

House Committee on Education and Workforce
Subcommittee on Health, Employment, Labor, and Pensions

Jacqueline (Jacqie) D. McWilliams Parker

Written Testimony

Commissioner, Central Intercollegiate Athletic Association (CIAA)

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Chairman Allen, Ranking Member DeSaulnier, and Distinguished Members of the Subcommittee,

Thank you for the invitation to serve as a witness for the hearing on “Game Changer: The NLRB, Student-Athletes, and the Future of College Sports.” For the past 13 years, I have served as the 3rd full time commissioner of the Central Intercollegiate Athletic Association (CIAA), the first Historically Black College and University athletics conference established in 1912. The CIAA represents 1 of 4 HBCU conferences within Divisions’ I and II of the National Collegiate Athletic Association (NCAA). As members of the NCAA, our four Conferences include 49 institutions spanning nearly twenty states. We serve 15,000 student athletes, and bring together millions of HBCU alumni, fans and communities in celebration of our rich history and traditions.

For over 33 years, not including my time as a former student athlete and a participant on a national championship basketball team at Hampton University, and a former coach, I have been committed to giving back to an industry that provided me access and opportunity far beyond the field! As leader of our conference where athletics has brought life and economics to our communities, I have a responsibility to protect the integrity and future of our member institutions and ensure that any changes in policy do not negatively impact the student athlete experience or the financial viability of our HBCUs. Today, with that responsibility in mind, I am particularly concerned with the implications of classifying student-athletes as employees, specifically as they relate to HBCUs competing in NCAA Division I & II. This issue carries significant ramifications for the financial stability of the institutions, the sustainability of their athletic programs that provide opportunities, and the vitality and connection athletics bring to our HBCU communities.

HBCUs Competing in Division I and Division II:

There are currently 49 NCAA HBCU institutions, with 23 competing in Division I and 26 in Division II representing both public and private institutions. These schools provide athletic and academic opportunities for thousands of student-athletes, many of whom rely on scholarships and institutional support to pursue their education while competing in sports. In our conferences, there are countless cases where athletic participation makes a college education obtainable.

In Division I, notable institutions include:

- **Hampton University (Private)**
- **Howard University (Private)**
- **Norfolk State University (Public)**
- **Alabama State University (Public)**

- **Morgan State University (Public)**

CIAA represents 12 Division II institutions, with over 3,000 student-athletes across six (6) states. In Division II, notable institutions include:

- **Bowie State University (Public)**
- **Johson C. Smith University (Private)**
- **Lincoln University (Private)**
- **Shaw University (Private)**
- **Virginia Union University (Private)**
- **Fayetteville State University (Public)**
- **Virginia State University (Public)**
- **Albany State University (Public)**
- **Benedict College (Private)**
- **Clark Atlanta University (Private)**
- **Lane College (Private)**
- **Miles College (Private)**

HBCU Athletic Programs Operating in a Deficit:

Many HBCU athletic programs, particularly in Division II, operate at a financial deficit and already face financial challenges in maintaining their athletic programs. Studies have shown that a majority of HBCU athletic departments require institutional subsidies to remain operational. In some cases, schools allocate millions of dollars from their general budget to support athletics, creating financial strain on other academic and student support services. These institutions operate in a landscape that is often financially strained, relying heavily on donations, state funding, and limited revenue from athletics.

Unlike larger institutions that generate significant revenue through media rights, sponsorships, and ticket sales, HBCUs often struggle to cover the full costs of their athletic programs. For instance, in 2014, public HBCUs in the Football Championship Subdivision (FCS) collectively incurred a deficit of approximately \$128.6 million when excluding subsidies from institutional support, government aid, and student fees. This underscores the heavy reliance of these programs on external financial support to remain operational. In NCAA Division II, financial disparities are also evident. According to the NCAA, the median total expenses for Division II institutions with men's football programs were approximately \$6.8 million in 2021, while those without football had median expenses around \$5.5 million. These figures highlight the varying financial commitments required to support athletic programs across different institutions.

Transitioning student athletes to an employment model would place an even greater strain on already strapped athletic department budgets, potentially leading to the down grading or outright elimination of certain sports; or the reduction of scholarships and other resources available to student-athletes. Whether the intention is to transition to an employment model that wholly replaces the present scholarship/grant-in-aid model; or to have the costs of student-athletes education be wrapped into or added the expected salaries (along with benefits, insurances, meals and lodging), the actual amounts would be staggering and most likely unfeasible for the majority of the institutions we are discussing today.

