

HOW UNIVERSITY OF OREGON
STUDENT-ATHLETES EXPERIENCE NAME, IMAGE,
AND LIKENESS

by

ELI LAZARUS BERNELL

A THESIS

Presented to the Department of Planning, Public Policy, and Management
and the Robert D. Clark Honors College
in partial fulfillment of the requirements for the degree of
Bachelor of Arts

June 2025

An Abstract of the Thesis of

Eli Bernell for the degree of Bachelor of Arts
in the Department of Planning, Public Policy, and Management to be taken in May 2025

Title: How University of Oregon Student-Athletes Experience
Name, Image, and Likeness

Approved: Nicole Ngo, Ph.D.
Primary Thesis Advisor

This research paper explores how University of Oregon student-athletes have been affected by NIL in terms of overall experiences, recruitment, and professional development while exploring whether these impacts vary across sport or gender. Through interview conversations with University of Oregon women's lacrosse and women's track & field student-athletes, this thesis attempts to explain how NIL may be affecting UO student-athletes.

Through analyzing the interviews, this thesis demonstrates the varying levels of impact student-athletes' experiences in the four themes of overall experiences, recruitment, inequalities and barriers, and professional development. Finally, this project offers insights into how small changes at the university level can help better support student-athletes during and after their college careers.

Acknowledgements

First, I would like to thank my wonderful advisors to this thesis project. My primary thesis advisor Dr. Nicole Ngo, as well as my Clark Honors College representative, Dr. Kristen Rahilly. I would not have been able to complete this thesis without your support and feedback. Thank you for helping me grow as a researcher over the course of this project. And to my family, thank you for always being there for me and helping me grow as a person over these last four years.

Table of Contents

Chapter 1: Introduction	7
Research Question	7
Background on College Athletics	7
Chapter 2: Literature Review	11
NIL Through the Courts	11
I. NCAA v. Board of Regents (1984)	11
II. Bloom v. NCAA (2004)	13
III. O'Bannon v. NCAA (2015)	14
IV. Alston v. NCAA (2021)	15
V. State Laws	16
VI. House V. NCAA (2024)	17
VII. Roster Limits	19
NIL Collectives	19
Current Landscape of NIL	24
Recruiting/Contracts	24
Title IX	25
Chapter 3: Research Strategy and Methodology	28
Chapter 4: Results	30
NIL at the University of Oregon	30
I. Support from the University of Oregon	30
II. NIL Deals	32
NIL & Recruitment	35
Inequalities & Barriers with NIL	37
NIL & Graduation/Professional Development	39
Chapter 5: Discussion Going Forward	41
Key Takeaways:	41
I. NIL at the University of Oregon	41
II. NIL and Recruitment	41
III. Inequalities and Barriers in NIL	42
IV. Graduation and Professional Development	42
Moving Forward	43
Chapter 7: Appendix	45

Interview Questions	45
Chapter 6: Bibliography	47

List of Figures

Figure 1: NIL Earnings Across Sports (Washington Post).....	23
Figure 2: Women’s sports NIL Earnings (Washington Post).....	24

Chapter 1: Introduction

Research Question

How has NIL affected University of Oregon student-athletes in terms of recruitment and professional development, and do the impacts vary across sport and gender?

Background on College Athletics

College athletics are controlled by the governing body, the National Collegiate Athletic Association (“NCAA”). In July 2021, the University of Texas and the University of Oklahoma changed athletic conferences, and many other teams followed suit.¹ In addition, for the first time in the history of college athletics, athletes could profit from the use of their name, image, and likeness (NIL).² To understand how this situation arose, it is important to examine the history of the NCAA.

College athletics in the United States dates back to the early part of the 19th century. Popularity began when students from rival universities organized competitions between their athletes.³ In the early years of college athletics, there was little regulation within the sports. Often, top-rated athletes were paid for their participation.⁴ Along with a clear lack of regulation

¹ Mandel, Stewart. “College football conference realignment timeline: 124 years of drama, money and bitterness.” *The Athletic*, July 14, 2023, Web. Accessed November 11, 2024. <https://www.nytimes.com/athletic/4662822/2023/07/14/college-football-conference-realignment-history/>

² Hosick, Michelle. “NCAA adopts interim name, image, and likeness policy.” *NCAA*, June 30, 2021, Web. Accessed November 11, 2024. <https://www.ncaa.org/news/2021/6/30/ncaa-adopts-interim-name-image-and-likeness-policy.aspx>

³ Thompson, Taylor. “Maximizing NIL Rights for college athletics.” *University of Iowa*, 2022, Web. Accessed November 11, 2024.

⁴ Thompson, Taylor. “Maximizing NIL Rights for college athletics.” *University of Iowa*, 2022, Web. Accessed November 11, 2024.

enforcement, the safety of American football was at the forefront of many people's minds.⁵ In 1905, the Rules Committee, led by President Theodore Roosevelt, helped create a safer game and avoid the abolishment of the sport altogether. The committee also addressed the concerns of collegiate athletes being paid to play. The Rules Committee would later lead to the establishment of the Intercollegiate Athletic Association (IAA). This organization, which was eventually renamed the NCAA, was charged with establishing eligibility requirements and fair competition rules.⁶

While universities had formed the NCAA to help govern college athletics, the initial power of the NCAA was limited. Gambling, recruiting violations, and the commercialization of athletes were rampant. In 1948, the NCAA adopted the "sanity codes" to regulate recruiting practices. Failure to adhere to the rules would result in the school being boycotted by the rest of the NCAA.⁷ Many people considered the discipline for violating these rules to be too harsh. The Committee on Infractions (COI) was created to establish a range of punishments that better align with the infraction violations. One of the goals of the COI was to allow colleges to offer scholarships to student-athletes. However, there was one caveat. Athletes had to demonstrate financial need to be awarded scholarships.⁸

Amateurism and competitive equity are fundamental to the NCAA's governing principles. The NCAA's bylaws state that "student-athletes shall be amateurs... and their participation should be motivated primarily by education and by physical, mental, and social

⁵ Klein, Christopher. "How Teddy Roosevelt saved football." *History*, July 21, 2019, Web. Accessed November 11, 2024. <https://perma.cc/B5S6-YKT7>

⁶ Thompson, Taylor. "Maximizing NIL Rights for college athletics." *University of Iowa*, 2022, Web. Accessed November 11, 2024.

⁷ Andy, Schwarz. "The NCAA has always paid players; now it's just harder to pretend they don't." *Deadspin*, August 29, 2015, Web. Accessed November 11, 2024. <https://deadspin.com/the-ncaa-has-always-paid-players-now-its-just-harder-t-1727419062/>

⁸ "The Sanity Code." *Sports Conflict Institute*, Web. Accessed November 11, 2024. <https://sportsconflict.org/the-sanity-code/>

benefits to be derived.”⁹ These rules help differentiate collegiate athletics and professional athletes.

The NCAA has governed college athletics based on these principles for decades. However, recent court cases have challenged the NCAA’s stance on amateurism, playing a major role in allowing student-athletes to earn money on their name, image, and likeness (NIL). NIL involves a person’s legal right to dictate how their name is used. Up until this point, student athletes were not able to profit from their name at all. This right allows student-athletes to earn money from NIL collectives, which are booster-led organizations that can offer student-athletes money in return for services, and third-party organizations in the form of sponsorships, commercials, and endorsements.¹⁰ This completely changed the status of college athletics. Opendorse, a leading student-athletes marketplace for NIL, helps athletes understand their value in the marketplace.¹¹ Top athletes in sports such as football, men’s basketball, and women’s basketball generate the most NIL money.¹² Opendorse notes that quarterbacks at Power Four schools (those schools belonging to the four top athletic conferences) have the potential to earn hundreds of thousands of dollars on average throughout their college career. The best earn more, such as Quinn Ewers at the University of Texas at Austin, who earns nearly \$2 million annually on NIL deals.¹³

⁹ Thompson, Taylor. “Maximizing NIL Rights for college athletics.” *University of Iowa*, 2022, Web. Accessed November 11, 2024.

¹⁰ Sara Coello. “What is NIL in College Sports? How do athlete deals work?” *ESPN*, September 26, 2024, Web. Accessed December 1, 2024. https://www.espn.com/college-sports/story/_/id/41040485/what-nil-college-sports-how-do-athlete-deals-work

¹¹ “What we do.” *Opendorse*, 2024, Web. Accessed December 3, 2024. <https://opendorse.com/about/>

¹² Drape, Joe and McCann, Allison. In College Sports’ big money era, here’s where the dollars go.” *New York Times*, August 31, 2024, Web. Accessed December 3, 2024. <https://www.nytimes.com/interactive/2024/08/31/business/nil-money-ncaa.html>

¹³ Drape, Joe and McCann, Allison. In College Sports’ big money era, here’s where the dollars go.” *New York Times*, August 31, 2024, Web. Accessed December 3, 2024. <https://www.nytimes.com/interactive/2024/08/31/business/nil-money-ncaa.html>

However, non-revenue generating sports still find athletes inking NIL deals. Top athletes in men's golf, women's gymnastics, and men's and women's track and field/cross country reported annual deals in the \$15,000-\$20,000 range. Even in some of the lower nonrevenue sports that have even greater challenges in generating NIL deals, such as women's lacrosse and men's tennis, annual earnings in the \$5,000 range were reported.¹⁴ This is all to say that NIL reaches many college sports, not just the sports and athletes shown in major media.

Still, many questions remain unanswered. Researchers are now beginning to understand how NIL may discriminate against certain groups or the inner workings of the NIL economy. To enhance an understanding of the impact of NIL, this research explores NIL at the University of Oregon.

