

# The Pay-for-Play Debate

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## **Abstract**

The topic of Pay-for-Play is something that has been widely explored and debated over the years due to the growth of the NCAA and the college athletics industry as a whole. Through both qualitative and quantitative research, expert interviews, and policy analysis, this paper goes in depth into the world of college athletics and the idea of compensating athletes for the product that they provide. A deep dive into scholarly work, review of current legislation that is in place, and interviews performed on both current and former professionals within the college athletics realm, conclusions surrounding this topic on next steps within the debate were able to be made. The California State Senate Bill that was passed in 2019, and is synthesized within this paper, should be the model that is used going forward for paying college athletes. This bill allows for the most effective and efficient solution to the disagreements that continue to be had between both sides of the debate, and would be a way to satisfy both parties involved while presenting the least amount of disadvantages or areas for controversy in the future.

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Members of the Harvard College community commit themselves to producing academic work of integrity – that is, work that adheres to the scholarly and intellectual standards of accurate attribution of sources, appropriate collection and use of data, and transparent acknowledgement of the contribution of others to their ideas, discoveries, interpretations, and conclusions. Cheating on exams or problem sets, plagiarizing or misrepresenting the ideas or language of someone else as one's own, falsifying data, or any other instance of academic dishonesty violates the standards of our community, as well as the standards of the wider world of learning and affairs.

We, Idan Tretout and Tommy O'Neil, affirm that we followed the stipulations provided within the Harvard Honor Code during our completion of this paper.

## Introduction

The percentage of Americans who participate in collegiate athletics is a staggering .15 of a percent, which ultimately begs the question: why is college athletics such an important and significant topic today? In such a capitalistic society, money runs the world, and when you hinder people's ability to obtain what could be looked at as a product of their abilities, problems are bound to arise. The NCAA as an organization makes upwards of \$1 billion a year, while players on the other hand see none of this profit. The idea of exploitation has long been a sociological topic dating back to the days of Karl Marx and his views of the social structure. He believed that conglomerates and organizations sat back and profited off the backs of hard working class people who kept these companies afloat, and unless there was a rebellion of some sort, this would continue to happen in our country's current Capitalist system. Whilst looking through scholarly articles about the topic, current policies set in place, as well as performing expert interviews, this paper gives an in depth look into the trials and tribulations of a college athlete, and the case that can be made for them to be paid for their body of work.

### *NCAA Background*

The NCAA or National Collegiate Athletic was an organization created in 1905 by then President Theodore Roosevelt, with its initial purpose being to create a body that could regulate rules within college football. Fast forward to present day and this once small body has grown into a billionaire dollar corporation, taking on the recognizable three division format for athletics. The main function of the NCAA nowadays is the regulation of amateurism within college athletics, which is to say that it simply works at preventing college athletes from being paid, and is the body that sets rules and brings down violations on schools or players where it sees fit. Interestingly enough, the NCAA has turned into the only regulating force that can dictate compensation and hours of work on higher education campuses, which essentially means that it dictates the schedule for many college athletes through certain rules brought down. A large portion of the revenue that comes annually to the NCAA is by way of massive television or sponsorship deals, deals which have added up to over \$1 billion dollars annually since 2016, not including 2020 due to Covid-19.

## Methods

### *Qualitative Research*

The goal is to add new clarity through a contemporary lens to the voice of student athletes through a qualitative research analysis of whether college athletes should be compensated for playing their prospective sports. While there is great value in trying to analyze past academic works around the topic, one can take so much more from the actual people that have been through the college athletics system. My interviews are particularly useful for getting the story behind participants' experiences. The interviews conducted with my three participants are made to better understand, and better explain the topics surrounding pay for play. We were fortunate that three known athletes agreed to be interviewed for our project.

One of our participants was Mayor Kevin Johnson who attended California Berkeley for his Bachelor's. He then had a 12 year career in the NBA playing for the Phoenix Suns and Cleveland Cavaliers. After his career in sports and being a commentator he became a politician who served as the 55th Mayor of Sacramento, California from 2008 to 2016. Much of his work in politics has been around education reform in the K-12 level in Sacramento. My second participant was Shabazz Napier. Shabazz is a two time basketball National Champion during his college career while being named the NCAA tournament Most Outstanding Player. He went to the University of Connecticut for four years and since 2014 has been playing in the NBA for multiple different teams. His story during the NCAA tournament was a huge part in the uprival and discussion around college pay for play. Lastly I interviewed Matt Fraschilla, a former Harvard College basketball player, who now coaches at the University of Villanova.

