

## **From a Student Athlete's Perspective, How Can the NIL Legal Landscape be Updated to Mutually Benefit Students and Universities in the Present and Future?**

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### Abstract:

This paper will cover name, image, and likeness (NIL) laws in the United States college athletics program known as the National Collegiate Athletic Association, or NCAA. After 2021, student athletes gained the legal rights necessary to be paid for allowing undergraduate institutions to use their name, image, and likeness for profit after the Supreme Court ruled against the NCAA. However, the system is still in its infancy, and there is no framework for NIL rights from the NCAA and the United States government. Therefore, this paper will review the background of this issue and what has been done so far, including covering the NCAA's Bylaw 12 and other laws covering NIL rights for student athletes, and the court cases that broke down said laws. Then, this paper will cover why there is a need for an NIL framework, and what points towards this conclusion. Furthermore, this paper will outline how the NCAA could implement a framework to benefit student athletes and universities alike regarding NIL rights, and how this could be implemented. This framework would ensure fairness, transparency, and accountability for all.

### Introduction:

Imagine an everyday, regular student-athlete who plays division one football in a prestigious program at a large university. Although this player is not compensated for their participation in the program, they may feel initially satisfied simply to participate in such a distinguished program. However, unbeknownst to the player, their world will soon flip upside down, as the NCAA's brand new decision to allow players to profit by being an athlete through their university's athletics programs and outside sponsorships, using their name, image and likeness. The majority of people would understand that this decision is beneficial for all players, as one can now profit while enjoying playing the sport they decided to play despite there being no option of compensation. This newfound right, however, also means that players are thrust into a complex world of contracts and contradictions. Many players fall victim to predatory contracts, drawn into the premise of generation wealth. Starting in 2021, the legal landscape of college athletics was completely upended, and the start of the rewriting process began.

In order to fully understand the magnitude of this situation, one must compare profiting from name, image, and likeness rights from pre- and post-legal change in 2021. Ever since its founding year, NCAA athletes have followed the principle of 'amateurism.' Under NCAA Bylaw 12, where a bylaw is a rule that governs the NCAA, there are 12 states where athletes cannot be paid in any way or use their likeness for profit. These rigid barriers were upheld until 2021, when the Supreme Court ruled against the NCAA on the topic of student-athletes'

compensation. In *NCAA v. Alston*, the first case of its kind to reach the Supreme Court, the Court determined the NCAA violated antitrust laws by withholding benefits from athletes, which opened the door for the ending of Bylaw 12<sup>1</sup>. However, this ruling only created the opportunity for college athletes to be compensated for their NIL, and nothing more; there are no regulations that stipulate the parameters around how this should be done legally or ethically. Simply stated, “[despite] several proposals, Congress has yet to enact comprehensive federal legislation governing NIL rights, resulting in a fragmented patchwork of state laws and NCAA policies” (Congressional Research Service, 2024). The dearth of information about how to enforce compliance with the Court’s ruling has created many issues for the NCAA and its players, leading to calls to update the NIL laws for both players and universities to fully benefit.

### Background:

To better understand the implications of *NCAA vs. Alston*, it is important to review the NCAA’s reasoning for why student-athletes should not be allowed to receive compensation for their name, image, and likeness. Even before the NCAA was first founded in 1905, medical professionals, parents, and society at large had called for colleges and universities to make the game of football safer for players, especially when the game was played without protective gear (Litan, 2019). This led to the formation of the Inter-Collegiate Athletic Association in 1905, which changed its name to the National Collegiate Athletic Association in 1910 (Litan, 2019). Today, the NCAA has “...over 1,100 member schools, of which about 350 belong to Division I, which has the most competitive athletic programs” (Litan, 2019). The NCAA was founded upon the principle of amateurism, which was the belief that student-athletes should not be paid to ensure they remain “amateurs” who play for their own enjoyment. According to the NCAA, “Student-athletes...participation should be motivated primarily by education and...physical, mental and social benefits” (NCAA 2025). The NCAA’s laws on payment and the amateurism model state that:

No student shall represent a college or university in any intercollegiate game or contest who is paid or receives, directly or indirectly, any money, or financial concession, or emolument as past or present compensation for, or as prior consideration or inducement to play in, or enter any athletic contest, whether the said remuneration be received from, or paid by, or at the instance of any organization, committee or faculty of such college or university, or any individual whatever (Kirsch, 2025).

