



September 12, 2023

Resolution in Support of NCAA Divisions I, II, and III Student-Athlete Advisory Committee

Whereas, the NCAA Divisions I, II, and III Student-Athlete Advisory Committees have presented a letter dated June 12, 2023, urging members of the U.S. Congress to maintain the distinct classification of student-athletes as individuals separate from being reclassified as employees of their respective institutions;

Whereas, collegiate athletics play a vital role in fostering personal and athletic development, teamwork, discipline, and leadership among student-athletes;

Whereas, the current status of student-athletes recognizes the fundamental principle of the collegiate student-athlete model, allowing students to participate in sports while pursuing their education but not being compensated by member institutions for participating in a sport;

Whereas, being classified as students rather than employees enables student-athletes to benefit from academic support services, scholarships, and other educational opportunities, contributing to their overall academic success;

Whereas, the reclassification of student-athletes as employees could potentially undermine the core principles of the collegiate student-athlete model, leading to significant changes in the landscape of collegiate sports; and

Whereas, considering student-athletes as employees may create financial burdens on institutions and potentially restrict opportunities for student-athletes from lower profile sports programs;

Be it resolved that both the Faculty Athletics Representatives Association Executive Committee and the Board of Directors of the 1A Faculty Athletics Representatives, representing the Faculty Athletics Representatives at the more than 1,100 NCAA campuses, fully support the NCAA Divisions I, II, and III Student-Athlete Advisory Committee in their statement to the members of the U.S. Congress to retain the distinct classification of student-athletes as students rather than reclassifying them as employees of their institutions.

Signed,

Faculty Athletics Representatives Association Executive Committee
Board of Directors of the 1A Faculty Athletics Representatives



June 12, 2023

The Honorable Maria Cantwell
U.S. Senate
318 Cannon House Office Building
Washington, D.C. 20515

The Honorable Ted Cruz
U.S. Senate
318 Cannon House Office Building
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The Honorable Cathy McMorris-Rodgers
U.S. House of Representatives
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The Honorable Frank Pallone
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The Honorable Lindsey Graham
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The Honorable Jim Jordan
U.S. House of Representatives
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The Honorable Jerry Nadler
U.S. House of Representatives
318 Cannon House Office Building
Washington, D.C. 20515

Dear Congressional Leaders:

I hope this letter finds you in good health and high spirits. As the chair of the Division I Student-Athlete Advisory Committee (SAAC), I am writing to express our strong belief in the necessity of federal action to address the complex and evolving landscape of Name, Image, and Likeness (NIL) and student-athlete employment status in college sports. Division I SAAC represents the nearly 190,000 student-athletes who participate in Division I sports within the NCAA. The SAAC serves as a voice for student-athletes within Division I governance, providing input and feedback on various issues that affect our

collegiate experience. It acts as a liaison between student-athletes, athletic administrators, and the NCAA, advocating for the welfare and well-being of Division I student-athletes. We humbly request your attention and support in this matter to ensure the well-being and fair treatment of student-athletes nationwide.

First and foremost, we seek federal action to enhance safeguards and provide resources for student-athletes, mitigating the risk of bad actors in the NIL market and ensuring that contracts and commitments are honored. While the opening of NIL opportunities is a welcomed development, it is vital that we establish comprehensive mechanisms to protect student-athletes from potential exploitation or unfair treatment. Robust oversight and enforcement mechanisms, including clear guidelines and a regulatory framework, are crucial to safeguarding the interests of all parties involved.

Federal action is necessary in this area for the following reasons:

1. **Protecting Student-Athletes' Interests:** Student-athletes, often young and inexperienced in navigating the business world, may be susceptible to exploitation or unfair treatment by unscrupulous individuals or entities seeking to take advantage of their NIL. Without proper safeguards, student-athletes could find themselves entering into unfavorable or exploitative contracts that could harm their personal and financial well-being.
2. **Upholding Contractual Obligations:** Honoring contracts and commitments is crucial for maintaining trust and stability in the NIL market. Without proper enforcement mechanisms, student-athletes may face situations where contracted parties fail to fulfill their obligations or attempt to back out of agreements. This not only undermines the financial security of student-athletes but also erodes the credibility and integrity of the entire NIL ecosystem.

Furthermore, it is important to affirm the current and unique relationship between universities and student-athletes. **Student-athletes *should not be employees of their institution.*** The collegiate model, which places significant emphasis on the integration of academics and athletics, fosters personal growth, educational attainment, and character development. Preserving the traditional collegiate experience, where student-athletes are first and foremost students, is essential for maintaining the integrity and values inherent in college sports. By recognizing the unique relationship between student-athletes and their institutions, Congress can help ensure that the core purpose of college sports is preserved.