These people were best for my study for several reasons. They all played college sports at different times. This allows us to see if there were any changes in the system and if so, how? They all have unique stories with different socioeconomic backgrounds, allowing my findings to be diverse. They have worked as advisors or coaches to college athletes, role models, and because of this are able to view this debate from all aspects.

I asked the following question to my interviewees.

*How long have you been around your prospective sport and could you give some background to your story? (Where you have played, grew up, etc).*

I asked this question to create dialogue and comfortable conversation between the participant and I.

*What do you think the value of a college education means to you specifically?*

By asking this question as a reader and a researcher we can conceptualize if this person believes in the traditional “ideas” of college. This allows us to see if there might be differences between the thoughts of what college provided for a college athlete or non college athlete.

*Can you explain your experience as a student athlete in terms of how much you work you put in and if it allowed you to have a job outside of sports or school?*

The reason why this question was asked was for the interviewees to think back to their experiences as student athletes. Maybe stories that they remember from the hours of tireless work they put into their sport. I also wanted to get a sense of how time was managed and there was the ability to make side money with a job as a normal college student usually can.

*What are your thoughts on the pay for play debate? Do you think athletes should make money off their image and likeness, if you don't why not?*

This essentially is to get their thoughts on what's going on in college sports. Regardless of all the other things going on, do they at the core of things think that athletes should get paid or not. These will create a good conversation as I get into the meat of things.

*Assuming the ncaa has decided to allow student-athletes to be paid - what do you believe the most effective way of paying players would be?*

This question was asked if they answered yes to the prior question. To simply get their premature and very basic ideas of how they think school or student athletes should go about getting paid.

*Do you feel that athletes are currently being exploited, if so how? If not then, why not?*

This ties into the pay for play debate question. I want to know if their view as no longer a college athlete has changed compared to when they were one. Also if they knew they were being taken advantage of as players why did they continue to play?

There were several topics and themes that emerged from the interviews that I will highlight in the analysis of my qualitative data. College means different things to different people; so we wanted to see if there were overlapping ideas on the value of college that appeared while interviewing our participants. We also understand that there are rules in place that restrict how many hours a student athlete can practice per week, but as student athletes ourselves and through the interviews we noticed that there are a lot of blurred lines in the rules and reality of

how much work is actually put in. We also wanted to get our participants opinions on the fairness of college athletics at the most basic level and create discussion on their experiences and what they feel should be done if anything. I coded the data for the following themes.

### *Policy Analysis & Literature Review*

The second part of this paper will look towards the scholarly arguments behind whether or not schools should implement certain types of pay for play schemes and will outline what these different methods would look like and how they would operate within schools. It will go through a deep dive of the main arguments presented in favor of paying college athletes provided by numerous journals on the topic. Counter Arguments from scholarly sources will also be presented here to give depth to the arguments and allow for both sides of this story to be told. The policy analysis will be more focused on policy that is in place right now regarding the pay for play situation and will include attempts at proposals for new policies, the first of these being under the ‘current legislation’ and the second being under the ‘proposed legislation’ subtitle. The first part of this section will look at the current legislation in place, most notably the recent bill passed in California that will allow for a hybrid of pay for play starting in 2023. This will also be where there is an overview of the mechanisms that are currently in place to aid the NCAA in keeping pay for play out of the game. Finally, this will culminate in a recommendation, backed up by specific evidence, for legislation to be, or not to be, put in place within different institutions, and how this legislation would work and function.

### *Statement of positionality*

As cis gender males, we understand the potential implicit biases in our research. We understand and are aware that we identify as both a straight black male, and a straight white male which could affect our outlook on the world and our view on this debate. As college athletes ourselves, we recognize the possible commonalities between the interviewees and ourselves as well.