In other words, the NCAA took measures to ensure that college athletes could not be compensated for playing collegiate sports in any way.

As a result of this policy, athletic scholarships were either initially limited or prohibited, since NCAA rules forbade direct financial aid to student-athletes. This was later changed with the passing of the Sanity code in 1948, which actually removed the ability for players to accept scholarships and only allowed players in financial need to have scholarships. However, in 1951, the Sanity Code was revoked after pushback and replaced with the system of scholarships known today. In 1973, the NCAA created the three divisions, which at first were created to split between top-tier programs and amateur teams, with Division I being the highest, and Division III being the lowest. This still holds today, as Division III athletes are not allowed to receive scholarships for playing a sport at a Division III school. However, Division III players are not subjected to the same rigorous academic standards as Division I and II require. This follows along the division line, as Division III was meant to differentiate between the highest competition and amateur players in the first place.

The NCAA has strictly enforced its bylaws related to compensation for undergraduate athletes. For example, in 2014, University of Georgia college football star Todd Gurley was suspended for four games due to an infraction of NCAA Bylaw 12, in how he accepted money in return for signing autographs. Gurley was also required to repay part of his profits to charity and was assigned 40 hours of community service (NCAA, 2014). This is just one example of players being punished for minor infractions, and many players seemed to not enjoy the spirit of punishment the NCAA had.

Therefore, in 2020, student-athletes filed a lawsuit challenging the NCAA's policy of withholding benefits, which marked a pivotal step in the eventual Alston case. Later, in the famous case of NCAA vs. Alston, Shawne Alston, a former NCAA athlete, accused the NCAA of illegally restricting benefits to student athletes (Yoo, 2021). In this case, the Court found that the NCAA violated antitrust laws by denying student athletes education-related benefits. The ruling undercut "the NCAA's traditional defense of amateurism and opens the door to further challenges" (Liptak, 2021). This ruling not only harmed amateurism, but it pushed the NCAA to make one of their most influential decisions in their history in an effort to save their failing public image. Ten days after the ruling, the NCAA released a statement outlining how it would officially allow students to receive compensation for their name, image, and likeness rights, ending the much weakened amateurism model, and opening the door for many new possibilities, wanted or not.

Consequently, this decision was a major victory for college athletes everywhere, and many rejoiced at the news. However, some were in for a rude awakening when they found the unintended consequences of this drastic decision. The student athletes and universities realized that the framework for NIL rights had yet to be created and instituted, which meant that there was no legal standard for player's NIL rights. This allowed many players and schools to gain unfair advantages, or players are being taken advantage of by large organizations/corporations. An example of this is seen in how NIL collectives quickly and quietly jumped at the chance to use their large sums of money to recruit players. For example, "While these collectives, which primarily serve football and basketball programs, have no direct affiliation with universities or

athletic programs, they are widely understood to quietly work with coaches and play a role in recruitment (Lemann and Ory, 2024). NIL collectives have provided unfair advantages to schools and athletes, as they are not technically affiliated with their school. NIL collectives have proven themselves to be unjust, and will need to be addressed in the future.

Despite the issues NIL faces, NIL proposes relatively minimal risk for colleges and universities, as research shows that compensation does not decrease viewership. After NIL legalization, profits showed no signs of decreasing, where in the words of Terek Kirsch, “in the 2022 fiscal year, Ohio State University—the top revenue generator in collegiate athletics—garnered roughly \$251 million in earnings, eclipsing the 2020 university record of around \$233 million” (Kirsch, 2025). This shows that allowing players to benefit from their name, image, and likeness has its benefits, but these rights require strict regulations in order for the playing field to be level.

In light of all this, there are opportunities for the NCAA to update NIL laws for both players and universities to benefit by allowing greater freedoms for college athletes to receive compensation, strengthening payment regulations to ensure fairness, and guaranteeing privacy, preparedness, and integrity for both athletes and universities.

