

The National Collegiate Athletic Association's Unethical Treatment of its Student Athletes
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Abstract

This research will show how the National Collegiate Athletic Association (NCAA) continues to mistreat its athletes. The multi-billion-dollar organization bars all its athletes from receiving compensation for their hard work. This paper explores the business side of the NCAA, how exactly the NCAA gets away with not paying their athletes, and why it is unethical for the NCAA to continue this practice.

Cover Page 1

Abstract Page 2

Table of Contents Page 3

Introduction Page 4

Thesis Statement and Research Questions Page 5

Methods Pages 5 & 6

Review of Literature Pages 6-9

Analysis Pages 10-17

Personal Reflection Pages 18 & 19

Conclusion Page 20

Bibliography of Sources Page 21 & 22

Introduction

The National Collegiate Athletic Association ongoing mistreatment of its players by not fully compensating them needs to be put to an end. Year after year the NCAA continues to bring in hundreds of millions of dollars in profit. But they refuse to pay the athletes who are the ones bringing in all the money. The fans buy tickets to see the athletes play, the fans buy merchandise of their favorite player, and the fans tune in week after week to see their favorite team perform. The billions of dollars that have gone through the NCAA is all because of the players and they haven't received a dime of it. It is truly unethical that the NCAA continues to mistreat the athletes this way. With ongoing lawsuits against the organization hopefully the athletes will one day get what they deserve.

Thesis Statement and Research Questions

The National Collegiate Athletic Association continues to unethically treat its student athletes by not compensating them with what they deserve.

1. Why do coaches and top executives get paid millions but not the players
2. What are the actions or lawsuits being taken to stop the monopoly of the NCAA?
3. How does the NCAA keep its players from being compensated?
4. What is the business side of March Madness and the NCAA?
5. How is the NCAA's treatment unethical?

Methods

The research gathered was on the topic of if it is unethical for the National Collegiate Athletic Association (NCAA) to not pay the players that participate in its sporting events. Most sources were discovered using the Purchase College library database. However, a few were found through google search but will be used only to show the business side of the NCAA; for example, the statistical side of major events hosted by the NCAA and some of the top paid coaches in the organization. This is important to the project because it will clearly show how unethical it is for the athletes not to be paid when there is evidence of the NCAA bringing in billions of dollars and paying top executives and coaches millions annually but providing the players with zero compensation, other than scholarships if they're lucky. When using the library's database, key terms such as "NCAA paying athletes, business of the NCAA, amateurism, O'Bannon v. NCAA" were used. When using google, specific questions were asked such as the salaries of college coaches, business of march madness, and salaries of the top executives. The sources selected were chosen if the database could provide a full text online. It was important to find sources that provided critical information on the topic that would help argue how unethical the NCAA truly is. The following method of rhetorical analysis will be used in this project. Since it will be an opinion based on statistics and facts it will be in the category of a persuasive-informative essay. This method was chosen because rhetoric is defined by the following, "using language effectively to persuade, inform, educate, or entertain." This project's sole purpose is to educate the reader on the business side of the NCAA and how truly unethical it is for the organization to not compensate its players and this form of analysis will help with that.

Review of Literature

To effectively survey the issues surrounding the National Collegiate Athletic Association unethically treating its players by not fully compensating them for their time and efforts, a subset of literature has been selected based on its relationships to the following questions and statements.

- 1) Why do coaches and top executives get paid millions but not the players?
- 2) What are the actions or lawsuits being taken to stop the monopoly of the NCAA?
- 3) How does the NCAA keep its players from being compensated?
- 4) What is the business side of March Madness?
- 5) How is the NCAA's treatment unethical?

The research gathered was mostly discovered through the Purchase College Library database. Through the discovery search, peer reviewed journals were cited and will help with the rhetorical analysis used in this project. However, a couple sources were found through google search that will help drive home the conclusion that the NCAA unethically treats its players by not compensating them.