## **Findings & Discussion of Qualitative Research**

### *What is the value of a College Education?*

The average cost of college over four years is around \$128 thousand dollars in the US. Educational institutions provide our communities with an invaluable and essential service:

education. As reported by Cheesman-Day and Newberger, the U.S. census bureau articulated this effectively when they reported that lifetime earnings are often more than \$2.1 million dollars more than non-graduates for those with a college degree. Mayor Johnson could not agree that education was as much a lifeline to him as basketball was. He felt that "... a college education was all about freedom, giving you the ability to control your destiny and having options in life". While he was grateful he had athletics as a platform to succeed; Mayor Johnson understood that it is not realistic for most folks. When kids have the ability to use their god given talent and work ethic to get an opportunity to go to school they should take full advantage. The \$128 thousand dollars of tuition scholarship isn't something that is just given to them, they earned it. According to Mayor Johnson college education is a prerequisite for success in an information economy - especially folks at lower rungs of economic ladder hoping for any shot of upward mobility.

Coming from a lower income household that Shabazz came from he felt that college was his big break. He said "it was an ongoing social event that lasted four year, I was able to get my foot into doors that I once was not able to". The networking piece to college for Shabazz was emphasized throughout the interview.

All three participants valued college for the same reasons that most non-student athletes did. They all appreciated what college could provide for them. Although they understood the value of a college education, their actual experiences at times did not permit them to take full advantage of their opportunities as a normal college student which is portrayed in the following research.

### *Constraints of being a Student-Athlete*

Being a student athlete comes with a lot of responsibility. Matt Frischilla was the most recent college athlete of the three participants. He graduated from Harvard in 2017 and now works on the other side as an Assistant Coach for the Villanova University Men's Basketball team. He explained that being a college coach is no easy feat and much different than what he thought it was when he was a college athlete. As a student athlete he assumed that the coaches came to practice, coached, then left. He explained to me that this was their livelihood, coaching was how they paid their bills. If they don't win, regardless of how much of a good person he was, he would eventually get fired. They have staff meetings, watch film 24/7 trying to scout and breakdown tendencies in other teams. They call hundreds of kids per year trying to recruit the

best and the brightest. One thing that stuck out was that they wouldn't recruit a student athlete to come to their school if they did not think they were one hundred percent bought into the team and winning. If a kid is not willing to be up at 6 a.m. to go to the weight room, then go to the training room, then go to classes, then come back to the practice facility to watch film, then practice for two hours then it wasn't going to be an investment that the coaches would make. While coaches do care for the well being of their student athletes, when it comes down to it this is a business. They must bread the best athletes for the best records, this takes countless hours of dedication to your craft.

A lot of what I found through my interviews was that student athletes on the highest level dont have time or the freedom to be normal college kids. Officially, the NCAA restricts student-athletes' in-season practice to 20 hours per week, or four hours per day. Many student-athletes, however, reported that they practice at least 30 hours a week on average, with some sports reporting weekly practice commitments of more than 40 hours, according to a 2011 NCAA survey.

Georgetown's Center on Education and the Workforce reports that 70-80 percent of college students have a job while in college. A college job is common and is very useful, it allows kids to pay for miscellaneous needs at their own expense. Mayor Johnson for example explained that ,“it would be nearly impossible to have a job without letting academics or athletics suffer.” For him the stakes were just too high and all extra time was needed to prepare for success in the classroom and on the court where he succeeded very well.

While at Harvard we are given a lot of freedom as student athletes when it comes to cultivating class schedules that we feel are interesting and fitting for our personal wants and needs, other college athletes aren't given the same privilege. Shabazz explained that there was little to no freedom when it came to taking the courses you wanted. He explained that you initially let the education advisors know what you would like to pursue as a degree, the advisors put together a class schedule that won't interfere with practice and games schedules. Shabazz spoke volumes to how much being a college athlete affects your well being in saying,

“For a student-athlete you have all of these obstacles a student would face plus the pressure of performing at your best when the lights come on. Depending on how much your school depends on the sport you play the pressures of performing can be draining. You have a number of hours everyday that you must work on your craft. It becomes physically and mentally



challenging. As a 17-22 year old student athlete you're still trying to figure it all out, trying to add in a job to put money in your pockets is out of the question. I'm just not sure if you would have enough energy or even enough hours in the day.”