This acknowledgement recognizes the fundamental principle that student-athletes are primarily students, pursuing their education while participating in athletics.

The following are key reasons why preserving the non-employee status is essential for maintaining collegiate sports:

1. **Educational Focus:** Maintaining the non-employee status of student-athletes emphasizes the educational aspect of their college experience. It ensures that the primary focus remains on our academic pursuits and the pursuit of a degree. By prioritizing education, student-athletes are provided with opportunities to excel in both their academic and athletic endeavors.
2. **Workload and Time Commitments:** The demands placed on student-athletes in terms of academics, training, competition, and travel are already considerable. Student-athletes as employees could further increase our workload and time commitments. Balancing academic schedules with athletic requirements could become even more challenging, potentially impacting the well-being and academic performance of student-athletes.
3. **Amateurism and Fair Play:** Amateurism is a founding principle of college sports, distinguishing it from professional sports. Maintaining the non-employee status reinforces the ideals of amateurism, fair play, and equal opportunity for all student-athletes. Preserving non-employee status also helps institutions maintain compliance with Title IX. By treating all student-athletes as participants in a non-employment capacity, institutions can ensure fairness and equity in resource allocation and athletic opportunities.
4. **Financial Sustainability:** Treating student-athletes as employees would introduce significant financial implications for institutions. The cost associated with salaries, benefits, compliance with labor laws, and other employment-related expenses would put significant strain on the financial viability of athletic programs. This could lead to budget constraints, program cuts, or even the elimination of certain sports, limiting opportunities for student-athletes. Maintaining non-employee status helps to ensure the financial sustainability of collegiate sports programs.

Overall, treating student-athletes as employees would have a profound impact on the student-athlete experience. It would significantly increase time commitments, potentially compromising our ability to balance academics, athletics, and personal life. The added pressure and demands associated with employment could lead to heightened stress levels, limited flexibility, and potential challenges in managing academic coursework. Financial considerations, including compensation, benefits, and tax implications, would also arise, potentially altering the existing scholarship model. Furthermore, reclassifying student-athletes as employees could disrupt the unique collegiate culture, identity, and sense of pride associated with representing their educational institutions, as their focus shifts more towards professional obligations rather than the holistic development and educational experience that college sports aim to provide.

Another critical aspect of federal action requested is identifying select areas where the NCAA membership needs safe harbor from legal complaints to effectively oversee college sports nationally. While accountability and transparency are essential, it is equally important to strike a balance that allows the NCAA to regulate and administer collegiate athletics without undue interference. By providing legal protections and clarifying the scope of NCAA authority in specific areas, we can ensure effective oversight and governance while addressing legitimate concerns.

Safe harbor from constant litigation will allow the NCAA to focus on student-athlete welfare. Safe harbor protection allows the NCAA to concentrate its efforts and resources on initiatives that promote the well-being of student-athletes. By providing a legal framework that shields the NCAA from excessive litigation, it can allocate its time and resources to areas such as academic support, health and safety protocols, mental health resources, and other programs that benefit student-athletes. The focus on student-athlete welfare is essential in preserving the collegiate model and maintaining the balance between academics and athletics.

Finally, we urge Congress to codify that federal law preempt state law in certain areas, such as name, image, and likeness. The current patchwork of more than 30 differing state NIL laws creates an uneven playing field for all college athletes. The absence of consistent regulations across state lines creates logistical challenges, legal ambiguities, and an imbalanced competitive landscape. Federal legislation that supersedes conflicting state laws would establish a level playing field and provide much-needed uniformity. Codifying federal law over state law in the NIL space is essential to establish uniformity, clarity, fairness, and national oversight. It would promote equal opportunities for college athletes, avoid compliance burdens, and ensure a consistent framework for navigating the complexities of NIL. By taking a comprehensive and unified approach, Congress can provide a stable and predictable environment for student-athletes to exercise their NIL rights while preserving the integrity and competitiveness of college sports.

Federal legislation in this area would provide student athletes with the following benefits:

1. **Uniformity and Consistency:** The current patchwork of more than 30 disparate state NIL laws creates an uneven playing field for college athletes. Each state has the autonomy to establish its own rules and regulations, leading to significant variations in NIL rules, restrictions, and compliance requirements. Codifying federal law over state law would establish a unified and consistent framework that ensures all college athletes, regardless of their geographic location, have equal opportunities and protections in the NIL market.
2. **Level the Playing Field:** State NIL laws can create disparities and competitive imbalances among colleges and universities. Institutions in states with more permissive NIL laws may have an advantage in recruiting top athletes and securing lucrative endorsement opportunities. Codifying federal law would help level the playing field by establishing a consistent set of rules that apply nationwide, ensuring

fairness and equal opportunities for all college athletes, regardless of their state of residence or the institutions they represent.