Many of the top executives of the NCAA and the top institutions coaches are being paid millions of dollars annually while the players who are the ones putting in the most work don't receive a salary. Libby Sander's (2010) in her article on the chronicle reviews the top executives of the NCAA. The author states that in 2009 the NCAA paid the president of the organization 1.14 million dollars that year with the Vice President making over six hundred thousand. However, over 50 million was given out to compensate the 400 employees working at the NCAA

headquarters. Although the data Sander's provides is outdated by 10 years it still provides an argument that the NCAA pays its employees and top executives too much to not give the players any at all. According to the organization "The Top Schools" (2018) the top 10 paid coaches in the NCAA totaled over 68 million together alone. The top paid coach of 2018 was Nick Saban of the University of Alabama who made over 11 million dollars. If the NCAA and universities can pay that amount of money to its employees and coaches, then they can afford to compensate the players as well. According to Sanderson and Siegfried (2015) several college coaches have gained celebrity status from their coaching positions along with corresponding compensation packages. The median head coach for college football makes 1.9 million while the median head coach for college basketball makes a salary of 1.2 million.

O'Bannon vs. NCAA was an antitrust lawsuit filed against the NCAA by Ed O'Bannon which ruled in favor of O'Bannon but was later reversed by a higher court. Ed O'Bannon was a former superstar basketball player for UCLA. He filed the lawsuit when the NCAA used his name and image to promote college basketball without his permission. His argument was that since he is no longer playing in the NCAA and has graduated, he should receive royalties for the use of his name and image. According to Racheal Marcus (2013) the NCAA has had many lawsuits filed against them, ones of which they lost and have won. Resulting in millions paid out to ex athletes. The author reviews all the major lawsuits against the organization. Sheetz (2016) focuses on some of the major lawsuits as well. Although she provides quotes and opinions of ex college athletes such as O'Bannon himself on the issue.

The NCAA prevents players from being compensated in two ways. Before any athlete can participate in practice or games, he must sign forms that bar any privileges of receiving money or donations from outside parties. Also, the NCAA under law classifies itself as an

'amateur' organization. Under United States law this allows them to get away with not compensating the athletes. Greg Lush (2015) reviews the forms that all players must sign. According to the author Form 14-3a is very short but by signing part one the athlete affirms that he or she was given the thirteen-page summary of NCAA regulations that attempts to summarize the 500-page manual. According to Sheetz the NCAA was able to argue against the original decision that favored O'Bannon in his lawsuit, on the grounds that the NCAA under law is an amateur organization. The higher court found that the current NCAA regulations suggest that "amateurism, while hanging by a thread is still a necessary, significant, and most importantly, maintainable part of college sports" (Sheetz, 2016).

March Madness is one of the NCAA's biggest events because of the amount of revenue it brings in and how many people tune in to watch it. In fact, it's one of the most watched sporting events in the United States. According to the article by Rocco (2016), since 2011 March Madness has brought in over 4.13 billion dollars just in ad revenue for CBS and Turner (the company that bought all viewing rights from the NCAA). The NCAA signed a 14-year contract with CBS for a total of 10.8 billion dollars and then was extended in April of 2016 for another 8.8 billion dollars. Rocco focuses on the business side of the big event; something that gets lost in all the hype surrounding the teams, players, making a bracket, and who's going to win it all. The author provides immense amount of information regarding the money brought in, statistics on how many people view it annually, and how some institutions are losing money for participating while the NCAA turns its head and collects a huge payout.

The way the NCAA treats its players by not fully compensating them is completely unethical. The NCAA prevents players from receiving their own sponsorships, selling autographs to fans, and the ability to make any money from their own likeness and image. For