Shabazz made me realize how normalized it has become to view student athletes as wise individuals who know how to balance work, school, and being a normal college kid. When realistically most of these kids struggle with trying to balance these things, and when schools add all these pressures it dampens their college experience.

### *Unfairness in the College-Athletic System*

Unfairness in the college athletics system was by far the most consistent and prominent theme throughout all interviews. Shabazz Napier's story specifically relates to the injustice of what has been going on in college athletics . After bringing his Uconn basketball team to a National Championship two times several stories came out in the media that Shabazz had been going to sleep hungry. This began a huge discussion in college athletics and the exploitation for these players. Using Data from 2013 they used the NCAA 769.4 million dollar profit to calculate how much each player generated per minute of play. The number is roughly 30,000 dollars which Shabazz received zero dollars of. This national icon whose name had been used on magazines, and national TV who had brought the NCAA millions of dollars had been going to sleep hungry because he wasn't allowed to reap the benefits of his own work.

He also says,

“All student-athletes should receive pay off their likeness. A lot of athletes are not able to make it in their professional careers. Some prime years are there college years. Not reaping the benefits of working to exhaustion every day is outrageous. As student athletes you own your craft. Let’s say you tell yourself let’s get up early to workout to perform better on your game obviously you perform better but your school also performs better. You should without a doubt profit from that. You working to exhaustion benefits your school because success brings attention. Schools who receive more attention from outside receive more high school students knocking on their admissions door. NCAA paying their student athletes should not be a conversation, it should be the norm. Too much money is made yearly. Student athletes should be seen as partners with the NCAA not as being less than. One can argue student athletes keep the NCAA a float.”

Shabazz spoke on the fact that most of the people playing college sports won't have the opportunity to play professionally and make money after college. It is just the simple reality of things. He feels that why they are on this platform with so much influence they should profit as much as they can before it ends.

Mayor Johnson spoke in depth about the injustice of college sports. While he was very in favor of paying college athletes he felt that it was hard to generalize across all athletes. He explained that there are big differences in the experiences of college football and basketball players at the elite schools vs. say, a soccer player at a division III school. Here was one way to look at it according to him. In many cases, and particularly in the areas driving the biggest profit, there is absolutely exploitation at work here. The concept of "student-athlete" is outdated, and arguably has always been a somewhat bad-faith strategy to dodge athletes being considered as employees for labor law purposes. For many of these athletes, athletics is a 40 plus hour a week commitment, a job, that brings millions to their schools. Even the "student" piece is increasingly suspect - in many cases, students aren't even guaranteed the ability to complete their degrees if they lose athletic scholarship due to injury, health or other reasons. I believe something like less than 2% of athletes will play professionally, so access to education is absolutely critical for the other 98% who will never make a career off of athletics. Moreover, the huge revenues the schools receive are not necessarily being poured back into research or education that could benefit the students; the earnings are split between coaches and administrators in the form of huge salaries

Mayor Johnson also spoke on the fact that most of these athletes under scholarship hail from economically disadvantaged backgrounds. Just because they're not charged tuition doesn't mean that the financial woes for their families back home will suddenly be put on hold. He felt that without knowing exactly how much revenue is generated on the backs of athletes from each collegiate sport, it's difficult to know the level of exploitation. Let's just say student athletes should not be prohibited from receiving at least some direct pay from manufacturers using their likenesses or should receive some level of a stipend from the universities directly benefiting from their respective likenesses. If not that then set up a central compensation structure in place at the ncaa level.

To end the interview he told me that "One of truest ideas in politics is true here: power concedes nothing. Change tends to happen from the bottom up, which is why I'm so impressed

and encouraged to see the level of leadership and organization we're seeing on the student-level. It's a lot to ask young people to take on this multi-billion dollar industry, but they can do it. They have all the skills to do so - often learned from their hard work as athletes."

## Literature Review

Even though the topic of paying of college athletes has been one that has sparked conversation for decades now, the amount of legislation that has been passed up to this point is astoundingly minimal. The efforts behind those who believe there is severe injustice going on in terms of the power held over athletes by the NCAA have been steadily increasing since the early 2000s, but even with these pushes, not much headway has been made. Through the analysis of multiple scholarly sources as well as looking at the small amount of legislation that has been passed, it is not too difficult to boil down the arguments being made by either side, and try to look at possibilities for what the future could hold.

