

June 7th, 2024

Dear Staff of the House Education & Workforce Committee,

My name is Davaris Cheeks. I am a former Division II football student-athlete from Concordia University St. Paul and a representative of the NCAA Division II Student-Athlete Advisory Committee (SAAC). My peers and I serve on behalf of all NCAA Division II student-athletes and use our voice to strengthen and protect the student-athlete experience.

There have been monumental shifts occurring across the country that directly impact student-athletes, and while some of these opportunities are positive and provide new advantages for student-athletes to leverage throughout their experience, an overwhelming majority of athletes fear for the integrity of their sport and, more importantly, the ability to pursue their degree.

As stated by ESPN and other news sources, “the NCAA and its leagues are moving forward with a multibillion-dollar agreement to settle three pending federal antitrust cases. The NCAA will pay more than \$2.7 billion in damages over 10 years to past and current athletes, sources told ESPN. Sources said the parties also have agreed to a revenue-sharing plan allowing each school to share up to roughly \$20 million per year with its athletes” (ESPN, 2024).

Student-athletes, specifically those that attend any of the five Division I power conferences, have been advocating for compensation for years and are beginning to see the fruit of their labor. Given the visibility and commitment alongside pursuing education and navigating the college landscape, the compensation is well deserved for these athletes and can make an extraordinary difference for the NCAA and these student-athletes.

However...

With this new groundbreaking triumph still lurks some potentially devastating pieces of legislation that could deplete opportunities for the majority of student-athletes that make up the association across all three divisions.

There are several NLRB cases and lawsuits that revolve around classifying individuals and/or a team at a single school as employees of their institution, but those decisions could directly impact all 500,000 student-athletes and 1,100 schools across the three divisions:

[College Athlete Right to Organize Act](#): Sen. Murphy (D-CT) and Rep. Bowman (D-NY)

- Additional link to legislation - [H.R.6616](#)

While there have been tremendous efforts from NCAA stakeholders, congresspeople, lobbyists, and direct student testimonies to deter and amend this legislation, there is still a potential trickle down effect that can enact this legislation that classifies student-athletes as employees.

I urge you to support legislation that would declare a special status for student-athletes, so we do not become employees of our institution.

Representative Bob Good (R-VA-05) [introduced the “Protecting Student Athletes’ Economic Freedom Act.”](#) The bill prohibits a varsity student-athlete from being considered an employee of an institution, a conference or an association. NCAA schools, conferences and student-athletes overwhelmingly agree an employment model is not the answer for college sports and that it is likely to have widespread negative impacts. With continued legal and legislative activity that threaten to turn college athletes into employees of their institutions, this is an important opportunity for members of Congress to support legislation that would protect against such a model.

Student-athlete leaders from all three NCAA divisions [issued statements supporting the bill.](#)

Specifically, as a heavily involved Division II student-athlete, many of my accomplishments would not have been attainable without the “life in the balance” philosophy that our institutions uphold, allowing us to find balance between athletics, academics, and other areas of involvement that student-athletes choose to pursue. Having the expectations of an employee would shift all the existing flexibility towards a model that demands minimum hours of work, specific performance expectations, and severed relationships between coaches and players.

In addition, student-athletes have been unfortunately immersed in the mental health phenomena for decades and there have been many advocacy efforts to better support the demands that come with being a college athlete. This reclassification would create a pressure to perform, as expectations and income would become justified by performance, experience, and talent. This directly contradicts the current framework the NCAA works under that has produced [an average graduation rate of 85%](#) across the three divisions , allowing the overwhelming majority of student-athletes to obtain a degree by the end of their athletic career.

Alongside these ramifications, the majority of olympic sports would be at jeopardy as this model would merely only support sports and schools that generate enough revenue to provide this employee based payment model which does not encompass the majority of Division III, Division II, and many Division I institutions. It is important to note that minimum wage varies by state, so this model would naturally create conflict between state and federal laws and distort the accessibility barrier that is already present for international student-athletes looking to find work and obtain the proper visas.

Student-athletes are the biggest stakeholders in college sports, and I believe Congress is the only body that has the ability to stabilize college sports’ legal environment and provide student-athletes with a fair, inclusive and consistent experience. Your voice can be the difference between student-athletes being able to receive encouraging athletic experiences that motivate student-athletes in the classroom and push them to create generational changes that positively impact communities all over the country. The protection of the current NCAA model that prioritizes student-athlete wellbeing, equity and academic excellence is pivotal to the economic growth of our country and exemplifies a platform for young leaders to come out of college with versatile skill sets that display resilience and adaptability in many different capacities. College sports saved my life and have provided me a platform to assist student-athletes with similar upbringings as my own. Please, help me in this effort to fortify the foundation that has proven to inspire student-athletes all over the country and ensure that they can maintain a future to excel in their pursuits during and after their collegiate tenures.

I highly encourage you to support [H.R.8534](#) (Representative Bob Good [R-VA-05]) that would declare a special status for student-athletes, so that they do not become employees of their institution.

I would be happy to discuss this topic further or provide additional information. Do not hesitate to contact me directly at (704) 978-9093 or cheeksd@csp.edu.

With gratitude,

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