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Student-athlete? An in-depth look at the past, present, and future

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Student-athlete? An in-depth look at the past, present, and future

Abstract

The NCAA began in the early 1900s as a way to regulate the wild west that was intercollegiate athletics. Over time, the organization has grown from its 62 member beginnings to three divisions with 1,281 members. In 2017, for the first time in its history, the NCAA brought in over one billion dollars in total revenue (Kirshner 2018). The NCAA has been able to achieve this feat by its insistence on the "amateurism" of its participants. This business model has allowed the organization to keep the financial benefits associated with the playing of high-level sports on college campuses. Participants in these events deemed "Student-Athletes," are barred from receiving payment for their athletic skills without being faced with the potential of losing their ability to compete at the NCAA level. This thesis will answer the following questions; when did the NCAA's reliance upon "amateurism" begin? How should the NCAA change their policies to reflect the changing culture that surrounds athletics in America? Just how has intercollegiate athletics changed over the past half-century? Moreover, what challenges might the NCAA face in making these changes from competitors or otherwise?

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STUDENT-ATHLETE? AN IN-DEPTH LOOK AT THE PAST, PRESENT, AND FUTURE
OF AMATEURISM IN INTERCOLLEGIATE ATHLETICS

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Abstract

The NCAA began in the early 1900s as a way to regulate the wild west that was intercollegiate athletics. Over time, the organization has grown from its 62 member beginnings to three divisions with 1,281 members. In 2017, for the first time in its history, the NCAA brought in over one billion dollars in total revenue (Kirshner 2018). The NCAA has been able to achieve this feat by its insistence on the “amateurism” of its participants. This business model has allowed the organization to keep the financial benefits associated with the playing of high-level sports on college campuses. Participants in these events deemed “Student-Athletes,” are barred from receiving payment for their athletic skills without being faced with the potential of losing their ability to compete at the NCAA level. This thesis will answer the following questions; when did the NCAA’s reliance upon “amateurism” begin? How should the NCAA change their policies to reflect the changing culture that surrounds athletics in America? Just how has intercollegiate athletics changed over the past half-century? Moreover, what challenges might the NCAA face in making these changes from competitors or otherwise?

History of the NCAA

The institution of intercollegiate athletics has a long and storied history. This history can be traced to a boat race in 1852 on the Thames River in New London, Connecticut (Veneziano 2000). This matchup in the sport of crew was the spark point for modern-day inter-collegiate competition. Two of America's most storied and prestigious institutions of higher learning, Harvard University, and Yale University took to the river to "test the superiority of the oarsmen of the two colleges." The match was sponsored by a rail company named "B&C Montreal Railroad." The company offered to pay for all expenses related to the event in exchange for advertising rights (Johnson 2018). This deal was a foreshadowing moment for the influence of commercial enterprises in intercollegiate athletics. The desire of the students to win the match provided the necessary motive for outside interference as Harvard looked to secure the services of a rower who was not an enrolled student at the school (Johnson 2018). This controversy would be brought up years later as a reason to begin the regulation of intercollegiate sport. The conversation would not reach its highest point until more than five decades later.

After a two-year break, the schools continued to face off against each other and have done so continuously since 1859 (Johnson 2018). Later matchups in the series were organized by the faculty of their respective institutions rather than the students themselves (Smith 2000). These matches were expanded to include other sports and were played against other schools as well. This ever-growing list of sports included the newly popular sport of American football. American football, however, was not without its issues at the time, as the excitement that the game brought to its fans was paired with the physical toll that its players would experience. In the year 1904 alone, there were 18 deaths and 159 serious injuries reported from participation in football games (Klein 2012). Because of the threat to human safety, schools from around the

country like Stanford University, the University of California-Berkeley, Columbia University, Northwestern University, and Duke University began to either drop the sport from its campus entirely or replace the sport with rugby (Klein 2012). This danger and the injuries to his very own son during his freshman year at Harvard is what prompted the intervention of our 25th President Theodore Roosevelt.