When looking through the main arguments made in favor of paying college athletes, it is first important to define a main term that will repeatedly come up, which is image and likeness. This essentially refers to the idea that an athlete's image is being used in a variety of different ways whether it be advertising for certain brands or even the school that they are affiliated with, as well as their image being profited off of when they play on television. The concept of image and likeness comes from a legal term known as a person's right to publicity which requires permission from a person to use their name, image, or likeness, something that all athletes have to consent to in order to play for an NCAA affiliated organization such as a higher education institutions sports team.

The main arguments in favor of passing through pay-for-play legislation can be boiled down into a few advantages that would arise if this were to happen, the first of which being the idea of max compensation being thrown out the window. Within the article "A Case for Playing College Athletes" by Allen Sanderson, he makes an exceptionally sound argument which is that there is already a form of compensation being given out to college athletes in the form of a scholarship. This is a widely used argument on the side of those who believe college athletes should not be paid because they view this as a type of payment by way of a free education. However, it is simple public knowledge that the revenue made off of these athletes is far more significant than an athletic scholarship at a Division One school, and the idea that there should be

a form of a cap on compensation simply due to this is ludicrous. The idea that this is a “free education” is in itself a red herring due to the massive constraints that playing at this level gives to an athlete's life whether it be the fact that they do not dictate their own schedule, having to make sacrifices in terms of classes and social time, as well as the stresses put on them through athletics. There is clear exploitation of athletes going on within this system that we currently have which cannot be justified by the argument of a free education.

Another common theme among those vying for paying collegiate athletes is the intense growth the industry has undergone over the past couple decades, not only in revenue being brought in but also the effect that this has on scheduling of sports. Through a publication by Dennis Johnson, it was easy to see the intense growth the industry has undergone over the past decades, in more ways than one. Looking across the board of the major sports that the NCAA deals with, the game schedules for the majority of leagues has incrementally increased over the years, never too many games at a time in order to avoid too much outcry from athletes or those on the other side of the argument, however it has suddenly become apparent. Increases like this leads to more money for the NCAA based on larger television and sponsorship deals, while at the same time adding more stress and pressure to the lives of student athletes, resulting in decreased mental health as well as an uptick in reported injuries. As previously mentioned, the NCAA is the only regulating body that dictates compensation and body of work on college campuses, meaning that they can have a massive effect on the scheduling aspect of a college athlete's life, which in turn leaves the door open for this incremental growth in scheduling. The concept that as revenue rises, so would the demand for more games is a simple one but it does not factor in the effect that it has on the product, the athletes. The continuance of growth is just another example that can be pointed to on the side of those pushing for pay for play. In his journal, Sanderson talks about an ‘intense need’ for live-sports, specifically college football and basketball, that has only grown as the opportunities for the games to be broadcasted has increased, putting more money into the pockets of the television companies as well as the NCAA, and only furthering the agenda of increasing games and pressures put on athletes by these bodies. It is a privilege to play a collegiate sport, no one is arguing against that, but it comes to a certain point when the wear and tear that increased amount of games and practice, and a decrease and social opportunities become too much for athletes to deal with when their only compensation is a free education and a pat on the back from boosters.

Traversing through the scholarly articles, it is also important to look at those who believe that the way the NCAA functions currently is how it should stand, believing that the idea for Pay for Play is something that should not progress any further than it already has. The main argument coming from this side of the discussion is something that has already been mentioned which is that a free education is already a form of compensation. Those who argue against it say that many people attend college and have to pay exorbitant sums of money for tuition, and college athletes are lucky enough that they get scholarships and are granted this experience for free. They argue that university offers more than just an education, that the compensation these athletes are granted comes within the experiences they are granted on campuses for free. But the rebuttal to this would be that many times these athletes are handed down large time constraints on what they can do around campus due to conflicts with scheduling of practices and games. Another common theme is the thought that there would be widespread problems with payment, that because there is not currently a regulatory body in place that there should be no progress made in this realm because it simply opens the door for more corruption within these types of organizations. The argument against this is that it would not be difficult to implement the regulatory body that they would believe to be necessary to accomplish paying athletes, showing how hollow some of these arguments can be. Many of the disadvantages laid out within the scholarly works are not substantiated by any real evidence because paying athletes is not something that we as a country have seen in today's modern society, so there is no way to prove that any of the detracting statements would actually come to fruition. Lastly, within his journal, John Acquaviva states that athletes "know the deal" when they arrive on campuses, that by agreeing to accept the scholarship they are acknowledging that they do not have the right to any revenue that is made off of their image and likeness. This is another hollow claim as to who is to say what "the deal" is, just because something has been done a certain way for a long period of time, does not mean that it needs to continue this way. Change is one of the only constants in life, and many of the disadvantages that are consistently cited when looking at the arguments against pay for play are simply arguments that the system should not be changed because it functions fine as is, which is in no way a concrete argument.