the NCAA to bar anyone from making money to pay off debts from school and build towards their future is beyond unethical. According to one of ESPN'S top writers, Wilbon (2011), he explains how he used to be against paying college athletes, but in recent years he reversed his opinion on the basis that the organization is bringing in far too much money to not compensate athletes. He goes in depth on the financial gains the NCAA has made in the past couple of decades and sees it as unethical treatment of athletes. Wilbon also brings up the issue of how it is unethical for the NCAA to tell its athletes they can't sell their own game worn jersey. The NCAA prevents the athletes from making any money on their own but the takes all the money brought in from the athletes and doesn't share it with them. In an article by Weber (2009), he talks about the NCAA's one and done rule. This rule is completely unethical. It prohibits any high school athlete to enter the professional basketball league the "NBA" for at least one year after graduation. The NCAA is forcing high school graduates to play in their league instead of joining the NBA and make a salary. They have monopolized this system for the sole reason of making more profit. If they have the best high school athletes from around the world this will generate more hype for their organization which will bring in more fans, ticket sales, and merchandise sales. In an article (Sharp, and Sheilly, 2008) write about how student athletes are having negative impacts on their education due to the heavy schedule their sports demand. The NCAA claims that the athletes are here to get an education first and play sports second. However according to the authors, the athletes are seeing a decrease in grades and overall work during the sports season. From an ethical standpoint this is not just. The NCAA tries to make the most profit by creating very long seasons and allowing coaches to practice six days out of the week. Due to this the student athletes have very little time for school work and are not receiving a proper education like other students.

Analysis

Why do coaches and top executives get paid millions but not the players?

Throughout the NCAA many of the top universities are paying out millions annually in coaches' salaries. In many college sports there are numerous coaching positions that need to be filled. For example, according to an NCAA rule, college football programs are allowed to have a head coach, ten assistant coaches, and four graduate assistant coaches (NCAA, 2017). Head coaches of top football and basketball programs are being paid like they work for a multi-billion-dollar company. Which they do, the National Collegiate Athletic Association (NCAA). If coaches can receive annual salaries, then players should have every right to be compensated as well. Especially since coaches are being paid so generously. But the NCAA bars them from being paid in anyway other than scholarships. As stated by, "The Top Schools" (2018) the top ten head coaches in the NCAA were given salaries that totaled over \$68 million all together. The University of Alabama paid its head football coach, Nick Saban \$11 million for the 2018 season who then became the highest paid coach throughout the NCAA. Although head coaches are being paid big money, assistant coaches aren't far behind in salary terms. "New offensive coordinator Mike Locksley will be paid \$1.2 million in each year of three-year contract approved Monday by the board of trustees' compensation committee, while new defensive coordinator Tosh Lupoi will be making \$1.1 million. Altogether, Alabama will be paying \$5.957 million to an on-field coaching staff" (USA Today, 2018). However, the University of Alabama isn't the only college giving out big money. Their rival Ohio State is estimated to have an even higher pay roll for their football coaches. USA Today (2018) also mentioned that Ohio State will be paying \$7.06 million to its 10-man on-field staff for the 2018 season. Sanderson and Siegfried (2015)

found that the median head coach for college football makes 1.9 million while the median head coach for college basketball makes a salary of 1.2 million". If top universities are able to give out such large pay checks, they should easily be able to compensate the players who are bringing in the fans and putting on the show.

Coaches aren't the only ones receiving big salaries, many of the top executives within the NCAA are receiving salaries that could easily be used to pay players. One of the highest paid executives was Myles Brand, the former president of the NCAA who passed away while serving. "Mr. Brand received \$1,145,880 in total compensation for the fiscal year ending August 2009. The sum included \$770,739 in salary and more than \$200,000 in bonuses and incentive compensation, as well as other pay and benefits. Mr. Brand took home \$1,710,095 in total compensation in 2007-8, including \$815,000 in retirement pay that was deferred from previous years" (Sander, 2010). Sander's (2010) also states over \$50 million was given out to compensate the 400 employees working at the NCAA headquarters. The reason why these executives and coaches can receive such large salaries is because of the players. The fans come to see the players perform, not the coaches or executives. They work day in and day out to master their craft, so they can play at the highest level of competition college sports has to offer. This is what brings in all the fans which then leads to millions of dollars of revenue which is then used to pay off their salaries. It is beyond unethical that the NCAA continues to treat the players this way and prevent them from being compensated in anyway; which they could use to build their future and pay off debt gained from continuing school.

What are the actions or lawsuits being taken to stop the monopoly of the NCAA?

