

The landscape of organized amateur sports, as well as the central purposes for playing, are much different now compared to around the earlier days of the NCAA's existence and college sports in totality. If one wanted to play a sport while attending a school or university, they would have to fulfill their academic requirements and put school first, while solely playing the sport either for pure fun and comradery with others, or to remain active, or for any other reason that doesn't involve a pursuit for money or fame. The term "amateurism" is an effective way to describe the NCAA's early policies and existence as an organization. At the very start, their central goal was to protect young athletes and regulate rules of sports (*NCAA Origins*, N.A). With such few member universities, zero ways to broadcast events, and dealing with league expansion for new sports and universities to join the NCAA, there wasn't much urgency regarding enforcement of strict rules and regulations for the first few decades of the NCAA's existence. As for the typical NCAA athlete experience from the early to mid 20th century, there were little to no luxuries to be had except for the select few who could earn a full scholarship, and the expectation for everyone was to play for your university and community pride with no good option to switch schools solely for sports reasons; unless one was willing to sit a full year before playing for their transfer (Montieth, 2025).

The term "NIL", used to describe the name, image, and likeness of an athlete or any individual, was not an issue of controversy for the NCAA until their programs became national phenomenon and big money makers through tv rights, ticket sales, and other revenue sources (Thompson, 2022). With the increased revenue and public attention towards the NCAA and its athletes came better luxuries for athletes. Training and practice facilities for many colleges nowadays are on the same scale as those for professional organizations, and even lower level colleges today offer better amenities than the top universities did in the days before broadcasting

and mass revenue generation. Despite the NCAA's organizational power resembling that of a professional business and the skyhigh demand from fans to watch the top collegiate athletes in the country perform in all sorts of sports, athletes were still labeled as amateurs and therefore not able to be deemed employees or able to receive compensation for their athletic feats (Thompson, 2022). There are many that would argue not allowing athletes to sign endorsement contracts or make money from NIL opportunities outside of their university is unfair and has no poor effect on a university. However, prior to the current legislation that allows athletes to pursue NIL opportunities, participation in athletics would be foregone if a division 1 athlete received remuneration for endorsing or promoting a commercial service or product of any kind (Thompson, 2022). D2 and D3 athletes were permitted to pursue these promotional activities as long as they weren't directly correlated with their sport (Thompson, 2022), which goes to show the NCAA did not want commercialization for their student athletes that would've been popular enough to establish their own brands and potentially make millions of dollars from endorsements. This shows how college athletes for the majority of time have had no chance at earning compensation while playing sports for their university, despite many being prominent public figures which are helping generate millions of dollars to certain institutions.

Due to the large amount of money at stake with NIL and amateur athletes, there has been lots of litigation to settle disputes between the NCAA and various parties. Many former college athletes have also dealt with lack of recognition and/or compensation that they should be rightfully entitled to, yet can't due to amateurism rules the NCAA imposed to prevent these opportunities. Arguably the most impactful legal case for developments with NIL and why the NCAA's stance has been historically unfair is *O'Bannon v. NCAA* from 2009 (McCann, 2024). A video game was able to use players with identical physical features, play style, and other key

information that was the same as O'Bannon when he played at NCAA, and he didn't find out about this until a while after the game's production. This eventually prompted O'Bannon and several other former college basketball players to file a class action lawsuit since they did not receive a single percentage of profits despite being modeled off of for the video game (Robakowski, 2024). The NCAA would continue to state their belief that amateurism for their athletes also means they should not be allowed to receive financial compensation for anything other than education-related funds such as scholarships or cost of attendance benefits. This issue was especially unique because it sparked debate over whether a violation of the Sherman Anti-Trust Act was legitimate or not, and that commercial activity opportunities should not be affected by the NCAA's eligibility rules, says the O'Bannon side (Robakowski, 2024). All in all, the courts would agree that the NCAA was being way too restrictive with their policies regarding commercial activity, and while preserving amateurism, competitive balance among NCAA schools, and increasing output in the educational market were all important goals for the NCAA, vast public support for athletes being able to pursue additional compensation definitely played a part in the new changes to come (Robakowski, 2024).

Improving benefits that college athletes shall receive was an outcome from *NCAA v. Alston* as well, a case aimed at limiting compensation restrictions in place by the NCAA yet again. With the continued growth in popularity of college sports in the consumer market, and the increase on the cap for cost of attendance compensation from the O'Bannon ruling, the California District Court in *NCAA v. Alston* stated that the NCAA could not cap "certain education-related benefits" solely out of amateurism justification reasonings (Thompson, 2022). This further improved student athletes' compensation benefits while upholding that "pay to play" benefits are forbidden. It's remarkable how different the NCAA was in 1984 compared to 2014,

the year *NCAA v. Alston* began, and how much revenue is being brought in by each Power 5 Conference every year as well as all division 1 schools. TV rights to broadcast basketball and football now start in the billions of dollars range and from a business perspective, the NCAA can be looked at as no different from the most successful professional sports organizations.

Continuing on with the last statement, the structure of college sports has continued to become more comparable to that of a professional business. Proper compensation debates and whether or not players may be paid similar to how head coaches are paid have prompted questions over why college athletes should not be viewed as employees just like coaches to a university are. For whichever NCAA sport or member school you look at, staff members such as head coaches, assistant coaches, and team trainers or doctors will be working on a salary provided by the school institution, and in division 1 in particular, some of the salary numbers for head coaches are as lucrative as professional league coaches. These coaches' contracts along with the billion dollar TV contracts prove the NCAA is a thriving business, and they're very dependent on talented athletes to sell tickets and make more fans (Couch, 2024).

