

The “Student” Athlete Dilemma at Major Universities



By Lloyd Pierre-Louis, J.D.

For years, student-athletes at major universities and colleges as well as the National Collegiate Athletic Association (NCAA) have wrestled over the control of education, schedules and money generated by major athletics. Currently, the NCAA and universities share a few billion dollars generated from college football, and both men and women basketball revenues, while the athletes get a scholarship – a “free” education.

However, the National Labor Relations Board (NLRB) decided in March of this year that football players at Northwestern University were now

considered “employees,” giving them authority to unionize.¹ The decision illuminated that, in exchange for tuition, meals, room and board, the “students” must spend 50–60 hours per week in football related activities during training camp, dropping to 40–50 hours per week during the regular season,² and have a relationship with universities more akin to employer-employee.

These activities are beyond academic time, team study halls and traditional student studies. But the NLRB decision prompted Ohio lawmakers to approve a bill amendment that ensures Ohio’s student-athletes are not considered employees.³

So are they students seeking higher education or employees earning profits for university employers and themselves? These two theories seem like a hybrid.

The NCAA reportedly will distribute nearly \$200 million generated this year from broadcasting contracts to top-tier conferences participating in its basketball tournament,⁴ and will reap millions more from bowl games and commercial use of athlete names, images and likenesses.⁵ These students participate during the traditional academic year.⁶

Current and former student-athletes in revenue-generating sports⁷ have raised issues concerning

passive dissuasion from attending classes in their preferred academic majors,⁸ obtaining degrees in limited-value majors,⁹ long-term healthcare and, yes, obtaining a piece of the money that they help generate.¹⁰ Other reports have highlighted academic improprieties and pressure by universities to keep these types of students eligible.¹¹ Despite this, these athletes in large part, are earning valuable degrees from reputable institutions while being spared from the student loans saddling today’s traditional college student.

These issues are legally complex and there is no easy solution for the NCAA, universities and student-athletes. They and the viewing public are in it together, and need to have a serious dialogue rather than a dictatorial resolution.

¹Northwestern University is appealing the decision, and the players’ vote results is sealed pending appeal.

²Northwestern University v. College Athletes Players Ass’n, U.S.N.L.R.B. Case No. 13-RC-121359, p. 6. Activities include games, practices, weight training, film study, medical treatment, and media response. According to the opinion, the off-season schedule is just as grueling.

³130th G.A., Am.Sub.H.B.483, (Amendment HCO548); pending in Ohio Senate.

⁴Forbes.com, “How a Single NCAA Tournament Win is Worth \$1.6 Million”, March 20, 2014. Additionally, the NCAA’s \$10 billion broadcasting deal for its basketball tournament has been widely publicized.

⁵In re NCAA, supra.

⁶Clearly, there are hours also spent during winter and summer breaks when classes are traditionally over.

⁷College football and men’s basketball are generally considered the revenue generating sports, which support athletics and Title IX obligations of major Division 1 universities.

⁸Id. at 11 (then-senior quarterback Kain Colter pursued psychology rather than pre-med due to football schedule conflicts with classes)

⁹HBO Real sports with Bryant Gumbel, “Gaming the System”.

¹⁰In re NCAA Student-Athlete name & Likeness Licensing Litigation (Apr. 11, 2014), U.S.Dist.Ct., N.D.Ca., Case No. C 09-1967 CW, Wilkin, C.J.

¹¹HBO Real sports with Bryant Gumbel, “Gaming the System”.

Lloyd Pierre-Louis is a director at Kegler, Brown, Hill + Ritter focusing his practice on government affairs and civil litigation. With more than 15 years of experience, Lloyd has served as majority caucus counsel for the Ohio House of Representatives in which he advised legislative members and staff on legislation, ethics and employment matters, and negotiated with the Senate and executive branch agencies. In 2013, he was recognized as Who’s Who in Black Columbus.

Achievements of FCCS Youth Recognized with Scholarships

By Marion Thompson

Two young people involved with Franklin County Children Services have overcome difficult circumstances to achieve their academic goals and plan for promising futures. One aspires to be an entrepreneur, while the other hopes to become a veterinarian.

Each was recently awarded a college scholarship through the agency.



Joshua Hatch received the Jack Donahue College Scholarship

One word that describes Joshua Hatch is “ambitious.” He has plans for the future that include receiving a bachelor’s degree in management and

hospitality and a master’s degree in business, as well as opening his own large-scale restaurant.

Joshua has been busy preparing himself to reach these goals. He will soon graduate from Centennial High School and receive a culinary certificate from The Columbus Downtown High School. He also completed an internship with The Explorer Club Restaurant and now holds a part-time job with White Castle. Joshua has also been involved in the Project Mentor, It Takes a

Village, and 100 Black Men mentoring programs, as well as the Ohio Youth Advisory Board. This busy and hard working young man has been accepted at Wright State University, where he will take part in the Independent Scholars Program.

Joshua is determined to overcome the challenges he’s faced throughout his childhood and make his dreams come true. “With my own sweat and tears, I’ll do what it takes to get where I want to be,” he said.



Elizabeth Saultz received the Alvin Hadley UNCF College Scholarship

Elizabeth Saultz intends to be the first college graduate in her family and is on her way toward reaching that goal. She has maintained a 3.5 cumulative grade

point average, while working a part-time job and has been accepted by The Ohio State University at Newark and Morehead State University. Because of her love of animals, Elizabeth plans to major in veterinary science and become a veterinarian.

Another important goal for Elizabeth is to inspire others, especially those who may feel discouraged by the difficulties they’ve

experienced. She said, “I plan to set an example for my younger siblings and children with backgrounds similar to mine, so that they will be able to look at me and say, ‘she did it and so can I.’ All it takes is hard work.”

The scholarships were awarded during the 20th annual Child Abuse Prevention Breakfast, sponsored by Franklin County Children Services and its Citizens Advisory Committee on April 16.

Children Services is the public agency mandated by federal and state law to ensure that our community’s children are safe and well cared for. We provide protection, care and permanency for children who are abused, neglected or dependent. By being in partnership with more than 100 agencies and organizations, and with the help of over 700 employees, 500 kinship families, 200 adoptive families, 500 volunteers and mentors and hundreds of community foster parents, the agency is committed to making sure that every child has a safe and stable home. Children Services social workers and support staff work to build stable and supportive living settings for young people, strengthen family life and assist parents in meeting their responsibilities to their children. FCCS receives approximately 30,000 referrals annually through our **24-Hour Child Abuse Hotline — (614) 229-7000.**

For more information, see our website at www.franklincountyohio.gov/children_services