## **Current Legislation**

Even though the topic of pay for play has run rampant across major media outlets for seemingly decades now, the amount of legislation that has been passed has been rather underwhelming. The main piece that can be looked at as a starting point or at least a positive development in this realm is Senate Bill 206 passed in the California State Legislature, otherwise known as the Fair Pay to Play Act. This bill allows for players who attend California institutions of higher education to profit off of their image and likeness from third party endorsements or sponsorships both separate and related to athletics. The main stipulation within the bill is that there can be no direct business between the institutions and the players, and will only remain legal if the payments that are being made are between third parties and the players. The NCAA actually came out in support of the bill, following massive public support which was not a surprise as coming out against the bill would have been an exceptionally bad look in the public eye. However, even with the acknowledgment of the bill by the NCAA and their public support for it, they have not specified how they would deal with the loss of amateurism for these athletes, and have even stated that they don't believe that these organizations would be permitted to compete in NCAA sanctioned events if they were to receive the compensation that the bill would allow. The problem that arises from legislation such as this is that it is not nationally accepted, and when something like this gets passed on such a low level as a state legislature, it allows for the NCAA to refute it on the grounds that it would be unfair for players at institutions not based in California.

## **Potential Legislation**

After looking through the main themes and arguments presented by scholars, as well as the expert interviews conducted by Idan, there seemed to be three potential ways through which legislation could be passed, or at least the regulation could be changed to allow for progress to be made in the Pay for Play Debate. These options can be looked at through three separate lenses, the first avenue being pro-athlete, the second being pro-NCAA, and the third being a compromise between the two. After explaining the ways in which this legislation would play out, how it would be implemented and the ways in which it would affect both the NCAA as a whole

and the players involved, I will give my official recommendation on what I believe would be the most fair and effective way for this to be carried out.

When it comes to the pro-athlete lens, the answer to the Pay for Play debate would be actually rather simple, abolish the NCAA. As unseemly of an idea this would seem to many of the players involved, if you were to take the NCAA out of the equation, it would allow for college sports to be run more like a marketplace, an ode to the neoliberal movement within higher education. This would turn into universities being in charge of paying their athletes, they would become the body that regulates holding up certain standards and rules that would still need to be followed, but the NCAA as an organization would cease to exist. Although this does seem very unlikely given the current situation at hand, it is without a doubt the most fair situation when looking at it through the eyes of the athletes involved, cutting out the middle-man who profits greatly off of their talents, and allowing for colleges to pay them directly. The way this would work would be actually rather simple, the money made off of the games would be returned to the school, this would mean that television and sponsorship deals would no longer go through the regulating body of the NCAA but would rather be dealing directly with higher education bodies. Through this, schools could deal with the dispersal of money as they see fit, which would most likely be minutes-played and revenue generated model which would essentially mean the more minutes a player plays in a certain game, and the revenue made off that game, would equate to the money they would be getting paid. Even though this might be deemed as unfair through the eyes of certain athletes who may not play as much, it logically is the most fair way to do business as players would be paid for the body of work that they provide. Like any change to the system that would come, instituting this type of solution would bring certain disadvantages as well which are just as important to discuss. With a model like this, it would be completely in the hands of the schools that would be receiving the money, which could obviously turn into disputes between players and schools for money coming in, seeds of corruption being sewed, and even problems between teammates who are trying to fight for money by way of playing time. The other problem with this solution would be the agreement by all schools to change the role the NCAA has played for over a century now, it would take total commitment from all parties involved to get any sort of legislation passed to indoctrinate this type of system which is much easier said than done. With that being said, as previously stated this would be the most desirable solution for student-athletes as it would do away with an

organization that could be perceived as robbing them of thousands of dollars and open the door for essentially performance-based compensation.

