Introduction

The topic for the October and November BADL’s is:

Resolved: That college athletes should receive monetary compensation beyond scholarships for participation in athletics.

With the recent news of the Northwestern players suing to be part of a union and the Ed O’Bannon case, this topic will be in the news and should interest your students.

Sample Affirmative Justifications:

Justification 1: Fairness

Athletes make huge profits for their universities, most of which gets diverted to building huge stadiums and for coach and administrator salaries. The athletes deserve the profits that come from their likeness and the revenue that is gained from their playing.

Justification 2: Necessity

Because college athletes cannot get a job with their demanding schedules, many athletes live lives of poverty. A single accident or injury can commit them to lives of poverty, with no source of revenue to offset the loss.

Justification 3: Scholarships are inadequate

While scholarships are a nice perk for athletes, scholarships don’t pay for basic needs like transportation and other needs. Most full scholarship athletes still have between 8,000 and 12,000 dollars of additional needs that scholarships are not providing. These athletes deserve to be paid.

Sample Negative Justifications:

Justification 1: Athletes are already paid

Athletes already receive huge scholarships that provide for their education. A bachelor’s degree can be worth up to a million dollars in additional earning power over the course of one’s life, making a degree invaluable for any student. Athletes also receive expert coaching, on-campus housing, frequent meals, free training facilities and free professional development with public relations and networking. Athletes simply don’t need additional funds.

Justification 2: Paying athletes is enormously expensive

College athletic programs already lose approximately $11 million dollars a year on athletics, making paying athletes an unaffordable proposition. Paying athletes would not be viable for over 90% of athletic programs.

Justification 3: Resource cuts

The high cost of paying athletes will demand cuts from somewhere else. Either colleges would have to cut their non-profitable sports like volleyball and swimming, or they would have to cut academics.
Another likely option is to raise tuition for the college, making normal students subsidize college athletes, creating an unfair situation.
CHALK TALK: Foul! The Exploitation of the Student-Athlete: Student-Athletes Deserve Compensation for Their Play in the College Athletic Arena

NAME: Christopher W. Haden

LEXISNEXIS SUMMARY:

... Hurst and Pressly proposed that each division I university incorporate "laundry money" into the scholarships of all their student-athletes. ... The laundry money proposal addresses each of the major obstacles facing the pay-for-play system. ... Second, incorporation of the laundry money into the scholarship package would not deprive universities of any federal tax benefits derived from activities substantially related to education. Because student-athletes under the laundry money proposal would not receive a salary, thereby retaining their amateur status, universities would still benefit from the tax exempt status provided under I.R.C. ... Under the laundry money proposal, each division I student-athlete would receive the laundry money, regardless of sport or gender. ... The reasoning behind Hurst and Pressly's laundry money proposal is sound. ... Instead, I would propose that Hurst and Pressly double their numbers, thereby providing each student-athlete with $ 900 per year, or $ 100 per month, of laundry money in his or her scholarship package. ... By incorporating an addition $ 900 of "laundry money" into each student-athlete's scholarship package, universities would avoid the legal obstacles that have for so long prevented fair compensation for the student-athlete. ...

TEXT:

[*673] I. Introduction
In 1998 the National Collegiate Athletic Association ("NCAA") signed a contract with CBS, giving the network exclusive television rights to the NCAA Division I Men's Basketball Championships for which the NCAA and its members will receive $1.7 billion. n1 The member institutions of the NCAA are the various colleges and universities that operate athletic teams comprised of student-athletes. Coupled with the lucrative CBS contract, NCAA member institutions constantly enter into contracts with shoe, apparel and sports drink companies, along with various other corporate entities that pay large amounts in order to advertise within the sporting fields and arenas on college campuses. n2 What’s more, coaches of athletic teams, in addition to their six-figure salaries, sign personal contracts with these same companies in exchange for promising to outfit their players in the shoes and sportswear manufactured by these companies. n3 When these financial figures are supplemented with regular and post season ticket sales, concession sales, local television and radio contracts, and increased endowments, colleges and universities profit handsomely from their participation in inter-collegiate athletics. In stark contrast to the lucrative salaries and financial benefits bestowed upon these colleges and universities and their coaches, however, the student-athletes who make this financial windfall possible receive absolutely no monetary compensation whatsoever.

[*674] Proponents of compensating student-athletes for their participation in these revenue-generating sports have been named "pay-for-play" advocates. n4 Pay-for-play advocates have for years argued that student-athletes are exploited by the universities for which they play in order to create a financial windfall for the universities. Opponents of the pay-for-play position point out that student-athletes often are provided athletic scholarships that pay for tuition, room and board and school supplies. n5 However, despite the financial compensation universities provide to student-athletes in the form of athletic scholarships, student-athletes often do not have enough money to pay for other living expenses that are part of daily life as a college student. Specifically, NCAA regulations and the time demands of major collegiate athletic competition prevent student-athletes from maintaining employment during the course of the academic year. n6 As a result, financially destitute student-athletes who find themselves in emergency situations such as an auto accident or a death in the family often are unable properly to address the need or, in the alternative, are forced to violate NCAA rules in order to raise the money necessary to address the emergency. n7 As a result of an NCAA rules violation, student-athletes often find themselves cast aside by both their university as well as the NCAA, which hides behind the "protection of amateur status" argument.

II. Students as Employees of the University

In order for student-athletes to receive additional compensation for their participation in inter-collegiate athletics, they must be recognized as employees of the university. Courts have, for the most part, addressed this question in the context of whether student-athletes are entitled to workers’ compensation benefits resulting from injuries sustained during the course of play.
In general, courts have denied student-athletes workers' compensation benefits because of student-athletes' tax exempt status under state workers' compensation statutes. However, in the case of University of Denver v. Nemeth, the Supreme Court of Colorado held that a University of Denver football player who was injured during practice was an employee of the University, and therefore entitled to protection under workers' compensation statutes. The court's decision was based not on Nemeth's status as a player on the University's football team, but rather on Nemeth's job as a maintenance employee at the campus tennis center, which happened to be contingent on his playing football for the University. In this case, certain University jobs were reserved for student-athletes who excelled on the field of play, and the availability of the jobs was directly tied to the student's performance in his capacity as a football player. The court relied on witness testimony which reported: "'If you worked hard (in football) you got a meal ticket.' Another testified that 'the man who produced in football would get the meals and the job.' The football coach testified that meals and the job ceased when the student was 'cut from the football squad.'" In order to determine whether Nemeth was considered an employee, the court rationalized that "an injury arises out of the employment if it arises out of the nature, conditions, obligations or incidents of the employment." Therefore, since Nemeth's job as the campus tennis center maintenance man was contingent on his playing football for the University, the court held that Nemeth was an employee of the University, and an accidental injury sustained during the course of playing football entitled him to workers' compensation benefits.

A similar line of reasoning was employed by the court in Van Horn v. Industrial Accident Commission. In Van Horn, a college football player was killed on a team flight, and his widow and child brought suit for death benefits. Van Horn played football at the college under a general athletic scholarship, in addition to a supplemental scholarship in the form of monthly stipends ranging from $50 to $75 per month. In determining whether the football player was considered an employee of the college, the court defined "employee" as "every person in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed." The court noted, however, that if Van Horn's services as a football player were voluntarily rendered without compensation, then there was no contract for employment, and he would not be considered an employee of the college. In this case, the court determined that Van Horn was an employee of the college, based in no small part on the "inference . . . that [Van Horn] received the 'scholarship' because of his athletic prowess and participation." The form of remuneration, the court concluded, was immaterial.

III. Colleges and Universities as Businesses

Colleges and universities have long hidden behind the notion that student-athletes are "amateurs" participating in the sport for a pure love of the game. In addition, colleges and universities argue that the primary "business" of their institution is to provide academic education to its students, and that the operation of a particular athletic team is not essential to the operation of the business of the institution. Since the colleges and universities claim that they can conduct their "business" independent of any reliance on athletic programs, student-athletes cannot be considered employees of the university.
This "business of education" line of reasoning relied upon by universities initially had some credence. However, in the modern day intercollegiate athletic environment, it is more appropriate to view universities as businesses that have interests other than merely educating their students. With colleges and universities profiting from shoe and apparel contracts, concession sales, ticket sales, and increased endowment and enrollment based on the performance of athletic teams, it is logical to begin looking at colleges and universities as more than just institutions of higher learning.