Throughout the years the NCAA has been ridiculed for the treatment of its players and been subjected to countless lawsuits. One of the most infamous and recent lawsuits against the organization was O'Bannon v. NCAA. Ed O'Bannon is an ex-college basketball star who played for the UCLA Bruins in the 1990's. He filed the lawsuit when he saw the NCAA was using his image to promote video games and college basketball without his permission. His argument was since he was no longer apart of the organization and removed from it for more than two decades he should be compensated for his likeness. Altogether he and the rest of the plaintiffs seek to receive royalties if the NCAA uses their image to promote their brand. According to Rachael Marcus (2013) the suits lead lawyer Michael Hausfeld estimates that if the plaintiffs are successful the NCAA will have to pay "potentially billions of dollars" to the fund. This money would then be used to compensate the players with what they deserve. However, this isn't the only lawsuit that has been filed against the NCAA. "The NCAA has been accused many times of operating as a cartel, and it has lost several landmark cases. In one class action White v. NCAA, the association agreed in 2008 in U.S District Court in Los Angeles to create a \$10 million fund for student-athletes to reimburse costs that their scholarships did not cover" (Marcus, 2013). With major lawsuit like this taking place it shows that the NCAA's treatment of its players is unethical and makes it one step closer to dismantling this monopoly of college sports.

How does the NCAA keep its players from being compensated?

The NCAA prevents players from getting paid by classifying them as amateurs and demanding they sign forms before the season starts that bars many of their rights. If a player refuses to sign form 14-3a he loses the right to partake in any activities related to college sports.

“Failure to complete Form 14-3a bars a student athlete from compensation. Student athletes cannot negotiate its terms and are left with two options: take it or leave it. Given the desire student athletes have to play, they have little bargaining power and thus little incentive to argue the Form’s terms and will simply sign it” (Lush, 2015). If a player decides not to sign, the form not only does he lose the privilege of playing but also loses out on any athletic scholarship he was given. The fact that the NCAA demands players to sign this form which attempts to summarize the 500-page division one manual in a couple of paragraphs is unethical. Most players don’t read nor have any clue what they are signing and are told they must do so if they wish to play. The NCAA has created a monopoly in college sports and if you don’t follow their rules you will face the consequences. The NCAA has the ability to revoke eligibility of players, take away championships, and suspend both players and coaches if you don’t follow their guidelines. Another way the NCAA keeps its players from being compensated is by classifying them as amateur. An amateur under law does not need to be payed and is why the NCAA refers to them as that. Although college sports are a billion-dollar industry and rival some professional sports the only difference is that professionals get paid what they deserve. “The controversy surrounding the amateur status of college athletes has resulted in challenges under antitrust law to the NCAA’s regulations prohibiting compensation of student athletes” (Sheetz, 2016)

What is the business side of March Madness and the NCAA?

In college sports the month of March is by far the most important month of them all. March Madness is the NCAA’s largest event because how many people tune in to watch it and how much total revenue it brings in for the NCAA and its partners. It is one of the largest contributors to the billion-dollar industry. “Since 2011, March Madness has generated \$4.13

billion in ad revenue for CBS and Turner” (Rocco, 2015). So, what is March Madness? It is college basketball’s tournament where 64 of the best schools in the United States face off in a one game elimination to see who the champion will be. “Approximately 21 million Americans tuned into CBS for the national championship game, which the Connecticut won over Kentucky. The entire tournament reached 102 million unique viewers” (Rocco, 2015). Each year more and more fans tune in to watch the tournament and is the main reason why the NCAA and CBS signed a record-breaking contract. “Due to the allure of collegiate athletics, the NCAA has sealed ever-growing lucrative media deals. In 1982, the Columbia Broadcasting System (“CBS”) and the NCAA entered into a three-year \$49.9 million deal. In 1991, the CBS-NCAA deal reached one billion dollars for a seven-year term. The NCAA contracted with CBS again in 2002 for six billion dollars and with ESPN for \$200 million, both for a term of 11 years. The NCAA’s most recent media deal was in 2010 with CBS/turner for \$10.8 billion for a term over 14 years” (Lush, 2015). This contract gave away media rights to large companies such as CBS and ESPN without hearing the opinions of any of the players. The NCAA made billions off this because of the players image and likeness and did not compensate the players at all with their new fortune. “In 2012, the NCAA generated \$871,687,872 in revenue. The NCAA received \$708,860,595, or 81% of that total, from selling media rights. The remaining revenue came mostly from ticket and merchandise sales for championships” (Lush, 2015). Year after year the NCAA continues to grow and bring in more revenue off its players and teams. For example, “the Collegiate Licensing Company, a division of IMG College, said the retail marketplace for college merchandise was estimated to reach \$4.59 billion during the 2013-14 school year” (Rocco, 2015) For the NCAA to bring in that amount of revenue in just one year and not revise how they compensate the players is completely unethical.