The second possible outcome or lens to look through is the pro-NCAA which would be essentially transforming its role entirely. Rather than having its principal purpose be to regulate amateurism within college athletics, it would turn into the regulating body in charge of dealing with revenue and paying players. This would be the most satisfying outcome for the NCAA because they would still hold the power that they hold so dear, even if it would be somewhat dampened, and it would ultimately come down to them to decide how players are paid. Although their role would be changing in broad terms, it would not be nearly as drastic as the abolishment of the organization as a whole, and they would still play a major role within college athletics. Their main function would become dealing with television and sponsorship deals, something they already take care of now, and in turn figure out the most effective and efficient way through which to pay the players. This would most likely also result in a minutes based and revenue generated model but the main difference would be that they would be the ones setting up the deals so they would be profiting off them as well unlike in the first option where the colleges would be the ones who would gain some of that profit. Looking at the downsides of a system like this, it would be more restricted than placing the power into the hands of the institutions, allowing for a third-party to be in charge of money changing hands, and still allowing for the NCAA to have a lot of power and sway. It also could lead to disputes with schools over the television and sponsorship deals, and may even lead to problems within the athletes themselves, overpopulating certain schools that they believe the NCAA gives preference to. Overall, this system would not be the solution that players of higher education institutions would be looking for but it would allow for the NCAA to stay in business as well as satisfy the athletes who are looking to get paid for their image and likeness.

The third plausible outcome to the debate would be somewhat of an in-between or hybrid solution that would look a lot like what has already been passed in California. This would still have the NCAA be in charge of rules and violations, but allow for payments to athletes to come in the form of endorsements and sponsorship deals from third-party groups, and the universities would not be involved. The main benefit that legislation like this would provide would be to cut out any contention between the NCAA and higher education universities, allowing for both bodies to function separately while still giving athletes the chance to be paid through deals that



they can sign whether it be shoe deals, apparel deals, or profiting off of television. The NCAA would still function as it does now, as a regulator for certain rules and handing down violations for players and higher education universities, but it's role in terms of upholding amateurism would no longer exist, and would change into making sure the dealings between athletes and third-party groups were all legal and followed the rules set out. In this scenario, players would be in charge of signing agents to handle the deals being offered to them, as to not have to deal with these parties directly. The main requirement that this avenue to pay for play would need would be for it to be a nationwide decree rather than simply going state by state until all willing states have passed legislation. That is the current problem with the California Bill as it stands because as long as the majority does not have legislation passed, the NCAA can point to this as inequality and state that schools that allow this should not be allowed to play in their leagues or events. If it were to be passed nationally, all schools would have to make exceptions for players who made these types of deals and therefore it would become the norm. There are not too many disadvantages that arise from this scenario, the only real plausible one being competing brands dealing over kids, but that is what the role of the agents would be created for.

### **Official Recommendation**

After looking over the expert interviews that we conducted, review of scholarly sources regarding the topic, and the current legislation in place, our official recommendation for how the Pay for Play debate should be solved is an adaptation of the California Bill nationwide. The reasoning behind this is that the NCAA being abolished is the most unlikely out of the three options, even if that is what would benefit the athletes most, it is simply not possible to go down this route. On the other hand, the pro-NCAA lens still grants too much power to the organization and would allow for them to hold the same amount of power over athletes that they currently do. This left us with being able to look to the current legislation that was able to be passed, a glimmer of hope, and see that this is something that is actually a possibility. Having the NCAA still play a role within the process is an important piece, while at the same time allowing for players to deal with agents and corporations directly as an avenue towards profiting off of their image and likeness. Looking over all three of the routes we were able to create, it simply seemed that the hybrid model would create the least amount of disadvantages or areas of conflict between both players and their teams, as well as the NCAA and higher education institutions.

Even though going down this road may not fully solve the pay-for-play debate, it is our official opinion that the most effective way to solve the current issue is to adapt the California Bill nationwide.

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