President Roosevelt was faced with the possibility of outlawing the sport due to the rising number of injuries and fatalities. To prevent this potential from becoming a reality, the president set a meeting of college presidents, football coaches, and administrators at the White House. At this meeting, new rules were discussed that were designed to curve the risk of playing football. Examples of these rules are the legalization of the forward pass, the creation of a neutral zone between the offense and the defense, and the increase of the goal to gain from a distance of five yards to ten yards (Klein 2012). After this meeting and another meeting with university representatives present, the Intercollegiate Athletics Association (IAA) a regulatory body for inter-collegiate sports was formed. The rules for football were adopted by the IAA, and five years later in 1910, the IAA was renamed as the National Collegiate Athletics Association (NCAA) (Klein 2012).

The early purpose of the NCAA was to design rules that would mitigate the playing risks of the game of football. This purpose would then expand in the 1920s and 1930s to determining the top team in the country or the “national champion” in sports like track and field and basketball while regulating the same outside influences that plagued the intercollegiate contests of 70 years prior (Smith 2000). As nationwide interest in collegiate athletics grew, the institution became an integral part of the college experience. This growth led to the increased commercialization of the events in the late 1940s as broadcasting companies saw an opportunity

to bring in more revenue and began to negotiate national television contracts with specific universities. The first two being with the University of Notre Dame, the University of Pennsylvania, and the American Broadcasting Company (ABC) (Bernstein 2001). The two schools signed deals for the broadcasting of their home football contests for upwards of \$150,000 for the 1950 season which is equal to around 1.55 million dollars in today's figures (Bernstein 2001). Another factor to the increased popularity of collegiate athletics was the increased availability of higher education. With the GI Bill being enacted to give veterans of the recently ended second world war the opportunity to train themselves through higher education, this created an influx of new alumni around the country for colleges and universities and with that a passionate and growing fan base. As televisions entered many American households in the 1950s, the investment that broadcasting companies made had finally begun to pay off. The increasing technologies of the time allowed for fans to stay in touch with their school's games in a new and more immersive way, as universities now reached a wider audience than ever before.

While college sport now had increased visibility in American culture, the industry also had to deal with its prior issues of corruption and outside influence. Individual universities had been subsidized or given money to athletes for their participation in NCAA sporting events since the 1920s. This practice of paying athletes, however, was not regulated by the NCAA themselves, and this led to alumni of the universities paying for the needs of the students out of their own pockets. The NCAA's solution to this wild west of alumni spending was to adopt a policy of "grant-in-aid" which is more commonly known today as the full-ride athletic scholarship (Epstein 2016). In 1957, universities adopted a policy that would give students scholarships that would equal the cost of their campus housing, their meals, and the cost of their tuition to attend the institution (Solomon 2015). This policy allowed for the schools to level the playing field

regarding recruiting athletes to come to specific universities and eliminating the overbearing hands of the large alumni influencers.

It was also around this time that the NCAA began to increase its authority over its member institutions by implementing legislation like its 1948 “sanity code.” This code allowed the NCAA to expel member institutions who did not follow the rules set forth by the governing body. This “sanity code” was the precursor to the “committee on infractions” which replaced the code itself in 1951 and allowed for a wider variety of punishments that would better fit the specific violations (Oriard 1999). It was also at this time that Walter Byers became the Executive Director of the NCAA. Byers is an integral figure of this research as he opened the door to even larger media contracts and continued to increase the influence that the NCAA had over its members.

Walter Byers as the Executive Director of the NCAA was one of the most influential people in NCAA history. One of his most lasting contributions to collegiate athletics is the creation of the term “Student-Athlete.” The term refers to students at NCAA member institutions who compete at the NCAA level for the previously mentioned “grant-in-aid” scholarship. The term was created in response to the death of an athlete at Colorado’s Fort Lewis A&M in the 1950s named Ray Dennison (Branch 2014). Dennison was a football player at the university and died from an injury to the head while playing the game for the school. After the accident, his wife attempted to file for worker’s compensation benefits, a move that would come naturally to those who’s spouses who were killed or injured severely on the job. This filing then brought forth the question of the employment status of students who participate in sports for a university. Do these students carry the same employment status as a student dining hall worker or are they just another student who participates in an extracurricular activity that accepts the risks that

could come with that participation? The answer to the question came with the decision of the Colorado Supreme Court that athletes are not deemed employees of the university because colleges and universities are not in the “football business” (Branch 2014). The term “Student-Athlete” was in turn coined in response to this case in efforts to protect NCAA member schools from future litigation from issues like this one.