How is the NCAA's treatment unethical?

The NCAA's treatment towards its student athletes by not compensating them with what they deserve is unethical. But for the organization to tell an athlete he or she can't make any money off their own image and likeness is beyond immoral. Michael Wilbon who is a very popular writer for ESPN states, "We're talking \$11 billion for three weekends of television per year. On top of that, there's a new four-year deal with ESPN that pays the BCS \$500 million" (Wilbon, 2011). The author is talking about March Madness and the record-breaking contract the NCAA and CBS-Turner made not too long ago. He asks the question, "how could anybody stand on principal and argue against paying the people who make the events possible in the first place" (Wilbon, 2011)? The athletes are the ones the fans come to see, just like professional sports. They sell out giant arenas and bring in huge amounts of money but the only difference between college and professional sports is that the owners of pro teams pay the player what they deserve, and the NCAA keeps it all. The author also brings up a very valid point regarding ethics, "If a music student goes out in the summer and earns 50 grand, who objects? Who even knows? The student-musician is no less a college student because he struck a lucrative deal. Neither is the student-journalist who spends his nights writing freelance stories and picking up as much money along the way as he can" (Wilbon, 2011). What makes the student athlete any different from the music student or student journalist? Absolutely nothing. A college athlete isn't allowed to go out and sign autographs, obtain a sponsorship, or even make a deal with anyone outside of the NCAA. A college athlete isn't even allowed to work full time under NCAA rules. If they do any of the examples above, they can get their scholarship revoked, kicked off the team, along with a year suspension. It is unethical that other college students can use their craft to make a form of

income but if a college athlete does, it's against the NCAA rules and they'll be reprimanded.

Another issue regarding the unethical treatment of players is the NCAA's "one and done rule". This rule prevents any high school graduate from playing in the professional basketball league, "The NBA". Basically, the NCAA has monopolized this system by forcing all the top high school graduates to play in their league. Instead they could be playing in the NBA making an actual salary. The minimum NBA salary is just over five hundred thousand dollars annually. The one and done rule allows the NCAA and its institutions to accept a high school graduate that is "unprepared to meet the demands of college-level study and that understands that the coming year is to be spent preparing not for a college degree but rather for the NBA," (Weber, 2009). It is unethical for the NCAA and the college to allow "a student with no academic interest and little academic preparation for the demands of college -level work can enroll in four courses in the fall, pass only two of those courses, and continue the charade of being a "student-athlete. Finding two courses a student can pass is not much of a problem - particularly since two grades of "D" suffice to meet this requirement" (Weber, 2009). The NCAA is preventing high school graduates from pursuing their dreams and entering the NBA right away, so they can make money to build towards their future. Instead they force the student to play college basketball knowing that most will leave after one year. It is unethical for the NCAA to knowingly accept these student athletes, but they do so anyway to bring in more money. If the organization has the top high school graduates from around the world their ticket sales will go up and overall revenue will increase which is the only reason why they allow it. College athletes work day in and day out to master their craft and be the best athlete they can be. Due to the demanding schedule of these sports they have little time to no time for a job. With competition getting higher each year so does the likelihood of injury. These athletes are putting their bodies on the line for the NCAA and many

