“We’re Coming for You”: Challenging the Virtue Ethic of Amateurism. How the Passage of California Senate Bill 206 is Changing the Face of Intercollegiate Athletics.

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With the passage of California Senate Bill 206 in September 2019, student-athletes at California state colleges and universities will have the ability to receive compensation for their name, image, and likeness. This violates the NCAA's long-standing virtue ethic of amateurism because “it would erase the critical distinction between college and professional athletics” (NCAA, 2019a). This virtue of amateurism was also utilized within the Olympic Movement as an “invented tradition” allowing those in power the ability to use said virtue as a means of controlling the sport and those who would participate (Llewellen & Gleaves, 2016). While this was the dominant thinking for years, the Olympics began allowing professionals to participate with the addition of NBA players in 1992 (Real, 1996). Olympic athletes were able to negotiate endorsement deals and still be eligible to compete in the Games. The NCAA would allow athletes who were professionals in one sport to come back to college and play in another sport (provided they had eligibility). This was not the case when Olympic mogul skier, Jeremy Bloom tried to cash in on his endorsement deals as a skier to pay for his training and still play football at the University of Colorado. The NCAA denied his petition, making the case for re-evaluating amateurism so as to prevent discouraging other individual sport athletes from competing intercollegiately in another sport (Sharp, 2004).

The NCAA’s position that there must be this virtue of amateurism is becoming tenuous as they have continued to grow into a multi-billion dollar organization. While calling the NCAA a cartel may be excessive, there is little doubt that the NCAA is exploiting these student-athletes and even violating their right of publicity by forcing them to sign away their name, image, and likeness rights (Gerrie, 2018). After the passage of California Senate Bill 206, additional state and the federal governments have proposed similar forms of legislation, with Senator Mitt Romney stating to the NCAA “we’re coming for you”, the NCAA Board of Governors have begun examining the feasibility of coming up with enhancements to their bylaws and policies (NCAA, 2019b). This would be a seismic shift by the NCAA to a more utilitarian ethical approach of governance.

By allowing student-athletes the ability to negotiate their own publicity deals, this could alleviate the concerns of many student-athletes. The National College Players Association (NCPA), a non-profit advocacy group, seeks to address the concerns, primarily those relating to scholarship compensation and injuries related to intercollegiate sport participation. To quantify these concerns, some preliminary data to be presented will include NCAA member institution student-athlete perceptions of financial (i.e., scholarships) and medical issues related to their intercollegiate participation. It is expected that this data will lend credibility to the efforts of protecting student-athletes through some form of representation. This need to protect student-athletes through some form of representation (such as the NCPA) is a potential implication of this shift in NCAA governance. Future research can expand upon this framework by examining other possible collectively bargained concerns of student-athletes.