IV. Inherent Problems in Classifying Student-Athletes as Employees

A. Workers' Compensation

Should proponents of the pay-for-play theory succeed in developing a payment system that would provide student-athletes with the compensation they deserve, such a solution would likely be challenged by a workers' compensation argument. "Workers' compensation laws are state statutes enacted to compensate employees for job-related injuries or death, regardless of fault." n18 In order to qualify for recovery under state workers' compensation statutes, a person must meet the statute's definition of an "employee," as defined by the statute, and the person must be injured or killed in actions arising out of the scope of employment. n19

In order for a student-athlete to qualify for workers' compensation, he/she must meet a two-prong test: (1) the student-athlete must be covered and (2) the student-athlete must have been acting within the scope of his/her employment when he/she was injured or killed. Notwithstanding the decision in Nemeth, recent court decisions have refused to analyze the employer-employee claims brought by student-athletes against the universities for which they play. In Rensing v. Indiana State Board of Trustees, n20 the Indiana Supreme Court held that an employer/employee relationship did not exist between the university and Rensing, a university football player who was rendered a quadriplegic during the course of spring football practice. n21 The Indiana Supreme Court focused its attention on Rensing's inability to prove that his intent was to serve in an employee capacity for the university. n22 In addition, the Court noted the substantial weight with which the NCAA regards amateurism among student-athletes, and the broader education-based priority the NCAA touts as its chief concern for student-athletes. n23

A similar result was reached by the Michigan Court of Appeals in Coleman v. Western Michigan University. n24 In Coleman, a university football player received a scholarship consisting of full tuition, room and board and books for the school year. n25 Coleman, like Rensing, was injured during the course of university football practice. Rather than employing the intent test utilized by the Indiana Supreme Court in Rensing, however, the Coleman court analyzed Coleman's claim in the context of an economic
reality test. n26 Specifically, the court considered the university's right to control Coleman as a scholarship student-athlete, the university's right to discipline him and the payment or lack of payment of wages. n27 Ultimately, the court determined that Coleman's activity as a scholarship-athlete did not constitute an integral part of the university's business, thereby disqualifying him from consideration under the state workers' compensation statute. n28

The rationales employed by the courts in Rensing and Coleman have undergone significant criticism in light of the amount of revenue generated annually by college athletes. The success and/or failure of college athletic programs (specifically football and basketball programs), in large part determines the budget of a university's athletics department, thereby giving weight to the argument that the modern day university athletic program creates a business environment. In 2001, college football teams receiving invitations to play in bowls received millions of dollars, depending on the bowl game in which they were [*678] invited to participate. Duke University and the University of Arizona also received financial compensation for their participation in the 2001 NCAA basketball Final Four. In addition to the liquid cash revenue generated by such athletic success, universities with successful athletic programs benefit from increased endowments, booster contributions and increased enrollment, all of which contribute to non-athletic university endeavors. n29 Despite the obvious ancillary benefits student-athletes provide to their universities, courts have, for the most part, refused to include the student-athlete under the term "employee," as that term is defined by state workers' compensation statutes.

B. Taxation Issues

The pay-for-play advocates encounter additional obstacles in their quest to compensate the student-athlete due to the various tax benefits universities enjoy based on the student-athletes' amateur educational status. Specifically, universities do not pay federal tax on tuition or other payments associated with educational activities. n30 Instead, universities pay federal tax only on unrelated business taxable income. n31

In today's court setting, as evidenced by the court's reasoning in Rensing, college athletics are still considered to be substantially related to education. n32 Since the primary purpose of a university is to educate its students, and the amateur college athlete remains for all intents and purposes a student, universities continue to benefit from the tax exempt statutes outlined in I.R.C. § 511(a)(1). Therefore, if student-athletes were compensated for their practice and playing time, and the athletics as business argument was followed, the IRS would likely consider college athletics a commercial venture instead of an activity substantially related to education, thereby removing universities from consideration under the § 511(a)(1) exemption.

C. Title IX
In addition to the labor law and taxation problems pay-for-play advocates face, there is also a Title IX problem associated with compensating student-athletes. Title IX requires equal opportunities for participation, treatment and benefits among athletes within collegiate programs. A university that provides stipends to its male student-athletes must provide a proportional number of stipends to its female athletes. For the most part, most division I universities have substantially more men's athletic programs, with men's activities (such as football) generally involving more student-athletes per team. This discrepancy opens a can of Title IX worms. Unless universities can provide a proportional number of stipends to male and female athletes, the disproportionate number of stipends provided to male student-athletes will expose a university to liability under Title IX.

D. Antitrust Issues

Perhaps the most commonly cited obstacle in the path of pay-for-play advocates is the Sherman Antitrust Act. The Sherman Act states "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal." The United States Supreme Court has long held that only unreasonable restraints of trade are proscribed by the Act. "Unreasonable restraints of trade" have been defined as group boycotts, market divisions, tying arrangements and price-fixing.

Without a doubt, the NCAA and its institutions engage in interstate commerce. Activities such as nationwide recruiting, ticket sales and competitions all fall within the "commerce within the several States" language of the Sherman Act. Therefore, the NCAA is subject to Sherman Act restrictions on such activities as the assignment of stipends. By assigning a fixed amount, or stipend, payable to each student-athlete for his/her participation in university athletics, the university would certainly subject itself to Sherman Act restrictions with respect to fixed stipends. Disgruntled student-athletes, unhappy with a nominal monthly stipend, could easily obtain counsel and bring suit against the university on the basis of a Sherman Act violation. The likelihood that the claim would succeed, coupled with the storm of negative publicity such a suit would rain down on the university, gives universities pause to think when reviewing the antitrust considerations associated with paying the student-athlete.

V. The Answer: Laundry Money

In 2000, Thomas R. Hurst and J. Grier Pressly III offered a solution to the financial hardships that currently plague the modern student-athlete. Hurst and Pressly proposed that each division I university incorporate "laundry money" into the scholarships of all their student-athletes. Hurst and Pressly's proposal provides that a nominal monetary amount--between $30 and $50--be included in
each student-athlete's scholarship package. n38 Hurst and Pressly contend that this "laundry money" would provide the student-athlete with sufficient funds to address concerns facing the average college student, such as being able to afford social events or a bus ticket home for a family emergency. n39

The laundry money proposal addresses each of the major obstacles facing the pay-for-play system. First, by incorporating the money into the scholarship package itself, the student-athlete would not attain the employee status discussed in Rensing and Coleman. Instead, each individual scholarship package would simply be increased by an additional $270 to $450 per year, which would provide each student-athlete with sufficient funds to address the issues facing the average college student. Since the laundry money would not qualify the student-athlete as an employee for workers' compensation purposes, universities would avoid the labor law issues touted by critics of pay-for-play.

Second, incorporation of the laundry money into the scholarship package would not deprive universities of any federal tax benefits derived from activities substantially related to education. Because student-athletes under the laundry money proposal would not receive a salary, thereby retaining their amateur status, universities would still benefit from the tax exempt status provided under I.R.C. § 511(a)(1).

Third, the laundry money proposal avoids any Title IX concerns the university might face under an alternative solution, such as stipends, which result in a disproportionate amount of money offered to male student-athletes compared with female student-athletes. Under the laundry money proposal, each division I student-athlete would receive the laundry money, regardless of sport or gender. The eighty-five division I male college football student-athletes would receive the same amount as the fifteen female college volleyball student-athletes, thereby avoiding a Title IX situation.

Finally, the laundry money solves any antitrust concerns arising under the Sherman Act. By incorporating the money directly into the scholarship package, the universities would not be participating in price-fixing, an antitrust violation, because universities are free to structure the contents of their individual scholarship packages. Although the amount of money would, in fact, be a fixed part of each individual scholarship package, the money would simply be part of the general scholarship, and not an additional fixed monetary amount independent of the scholarship itself.