¹⁴ Drape, Joe and McCann, Allison. In College Sports' big money era, here's where the dollars go." *New York Times*, August 31, 2024, Web. Accessed December 3, 2024. <https://www.nytimes.com/interactive/2024/08/31/business/nil-money-ncaa.html>

Chapter 2: Literature Review

NIL Through the Courts

There are several NCAA-related court cases that had a significant impact on college athletics, eventually leading to the legalization of NIL. These cases highlight how the NCAA has been challenged in court on the amateur status of college athletics, leading to the Supreme Court decision in 2021, when NIL became legal for student-athletes.

I. *NCAA v. Board of Regents (1984)*

The NCAA's stance on college athletes being defined as amateurs has, in large part, been influenced by the court of law. The first case set the precedent for how the NCAA must abide by antitrust laws. The case is *NCAA v. Board of Regents (1984)*.¹⁵ In 1981, the NCAA began drafting a plan for televising college football games for the 1982-1985 college football seasons. The plan placed a limit on the number of college football games that could be televised. The NCAA was hoping to limit the adverse effect that televising college football games had on attendance. Additionally, the plan ruled out that no institution within the NCAA was permitted to make a sale of television rights that did not follow the NCAA guidelines.¹⁶

At that time, the NCAA had two television network agreements – one with the American Broadcasting Company and the other with the Columbia Broadcasting System. Each network had the right to televise a certain number of games and agreed to pay a certain amount of money to the NCAA members.¹⁷

¹⁵ “NCAA v. Board of Regents of University of Oklahoma, 468 U.S. 85 (1984). *Justia*, Web. Accessed November 8, 2024. <https://supreme.justia.com/cases/federal/us/468/85/>

¹⁶ “NCAA v. Board of Regents of University of Oklahoma, 468 U.S. 85 (1984). *Justia*, Web. Accessed November 8, 2024. <https://supreme.justia.com/cases/federal/us/468/85/>

¹⁷ “NCAA v. Board of Regents of University of Oklahoma, 468 U.S. 85 (1984). *Justia*, Web. Accessed November 8, 2024. <https://supreme.justia.com/cases/federal/us/468/85/>

Universities were also members of the College Football Association (CFA). The CFA negotiated a television contract with the National Broadcasting Company. This contract was an attempt to increase the television appearances for each college. In response, the NCAA claimed that it would institute disciplinary actions for any school that followed the CFA agreement as opposed to the NCAA agreement.¹⁸ The Federal District Court found that the NCAA's stance on televised college football games violated section 1 of the Sherman Antitrust Act, which prohibits any contracts to restrict trade or commerce.¹⁹ The courts ruled that this law was violated in three ways:²⁰

1. The NCAA fixed the price for particular telecasts
2. Its exclusive network contracts served as a boycott to all other potential competitors.
3. Its plan placed a limit on the production of televised college football.

The court's ruling shifted the power of television rights to the athletic conferences. There were no longer limits on the number of college football games that could be broadcast.²¹

¹⁸ "NCAA v. Board of Regents of University of Oklahoma, 468 U.S. 85 (1984). *Justia*, Web. Accessed November 8, 2024. <https://supreme.justia.com/cases/federal/us/468/85/>

¹⁹ "Sherman Anti-Trust Act (1890). *National Archives*, Web. Accessed November 8, 2024. <https://www.archives.gov/milestone-documents/sherman-anti-trust-act>

²⁰ "NCAA v. Board of Regents of University of Oklahoma, 468 U.S. 85 (1984). *Justia*, Web. Accessed November 8, 2024. <https://supreme.justia.com/cases/federal/us/468/85/>

²¹ "How the Supreme Court Broke the NCAA's lock on T revenue." *Fast Company*, March 3, 2024, Web. Accessed December 1, 2024. <https://www.fastcompany.com/91065686/supreme-court-ncaa-tv-revenue>

II. *Bloom v. NCAA (2004)*

A consequential case that reaffirmed the NCAA's stance on student-athletes' inability to be paid was in *Bloom v. NCAA (2004)*. Jeremy Bloom, who was a high school track star, was recruited to play football at the University of Colorado. However, before enrolling at CU to play football, he competed in the Olympics and World Cup Champion in freestyle Mogul. During his time competing at the Olympics, he appeared on MTV and received paid endorsement opportunities.²² Upon receiving these endorsements and entertainment activities, Bloom became concerned about his NCAA eligibility. On Bloom's behalf, the University of Colorado requested waivers of the NCAA rules that prohibit student athletes from receiving endorsements and media activities. However, the NCAA denied Bloom's request.

Following this denial, Bloom was issued an injunctive relief, which is a court order that Bloom sent explaining that denying his request would cause irreparable harm to his skiing career. He argued that his endorsements and media work were necessary for him to support his professional skiing career, which the NCAA allowed. The Colorado Court of Appeals Div. V. dismissed Bloom's request for injunctive relief, stating that "although student-athletes have the right to be professional athletes, they do not have the right to simultaneously engage in endorsement or paid media activity and maintain their eligibility to participate in an amateur competition."²³

²² "Bloom v. National Collegiate Athletic Association (2004)." *FindLaw*, Web. Accessed November 11, 2024. <https://caselaw.findlaw.com/court/co-court-of-appeals/1034414.html>

²³ "Bloom v. National Collegiate Athletic Association (2004)." *FindLaw*, Web. Accessed November 11, 2024. <https://caselaw.findlaw.com/court/co-court-of-appeals/1034414.html>

III. *O'Bannon v. NCAA (2015)*

In *O'Bannon v. NCAA (2015)*, the Plaintiff, O'Bannon, sued the NCAA because the NCAA's rules regarding amateurism in college sports, which prevented the use of NIL, violated the Sherman Act.²⁴ This was another example of an antitrust case brought against the NCAA. This case was brought forth because EA Sports had used student-athletes' NIL without permission in a college football video game. EA Sports could earn money off the student-athletes' NIL without the athlete having the means to benefit the student-athletes as well. The district court ruled in favor of O'Bannon, noting that prohibiting student-athletes from compensation from their NIL violated section 1 of the Sherman Act.

The district court proposed that (1) schools should allow for stipends for student-athletes that can go up to the full cost of attendance and (2) schools can withhold a portion of licensing revenue that can be distributed to athletes in fair shares after they leave college.²⁵ The court ruled in favor under the assumption that the NCAA's stance on college athletes' status is not exempt from the Rule of Reason Review. This is a clause that rules on whether a certain restraint results in an anticompetitive market, which is illegal. To determine the court's rulings, the plaintiff must show that an anticompetitive market is set in place, and if this is affirmed, then the burden goes to the defendant, who then must show a procompetitive market.

However, the case eventually made its way to the Ninth Circuit Court. While the Ninth Circuit agreed that the NCAA must be in compliance with the Rules of Reason and that schools

²⁴ Jessop, Alicia, et al. "Charting a new path: Regulating college athlete name, image, and likeness after *NCAA v. Alston* through collective bargaining." *Journal of Sports Management*, 2023, Web. Accessed October 21, 2024.

²⁵ Mcleod, Alex. "O'Bannon v. NCAA." *American University Business Law Review*, 2024, Web. Accessed December 2, 2024. <https://aublr.org/2015/11/obannon-v-ncaa/>

should provide stipends up to the full cost of attendance, they rejected the claim of the lower court that student-athletes could receive compensation from their NIL after leaving college.²⁶

This case has had significant implications for how the NCAA could regulate college sports. After the Ninth Circuit Court used the Rule of Reason to rule in favor of student-athletes, other restrictions, such as price fixing, and other NIL limitations could be subject to the Rule of Reason Review.²⁷

IV. *Alston v. NCAA (2021)*

As was expected, the Ninth Circuit's decision in *O'Bannon v. NCAA (2015)* laid out a strong framework for *Alston v. NCAA (2021)*. This was the first antitrust case that made it to the Supreme Court. The case began when several Division 1 football and basketball players sued the NCAA because it could not place restrictions on "non-cash education-related benefits." The Court unanimously ruled that the NCAA did not have the right to limit small and modest education-related payments to student-athletes.²⁸ Justice Brett Kavanaugh said that, "Nowhere else in America can businesses get away with agreeing not to pay their workers a fair market rate on the theory that their product is defined by not paying their workers a fair market rate, and under ordinary principles of antitrust law, it is not evident why college sports should be any

²⁶ Mcleod, Alex. "O'Bannon v. NCAA." *American University Business Law Review*, 2024, Web. Accessed December 2, 2024. <https://aublr.org/2015/11/obannon-v-ncaa/>

²⁷ Jessop, Alicia, et al. "Charting a new path: Regulating college athlete name, image, and likeness after NCAA v. Alston through collective bargaining." *Journal of Sports Management*, 2023, Web. Accessed October 21, 2024.

²⁸ Jessop, Alicia, et al. "Charting a new path: Regulating college athlete name, image, and likeness after NCAA v. Alston through collective bargaining." *Journal of Sports Management*, 2023, Web. Accessed October 21, 2024.

different. The N.C.A.A. is not above the law.”²⁹ This allowed for the possibility of other payments to athletes for their athletic participation.

