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*To Pay or Not to Pay: The Great Debate*

\$1 billion! That is roughly the total amount of money that college athletes made last year alone from NIL deals. NIL stands for name, image, and likeness and it is the new law that allows college athletes to monetize these three things. This number would put NCAA athletes in fifth place for total amount a league's athletes get paid. Right behind the four major sports in the United States (football, baseball, basketball, and hockey) and three times the amount of the MLS, Major League Soccer. How is it fair that amateur athletes are making close to the same or more than most professional athletes? Especially considering NCAA athletes also receive free education, housing, and food. Not to mention all the free gear and equipment they get from their team. Many people have argued this money is deserved because of all the revenue the NCAA generates. However, there are a lot of negative effects that have come with college athletes being paid over the past year. This new law creates an unfair recruiting advantage for major Power 5 schools. The Power 5 schools are schools in the five major conferences for college sports. These conferences are the Atlantic Coast Conference (ACC), Southeastern Conference (SEC), Pacific 12 (PAC-12), Big 10, and Big 12. These five conferences generate most of the revenue in college sports and control the majority of airtime on major television networks. Also, Student-Athletes focus should be on their education. With athletes now having

the opportunity to make money, there is a higher emphasis on athletics and a smaller emphasis on education. Lastly, it puts added pressure on athletes to perform on the field/court because someone is paying them to succeed which can have a negative impact on their mental health.

## **Background**

In 1905, the National Collegiate Athletic Association, more commonly known as the NCAA was founded. From its inception until 2020, college athletes were unable to accept money or receive any additional compensation on top of scholarships. It did not matter whether it came from the school, boosters, outside sponsorships, social media, etc. This led to some student athletes facing serious probations if they accepted money. One of the most famous examples was Reggie Bush who won the Heisman trophy for College Football's best player and led the University of California to a National Championship. It was later found out that he had accepted money from a marketing agency that year and all the awards that he and the university won that year were stripped away by the NCAA. Instances like this one were what started up the discussion on paying college athletes, but it was pushed over the top after the NCAA was sued by Ed O'Bannon and 19 other former student athletes in the case, *O'Bannon v NCAA*. These former athletes sued the NCAA, accusing them of breaking antitrust laws in the US because they are the only place for top athletes to go out of high school and they were not being paid for the revenue created. The judge ruled in their favor, "Federal District Court Judge Claudia Wilken ruled that the NCAA's rules prohibiting athletes from being paid for use of their names, images and likeness were an unreasonable restraint of trade in violation of the Antitrust laws." (A Full Review of the O'Bannon v. NCAA Judgment) In 2021, the NCAA agreed to change that rule after receiving a lot of backlashes from fans and former student athletes. The

NCAA now allows states to decide whether or not student athletes can receive compensation.

The new law is called NIL.

Briefly mentioned in the introduction was NIL which stands for name, image, and likeness. This means that student athletes can profit off the use of their name, image, or likeness in advertisements, sponsorships, YouTube, merchandise, autographs and many more. All of these ways were previously banned by the NCAA. While schools and coaches are still not allowed to pay athletes to come play for them, they have been finding loopholes like boosters promising them money or sponsorship deals once they commit to a certain school. In the past three years, 34 out of the 50 US states have already passed a bill or have a bill proposed to allow student athletes to receive compensation. California was the first state to put a bill into action at the end of 2019. This decision by the state of California put pressure on the NCAA to make a decision. If they did not allow NIL laws, the schools in California would have a significant recruiting and competitive advantage over schools in the rest of the country.

### **Negative Effects on Student-Athletes**

While many people and athletes are happy with the new NIL rules, there are many negatives that come with the passing of the NIL law. The term student-athlete is used to refer to collegiate athletes because sports is not their sole focus. Academics has and always should come first. However, with the passing of the NIL deal and subsequent passing of new transfer rules that go along with it, athletics appear come before academics, especially for football and basketball players at major power 5 schools.

Soon after the NCAA passed the NIL rules, they passed another act called the one-time transfer act. Previously, college athletes had to sit out an entire year if they transferred schools. The NCAA did this to make sure students focused on their school work, especially when changing schools. This made student athletes think twice before transferring. Did they really want to attend that school because of the atmosphere and the academics or was it just because the coach was willing to give them more playing time than at their current school. However, in recent years, the NCAA has been granting waivers to popular athletes who wanted to transfer from one big school to another because it would drive up rating and bring in more revenue. They have shifted their focus from helping college athletes succeed to using them for even more revenue. A recent example of this is Justin Fields, the now Quarterback for the Chicago Bears. He transferred from Georgia to Ohio State because he was the he did not start at Georgia even though he was one of the most highly touted prospects in his class. The NCAA gave him a waiver to play right away without having to sit out a full year. Many realized the NCAA was handing out waivers to benefit themselves without concern for the athletes and were upset. This resulted in the One-Time Transfer Act. The NCAA knew that it could not have college athletes sitting out a full year of athletics especially if they were receiving money from boosters or other organizations. The new rules combine to lead to a record number of student athletes entering the transfer portal: "In 2021 alone, FBS football saw 7,425 undergraduate athletes enter the portal. Of those players, 50% found a new school while 7% withdrew, staying at their original institution. Another 43% are still in the portal, have transferred to a non-NCAA school or left the sport entirely." (Nakos) Many of the players transferred because they were promised money from boosters or a local company once they

committed. The new Washington State quarterback, Cameron Ward, was promised \$90,000 from the school's boosters plus a new pickup truck every year and an additional \$50,000 for promotional videos.