[*681] The reasoning behind Hurst and Pressly's laundry money proposal is sound. I would, however, argue that the amount they propose is insufficient to meet the needs of the modern student-athlete. Providing a student-athlete with an additional $30 to $50 per month simply does not address the financial dire straits in which many modern day student-athletes find themselves. Instead, I would propose that Hurst and Pressly double their numbers, thereby providing each student-athlete with $900 per year, or $100 per month, of laundry money in his or her scholarship package. By providing student-athletes with an additional $100 per month of personal laundry money, the student-athletes would be
able to address such routine college concerns as dating, gas money and having sufficient funds available in the event of an emergency.

VI. Conclusion

The modern day college student-athlete provides an invaluable service to his or her university. In the age of billion-dollar television contracts, multi-million-dollar coaches, and corporate endorsements that line the pockets of universities and coaches, it is only appropriate to provide suitable compensation for the student-athlete who makes those university opportunities possible. By incorporating an addition $900 of "laundry money" into each student-athlete's scholarship package, universities would avoid the legal obstacles that have for so long prevented fair compensation for the student-athlete. Opponents of the pay-for-play theory will no doubt argue that paying for the student-athlete's education is compensation enough. However, when universities are making millions of dollars per year based on the play of these student-athletes, thereby improving university endowment, enrollment, education and environment, it seems only fair to provide these student-athletes with the necessary means with which to enjoy the thriving university environment they have helped to create.

http://povichcenter.org/should-college-athletes-be-paid-should-there-be-an-age-restriction-for-pros/

Should College Athletes be Paid?

By John Brill, The Shirley Povich Center for Sports Journalism

With the passing of another academic year, fans were able to enjoy yet another nail-biting NCAA Basketball Tournament and a highlight filled football season. Most would agree that the NCAA provides competitive sport as popular as the professionals. In fact, its annual revenue makes that point clear. College football and basketball generate more than the National Basketball Association, a total of more than $6 billion yearly.[1] There is one major difference between the two associations, however. NBA players get paid for the revenue they help bring in, while NCAA athletes receive no monetary compensation. The promise of a free education is not enough anymore if the NCAA wants to act as a money making business, and not reward those who help make it profitable. If the NCAA does not want to pay college athletes, than it should not hold these players back from entering the professional game. However, colluding with the NBA and the NFL, athletes are restricted when it comes to joining the pro ranks. With these two ideas combined, athletes are drawn to the college game out of necessity, and not always desire. Some writers, like Stanley Eitzen, have even compared the system to indentured servitude or a “plantation system.”[2] Concerning the revenue sports of men's basketball and football, the players should be entitled to some monetary compensation for their work, as well as the right to enter the professional leagues at an age that suits their abilities.
A key point as to why the NCAA would not want to pay athletes is to maintain the amateur status of its reputation. In the U.S. News and World Report Andrew Zimbalist provides a definition of amateur as “someone who engages in the activity for fun, not remuneration.” While that may be what NCAA President Mark Emmert thinks still drives the association he runs, things have changed over the years. The ideals of amateurism and the capitalist benefits that the NCAA reaps annually do not mix and are in fact hypocritical. Television deals and sponsorships are only growing. The three weeks of the NCAA Basketball Tournament, known as “March Madness,” generate over $770 million in TV rights deals alone. The only reasons why these exist are the athletes themselves, and they are reaping none of the benefits from these windfalls. The idea of maintaining integrity in college sport is also a pervasive theme between Emmert’s, and other’s statements. In a New York Times’ piece in 2011 University of Maryland system Chancellor Brit Kirwan points the blame on the NCAA itself. “The huge TV contracts and excessive commercialization have corrupted intercollegiate athletics,” he said. “To some extent they have compromised the integrity of the universities.”

Areas in which the NCAA defies its own devotion to amateurism are the sale of video games licenses, game merchandise, footage, etc., that provide direct profit for the association. The players directly promote these examples, but the benefits received are to the NCAA and schools alone. Amateurism then serves as the guise used by the NCAA to take advantage of gifted athletes, in a way creating a system that benefits off of their talents for at least a couple years at a time. Football and men’s basketball are the sports monetized the greatest, but the effects spill over into the other sports as well. If the amount of money that these sports make for the schools’ athletic departments was not so great, then maybe the NCAA could maintain that these students are participating in a normal extra curricular activity. As long as their time creates such a cash flow, it would be a joke to say that is true. Over the years the NCAA has changed rules that do not always align with pure amateurism. According to Zimbalist, in 1973 the NCAA altered scholarship terms so that they needed to be renewed each year. This would imply that no athletes position was safe, a notion that does not fit with the love of the game. Zimbalist also brings up the gifts that winning teams receive that could sometimes be worth thousands of dollars. College coaches are receiving multi-million dollar salaries in this modern NCAA system. University of Texas Head Football Coach Mack Brown’s salary totals over $5 million. In comparison, scholarships for the entire Texas football team total just over $3 million. Clearly, the NCAA does not need the coaches to maintain an amateur status. Over the years it seems the NCAA is walking a tightrope of purity.

Arguments against paying the athletes always include the fact that these men and women are not just athletes, but they are students first. This viewpoint would carry more weight if the emphasis were realistically placed on academics. Johnson and Acquaviva make the point that between weight training sessions, film room, practice, individual workouts, travel, and finally competition, these “student-athletes” cannot feel much like students. They point to an Adler and Adler study that concluded, “Big-time basketball and being seriously engaged in academics were not compatible.” Coaches will at times schedule less challenging classes, or ones that will fit easier into a practice schedule. These points make it seem like “athlete” really does come before “student.”
Many will say that the student-athletes are already compensated with a college education.[9] This logic is extremely flawed for many of the reasons discussed earlier. The athletes cannot get the same value out of the education because of the already intense time commitment to the sport that has given them the opportunity to be in school. The idea that a college education is payment would have to assume that a college degree always pays off in the long run. In reality, the glut of bachelor degrees entering the workforce is lessening their value. Without actually experiencing the classroom and receiving the right networking and advising opportunities, it cannot be assumed that the degree is worth the athlete’s time. Especially considering that the time spent in college could be a player losing money available by playing in the professional leagues. The idea that an education is worth to a player what a professional salary would be seems to be a naive view.[10] While a cash payment may not solve the problems of a college athlete, and it may perpetuate some economic issues, payment is what these players are entitled to because they are the symbols that fill the stadiums across national campuses. Even with a full scholarship an athlete may have to pay between $8,000 to $12,000 more than the allotted amount due to travel and other needs.[11] Assuming that the education itself, along with the opportunities and athletic department support, is payment enough, is assuming that those expectations are realistic and not just ideal.

While this may sound shortsighted, college athletes in revenue sports should be paid because it is right. A distinction must be made whether or not the NCAA is in business to take advantage of capitalism and make money. If no profits were taken, then the association would have an argument against paying players. In a piece from the Sport Journal piece, the author points to Kahn’s argument that the NCAA acts like a cartel in its actions. According to his study, in 2005 a draft ready football player is worth $495,000 and a draft ready basketball player is worth over $1.4 million to the NCAA respectively. [12] This means that the scholarship value the player is receiving in return for play is nowhere near the player’s actual worth to the school. This combined with the facts that players in the revenue sports receive no pay, and are also restricted to when they can go professional, exemplifies oppressive policy set forth by the association, in collusion with the professional associations.

What compounds the problem further is the NCAA policy to mandate when athletes can go professional. The demand for paying athletes would not be as great of a mandate from this paper if the NCAA allowed players to skip college altogether. If a player wants to skip college basketball for a trip to the NBA, why not let him? There are a number of “draft ready” players that enter NCAA sports every year. This ranges from “one and done” basketball stars that have found John Calipari’s Kentucky to be their home of late, to physical football specimens like South Carolina’s Jadeveon Clowney who was restricted from being drafted this past year for his sophomore status.