The issue would again arise about 20 years later in 1974 with the case of a football player at Texas Christian University named Kent Waldrep who was injured in a game contested against the University of Alabama. Waldrep who had developed paraplegia after his accident had his medical bills paid by the university for the next nine months of his recovery. The university then declined to pay for further treatment after that period. Like the story of Ray Dennison, in the 1990s Waldrep sought worker’s compensation for his injuries after years of relying on charitable donations could not support him any longer (Branch 2014). The athletes were again defeated in the suit by the “Student-Athlete” defense, and this turned out to be another critical victory for the NCAA in its goal of preserving the foundational piece of their business model called “amateurism.”

An amateur, as defined by the NCAA, is someone who “has not profited above his/her actual and necessary expenses or gained a competitive advantage in his/her sport” (NCAA 2018). This definition means that a person who has received any “extra benefit” from their athletic abilities other than a “grant-in-aid” type scholarship (money, goods, reduced price for services, or lavish experiences) would not be considered an amateur athlete and thus not be eligible for NCAA competition. As of now, the NCAA holds a near monopoly on the market of intercollegiate athletics. There are other governing bodies or sports leagues like the NBA Gatorade League (formerly known as the NBA Development League) that compete with the

NCAA for talent. However, these options paired with the entry-draft rules for most major professional sports leagues, are much less enticing than the potential of playing NCAA Division I basketball for a variety of reasons (Low wages, lowered exposure, and, distance from home). The NBA since 2006 requires players to be 19 years of age by the end of their draft year and one year removed from high school graduation to be draft eligible (Zillgitt 2018). This rule plays a huge part in the NCAA's monopoly on elite youth sports talent.

The Changing Tide of Inter-Collegiate Athletics

While the practice of Amateurism has stayed relatively constant over the past half-century or so, it has had some backlash from both the communities of athletes that it serves and the consuming public. Many people feel as if the athletes at each university are being taken advantage of, as the organization brings in billions of dollars in television contract revenue from the athlete's exploits. The sentiment is that they should be compensated further than what their "grant-in-aid" scholarship may cover. This scholarship could include a monthly stipend for things like personal entertainment, gas money, and other things not included in the traditional tuition, housing, and food payments. This total would be considered the total "Cost of Attendance" figure that the United States government provides for each American college and university. This change in attitude has led to increased activism from athletes, former athletes, and other influential people in sports business.

While it has been decided in the American court system that NCAA athletes are not employees of their respective universities by the cases of Kent Waldrep and Ray Dennison, there have also been more moves to change that thought process. One example of this is the efforts by Northwestern University football team members to unionize and attempt to negotiate with their university and the NCAA for better working conditions.

In 2013, Kain Colter the starting quarterback for the Northwestern Wildcats and the rest of his team looked to form a union to represent the interests of the football players at the school. The union was named the College Athletes Players Association (CAPA) (Strauss 2015). Colter was spurred to create the union after experiencing a perceived injustice at the hands of the NCAA. Colter's dreams were to become a National Football League quarterback and then a doctor once his playing career had ended. He was forced away from his medical dreams since the necessary science courses interfered with his practice schedule and team responsibilities. Colter also had concerns about how he and other athletes would find the necessary money for food, shelter, and healthcare later in their lives. Colter had researched and found that his story of not having enough money for food housing or books was not a unique one. On average, the "full scholarship" of NCAA Division I football players fell short of the full cost of attendance by \$3,000 which is not a sum to be taken lightly by the average college student (Nocera, Strauss 2016).

Due to these concerns, Colter looked to follow the lead of other sporting leagues around the United States and create a union that would look out for the best interests of collegiate athletes. After receiving the support necessary from his teammates through a unionization vote on January 26th of 2013, he worked with local steelworkers unions to lay a foundation for the union (Nocera, Strauss 2016). Since the university took the obvious option of not viewing the athletes as university employees, the CAPA took their case to the National Labor Relations Board to determine the validity of their union. The board already had a set precedent from a 2004 case that viewed Brown University graduate assistants as non-employees since they were mainly students or students first (Nocera, Strauss 2016). This case again brings up the issue of the "Student-Athlete" term. The NCAA deemed the athletes at Northwestern as being mainly

students since according to the organization their priority was to be students. Because of this, many would expect the NLRB's decision to be the one of precedent. This thought, however, was not the case however as Peter Sung Ohr the NLRB's regional director decided that they should be treated as employees. The athletes often worked more hours than the typical American employee (40 hours per week vs. up to 60 hours per week during a training camp period for the Northwestern athletes) (Nocera, Strauss 2016). Two other points brought up by Ohr were that this excessive time commitment was more than what the athletes could dedicate to their academic studies and the incredible amount in revenue around 235 million dollars that Northwestern football generated from 2003 to 2012 (Nocera, Strauss 2016). This money and time commitment spread proved that these "student-athletes" were not students first, but athletes first. Also, keeping all the revenue that was raised primarily off the feats of the football team to themselves was deemed inappropriate and unethical.

