



Division 1 – Student-Athlete Advisory Committee

Dear Congressional Leaders,

I trust you enjoyed a rejuvenating and restful break during the recent festive season.

Serving as the collective voice of Division I student-athletes throughout the country, we the NCAA Division I Student-Athlete Advisory Committee (SAAC) are writing to reiterate the sentiments of former SAAC Chair Cody Shimp and continue to elevate the concerns of current student-athletes throughout the country that we represent. We firmly believe that federal action is imperative to navigating the complex and evolving landscape of name, image, and likeness (NIL) rights and employment status of student-athletes in college sports. Federal action is paramount to maintaining opportunity for the generations of student-athletes to come.

With over 200,000 student-athletes competing at Division I member institutions, the Division I SAAC assumes a pivotal role in representing every single one of those voices. In our previous letter, Shimp detailed that the SAAC is the student-athlete voice that provides a critical platform for us to provide feedback on diverse issues that affect our collegiate experience. The SAAC serves as a middle ground between athletes, administrators, and the NCAA to ensure that the welfare of Division I student-athletes is the top priority. For that reason, we humbly implore your continued attention and unwavering support in this critical matter to safeguard the well-being and equitable treatment of current and future student-athletes nationwide.

First, it is essential to maintain that student-athletes **should not** be employees of their institution. Student-athletes are and always will be students first. The collegiate system prioritizes education and it is crucial that student-athletes receive special status to preserve the traditional collegiate experience. By recognizing the unique relationship between student-athletes and their institutions, Congress can help ensure that the fundamental purpose of college sports is sustained. Non-employee status is vital for preserving collegiate sports because of the following reasons: (1) Educational Focus, (2) Workload and Time Commitments, (3) Amateurism and Fair Play, and (4) Financial Sustainability.

When thinking about the classification of an employee and the expectations and standards that come with that position, student-athletes would have to perform at a certain level to maintain their place on the team. The current Chair of Division I SAAC Ashley Cozad details:

Having experienced a significant injury where I could not compete for several months, I learned the importance of adversity throughout my recovery. If an employee model were implemented, it is possible I would not have had the same

support system from my coaches, athletic trainers, and teammates due to the fear of being 'fired.'

Current Duke Basketball player and former Division I SAAC representative for the American Athletic Conference, Sion James, furthers this notion, imploring that:

Employment status would jeopardize our ability to maintain a traditional college experience. Increased athletic requirements would undermine the academic and social experience that make being a student-athlete special. While many athletes face strong pressure to perform at a high level, college athletics remains an educational experience that shapes young boys and girls into men and women who can handle challenges in the real world. Employment status would ruin that dynamic and make transformational player-coach relationships into transactional employee-employer ones.

An environment where student-athletes are constantly pressured to perform will have serious negative impacts on mental health. Student-athletes are people first, and we must prioritize the well-being of players over performance. The fear of job insecurity will negatively impact the athletic and academic experience of student-athletes and will be consistently detrimental to an ongoing mental health crisis.

The ongoing House vs. NCAA settlement agreement allows for NCAA member institutions to benefit from revenue sharing, or "pool benefits" as referred to in the agreement itself. In short, this benefit allows for the sharing of an Athletic Department's revenue, generated from various sources, such as ticket sales, broadcasting rights, sponsorships, and other forms alike. These funds will be distributed amongst student-athletes, directly compensating them for their participation in sports and recognizing their involvement in revenue generation at the institutional level. This structure provides a share of revenue without a guaranteed salary or wage, acknowledging the economic value that student-athletes bring to their institutions.

The NCAA's ability to prioritize the well-being of student-athletes relies heavily on the establishment of congressional safe harbor protections. Safe harbor protections would provide the NCAA with legal clarity and stability needed to enact consistent reforms that protect college athletics and the generations of student-athletes that are yet to embark on their collegiate experience. This includes addressing critical issues like NIL regulations, enhanced Athlete benefits, and equitable access to resources and opportunities, regardless of institutional or financial disparities. Without these protections, the NCAA risks being driven by legal fears and external pressures rather than prioritizing the holistic development, health, and success of student-athletes.

Meredith Page, the current Division I SAAC Co-Vice Chair shares her thoughts surrounding a safe harbor law for the NCAA:

As a Division I women's volleyball student-athlete, I've poured my heart into this experience. The long hours in the gym, the sacrifices, and the pride of representing my school—it's all a part of who I am. But the lack of safe harbor protections makes it feel like everything I have worked for could be taken away in an instant. What happens if a law changes, or if the NCAA has to make decisions based on avoiding litigation rather than supporting us? Safe harbor would mean stability—a chance to compete and grow without the fear that everything we have worked for could disappear indefinitely with no recourse. That peace of mind is something every student-athlete deserves.

By granting the NCAA this safeguard, Congress can ensure a unified approach to college athletics that prioritizes fairness, opportunity, and the long term well-being of the nearly 500,000 student-athletes it serves.

Finally, we are continuing to seek federal action that will diminish bad actors in the world of name, image, and likeness (NIL), and urge Congress to codify that federal law preempts state law surrounding NIL activities. Therefore, guaranteeing that student-athlete contracts and obligations are met and student-athletes are able to capitalize on their NIL regardless of what state their institution is located.

On August 1st, 2024, the NCAA launched NIL Assist; a comprehensive digital database where student-athletes are able to disclose NIL activities and NIL providers can apply for the NCAA Service Providers Registry. The robust website has provided transparency for both parties surrounding contracts and dollars made by student-athletes through the use of their NIL. Although implementing NIL Assist has facilitated in mitigating bad actors, there is still a rising concern about protecting student-athletes' interests and upholding contractual obligations. Providing amplified congressional safeguards for student-athletes in the evolving world of NIL would ensure that student-athlete well-being is protected and NIL Service Providers are guaranteed to follow through on financial commitments.

Furthermore, the work of NIL Assist would greatly benefit from a uniform federal law surrounding NIL activities. With there being over 30 different sets of state laws, it is very difficult to keep track of various rules. Additionally, having a patchwork of NIL regulations creates an unlevel playing field where uniformity is nearly impossible. Additionally, Division I SAAC's current Atlantic Coast Conference (ACC) Representative Matthew Dennis describes how NIL has influenced the world of college football:

As a 5th year graduate student and football player (kicker) at Wake Forest University, I have seen the immense changes in college athletics during my tenure as a student-athlete. NIL has created numerous opportunities for student-athletes nationwide including myself. With federal NIL laws in place, seeking new opportunities at other institutions would be seamless and regulated. That being said, a unified NIL law would make transfer between NCAA institutions seamless

and consistent for student-athletes to partake in NIL deals regardless of geographic location.

Therefore, standardized NIL regulations would provide student-athletes and their institutions with the essential guidelines needed to protect student-athlete well-being.

Congressional leaders, as the elected representatives of student-athletes across the nation, we plead that you take action that would support federal legislation addressing student-athlete employment status, provide a safe harbor for the NCAA and unify regulations surrounding name, image, and likeness (NIL). We, the student-athletes, are ready and enthusiastic to work with you to ensure that the perspectives and concerns of student-athletes nation-wide are effectively represented in the legislative process. We value your focus on this important issue and look forward to continuing the conversation.

Thank you for your public service and your commitment to improving college sports.

Sincerely,

NCAA DIVISION I
SAAC