To put the rules simply, to be drafted to the NBA, a player must be one year removed from high school and 19 years of age. This creates a two-fold problem. It defines the culture of “one and done” players, who just use the college game as a waiting period for professional careers. It also restricts a player’s right to pursue the career. While the rule may hamper undue expectations of riches, and allow players to mature, it also forces some players deserving of an opportunity to go pro, into a limbo period where
very little reward comes their way, and the profits of their play go to the school and the league. A Forbes article points out that the age restrictions placed on NBA and NFL draftees is used to help the leagues, not the players.[13] The NBA and the NFL are able to use college as a their farm systems. Participation in college adds extra talent evaluation, bypassing guesswork. The NCAA, likewise, would like the top players to stay in school where they can win, draw headlines, as well as help to reel in the profits. This reasoning makes sense in terms of the associations involved, but the leagues will claim the benefits were for the players too.

The rule could be to test the physical readiness of players. However, players are not going to enter the draft in either sport if their bodies are not ready, especially football.[14] The NCAA may be worried about a so called “talent drain” from their sports. In the decade between 1995 and 2005, only 39 players went to the NBA from high school. That is an average of less than four players per year, and should not be considered a drain on the system. Also, if leagues like the NBA are worried about the maturity level of its players, one year in school will not necessarily cure a bad egg. The league can implement its own value systems to combat these dangers, and teach players how to be mature adults. NBA Commissioner David Stern has even said that the NBA’s intention to restrict eligibility is not to force kids into college. “That’s not our rule,” he said. “Our rule is that they won’t be eligible for the draft until they’re 19. They can play in Europe, they can play in the D-League, they can go to college. This is a not a social program, this is a business rule for us. The NFL has a rule which requires three years of college. So the focus is often on ours, but it’s really not what we require in college.”[15] Overall, the athletes see no gain from such a meaningless restriction that serves to maintain the NCAA as a monopoly pipeline into professional football and basketball.

This paper is not meant to create a payment plan for players, nor is it meant to say certain players are entitled to millions in compensation. The point is that players should get something in return for their time, because most rational fans know that basketball and football players are not normal students. If it were completely impossible for athletic departments to find it in the budget to pay athletes extra stipends, there would be very little conversation on the topic. This paper does not have a direct solution to that cash flow question. Neither is this paper suggesting large lump sums be paid to these big sport athletes. However, between NCAA television and licensing revenues, and large salaries paid to coaches and staff, a little extra can go toward the stars on the court. In the end, the NCAA does not have much to fall back on when making an argument against some form of compensation. It’s status as an amateur haven is almost erased, and the value of an athlete’s education at schools across the country is in question. Reform may not be simple, but it will be the right thing to do in support of the players.

Works Cited


Most fans are not in favor of paying players. This is primarily because many still buy into the myth of "amateur athletics." Fans who oppose paying athletes frequently refer to the "free education" student-athletes receive and, indeed, there is some value to what they learn on campus. However, that education is conditioned on their health and success and always comes second to athletics.

If a student-athlete is hurt or unsuccessful, the coaches and administrators suddenly discard the noble ideals of "education" and a player is left with nothing. Fans would no doubt feel differently about the issue if a student-athlete was in their own family.

Moreover, no one mentions the lifetime of health care bills that await some student-athletes in contact sports. How can a "free education" compensate them for debilitating injuries caused during their time on campus? And how can we as fans truly enjoy a football game knowing that one player's career-ending injury will leave him saddled with nothing more than a lifetime of pain and doctor's bills?

[See a collection of political cartoons on the economy.]

Fans also like to imagine that college sports are somehow simpler and less corrupt than professional sports. Nothing could be further from the truth. College athletics are just as much of a big business as professional sports—it's just that the money goes into the pockets of coaches, athletic directors, conference commissioners and sports media executives. Further, the current system leads to corruption, as coaches and boosters regularly find ways to circumvent the rules and provide benefits to young athletes.
It's time for all sports fans to wake up and realize that the current system benefits only the elite few who continue to perpetuate the myth of "amateur athletics." Everyone would benefit from a college athletics system that provides its athletes with better compensation and lifetime health care. If we truly enjoy college athletics and want them to continue, we better start calling for changes now. Because if we continue to throw more and more money into this broken system, it won't be long before the whole thing falls apart and we all lose.

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Brian Frederick

About Brian Frederick Board Member of Sports Fans Coalition


Without Athletes, The Big Money in College Sports Disappears
By Bobby Rush April 2, 2013 | 10:35 a.m. EDT + More

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Of course, student athletes should be paid (compensated). Indeed, we should flip the question around: Why shouldn't collegiate student athletes be paid?

Without them—on the field or on the court, performing and entertaining millions of college sports fans—the billions of dollars that collegiate athletics generates simply would not exist. Without them, we wouldn't have millions of fans buying tickets for games and subscribing to expensive cable and satellite sports television packages, corporate sponsors purchasing luxury suits and boxes in college arenas and stadiums, or consumers paying top dollar for sports paraphenelia, jerseys and video games bearing the likenesses and autographs of their favorite college players.

[See a collection of political cartoons on the economy.]
Most, if not all counter-arguments against paying student-athletes are fallacious and anachronistic. These counterarguments are even moreinvalid, unimpressive and bankrupt of reason and sound economic justification when one sees that big-time college sports often discourage and even preclude student-athletes from pursuing and earning their college degrees.

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About Bobby Rush Democratic Representative from Illinois

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A Fair Day's Pay for a Fair Day's Work

By Ramogi Huma April 1, 2013 | 5:47 p.m. EDT + More

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The NCAA argues that college athletes are paid with a free education. The reality is that players' opportunities are not free, and half of the revenue-producing athletes don't graduate. College athletes spend 40 hours per week of labor in their sport alone (according to an NCAA study), generate billions of dollars per year, and can lose their scholarship if they're injured.

A joint study between the National College Players Association and Drexel University shows that the NCAA will strip football and men's basketball players of $6 billion of their fair market value between 2011-2015. In contrast, the NCAA admits that its scholarship limit leaves "full" scholarship athletes with $3,000 to $5,000 in out-of-pocket-expenses each year.

Meanwhile, recent television deals pay the NCAA and its colleges over $1 billion per year in brand new revenue. Most would expect that this tax-free revenue would be spent primarily on their educational
missions, but historical spending patterns show it will be spent exclusively on mega-stadiums and salary increases for coaches and administrators.

[See a collection of political cartoons on the economy.]

Colleges should fully support their players' education by increasing full scholarships equal to the cost of attendance. It would cost an affordable $95 million per year to increase scholarships for revenue athletes and pay matching funds to female athletes for Title IX compliance. They should also direct a percentage of new TV revenues into a trust fund where former FBS football players and Division I men's basketball players who abide by NCAA rules would receive an equal portion upon graduation, or to complete an undergraduate degree. Furthermore, all athletes should be allowed to earn money from commercial endorsements (like their schools), which could be put in the trust fund. These reforms would increase graduation rates and decrease violations, which should be prioritized.

The NCAA claims that increasing compensation for revenue athletes would force colleges to eliminate nonrevenue sports. However, robust participation in NCAA Division II non-revenue sports must be inconvenient for those that make this argument. Over 300 Division II colleges manage just fine without reliance on millions of dollars from football and men's basketball programs. Similar to Division III, NAIA, and high school sports, Division II programs field teams because they value sports participation, not because they wish to pay multimillion-dollar salaries and build luxury boxes with massive revenue.

At the end of the day, college athletes are just like all other hard working Americans who should receive a fair day's pay for a fair day's work.

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Ramogi Huma

About Ramogi Huma Founder of the National College Players Association
http://www.usnews.com/debate-club/should-ncaa-athletes-be-paid/ncaa-amateurism-is-an-illusion
NCAA Amateurism Is an Illusion
By Warren Zola April 1, 2013 | 5:48 p.m. EDT + More
For decades, the NCAA has artificially restricted compensation to a labor force generating billions of dollars in revenue—justifying itself by citing the self-imposed definition of "amateurism"—while redirecting profits to athletic departments and sending the free market compensation system underground.