After the ruling of *Alston v. NCAA (2021)*, student athletes were able to earn money on their NIL. Student-athletes earn money related to NIL from three main sources. The first source is endorsements by corporate brands. Second, athletes earn money from the sales of merchandise. Finally, athletes can earn money from collectives funded by boosters.³⁰

V. State Laws

States have also had a role in regulating the NIL marketplace. This began in California in 2019. Governor Gavin Newsom signed into law the Fair Pay to Play Act. The purpose of this bill was to prohibit schools from punishing athletes who profit from their name, image, and likeness. While this bill was signed in 2019, the effective date of the bill was set for 2023. Similar laws were passed in Florida following California’s legislation. However, Florida and many other states set effective dates for these bills as early as July 1, 2021. As states passed these NIL laws, there were common themes they all carried. For example, schools were not able to compensate athletes for their on-field performance. Additionally, these laws did not eliminate scholarships.³¹ Before the effective date of these NIL policies, the NCAA released an interim NIL policy, but mostly deferring to state law for student athletes. Their interim policy included the following.

²⁹ Liptack, Adam and Blinder, Alan. “Supreme Court Back payments to student athletes in NCAA case.” *New York Time*, June 21, 2021, Web. Accessed November 11, 2024. <https://www.nytimes.com/2021/06/21/us/supreme-court-ncaa-student-athletes.html>

³⁰ Samaha Albert, et al. “The Hidden NIL Economy of College Sports.” *The Washington Post*, October 21, 2024, Web. Accessed October 21, 2024. https://www.washingtonpost.com/sports/interactive/2024/nil-money-deals-college-sports-athlete-pay/?itid=hp-top-table-main_p001_f006

³¹ Jessop, Alicia, et al. “Charting a new path: Regulating college athlete name, image, and likeness after NCAA v. Alston through collective bargaining.” *Journal of Sports Management*, 2023, Web. Accessed October 21, 2024.

*NCAA Interim Rules*³²

- Individuals can engage in NIL activities that are consistent with the law of the state where the school is located. Colleges and universities may be a resource for state law questions.
- College athletes who attend a school in a state without an NIL law can engage in this type of activity without violating NCAA rules related to name, image, and likeness.
- Individuals can use a professional services provider for NIL activities.
- Student-athletes should report NIL activities consistent with state law or school and conference requirements to their school.

VI. House V. NCAA (2024)

The most recent case that serves to alter the NCAA's stance on amateurism within college athletics is *House v. NCAA (2024)*. Currently, there is a proposed settlement of \$2.78 billion that includes three separate antitrust cases.³³ The settlement resolves *House v. NCAA*, *Hubbard v. NCAA*, and *Carter v. NCAA*. In October of 2024, the case received preliminary approval from Judge Claudia Wilkins of the Northern District of California. If the case is successful, a payment system would be set up for college athletes (dating back to 2016) who could not earn compensation for their NIL. Additionally, the success of the lawsuit would allow for colleges to opt into a revenue-sharing model that could pay athletes directly. Each school will have a limit of roughly \$20 million to disperse to student-athletes. Schools will have to budget

³² "NCAA adopts interim name, image, and likeness policy." *NCAA*, June 30, 2021, Web. Accessed November 11, 2024. <https://www.ncaa.org/news/2021/6/30/ncaa-adopts-interim-name-image-and-likeness-policy.aspx>

³³ Williams, Justin. "House v. NCAA settlement granted preliminary approval, bringing new financial model closer." *The Athletic*, October 7, 2024, Web. Accessed November 11, 2024. <https://www.nytimes.com/athletic/5826004/2024/10/07/house-ncaa-settlement-approval-claudia-wilken/>

roughly \$20.5 million themselves.³⁴ The annual budget will be determined as 22 percent of Power 5 schools' average athletic revenue.³⁵ It is likely that a majority of the money will go to football and men's basketball, the highest revenue-generating sports.

Another important aspect of the proposed settlement is the elimination of any “pay for play” models that have become common among booster-led collectives. The “pay for play” model refers to the idea that while athletes can earn money from their NIL, they are unable to be paid directly.³⁶ Student-athletes must engage in certain activities in exchange for payment. Activities can include social media endorsements, engagement events, or other non-athletic activities. With the new settlement, a “designated enforcement agency” would be designed to govern NIL deals.³⁷ However, the landscape in which this takes place is not yet clear. Across the country, athletic directors are working to determine what the revenue sharing model will look like and how they will budget an additional \$20 million in the budget for student athletes. Troy Dannen, the athletic director at the University of Nebraska, noted that the school would not cut scholarships or sports in the effort to come up with \$20 million.³⁸ Schools across the country are working to determine where the \$20.5 million will come from. Schools are raising ticket prices and concessions, and others are fundraising tirelessly. However, no matter how schools come up

³⁴ Williams, Justin. “House v. NCAA settlement granted preliminary approval, bringing new financial model closer.” *The Athletic*, October 7, 2024, Web. Accessed November 11, 2024. <https://www.nytimes.com/athletic/5826004/2024/10/07/house-ncaa-settlement-approval-claudia-wilken/>

³⁵ Merola, Lauren et al. “What’s at stake with the House v. NCAA settlement? Goodbye amateurism, hello revenue sharing.” *New York Times*, April 7, 2025, Web. Accessed, April 13, 2025. <https://www.nytimes.com/athletic/6256000/2025/04/07/house-v-ncaa-settlement-revenue-sharing-explained/>

³⁶ Armato, Leonard. “Pay for play is alive in college sports and free agency has arrived.” *Forbes*, December 20, 2022, Web. Accessed December 1, 2024. <https://www.forbes.com/sites/leonardarmato/2022/12/16/pay-for-play-is-alive-in-college-sports-and-its-time-to-realize-that-free-agency-has-arrived/>

³⁷ Williams, Justin. “House v. NCAA settlement granted preliminary approval, bringing new financial model closer.” *The Athletic*, October 7, 2024, Web. Accessed November 11, 2024. <https://www.nytimes.com/athletic/5826004/2024/10/07/house-ncaa-settlement-approval-claudia-wilken/>

³⁸ Schultz, Nick. “Troy Dannen vows Nebraska will not cut scholarships, sports due to House settlement.” *ON3*, November 7, 2024, Web. Accessed November 14, 2024. <https://www.on3.com/college/nebraska-cornhuskers/news/troy-dannen-nebraska-will-not-cut-scholarships-sports-house-v-ncaa-settlement/>

with the revenue sharing model, all schools must determine how they will distribute the money. Because there are no current guidelines on how the money must be distributed, it is up to the school's discretion how they want to allocate their resources. However, most schools are sticking to a model that sees 75 percent go to football, 15-20 percent to men's basketball, 5-10 percent to women's basketball, and the remaining funds to Olympic sports (such as track and field, gymnastics, and swimming).³⁹

VII. Roster Limits

On April 7th, Judge Claudia Wilken heard objections to the proposed \$2.8 billion settlement during a final approval hearing. One of the main objections to the settlement is the proposed roster limits that would be enforced. Essentially, sports currently have scholarship limits, which can be allocated in full or partial amounts to a student-athlete. However, the proposed roster limits could cut spots in both revenue and non-revenue generating sports. Judge Wilken described a possible solution of grandfathering in student-athletes who already have a roster spot. However, a final decision has not been reached.⁴⁰

NIL Collectives

Almost immediately after these interim rules were put in place, "collectives" were created at almost every major university. Collectives are third-party for-profit or not-for-profit organizations that serve as the main negotiator between student-athletes and non-education-related compensation. Notably, collectives are independent of the university in which they

³⁹ Merola, Lauren et al. "What's at stake with the House v. NCAA settlement? Goodbye amateurism, hello revenue sharing." *New York Times*, April 7, 2025, Web. Accessed, April 13, 2025. <https://www.nytimes.com/athletic/6256000/2025/04/07/house-v-ncaa-settlement-revenue-sharing-explained/>

⁴⁰ Williams, Justin. House v. NCAA Settlement still on hold as judge expresses optimism for final approval. *New York Times*, April 7, 2025, Web. Accessed, April 13, 2025. <https://www.nytimes.com/athletic/6263102/2025/04/07/ncaa-house-settlement-hearing/?onboarded=true>

serve.⁴¹ The IRS defines these collectives as “structurally independent of a school, yet fund NIL opportunities for the school’s student-athletes.”⁴²

As collectives became a common space for athletes to ink NIL deals, three major types of collectives emerged. The first is a marketplace collective. In this operation, the collective works to build a common space for student-athletes and business organizations to connect and create working relationships. A donor-driven collective is the second type. Boosters and major donors pool money that can be paid to the athletes in exchange for NIL-related services. Lastly, there are dual collectives. This operation offers a combination of both marketplace-related activities as well as opportunities for donors and boosters to support their programs.⁴³

Registration of NIL collectives varies depending on their classification. For example, for-profit NIL collectives are usually registered as an LLC- a limited liability company. Notably, for-profit LLCs are not subject to the same parameters and guidelines regarding reasonable compensation. Similarly, they are not limited in the types of activities they wish to partake in. Endorsement deals and merchandising are not subject to limitations.⁴⁴ On the other hand, there are also tax-exempt NIL collectives. These non-for-profit organizations work to obtain 501(c) (3) tax-exempt status. This results in donors of the collective receiving tax deductions on their contributions. Certain rules exist for collectives that operate under this status. Interaction with

⁴¹ Nakos, Pete. “What are NIL Collective and how do they operate?” *On3*, July 6, 2022, Web. Retrieved November 3, 2024. <https://www.on3.com/nil/news/what-are-nil-collectives-and-how-do-they-operate/>

⁴² “Name, Image, and Likeness (NIL) Collectives.” *Taxpayer Advocate Service*, October 1, 2024, Web. Accessed November 12, 2024. <https://www.taxpayeradvocate.irs.gov/get-help/general/nil/nil-collectives/>

⁴³ Nakos, Pete. “What are NIL Collective and how do they operate?” *On3*, July 6, 2022, Web. Retrieved November 3, 2024. <https://www.on3.com/nil/news/what-are-nil-collectives-and-how-do-they-operate/>