#### Discussion/Analysis:

Throughout the past few years, since the court case and the changing of the NIL laws, there has been one major continuity over time, and that is, there seems to be a major lack of oversight by the NCAA and the federal government. Therefore, it is needed that the NCAA implement a new legal landscape for its policies in order to ensure regulation over NIL rights for student athletes. Currently, the legal landscape is completely fragmented, forcing the NCAA to adapt to a constantly shifting landscape and institutional policies. According to Seth Stephenson, “Efforts to protect students from predatory deals... have trickled through state legislatures and Congress... That’s left students vulnerable... ‘There are a zillion questions,’ ...” (Stephenson). Students are lost in a maze of name, image, and likeness laws, and some students seem to have been lost in the long and narrow paths to NIL glory. NIL laws will always be a maze, but it does not have to be a difficult one. Right now, there are difficulties in the system that do not just make it difficult for students to navigate such a complex situation, but there is the issue of the possibility of players taking advantage of minimal surveillance over their actions, exploiting the weak system and gaining advantages some students do not have. This is another major issue caused by the lack of an in-depth legal landscape for NIL, and that is why the NCAA is in dire need of the creation of one.

There are many ways to implement NIL legal systems, but first, the NCAA must decide on what the laws will state and what the limits and restrictions will be in the system. First off, I

would recommend that the NCAA make policies that govern all rights of college athletes to be compensated. These new policies would be created under a new plan/project to be included in the NCAA rulebook, and it will be titled Project CANE. CANE would stand for Compensation, Accountability, Nurturing, and Equity. Under this project, guidelines would be created for each of these portions of the CANE plan.

### *I. Compensation*

Under compensation, the project would outline how players are to be compensated based on their performance, along with other laws regarding paying for participation and sponsorships. There will also be laws regarding base salaries given out to each player for playing. These regulations would standardize athlete compensation and restrict contract negotiations, thereby preventing wealthier programs from securing unfair recruiting advantages. If the student-athletes were given the option to negotiate, then they would be able to negotiate for the highest price they can get, and go to the team that pays the most, which gives the highest earning teams a higher chance to get the best players, which would mean even more revenue, starting a monopoly on high-level players.

In addition, there would be laws covering sponsorships, in order to ensure that companies are not taking advantage of the players or teams, by ensuring that sponsorships are fair offers that have the correct evaluation of the players' worth and time. However, regulations would be less strict, as the companies should have freedom to decide how much they can pay players and who they wish to use in their advertisements, as it is not up to the NCAA to decide who can be paid for name, image, and likeness rights and who cannot (disregarding players facing consequences removing them from NIL usage). For example, sponsors would be able to evaluate their players to their own extent, as in they can pay them what they think they are worth (or the player can negotiate higher). However, if a player signs a contract and realizes it might be unfair, they can submit the contract to the NCAA, which can have the power to revoke the contract if it is deemed predatory or unfair to the player in any way.

To continue, there should be laws regarding whether universities can pay students for participating in events, such as athletes participating in team signing events and other events along those lines. The laws would allow for universities to pay their athletes for participating in events, but there would be a set limit to how much they could be paid, and it would be through an hourly rate set up for everyone by the NCAA. This would guarantee that NIL collectives are no longer able to be used to pay athletes for participating in events, as this will be outlawed completely. Furthermore, NIL collectives will not be able to pay student athletes directly, as they were once used to create backroom deals where players could benefit from gargantuan contracts not directly tied to the university itself.

These methods would come together to make a fair and equitable system, where athletes are paid for how they play, as this ensures that no negotiation will occur in the commitment process, which would be extremely unjust. Furthermore, this will not take the athletes away from

their studies, as they would know they are being paid just for being on the team, and if they do not play, they do not have to worry about being cut, as a contract would be signed to prevent this.

However, one might say these systems are completely unfair or ineffective, and if one would like to emulate a professional sports league, then players should be able to negotiate contracts and grow into more mature, professional athletes. However, there is one reason that players should not be able to do this, and that is this commitment. When players commit to universities, they usually commit to the best team that is the best fit for them. However, if players are now allowed to negotiate their contracts, they will go to the team that will pay them the most. Therefore, the teams that generate the most money will soon gain a monopoly on players, as they generate the most revenue and can afford to pay their athletes exorbitant amounts of money. This will create a loop of top recruits going to a select few universities, ruining competition and taking away the unpredictability of sports that everyone loves.