Unfortunately, NCAA amateurism is an illusion, and quite likely an antitrust violation. Former NCAA Executive Director Walter Byars declared, "Amateurism is not a moral issue; it is an economic camouflage for monopoly practice." Now is the time to radically change intercollegiate athletics rather than passively wait for the courts or Congress to address the existing collusive wage fixing.

I propose the following:

[See a collection of political cartoons on the economy.]

1. Student-athletes must be paid the full cost of attendance associated with their institution. Presently, the NCAA imposes an artificial cap for scholarships by restricting them to tuition and fees, room and board, and required books. This limitation is $3,200 less, on average, than the full cost of attendance. While academic scholarships are allowed to provide recipients monies for school supplies, transportation and entertainment, these are denied under athletic scholarships. Additionally, NCAA restrictions on student-athletes' employment precludes students them from closing the gap between athletic scholarships and the full cost of attendance.

2. Create a "Student-Athlete Trust Fund" which would hold a percentage of revenue generated by television and licensing contracts and place it into a trust for student-athletes to access upon the completion of their collegiate careers.

3. Eliminate restrictions on student-athletes' abilities to seek commercial opportunities by permitting endorsement deals or being compensated when entities use their rights of publicity. The money could be held in the "Trust Fund" until graduation, and provide a legal right to any future earnings from profits a school receives from using their image.
4. Form a union to represent student-athletes in these matters, advocating on their behalf with the NCAA, conferences, and institutions.

If, as Big 10 Commissioner Jim Delany threatens, the end result of reform is a restriction by many schools on their athletic expenditures and a migration to the Division III model, then all the better. However, to be clear, the argument that the industry needs to deny compensation to the labor force to operate at a profit is disingenuous and illegal, typically proffered by those who benefit directly from a collusive-market system.

Intercollegiate athletics' current position of balancing between commercialism and education is untenable—greed has won. Now is the time for reasoned and meaningful change.

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Warren Zola

About Warren Zola Assistant Dean for Graduate Programs at Boston College
NEGATIVE ARTICLES

DePaul Journal of Sports Law & Contemporary Problems

Symposium, Spring, 2012

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SYMPOSIUM: MONEY AND SPORTS: ECONOMIC REALITIES OF BEING AN ATHLETE

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BIO:

* Darren Adam Heitner is a Professor of Sports Agency Management at Indiana University Bloomington. He is a Contributing Writer at Forbes Magazine. He is also the Founder/Chief Editor of the Sports Agent Blog. Professor Heitner is regularly interviewed on major sports radio programs and television shows, he has written pieces that have been featured in various top sports publications, and has spoken at/moderated sports discussions at institutions of higher education. Professor Heitner has presented a number of times on matters related to collegiate athletics. This article was originally presented at the DePaul Journal of Sports Law & Contemporary Problems 2012 Symposium. Professor Heitner would also like to acknowledge the work and contribution of his research assistant, Bryan Ashlock, to this work.

LEXISNEXIS SUMMARY:

... The legislation covers all education activities and applies to an entire school or institution if any part of that school receives federal funds; hence athletic programs are subject to Title IX, even though there is very little direct federal funding of school sports. ... ... The "SI Model" advocates many large sweeping changes to athletic departments, including: limiting the number of scholarships, eliminating sports that do not generate revenue, and eliminating the NCAA rule on the minimum number of teams an
College athletics is a billion dollar industry. n1 In particular, major men's sports such as college football and basketball have "become more than an extracurricular activity . . . [they have become] a global business." n2 This "global business" has created billions of dollars for stakeholders such as the National Collegiate Athletic Association (the "NCAA" or "Association"), the hundreds of schools and universities throughout the nation that make up the NCAA, television networks and sponsors. This billion-dollar business, however, is built on the backs of amateur athletes who are prohibited from profiting from the sweat-equity they put into college athletics. n3 Thus, under the current NCAA rules, the intercollegiate athletes are the only stakeholders not benefitting from their relationship with the NCAA.

Change in role over time
Role of Knight Commission

The Knight Commission on Intercollegiate Athletics was formed by the John S. and James L. Knight Foundation in October 1989. The Commission was formed in response to more than a decade of highly visible scandals in college sports. The Commission's initial goal was to recommend a reformed agenda that emphasized academic values in an arena where commercialization of college sports often overshadowed the underlying goals of higher education.

The most recent Knight Commission report addressed the "never-ending pressure to increase spending on intercollegiate athletics." The commission put forth three suggestions that it hoped the NCAA would adopt in order to restore the balance between athletics and education. First, it suggested greater transparency, including better measures to compare athletics spending to academic spending. Second, it suggested rewarding practices that make academic values a priority by strengthening eligibility standards and distributing revenues according to educational values. Finally, the commission suggested that schools begin treating college athletes as students first and foremost—not as professionals.

NCAA Rules Reform Package

On the back of the Knight Commission's report, NCAA president Mark Emmert pushed through a package of rules reforms to intercollegiate athletics. These measures were adopted as emergency legislation following a presidential summit in August 2011. The first measure would allow conferences to vote to add $2,000 in "full cost-of-attendance" money to scholarship offers. The second allowed individual schools to choose to award multiyear scholarships. These scholarships would replace the current year-to-year scholarships and would not be able to be withdrawn based on athletic performance.

As of December 2011, more than 125 schools objected to this reform package. In January of 2012, the NCAA delayed implementation of a $2,000 expense allowance. The suspension of the $2,000 stipend means recruits signed in February and April will not get the stipend. However, a number of schools—including four in the ACC—already included the stipends in the financial aid offered to the men's basketball recruits signed during the November signing period. The proposal could be in trouble, mostly because most schools object to the plan's impact on already tight athletic department budgets. The University of North Carolina, for instance, provides full-scholarships to roughly 400 student-athletes, which would equate to an $800,000 impact under the terms of the proposal. On February 13, 2012, the multiyear scholarships legislation narrowly survived an override vote (62.12% voted to override, but 62.5% was needed).
One big obstacle to the prospect of paying student athletes is Title IX. The law has its genesis in the 1965 Executive Order 11246 prohibiting federal contractors from discrimination in employment on the basis of race, color, religion, or national origin. This order was later amended to include sex. In 1970 Rep. Edith Green (D-OH) drafted legislation that prohibited sex discrimination in education and held the first congressional hearings on education and employment of women. These hearings were the first legislative steps towards the enactment of Title IX. The legislation was initially introduced as an amendment to Title VII of the 1964 Civil Rights Act, but eventually wound up as a separate and new title.

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The legislation covers all education activities and applies to an entire school or institution if any part of that school receives federal funds; hence athletic programs are subject to Title IX, even though there is very little direct federal funding of school sports. With respect to athletic programs the Department of Education evaluates a large list of factors in order to determine whether equal treatment exists. These factors include whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes, scheduling of game and practice times, locker room facilities, travel and per diem allowances, publicity, etc. In 1979, the Department of Health, Education, and Welfare issued its policy interpretation on Title IX and intercollegiate Athletics. The policy interpretation explains the regulation and provides a framework within which such complaints could be resolved, and provides for a three-prong test of compliance. A recipient of federal funds can demonstrate compliance with Title IX by meeting any one of the three prongs.

1. Whether opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments.

2. Whether the institution can show a history and continuing practice of program expansion, which is responsive to the interests and abilities of the members of the underrepresented sex.

3. Whether it can be demonstrated that the interests and abilities of the members of the underrepresented sex have been fully and effectively accommodated by the present program.
In 1984, Title IX would change again following the Supreme Court's ruling in Grove City College v. Bell wherein the court held that Title IX applied only to those programs receiving direct financial aid. n29 Grove City College was a small private, liberal arts college that accepted no direct assistance, but did enroll students who received federal grants used for education purposes. n30 Because the college accepted students who received financial aid, the Department of Education concluded that Grove City was a recipient of federal financial assistance and thus needed to comply with Title IX. n31

The Supreme Court affirmed the lower court's ruling that Grove City had to comply with Title IX, stating that the distinction between direct federal assistance and indirect aid was not one that was supported in the text of the United States Code. n32 The court concluded that the receipt of Basic Education Opportunity Grants (BEOGs) by some of Grove City's students does not trigger institution-wide coverage [*166] under Title IX. n33 However, BEOGs represent federal financial assistance to the college's own financial aid program, and it is that program that may properly be regulated under Title IX. n34 Thus, only the financial aid program and not any other program, such as athletics, needed to comply with Title IX.

