

How Do We Correct the NCAA's NIL Blunder?

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Name, Image, and Likeness deals. A cash in for collegiate athletes putting them on the cusp of professional recognition without being drafted, and a hot mess running the NCAA's pockets dry, as well as their universities. Do we leave this as is? If not, how do we fix it?

Name, Image, and Likeness deals were first established on July 1st, 2021, where the NCAA implemented an official policy to allow “all current and incoming all incoming and current student-athletes the opportunities to earn money,” (Miller, 2022). Such activity has been ruled to stay consistent with state law where the university is located, (Miller, 2022). Are student-athletes something we can call these participants with NIL deals anymore? Some may say, these are no longer students but rather just athletes. Why not use the “King of NIL,” as an example himself? Rayquon Smith, a student-athlete that attends Norfolk State University, who is a participant on the university's football team and a decathlete on their track team. Smith, within the entire year previous until this article was written had signed 70 endorsement deals at just 21 years old.

You would think by reading this, that Smith was quick to hop on the NIL trend. This, however, is quite the opposite. Smith says, “When it (NIL deals) first started July 1, 2021, I didn't know too much about it, I was probably the last person to it,” (Miller, 2022). Although not quick to get involved in NIL deals, he was efficient. Smith began this journey by reaching out to 100 companies pertaining their interest in signing him. He would hear back from just 3, two of them being rejections, (Miller, 2022). Currently, Smith is a mentor to other athletes from Division III to the Power 5 conference. He says he helps other athletes get started, to where they can also build their brands from NIL deals. At 70 endorsements, can we even consider Smith and even other athletes with libraries of endorsements student-athletes anymore? As NIL deals progress, it is possible this is a dangerous game to play, as more and more collegiate athletes

may not look to go to the professional level after earning so much money. Perhaps this may lead to professional sports organizations losing revenue, or even increasing viewing prices to compete with NIL deals. Lastly, we could begin to see more collegiate “student-athletes,” with endorsements than professional athletes. A possible first suggestion, would be to limit the amount of NIL deals a student-athlete can sign.

Another issue presented involving NIL deals, is that as previously mentioned, incoming student-athletes can sign endorsements prior to even attending the university and earning deals through their collegiate performance. Jaden Rashada, a top 300 player playing quarterback at a high school in Florida, had signed his letter of intent with a \$13.5 million NIL contract with the Florida Gators. According to NCAA regulations, NIL deals cannot come through the university. Rashada began receiving offers as a sophomore while playing at IMG Academy (ESPN, 2023, p. 1). After a report surfaced that the NIL deal had fallen through, Rashada “requested a release from his national letter of intent,” (ESPN, 2023, p.1) and was already prepared to sign with another team as a plan b prior to the fallout.

This instance is inconsistent however with the NCAA’s policies of NIL deals. For example, at the University of Miami was the first team the NCAA has sanctioned upon the NIL regulations. Miami’s Women’s basketball team was hit with a one-year probation upon their involvement in attempting to meet two players with an alumni with the possibility of an endorsement. The sanctions were issues due to a meeting between “Miami alum John Ruiz and transfer basketball players Haley and Hanna Cavinder,” (Murphy, 2023, p.1). The Cavinder twins, who have been receiving attention since high school for their prominent play as twins, were arriving at a deal reportedly worth hundreds of thousands of dollars, something Ruiz had signed over 100 Hurricane athletes to promote his company LifeWallet, (Murphy, 2023, p.1).

The NCAA issued sanctions and a three-game suspension of the women's head coach Katie Meier, based on "impermissible booster conduct," (Murphy, 2023, p.2). The NCAA does not permit the use of NIL deals as a way of recruiting athletes. This policy, however, was not enforced in the case of the University of Florida and Jaden Rashada.

A California lawmaker, Chris Holden, has proposed a solution to all of this. Holden, suggesting that the NCAA has overlooked the needs of collegiate athletes because they are not competing at a professional level, (Murphy, 2023, p.1). The proposed bill would mean athletes would earn a share of their teams' annual revenue, (Murphy, 2023, p.1). To regulate this pay, "a portion of which would be held in a trust for the players until they complete their degree," (Murphy, 2023, p.1). A major area of concern would be injury compensation. Holden has considered this, including a requirement for schools to cover medical costs for sport-related injuries and insurance (Murphy, 2023, p.2). Collegiate athletes receiving a portion of the teams' revenue would be a more beneficial alternative to NIL deals, paying college athletes what they are worth without over-paying them, establishing that they are NOT professional athletes.

Unfortunately, the NCAA has strict restrictions on financial compensations. So, if the NCAA won't lift regulations on athletes receiving a portion of revenue, why not work? The answer is simple, they cannot. The average Division I athlete spends more hours on their sport than most do a full-time work week. "The average men's basketball player spent 39.2 hours on basketball during the season. Women's basketball? 37.6 hours. Football? 43.4 hours." (Orr, 2022). Orr also gives his opinion on how this and NIL deals play into the transfer portal, saying "Transfer to get more playing time? At least they tried to make it work here first. But to transfer or commit to the team with the highest bidding booster? That breaks the illusion that the young men and women wearing Baylor colors love the university as much as we do," (Orr, 2022).

In conclusion, where should the NCAA go from here? The best option would be the bill presented by Chris Holden. A law that guarantees a portion of revenue from the team in which the athlete plays for, equal pay for men and women, with injury compensation. The NCAA does not realize that NIL deals are hurting them more than they are helping them. Teams and the NCAA acquire money each year that the players do not see. This must change. Considering the NCAA will not adopt such policy with consideration of injury compensation, the NCAA in this case should permit at most 2 NIL deals earning no more than a \$1,000 from either deal, over the four years or less that an athlete attends the school. \$1,000 a year would cost \$1.3 million a year for the program if given to every player, with millions of funds left over, (Orr, 2022). This is more than reasonable, and how the NCAA should advance in NIL matters.

Citations:

Miller, Daniel (2022) NIL deals: College football, track star known as ‘king of NIL’ has 70 endorsements

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