

College Athlete's Name, Image, and Likeliness (NIL)

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The purpose of this paper is to discuss the Name, Image, and Likelihood rule that just came into the world of college sports. There has always been this one issue with college sports. That issue is that for the big schools, the schools make a lot of money off of the players and their image. The problem was that the players never saw any of the money. The schools were making millions off the players, and they got nothing in return. This was an ongoing issue for years. It was a constant debate between people who had different viewpoints on the situation and how it should be handled. This was a good thing and a bad thing. The debate was always a healthy debate, and it always helps college athletes get into the discussion of making money. People were throwing out scenarios on how the NCAA should handle the situation and how they should approach the idea of athletes getting paid. This was really just getting the word out for the college athletes about how they aren't getting paid and should be. There were three different ways of approaching the situation and how they could fix the problem. The first option and the one that they decided on is that college athletes can make money off of their name. If this athlete is well known and well-liked, he is able to make money off of his name or image that he has. The second option is that colleges pay the athletes. This is not the best option because when it comes to colleges you choose the one that fits you best and which one you enjoy going to the most. If the colleges start paying athletes, then this would force athletes to start looking at colleges that have the most money and not that colleges that are the best fit for them. This would cause lots of issues and make students not enjoy their school choice as much. The third option would be that they do nothing, and they allow people to continue to debate about the ongoing issue. The NCAA wisely selected the first option, as it allows players who are well known to make money while not having to go out of their way and take time away from their practice.

This is something that started up this past year in 2021. This NIL allows the student athletes to make money off of their name. If this player is good enough to get his name out there and have a good image, then plenty of people would want to sign him to a contract. This is something that is good for them to learn. A majority of these players are going to make it to the professional level. This allows them to get an understanding of signing contracts and making deals before they get to that level. Once they get to that level they are able to have a better understanding of what they are doing rather than having to learn as you go early in your career. This is important because until now, student athletes were not able to make money of any kind. This allows them to make money off of their own name. Up until now, college athletes were making all of these colleges' big money from television broadcasts, but never saw the money from that. This setup allows the college to keep the money that they make off of those television broadcasts, while also allowing the athletes to make money as well. Now they are able to make money of their own. They do not have to worry about picking colleges based on money or choosing whoever offers you the highest contract. You can pick the college that suits you best and sign contracts with businesses outside the college. The NIL completely takes the college out of the equation, and it allows players to sign their own contracts with companies for themselves. The NCAA did not want to mess things up with the amateur status of college athletes, so instead of making it about their play on the field, court, etc., they made it about the athlete's image. (IconSource) This allows them to make money off of their image while still keeping their amateur status. Professional athletes are paid based on their performance. That is where professionals and amateurs are different.

The big question. What kind of change did this make. This is one of the biggest changes, if not the biggest change, in NCAA history. This has been an ongoing debate for years and

nothing had been done about it. There was always the debate. “Why aren’t college athletes being paid?” and “Should college athletes be paid?”. This debate went all over the place. One of the biggest supporters of this was Kareem Abdul-Jabbar. Kareem is one of the greatest basketball players to ever play the game. Kareem said, “I think college athletes should be paid because they're being exploited. The NCAA makes a couple of billion dollars each year, and the people who actually do the work that enables them to make that money receive none of it. And that's absolutely exploitation.” (Business Insider) Kareem used to be a college athlete. He has said numerous times that one of the reasons he turned professional so soon was because he could not live college life. He put so much time and effort into the team while the school was making money off of him playing on TV. Not only that, but he was not seeing any of the revenue that he was putting his time and effort into. This is what he is talking about in his quote. He knows how much time and effort is put into being a college athlete. So, not being able to make any money off of your hard work and dedication is difficult.

Time was the most important part of this process. When the NCAA decided to make a decision like this, they knew the decision needed to be thoroughly thought out because there is no going back from this. This was a long process with a long thought-out timeline. This timeline comes from ESPN.

- **September 30, 2019** - California passes legislation to stop punishing athletes who except endorsement money while in college.
- **October 29, 2019** - The NCAA's board of governors agrees unanimously that it is time to modernize its name, image and likeness rules. The board directs all three NCAA divisions to make rules by January 2021 that allow athletes to make endorsement money while maintaining "the collegiate model."