In Response to Grove City, Congress passed the Civil Rights Restoration Act in 1988. This Act restores Title IX to affecting every educational institution's programs if the institution receives any federal assistance, whether direct or indirect. n35 Title IX is a significant roadblock to paying student athletes, because the money (legally) could not be channeled to the sexes differentially. Essentially, "there's no viable end-around Title IX to allow schools to pay only those athletes who are in profitable sports, which generally are football and men's basketball." n36 Title IX case law is so significant that pay-for-play might not be a workable concept (this assumes, of course, that nonprofitable teams—which comprise the majority of NCAA programs—are unable to compensate all of their student athletes equally.)

METHODS OF PAYING ATHLETES

Olympic/Free-Market Model

Many suggest that, instead of allowing schools to give stipends to players under the watchful eye of the NCAA, student athletes should be free to make as much money as they can on their own. This would, obviously, throw the NCAA rulebook out the window. Rules about playing for the physical, social, and mental benefits of sport n37 would be pointless, since athletes would be looking for the schools and programs that could guarantee them the most cash (It wouldn't "throw the NCAA rulebook out of the window" if the athletes' prerogative to earn their livelihood were itself codified in the rulebook. If the NCAA were to overhaul the system, which is obviously a precondition to a pay-for-play system, the athletes would be acting within proper bounds.). This sort of plan could also threaten the (empty) notion of competitive balance.
SI Model

In November 2011, Sports Illustrated offered up its own plan to not only pay student athletes, but also to save athletic departments' money. The "SI Model" advocates many large sweeping changes to athletic departments, including: limiting the number of scholarships, eliminating sports that do not generate revenue, and eliminating the NCAA rule on the minimum number of teams an institution must have to be in Division I.

Football teams take up hundreds of scholarships accounting for millions of dollars in spending for athletic departments. If rosters were capped at 90 players and the number of scholarships available reduced from 85 to 63 universities could save millions. Another way to save athletic departments' money, and thus free up money with which to pay student athletes, is to eliminate (or convert to club status) sports that do not make money. At most schools this would mean all sports but football and men's basketball. This, however, would probably be in violation of Title IX. There are a number of other negatives to this approach. First, while it may save athletic departments money it does not really give us a way in which student-athletes can receive compensation for their performance on the field. Additionally, it would mean the end of many men's athletic programs. It may not have quite as large of an effect on women's sports simply because many women's sports would need to be retained in order to ensure Title IX compliance.

THE PROPOSAL

The pay-for-play proposal is further complicated by the fact that very few athletic departments turn a profit, meaning there is not a lot of cash available to pay athletes. SI's model advocates the elimination of sports that do not turn a profit. This would, essentially, eliminate all men's sports other than football and basketball. Women's sports will have to be kept in order to maintain balance of funding distributed to male and female athletes. Many athletic departments would wind up with two men's sports and 4 or 5 women's sports. A plan that eliminates opportunities for college athletes is not necessarily something that is desirable. The most logical, albeit most difficult, way to enable student-athletes to receive payment for playing is for the athletic department to be fully funded by donations. This would likely be impossible. Even schools with "sugar daddy" boosters, like Phil Knight at Oregon, would be hard pressed to cover the entire operating budget for the athletic department with donations (plus salaries).

EFFECT ON THE NCAA AND MEMBER INSTITUTIONS: TAX IMPLICATIONS
A plan to pay student athletes could have a detrimental effect on the NCAA and, eventually, its members. For starters, the balance of power would shift dramatically. Suddenly, without the ability to regulate players receiving extra benefits, boosters and schools would have more power than the NCAA. It would, essentially, be a case of the inmates running the asylum. There are other considerations as well.

The NCAA is a nonprofit organization, which is exempt from federal income tax by section 501(c)(3) of the federal tax code. University athletic departments are exempt under the same section of the tax code because they "foster national . . . amateur sports competition." n40 American universities are nonprofits and are thus exempt from taxes on any income derived from their "charitable mission." Why the privileged status? Universities avoid taxation on income from athletics because athletics are considered part of the educational experience given to students. THE INTERNAL REVENUE SERVICE HAS TAKEN THE POSITION THAT COLLEGE ATHLETICS ARE "SUBSTANTIALLY RELATED" TO EDUCATION (HENCE, PRESENT EXEMPTION). n41 But if schools were to pay student-athletes, it would compromise their tax exemption because the money paid would not be considered part of the education experience (it would be considered an unrelated business, subject to corporate tax).

Additionally, if the IRS and statutory regime remain unchanged, and schools begin paying their athletes, these athletes would likely be considered "employees." As a result, athletic departments would have to pay social security taxes, Medicare, federal and state unemployment tax, and worker's compensation insurance on all of their new student-athlete employees. n42 While that would certainly cost athletic departments money, the real cost would come from the athletic departments losing their tax-exempt status. It would seem to follow that by paying student athletes, they would no longer be viewed as amateurs and thus the "foster[ing] . . . amateur sports competition" exemption would disappear. In addition to the taxes each athletic department would have to pay on any income, they would likely lose large amounts of revenue as a result of donors no longer being able to make tax-deductible contributions. n43

If the member institutions lose their tax-exempt status, it is not hard to see the NCAA quickly losing its status as well. The NCAA asserts that its non-profit status is warranted because it is a higher education association. It does not claim to be exempt under the "foster[ing] . . . amateur sports" provision. In 2007, the House Ways and Means Committee called on the NCAA to justify its tax-exempt status. n44 In response, the NCAA asserted that its tax-exempt status should not be linked to the amount of revenue it generates, but rather to how the revenue is spent. In the Association's case, 96 percent of its revenue is returned to the membership through direct distributions, championships or other services. n45 However, if college athletes are no longer "student athletes" it is unlikely that the NCAA would be able to claim their higher education exemption.

CONCLUSION
Partly because of its problematic tax implications, a play-for-pay system is not likely to be instituted any time soon. Paying student-athletes would probably result in higher institutions losing their tax-exempt status with respect to athletics (which are currently considered part of their educational mission and are largely tax-insulated), in turn dismantling the tax-exemptions the NCAA enjoys. In other words, paying student athletes would lead Congress or the IRS to treat whatever programs are paying their athletes—e.g., men’s basketball and football—as unrelated business activities, subject to the UBIT - unrelated business income tax. In addition, pay-for-play could recast student-athletes as "employees," which would simultaneously render [*170] athletic programs the "employers," and require they pay a variety of additional expenses. On another note, most athletic programs do not generate profits, but are instead subsidized by the parent institution (only the very best, biggest programs turn a profit-22 programs in 2010). n46 Paying their athletes would not be a viable plan for over 90% of athletic programs.

http://www.usnews.com/debate-club/should-ncaa-athletes-be-paid/real-scholarships-need-to-make-a-comeback

Real Scholarships Need to Make a Comeback

By Allen Sack April 1, 2013 | 5:56 p.m. EDT + More

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I have always believed that colleges and universities that treat athletes like employees should have to pay them and provide other employment benefits. Under common law, an employee is a person who performs services for another under a contract of hire, subject to the other’s control in return for payment.

In the first half of the twentieth century, as college sport morphed into mass commercial entertainment, a market developed for skilled athletes. In the resulting recruiting frenzy, under-the-table payments became commonplace. In a desperate effort to restore sanity, the NCAA, in 1957, allowed schools to pay the room, board, tuition, and other fees of college athletes.

When I played football at Notre Dame the 1960s, I received one of these scholarships. I clearly remember coaches visiting my house and promising my parents, often in writing, that my grant was a
four-year deal, even if I were injured or turned out to be a recruiting mistake. The message was that I was valued as a student, regardless of how things turned out on the athletic field.