In conclusion, we implore you to take decisive action in support of federal legislation addressing NIL and student-athlete employment-status in college sports. By enhancing safeguards, affirming the unique university-student-athlete relationship, providing safe harbor for the NCAA, and establishing federal preemption in certain areas, we can bring stability, fairness, and consistency to the evolving NIL landscape.

We are available and eager to collaborate with you and your colleagues to ensure that the voices and interests of student-athletes are well-represented in the legislative process. We appreciate your attention to this critical matter and look forward to discussing it further.

Thank you for your dedication to public service and your commitment to the betterment of college sports.

Sincerely,



Cody Shimp

Chair, Division I Student-Athlete Advisory Committee (SAAC)





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Dear Congressional Leaders:

The NCAA Division II Student-Athlete Advisory Committee (DII SAAC) fully supports the NCAA Board of Governors Subcommittee on Congressional Engagement and Action in ensuring that the current landscape of college athletics continues to benefit student-athletes above all else. We want to emphasize that we are not advocating for college athletics to remain unchanged. DII SAAC encourages the continued evolution of college athletics with an emphasis on the student-athlete voice being critical in identifying the ever-changing needs of student-athletes. Congress can provide federal legislative guidance to ensure the NCAA can provide college athletes with one of the most meaningful experiences of their lives.

DII SAAC represents nearly 120,000 student-athletes across 23 conferences and two countries. We recognize that it is our responsibility to act as representatives on behalf of all student-athletes

and act in the best interests of current and future Division II athletes. DII SAAC has the unique ability to vote on legislative changes within Division II. We are committed to using our voices to make Division II the best it can be and represent our fellow student-athletes proudly.

Division II operates on the “Life in the Balance” philosophy. Division II uses a partial scholarship model that allows student-athletes access to athletics and academic aid. Division II encourages our student-athletes to partake in experiences outside of athletics. We proudly highlight the Division II commitment to community engagement and partnerships with organizations like Make-A-Wish and Team IMPACT. Through a balanced college experience, student-athletes gain valuable personal and professional experiences that can be applied throughout their time after the final competition has ended.

When the new NCAA constitution was approved in 2022, student-athletes in all three divisions were adamant about maintaining the label “student-athletes.” We take pride in being labeled as “students” first and foremost, and “athletes.” Division II encourages student-athletes to succeed both in their sport and in the classroom. On average, Division II student-athletes have a higher graduation rate than the general student body. The choice of language was purposeful to ensure that student-athletes are considered as such. However, recent legal challenges may infringe on our ability to be considered student-athletes. DII SAAC believes that changes – such as the implementation of employment models – could significantly impact the experiences of our student-athletes. We applaud the work elected officials are doing to help guide new endeavors for college athletes, such as NIL legislation. We want to affirm that while the landscape of college athletics may be shifting, we want to remain as “student-athletes” and not employees. The experiences we are afforded through Division II are irreplaceable, and by the implementation of employment models into college athletics, we risk losing all that makes being a “student-athlete” so impactful.

DII SAAC is asking Congress to consider maintaining student-athlete status as its own classification rather than reclassifying us as employees and to continue to monitor the ways in which the current experiences of student-athletes can be improved. We encourage Congress to regard this statement as a representation of the voice of thousands of student-athletes. This is our voice, and we want to ensure that we are heard at all levels where decisions about college athletics are being made. DII SAAC, on behalf of nearly 120,000 student-athletes, thanks Congress for its continued support of the NCAA and student-athletes everywhere.

Kind regards,



Emma Kramer

Simon Fraser University

NCAA Division II Student-Athlete Advisory Committee Chair

NCAA Division II Student-Athlete Advisory Committee

Laura Amaya, Roberts Wesleyan University
Kara Amos, Missouri Southern State University
Eddie Baker, The College of Saint Rose
Scott Borgmann Jr., Wilmington University (Delaware)
Michaela Boyd, Azusa Pacific University
Davaris Cheeks, Concordia University, St. Paul
Addison Courtney, Fairmont State University
Cullen Dore, Francis Marion University
Haley Gilbert, Augusta University
Molly Hansen, University of Montevallo
JJ Hayes, Palm Beach Atlantic University
Avery Hellmuth, Oklahoma Baptist University

