes. The existing program also gives the Commissioner or the employer Club authority to impose discipline on a Player under Article XII.B where an act of domestic violence is alleged—subject to the critical ability of the Player and the union to challenge (if they so choose) that discipline under the “just cause” standard before a neutral arbitrator. This program was implemented in 2011.

We recognize, however, that this may not be enough. Obviously, more can be done with regard to education, for Players, for the families of Players, for victims, and for all who are involved in or touched by our sport. Consequently, starting this fall, we have been talking with MLB about possible modifications or improvements to our current program, focusing on three primary elements:

- (1) An enhanced public relations program to promote an understanding for, and an eradication of, domestic violence in our society;
- (2) An improved education and therapeutic intervention program for Major League Baseball Players and their families so that potential issues can be addressed in an appropriate and confidential manner before violence occurs; and,
- (3) Possible changes to the existing disciplinary structure for domestic violence offenses.

It was clear that we would not be able to improve our current policy unless we better understood not only the issue of domestic violence but the options that are available for a more comprehensive and effective program. Consequently, over the course of this fall, the Players Association has devoted an extraordinary amount of time and effort consulting with a wide range of experts and groups in the domestic violence area. We have met with both national and local groups who are involved with the domestic violence issue both on the policy and the treatment levels. We have interviewed practitioners and groups with an eye towards providing additional education, training and resources for the Players and their families in the months to come—whether or not we agree with MLB on a new, comprehensive domestic violence policy.

Based on those discussions, as well as a review of existing programs in both the public and private sectors, we better appreciate several key principles. First, our program must hold those who engage in prohibited conduct—whether they are a player, a club official, or an owner—accountable for what they have done. Second, how a person is held accountable cannot result in the escalation of an already dangerous situation into a lethal one or result in victims being discouraged from coming forward. Third, given the reality that domestic violence occurs in so many different forms and situations, there must be a recognition that no one response that can safely and effectively address every incident. And fourth, a program will be incomplete if it focuses only on the offender and not on the needs and interests of those who have been victimized.

This fall, we have had several discussions with Major League Baseball about the issues noted above and additional meetings are scheduled in the coming weeks. We believe we share with the league a common goal of developing in the near future a comprehensive, fair, and effective program for the entire family of baseball and one that, if correctly implemented, may help others beyond our industry.

*Question 1b.* Does management and the unions see eye-to-eye on the major elements of a uniform policy, such as strong penalties and effective education and outreach?

Answer. We are confident that Major League Baseball shares our appreciation of the complexity of this issue, its existence in all elements of our society, and the need for a constructive and comprehensive solution that addresses all of the challenges noted above. This confidence stems from both the program that is already in place and our ongoing discussion about how that program can and should be improved.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO KATHLEEN BEHRENS

*Question 1.* It's my understanding that only the NFL can promulgate uniform rules and policies to address domestic violence without reopening its collective bargaining agreement with the players unions.

*Question 1a.* For the others, can you please tell me where you are in negotiating new uniform policies to address domestic violence?

*Question 1b.* Does management and the unions see eye-to-eye on the major elements of a uniform policy, such as strong penalties and effective education and outreach?

Answer. The NBA is committed to vigilance with respect to domestic violence. We will continue to work closely with the Players Association to provide education, awareness training, and appropriate resources to NBA players and their families. We recognize our responsibility to do all that we can to prevent this destructive and unacceptable conduct from happening in the future.

*Collective Bargaining Agreement:* The Collective Bargaining Agreement between the NBA and the Players Association (CBA) will expire on June 30, 2021; however, both parties to the CBA have the option to terminate it on June 30, 2017 by providing written notice to the other party by December 15, 2016.

*Education and Training:* The NBA is committed to providing substantial education and training programs with respect to family violence issues.

1. In recent months, the NBA and the Players Association have worked together to strengthen the league's education and training programs, including:
  - a. Pursuant to the CBA, the NBA and Players Association conduct Team Awareness Meetings each season with all players on each NBA team, which cover selected topics determined annually by the NBA and the Players Association. As part of these Meetings, the NBA and the Players Association will be conducting sessions for all players focused solely on domestic violence and

related issues during the 2014–15 season. These sessions, to be completed by mid-February of 2015, will be conducted by Ted Bunch, co-founder of A Call to Men, a leading violence prevention organization providing training and education for men, boys, and communities, and Kalimah Johnson, founder of SASHA Center, a Detroit-based healing and awareness center focusing on sexual assault. We will be continuing this training going forward.

