

Higher Ed Rewired

Season 2, Episode 6

Name, Image & Likeness: The Future of College Sports

Host: Annet Rangel

Guests: Ross Bjork, Nia Dennis, & Jeremy M. Evans

College athletics is more than just sports. It includes televised broadcasts, beverage contracts and apparel sponsorships turning athletics into a \$14 billion-dollar industry. The Fair Pay for Play Act, which passed through California legislators in 2020, will allow student-athletes to profit for their name, image and likeness. A vote to these rules change by NCAA is pending. Although NCAA had long-standing rules against compensation for intercollegiate athletes, many acknowledge the inequity in financial power and privilege at stake, changing policies for Division I intercollegiate athletics. How will these changes affect college athletics? How are campuses preparing to support their students with their NIL branding? What opportunities does this present to student athletes? Higher Ed Rewired speaks with Athletic Director, Ross Bjork at Texas A&M University, Sports Management faculty, Jeremy Evans at California State University, Long Beach and University of California, Los Angeles gymnast, Nia Davis on what this means for the future of college athletics.

Ross Bjork, Director of Athletics, Texas A&M University

Nia Dennis, Student-Athlete, Women's Gymnastics, University of California, Los Angeles

Jeremy M. Evans, Professor, Sports Management Program, California State University, Long Beach

[sound from Nia Dennis's 2020 viral video]

Nia Dennis: My floor routine went viral last year, and the amount of opportunities that were coming through my DMs was, was crazy...

Annet Rangel: Nia Dennis is on the UCLA Bruins Women's gymnastics team and is about to finish up her senior year.

In a formulaic, traditional sport like gymnastics, Nia sets herself apart by adding her own personal style and flair to routines . . . choosing high energy music mashups by contemporary Black artists like Kendrick Lamar, Beyonce and Missy Elliott.

[sound from 2020 viral video continues . . . plays under Annet's VO]

Annet Rangel: In 2020, she went viral with her Beyonce inspired floor routine that broke the internet.

[more sound from 2020 viral video . . . fades out]

And she did it again, in January. In just two days, Nia's 2021 "Black excellence" routine wracked up over *10 million* views.

She *even* got a shout out on Twitter from former first lady, Michelle Obama.

Annet Rangel: Nia's success captured the hearts and minds of millions and soon after....the offers and opportunities came pouring in.

Nia Dennis: And I had to say no to everything. And it was so sad because some of it was things I actually wanted to get into after school or things that I was really just interested in trying to do. But I couldn't do it because of this rule. But that would have been a great step to prepare me for the future. And like I have experience now, I can say put on my resume that I have experience doing this, this and this. But, now, I cannot because of this rule.

Annet Rangel: The rule Nia is talking about is set forth by the National Collegiate Athletic Association or N-C-Double A.

It prohibits student athletes from profiting off of their name, image, and likeness also referred to as N-I-L.

[MUSIC CUE]

Let's do a quick history lesson for context:

In 1906, President Roosevelt formed the NCAA in response to concerns over safety and health measures for student athlete success at the collegiate level.

But by the 70s, the organization had substantially grown...and with growth came unforeseen challenges and complexities....

And as with most regulatory bodies...they've been slow to address these unintended consequences...

[THEME MUSIC SLOWLY FADE UP]

But after years of debate and pushback...the NCAA is evolving and will modernize its rules and allow for student-athletes to benefit from their name, image and likeness... And that change, will completely transform student athletics

[THEME MUSIC STARTS]

Higher Ed Rewired is a production of the California State University. The largest, most diverse four-year public university system in the country and an engine of social and economic mobility. Each episode examines groundbreaking research and exciting innovations taking place across the nation that are transforming the pathways for student success.

Annet Rangel: Welcome to Higher Ed Rewired, I'm Annet Rangel.

In September 2019, the California legislature made the first move towards upending college athletics as we know it.

The Fair Pay To Play Act signed into law by Governor Gavin Newsom, will allow student athletes to monetize their name, image and likeness.

Other states followed suit, with Florida, New York and Colorado proposing their own legislation.

Now, the NCAA is faced with the reality of how to redefine what it means to be a student athlete today.

And for those not as well versed in collegiate sports, let me be clear...

This is a BIG deal.

[Music rings out]

Ross Bjork: I'm sitting on a college campus. I'm not sitting in a professional sports venue. And so I have faculty that I, that I need to be accountable to. I have, I have regents. I have a university president.

Annet Rangel: This is Ross Bjork. He's currently the Athletic Director at Texas A&M University.