While transferring is helping these student athletes financially, the pain it causes them academically outweighs the benefits. College is a time for students, including student athletes, to learn and grow as a person inside the classroom and outside. Academically, transferring schools makes it much less likely that a student will graduate on time, "Transfer students are less apt to attain their baccalaureate degree in a given 6-year period than non-transfer students (NCES, 2005). Fauria and Slate (2014) determined that of 38 institutions in Texas, across 11 years, transfer students were four times less likely to persist after one year than non-transfer students" (Fauria, Fuller). This study proves that the more you transfer, the harder it is to be successful academically. While it is not impossible, it is definitely far more challenging. Very few collegiate athletes will move on to play professionally and even fewer will have a long-lasting career in that sport. "Fewer than 2 percent of NCAA student-athletes go on to be professional athletes. In reality, most student-athletes depend on academics to prepare them for life after college." (*NCAA Recruiting Facts*) There are more than 460,000 collegiate athletes in 2022. This means that roughly only 9,000 of them will have a future playing their sport professionally and the rest will use their education to find a job. Education is very important, and it should be the focus for these athletes, not sports, because it will help them succeed in the future. The monetary rewards that these athletes are receiving for a few years in college is not enough to sustain them forever. There is a life after sports for all college athletes, and they will put themselves in a much better position for the future if they obtain a degree.

While it appears that these athletes have the perfect life, receiving free education and additional compensation to play sports, they are not immune to the same hardships as everyone else when entering college. The stress of college mixed with the stress of athletics takes a toll on their mental health, especially when entering a new school as a freshman or transfer. “According to a recent survey by the NCAA, 1 in 12 college athletes reported feeling so depressed that it was difficult for them to function either ‘constantly’ or ‘most every day.’” (College Athlete Mental Health). There is very little time for self-care or relaxation due to all the academic and athletic responsibilities. Now, they have the added pressure of being paid by boosters or outside sponsors. Not only do they have pressure to perform for their school, coaches, and teammates, they must perform for the people paying them to succeed. Many of these athletes are also afraid to seek help because they view it as a weakness which leads to only 10% of college athletes with mental health conditions asking for help.

### **Negative Effects on Schools**

The passing of the NIL laws has also had negative effects on the schools. It has put major sports programs into an arms race for all the best talent coming out of high school or the transfer portal. While the schools are happy because it can lead to them bringing in more revenue, there are many critics within the schools, even some coaches. CBS Sports interviewed some of these college coaches roughly a year after the NIL laws were put in place to get their opinions. Two answers stood out to me. The head football coach at the University of Mississippi (Ole Miss), Lane Kiffin, even compared the new way of the NCAA and NIL to free agency in professional sports. Kiffin said, “How are we not a professional sport? What is the difference? [Players] are making money. They can opt into free agency” (Dodd). Kansas

University basketball coach Bill Self is considered to be one of the best college basketball coaches in recent history. He commented on these new laws as well and had a similar tone as Kiffin: “Different creates uncertainty, and uncertainty creates doubt. I don't see a lot of positives right now with the [transfer] portal and NIL stuff.” (Dodd) The schools with the most booster money are going to become the most successful because they will buy players away from smaller schools. Now that the bigger schools will have an even bigger advantage over smaller schools with limited booster money, one of the best parts of college sports will be eliminated. The “Cinderella” story. Every fan enjoys watching a small, no name school, upset one of the big schools with all the funding. Whenever a small school finds a hidden gem and turns them into a star, there will be nothing stopping a big school from offering them new sponsorships and advertisement money to transfer away from that small school. The competitive gap between big, medium, and small schools will continue to widen.

This is also going to lead to unfair treatment of different teams at a school. Even more money from the boosters will be dedicated to bringing in high end football and basketball players because they provide the most revenue for the schools while lower end sports like swimming, golf, and tennis will have their budget decreased. The major sports athletes are going to be making significantly more money from their NIL deals so you would think that schools would provide more money to smaller sports. This is going to lead to a two-tier system. Only the select few elite athletes, playing one of the big four sports, at a major Power 5 school will be earning money on top of their scholarships while the rest of the student athletes will remain uncompensated for their hard work. How would you

feel if you were putting in just as much time and effort at your job as the person next to you, but they were getting paid for it and you were not? If it were me, I would feel as though my work was not valued by the company and would probably feel less motivated and very upset. This same thing is going to happen within schools. The athletes that play these smaller sports are going to be agitated.