This labor board case was not the end of the struggle for the union as alumni of the university, and the school itself tried to crush the CAPA's efforts before they could get off the ground. Alumni would call players to dissuade them from voting for the union by using scare tactics like the potential alienation from alumni connections that could hurt the athlete's career prospects and the cancelation of the plans for a new multi-million-dollar athletic facility (Nocera, Strauss 2016). These tactics would not matter in the end as in April of 2015 Northwestern University would appeal the regional board's decision to the national board in Washington D.C. That board decided not to determine the employment status of college athletes because they could not change the rules for all of collegiate sport, as their jurisdiction is only over private entities rather than the majority public institutions of the NCAA. League sports like those regulated by the NCAA require competitive balance. If the labor board were to rule against

Northwestern, the university would be forced to give increased compensation to its teams compared to the rest of the NCAA, thus giving the school a recruiting advantage over all other competition.

This defeat at the hands of the university and the NLRB left Colter's reputation at Northwestern in shambles, but it did begin the foundation for an increase in athlete benefits at other schools nationwide. This increase in benefits included increasing the athlete compensation to the full cost of attendance, thus negating that \$3000 average deficit that existed previously.

Another major event that has altered the landscape of collegiate athletics is the Ed O'Bannon use of likeness case. O'Bannon was a former men's basketball player at the University of California, Los Angeles (UCLA). O'Bannon was a successful player at UCLA as he was named the John R. Wooden Award winner as the top player in Division I college basketball, a national championship winner for the school in 1995, and was also drafted into the NBA as the 9th overall selection the same year. O'Bannon's professional career was not as notable as his collegiate career, and he found himself in less notable leagues by 1997 and outside of the professional ranks entirely by the year 2004. As a result, in 2006 he began selling cars at an auto dealership in Las Vegas, Nevada (Draper 2017).

Even though O'Bannon had been away from the collegiate court for 14 years at the time, the NCAA was still profiting from using O'Bannon's likeness in various forms. These actions included selling the film from his 1995 National Championship Game for rebroadcasting purposes, selling DVDs of this game to consumers for a profit, and allowing video game companies like Electronic Arts (EA) to use the likeness of his entire 1995 championship team in their video games without their expressed permission. O'Bannon and the rest of his team were not compensated for these uses of their likenesses (Draper 2017).

In 2009, O'Bannon brought a case against the NCAA to the United States District Court for the Northern District of California. The objective of this lawsuit was to open the door to the potential of television and other revenue sharing between the organization and its athletes (Draper 2017). The district court decided that the NCAA was in violation of the Sherman Antitrust Act of 1890 which attempts to protect consumers from the abuses of large monopolized businesses like in this case, the NCAA. One of the main protections of the Sherman Antitrust Act is the protection from a wage cap which the NCAA is in violation of through their implementation of a cost of attendance scholarship policy. The decision was then appealed in 2015 by the NCAA, and the case made its next move to the Ninth Circuit Court of Appeals which again upheld the decision of the lower court (Draper 2017). In 2016, the NCAA again attempted to appeal the court's decision to the United States Supreme Court, but the court chose not to hear the case (Draper 2017). This decision has opened the NCAA to the potential for more litigation regarding the uses of a player's likeness and its practice of amateurism.

In September of 2017, the Federal Bureau of Investigation released its findings from a probe into intercollegiate athletics and improper bribery payments. The investigation alleged that coaches, professional sports agents, and financial advisors were uniting in efforts of bringing top recruits to their campus to play basketball for their school. The universities that were initially found to be a part of the bribery campaign were Auburn University, the University of Arizona, and the University of Southern California (Scott 2018). In this situation, the financial advisors and agents would give bribe payments to assistant coaches to persuade certain athletes to come to their university, and once they decided to turn professional, they would sign contracts with those agents and their agencies thus potentially bringing the agents themselves millions of dollars through new clientele.