Ross Bjork: We're kind of stuck right now. And, how do we move the needle and provide more for student athletes, but yet keep it in the higher education, collegiate athletic model, that a lot of us, like myself, would believe is the right approach. And we provide so much. And we just need to get everything centered and make sure that everyone is on the same page.

Annet Rangel: For decades, the debate to pay athletes has been a trending topic in college sports

The question of balancing college athletics' burgeoning popularity, and the economics associated with that, while prioritizing education has proved....tricky, to say the least.

Ross Bjork: We're supporting college students, they're here to get an education, they receive a scholarship, and there is a definition of what that scholarship pertains to for years and years.

There was this concern among academia and university presidents that-football, even in the nineteen twenties and thirties, was becoming too big. That the money was

becoming too big. And obviously the scale is much different. The numbers were different. But there is this concern about how, you know, is athletics breaking away from the academy, if you will, of higher education. We're kind of back in those same conversations. And so what I would say about the arc is, is history does sometimes repeat itself.

But we can't forget the fundamentals. And that is we are here to educate. Student athletes, they do go to class. We provide a lot of resources for them and I think we can't forget that. And that's what I worry that we get lost in that conversation.

Annet Rangel: Over the years the NCAA has re-evaluated it's practices and taken measures to augment scholarships to meet the true cost of a college education.

Ross Bjork: We've added on cost of attendance. We've added on unlimited meals. We've added on additional health care. There's all kinds of support that goes above and beyond the scholarship. But it's really been around, you know, amateurism and the collegiate model. And that's been what the NCAA has held on to. That's what we've all really talked about. It goes back to where, I think we're all ready for a new day. What it looks like is the structure is to be determined. But that's the premise of why these rules have been in place, is we don't want recruiting inducements. We don't want third party actors, if you will, getting involved in influencing families or student athletes unscrupulously. And so these rules have been put in place over time and we're at a point where those are going to be adapted.

Annet Rangel: Still, striking the balance between what it means to be an athlete and what it means to be a college student has proved a point of tension that has been revisited, redefined and reworked over the years.

<MUSIC STARTS UP>

Ross Bjork: I want to provide more for student athletes. I do want to give them the ability to monetize their name, image, likeness. But how do we structure it in a place where they're still students, they still have time management, they still need to go to class?

So I just worry that we're creating all these unintended consequences. Yes, we're here to compete. We want to win a championship. But yet we're still here as students receiving an education. And that's the balance that I hope that we all come up with. I don't know what the right formula, what the right structure is yet, but that's what we're all trying to achieve, is this balance and this mixture to provide as much as we can for student-athletes.

Annet Rangel: Athletic directors, like Ross, worry that Name, Image, Likeness would add pressure on athletes to create a brand.

They might feel overwhelmed by the increased obligation OR Left behind if they didn't take advantage of this opportunity

Ross Bjork: It's a lot of work, it's a lot of time. There's film, there's training room, there's weight training. So what I worry about is that are we now adding something where they feel obligated? Boy, if I'm not working on my name and likeness six hours a day or 40 hours a week, then I'm going to fall behind in revenue, or maybe my teammate gets something and I didn't get something. And now I feel left out. So I just worry that we're creating all these unintended consequences.

<Music plays and rings out>

Nia Dennis: Okay, so during the season, my days are pretty, pretty packed. They start early in the morning.

Annet Rangel: This is Nia Dennis again, our UCLA Gymnast whose floor routine went viral.

Nia Dennis: We have treatment times at like six between six to seven, and then practice starts at 7:45 a.m. to 11 like 30 ish a.m. And then you got to rush to class. 12:30. It depends on when, what your class schedule is. But I typically had to rush to class at, my next class at 12:30, one o'clock. And then I have class all day, and then tutoring if there's any tutoring sessions then I do tutoring sessions. And then of course recovery, sleep and then do it again tomorrow.

In between her intense training sessions, full-time class schedule and tutoring...

She still managed to choreograph a routine that captured the attention of millions, even getting her an opportunity to perform on national television.

[tape from The Ellen Degeneres Show fades in]

Ellen Degeneres: Here to perform from the UCLA Gymnastics team, Nia Dennis

[music from Nia Dennis's performance on The Ellen Degeneres Show]

Nia Dennis: So it happened on a Thursday night. It was the end of my long day that I was telling you about. Practice, tutoring, class and everything. So I literally took a nap, and then I woke up from my nap at like eight p.m. and my phone is going crazy. And I'm what's going on? Like why, like who's texting me this much?