[See a collection of political cartoons on the economy.]

In 1973, the NCAA made the biggest error in its legislative history when it replaced four-year scholarships with one-year renewable grants. By conditioning the renewal of financial aid on an athlete's contribution to team success, the scholarship became a contractual quid-pro-quo and coaches gained control over athletes not unlike that of employers over employees.

Because athletes fit the definition of employees, they are arguably entitled to the kinds of benefits that athletes receive in professional leagues like the NFL and the NBA. This seems only fair. However, I would like to propose another (far less expensive) solution to the payment problem that I think is in the best interests of athletes and the faculty that teach them.

[See Photos: March Madness 2013]

Last year, the NCAA's leadership did the unthinkable when it rammed through legislation that gives universities the option to award multiyear scholarships like the one I was privileged to have at Notre Dame. What is needed is a national movement of faculty and others to support multiyear scholarships that extend to graduation (five year maximum).

These scholarships could still be canceled if athletes withdraw from sports voluntarily, fail to meet academic standards, or violate team rules, but they could not be canceled for injury or not living up to advanced billing as a recruit. A five-year scholarship is priceless if it leads to a real education.

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Allen Sack

About Allen Sack Professor in the College of Business at the University of New Haven
Remember the line in the Mel Brooks movie Blazing Saddles where one of the cowboys is offered a tin shield and sneeringly says, "Badges? We don't need no stinkin' badges"?

I always think of that line when I'm asked if NCAA Division I athletes should be paid for their collegiate contributions. It invokes the strained logic of Blazing Saddles because college athletes are already paid. They're just not paid what the market is capable of bearing.

Whoa, wait a minute. What do I mean they're already paid?

Well, let's set aside the value of their free or partially-funded education and assume no college athlete goes to class or actually gains any knowledge in class that has a useful value. That purposeful sarcasm (or cynicism) removes a healthy percentage of what many readers consider to be the bulk of the collegiate athlete's current compensation.

However, since you can't trade knowledge (i.e., mental enhancement) for an immediate financial asset, higher education is often (and falsely) assumed to have no value for athletes.

But even removing this educational asset from the equation, NCAA Division I athletes still receive expert coaching (that could lead to a professional career as an athlete or as a coach), on-campus housing, frequent meals (if not elaborate training tables), non-uniform clothing, free medical consultation, free access to state-of-the-art training facilities and free professional development (media/public relations, life skills, networking, etc.). That all has to count for something, right?
But what about cash for student athletes? Shouldn't they get money too?

Oh, so this discussion is about the Benjamins, eh? Well, why is that? Is the amount (the perceived value) a college athlete currently receives not enough? Are we asking this last question because an NCAA coach might be making millions (or a very hefty six-figure salary)? Or is it because the student-athlete's university is making millions from ticket and merchandise sales? Is it because the athlete's athletic conference is headed to the bank with a massive TV deal? Or is it because the NCAA is raking in billions off the performances of college athletes?

[See Photos: March Madness 2013]

We know the answers to all of those questions are yes but if some "force for good" wants to pay the athletes cash, it seems likely some other party will have to take less.

And that's where this discussion stops. Because the NCAA, major BCS conferences, big-time universities and well-paid coaches are all expert at practicing the first law of capitalism ... which is to capitalize on inefficient suppliers. Simply stated, college athletes have been convinced they are paid enough. And their appropriate share of the revenue pie has been given to others.

But I predict, someday, in the not too distant future, college athletes will learn they are leaving money on the training table and they will grasp that the whole NCAA pyramid crumbles unless they perform. When that day arrives, collegiate athletes will start getting paid in cash instead of psychology classes, track suits, knee braces and ice baths.

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Richard Burton

About Richard Burton Professor of Sport Management at Syracuse University
Advocates of paying college athletes need to explain (a) how the labor market for players would function, (b) how the Division I colleges could afford this expense when the median DI athletics program loses $11 million a year on an operating basis and much more when capital and indirect costs are included, (c) how the new system would impact college culture, and (d) what would happen to the branding of intercollegiate athletics that tens of millions of fans have come to love.

For its part, the NCAA has to come to terms with the fact that it has applied an arbitrary, morphing, and overly restrictive definition of amateurism, the outcome of which is that student-athletes are unnecessarily manipulated and exploited. Until the 1940s, the NCAA defined amateurism like the rest of us: An amateur (the word means lover) is someone who engages in an activity for fun, not remuneration. A scholarship was seen an extrinsic inducement and not compatible with amateurism.

After the 1940s, what the NCAA allowed to be included in a scholarship was changed every few years. In 1973, the NCAA restricted scholarships to one year at a time, meaning that a coach could revoke a player's scholarship if he or she wasn't performing well on the field, regardless of how well they performed in the classroom. More recently, the NCAA has allowed athletes on winning teams to receive gifts worth hundreds and sometimes thousands of dollars.

Now in dispute is the claim of former UCLA basketball star Ed O'Bannon. His team won the national basketball championship back in 1995. Through its Collegiate Licensing Company, the NCAA licenses the right to Electronic Arts to produce a video game of the 1995 team, using the images and likenesses of its players. Not a penny of the licensing income is shared with these players. Current and former college players also have their names, images and likenesses used in a variety of other commercial forms: Jerseys, photos, bobbleheads, replay of old games, play footage for ads, etc. They don't get paid.
The O'Bannon suit argues that the former student-athletes are no longer amateurs and should be compensated for the exploitation of their publicity rights. It also claims that current student-athletes should have money put into trust funds for their subsequent use.

These claims make perfect sense, and with the reduction of pervasive waste, inefficiencies and unjust enrichment of coaches and administrators, there would be more than enough money to go around.

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Andrew Zimbalist

About Andrew Zimbalist Professor of Economics at Smith College
http://www.washingtonpost.com/lifestyle/kidspost/should-college-athletes-get-paid/2014/04/09/5cfb4b2c-bf36-11e3-bcec-b71ee10e9bc3_story.html

Should college athletes get paid?

Kentucky guard Aaron Harrison (2) drives to the basket past Connecticut guard Ryan Boatright (11) in the NCAA championship game on Monday night. Connecticut won the game. (Eric Gay/AP)
By Fred Bowen April 9 Follow @FredBowenBooks

The NCAA men’s college basketball tournament is over: The University of Connecticut beat Kentucky, 60-54, for the 2014 championship. The debate whether college basketball and football players should be paid, however, is just beginning.

A government official recently ruled that the football players at Northwestern University are employees of the university — not student-athletes, as the colleges and National Collegiate Athletic Association claim. As employees, the players have the right to form a union and bargain over their working conditions.

Some people think that if the players can bargain over their working conditions, they will want to be paid, just as professional athletes are. And this may change college sports forever.

The courts, and maybe even the Supreme Court, probably will decide this issue.

It’s important to remember a few things. First, only football and men’s basketball are money-making college sports. Most others, such as field hockey, wrestling and swimming, do not attract big crowds or make big bucks. So if all college athletes were paid, the money would probably come from football and men’s basketball programs.

Second, college athletes already are given something valuable. A full football or basketball scholarship to a school such as Northwestern is worth as much as $250,000 over four years. The colleges also provide the players with expert coaching and medical care, as well as the opportunity to get an education.

Still, it’s not surprising that the football and basketball players may want to be paid. After all, they are just following the example set by their coaches and colleges in these big-money sports.

John Calipari, the head basketball coach at the University of Kentucky, makes $5.5 million a season. That’s almost 14 times the amount made by the president of the United States.

Calipari is not alone. Seventeen college football coaches and seven college basketball coaches make more than $3 million a year. The coaches, it seems, want to be paid.
The players also have watched their schools do almost anything to make more money through their football and basketball teams. The colleges schedule more games and tournaments every season. Weekday games are now televised, bringing in more money.

The players have seen their schools leave behind traditional rivalries, such as when the University of Maryland left the Atlantic Coast Conference after 60 years to join the Big Ten. Why? You guessed it. The new conference gives the school a chance to make more money.