The report later exposed that many of the top basketball prospects from the past two seasons were also involved in this scandal. Current Dallas Mavericks Point Guard and former North Carolina State player Dennis Smith Jr. was alleged to have received \$43,500 in payment and \$73,000 in loans from the listed sports agency ASM Sports (Raskin 2018). Other NBA athletes to be associated with financial wrongdoings are Kyle Kuzma, Tim Quarterman, Isaiah Whitehead, Markelle Fultz, and Edrice “Bam” Adebayo among others. These players are alleged to have received between \$9,500 and \$36,500 in payments (Raskin 2018). Other prospects also received “impermissible” benefits like current collegiate athletes Miles Bridges (Michigan State), Collin Sexton (Alabama), Wendell Carter Jr. (Duke), and DeAndre Ayton (Arizona). The players mainly received small benefits like expensive dinners totaling around \$300 total, but some like Ayton, are accused of taking larger payments in the tens of thousands (Raskin 2018).

A second scandal was also brought to light through the investigation. This incident referred to a ring of bribery that revolved around an athletic apparel company and a university that was initially unidentified but later acknowledged as the University of Louisville in Louisville, Kentucky. The University of Louisville’s transgressions in this matter were the most concerning and egregious in the eyes of the NCAA and the FBI.

Louisville’s case surrounded one of the nation’s premier basketball recruits, Brian Bowen and its Naismith Basketball Hall of Fame coach, Rick Pitino. Bowen was ranked as one of the top-20 high school senior basketball players in the nation by multiple recruiting services (ESPN.com, Scout.com, and Rivals.com 2017). He was also invited to prestigious basketball exhibition showcase games like the Jordan Brand Classic and the McDonald’s All-American game. Bowen made his college decision public much later than the average highly-recruited college basketball player. In June of 2017, Bowen announced his intention to enroll at the

University of Louisville (Norlander 2017). What was not known at the time was the connection between Bowen's father, the athletic apparel, and footwear company Adidas Inc., and an agent whom all looked to steer Bowen towards playing at Louisville.

In August of 2017, just a month before the FBI's findings were released, the Director of Athletics at Louisville, Tom Jurich signed a ten year 160-million-dollar contract extension with Adidas to be the official athletic apparel company of the University of Louisville (Sullivan 2017). This deal made the University of Louisville Adidas' largest collegiate partner regarding financial numbers and one of the top five largest apparel contracts in all of Division I athletics. Louisville was behind only traditional college sports powerhouses, and Nike branded schools like the University of California-Los Angeles, the University of Texas-Austin, and the Ohio State University (Greer 2017). The deal also gave Adidas the motivation to help Louisville out when it came to the recruiting of its athletes. The logic being, the better the recruit, the better the potential outcome of a season. The better the outcome of a season, the larger the amount of exposure the university and the brand receives. The more exposure, the more potential money that the brand can make by selling its products to the average consumer.

Through the FBI's probe, it was revealed that Bowen's father took a payment of approximately \$100,000 from an agent and an employee of Adidas in exchange for steering his son towards playing at an Adidas branded school, in this case, the University of Louisville (Hruby 2017). This payment was obviously in direct violation of the NCAA's rules on amateurism since the payment of \$100,000 would be considered an extra benefit. This scandal resulted in the beginning of the downward spiral of the entire Department of Athletics at the University of Louisville. Jurich was relieved of his position, and with him, the Head Coach Rick Pitino was terminated as well. Bowen was deemed ineligible to compete at Louisville by the

NCAA until the investigation was completed. He was later cleared by the NCAA and decided to transfer to the University of South Carolina, where he spent a semester before declaring for the 2018 NBA Draft (Goodman 2018).

The Future of Amateurism in Intercollegiate Athletics

With the recent FBI probe scandal, the NCAA has had more negative press surrounding its proposition of amateurism than ever before. Due to the increasing public pressure over the past decade or so, the NCAA has recently decided to increase the “grant-in-aid” scholarship that it provides its athletes, to a full cost of attendance scholarship (Wilson 2015). These scholarships, however, are only given to those who participate in what are called “Head Count Sports.” In the sports of football, men’s basketball, women’s basketball, women’s tennis, women’s gymnastics, and women’s volleyball, each NCAA Division I institution can provide a scholarship equal to the full cost of attendance. All other sports at the Division I level, and all sports at lower divisions are known as “equivalency sports.” With these sports, the institutions are given a small number of full scholarships (usually 9-22), and they are allowed to split those scholarships amongst the entire roster (Frank n.d).