Scout Huffman, Texas Woman's University
Shani Idlette, Clark Atlanta University
Myles Jackson, Queens College (New York)
Emma Kramer, Simon Fraser University
Dani Mabry, Rockhurst University
David Mayser, University of Hawaii at Hilo
Courtney Medwin, West Chester University
Austin Mondello, Colorado Mesa University
Alexis Montalvo, Ashland University
Tanner Olson, University of Wisconsin-Parkside
Corbin Thaete, California State University, San Marcos
Katie Williamson, Southern Connecticut State University



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Dear Congressional Leaders:

The NCAA Division III Student-Athlete Advisory Committee fully supports the NCAA Board of Governors Subcommittee on Congressional Engagement and Action in ensuring that the current landscape of college athletics continues to benefit student-athletes more than anything else.

Of the NCAA's half a million student-athletes, approximately 200,000 participate in Division III across 439 institutions and 44 conferences — making it the largest division in the NCAA. DIII SAAC is the voice of our 200,000 fellow student-athletes who are excelling in the classroom, on their teams and in their local communities. Division III institutions help develop student-athlete potential through a holistic educational approach that include rigorous academics, competitive athletics without athletics scholarships, and opportunities to pursue other interests and passions.

We recognize that it is our responsibility to function as representatives on behalf of all student-athletes and act in the best interests of current and future Division III athletes. We want to emphasize that we are not advocating for college athletics to remain unchanged. Rather, DIII SAAC encourages Congress to provide federal legislative guidance to guarantee the NCAA can provide college student-athletes with one of the most significant experiences of their lives.

DIII SAAC is asking Congress to preserve student-athlete status and not reclassifying us as employees. We encourage Congress to continue to monitor the landscape of college athletics and aid in ways to improve and protect the experiences of student-athletes.

By protecting our experience, you ensure the continuation of Division III athletics for generations to come. The student-athlete experience provides so much that cannot be found elsewhere. By providing a protection and ensuring student-athletes are not considered employees, you preserve the experience and development of thousands of student-athletes.

The student-athletes who represent our 439 institutions embrace the Division III experience and what makes Division III distinct:

- Division III student-athletes do not get athletically related financial aid (no athletics scholarships).
- The Division III philosophy statement maintains that student-athletes are not treated differently from other members of the student body. We have no desire to have our student-athlete status formalized in any way that would constitute an employment relationship and change how we look compared with our peers.
- We are grateful for the name, image and likeness opportunities now afforded but remain confused about how they apply in different states. Division III consists of smaller institutions with fewer staff, which makes it difficult to navigate the numerous state rules. Consistent NIL rules would benefit every division.
- Division III student-athletes play for the love of the game and for the community it provides, and many athletes feel as though their sport is not only a vital part of the college experience, but also of their personal identity.
- Being a Division III student-athlete is an experience like no other. Many of us chose Division III to receive a rigorous education where athletics is intertwined into our lives with the opportunity to play multiple sports, participate in internships, study abroad and actively participate in our campus community while taking advantage of professional development opportunities for our life after college.

We applaud the work elected officials are doing currently to help guide new endeavors for college athletes, such as NIL legislation and the realization that more needs to be done. Please regard this letter as a representation of the voice of the 200,000 student-athletes who represent Division III. The student-athlete voice is strong, and we want to guarantee we are heard at all levels where decisions about college athletics are being made. We thank Congress for its collaboration with the NCAA and student-athletes everywhere.

Sincerely,



Vaishnav Siddapureddy
Division III Student-Athlete Advisory Committee Chair
Pomona-Pitzer Colleges



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Division III Student-Athlete Advisory Committee Vice Chair
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Josh Africa, Penn State Harrisburg
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Zach Bulthuis, Carthage College
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Julia Cuttone, Baruch College
Zack Durr, Castleton University
Gabby Elliott, Denison University
Grace Hadlick, The College of St. Scholastica
Julia Hathaway, Virginia Wesleyan University
TJ Hill-Johnson, William Peace University
Daniele Iaboni, Anna Maria College
Emma Kircher, Eastern University
Chris Krum, Albion College
Noah LaBelle, Anderson University
Theodore Lockhart III, William Paterson University of New Jersey
Kai McClelland, Trinity University
Molly Malachow, Pennsylvania State Univ. Erie, the Behrend College
Muthu Meenakshisundaram, University of Minnesota, Morris
Kameri Meredith, University of Wisconsin, River Falls
Adaobi Nebuwa, Colby College
Hayley Peck, Purchase College
Dominic Petruzzelli, Cabrini University
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Maddie Russell, Pacific University (Oregon)
Rachel Sinclair, Worcester State University
Myora Slaughter, Rosemont College
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