I don’t know if paying the players would make college football and basketball better or worse. But I do know that the colleges and coaches should set a better example for the players by not being so greedy.

Bowen writes the sports opinion column for KidsPost. He is the author of 18 sports books for kids that combine sports fiction and sports history. His latest book is “Perfect Game.”

https://www.newportbeachindy.com/paying-college-football-players-bounds/

By Dr. Michael Glueck on August 30th, 2014
Paying College Football Players is Out of Bounds

The debate over whether college football players should be paid has been around for a long time. On first hike it seems like a good idea. It seems correct legally, but if we look deeper I will argue that the federal ruling this year could change the entire college experience for students, alumni, fans, athletes, and non-athletes, and not in a good way.

A column in The Washington Post on March 27 reports that “a federal labor official recently ruled that big-time college football players on a full ride are exactly what many critics always thought they were: paid employees of their universities.

They get compensated not for attending school but for playing football. Unlike students on scholarship, they thus are legally entitled to form a union.

The National Labor Relations Board got involved when Northwestern University rebuffed efforts by a former quarterback, Kain Colter, to organize a union of players in order to obtain, among other things, medical coverage for players left with lifelong problems because of injuries on the field.
While the ruling by Peter Sung Ohr, the Chicago regional director of the NLRB, does not apply to public universities and may ultimately require a Supreme Court decision for resolution, it was nonetheless historic.”

The ruling opens up a lot of dangerous doors that will have to be evaluated and debated.

* How much money should college athletes be paid? Will there be signing bonuses?

* Should athletes at all schools (rich or poor) be paid the same?

* Should players be paid by position, i.e., a QB more than a lineman? Should skilled positions be paid more than those that take a constant physical beating or vive-versa?

* Should athletes that excel on the field be paid more than the others? (performance bonuses)

* Does a second year player get more than a first year player?

* Will a red-shirt senior make the most?

* Will basketball, baseball, lacrosse, track, tennis, golf, wrestling, badminton and ping-pong athletes also get paid?

* Ultimately, in a dispute, some athlete will hire a lawyer or two and the circus will become a three-ringer. How long before a star high school player sues for pay?

* In the end college football, as we now know it, will become another pro-league and a haven for sports agents.

* The richest teams will prevail in attracting the best athletic talent. Those slightly less talented athletes who play for the love of the game might get squeezed out altogether.
* For the fan the Saturday afternoon college football game, the storied rivalries, and all the weekend tradition that accompanies it will lose much of its charm.

People often speak of the “unintended consequences” of any major action. Stay tuned and watch one of our nation’s finest traditions crumble.

Michael Arnold Glueck, Newport Beach, is a fantasy football player. That is, he fantasizes about throwing just one touchdown pass.

http://star.txstate.edu/node/660

College athletes should not receive payment for playing

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College athletes who already receive scholarship money should not be paid by the university to play sports.

It would be unfair to other students if the university paid athletes to play college sports, although many may disagree. Scholarships granted to student athletes cover tuition, fees, room, board and textbooks, according to the National Collegiate Athletic Association website. Some athletes receive scholarships that cover only a portion of these expenses, but many still receive exceedingly more aid than the average student.

The average value of a full, in-state public school scholarship is $15,000 a year, according to the website. The scholarships awarded to outstanding student athletes are valuable in countless ways. Without them, many would not be able to pursue their academic or athletic goals. The individuals who receive these scholarships are exceptionally talented and work very hard to earn the money awarded to them.

Despite this, the fact still remains many student athletes have everything provided for them in college, giving them a distinct advantage over their peers. The experience of playing on a college team itself is valuable, working much like an unpaid internship for other students. For non-athlete students, however, the experiences of unpaid internships do not come along with a full-ride scholarship. In a way, college
athletes are already getting paid. Universities should never have to shell out even more finances just to satisfy their athletes.

Many athletes argue that because they do not have time to get a job, they should be paid by the university and have extra money to go out with friends or afford new clothes. However, many college students are broke and deal with these inconveniences on a daily basis. Not being able to afford things is a way of life in college. Furthermore, the jobs most students do find pay minimum wage and cannot sustain constant trips to the mall. The average college student eats frozen dinners and Ramen noodles for breakfast, lunch and dinner, not expensive restaurant food. The wages average students earn from their low-income jobs mostly go towards rent, tuition and groceries—expenses many college athletes on full-ride scholarships never have to worry about.

Additionally, if universities paid college athletes, it would make the disparity between large and small university athletic teams even greater. Larger schools with more revenue such like University of Texas would essentially be able to buy out the best players for their teams, putting smaller universities at a greater disadvantage. College sports and the athletes who participate in them should not be centered on money. Athletes should focus on their passion for whatever sport they play, and be grateful they can receive the aid they do.

If universities started paying college athletes, it would be grossly unfair to the peers who work hard just to make ends meet. Student athletes who are already awarded scholarship money to attend college should not be paid any additional amount on the side.


Emmert testimony: College athletes should not be paid for name/image

By Matt Norlander | College Basketball Writer

June 19, 2014 1:25 pm ET

Many awaited Thursday's proceedings: Mark Emmert taking the stand in court. (USATSI)

NCAA president Mark Emmert sat in an Oakland, Calif., federal court on Thursday to stand up for the institution that pays him millions.
The NCAA is doing its best to keep the principles of its operations in tact, but a major and long-time coming trial is threatening the amateur-ideated organization's foundation.

The unfolding case of Ed O'Bannon vs. the NCAA has -- and still will -- bring about myriad witnesses from varying backgrounds, but no defendant had as much anticipation or intrigue behind their testimony like Emmert's.

And he's not done, either. After spending nearly six hours facing direct and cross examination on Thursday, Emmert gave testimony on a number of tenets relating to his job, the NCAA's credos and how/if what's currently established to be the NCAA should be just that moving forward.

All day long Emmert beat a drum on an issue that many simply disagree with. He made the case -- while being questioned on "direct" from NCAA-paid attorneys -- that college sports fans would be soured by competition if the players -- college athletes -- were paid for their name, image and likeness.

"The line of demarcation is a difficult one to determine," Emmert said in regard to defining where amateurism ends in sports and professionalism begins.

It's a point Emmert must make as president of the NCAA, but it doesn't seem based in much fact. Emmert essentially said he believes college football and college basketball would dip in popularity if the best players on the best teams were paid to represent their universities. But Emmert also said the NCAA has commissioned no studies based on this presumption since Emmert took office in 2010.

And what's more, Emmert thinks the NCAA as we know it would crumble if players earned money based off their ability or image.

"I suspect most schools would move toward a Division III model," Emmert said, when asked what would happen if players were able to earn money off their name, image and likeness. (Division III schools do not offer scholarships.) He added, "To convert college sports to professional sports would be tantamount to converting it to minor league sport."

Emmert also made the point that the majority of NCAA-sanctioned programs actually work in the red on an annual basis. Data shows only approximately two dozen athletic departments are able to earn profit, and those that do almost always have Division I football to thank.
He also said that players would by and large wind up picking college based on how much money they stood to make.

The stance Emmert is arguing against falls in line with those who believe the NCAA has become rich off the backs of athletes who’ve been denied basic free market rights to earn money based on ability.

Emmert also made the case college sports are "very much so" different from the way professional sports operates.

Upon being questioned on cross examination, Emmert was presented with multiple instances of college teams/logos/uniforms in recent years being promoted alongside major events -- and with corporate sponsors.

"Striking a balance to maintain amateurism while also using business practices to support those athletics is a concern," Emmert said. "You don't want to have amateur student-athletes in a situation where they are pitching for products."

Emmert's now spent more than four hours at the stand as a witness. He's faced questions about the history of the NCAA, the motivations of his predecessors and the opinions of past NCAA presidents over the nature and future of the NCAA model. He did not specifically speak to commenting on that as background to the plaintiffs' case.

The case will resume at 8:30 a.m. local time, 11:30 a.m. ET, on Friday morning. Emmert will again raise his right hand and give more testimony under oath.

Some other quotes from Emmert that came out today.