## *II. Accountability*

The next portion of the program would cover accountability, covering Name, Image, and Likeness rights within the NCAA. Through the additional laws used to hold colleges accountable for their actions, there would be a rework in punishments for breaking the NIL codes. Currently, there is a very difficult situation for players and companies, as many players can sign predatory contracts that bind them into a deal for many years without them fully understanding what they are getting themselves into. An example of this is when Gervon Dexter of the University of Florida signed a deal agreeing to give 15% of his pre-tax NFL earnings in exchange for a one-time payment of approximately \$437,000 and a \$5,000 donation to a charity of his choice (Kelly). This would seem like a well-thought-out deal, except when one considers the average NFL salary is \$3.2 million per year, meaning Dexter signed away upwards of \$4 million throughout his NFL career. That is why accountability is important, despite being often overlooked.

I propose forming an innovative system where student athletes and the companies they work with must submit their contracts, including certain types of information such as the parties involved, how much money will be paid, and the details of the time/work commitment for each party involved. Each contract will be audited through an independent Office of Advisory(OOA) solely created for this task. The individuals involved will have thirty days to submit the contract after it is finalized and before signing, and if the office deems the contract unsuitable for the player or the company, then the contract will be denied and sent back with details on why it was rejected to allow for revision. No player or company will be allowed to enter an NIL contract without approval from this office. Along these same lines, this system will also ensure that coaches and other third parties are completely hands-off on the topic of these contracts, as it is up to the player and their management and the companies themselves to make these deals, not the coaches nor the university.

Furthermore, the OOA is incredibly important to regulating these new codes, but they cannot do this without funding. Therefore, every university within the NCAA will have to pay a mandatory amount to fund the OOA. This would not be a large or harmful sum of money, only enough for the organization to run without profit. Higher revenue-generating programs would be subject to higher payments, as it is only just to make the larger programs support the organization, which is so vital to their success and their players' success. This funding will

To continue, each university will be required to supply its coaches with NIL training regulated by the OOA, to handle compliance issues, as well as assist their players with NIL issues (without getting directly involved in their contracts). The coaches will therefore become more responsible and know where the boundaries lie. Coaches will be required to complete a standardized NIL course, and will only be eligible to coach their own team if they complete said course.

In addition, every university within the NCAA will be required to submit its NIL spending publicly, as well as program spending publicly. This will ensure all players are paid fairly, and the general public will have access to the payments the university gives out. Along the same lines, the program spending will show the public if the university is spending much more of its program profit on other items besides the players, which will undoubtedly inspire change within the program/university.

Furthermore, there will be a new system created where agents and other talent agencies must be given a license to work with players and universities within the NCAA, administered by the OOA. These professionals will be required to provide their credentials and take a test covering NIL regulations. Once they pass the test and are approved, they will be given a license to work with players. However, they can lose this license if they break the laws they agreed not to break. This has already been put in place in many professional sports leagues, including the National Basketball Association(NBA), where, according to the NBA Players Association(NBPA), "The Association screens the backgrounds of agents and monitors all contracts to ensure players receive fair and quality representation" (NBPA). These methods prove to be effective, and the new NIL legal landscape should allow for the same effectiveness and safety for all players.

Despite this, there will always be an individual wishing to take advantage of the system and break the rules in their favor. Therefore, there will be new punishments created in order to fight back against predatory companies, illegal contracts, or more by using different sanctions. For example, if a college is discovered to have been paying an athlete over the legal limit, despite clearly defining the equation used to calculate their pay, stating a much lower payment amount would be subject to the tiered punishment system. There will be three tiers, each covering different levels of crimes, regulated by the OOA. Tier one is minor penalties, such as minor paperwork/contract issues or minor crimes that do very little harm. These penalties will only require a warning or a small fine. The second tier will be compliance issues, such as not submitting a contract through the contract system, working with an agent who does not have a license, or university employees working on a player's contract. These punishments can include

loss of scholarship, fines, and loss of eligibility to play in games. The third tier will be severe noncompliance issues and recruiting abuses. This can involve a university negotiating NIL before commitment, collectives funneling money to influence an athlete to commit to their university, and creating salary systems disguised as NIL payments. This will involve severe penalties, including season to multi-year bans, forfeit of wins/championships, postseason bans, public apologies, and multi-million dollar fines.