- b. We are working with the Players Association to set up a family violence focused hotline that would be available to all members of the NBA family. In addition, we are working with the Players Association, as well as the organizations representing players' spouses, mothers and fathers, to develop a training and education program for players' families.
2. In addition to the education and training set forth above, the NBA has taken the following steps:
    - a. During the 2014–15 season, we are requiring all NBA teams to conduct a live domestic violence awareness training session for team executives who work most closely with their players (*i.e.*, Basketball Operations, Community Relations, Public Relations, Player Development and Training staff members). The NBA has contacted three outstanding organizations to conduct these training sessions: Mentors in Violence Prevention; Futures Without Violence; and Safe Horizon. We will be continuing this training going forward.
    - b. In the process of taking a fresh look at our policies and practices in the domestic violence area, the NBA has sought guidance from experts in the field—including representatives from the Corporate Alliance to End Partner Violence, Men Can Stop Rape, Safe Horizon, Joyful Heart Foundation, and the Institute on Domestic Violence in the African American Community. We have also retained Valli Kalei Kanuha, a Professor of Social Work at University of Hawaii and well-known domestic violence expert, as a consultant. We will continue to work with these individuals and organizations, as well as others in the field, to ensure that our programs and policies are comprehensive and effective.

*Question 2.* The *New York Times* recently reported on special treatment that NFL players receive from law enforcement when they are accused and even arrested for domestic violence. The November 16 article reported that teams form cozy relationships with the local police, often employ off-duty officers, and give them special perks. According to the article, teams will work with law enforcement in order to minimize publicity and the negative impact on players. In one case, a player arrested for domestic violence was actually escorted by police back to the residence of the woman he assaulted. This is unbelievable.

*Question 2a.* Do your teams employ or otherwise provide financial benefits to off-duty police officers? If so, please give me the percentage of your teams that do so.

*Question 2b.* Will you adopt a league-wide policy that prohibits such employment in order to avoid special, lenient treatment for players that run afoul of the law, including for domestic violence incidents?

Answer. NBA players and team executives are high-profile members of their local communities, and many such individuals are also in the national spotlight. As such, they require appropriate physical security in many situations, including at games, practices, team events, and player appearances. In order to provide this necessary security, NBA teams must employ competent and effective security professionals. Such professionals can include both retired and off-duty law enforcement officers.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BARBARA BOXER TO  
KATHLEEN BEHRENS

*Question 1.* The entire nation was shocked by the video of a football player knocking his fiancée unconscious in a hotel elevator and honestly I don't believe that anyone who saw that video will ever forget it—the punch and the dragging of a woman flopping like a rag doll on the cold hard floor.

Unfortunately this was not an isolated case: There have been 83 arrests of NFL players for domestic violence reported since 2000. In fact, 48 percent of all violent crime arrests for NFL players are for domestic violence.

We know this is not just a problem for the NFL. We have seen too many other horrific acts of violence perpetrated by professional athletes in the NBA, the NHL and in Major League Baseball.

We know that domestic violence is a problem that plagues our society as a whole—and we know that it is time for all of us to act to address this epidemic.

So I have some questions that I want to ask all of the sports leagues that are represented here today:

*Question 1a.* We know that, tragically, most cases of domestic violence go unreported. How many allegations of domestic violence has your league received in the last decade?

Answer. Between 2004 and 2014, the NBA is aware of 17 instances in which allegations of domestic violence were made against NBA players. In 10 of those instances, criminal charges were never filed or were dismissed. In 3 of the remaining instances, the players were permitted by prosecutors to enter programs or agreements that resulted in the charges ultimately being dismissed. In the final 4 instances, the players were convicted of domestic violence misdemeanors. Two of these players were suspended by the NBA—one for 7 games in 2007 and one for 24 games in 2014. (The remaining 2 players were no longer in the league at the time of their convictions.)

*Question 2.* As representatives of our professional sports leagues, you have the unique opportunity to lead the way—and do good for the entire nation—by preventing these crimes and setting an example when a crime occurs.

I believe there are three things you can do immediately:

*The first is prevention.* We need to stop these horrendous acts of violence before they happen. To do that, you need to act now by educating your players, employees, and their families that domestic violence is unacceptable and will not be tolerated. This education, or call it counseling or call it life coaching, is absolutely critical to prevent violence.

