

WEBINAR #2 - FOLLOW-UP QUESTIONS AND ANSWERS Millionaires or Minimum Wage? Current and Former College Athletes Speak on College Athlete Compensation
(August 26, 2021)

The Drake Group Webinar Series – Critical Issues in College Athletics
Hosted by LRT Sports

A regular feature of our webinar series is “Follow-Up Notes” which provides answers to questions from the audience that panelists did not have the time to address.

UNADDRESSED QUESTIONS FROM THE AUDIENCE

Every question is important, but the panelists are never able to get to all of them given time constraints. So, following each webinar, Drake Group experts respond to each of the unanswered questions. “NIL” is an acronym for name, image, and likeness.

Q: Do you think NIL for athletes will stop the "arms race"? The push for schools to spend more and more money that is designed to recruit athletes?

DRAKE: No. Now the “arms race” will now include the addition of NILs. College coaches and athletic directors will compete for bragging rights -- the best athlete financial literacy and branding education programs provided to athletics, NIL earnings of athletes generated by institutional alumni business owners offering NIL deals, television exposure that maximizes the visibility of the athlete’s brand, promotion of the athlete via institutional social media and traditional advertising, etc.

Q: Are Universities be required to have mental health services for all college athletes?

DRAKE: Effective 2019-20, the NCAA promulgated the following rule:

16.4.2 Mental Health Services and Resources. *An institution shall make mental health services and resources available to its student-athletes. Such services and resources may be provided by the department of athletics and/or the institution’s health services or counseling services department. Provision of services and resources should be consistent with the Interassociation Consensus: Mental Health Best Practices. In addition, an institution must distribute mental health educational materials and resources to student-athletes, including those transitioning out of their sport, coaches, athletics administrators and other athletics personnel throughout the year. Such educational materials and resources must include a guide to the mental health services and resources available at the institution and information regarding how to access them. – NCAA Division I Manual*

Most colleges and universities have a student health center that provides health and counseling services, but such centers have varying resources and staff expertise. [The NCAA Sports Science Institute web site contains numerous resources](#) that institutions may choose to use to fulfill this educational materials distribution obligation, including [Interassociation Consensus: Mental Health Best Practices](#).

The Drake Group emphasizes that the offering of mental health services alone is insufficient. Institutions must also address the controllable sport-specific factors that pose high risks to athlete mental health: (a) the stigma associated with seeking counseling, (b) lack of access to mental health services, (c) lack of early identification and referral of athletes with mental health symptoms, (d) insufficient sleep, (e) injury and the associated relationship of injury with premature return and overuse, (f) competitive failure, (g) pain, (h) concussion, (i) retirement, (j) overtraining, (k) body shaming pressure from coaches/team weigh-ins, and the three most common forms of non-accidental violence perpetuated by adults (usually coaches) with power over athletes: (l) psychological abuse, (m) physical abuse, and (n) sexual abuse. For more information see [The Drake Group Position Statement: College Athlete Health and Protection from Physical and Psychological Harm](#).

Q: Will universities allow college athletes to be able to seek financial services advisors to manage the potential money they will be making? Will athletes be able to hire financial advisors and agents to help them navigate making endorsement and other NIL income?

Drake: Yes. The NCAA has never prohibited athletes from using the services of a financial services advisor. On June 30, 2021, the [NCAA issued interim guidance](#), effective July 1, 2021 that included the following: *“Individuals can use a professional services provider for NIL activities”* which effectively removed the NCAA prohibition of hiring a sports agent. However, it appears that NCAA rules still prohibit retaining the services of a sports agent to negotiate a professional athlete contract.

Q: Would the new NIL rules have affected ex-NBA player, Greg Anthony, who while playing at UNLV was faced with the choice of ending his tee shirt business or losing his scholarship?

Drake: Yes. If Greg Anthony was a college athlete today, he could own his own tee shirt business and be an eligible college athlete who receives athletics financial aid. However, we note that the current NCAA rules are provisional in states without NIL legislation - pending adoption of new federal legislation or NCAA rule-making.

Q: Given the subject matter of tonight’s discussions, are there any podcasts, books, webinars, articles etc. that are recommended in order to learn about the issue of NILs in greater detail?

Drake: LRT Sports hosts an “[NCAA Name, Image and Likeness Academy](#).” The Drake Group has issued comprehensive position statements on [college athlete NIL rights](#) and [athlete](#)

[compensation](#) generally. Sydney Umeri of SBNation.com penned a good summary of “[How College Athletes Finally Earned the Right to Make Money](#).

Q: How do we hold university presidents and provosts accountable for athletes' health and well-being and meaningful educational degrees?

Drake: The Drake Group believes that the NCAA, athletic conferences or boards of trustees have not demonstrated the ability to hold institution presidents and provosts accountable for graduation rates or demonstrating that earned degrees are meaningful as opposed to being reflective of majors and courses selected primarily for the purpose of keeping an athlete eligible. With regard to athlete health and well-being, there is still no NCAA or conference requirement that institutions be responsible for paying for all athletic injury medical expenses. Further, the NCAA, conferences and institutions have not set aside funds to cover athlete costs for the long term effects of brain trauma (dementia, Parkinson's, ALS or CTE) or medical expenses incurred for treating chronic athletic injuries beyond the two- or three-year expiration of athletics injury insurance policies. , The Drake Group also believes that only Congress can mandate such education and health protections as a condition for institutions receiving federal Higher Education Act funding.

Q: Isn't the NIL going to be driven by demand with greater demand for the quarterback of the football team than the female basketball or tennis player. If so, how can't gender equity not come into play?

Drake: The marketplace will dictate the values of NIL agreements with various players. Title IX does not apply to the open market, only to educational institutions that are recipients of federal funds. Title IX obligates these institutions to provide male and female athletes with equal promotion and publicity benefits (television exposure, billboards, advertising, etc.), important to the development of an individual's marketplace value. Institutions must also provide male and female athletes with equal education programs on financial literacy and brand development. If institutions are involved in negotiating NIL deals that benefit male athletes, the institution must provide female athletes with the same services. There is little doubt that in the current environment, these institutional obligations will receive greater scrutiny.

Q: How can we get administrators, coaches and athletes interested in getting more from classes than merely staying eligible?

Drake: The Drake Group has issued a position paper detailing [12 guidelines for achieving academic integrity](#).

Q: I don't suppose there is any way of turning the clock back to the days in the early 60s when I was an Ivy League athlete where our swim practices lasted just 90 minutes once a day, with no weekend practices, so that we were devoting no more than 15-20 hours a week, Today, that kind of athlete experience exists only in college club teams. Now, with the addition of NILs to a practice schedule that eats deeply into time left for education, will it be getting even worse?

Drake: There is no question that NCAA rules limiting the numbers of hours per week college athletes spend on athletics-related activity are woefully inadequate. See the [Drake position paper on excessive time demands](#). Time demands for athletics activities should be significantly reduced from their current 40-50 hours per week levels. If such reductions occur, athletes, like non-athletic students, might have the time to spend on developing their NIL or other business acumen. With regard to NIL activity, Drake believes the NCAA should have the right to mandate that athletes not miss classes or exams to fulfill their NIL agreement obligations. There is also reason to believe that much of the college athlete's NIL activity will be local appearances and social media driven, not involving extensive time away from campus.

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