And it's like all social media. And I'm like, okay, this is different. Let me go check out the socials. And it's like my routine, my face everywhere. And I was just like, this is insane. Like I just felt so much love and so, so much support from everybody. It was honestly a

dream come true, because all I'm doing is simply what I love to do. And like my goal is to hopefully inspire you and do what you love to do, through dance, through movement, through whatever it may be. But just to inspire those around me. That was like one of my biggest goals to be, to have what, 11 million views or something like that was insane. So I just felt so much love and happiness.

Annet Rangel: Overnight, Nia found herself flooded with messages and opportunities. But she couldn't accept a *single one*, because of the NCAA rule.

Nia Dennis: I definitely think I could have been more financially stable. I could have, I could have saved a lot more. I could have been more ready for when I graduate. Like I said, the opportunities that I want to get into outside of school or outside of gymnastics, post-graduation, all those opportunities I would have had a little taste, had been added to my resume. Had my experience. So yeah those are some ways it would've benefitted. I could have added some experience to my resume and made a little money and saved so I could better prepare by the time I graduate.

Jeremy Evans: People should be able to profit off their names and likeness. If it has nothing to do with the university. It's outside of school. It's not being broadcasted. It's on their own social media. Let them do it.

Annet Rangel: This is Jeremy Evans. Faculty of law in the graduate program in sports management at California State University, Long Beach.

He's also the founder & managing Attorney at California Sports Lawyer, representing entertainment, media, and sports.

Jeremy Evans: The potential for players being able to make money on that, I think is substantial. Will it be as much as what universities make? Probably not, because they're dealing from a collective deck. You know, they're saying we have the entire university, we have a huge history, whereas a student athlete comes in, they have one year or two years, maybe three years of play. It'll never be the equivalent.

Annet Rangel: The NCAA Name, image, likeness or N-I-L for short, has been years in the making and Jeremy has followed along each step of the way to forecast what may be the wide reaching effects of this monumental change.

Jeremy Evans: The first thing I'll say, without a doubt, NIL does not happen without innovation, specifically as the social media. If social media does not exist NIL does not happen because ultimately social media is going to be the conduit for NIL. That's where you're going to make the money.

Annet Rangel: What opportunities or threats do you see in your industry from these rule changes?

Jeremy Evans: there's going to be more agents needed, likely because these players are going to be accessible earlier on, more lawyers are going to be involved. I think that you'll get these licensing bodies that can be looking to hire people, particularly if they're servicing the universities. I think the university is going to be looking to hire more people because you're going to be in a situation where you're going to want to secure these deals for your students, because at the end of the day, that the I think universities are going to benefit from this, because if you have players out there marketing themselves, you know, I think people are automatically going to look back to the university and say. Oh, you know, like that person plays that at The Ohio State, right? Like there's going to automatically be that sort of connection.

I think the threats are is that the industry is going to grow in terms of maybe more people get hired, but there's a potential that nothing's going to change because the agencies and the universities in these sort of licensing bodies are pretty much already out there. And they're just going to essentially move back the clock and say, all right, we're going to work with you a year earlier or two years earlier to secure these deals.

Annet Rangel: Like you said earlier, there's one thing to be said for the big money sports, the basketballs and the footballs of the world. But, you know, there's a very different thing to be said for women's sports in general and then rowing or tennis. So in your opinion, how does this bill affect, you know, those students and their ability to make some kind of money and the endorsement deals?

Jeremy Evans: I think that if you were to take a list and you were to take a list of who has the most social media followers, you would have a ton of women on that list and they would not be, you know, your atypical sports of basketball or whatever it might be. You'd have soccer, you'd have lacrosse, you'd have all these things on there. Women's hockey. Because social media is all about engagement. It's not about what sport you play. Is there a tendency to be more popular and maybe basketball or football? Maybe. But I think social media can potentially be the great equalizer in that way. So you can make money that way, which I think is nice.

Annet Rangel: And on that term student athlete, a big part of it also has to do with language. Right? The NCAA is an organization that says we're an organization of amateur sports and you know the payment is your admission and your scholarship to go to college. So this complicates that definition a little bit. And I think that's also one of the big arguments and you know one of the big reasons why many people are turned off by this is that it's not going to be, in their eyes, amateur sports anymore.

Jeremy Evans: I think that's that's going to be a problem going forward. Now, that all being said, I think a lot of times in life we create our own problems. And I think the NCAA and the universities invited this. And it's funny because I could eventually see maybe the NCAA and student athletes getting back into sports gaming, particularly if they were able to profit off of some of those rights.