*Second, you need to create a real zero-tolerance policy for domestic violence.*

Earlier this year, I led a bipartisan group of 16 Senate women urging National Football League Commissioner Roger Goodell to institute a zero-tolerance policy for domestic violence.

It is up to ALL of our professional sports leagues to send that message to their players—that if they can't meet that standard, then they shouldn't be wearing the uniform. Why do I say that? Because like it or not, here is a fact—players are role models for our children.

*Finally, you need to ensure that the victims of domestic violence are encouraged to report these crimes and immediately given an independent advocate who will fight for them every step of the way.*

That means contracting with well-respected non-profit domestic violence organizations that are right there in the community.

I am proud that, in California at my urging, the University of California and the Cal State Universities have agreed to do this voluntarily.

I believe this same model should be used by all of you.

It is critical that our professional sports teams put the victim's needs at the center of their policies.

*Question 2a.* Will your organization commit to establishing a domestic violence prevention program that includes rigorous and mandatory training for all players, coaches, personnel—and their families?

Answer. The NBA is committed to vigilance with respect to domestic violence. We will continue to work closely with the Players Association to provide education, awareness training, and appropriate resources to NBA players and their families. We recognize our responsibility to do all that we can to prevent this destructive and unacceptable conduct from happening in the future.

*Collective Bargaining Agreement:* The Collective Bargaining Agreement between the NBA and the Players Association (CBA) will expire on June 30, 2021; however, both parties to the CBA have the option to terminate it on June 30, 2017 by providing written notice to the other party by December 15, 2016.

*Education and Training:* The NBA is committed to providing substantial education and training programs with respect to family violence issues.

1. In recent months, the NBA and the Players Association have worked together to strengthen the league's education and training programs, including:
  - a. Pursuant to the CBA, the NBA and Players Association conduct Team Awareness Meetings each season with all players on each NBA team, which cover selected topics determined annually by the NBA and the Players Association. As part of these Meetings, the NBA and the Players Association will be conducting sessions for all players focused solely on domestic violence and related issues during the 2014–15 season. These sessions, to be completed by mid-February of 2015, will be conducted by Ted Bunch, co-founder of A Call

to Men, a leading violence prevention organization providing training and education for men, boys, and communities, and Kalimah Johnson, founder of SASHA Center, a Detroit-based healing and awareness center focusing on sexual assault. We will be continuing this training going forward.

- b. We are working with the Players Association to set up a family violence focused hotline that would be available to all members of the NBA family. In addition, we are working with the Players Association, as well as the organizations representing players' spouses, mothers and fathers, to develop a training and education program for players' families.
2. In addition to the education and training set forth above, the NBA has taken the following steps:
    - a. During the 2014–15 season, we are requiring all NBA teams to conduct a live domestic violence awareness training session for team executives who work most closely with their players (*i.e.*, Basketball Operations, Community Relations, Public Relations, Player Development and Training staff members). The NBA has contacted three outstanding organizations to conduct these training sessions: Mentors in Violence Prevention; Futures Without Violence; and Safe Horizon. We will be continuing this training going forward.
    - b. In the process of taking a fresh look at our policies and practices in the domestic violence area, the NBA has sought guidance from experts in the field—including representatives from the Corporate Alliance to End Partner Violence, Men Can Stop Rape, Safe Horizon, Joyful Heart Foundation, and the Institute on Domestic Violence in the African American Community. We have also retained Valli Kalei Kanuha, a Professor of Social Work at University of Hawaii and well-known domestic violence expert, as a consultant. We will continue to work with these individuals and organizations, as well as others in the field, to ensure that our programs and policies are comprehensive and effective.

*Question 2b.* Will your organization commit to a zero tolerance policy that makes it loud and clear that domestic violence is wrong, and will not be tolerated?

Answer. Domestic violence is a serious societal issue that is antithetical to any community or organization that prides itself on the values of respect for others, good moral character, and common decency. These values are central to the NBA, and domestic violence is an issue that we are committed to handling with the proper significance and attention through a comprehensive, thoughtful and constructive set of policies (which includes education, counseling and the imposition of appropriate discipline).

As we did with Charlotte Hornets' player Jeff Taylor earlier this year, the NBA will respond to allegations of domestic violence and similar offenses with an independent investigation. (Mr. Taylor was suspended by the NBA for 24 games in November after an independent investigation, and Commissioner Silver's opinion setting forth the basis for this discipline has already been provided to the Committee.) Upon the conclusion of any such investigation, the NBA will determine the facts of the conduct at issue and impose discipline, if any is appropriate, based on those facts, and in consultation with appropriate NBA staff members and experts in the field of domestic/family violence. During this process, we will, with the help of these experts, make every effort to ensure that the victim receives the support that he or she needs, which may include education and counseling.