⁴⁴ “Name, Image, and Likeness (NIL) Collectives.” *Taxpayer Advocate Service*, Updated October 1, 2024, Web. Retrieved November 3, 2024. <https://www.taxpayeradvocate.irs.gov/get-help/general/nil/nil-collectives/>

the athletes will include contributions and work-related engagement with other tax-exempt organizations.⁴⁵

While the NCAA, IRS, and other organizations closely define collectives and the work they are allowed or not allowed to partake in, many of the under-the-table operations of NIL collectives remain a mystery. Often, boosters will claim that the ambiguity of the NIL economy is to protect student athletes.⁴⁶ To try and understand how collectives operate at major universities, *The Washington Post* investigated the NIL economy. A team of journalists, through public record law, worked to obtain data on NIL payments between 2021 to July 2024.⁴⁷ The journalists reached out to every major public university seeking documents for all NIL deals, including itemized lists of transactions as well as the amount of the deal, which sport, the funding source, and the service required by the athlete in the contract. Ultimately, most schools denied the request to release information. *The Washington Post* gained access to records from 14 Division 1 public schools. There were four main findings.⁴⁸

- ◆ Disparities in whether — and how — universities maintain or disclose NIL records, make a comprehensive nationwide analysis impossible.
- ◆ How booster “collectives,” run mostly by men, distribute the majority of NIL funds to athletes in men’s sports.
- ◆ Private companies can bankroll publicly funded sports programs with little scrutiny.
- ◆ The majority of NIL payments are small-money deals — less than \$500, and often much smaller.

⁴⁵ “Name, Image, and Likeness (NIL) Collectives.” *Taxpayer Advocate Service*, Updated October 1, 2024, Web. Retrieved November 3, 2024. <https://www.taxpayeradvocate.irs.gov/get-help/general/nil/nil-collectives/>

⁴⁶ Samaha Albert, et al. “The Hidden NIL Economy of College Sports.” *The Washington Post*, October 21, 2024, Web. Accessed October 21, 2024. https://www.washingtonpost.com/sports/interactive/2024/nil-money-deals-college-sports-athlete-pay/?itid=hp-top-table-main_p001_f006

⁴⁷ Samaha Albert, et al. “The Hidden NIL Economy of College Sports.” *The Washington Post*, October 21, 2024, Web. Accessed October 21, 2024. https://www.washingtonpost.com/sports/interactive/2024/nil-money-deals-college-sports-athlete-pay/?itid=hp-top-table-main_p001_f006

⁴⁸ Samaha Albert, et al. “The Hidden NIL Economy of College Sports.” *The Washington Post*, October 21, 2024, Web. Accessed October 21, 2024. https://www.washingtonpost.com/sports/interactive/2024/nil-money-deals-college-sports-athlete-pay/?itid=hp-top-table-main_p001_f006

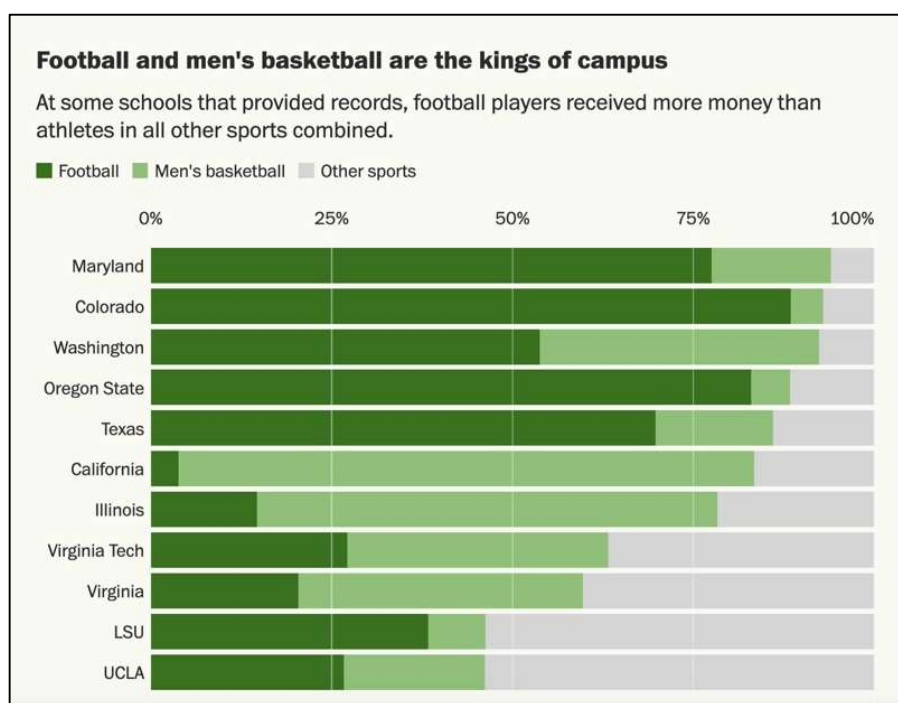
The NCAA prohibits players from being paid directly to play their sport. However, collectives can pay players whatever amount of money they want in return for small tasks. Tasks can include attending a charity event or posting an advertisement on social media.⁴⁹ These collectives are not equal in supporting all sports. For example, UCLA's collective, which up until recently was called the Men of Westwood, only reported football deals, men's basketball, and baseball. Similarly, *The Post* found that at some schools (e.g., Maryland, Washington, California, and Virginia) the men's basketball team had disclosed eight times as much NIL money compared to the women's basketball team. Other schools organized their NIL data based on sport and gender. At these schools, men's sports outperformed women's sports by \$92 million to \$19 million.⁵⁰

Figure 1 illustrates the disparities in NIL earnings across sports for schools that report this data. At these schools, football and men's basketball earned more money than the combined sum of all other sports.

⁴⁹ Samaha Albert, et al. "The Hidden NIL Economy of College Sports." *The Washington Post*, October 21, 2024, Web. Accessed October 21, 2024. https://www.washingtonpost.com/sports/interactive/2024/nil-money-deals-college-sports-athlete-pay/?itid=hp-top-table-main_p001_f006

⁵⁰ Samaha Albert, et al. "The Hidden NIL Economy of College Sports." *The Washington Post*, October 21, 2024, Web. Accessed October 21, 2024. https://www.washingtonpost.com/sports/interactive/2024/nil-money-deals-college-sports-athlete-pay/?itid=hp-top-table-main_p001_f006

Figure 1: NIL Earnings Across Sports (Washington Post)

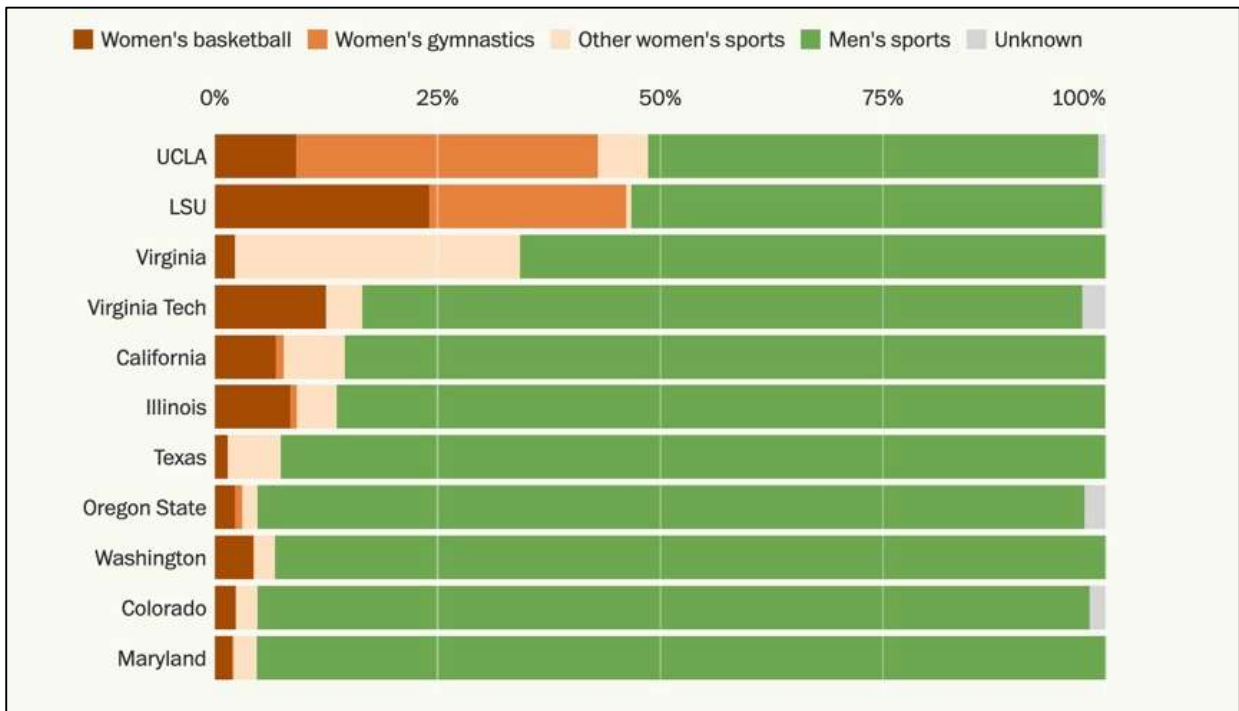


The *Washington Post* found common themes within the gender divide in NIL payments. Men were often more likely to be paid on their potential performance, while women often had to demonstrate they had built strong social media followings before they could receive deals.⁵² Figure 2 shows women's NIL earnings compared to men's at major public universities.