Despite this, many players may still be unsuccessful students with their habits, and this can cause much backlash against the university. Through the addition of new laws to protect professors, professors should be held accountable for teaching, not for interfering in a player's eligibility based on their lack of effort in class. Therefore, coaches and other officials will not be allowed to contact a coach for any reason besides supporting a player's request for extensions on homework or projects, or tests, not to argue for grade changes. If a player fails, the university is required to support the professor's decision, while still being allowed to do its own investigation into the situation. The university will handle this issue, not the athletic program or the player. Furthermore, the professors will have protections against backlash, such as the player saying anything that would hurt the professor's reputation, or protections against loss of funding and other support due to the situation. If the university decides to override the failing grade, it must report why the grade was overturned to the NCAA with detailed reasoning, as well as the effects of this overturning. The NCAA will reserve the power to reverse the grade if the university does not provide enough evidence. If a university is found to have lied on this document, it will be subject to multiple tier three penalties. These new laws will ensure a safe and strong future for the college athletes of today.

### *III. Nurturing*

Furthermore, the next portion of the plan would cover nurturing, as in nurturing student athletes to prepare them for professional athletics. One may ask how this would be accomplished, and the answer is quite simple. Currently, many student athletes are not educated in the concept of money management and negotiation, which explains why many student athletes enter predatory deals or go bankrupt just years after they retire, if not sooner. Therefore, student athletes should be taught about NIL laws and money management in order to support the next generation of professional athletes.

To begin, the first update that must be made is that all universities that have athletics programs with athletes to use NIL contracts will be required to have a class where players will be taught the basics of NIL laws and how they can use them to their advantage, while understanding the consequences of breaking said laws. Furthermore, this class will also teach the athletes the basics of money management. This is incredibly important, as according to the American Bankruptcy Institute's Daniel Hart, "15.7% of NFL players have filed for bankruptcy within twelve years of retiring...A Sports Illustrated article reports that 78% of NFL players and 60% of NBA players face serious financial hardships after retirement" (Hart). This can clearly be





attributed to a lack of financial responsibility, which can be easily fixed with the early installment of knowledge of money management.

Furthermore, players must not just mature into adults for their future, but also understand the importance of academics for their future, as many athletes might not have the choice of becoming a professional athlete, and they might have to rely on their college education. Therefore, players must also be successful students as well, and another issue that many players face is mental strain over classes and student-life-athletic balance. Therefore, universities will be required to create a mental health program to aid the athletes and ensure they are in the right state of mind to make such important decisions and play physically demanding sports. These psychiatrists will monitor the athletes to ensure that they are mentally fit, as well as being taught the NIL legal landscape. The reason they would do this is when a contract is submitted for approval by the OOA, it will also go to the psychiatrist, who will look over the contract and approve or deny it based on the players mental health, as well as ensuring time protections, where the psychiatrist can recommend less events or the moving of dates based on the player's academic performance and mental health.

In addition, academics will also be heavily stressed for players, as players will be taught that they need their degree from university as a backup plan, and one way to instill this within them is to hold players to a higher academic standard, as they choose to be athletes and students at the same time. The grade point average standard will be kept the same, but players will have constant monitoring of their grades, as well as class attendance. This will ensure that players are putting in effort for their classes and not solely spending their time doing athletic-related activities. Furthermore, the student's psychiatrist will evaluate their mental health to ensure that they are capable of maintaining their grades as well as their athletics, as some sacrifices might have to be made. Furthermore, programs will be required to space out practices and have dedicated "study days" or study times where students are allowed to study and spend time working on their schoolwork.

To continue, the new NIL legal landscape will now use the Family Education Rights and Protection Act (FERPA) in order to make every single student athlete's report card/transcripts/grade completely private, with no publication of a student's grade report allowed, with severe tier three consequences to doing this. This will prevent universities from using the athletes' high grades for advertisement/benefit, or prevent difficulties with organizations and fans due to the players' grades. Coaches and other athletic staff are allowed, and encouraged, to check an athlete's progress in terms of education to prevent failing grades and removal from contention to play, but under no circumstances are they allowed to communicate these grades to others. Universities are allowed to release a team's overall GPA or the overall number of passing grades, but not a specific player's grade report.

#### *IV. Equity*

College athletes today have the greatest advantages over the athletes of the past, with the new NIL legal landscape. However, this good news can turn sour if players and universities decide to take advantage of the system to benefit themselves to a greater extent than others. Therefore, there should be new laws preventing players from gaining unfair advantages, as well as ensuring the playing field is level for all.