*Question 2c.* Will your organization commit to providing every victim with an independent advocate who will provide them the support that they need?

[Ms. Behrens did not reply to this question.]

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO MICHELE ROBERTS

*Question 1.* It's my understanding that only the NFL can promulgate uniform rules and policies to address domestic violence without reopening its collective bargaining agreement with the players unions.

*Question 1a.* For the others, can you please tell me where you are in negotiating new uniform policies to address domestic violence?

*Question 1b.* Does management and the unions see eye-to-eye on the major elements of a uniform policy, such as strong penalties and effective education and outreach?

Answer. Domestic violence is a topic that our players have long recognized needs to be addressed in a firm and comprehensive manner. Recent events have given us an opportunity to re-examine and strengthen the already comprehensive scheme the NBA and NBPA have in place, and add even more safeguards with a focus on prevention and counseling. We want to make sure that every player, wife, girlfriend, and family member has a safe environment to seek help without fear of retaliation or additional harm. Management and our union have worked closely together in this area in an unprecedented manner, as we try to lead by example and help create the kind of awareness and attention that this prevalent and society-wide problem deserves.

Our Collective Bargaining Agreement (CBA) will expire on June 30, 2021, though both parties have the option to terminate it on June 30, 2017. Despite our being two and a half years away from the next possible negotiation, the NBA and NBPA have already added to the existing CBA requirements by instituting a mandatory meeting for each team on domestic violence awareness. Our education and outreach efforts were discussed at the hearing in more detail, and are summarized again below.

We begin to broach the topic of domestic violence with our players years before they even enter the NBA. Each June at our Top 100 Camp, the NBPA brings together the Nation's elite high school basketball players, together with their parents, and helps prepare them for competitive life at the next level, with an emphasis on character, education and life-skills development. Close to 200 current NBA players have attended the Top 100 Camp. During the week-long program at the University of Virginia campus, the players work on their basketball skills, but the majority of each day is focused away from the court, where our staff of retired players, counselors, psychologists and psychiatric professionals lead large and small group discussions that, in part, focus specifically on respect issues with girls and women. At this young and impressionable age, we teach players that part of embracing their manhood includes treating every woman with kindness and respect. At last June's Camp, the boys—and their parents—spent a great deal of time with Kalimah Johnson, a very effective educator and founder of the SASHA Center, a Detroit-based healing and awareness center focusing on sexual assault.

The education continues the moment a player enters the league, with the Rookie Transition Program, a four-day joint program between labor and management that likewise focuses on personal skills development and provides training on numerous topics related to conduct, including domestic violence. In past years, Judge Glenda Hatchett has been a very effective voice delivering graphic and powerful presentations on the effects and consequences of sexual misconduct and abuse of women.

To complete the progression, we not only raise awareness for our players before and upon entering the NBA, but we now hold a Team Awareness Meeting, designed jointly by the NBA and NBPA, devoted solely to the topic of domestic violence. Kalimah Johnson of the SASHA Center and Ted Bunch, co-founder of A Call to Men, a leading violence prevention organization, are traveling around the country to meet with every NBA team for a session devoted solely to domestic violence awareness. These sessions supplement the year-round work done by our NBPA Player Programs staff—a group of seven retired players who work full-time for the union—together with the joint labor-management Player Assistance and Health Education Programs, that help players confront many of the emotional, anger management and other stress-related issues that can be at the root of a domestic conflict.

We have focused most recently on prevention and services to family members. At the union's expense, I convened a group of NBA mothers, fathers, spouses and girlfriends for an all-day session at our offices in New York. Those discussions were facilitated by a domestic violence expert, Karma Cottman, Executive Director of the D.C. Coalition Against Domestic Violence. Among other things, we identified as a principal need the establishment of a hotline and counseling service that will encourage not just players, but family members and other interested persons, to seek out help without the fear of retaliation or unintended consequences. Many people are fearful that if they speak out about the possibility or the actual occurrence of a domestic violence event, they will expose themselves to public ridicule, be alienated by relatives and friends, and/or jeopardize a player's livelihood, and, thus, put at risk their family's financial health. Everyone must be comfortable that there is a safe and confidential manner to seek help.