⁵¹ Samaha Albert, et al. "The Hidden NIL Economy of College Sports." *The Washington Post*, October 21, 2024, Web. Accessed October 21, 2024. https://www.washingtonpost.com/sports/interactive/2024/nil-money-deals-college-sports-athlete-pay/?itid=hp-top-table-main_p001_f006

⁵² Samaha Albert, et al. "The Hidden NIL Economy of College Sports." *The Washington Post*, October 21, 2024, Web. Accessed October 21, 2024. https://www.washingtonpost.com/sports/interactive/2024/nil-money-deals-college-sports-athlete-pay/?itid=hp-top-table-main_p001_f006

Figure 2: Women's sports NIL Earnings (Washington Post)



A collective is not the only way that student-athletes can earn money from their NIL. Collectives, however, provide a strong understanding of some of the disparities in how the system is designed.

Current Landscape of NIL

Recruiting/Contracts

One of the major factors in allowing student-athletes to profit off of their NIL is the effect it has on recruitment and the contracts that come with it. Owens et al. (2023) and their colleagues

⁵³ Samaha Albert, et al. "The Hidden NIL Economy of College Sports." *The Washington Post*, October 21, 2024, Web. Accessed October 21, 2024. https://www.washingtonpost.com/sports/interactive/2024/nil-money-deals-college-sports-athlete-pay/?itid=hp-top-table-main_p001_f006

investigated how NIL contracts might impact recruiting. One of the concerns they had was how the new NIL rules might promote an environment where booster dollars had a significant impact on player recruitment.⁵⁴ While they did find that the average dollar amount of NIL deals at the school the prior year is a significant indicator of a recruit's choice, they noted that NIL is in many ways equal to other factors. The authors noted factors such as the school's location and the player's potential fit. Additionally, they noted that NIL deals alone do not appear to cause any large-scale distributions in talent.⁵⁵

In a survey by the LEAD1 association, a majority of athletic directors expressed concerns about using NIL as a means of recruitment.⁵⁶ The issues of NIL in recruitment are not purely hypothetical. For example, Mathew Sluka, the former University of Nevada, Las Vegas (UNLV) quarterback, recently left the program over an NIL dispute that occurred during his recruitment process.⁵⁷ Sluka claimed he was offered \$100,000 to play football at UNLV. The school denied this statement as the offer allegedly given to Sluka was only a verbal agreement.

Title IX

One of the major concerns regarding NIL is how the new revenue-sharing model stemming from *House v. NCAA* will be distributed. Title IX, which was passed in 1972, states

⁵⁴ Owens, Mark, et al. "The impact of name, image, and likeness contracts on student-athlete college choice." *Taylor & Francis*, March 23, 2024, Web. Accessed November 13, 2023. <https://www.tandfonline.com/doi/full/10.1080/00036846.2024.2331425#d1e161>

⁵⁵ Owens, Mark, et al. "The impact of name, image, and likeness contracts on student-athlete college choice." *Taylor & Francis*, March 23, 2024, Web. Accessed November 13, 2023. <https://www.tandfonline.com/doi/full/10.1080/00036846.2024.2331425#d1e161>

⁵⁶ Auerbach, Nicole. "College leaders 'extremely concerned' with NIL collectives' direction: survey." *The Athletic*, May 3, 2022, Web. Accessed November 13, 2024. <https://www.nytimes.com/athletic/3499920/2022/05/04/college-leaders-extremely-concerned-with-nil-collectives-direction-survey/>

⁵⁷ Feldman, Bruce and Mandel Stewart. "\$100,000 or \$3,000? Inside UNLV and Matt Sluka's NIL dispute and what it could mean for college football." *The Athletic*, October 1, 2024, Web. Accessed November 13, 2024. <https://www.nytimes.com/athletic/5803997/2024/10/01/college-football-nil-matt-sluka-unlv-ncaa/>

that “No person in the United States shall, based on sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving financial assistance.”⁵⁸ Catherine Lehamon, the assistant secretary for the Department of Education’s Office for Civil Rights explained that “schools must provide equal athletic opportunities based on sex, including concerning benefits, opportunities, publicity, and recruitment, and must not discriminate in the provision of financial aid.”⁵⁹ Depending on the direction the federal government takes, athletic departments may be forced to make many of these revenue-sharing decisions on their own. It is unclear at this time whether revenue share dollars will be considered financial aid. If they are, it will be required for the money to be distributed based on roster spots.

These concerns have been echoed across the country as the results of *House v. NCAA* loom. The settlement has major Title IX implications. As of right now, it is expected that a majority of the back pay as part of the settlement would go to football and men’s basketball; These sports have generated a majority of the revenue dating back to 2016.⁶⁰ However, it remains unclear what the future payments will look like. Arthur Bryant, a lawyer who has a history of fighting the NCAA on Title IX violations noted that the “N.C.A.A. and the conferences and everybody involved in the settlement need to know... that if the money from these schools is not distributed proportionally to male and females, they’re just asking to be sued.”⁶¹ These concerns are not new. In 2019, the Women’s Sports Foundation found that 80 to

⁵⁸ “Title IX and Sex Discrimination.” *U.S. Department of Education*, 2024, Web. Accessed November 13, 2024. <https://www.ed.gov/laws-and-policy/civil-rights-laws/sex-discrimination/Title-IX-and-Sex-Discrimination>

⁵⁹ Lavigne, Paula and Murphy, Dan. “Title IX will apply to college athlete revenue share, feds say.” *ESPN*, July 16, 2024, Web. Accessed November 13, 2024. https://www.espn.com/college-sports/story/_/id/40567726/title-ix-college-athlete-revenue-share-nil

⁶⁰ Witz, Billy. “With payments to college athletes, another fight looms for women.” *New York Times*, May 29, 2024, Web. Accessed November 13, 2024. <https://www.nytimes.com/2024/05/29/us/payments-college-athletes-women.html>

⁶¹ Witz, Billy. “With payments to college athletes, another fight looms for women.” *New York Times*, May 29, 2024, Web. Accessed November 13, 2024. <https://www.nytimes.com/2024/05/29/us/payments-college-athletes-women.html>

90 percent of all educational institutions are not fully in compliance with Title IX within athletics.⁶²

Issues of possible Title IX violations have been brought to attention at the University of Oregon. In December of 2023, female student-athletes from the women’s volleyball and rowing teams filed a lawsuit in the United States District Court for the District of Oregon alleging the University of Oregon violated Title IX.⁶³ The lawsuit claims that the University failed to provide female athletes with the same equal treatment and benefits as they do with the male athletes. Examples of this included practice space, academic support, scholarships, and NIL opportunities.⁶⁴ The case is currently ongoing.

⁶² “What is Title IX.” *Women’s Sports Foundation*, September 10, 2019, Web. Accessed November 13, 2024. <https://www.womenssportsfoundation.org/advocacy/what-is-title-ix/>

⁶³ “Case: Schroeder v. University of Oregon.” *Civil Rights Litigation Clearinghouse*, December 1, 2023, Web. Accessed November 13, 2024. <https://clearinghouse.net/case/45250/>

⁶⁴ Thomas, Tyrone and Maddie Fenton. “Lawsuit with claim of unequal access to NIL opportunities raises new Title IX concerns.” *Holland and Knights*, December 19, 2023, Web. Accessed November 13, 2024. <https://www.hklaw.com/en/insights/publications/2023/12/lawsuit-with-claim-of-unequal-access-to-nil-opportunities-raises>

Chapter 3: Research Strategy and Methodology

This research seeks to understand the experiences of University of Oregon student-athletes related to NIL. To organize the types of impacts that student-athletes experience, the project focuses on the four areas listed below.

- NIL at the University of Oregon
- NIL and Recruitment
- Inequalities and Barriers with NIL
- NIL and Graduation/Professional Development

The data collected in this research project were qualitative data coming from interview conversations with current University of Oregon student-athletes. The interview questions were formed with the four themes at the forefront. After IRB approval of the interview questions and research project, the next step was to pilot the interviews for clarity and length.

Recruitment of student-athletes for the interviews involved using my connections working in student-athlete academic services at the University of Oregon to reach out to current UO student-athletes. An interview sign-up sheet was distributed, and it included a link with a QR code that allowed student-athletes interested in participating to sign up for an interview. Each participant had the option to hold the interview over Zoom or to have the interview in a tutor room at the OU campus. The interviews were completed in April of 2025. Each interview lasted roughly twenty to thirty minutes and was recorded for transcription purposes.

Five current University of Oregon student-athletes were interviewed. This includes three on the women's lacrosse team and two on the women's track & field team. Conversations were recorded and then transcribed using Otter AI.

After all of the interviews were complete, they were analyzed to observe how the themes of NIL at the University of Oregon, NIL and recruitment, inequalities and barriers with NIL, and NIL and graduation/professional development were similar across all conversations and where there were differences between sports and individuals. The results from each section are described below. Additionally, the interview questions are included in the Appendix of this paper.

Chapter 4: Results

This section of the paper reports on the results from the interviews with the five student-athletes. The results section is divided based on the four themes that this thesis project aimed to explore.

NIL at the University of Oregon

I. Support from the University of Oregon

To start each interview, participants were asked to explain their overall experiences with NIL at the University of Oregon. The goal was to better understand how the university supported them in their NIL endeavors. Participants were asked to explain these experiences.

There was a large range of results from the first part of the interview. For example, some interviewees offered detailed explanations as to what different support networks around NIL look like at the university for incoming student-athletes as well as current student-athletes. However, some of the other conversations were about where student-athletes felt NIL support from the university fell short and what could be done to improve support for future student-athletes at the school.