Realistically, some programs and sports will make more than others, and the NCAA must work to recognize this. That is why there will not be a salary cap or team salary cap, only a performance-based salary given to every player in each respective sport. When the athletes go and play professionally, they will not face salary caps or restrictions on how much they can be paid for participation, and why should the NCAA deviate from what already works? The university itself creates the revenue and gets to decide what to do with it. There will be an equation to determine how much players should be paid, and there will be a fixed rate per hour for participating in events, along with NCAA oversight to ensure fairness, but it is up to the university and the players themselves to determine how important money is to them.

Despite this, there must be regulations regarding how much a program can pay its players altogether, as in one amount paid to all players. Therefore, there will be a set maximum amount that a university can pay all of its players together, which is to be calculated based on revenue, player amount, the amount each player made on average the past year, and overall program spending. This means that individual players will not have restrictions on pay, as they should not be punished for playing an incredible season, but there should be a maximum amount that all of their players combined can make, to prevent unfair raises/pay boosts and other methods to give players advantages over others from other programs.

Throughout the history of the NCAA, there have been many programs/sports that have been much more popular and large drivers of revenue for a university, which is understandable, but with the new NIL legal landscape, many programs are in danger. For example, Grand Canyon University recently cut its volleyball program with no notice to its athletes, two years after a NCAA National Tournament final four appearance. These players were left stranded, forced to fend for themselves with very little time before the season started, and to find a home. Despite much effort, the program was not reinstated, and the players were forced to leave the place they had called home for up to four years, and many high school athletes were forced to change the plans they had meticulously thought over for years. There is only one explanation for why GCU would commit such a harmful act, and that is the payment of athletes. According to Front Office Sports, "The team appears to be one of the earliest Olympic sports casualties of the upcoming House v. NCAA settlement era, in which athletic departments use the settlement's new compensation requirements (including sharing revenue with players) as justification to cease funding what they deem 'non-revenue sports.'" (Front Office Sports). The new NIL legal landscape was created to benefit students, but this proves to be an unintended consequence of these actions, and something that must be fixed. Therefore, there will be new additions of new rules in order to ensure programs that may not generate as much revenue as others are not cut. This can be easily mitigated through revenue sharing. New systems will be set up, monitored by

the OOA, where large sports programs will be encouraged to share excess revenue with programs that are in danger of being cut. For example, if a large sports program like Ohio State's men's football program, which made over two hundred million dollars in 2024, is encouraged to share some of its revenue with a team that does not bring in as much revenue, to ensure programs are not cut and players lose their futures for an issue that they have no control over. This would all be under the incentive to unite all athletes together. All athletes worked incredibly hard to reach their goals and play in college, and athletes should support other athletes, which can be supported by pushing student athletes to support others by pushing for revenue sharing.

However, one might argue that the football team made its own money and deserves to spend it whichever way it likes. However, one must understand that there are students who are relying on this university and scholarship for their future. Many players may not be able to afford university without scholarships, and it seems unjust for a player to lose out on their future for something of relatively less importance, such as popularity. These players cannot control their program's popularity, as some sports automatically will become more popular. Revenue-sharing ensures the survival of smaller programs, protecting athletes' opportunities and preserving equity across collegiate sports.

Furthermore, revenue sharing will also assist the programs to become better, as more money will allow the program to grow. Imagine a program gets \$2 million added to its budget from its football and basketball teams. Imagine what they can do with this extra money. They could pay players, get new equipment, purchase higher quality jerseys, re-do fields and stadiums, and more. Teams can go from small, less respected teams to large programs simply with a donation from a fellow program. This approach fosters athletic growth while also enhancing universities' financial sustainability through stronger programs. For example, the average NCAA Division One Women's volleyball game brings in a few thousand fans, as according to the Sports Analytics Group Berkley, "The average attendance increased from 3,789 in 2017-2018 to 5,003 in 2023-2024" (SAGP). However, this is not due to women's volleyball not being popular, as according to the Associated Press, "The (Nebraska) Cornhuskers laid claim to the world record for largest attendance at a women's sporting event with 92,003 filling Memorial Stadium for their volleyball match against Omaha" (Associated Press). This event proves how building a larger program can bring in more fans and, therefore, generate more revenue. Sometimes, all a program needs is a small push to get going, and the University gave its volleyball team that push, which proves that revenue sharing grows a program and benefits the university as well.

#### Conclusion:

This analysis reveals that the NIL legal landscape may be beneficial, but also introduces new situations and issues that create tension and problems for all. This landscape has allowed for



players to be exploited unfairly, and for universities to take advantage of the low regulation. However, these new opportunities allow for the players to profit off their likeness, while supporting the growth of the sports being played. To ensure this system is viable in the future, Project CANE must be implemented in some way, to guarantee the new NIL legal landscape is equitable, profitable, and successful for players, universities and corporations alike.