athletes get severely injured. With injury there comes consequences. Many professional teams are less likely to sign or draft someone who was injured. An injury at the college level could potentially mean that the athlete loses out on a big-time contract with a professional team. And there is the scenario where the athlete could never play sports again due to concussions and severe injuries that happens regularly in college. It is unethical that these athletes are putting their future at a high risk with no financial reward. According to the authors Sharp and Sheilly in their article "The Institutions Obligations to Athletes," they review the constant pressure student athletes are put under due to such a heavy schedule of school work and sports. "The time demands on intercollegiate athletes have often been discussed as having a negative effect on academic performance" ... one study even concluded "a seasonal drop in the GPAs of collegiate athletes, especially in the revenue-producing sports of football and men's basketball, was related to the inordinate time demands during their seasons of participation," (Sharp & Sheilly, 2008). Along with the time commitment is also the fatigue factor, which can affect an athlete's ability to attend class and focus on other academic pursuits, (Sharp & Sheilly, 2008). The NCAA creates these long schedules with as many games as possible within one season to create the most revenue possible. The NCAA claims that the students are here to receive an education first and to play sports second, but the organization continues to make such demanding schedules that leaves little time for the student athletes to get the most out of the education they're receiving. According to the authors the study shows that the student athletes GPA decrease when in season. It is not ethical for the NCAA to demand so many games in a season that it's going to take away from the student athlete to receive a proper education like the rest of the students.

Personal Reflection

When I first started this project, I didn't know where to begin. All I knew was that I was a four-year college athlete at Purchase College. I wanted to do something that related to what I loved. Sports have been a major part of my life since I was a little kid and I'm grateful Purchase gave me an opportunity to continue my passion and hopefully build towards the next level. Throughout the year's college baseball was a demanding tole on both my mind and body and can only imagine how division one athletes feel. Before this project I always knew the NCAA was a big organization but after all the research I discovered it was something completely different. The NCAA is a college sports monopoly that has business as big as professional sports.

At first the research was very intimidating with all the different kinds of revenues, lawsuits, and NCAA rules. I didn't know where to begin. I had to break it down into smaller sections if I wanted to be successful since there was so much information out there. With these sections I believe I am able to persuade the reader on why it is truly unethical for college athletes to not be compensated. This project will definitely help with how I evaluate future assignments. I need to break down all the information into smaller segments to resolve the bigger problem. Past courses helped with how I obtained my research and how to properly cite my sources, so I can show where I got my information

I never expected the NCAA which is supposed to be a non-profit organization to be bringing in billions of dollars in revenue. This big business allowed top executives within the organization to have big time salaries and allowing millions of dollars in compensation to other employees but not the athletes. The athletes are the ones who bring in the fans and create a hype for college sports. Without the athletes there wouldn't be the NCAA and it is completely

unethical that they get away without compensating them. Top universities spend millions on coaches' salaries and hundreds of millions on state-of-the-art facilities for these athletes. The athletes are the ones bringing in billions of dollars annually from ticket sales, merchandise and viewership. As a college athlete myself I never realized the mistreatment we receive. Only 2% of NCAA athletes reach the professional level. It is completely unethical that the NCAA does not compensate the players that bring in billions of dollars which they can use to pay off school loans and debt obtained from continuing their education. Many of my team mates were out of state students who had to pay more for their education because they didn't live in New York. But they chose Purchase because they were the only school to give them an opportunity to play college sports. This goes for hundreds of thousands of college athletes across the United States, but the NCAA continues to bar athletes from receiving any of the money they generate.

During my time at Purchase, I have studied art finance, history, and business ethics. I have learned to integrate ethics with business practices by examining case studies and theories. I was taught to confront ethical dilemmas that affects others. I was taught how business policies should demonstrate integrity and moral sensibility. It has exposed me to understanding my place in identifying issues that may exist and how to move toward a fair resolution through compromise and change. This capstone allowed me to explore an area that combined my studies with an area that needs new policies that benefit a student athlete in the same manner it benefits the college they attend.

Conclusion

The NCAA continues to get away with not fully compensating its athletes with what they deserve. With lawsuits such as O'Bannon v. NCAA and White v. NCAA there is a hopeful future that one day athletes will be paid just like coaches and executives. People need to keep putting pressure on this organization and fight against the monopoly they established. With billions of dollars being brought in by the athletes it is only ethical that they get paid just like professional athletes. The NCAA continues to bar its student athletes from receiving any form of compensation. If they try to get sponsorships, sell memorabilia, or sign autographs for money they will be suspended. The NCAA and college sports create a high risk no reward scenario for the student athlete.

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