My Experience as an HBCU DII Student-Athlete:

As a former student-athlete at an HBCU in Division II, I have experienced firsthand the balance of pursuing an education while competing in two sports I love. While there were challenges—particularly regarding financial resources and the strain of balancing athletics and academics—the opportunity to compete for my institution was integral to my personal growth and education. The total cost of attendance to include tuition, room, board and fees, marketing and branding, the opportunity to travel, apparel and access to the academic and professional network is priceless as a student-athlete. That experience prepared me for this moment. However, the financial constraints placed on athletic programs, specifically women's and Olympic programs at Division II HBCUs, often mean that student-athletes like me must work harder to make ends meet, relying on limited scholarships and financial aid.

Like many student-athletes in similar institutions, I was committed to excelling both in the classroom and in my sport, often making significant personal sacrifices. The education I received, along with the mentorship from my coaches, was crucial in shaping my career beyond athletics. The idea of transitioning up to 86,000 student-athletes to employees is an important issue, but it should be approached with the understanding of the unique context of schools that I currently lead as the commissioner. Many HBCUs, especially those in Division II, have far too limited financial resources to offer student-athletes full employment benefits. As I reflect on my experience and the current landscape of athletics and resources, I worry that such a transition could further stretch the resources of these institutions and divert attention from the educational and developmental goals that made my experience so valuable and from the purpose for which these institutions exist in the first place.

Financial Challenges Facing HBCU Athletic Programs:

HBCU athletic departments, particularly those in Division I and Division II, are not typically major revenue-generating entities, unlike larger institutions. In fact, many of these schools rely on institutional subsidies and external funding to balance their budgets. Classifying student-athletes as employees could exacerbate these financial challenges, creating further disparities between institutions with more substantial resources and those with more limited financial capabilities.

Pros of Classifying Student-Athletes as Employees:

1. **Enhanced Compensation and Benefits:** Recognizing student athletes as employees could provide them with salaries, health insurance, and retirement benefits, addressing financial challenges that many face.
2. **Legal Protections:** As employees, student-athletes would be entitled to protections under labor laws, ensuring fair treatment and the ability to address grievances.

Cons of Classifying Student-Athletes as Employees:

1. **Increased Financial Strain on Institutions:** The obligation to provide salaries and benefits could exacerbate existing financial deficits, particularly for HBCUs and Division II schools. This may lead to reductions in athletic programs, cutting opportunities for student-athletes.
2. **Erosion of Amateurism:** Transitioning to an employment model would fundamentally alter the traditional concept of amateur athletics. The focus would shift from education, personal development, and the holistic experience of student-athletes to a more commercialized approach. The student-athletes' primary role

would become that of a paid employee, and the academic mission of institutions could become secondary to revenue generation.

3. **Impact on Title IX Compliance and Olympic Sports:** One significant concern with transitioning to an employment model is the potential impact on Title IX compliance. Title IX mandates that institutions provide equal opportunities for male and female athletes. If student athletes are classified as employees, ensuring fair compensation across sexes and sports, including those in Olympic sports that often receive less attention, could become more difficult. Many Olympic sports, which are not typically revenue-generating programs, could face cuts or drastically reduced opportunities as institutions prioritize sports that bring in more revenue. Additionally, the financial burden of compensating student athletes in all sports could challenge schools' ability to maintain balanced athletic programs that meet Title IX's requirements as well as what higher education was intended for—to support all students.
4. **Widening Resource Disparities:** Institutions with more significant financial resources may be better positioned to absorb the additional costs associated with employing student athletes, potentially widening the competitive gap between well-resourced programs and those with fewer financial resources, such as Division II HBCUs.

If this is the direction we are heading, let's be frank about what it means. A move toward an employment model for student-athletes would shift college sports from being a pathway to education and a developmental platform for hundreds of thousands of student-athletes across dozens of sports at more than 1,000 colleges and universities, to a professional occupation concentrated among a few sports primarily at America's largest universities. If that is indeed the desire, we should acknowledge and label it clearly, so that we can have an honest discussion about the challenges and consequences, including the strain it may place on smaller, resource-limited institutions like HBCUs, and the fairness issues it could raise; especially in terms of Title IX and the support for Olympic sports.

Given the anticipated negative outcomes of reclassifying student-athletes as employees, especially within the context of HBCUs competing in Division I and Division II, it is critical that Congress pass legislation that codifies student-athletes are not employees of their schools. I urge Congress to consider legislation that recognizes the rights and well-being of student athletes as well as the financial sustainability of educational institutions and preservation of college sport opportunities, while ensuring that Title IX's commitment to equality and support for Olympic sports is not compromised.