

## College Athletics: SB 206, the NCAA and the Compensation of Student Athletes

A discussion, or, rather, a debate has been brewing over the course of many years in the world of college athletics over the flow of money to and from the National Collegiate Athletic Association, or NCAA, and how athletes should be fairly compensated for this. California's governor, Gavin Newsom, recently signed SB 206 into law, also known as the Fair Pay to Play Act. This legislation was meant to eventually allow college athletes in California to profit off their name, likeness and image beginning in 2023; however, SB 206 sparked a chain of events which has presently persuaded the NCAA to reevaluate their policies on the issue and start working on a version that can apply nationally to all of college sports. Beyond the much loftier and complex goal of unionization, college athletes may soon be able to sign endorsement deals, hold autograph signings and conduct other activities for profit without retaliation by the NCAA.

The conversation hinges on this: What is the point of college athletics in this country? For the institutions? For the fans? For the businesses that advertise during commercial breaks? And most importantly, for the students? What role should college sports play in their respective journeys? Individual circumstances dictate this to a degree, but neither California nor the NCAA have yet devised a solution that facilitates direction for everyone. Student athletes with pro aspirations should be able to profit off their name, image and likenesses, but not at the expense of the much larger percentage of kids who end up going pro in – as the commercials say – something other than sports. The NCAA should certainly reevaluate its philosophy and consider more versatile models for compensating their student athletes, but perhaps the All-Americans

and Big Board draft prospects of the world should consider playing the game like everyone else, as well.

On average, less than two percent of student athletes across the major college sports compete professionally past their time in school (National Collegiate Athletic Association [NCAA], 2018). This number dips to 1.1 percent and 1.5 percent for men's basketball and football players, respectively. The NCAA has 492,000 student athletes: These statistics paint a clear picture that very few college athletes are capable of continuing to compete at the highest level on professional fields and courts.

The purpose of attending college for most students, including those who play sports, is to earn a degree and learn skills that will enable them to take advantage of better employment opportunities. The federal graduation rate illustrates that 68 percent of both student athletes and the general student body value this pursuit (Hosick, 2019); student athletes held a two-percent edge as of last year, but the rest of the student body evened up the score currently. Students should expect to invest four years, if not more, towards education; they should expect to have their time-management skills taxed; they should expect to struggle financially during this stage of their lives. There are no shortcuts. So, why do the smallest, most elite percentile of college athletes believe that they should be exempt from this experience?

One possible explanation is that they are selfish and believe themselves to be above the NCAA rules and regulations which apply to all college athletes; they're entitled to a better quality of life than their peers and the general student body due to their unique skillsets and shouldn't have to tough it out for four years eating ramen and peanut butter sandwiches and worrying about grades and job prospects like everybody else. A report by the Lumina Foundation highlights a myriad of benefits that a bachelor's degree offers to both graduates and

society at large (Trostel, 2015): College graduates earn about \$35,000 more a year than those with high school diplomas; the likelihood of being employed is 24 percent higher; and the probability of being in jail or prison is 4.9 times lower, just to name a few. Despite these advantages, a survey by the National Association of Colleges and Employers reports that the average starting salary for college graduates only amounts to around \$51,000, whereas the average salary for a professional athlete in the U.S. runs in the millions (NACE, 2019). The average annual player salary in 2018/19 for an NHL player is \$2.78 million – 54 times greater than a college graduate’s average starting salary – and that’s the lowest of the four major sports; the average annual salaries for NFL, MLB and NBA players come to 2.91, 4.51 and \$7.77 million respectively (Gough, 2019).

As a subset of what is already a prestigious group – college athletes, that is – the All-Americans throwing their weight behind legislation which could potentially harm their peers’ educational goals and prospects could be interpreted as especially mercenary. Neil Swidey adds some perspective here in his article for the Boston Globe (2019):

Keep in mind that the huge money in college sports is basically confined to two sports. Football generated a profit of \$1.9 billion in the 2017-18 school year and men’s basketball \$341 million, while, for instance, women’s basketball lost \$189 million and men’s track \$71 million. (Overall, fewer than one in eight Division I college athletic programs takes in more revenue than it spends.)