All five interviewees explained that at the most basic level, the school does provide support in the form of NIL education, workshops, listening sessions, expos, etc. There are ways to learn about NIL, grow one's brand, and be involved in the space altogether. The interview questions aimed to better understand what support looks like at the UO. A lacrosse student-athlete explained what some of these events look like.

“I did a NIL Expo. There was also a Women in Flight event that also talked about NIL. So there's tons of opportunities and support here. And not only just higher up, but other student-athletes have tons of knowledge on it and it's super helpful all around.”

Another point about what support looks like was provided by one of the lacrosse players. She explained to me how student-athletes who are involved in the NIL space can play a crucial role in supporting others who want to be involved in the NIL side of college athletics.

“So I try to encourage other people and teammates and girls from other schools [that are] always asking me, how did you get this? How do you do that? Just got to put the work into it, and honestly bug companies.”

This point was emphasized even further with a track & field athlete. She emphasized the importance of learning how to pitch one's brand to companies. The brand being built is such a key component of the NIL space, but without the knowledge and understanding of how to create a brand, it can be difficult to enter the NIL space. As this student-athlete explained, UO positions student-athletes well in this regard.

“Well, when it [NIL] first came out, they were really helpful with student athletes. They would hold seminars or host networking events, just to you know, teach us about NIL or teach us how to pitch ourselves to a brand.”

However, how student-athletes go about building their brand, positioning themselves well for companies, and entering the NIL space can look vastly different depending on the sport they play. Multiple interviews explained to me that the expectations a company has regarding one's brand may be different based on the sport.

Two of the five respondents expressed concern regarding the type of NIL support that the university provides. One lacrosse player explained that there is a great opportunity for

positioning some of the workshops and NIL events for student-athletes who need support in taking the first step in building a brand.

“Okay, I will say this about the University of Oregon: they did teach me that you have to build your brand. That's what's really going to get you the deals and make companies want to work with you. Because, and I feel like it's different for every sport, because football, you're a football player, you probably don't have to build your brand that big to get a deal. But a smaller sport like track or acro & tumbling, or something like that, it does matter.”

Results from this section indicate that while there is a strong level of support that student-athletes receive around NIL in the form of workshops and events, there is also an opportunity for more tailored support depending on where the student-athletes are starting from.

II. NIL Deals

In this section, participants were asked to share how they came across NIL deals and any strategies that were used in building their brand. This helped to answer the research questions regarding the first theme of *NIL at the University of Oregon*.

Of the five interviews conducted, two of the interviewees expressed having been involved in either current or past NIL deals with brands. The common theme around both of the respondents was the role that communicating with the brand played in building those relationships, and ultimately having NIL deals.

“My first couple deals, I just learned to DM. I DM'd brands, and I just kind of was like, Hey, I'm a student athlete at the University of Oregon, if you would like, I would be interested in collaborating in any way.”

Both student-athletes explained to me the importance of being willing to put yourself out there to brands and continue to reach out every single day. A lacrosse player interviewed reiterated this same sentiment.

“It doesn't work if you don't put the work into it. If you sit there and email companies and bug them and DM them with handwritten letters. I mean, I do handwritten letters, emails, and DMS, and if a company is like, Oh, we're not looking to work with athletes at this time, I'll check in in two months and send another handwritten letter and DM them an email.”

The next thing the interview aimed to explore was what went into deciding which NIL deals to pursue and how a student-athlete can go about positioning their brand to not only what the companies are looking for but also how they wish to portray themselves. The lacrosse player explained how social media, and specifically Instagram, can play a crucial role in deciding which NIL deals to take on.

“I have some local, I have some bigger companies that I'm currently working with right now. I try; this is terrible, but I try to do stuff where I don't have to post too many things on Instagram. But that's starting to change. So everything's in the changing process right now of how things will run on my Instagram and other social media. So that will change a lot of other deals that I take.”

After talking about what NIL deals look like, the next goal of the interviews was to gain a stronger understanding of how student-athletes just starting their college careers can get involved in the NIL space. One of the track & field athletes explained to me that there are apps that can help support student-athletes find NIL deals that match their brand interests.

“They [UO] would recommend apps. There's this app called 98Strong and this app called Opendorse, and we have lists of just deals on there with brands that are like, we're looking for athletes to do this, This is the pay, and this is what you'd have to do. And so that's pretty much where I started.”

While only two of the five interviewees were actively involved in NIL deals, the other three interviewees explained that not being involved in the NIL space was their choice. This was either because this was their first season as student-athletes and they wanted to get their feet on the ground first, or because they had energy going into lots of other spaces, and NIL was not something they wished to be involved in.

“I’ve been reached out by a couple people to do [NIL deals], and I just don’t know what I want to do, and with the time commitment. I was trying to figure out my first college year first. I’m sure I will get into it soon, especially next year once I’m fully in the swing of things.”

While being a first-year student-athlete who was simply not ready to enter the NIL space was one reason interviewees expressed not having NIL deals, there was another reason as well, such as wanting to simply be a student-athlete. A track & field athlete explained that being a brand was not an interest of hers. She came to the University of Oregon to run track and study, and that was what she wanted to put her energy into.

“I already feel like I have lots of lots of energy at other places putting my time and stuff. So I felt that I only wanted to have the NIL people, and their deals reach out to me. And if that was the case, then I would do something about it... I’m not here to try to make this brand look awesome. And I think that having the NIL stuff happen second is awesome. I just think that I wouldn’t have time personally... I’m not a business, I’m not a brand, I’m a runner, and I don’t want to have it take away from, my life authenticity.”

The results from this section indicate that for student-athletes who have NIL deals and are hoping to work with brands, constant communication is a key factor in the process. However, results show that there are a variety of reasons why student-athletes might not have NIL deals.

NIL & Recruitment

The second theme this study aimed to investigate was the role NIL may have in the recruitment process of student-athletes. Interview questions aimed to better understand if NIL was a topic of conversation during visits, a reason why a student-athlete might consider a certain school, or any other resources or insights around NIL student-athletes were provided as they took on the college recruitment process.

After sitting down for conversations with five student-athletes, the results from the conversations around how strong a factor NIL played during the recruitment process were mixed. Overall, it was made clear to me that none of the student-athletes who were interviewed were provided NIL deals to come complete for the University of Oregon. However, there were other ways that NIL factored into recruitment. In conversations with student-athletes, two common themes emerged. The first was that during the recruitment process, the topic of NIL came up concerning how the university can support student-athletes in their NIL endeavors. The second theme from the conversations was that NIL was not discussed in the recruitment process, and it played no role and the decision to come compete for the University of Oregon.

Two of the five interviewees explained that NIL was discussed regarding how the university can support student-athletes. One of the track & field athletes explained that she recognized very early on how the University of Oregon brand could be leveraged to support her NIL earnings.

“When I was getting recruited and NIL was foreign that it wasn't even a factor in my brain. I just knew that the program was really respected and that I was going to be able to get myself visibility outside of just the track world. And so it kind of tied into building my brand.”

This idea of NIL support was reiterated during a conversation with one of the Oregon lacrosse players. She discussed how during her recruitment process, coaches explained what support networks would exist here at the school involving NIL.

“When I got in the portal and came here, the coaches were talking about oh, our team doesn't really have any deals. But there's other athletes here that do have deals. They weren't saying oh no you can't do it, but like, they brought it up. But that was it. And no one ever really brought it up again.”

Overall, the experiences that student-athletes expressed in the first section of the interview were reiterated by coaches during the recruitment process of future student-athletes.

While this was the sentiment that two of the student-athletes expressed, the three other interviewees explained that NIL was not a topic at all during the recruitment process. Furthermore, in speaking with a lacrosse player, she explained that the level of NIL discussion during a recruiting visit largely depends on the sport one plays.

“I got recruited here in 2022, so obviously NIL was not really a huge thing, especially for women's lacrosse. I feel like it's still not a huge part of our transfer portal or being recruited.”

A third topic of conversation that emerged from the section of the interview around recruitment, and was also prevalent in other parts of the interview as well, was the overall purpose of NIL in college athletics. One lacrosse player explained that she is here to play college lacrosse, not focus her energy on NIL.

“I wouldn't necessarily only come to a school because they want to pay me. So I do understand it, and it's a way to attract people. But, if you're only willing to go to a school based on how much they pay you, then I think that defeats the purpose a little bit. The main goal is to play the sport.”

Inequalities & Barriers with NIL

The third theme the interviews aimed to explore was whether or not student-athletes experienced any inequalities or barriers within the NIL space. Participants were asked to talk about any experiences they might have gone through and why they think those barriers/inequalities existed.

All of the interviewees explained that they had encountered inequalities with NIL. All of the inequalities/barriers that were described in the interviews stemmed from the sport one played. Student-athletes noted a double standard that social media had on factoring into student-athletes' ability to generate NIL deals. They said that the sport one played had a significant impact on a student-athlete's ability to build their brand, work with companies, and thrive in the NIL space. Additionally, the sport a student-athlete plays impacts the level of support they receive in the NIL space. In conversations with two of the lacrosse players, they explained some of the difficulties of being a women's lacrosse player and being involved in the NIL world.

“Look, I know probably five girls between me, [another player], who used to go here, that now goes to Florida State, and three other girls that go to different schools, that have deals. Other than that, I don't really know many people that are getting a deal more than \$50.”

This theme of being at a disadvantage because of the sport a student-athlete plays was expressed in a conversation with another lacrosse player as well.

“Yeah well I think women's lacrosse is definitely not the biggest sport out there. And so I think that just puts us at a disadvantage, because it's not one of the sports.”