As long as the NCAA does not provide all of its athletes with the “Head Count” full scholarship and popular professional leagues do not alter their one year removed from High School competition rules for their player entry drafts, other leagues and organizations will arise to compete with the governing body. Other alternatives have already arisen such as the NBA’s Gatorade League (NBA G-League) and a new league called the Junior Basketball Association (JBA) founded by the Big Baller Brand and its founder and CEO Lavar Ball (Hoffarth 2017). These two leagues pay its players a minimum of \$26,000 per year, but players can earn upwards of \$75,000 to \$100,000 depending on the structure of their contracts (O’Donnell 2018). These

leagues would also offer its participants the ability to live the professional lifestyle right out of high school. The preparation given by this year in residence could allow for an increased level of success and an easier transition from High School to the professional ranks. The transition from playing against the top teenagers in the world to playing against the top players in the world period cannot be understated.

With the success rate of young players in the NBA being so low, any help towards that goal should be welcomed, and for some like Darius Bazley, it has been. Bazley has decided to withdraw from his commitment to play basketball at Syracuse University and spend his one year before turning professional in the NBA G-League (Fortier 2018). Bazley has discussed this option with his family over the past few months and made his decision in March of 2018. Bazley is the first highly touted prospect to forgo the major college route and enter the minor leagues. Other young athletes could use his decision and the future success of his decision in making their own choices for their future playing careers.

While the other leagues may entice some participants like the G-League and Bazley, most will not choose this option as it is still a far better option to join the ranks of the intercollegiate athlete. As higher education costs have risen exponentially over the past three decades, the thought of a reduced price college education and increased job potential afterward is enough for most to join the collegiate ranks, as most will never have the skills necessary to reach the professional level. The level of exposure for athletes is also much greater on the NCAA stage. Television broadcasting companies like Turner have paid almost 9 billion dollars for the right to broadcast NCAA championship content to their audiences (Brady 2016). This level of exposure could not come close to being matched by the G-League or the JBA as their games are live-streamed over lower cost platforms such as youtube, rather than major networks with millions of

audience members. The increased exposure could lead to more revenue for the player down the line as popular brands like Nike and Pepsi would be more enticed to offer larger endorsement deals to players with a proven fanbase rather than a G-League athlete with a much smaller fanbase. Depending on the player, this difference could cost players in the tens of millions in lost potential revenue. The straight financial numbers of the jump immediately to the professional ranks make this decision irrational as well, as the minimum salaries that G-League and JBA players make do not include the food, housing, and travel costs of the NCAA's "grant-in-aid" scholarships.

While going the route of traditional intercollegiate athletics would be the best for most students, this does not mean that experience cannot be improved. There have been situations where the NCAA has overstepped their boundaries when it comes to the financial earnings of its athletes. One such case being of the former University of Central Florida football player and Placekicker Donald De La Haye who was deemed ineligible from NCAA competition and had his scholarship revoked due to the financial success of his YouTube channel (Gardner 2017). As many popular personalities on the platform, De La Haye began to receive additional advertising revenue from his channel due to its large viewership. Cases like this show that the NCAA must update its policies as this channel could be compared to a second job for De La Haye and therefore the NCAA should not have penalized him for his success. The NCAA could also offer a stipend to players in certain high revenue sports or increase the "grant-in-aid" scholarship to cover all athletes at the NCAA Division I level. This way all athletes are given the ability to share in the wealth brought in by the larger sports, and they are also able to live a more comfortable life while focusing on what the NCAA promotes as their priority, their education. This change would also benefit those who do not make the jump to the professional leagues as they will have

a life much less saddled with debt than the average college graduate. While there may be no clear answer on the topic of athlete compensation, it is the job of the American court system to figure out what would be considered fair compensation and to protect these athletes by holding the NCAA accountable for its policies. Without a press from the American justice system, the NCAA will be slow moving and will show reluctance towards changing their current profitable ways. This battle is one that will be waged for the foreseeable future through cases like Jenkins vs. NCAA which expands upon the decision of the O'Bannon case and will be heard in late 2018. These future decisions could cause a major shift in how we view intercollegiate athletics in the future (McCann 2018).

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