Along these lines, two athletics administrators from Cal State Long Beach, Athletics Director Andy Fee and Men’s Basketball Coach Dan Monson, both expressed reservations on how pay-to-play legislation could affect college athletes at either the state or NCAA level. Chief among their concerns were the status of international students with F1 visas and the athletic

programs that don't generate a profit for their respective schools. Fee and Monson presented two points: First, legislation akin to SB 206 is instantly unfair to international students because they can't work here in the states due to the constraints of their visa; secondly, they posited that – with more outside money flowing into programs with high profile athletes or ambitions – schools may curtail support and funds for their lower-profile programs, such as the water polos and lacrosses of the world. They may not be recognized by fans around the country, but these programs still provide scholarship opportunities for kids who want an education and character-building experiences that will stay with them after graduating.

Another possible explanation is that these star-athletes deserve to indulge in their self-interest and rebel against the demographic and socioeconomic factors which have influenced their lives. Cooper (2016) cites multiple sources which point to a trend in our society of devaluing the lives of young African American men up to and after the point that they can entertain us at the highest levels of collegiate and professional sports. From a young age, starting in elementary school, Lewis, Simon, Uzzell, Horwitz and Casserly found that “Black males attending large city schools were over three times less likely to be proficient at reading and math than White children” by the time they reached fourth grade (as cited in Cooper, 2016); data from the U.S. Bureau of the Census in 2009 also shows Black boys to be three times more likely to grow up in poverty than their White peers (as cited in Cooper, 2016). These trends, according to Cooper, Harper and Howard, “are a byproduct of systemic inequalities and the devaluation of educating and preparing Black males for success in life beyond athletic contexts in the broader U.S. culture (as cited in Cooper, 2016).

After being shuttled through the K-12 system, kids who exhibit athletic aptitude – but who have still been affected by the same forces discussed above – are plopped onto what are

essentially professional staging grounds at college campuses around the country for one purpose: To win. Swidey (2019) interviewed Robert W. Turner II, an assistant professor at the George Washington University School of Medicine and Health Science, who had this to say:

... Reform needs to start with transparency, eliminating the empty promises about giving athletes at top-tier programs a quality education. “The universities and the NCAA need to stop lying to people and tell kids and parents the truth,” he says. “We are recruiting you so we can win. It’s a business, a moneymaking enterprise.” (p. R14)

In the 1950s, the NCAA developed the propaganda of “amateurism” and “student athlete” in the wake of a lawsuit by a University of Denver football player who demanded workers’ compensation for injuries he got while playing football for the university (Vanderford, 2015, p. 808); the Colorado Supreme Court sided with the player, and the NCAA began its campaign to distance itself from any verbiage flirting with the idea that “student athletes” are employees or should benefit from any rights therein. Stoia (2019) interviewed Gerald Gurney on his thoughts about the realities of how kids are utilized in the college sports machine; Gurney is a professor at the University of Oklahoma who teaches a pay-for-play class, as well as an executive board member and past president of the Drake Group, a group “dedicated to the defense of academic integrity in higher education from the corrosive aspects of commercialized college sports”:

When you read the principle of amateurism, it says that the student athlete is there primarily for an education. Now that may be true for some, but for football and men’s basketball, it’s pretty doubtful. They’re there primarily to get into the pros, particularly at the power five schools. They’re also saying that this should be considered an avocation, a hobby. So really, college athletes are going to get up at 5 o’clock in the morning and lift

weights every day, and then go out to the practice field and bang heads for a hobby? Are you kidding me? It's laughable. (p. 31)

Turner (Swidey, 2019) presents an alternative to the current NCAA model: Hand the reins of teams like the Buckeyes and Crimson Tide over to for-profit professional operations and negotiate leasing agreements with the universities. This could allow fans to continue enjoying their teams, schools to continue collecting revenue off their brand, and athletes to continue preparing for careers in professional sports without the charade of "getting an education" positioned uncomfortably in the foreground. Taylor Branch, a civil rights historian, further suggests that the schools should then offer the players "a full college scholarship that they can redeem at any point during their lifetime" (Swidey, 2019, p. R14). I like the sound of that, too. The NCAA was created at the start of the twentieth century by President Theodore Roosevelt to address "an alarming number of deaths" in the sport of college football (Vanderford, 2015, p. 807) ; however, its ascension into a billion-dollar enterprise necessitates a shift in both philosophy and policy regarding the athletes who are instrumental in generating the association's revenue. No one yet knows what the specifics of the NCAA's future pay-to-play ruling will entail, but it will undoubtedly have to navigate many complex issues and take responsibility for how its institution affects the young lives who make their money, long before they walk through their doors.

## References

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