Another inequality/barrier that stemmed from the sport an athlete plays was the double standard of social media. For example, during one conversation, an interviewee explained that

within the track & field community, it can be difficult to generate brand relationships and build ones NIL portfolio without having a strong social media presence. This student-athlete explained the double standard that this can play when comparing her barriers to those of a basketball or football player who may be able to work with brands even without a significant social media platform.

“I feel like there's definitely a lot more pressure on track & field athletes to have more followers in order to get those deals. And then it's hard to see, like, you know, football players who are verified with like 200 followers getting a big deal. And you're like, how did that happen? You know? But it's just because they play football. Football's a more lucrative sport.”

The second type of inequality/barrier that existed came from the level of support student-athletes might receive based on the sport they play. For example, a track & field athlete explained to me that she was working with a brand promoting their products, until all of a sudden, communication with the brand was completely shut off. She stopped hearing anything about the product campaigns they were working on. In her opinion, being a track & field athlete might have hindered her from support that could have helped her navigate this situation with the brand.

“Yeah I mean I think that the fact that I feel like it is a very personal experience, where I was existing in an NIL deal, and I had this form of revenue that was coming in from doing these brand deals. And then the fact that being almost, I guess, ghosted by this process, I feel like if I was in the position of maybe a football player or basketball player I don't know that it would be as simple as just having communication cut off. I feel like there might be resources to give more explanation. Or be like here's what you can do instead. Or I think in that sense, I would imagine that's a portion of the imbalance in support for maybe track and field athletes.”

The results from this section indicated that all of the inequalities/barriers that were described in the interviews stem from the sport that an athlete plays. However, the sport

they play is only the basis for how you are affected by social media and varying levels of support.

NIL & Graduation/Professional Development

The last theme explored was whether there was any role NIL might play in professional development. For example, did it affect student-athletes choosing to remain in college if they still had eligibility after graduating, or did being involved in the NIL space build any relationships with brands that could be extended beyond the student-athletes' time in college? After talking with student-athletes about these questions, it was clear that the role NIL has in one's professional development and college career is largely sport-dependent. One of the lacrosse players explained this to me very succinctly.

“Other sports, 1,000 percent, women's lacrosse? No.”

This is largely a result of the limited number of NIL deals that are currently present in women's lacrosse. There is not enough money in the NIL deals for athletes to choose to return to college purely for the reason of NIL. However, a track & field athlete explained that NIL played a small factor in her decision to return for a fifth year of school and compete at the college level.

“Staying because I want to keep making NIL and you know, that's a lot of reason that I did it too, because I'm not ready to go into the job market. I'm not that prepared, and I want to get my grad degree too.”

One of the other goals of the interviews was to better understand what types of NIL deals are the ones that can be leveraged for professional development. Another track

& field athlete explained to me that, in reality, only the large brand deals have professional development implications.

“Yeah, I think that, like I said, with the kind of bigger brand deals, I think those are the best opportunity from a sports perspective for professional opportunities.”

All five student-athletes interviewed expressed that the professional development that NIL can have is largely dependent on the sport. For high-revenue sports and student-athletes with substantial NIL deals, there is greater incentive to remain in college. But for student-athletes with either small NIL deals or none at all, there may be less reason for student-athletes to remain in college fully because of NIL.

Chapter 5: Discussion Going Forward

The goal of this thesis project was to better understand how NIL has affected University of Oregon student-athletes. The aim was to answer this question through the lens of the four categories that have been described throughout this paper: NIL experiences, NIL and recruitment, inequalities and barriers, and graduation/professional development. Key takeaways from the results section are described below.

Key Takeaways:

I. NIL at the University of Oregon

The results from the research study indicate that there are key strengths in how University of Oregon student-athletes experience and receive support around NIL. There are informational sessions, expos, and support from other student-athletes on how to navigate the NIL landscape.

There are also opportunities for growth in how the university can support its student-athletes. While all student-athletes' interviews explained that the University of Oregon provides support regarding NIL, moving forward, student-athletes will be better served by receiving more support around how to build an NIL brand from the beginning. This is especially the case for student-athletes in non-revenue sports that do not receive the same attention as football and basketball.

II. NIL and Recruitment

Results from this section were far-ranging. Student-athletes spoke about how, when being recruited, there were discussions about how the UO would support their NIL endeavors or how

the UO brand could be leveraged in the NIL market. Other student-athletes talked about how their interest was to play college sports and not choose where to play based on potential NIL earnings.

III. Inequalities and Barriers in NIL

Providing tailored support to student-athletes outside the major sports (football, basketball, and baseball) will help lessen some of the sport-based barriers that student-athletes have experienced around NIL.

IV. Graduation and Professional Development

There is little role that NIL plays in terms of professional development within women's lacrosse. Conversations with track & field athletes indicated that NIL may play a minor role in this theme. This research cannot speak to the effect NIL may have on other sports, in terms of professional development.

These takeaways are important to take into consideration, especially when considering how they compare to past literature. For example, in the *Washington Post* story that aimed to explore the inner workings of the NIL economy, the authors found that oftentimes student-athletes in women's sports needed to have strong social media presences and branding, while male student-athletes were often given more NIL deals based on their potential performance. If this continues to be the case, student-athletes at the University of Oregon will further benefit from support on how to build a brand from scratch and how to thrive in the NIL space when they are not part of one of the major sports.

The next step in building on this research could be to see where the support given to student-athletes at the University of Oregon is similar to other Power 4 schools and where there are clear differences. Additionally, it will be interesting to see if these four themes generate different answers five years from now, when NIL will have been in place with clear policies and standards set in place.

Moving Forward

Student-athletes' experiences around NIL will strengthen with some of these changes being made. And more importantly, at a time in college athletics where new policies are being implemented often around NIL, the transfer portal, and roster sizes, it will be important for schools and the NCAA to listen to how their student-athletes are being impacted and what can be done to support them.

As of the beginning of May 2025, the *House vs. NCAA* settlement remains yet to be officially approved. Judge Claudia Wilken recently threatened to not approve the antitrust settlement without the NCAA changing its policy around roster limits for teams. The NCAA has repeatedly pushed for the immediate implementation of roster limits, which would result in many student-athletes losing their spot on teams. Judge Wilken has suggested that the NCAA reshape its policy to "grandfather in" student-athletes already on rosters.⁶⁵

In a letter, Judge Wilken wrote, she explained that "Those class members will be harmed because their roster spot will be or has been taken away as a result of the immediate implementation of the settlement agreement."

⁶⁵ Sabin, Joe. "NCAA Refusal to Budge on Roster Limits Puts House Settlement at Risk." *Forbes*, April 25, 2025, Web. Accessed, April 27, 2025. <https://www.forbes.com/sites/joesabin/2025/04/25/ncaa-refusal-to-budge-on-roster-limits-puts-house-settlement-at-risk/>

If the settlement agreement is approved, the NCAA will pay roughly \$2.8 billion in damages to current and past student-athletes. This settlement will also result in schools having the ability to directly pay student-athletes, with each school being capped at roughly \$20.5 million per year.⁶⁶

After Wilken's recent admission that changes to the settlement must be made for her to approve it, the NCAA and power conferences stated that they were reviewing the order and working to submit a new proposal to get the settlement passed.⁶⁷ It remains to be seen what the result will be. Regardless of the decision, NIL is here to stay.

⁶⁶ Murphy, Dan. "Judge Delays House Settlement Approval Over Roster Limits." *ESPN*, April 23, 2025, Web. Accessed, April 27, 2025. https://www.espn.com/college-sports/story/_/id/44823761/judge-delays-house-settlement-approval-roster-limits

⁶⁷ Christovich, Amanda. "The House Settlement is in Jeopardy. Her's What it will Take to Save It." *Fron Office Sports*, April 27, 2025, Web. Accessed, April 27, 2025. <https://frontofficesports.com/what-it-will-take-to-save-landmark-house-ncaa-settlement/>

Chapter 7: Appendix

Interview Questions

Introduction

1. What sport do you play?
2. How familiar are you with Name, Image, and Likeness with respect to college athletics?

NIL at the University of Oregon

3. Explain to me any experiences you have had at the University of Oregon regarding Name, Image, and Likeness (NIL). If you have not been involved with NIL, can you explain why you think that might be?
4. I am hoping to better understand how student-athletes at the University of Oregon come across NIL deals. If you have an NIL deal, did you get this through the UO collective? A third party? Through an agency that you work with?
5. NIL is very new in college athletics. I am eager to learn about what UO has done to support you regarding NIL. If you have not found support, can you explain to me what you think is missing in the support network?

NIL and Recruitment

6. I want to know what role NIL plays in recruitment. Did NIL affect your recruitment process or decision to come to the University of Oregon?
7. Did the topic of NIL come up during recruiting conversations with coaches when you were being recruited?

Inequalities and Barriers

8. I am eager to hear about any inequalities and barriers you may have experienced in the age of NIL. Have you found barriers to using your NIL to earn money based on the sport you play?
9. Have you found NIL deals to be determined based on the production of an athlete in their sport? Are there other additional factors that impacted the availability of NIL deals, such as social media following?

10. Are there any other barriers or inequalities you have experienced or found common among other athletes regarding NIL?

Graduation/Professional Development

11. My last question relates to a possible correlation between NIL and college graduation. Do you think that NIL can play any role in an athlete's decision to stay in college versus forgoing eligibility to play professionally or pursue other opportunities?