There would be a collective effort by a group of former and current college athletes in 2019 to sue their universities for not classifying themselves as employees of the university as well as the NCAA, stating claims of violating the Fair Labor Standards Act (*Johnson v. National Collegiate Athletic Association*). If college athletes were to be deemed employees by the FLSA, they would be owed at least minimum wage, eligible for overtime pay, and it would further reshape college sports on top of the already fairly new and industry-changing NIL policy change in 2021 (Couch, 2024). The test used by the FLSA to determine employee status for individuals would seem to match what athletes are performing for their universities and the NCAA, but of course the circumstances for sports are much different compared to businesses in other industries

(*Congress, N.A.*). While college athletes are economically valuable for their programs and the NCAA as a whole, it would be a massive decision to legally declare the relationship between them and their schools as employee-employer, and some ramifications from it would include more formalized documentation and stricter rules. Things such as athletic activity time sheets, practice schedules, travel agendas, team rulebooks, and other athletic-related materials could have to be reviewed and disclosed by every university to comply with the new status policy for student athletes (Couch, 2024). Additionally, all universities within the NCAA being required to pay all athletes a fair rate could help minimize concerns regarding antitrust developments. For example, if NIL money were to be unevenly possessed among schools in division 1 football and the larger, more prestigious universities had much more to offer than their conference opponents, unfair competition would be more likely to affect parity in results year after year and it would make recruiting vastly different. Having all universities across an entire division or sport within the NCAA be required to pay their athletes at least minimum wage while performing their sport-related activities for their school would at least promote some competitive balance and not make large NIL deals the only way to be further financially compensated.

However, it is important to consider that these players are still enrolled in college and have an academic standard to uphold as well. It's possible that earning a wage to play a sport for your school on top of having a scholarship that pays for tuition and other fees, which would be the case for a large percentage of athletes on a full ride, is excessive. While it's true that the NCAA's stance on amateurism and what that means for its athletes has historically been harsh and over-restrictive on its athletes, the term "student athlete" will always be a proper way to describe players representing a university through sport, and eligibility should always be dependent on meeting an academic standard of some sort. The mass shift from athletes getting

nothing except cost of attendance and scholarship compensation, to now being eligible for any sort of endorsement deal and having the freedom to earn compensation from any outside party other than their university, has allowed athletes the freedom to what's best for their personal "brand" rather than their school (Montieth, 2025). Not every young athlete (in fact a large majority) can accomplish the dream of being paid to play a sport for their professional career, so not prioritizing academics in college and instead being constantly occupied with a sport can be poor for one's future following their playing career. Although this new NIL era has been positive for countless athletes and has opened doors for young people to earn profits through their name and success in sport, it has fostered an environment of unpredictability for the future of the NCAA due to the power in the hands of athletes. Fans are as engaged in college sports as ever due to the high entertainment value and star players they get to witness, but ensuring fairness in the NIL market as well as holding athletes accountable for their academics are two things the NCAA should prioritize for the betterment of the athletes and their futures, as well as their product.

One thing about NIL for college athletes that benefits the widest group of athletes is group licensing. Since most athletes don't have the ability to cash in on individual NIL deals, and about 95% of college athletes never make it to the pros, pooling the NIL rights of all players while allowing for the best players to enjoy their individual benefits available to them due to fame and success is the best solution for all involved parties (Thompson, 2022). This is especially effective if school logos, insignia, and other forms of property are allowed to be associated with these players since it builds a stronger connection between a school and these athletes, and a profit is able to be generated through cooperative licensing agreements (Thompson, 2022). For example, with the popular new video game *College Football 26* by EA Sports, every player whose likeness is used in the game is getting at least \$1,500 and schools are

also being paid royalties that are based on how much they're used in gameplay (Capece, 2025). The ability to maximize NIL opportunities through group licensing for all members within the NCAA is effective in eliminating concerns regarding exclusivity for only the biggest sports such as basketball and football, and it creates positive business relationships between universities and third parties (Thompson, 2022).

Lastly, revenue sharing is a mechanism utilized by many professional sports leagues in efforts to maintain competitive balance and ensure financial viability all around (Rockerbie, 2024). This can tie in with NIL and the NCAA because of the lucrative amounts of money within TV contracts and how the NCAA has historically shared revenue with member schools but not its players; who are key in driving in viewership. For NIL to be maximized and maintain fairness, it's possible that legislation can be created to require a share of sports broadcasting contracts to be owed to every competing athlete within a conference (Thompson, 2022). This is sensible because of the frequent amount of times broadcasts rely on obtaining facts and information about athlete's NIL in order to enhance the viewing experience and give fans more context on what they're watching. In addition, providing methods to maximize NIL rights for all is a better alternative than aggressively going after fundamental NCAA policies such as no pay-for-play, unionization, or collective bargaining (Thompson, 2022).

The NCAA does not want complete professionalization of its product, and collegiate athletes should not be entitled to exactly every opportunity that a professional athlete would be, but rightful benefits have been kept away from collegiate athletes for too long and the NCAA owes each and every member a fair share. While NIL cannot be perfectly distributed and it does skew towards the best athletes and biggest money-making sports, there is no reason why every collegiate athlete shouldn't be entitled to the same opportunities as their peers. The future is still

uncertain for the NCAA due to the mass power shift in recent years, but proper regulation of NIL is how fairness will be maintained and athletes can still have freedom in their commercial pursuits.

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