- **April 29, 2020** - A working group appointed by the NCAA lays out its suggestions for how Division I should change its rules, including details about the opportunities and restrictions for future athlete deals. The Division I Council formally submitted these proposed changes in November 2020 with plans to put them to a vote in January 2021.
- **July 22, 2020** - Emmert, the NCAA president, repeats a request for congressional help in creating a federal NIL law while appearing at a Senate hearing in Washington, D.C. Several senators urged Emmert and the NCAA to broaden the scope of their reform efforts if they wanted help from Capitol Hill.
- **August 2, 2020** - A group of Pac-12 football players threatens to boycott the season while sharing a list of demands that included giving players a share of athletic department revenue. A similar group of national stars formed a week later and stated its intent to form a college football players' association in the future.
- **September 24, 2020** - Reps. Anthony Gonzalez, R-Ohio, and Emanuel Cleaver, D-Mo., introduce a federal bill that would allow for NIL deals with some restrictions in hopes of keeping endorsements from disrupting the recruiting process.
- **January 11, 2021** - The NCAA's Division 1 Council decides to indefinitely delay its vote on the name, image, and likeness rules, citing concerns prompted by a letter from the Department of Justice related to the possible antitrust implications of changing its rules. Emmert, the NCAA president, said he was "frustrated and disappointed" by the delay.
- **March 31, 2021** - The Supreme Court heard oral arguments in the Alston v. NCAA antitrust lawsuit.
- **April 1, 2021** - NCAA president Mark Emmert met with three men's basketball players trying to raise awareness -- using the hashtag #NotNCAAProperty -- for what they see as

unfair treatment of college athletes. The players asked the NCAA to adopt a temporary blanket waiver that would allow all athletes to make money from endorsement deals next school year while more permanent decisions take shape.

- **June 18, 2021** - Six conference heads (including the ACC, SEC, and Pac-12 leaders) propose a new plan that would make individual schools responsible for creating their own NIL policies. The new proposal surfaced after a pair of Senate hearings in June made it clear that a federal law was not imminent.
- **June 20, 2021** - The Supreme Court rules against the NCAA in its appeal, issuing an opinion that dealt a significant blow to the organization's argument that it should receive special antitrust treatment because of its academic mission. The justice's ruling made it clear that NCAA restrictions -- including on NIL activity -- could face serious legal challenges in the future.
- **June 30, 2021** - The NCAA's Board of Directors adopts a temporary rule change that opens the door for NIL activity, instructing schools to set their own policy for what should be allowed with minimal guidelines.
- **July 1, 2021** - The first batch of state laws, and the NCAA's new rules, go into effect. Athletes start signing endorsements deals minutes after the clock strikes midnight.

This all started with California moving away from the norm and changing things. The NCAA did not like this because they knew it would cause ongoing issues that would progress throughout the country, making it hard for them to stop. This forced the NCAA to work on a plan and that way they can keep the rules inside their decided limitations before other states follow after California and change their rules as well. Once the NCAA decided on a plan, they got taken down a couple of times by the supreme court with issues concerning the plan. They had to make

adjustments and figure out what they could do to make it in a way that followed their own guidelines as well as the supreme courts. That is when they came up with the final product of the NIL. This is not necessarily the finished product because the NIL is always changing, and they are always making adjustments trying to make it better.

The NIL is opening all-new avenues. Not only for the athletes themselves but also for the business and companies that are wanting to endorse them. There are lots of companies that are open to endorsing athletes, and it all depends on the athletes. It depends on what they like and what products they would like to use and endorse to their fans. Most college athletes do not know how to approach these things because it is such a new thing for them. No college athletes have been able to do this until now, so being able to go out and get sponsors on your own can be a difficult task. That is why there is now a NIL summit. This is directed towards athletes who have an interest in signing deals and contracts with companies but do not know how to go about doing that. They are able to go to this summit at the College Football Hall of Fame. It is a platform to help athletes learn more about the NIL process, opportunities, and networking those opportunities throughout the industry. (Sports Illustrated)

There are a few examples of athletes that have signed deals to endorse products. The first example is Bronny James. Bronny is LeBron James son. He is a star high school basketball player that has aspirations to play in the NBA, just like his dad. Bronny just recently signed a deal with a company called PSD. This company makes underwear for men and women. Bronny has 6.1 million followers on Instagram, which allows him to promote this product to all those people with just one post. PSD has also designed a line of underwear that is designed by Bronny. Bronny is one of the most popular high school basketball players in the country. This is his first NIL deal, but this will not be his last by the time he graduates. (Yahoo Sports) The second

example is J.J. McCarthy. McCarthy is the quarterback for the University of Michigan. He has recently signed a NIL deal with the M Den. This deal entails the M Den selling merchandise signed by McCarthy. (SBNation) This is one of the first deals like this. Most athletes such as Bronny James are signing contracts for clothing brands or things that can promote on their social media platforms. There are a number of colleges right now that are giving athletes money based on their jersey sales. Michigan's football team is one of the first teams to do this. Ohio State has followed behind them, but they are allowing all student athletes to make money off their jersey sales. (AP News) Number three on the list is Spencer Rattler. Spencer was the quarterback for the South Carolina Gamecocks but transferred to the University of Oklahoma. Rattler signed a NIL deal with Jim Hudson Chevrolet. This NIL deal entailed him getting a brand new Chevrolet Silverado. This deal was for him to promote this and show his social media platform his new truck that he was given after the contract signing. Rattler has 87 thousand followers on Twitter. The Chevrolet dealer gave him this truck and in return, he makes a post on social media and anyone that sees him driving around town sees that he is driving a Chevrolet Silverado. This is a useful marketing tactic for people to buy your products. (247 Sports)