Chapter 6: Bibliography

- Mandel, Stewart. "College football conference realignment timeline: 124 years of drama, money and bitterness." *The Athletic*, July 14, 2023, Web. Accessed November 11, 2024. <https://www.nytimes.com/athletic/4662822/2023/07/14/college-football-conference-realignment-history/>
- Hosick, Michelle. "NCAA adopts interim name, image, and likeness policy." NCAA, June 30, 2021, Web. Accessed November 11, 2024. <https://www.ncaa.org/news/2021/6/30/ncaa-adopts-interim-name-image-and-likeness-policy.aspx>
- Thompson, Taylor. "Maximizing NIL Rights for college athletics." University of Iowa, 2022, Web. Accessed November 11, 2024.
- Klein, Christopher. "How Teddy Roosevelt saved football." *History*, July 21, 2019, Web. Accessed November 11, 2024. <https://perma.cc/B5S6-YKT7>
- "The Sanity Code." Sports Conflict Institute, Web. Accessed November 11, 2024. <https://sportsconflict.org/the-sanity-code/>
- Andy Schwarz. "The NCAA has always paid players; now it's just harder to pretend they don't." *Deadspin*, August 29, 2015, Web. Accessed November 11, 2024.
- Thompson, Taylor. "Maximizing NIL Rights for college athletics." University of Iowa, 2022, Web. Accessed November 11, 2024.
- Sara Coello. "What is NIL in College Sports? How do athlete deals work?" ESPN, September 26, 2024, Web. Accessed December 1, 2024. https://www.espn.com/college-sports/story/_/id/41040485/what-nil-college-sports-how-do-athlete-deals-work
- "NCAA v. Board of Regents of the University of Oklahoma, 468 U.S. 85 (1984). Justia, Web. Accessed November 8, 2024. <https://supreme.justia.com/cases/federal/us/468/85/>
- "Sherman Anti-Trust Act (1890). National Archives, Web. Accessed November 8, 2024. <https://www.archives.gov/milestone-documents/sherman-anti-trust-act>
- "Bloom v. National Collegiate Athletic Association (2004)." FindLaw, Web. Accessed November 11, 2024. <https://caselaw.findlaw.com/court/co-court-of-appeals/1034414.html>
- Jessop, Alicia, et al. "Charting a new path: Regulating college athlete name, image, and likeness after NCAA v. Alston through collective bargaining." *Journal of Sports Management*, 2023, Web. Accessed October 21, 2024.
- Liptack, Adam, and Blinder, Alan. "Supreme Court Back payments to student athletes in NCAA case." *New York Times*, June 21, 2021, Web. Accessed November 11, 2024. <https://www.nytimes.com/2021/06/21/us/supreme-court-ncaa-student-athletes.html>

- “The NCAA adopts interim name, image, and likeness policy.” NCAA, Web. Accessed November 11, 2024. <https://www.ncaa.org/news/2021/6/30/ncaa-adopts-interim-name-image-and-likeness-policy.aspx>
- Williams, Justin. “House v. NCAA settlement granted preliminary approval, bringing new financial model closer.” The Athletic, October 7, 2024, Web. Accessed November 11, 2024. <https://www.nytimes.com/athletic/5826004/2024/10/07/house-ncaa-settlement-approval-claudia-wilken/>
- Armato, Leonard. “Pay for play is alive in college sports, and free agency has arrived.” Forbes, December 20, 2022, Web. Accessed December 1, 2024. <https://www.forbes.com/sites/leonardarmato/2022/12/16/pay-for-play-is-alive-in-college-sports-and-its-time-to-realize-that-free-agency-has-arrived/>
- Schultz, Nick. “Troy Danner vows Nebraska will not cut scholarships, sports due to House settlement.” ON3, November 7, 2024, Web. Accessed November 14, 2024. <https://www.on3.com/college/nebraska-cornhuskers/news/troy-danner-nebraska-will-not-cut-scholarships-sports-house-v-ncaa-settlement/>
- Samaha Albert, et al. “The Hidden NIL Economy of College Sports.” The Washington Post, October 21, 2024, Web. Accessed October 21, 2024. https://www.washingtonpost.com/sports/interactive/2024/nil-money-deals-college-sports-athlete-pay/?itid=hp-top-table-main_p001_f006
- Nakos, Pete. “What are NIL Collective and how do they operate?” On3, July 6, 2022, Web. Retrieved November 3, 2024. <https://www.on3.com/nil/news/what-are-nil-collectives-and-how-do-they-operate/>
- “Name, Image, and Likeness (NIL) Collectives.” Taxpayer Advocate Service, October 1, 2024, Web. Accessed November 12, 2024. <https://www.taxpayeradvocate.irs.gov/get-help/general/nil/nil-collectives/>
- Nakos, Pete. “What are NIL Collective and how do they operate?” On3, July 6, 2022, Web. Retrieved November 3, 2024. <https://www.on3.com/nil/news/what-are-nil-collectives-and-how-do-they-operate/>
- “Name, Image, and Likeness (NIL) Collectives.” Taxpayer Advocate Service, Updated October 1, 2024, Web. Retrieved November 3, 2024. <https://www.taxpayeradvocate.irs.gov/get-help/general/nil/nil-collectives/>
- Web. Accessed November 13, 2023. <https://www.tandfonline.com/doi/full/10.1080/00036846.2024.2331425#d1e161>
- Owens, Mark, et al. “The impact of name, image, and likeness contracts on student-athlete college choice.” Taylor & Francis, March 23, 2024, Web. Accessed November 13, 2023. <https://www.tandfonline.com/doi/full/10.1080/00036846.2024.2331425#d1e161>

- Feldman, Bruce, and Mandel Stewart. "\$100,000 or \$3,000? Inside UNLV and Matt Sluka's NIL dispute and what it could mean for college football." *The Athletic*, October 1, 2024, Web. Accessed November 13, 2024. <https://www.nytimes.com/athletic/5803997/2024/10/01/college-football-nil-matt-sluka-unlv-ncaa/>
- Auerbach, Nicole. "College leaders 'extremely concerned' with NIL collectives' direction: survey." *The Athletic*, May 3, 2022, Web. Accessed November 13, 2024. <https://www.nytimes.com/athletic/3499920/2022/05/04/college-leaders-extremely-concerned-with-nil-collectives-direction-survey/>
- "Title IX and Sex Discrimination." U.S. Department of Education, 2024, Web. Accessed November 13, 2024. <https://www.ed.gov/laws-and-policy/civil-rights-laws/sex-discrimination/Title-IX-and-Sex-Discrimination>
- Lavigne, Paula and Murphy, Dan. "Title IX will apply to college athlete revenue share, feds say." *ESPN*, July 16, 2024, Web. Accessed November 13, 2024. https://www.espn.com/college-sports/story/_/id/40567726/title-ix-college-athlete-revenue-share-nil
- Witz, Billy. "With payments to college athletes, another fight looms for women." *New York Times*, May 29, 2024, Web. Accessed November 13, 2024. <https://www.nytimes.com/2024/05/29/us/payments-college-athletes-women.html>
- "What is Title IX?" Women's Sports Foundation, September 10, 2019, Web. Accessed November 13, 2024. <https://www.womenssportsfoundation.org/advocacy/what-is-title-ix/>
- "Case: Schroeder v. University of Oregon." Civil Rights Litigation Clearinghouse, December 1, 2023, Web. Accessed November 13, 2024. <https://clearinghouse.net/case/45250/>
- Thomas, Tyrone, and Maddie Fenton. "Lawsuit with claim of unequal access to NIL opportunities raises new Title IX concerns." *Holland and Knights*, December 19, 2023, Web. Accessed November 13, 2024. <https://www.hklaw.com/en/insights/publications/2023/12/lawsuit-with-claim-of-unequal-access-to-nil-opportunities-raises>
- "How the Supreme Court Broke the NCAA's lock on T revenue." *Fast Company*, March 3, 2024, Web. Accessed December 1, 2024. <https://www.fastcompany.com/91065686/supreme-court-ncaa-tv-revenue>
- McLeod, Alex. "O'Bannon v. NCAA." *American University Business Law Review*, 2024, Web. Accessed December 2, 2024. <https://aublr.org/2015/11/obannon-v-ncaa/>
- "NCAA adopts interim name, image, and likeness policy." *NCAA*, June 30, 2021, Web. Accessed November 11, 2024. <https://www.ncaa.org/news/2021/6/30/ncaa-adopts-interim-name-image-and-likeness-policy.aspx>

“What we do.” Opendorse, 2024, Web. Accessed December 3, 2024.
<https://opendorse.com/about/>

Drape, Joe, and McCann, Allison. In College Sports’ big money era, here’s where the dollars go.” New York Times, August 31, 2024, Web. Accessed December 3, 2024.
<https://www.nytimes.com/interactive/2024/08/31/business/nil-money-ncaa.html>

Williams, Justin. House v. NCAA Settlement still on hold as judge expresses optimism for final approval. New York Times, April 7, 2025, Web. Accessed, April 13, 2025.
<https://www.nytimes.com/athletic/6263102/2025/04/07/ncaa-house-settlement-hearing/?onboarded=true>

Sabin, Joe. “NCAA Refusal to Budge on Roster Limits Puts House Settlement at Risk.” Forbes, April 25, 2025, Web. Accessed, April 27, 2025.
<https://www.forbes.com/sites/joesabin/2025/04/25/ncaa-refusal-to-budge-on-roster-limits-puts-house-settlement-at-risk/>

Murphy, Dan. “Judge Delays House Settlement Approval Over Roster Limits.” ESPN, April 23, 2025, Web. Accessed, April 27, 2025. https://www.espn.com/college-sports/story/_/id/44823761/judge-delays-house-settlement-approval-roster-limits

Christovich, Amanda. “The House Settlement is in Jeopardy. Here’s What it will Take to Save It.” Fron Office Sports, April 27, 2025, Web. Accessed, April 27, 2025.
<https://frontofficesports.com/what-it-will-take-to-save-landmark-house-ncaa-settlement/>