

Special Issue Introduction: Name, Image, and Likeness and the National Collegiate Athletic Association

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The National Collegiate Athletic Association (NCAA) has historically operated a labor market for athletes under the guise of “amateurism,” considered by scholars to be representative of cartel behavior (e.g., Custis et al., 2019; DeSchrive & Stotlar, 1996; Fleisher et al., 1992). In this market, the NCAA restricts direct compensation to the college athletes who contribute to producing revenues that rival major North American professional leagues (Kahn, 2007). Because Division I NCAA institutions largely compensate athletes via components already in place to service the traditional student body, actual (not accounting) university-level athletic department revenues (e.g., ticket sales, licensing rights, broadcasting rights, corporate sponsorships, etc.) and surpluses are sizeable (Schwarz, 2015). Instead of sharing revenues with college athletes through direct payments, these surpluses traditionally have been spent on capital projects, coaching staff compensation, and other athletic department initiatives in an attempt to compete in the recruiting of athletes as a form of nonprice competition, which clearly differentiates the NCAA talent market from traditional labor markets (Farmer & Pecorino, 2010).

On June 21, 2021, the U.S. Supreme Court ruled against the NCAA regarding the restriction of education-related payments to college athletes participating at member institutions (see *NCAA v. Alston*). The Court ruled unanimously that the organization was in violation of antitrust laws by limiting the compensation athletes could receive from a variety of sources including paid internships, academic awards, and postgraduate scholarships. In response, on June 30, 2021, the NCAA adopted a policy to allow athletes to profit from commercial opportunities associated with their name, image, and likeness (NIL) (Fitzsimons, 2021). This policy change represents the first time NCAA athletes were able to permissibly generate external endorsement compensation without losing eligibility based on their affiliation with their respective academic institutions. It is important to note that this basic right has been afforded to all college students since the inception of higher education in the United States and, thus, providing this right to college athletes was more a form of restorative justice rather than a novel privilege, but still leaves college athletes with reduced economic rights compared with their nonathlete peers. Notwithstanding, the new NIL policy represents a substantial shift in the labor market dynamics of NCAA sport that has far-reaching consequences for the NCAA itself, member institutions, college athletes, and associated firms and stakeholders.

While the NIL policy has legal and economic origins, this change has considerable implications for research in numerous


subdisciplines in the field of sport management. For instance, NCAA athletics generate immense consumer interest, which has spawned the creation of multimillion dollar conference-specific television networks. Entire firms exist focusing on the marketing, branding, and distribution of college athletics content. NCAA sport produces relevant economic and social impacts in many communities, which serve as hosts to member institutions (Coates & Depken, 2011). Revenues generated from college athletics events such as the NCAA March Madness tournament are comparable to those in professional sport (Southall et al., 2023). Understanding the personal experiences of the college athletes representing the primary source of this revenue generation is also of paramount importance. Furthermore, investigating the racial and gender implications of this change is warranted given the history of NCAA inequity in these areas (Hattery, 2012; Hawkins, 2010). As such, it is timely to have a special issue that explores the various impacts of the new NIL policy on college athletes and the field of sport management more broadly.

Contributions to This Special Issue

This special issue aims to serve as a starting point in the production of scholarship on the NCAA NIL policy change and associated experiences and outcomes. Consistent with the mission of the *Journal of Sport Management*, this issue represents contributions from a variety of subdisciplines including law, marketing, management, and sociology, which employ a diverse set of conceptual, quantitative, and qualitative approaches. As athlete compensation undoubtedly changes moving forward, we hope future research reflects back on this issue of six manuscripts that provide unique perspectives and analyses given their discipline-specific framing.

Jessop et al. (2023) provide a historical analysis of the NCAA's legal defense against athlete compensation and the challenges the organization faces related to NIL legislation. The authors also make the case that the labor law mechanism of collective bargaining may be the NCAA's best option to negotiate a new standard of amateurism. Ehrlich et al. (2023) compare the current NIL landscape to gig economy employment and argue the NIL system is not a suitable substitute for the traditional employment relationship. They suggest broad employment reform and a collective bargaining agreement between the NCAA, its member institutions, and college athletes.

Howe et al. (2023) utilize critical discourse analysis to evaluate the desires and perspectives of the NCAA as the external pressure to compensate college athletes grew over time. The authors demonstrate how NCAA actions reflect their intentions of retaining their power while simultaneously undercutting the legitimacy of its

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opposition. Newell and Sethi (2023) explore NIL from the perspective of the international college athlete, noting they are restricted from earning income separate from athletic grant-in-aid within the current NCAA system due to their F1 visa status. The authors survey athletic department administrators and the data reveal support for the perception that NIL changes will create a variety of issues for international college athletes. Despite this finding, the results alternatively suggest a sense of “American exceptionalism” and the belief that international college athletes would not be negatively impacted by the NIL policy change as their overarching objectives for participating in NCAA sport are not financial in nature.