Space, was the goal of the NIL. Athletes wanted to make money, so the NCAA gave them the space to go out and find deals where they could make money. This is important because the NCAA gave them space, but they still have restrictions as well. The NIL bill is helpful for most people, but it could also hurt others as well. One of the biggest beneficiaries is Alabama quarterback Bryce Young. By late July, he had earned close to \$1 million in endorsement deals. Two women's basketball players who are active on social media signed big deals with companies. They are known on TikTok as the Cavinder twins. Their names are Haley and Hanna Cavinder. They have a large following on social media, so they are able to use that to their

advantage when it comes to signing NIL deals. They signed deals with Six Star Pro Nutrition and Boost Mobile. Although these two situations worked out well in their favor, there are some people who don't get noticed as much and one of them decided to speak up about it at the congressional NIL hearing. Cameron March called on Congress to account in federal legislation for how the NIL will impact the less visible players. (Inside Higher Ed) This is a question that never got asked. What about the people that do not get noticed? That is why it is called the Name, Image, and Likelihood bill. The more you get noticed and get your name out there, the more deals you will be able to get. You have to be well known and well-liked. That is why social media plays such a key role in NIL.

Weighing their options. When all the debates were happening before the NIL bill. There were many options that the NCAA had to decide on and go through. The two main options were getting paid through your college or getting paid through businesses and companies wanting to sponsor you. There are many pros and cons, but for the Name, Image, and Likelihood bill the pros vastly outweighed the cons.

Pros of the NIL are, this allows athletes to make money in their own way. They are able to agree to these deals on their own. They can say yes or no, it is completely up to them, the college is not involved. Allows the athletes to make money while still having time to practice, work out, etc. That is one of the main reasons being a college athlete is so hard. Time Management is very important. Athletes need to be able to manage their time, and getting a real job with a wage would take away from their practice time and time to get homework done. This allows athletes to learn more about the business side of the professional sports world. They are signing contracts similar to the professionals, so they are able to get a better understanding of how that works. Some cons of the NIL are you have to play for a high-level organization to get

recognized. You have to stand out from the rest and show businesses why they should give you a deal or why they would want to endorse you. Another con could be inexperience. You are learning as you go when it comes to signing contracts and negotiating contracts.

On the other side of things, there are pros and cons for getting paid by the college as well, but unlike the NIL, the cons outweigh the pros for getting paid by the college. The pro is that you do not have to deal with any outside companies. It is just you and the college you attend, and that's it. Some cons are rather than looking at colleges that are best for yourself, people will start looking at colleges based on how much money they have. Another con is that if the colleges started paying their athletes, they would have to start cutting their athletic programs that do not bring any money into the school. The programs that are not generating any revenue are costing you money throughout the year trying to keep the program running. When you are not paying athletes then it is not a problem because the extra money from the sports can keep those extra programs running but without that extra revenue, those programs would have to be cut.

The NIL was a big step in the right direction. This is trending in the right direction. The NIL is something that is going to continue to progress and grow throughout the years. Right now is the beginning stage of the process. Over the years, it will continually get better and better. Right now it is primarily pointed towards big stars and the athletes that get seen on TV or who are big on social media. I think that eventually, most college athletes will be able to sign a NIL deal of some kind. For the low-level athletes, it may not be much of a deal, but something is better than nothing. This was a very long process of getting the NIL done and ready for implementation, but when the deal became final it was set. That is why it was a long process. It was a process that needed to be long in order to know that they covered all the options and exhausted all avenues before coming to the best decision. There have been lots of big names

signing big deals. Names such as Bronny James, Spencer Rattler, and Bryce Young. These are big deals, these three athletes in particular all have a high probability of making it to the professional level. They are able to gain a greater knowledge and understanding of how contracts and endorsements work that way, when they get to the level they are aspiring to, they already have prior knowledge of the process. There are always going to be pros and cons in any situation that you make, the important thing is making sure that you cover all your options and select the best one. I believe that the NCAA did a great job with coming up with the NIL bill and allowing the athletes to make money based on their name and not their performance level.

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