But again, I think the NCAA and universities invited this in when they looked for ways to profit. And it made sense because from a budget standpoint, schools were looking for a way to make revenue, especially as admissions fluctuate. You look for ways to have a

consistent revenue. And what better way than to have a 10 year contract for a billion dollars? Right? But what does that mean going forward? Well, I think as long as student athletes and the universities ... I think if you get into a situation, you know, a lot of times when you talk about employment law, you're talking about sort of the right to control a worker in the sense of do you control the time they show up? Do you send them a paycheck versus an invoice and paying and paying an invoice? Do you pay the taxes? These are all things that I think the NCAA and more particularly the universities are going to have to think about, because ultimately the NCAA might have a rule that says you're allowed to profit, but it's going to be the universities, and the conferences, state legislatures and Congress that are really going to have the legal effect of how this is going to play out.

<MUSIC STARTS UP>

Jeremy Evans: If I'm a university and I'm university president or athletic director, I'm going to want to have as little involvement with this as possible. Meaning that, I would rather sit back and go, all right, athlete, go out, student, go out and do what you want to do, just abide by the following rules, you know, and whatever that might be, you might even have schools that say you can't sign CBD and alcohol deals. They might just say you can't do it. But ultimately, if I'm a university guy, I would say there are some moral prohibitions on what you can do, but you're pretty much doing your own deals. We're not paying your taxes. We're not collecting your checks. We're not doing any of that. And I think the other side of that, too, is or the additional point is you don't want to be in a position where you're sharing revenues, because I think that crosses the line even further when you're talking about employee versus student.

But everything's about negotiation, right? The players, I don't think, ever would have complained if schools weren't making a ton of money. You know for example, if you and me are working together and you're making a million dollars and I'm making two hundred thousand dollars and we have the same job, I'm probably not going to like that. And I'm going to be like, hey, why is she making more? So I think the players looked at this the same way. So I think in any negotiation, if you can move the needle towards your client's direction or towards your own benefit, I think things will at least remain quiet for a while. So I think if players were to be given name, image and likeness, which they've already have been, I think that's probably going to end at least a discussion for a period of time with regard to whether a student is a student athlete or whether they're an employee. But we'll see. There's also current litigation going on with regard to that. So I might be completely wrong.

<Music rings out>

Nia Dennis: All my life, I've been a gymnast and really figuring out who I am outside of gymnastics was when it was a struggle over my college experience to figure out who I am, especially knowing that the end of my gymnastics career is now at the end of my four years here.

<Music starts up>

Nia Dennis: Well, now that I figured out a little bit more about who I am and what I want to do, I would start doing things that would go towards anything outside of gymnastics, but also relating to gymnastics while I still am here in this moment as a gymnast, because gymnastics did get me this far and give me the attention that it has gotten me thus far. So I would just like to capitalize off of it even more and show that I'm more than just a gymnast.

Annet Rangel: Nia has dedicated her entire life to training and competing in gymnastics.

But the recognition and outpouring of support she received from her viral videos has helped her envision a future beyond the gym.

At this point in time, Nia won't be able to capitalize on the opportunities of Name, Image, Likeness. But, to her fellow peers coming after her...she offers this wisdom.

Nia Dennis: I would definitely say use your platform. That is going to be critical because you could have two hundred and nineteen thousand followers and not post or not really utilize and to the best of your ability. So I would definitely say to use your platform and, make connections and network through DMs, network through the Instagram DMs, as crazy as it sounds. But really put yourself out there to at least get your foot into the door with whatever you might want to do.

Annet Rangel: As for Nia?

She plans to pursue a career in entertainment, taking the skills she mastered over the years as a gymnast to become a stunt-double in film and television

Or you just might see her touring as a back-up dancer with a major pop star.

Wherever Nia's path takes her, we know she is bound for great things.

<BEAT>

Institutions provide students with an amazing opportunity:

A chance to play the sport they love at the collegiate level, while earning a college degree.

But after years of asking for more, the NCAA is evolving to provide athletes the agency to control and profit off of their name, image and likeness...

Ross Bjork: So the pay to play, that's where I think you get into some of the labeling that to me, these are students, you can call them athletes. We can call I, I usually say players or student athletes. They're here to get a degree.

They're here to go to class, some do better than others, and that's part of college life. So that's where I think we just have to be mindful that this still is college and the free

market label and pay to play. To me, that's professional sports and we're not professional sports. And so these rules have been put in place over time. And we're at a point where those are going to be adapted. But again, it has to evolve. I mean, we're to the point where we have to evolve.

[CREDITS]

Higher ED Rewired is a production of the California State University Office of the Chancellor as part of the CSU's Graduation Initiative 2025. This podcast is made possible in part by the support of the College Futures Foundation; more graduates for a thriving California. Learn more at CollegeFutures.org. To hear more stories like this, listen at HigherEdRewired.com or subscribe wherever you get your podcast.

[THEME MUSIC RINGS OUT]