Cocco et al. (2023) examine the determinants of the potential social media value of college athletes in the NIL era. The authors uncover numerous personal branding and institutional factors that are related to social media value and they provide practical implications for college athletes attempting to monetize their personal brand. Su et al. (2023) argue the NIL policy change allows college athletes to become more prominent as social media influencers. The authors utilized a mixed-methods approach to investigate the importance of influencer credibility and shared university identity in creating a bond between the athlete and the consumer, which ultimately impacts purchasing behavior.

Conclusion

Historically, the system of “amateurism” imposed by the NCAA has allowed its member institutions the ability to generate sizable revenues while compensating the college athletes, which play a crucial role in generating these revenues with below-market payments. In recent years, momentum to directly compensate college athletes has grown and at the present time has culminated in the ability for NCAA athletes to receive direct compensation tied to their NIL. The contributions of this special issue offer a timely examination of this policy change beyond the financial component as it relates to law, management, sociology, and marketing. We hope these contributions encourage conversation, and provide direction for future research, to enhance our collective understanding of this important topic.

References

- Coates, D., & Depken, C.A. (2011). Mega-events: Is Baylor football to Waco what the Super Bowl is to Houston? *Journal of Sports Economics*, 12(6), 599–620. <https://doi.org/10.1177/1527002510391368>
- Cocco, A.R., Kunkel, T., & Baker, B.J. (2023). The influence of personal branding and institutional factors on the name, image, and likeness value of collegiate athletes' social media posts. *Journal of Sport Management*. Advance online publication. <https://doi.org/10.1123/jsm.2022-0155>
- Custis, T., Hoben, M., & Larsen, P. (2019). Big money, corruption, and black markets: A closer Look at the legal and economic effects of amateurism in division I NCAA college athletics. *Sport, Business and Management: An International Journal*, 9(4), 399–415. <https://doi.org/10.1108/SBM-09-2018-0070>
- DeSchrive, T.D., & Stotlar, D.K. (1996). An economic analysis of cartel behavior within the NCAA. *Journal of Sport Management*, 10(4), 388–400. <https://doi.org/10.1123/jsm.10.4.388>
- Ehrlich, S.C., Sabin, J., & Ternes, N.C. (2023). With name, image, and likeness, college sports enters the gig economy. *Journal of Sport Management*. Advance online publication. <https://doi.org/10.1123/jsm.2022-0152>
- Farmer, A., & Pecorino, P. (2010). Is the coach paid too much? Coaching salaries and the NCAA cartel. *Journal of Economics & Management Strategy*, 19(3), 841–862. <https://doi.org/10.1111/j.1530-9134.2010.00271.x>
- Fitzsimons, T. (2021, June 30). NCAA allows college athletes to profit off their name, image in major policy shift. *NBCnews.com*. <https://www.nbcnews.com/news/sports/ncaa-allows-college-athletes-profit-their-name-image-major-policy-n1272861>
- Fleisher, A.A., Goff, B.L., & Tollison, R.D. (1992). *The national collegiate athletic association: A study in cartel behavior*. University of Chicago Press.
- Hattery, A.J. (2012). They play like girls: Gender and race (in) equity in NCAA sports. *Wake Forest Journal of Law & Policy*, 2, 247–266.
- Hawkins, B. (2010). *A new plantation: Black athletes, college sports, and predominantly white institutions*. Palgrave Macmillan.
- Howe, J., Black, W.L., & Jones, W.A. (2023). Exercising power: A critical examination of National Collegiate Athletic Association discourse related to name, image, and likeness. *Journal of Sport Management*. Advance online publication. <https://doi.org/10.1123/jsm.2022-0151>
- Jessop, A., Baker, T.A., Wall Tweedie, J., & Holden, J.T. (2023). Charting a new path: Regulating college athlete name, image and likeness after *NCAA v. Alston* through collective bargaining. *Journal of Sport Management*. Advance online publication. <https://doi.org/10.1123/jsm.2022-0149>
- Kahn, L.M. (2007). Markets: Cartel behavior and amateurism in college sports. *Journal of Economic Perspectives*, 21(1), 209–226. <https://doi.org/10.1257/jep.21.1.209>
- Newell, E.M., & Sethi, S.K. (2023). Exploring the perception of Division I coaches and administrators about international collegiate athlete exclusion from name, image, and likeness opportunities. *Journal of Sport Management*. Advance online publication. <https://doi.org/10.1123/jsm.2022-0141>
- Schwarz, A. (2015, January 12). College sports programs are playing poor, here's how to fix it. *Vice.com*. <https://www.vice.com/en/article/yp79py/college-sports-program-accounting-scam>
- Southall, R.M., Nagel, M.S., Staurowsky, E.J., Karcher, R.T., & Maxcy, J.G. (2023). *The NCAA and the Exploitation of College Profit Athletes: An Amateurism That Never Was*. University of South Carolina Press.
- Su, Y., Guo, X., Wegner, C., & Baker, T. (2023). The new wave of influencers: Examining college athlete identities and the role of homophily and parasocial relationships in leveraging name, image, and likeness. *Journal of Sport Management*. Advance online publication. <https://doi.org/10.1123/jsm.2022-0192>