We fully believe in and support the Committee's and Congress' goal of eliminating domestic violence in sports, and we believe this goal is best accomplished by the leagues and players working together through collective bargaining and other joint programming to accomplish this universal objective. Together we can and will set a tone of appropriate respect for women and all family members.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO JESSICA BERMAN

*Question 1.* It's my understanding that only the NFL can promulgate uniform rules and policies to address domestic violence without reopening its collective bargaining agreement with the players unions.

*Question 1a.* For the others, can you please tell me where you are in negotiating new uniform policies to address domestic violence?

Answer. The current NHL/NHLPA Collective Bargaining Agreement addresses off-ice conduct, which includes domestic violence, and grants the Commissioner broad authority and discretion to act and impose discipline when a Player "has been or is guilty of conduct . . . that is detrimental to or against the welfare of the League or the game of hockey." With that being said, the NHL is in the process of reviewing its current policies to ensure that they are both effective and state-of-the-art. The National Hockey League remains committed to the principle of addressing Players' personal conduct problems in a meaningful way and we intend to engage and involve our Players' Association in any "next steps" that might prove appropriate.

*Question 1b.* Does management and the unions see eye-to-eye on the major elements of a uniform policy, such as strong penalties and effective education and outreach?

Answer. See answer to Question 1a which describes the NHL/NHLPA's current policy. With that being said, the NHLPA maintains the ability to file an appeal to the League's decision to discipline a player for off-ice conduct. From our experience, this decision is made on a case-by-case basis. Generally speaking, however, the NHL and NHLPA have worked effectively and collaboratively on education and outreach.

*Question 2.* The *New York Times* recently reported on special treatment that NFL players receive from law enforcement when they are accused and even arrested for domestic violence. The November 16 article reported that teams form cozy relationships with the local police, often employ off-duty officers, and give them special perks. According to the article, teams will work with law enforcement in order to minimize publicity and the negative impact on players. In one case, a player arrested for domestic violence was actually escorted by police back to the residence of the woman he assaulted. This is unbelievable.

*Question 2a.* Do your teams employ or otherwise provide financial benefits to off-duty police officers? If so, please give me the percentage of your teams that do so.

Answer. No.

*Question 2b.* Will you adopt a league-wide policy that prohibits such employment in order to avoid special, lenient treatment for players that run afoul of the law, including for domestic violence incidents?

Answer. We have not considered adopting a policy such as the one described in your question because we have no knowledge that any such employment exists in the NHL.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BARBARA BOXER TO  
JESSICA BERMAN

*Question 1.* The entire nation was shocked by the video of a football player knocking his fiancée unconscious in a hotel elevator and honestly I don't believe that anyone who saw that video will ever forget it—the punch and the dragging of a woman flopping like a rag doll on the cold hard floor.

Unfortunately this was not an isolated case: There have been 83 arrests of NFL players for domestic violence reported since 2000. In fact, 48 percent of all violent crime arrests for NFL players are for domestic violence.

We know this is not just a problem for the NFL. We have seen too many other horrific acts of violence perpetrated by professional athletes in the NBA, the NHL and in Major League Baseball.

We know that domestic violence is a problem that plagues our society as a whole—and we know that it is time for all of us to act to address this epidemic.

So I have some questions that I want to ask all of the sports leagues that are represented here today:

*Question 1a.* We know that, tragically, most cases of domestic violence go unreported. How many allegations of domestic violence has your league received in the last decade?

Answer. Allegations of domestic violence which are not reported to us or which do not appear in the media are handled through the NHL/NHLPA Substance Abuse



and Behavioral Health Program. Based on our inquiry to the independent medical professionals who are charged with administering that Program, during the history of the Program (approaching 20 years), the number of contacts for domestic violence-related incidents amount to no more than a “handful,” none of which would have triggered legal reporting requirements. Because of the confidential nature of the Program, precise details beyond those that are provided here are not available to the League.

*Question 2.* As representatives of our professional sports leagues, you have the unique opportunity to lead the way—and do good for the entire nation—by preventing these crimes and setting an example when a crime occurs.

I believe there are three things you can do immediately:

*The first is prevention.* We need to stop these horrendous acts of violence before they happen. To do that, you need to act now by educating your players, employees, and their families that domestic violence is unacceptable and will not be tolerated. This education, or call it counseling or call it life coaching, is absolutely critical to prevent violence.

*Second, you need to create a real zero-tolerance policy for domestic violence.*

Earlier this year, I led a bipartisan group of 16 Senate women urging National Football League Commissioner Roger Goodell to institute a zero-tolerance policy for domestic violence.

