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Intercollegiate Athletics Part II

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SPORT AND SOCIETY FOR H-ARETE - COLLEGE SPORTS IN THE COVID19
WORLD (PART II)

May 19, 2020

(This is part two of the essay on intercollegiate sports)

Perhaps the biggest news in intercollegiate athletics concerns the changing NCAA policy on player commercial endorsement. At the end of April, the NCAA Board of Governors approved recommendations allowing athletes to be paid for endorsements. These will now go to the NCAA annual meeting in January, and, if approved by the full membership, the new policy will go into effect for the 2021-22 academic year. (Placing this in terms of "academic year" is the NCAA's subtle way of promoting the pretense of the "student athlete.")

These recommendations are the NCAA's response to increasing pressure from a number of states that have passed legislation giving athletes control of their name, image, and likeness (NIL) and allowing them to receive money for endorsements. California was the first state to pass such legislation, and since then thirty-four other states have passed or have similar legislation pending. A recent Congressional hearing also made it clear that the NCAA needed to change their policies on NIL.

The NCAA said there will be certain "guiderails" in place to control the "overzealous" in this new world of endorsements. But, of course. No doubt agents and boosters are among those seen by the NCAA as among the "overzealous."

Athletes, unlike any other student in the university, will still not have total control over their NIL. The NCAA will leave it to itself to judge what constitutes a "reasonable" endorsement fee. Certainly, no one at the NCAA thinks that endorsements by student athletes are as valuable as those by professional athletes or entertainers.

Some have hailed these changes as a "great step forward" by the NCAA on behalf of the "student athlete," that mythic creature invented by the NCAA. In his dissent from this view, ESPN's Jay Bilas argues that the NCAA was forced to change and should not

be applauded for doing so. Bilas also believes that the NCAA should no longer have any power to govern or control the athletes, only the schools and their athletic department should have this power. In the end, Bilas believes that the NCAA will not make any sweeping changes that this announcement is a smoke screen and a device to buy time while they figure out a way to hold onto power and maintain as much control on college athletes as they possibly can.

Donna Shlala, former president of Miami University and current member of Congress from Florida, joined the dissenters saying the NCAA had in the past failed in its claim to be protecting student athletes, and that the new proposals "appear to be more about protecting their bottom line rather than ensuring an equal playing field for college athletics."

Indeed, even as the NCAA announced these changes in policy, it is seeking a "safe harbor" from the U.S. Congress. What the NCAA wants is protection from lawsuits by states and advocacy groups. That "safe harbor," in fact, is an anti-trust exemption, a status the NCAA has sought for years. This would give the NCAA protection from potential lawsuits by athletes and their representatives.

Analysts in the advertising world, particularly those who specialize in social media, see these changes as potentially quite lucrative for some college athletes, even though they will not be able to use the logo of their university or the uniform of their team in any endorsement ads.

One advertising analyst estimates that any athlete with a social media following of 10,000 to 20,000 followers could command as much as \$30,000 for an endorsement. One million followers could bring an athlete up to \$750,000. An NYU marketing professor estimates that an "influencer" could earn \$200,000 to \$300,000. In the new world of "influencers" this is not an unreasonable figure. No doubt in NCAA World, it would be considered beyond unreasonable.

Given the amount of money on the table and the multiple opportunities out there, athletes are going to need advice. Agents and financial or business advisers will be a necessity. Will this fit into the NCAA world? Agent Leigh Steinberg predicts that in this new world, agents will be seeking out clients from the ranks of high school athletes.

There have been questions as to how this is related to equity issues under Title IX. It may well be that the answer is that Title IX will not apply, given that this money will come from outside the university and not be controlled by the university.

The old world of illegal and under the table payments by boosters is clearly going to change. What will be the role of recruiters in the new order? Some think that the opportunities for corruption will increase exponentially. One can almost hear the new recruitment pitch: Come to Enormous State University (ESU) where the endorsement climate is in the six figure range, while Not So Big University (NSBU) can only guarantee a five figure opportunity.

What is clear in all of this is that if there are substantial changes in NCAA policy it will have significant ramifications for the athletes, the universities, the agents, the advertising agencies, and the NCAA. The challenges to the creativity of those immersed in intercollegiate athletics will be many. A goodly number of these ramifications swirl around money and power.

Let the games begin.

On Sport and Society this is Dick Crepeau reminding you that you don't have to be a good sport to be a bad loser.

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