### **The Other Side**

While the negative side effects that have come about from the passing of NIL laws in NCAA sports is significant, there are some positives that lead to people believing these laws are doing more good than harm. In 2021 alone, the NCAA, which is a nonprofit organization, made over \$1.16 billion in revenue and \$800 million of that came in March alone thanks to college basketball's national tournament, March Madness. These numbers do not even consider the revenue that the schools make from tickets, merchandise, TV deals, snacks, drinks, and more. This leads to the main argument for people that are pro paying student athletes. Student-Athletes bring in so much revenue for the NCAA and their schools but could not receive any additional compensations pre-NIL. The University of Texas football team made more money than 25 of the 32 NFL teams back in 2015! Without the student athletes, the universities they attend would have revenues drop significantly. It would be very difficult for these schools to operate without the revenue that athletics bring in. It is fair for student-athletes to want more because they do so much for their schools but is it all worth it? Is the possibility of money worth the toll on your mental health or the negative effect on your education?



Another positive to paying college athletes is that it helps them support their families and themselves while living at school. These student athletes spend the majority of time practicing, lifting, traveling, and going to class that they do not have time to work a part time job like many other regular students do to support themselves and pay for things they need while at school. Since they can not work, people argue that they must be compensated for what they do in athletics. However, these students can not prioritize making money now over a college degree. It is very important that the majority of student athletes obtain a degree because very few while make a career out of playing sports. Also, as far as I know, every school offers work study jobs on campus where students can work very limited hours and get paid. This is a good opportunity for any student athlete who is in need of extra money.

Another main argument is that it will limit the scandals and infringement of laws if paying college athletes was just made legal. Every year, there seems to be a new scandal of a student athlete receiving illegal compensation. Whether it's a player receiving money for signing gear or doing an endorsement and losing their eligibility and all accolades like University of Southern California running back Reggie Bush, or a coach getting suspended/fired for paying a high school athlete to attend their school like ex-University of Arizona basketball coach Sean Miller, there are many stories of people breaking the old rules. However, just cause some people decided to break or bend the rules, it does not mean the rules are bad. Also, making it legal will not end the scandals. There are still limits to how student athletes can receive compensation under the new NIL laws and people will

eventually start breaking these once they find out how to without the likelihood of getting caught.

### **The Future**

Looking forward, there is a lot that can be adjusted to make sure these NIL deals are not having negative effects on the lives of student athletes. Many college coaches and leaders in the collegiate athletics community agree that there are no rules stopping athletes from moving freely from college to college for more money. If they want to tame the uncertainty around NIL, someone or some group needs to step in establish clearer laws that everyone can follow. The NCAA should step in and establish clear law that do not allow student athletes to transfer as much with the hope to get bigger endorsement deals at their new college. I think the best bet would be to return to the old transfer ways where athletes are forced to sit out one year after transferring.

Another thing they could do is try to find a middle ground between the two sides. After reimplementing the old transfer rules, the NCAA could try to find a way to compensate student athletes with more than just scholarships but not with money. The best idea is to offer them other benefits or stipends to alleviate financial burdens since that was one of the biggest concerns that led to NIL laws being passed initially. One benefit is increased health insurance. A main reason that athletes leave college early to turn professional and want to be paid while in college is because they are afraid of getting injured and having it ruining their career. If the NCAA offered some more health insurance to athletes and more care to those who get injured, it would give them more confidence to

stay in college. Another benefit the NCAA could provide for student athletes is stipends that help them pay for food and rent. Many universities force students to move off campus after one or two years so students are forced to pay rent that can not be covered by their scholarships. If that changed and they were given a certain amount of money per week to buy food outside of dining halls it would go a long way.

## **Conclusion**

At the end of the day, the current NIL rules are prohibiting student athletes from focusing on the most important parts of college. Getting an education and building healthy relationships with yourself and others around you. Many college athletes are under added pressure from sponsors banking on them to perform. Student athletes are already facing major mental health concerns they do not need to be put under even more pressure. Also, sponsors are swaying student athletes to transfer school's multiple times in four or five years forcing them to restart their life over and over again. Not only does this hurt their education, it impacts their social life equally. These negative impacts from the new NIL deals far outweigh the few positives that have come from them. While many people will continue to argue over this topic for years to come as they have for the past 30 years, these rules need to change ASAP. You may be wondering why they should be changed instead of eliminated if there are negative effects or how these new rules can be changed to do good? Hopefully people smarter than me are working on that now, but I have an idea.

To prevent players from transferring so often when a new deal is brought to them, I believe that student athletes should now be forced to sign a contract like professional athletes preventing them from leaving at any time. If they were forced to sign something saying they would stay at a school for 2 or 3 years in return for the money this could be beneficial. Obviously there would be ways to get out of the contract given unforeseen circumstances, however, there needs to be some way to limit their ability to move around as often as they want. This will improve their education quality and graduation rates as well as help them build healthier relationships. To improve the mental health problems, schools need to continue adding resources that are readily available for student athletes and continue to show them that it is okay to ask for help.

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