It is up to ALL of our professional sports leagues to send that message to their players—that if they can’t meet that standard, then they shouldn’t be wearing the uniform. Why do I say that? Because like it or not, here is a fact—players are role models for our children.

*Finally, you need to ensure that the victims of domestic violence are encouraged to report these crimes and immediately given an independent advocate who will fight for them every step of the way.*

That means contracting with well-respected non-profit domestic violence organizations that are right there in the community.

I am proud that, in California at my urging, the University of California and the Cal State Universities have agreed to do this voluntarily.

I believe this same model should be used by all of you.

It is critical that our professional sports teams put the victim’s needs at the center of their policies.

*Question 2a.* Will your organization commit to establishing a domestic violence prevention program that includes rigorous and mandatory training for all players, coaches, personnel—and their families?

Answer. The NHL has already instituted (and currently employs) a comprehensive educational program pursuant to which it educates its Players and their families on issues related to relationship conflict and domestic violence. It is and has been for at least the last decade a priority in our various Player education-related programs and curriculum. Having said that, and in light of recent events both generally and specific to our League, we have undertaken a process of reviewing our current education programs for Players, personnel and their families, both at the League and local Club level to ensure that they are both effective and state-of-the-art. The National Hockey League remains committed to ensuring that Players’ personal conduct remains appropriate and socially acceptable, and in addressing unacceptable conduct in a responsible and meaningful way.

*Question 2b.* Will your organization commit to a zero tolerance policy that makes it loud and clear that domestic violence is wrong, and will not be tolerated?

Answer. See answer to Question 2a.

*Question 2c.* Will your organization commit to providing every victim with an independent advocate who will provide them the support that they need?

Answer. See answer to Question 2a.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO STEVEN FEHR

*Question 1.* It’s my understanding that only the NFL can promulgate uniform rules and policies to address domestic violence without reopening its collective bargaining agreement with the players unions.

*Question 1a.* For the others, can you please tell me where you are in negotiating new uniform policies to address domestic violence?

Answer. As both Ms. Jessica Berman (for the NHL) and I (for the NHLPA) explained at the hearing on December 2, the subject of discipline by the League for player “off-ice” misconduct, which would include domestic violence, was dealt with during the recent round of collective bargaining which resulted in a new collective bargaining agreement reached in January 2013. The NHL and the NHLPA are thus not currently negotiating new policies regarding domestic violence. As part of the new CBA there are provisions which (1) allow the Commissioner to discipline a player for “off-ice” conduct; (2) allow the player to appeal any such discipline to a neutral arbitrator; and (3) give the Commissioner the ability under certain limited circumstances to suspend a player even though he has been unable to complete his investigation of the matter due to a potential criminal proceeding, also with the ability of the player to challenge that action before a neutral arbitrator. A case has arisen recently which may bring these provisions into play (it would be the first such case). As it runs its course, that case may provide the parties an opportunity to assess how well those provisions are working.

*Question 1b.* Does management and the unions see eye-to-eye on the major elements of a uniform policy, such as strong penalties and effective education and outreach?

Answer. We believe that the parties have worked effectively on education and outreach. We continue to do so and of course are always looking for ways to improve our efforts in this area. As for the nature and extent of the penalties, the parties have agreed to a process in the recently-negotiated CBA that is intended to ensure that any penalties issued by the Commissioner respond appropriately to the circumstances. As outlined above, the recently-negotiated CBA provides a mechanism for the Commissioner to issue discipline and for that discipline to be appealed to a neutral arbitrator. The arbitrator is mandated to determine, among other things, whether the penalty is appropriate given the particular facts and circumstances surrounding the conduct at issue and whether it is proportionate to the gravity of the offense.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN THUNE TO  
STEVEN FEHR

*Question.* In an op-ed that appeared in the November 13, 2014 edition of the *New York Times*, NBA Commissioner Adam Silver called on Congress to “adopt a Federal framework that allows states to authorize betting on professional sports, subject to strict regulatory requirements and technological safeguards.” What are the views of the NHLPA on Commissioner Silver’s proposal? Please explain your answer.

Answer. We have never before seriously considered this issue, we have not talked to our members about this, nor have we developed a view. But since the NHL has a much larger presence in Canada than the NFL, MLB, or NBA, we would need to seriously consider the legal landscape in Canada and its provinces as well before developing a view or advocating for a position.



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