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Works Cited:

Congressional Research Service. *Name, Image, and Likeness (NIL) Rights of College Athletes: Legal Issues*. Updated 2024, [www.crsreports.congress.gov/product/pdf/LSB/LSB11033](http://www.crsreports.congress.gov/product/pdf/LSB/LSB11033).

National Collegiate Athletic Association. *NCAA Division I Manual: Bylaw 12.01.1 – Amateurism*. NCAA, <https://web3.ncaa.org/lstdbi/bylaw?adopted=0&bylawId=2470&division=1>. Accessed 19 Aug. 2025.

NCAA Working Group. *Overview of NCAA Division I Bylaw 12: Amateurism*. NCAA, [https://media.al.com/sports\\_impact/other/NCAA-Work-group-Bylaw-12.pdf](https://media.al.com/sports_impact/other/NCAA-Work-group-Bylaw-12.pdf). Accessed 5 Aug. 2025.

National Basketball Players Association. *Agents*. NBPA, <https://www.nbpa.com/agents>. Accessed 6 Aug. 2025.

Kirsch, Terek. "Emerging from the Amateurism Abyss: The Rise of Noneducation-Related Benefits and the Structuring of Athlete Pay." *George Mason Law Review*, vol. 32, no. 2, 2025, pp. 523–, [lawreview.gmu.edu/print\\_\\_issues/emerging-from-the-amateurism-abyss-the-rise-of-noneducation-related-benefits-and-the-structuring-of-athlete-pay/](http://lawreview.gmu.edu/print__issues/emerging-from-the-amateurism-abyss-the-rise-of-noneducation-related-benefits-and-the-structuring-of-athlete-pay/). Accessed 6 Aug. 2025.

Lemann, Jo B., and Tyler J. H. Ory. "As NIL Collectives Change Collegiate Sports, Harvard Lags Behind." *The Harvard Crimson*, 29 Mar. 2024, <https://www.thecrimson.com/article/2024/3/29/nil-collective-concerns>. Accessed 6 Aug. 2025.

Liptak, Adam. "Supreme Court Ruling Challenges NCAA's Amateurism Model." *The New York Times*, 22 June 2021, [www.nytimes.com/2021/06/22/sports/ncaa-supreme-court-ruling.html](http://www.nytimes.com/2021/06/22/sports/ncaa-supreme-court-ruling.html). Accessed 6 Aug. 2025.

Litan, Robert E. "The NCAA's 'Amateurism' Rules." *Milken Institute Review*, 28 Oct. 2019, <https://www.milkenreview.org/articles/the-ncaas-amateurism-rules>. Accessed 6 Aug. 2025.

Maze, Michael. "Legal Context of the NCAA's 'Student-Athlete' Definition." *Fordham Intellectual Property, Media & Entertainment Law Journal*, vol. 31, no. 2, 2021, pp. 501–24, [ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1865&context=iplj](http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1865&context=iplj). Accessed 6 Aug. 2025.



Hart, Daniel. "How Athletes Go Bankrupt at an Alarming Rate." American Bankruptcy Institute, 5 Jan. 2018, <https://www.abi.org/feed-item/how-athletes-go-bankrupt-at-an-alarming-rate>. Accessed 28 Aug. 2025.

"Georgia RB Gurley Must Sit Four Games." NCAA.com, 29 Oct. 2014, NCAA, <https://www.ncaa.com/news/football/article/2014-10-29/ncaa-rules-georgia-rb-todd-gurley-must-sit-four-games-uga-appeal>. Accessed 30 July 2025.

The National Law Review. "Name, Image, and Likeness and Sports Representation: The New Wild West." 2023, [www.natlawreview.com/article/nil-and-sports-representation-new-wild-west](http://www.natlawreview.com/article/nil-and-sports-representation-new-wild-west). Accessed 6 Aug. 2025.

Yoo, George S. "Supreme Court Issues Unanimous Ruling in NCAA v. Alston." Emory University School of Law, 2 Aug. 2021, <https://law.emory.edu/news-and-events/releases/2021/08/scotus-yoo-ncaa-v-alston.html>. Accessed 5 Aug. 2025.