

SENATE RESOLUTION 22

By Kelsey

A RESOLUTION relative to the compensation of student athletes at the collegiate level.

WHEREAS, lack of compensation of student athletes at the collegiate level is a fundamental violation of the free-market principle of economic liberty; and

WHEREAS, the compensation of student athletes at the collegiate level is an important civil rights issue of this generation; and

WHEREAS, in this, the 21st century, many collegiate student athletes, especially those playing football and men's basketball, are little more than indentured servants, unpaid by the universities and athletic departments for which they generate millions of dollars in revenue, but prohibited from plying their talents in a free market by the anti-competitive labor rules of the National Collegiate Athletic Association (NCAA), the National Basketball Association (NBA), and the National Football League (NFL); and

WHEREAS, in short, a bachelor's degree is a significant achievement and a useful tool in American society, but a free college education does not adequately reimburse student athletes for their labors, upon which universities and conferences build multi-million dollar programs and facilities, award multi-million dollar contracts to coaches and administrators, and negotiate multi-billion dollar media rights contracts with television, radio, and internet networks; and

WHEREAS, in *Bannon v. NCAA*, student athletes won a pyrrhic victory when the U.S. Court of Appeals for the Ninth Circuit found certain NCAA amateurism rules violated federal antitrust law via a conspiracy of member schools and conferences to deny men's basketball and football players the monetary value of their names, images, and likenesses when used for commercial purposes even years after they had left school; however, the court rejected

substantial remedies for such violation and left the NCAA's controversial "amateurism" system in place; and

WHEREAS, in a similar ruling in favor of the status quo of amateur athletics that no longer reflects reality, the National Labor Relations Board refused to accept jurisdiction over a petition to unionize Northwestern University's scholarship football players; and

WHEREAS, more recently, a college basketball player's professional career and future income were threatened by the NBA's so-called "one and done" rule, which prohibits most graduating high school players from entering the NBA Draft and thus effectively forces such athletes to play at least one year of college basketball when Zion Williamson of Duke University suffered a knee sprain in a game versus the University of North Carolina, many basketball pundits and fans were angered at the potential damage to his future NBA career; with the "one and done" rule, the NBA tacitly endorsed the NCAA's outdated concept of amateurism to restrict the career and earnings of a young man who should already be making millions of dollars as one of the best young players in the league, with potentially disastrous results; and

WHEREAS, the Power Five conferences' "cost of attendance" rules, which allow universities to provide student athletes with a monetary stipend over and above the benefits of a scholarship, are a step in the right direction; however, in addition to being unequally awarded according to the amount of a school's athletic revenues or the popularity of an individual athlete's sport, such stipends reflect only a tiny fraction of the total revenues that student athletes help to generate for their universities and athletic departments; and

WHEREAS, the United States of America operates on the basis of capitalism, the concept that a person is free to sell his or her talents and services to the highest bidder, with the amount of income being proportional to the quality of work; to mollify a corrupt system that clings to a concept of amateurism that is no longer realistic, we have turned a blind eye to the inherent inequities of forcing citizens to work without adequate compensation for too long, and now is the time to reform college athletics to benefit the student athletes who are primarily responsible for college sports' popularity and resulting robust finances; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, that Tennessee's public universities, the University of Tennessee at Knoxville (Southeastern Conference); the University of Memphis (American Athletic Conference); Middle Tennessee State University (Conference-USA); the University of Tennessee at Chattanooga and East Tennessee State University (Southern Conference); and Austin Peay State University, Tennessee State University, Tennessee Technological University, and the University of Tennessee at Martin (Ohio Valley Conference), are instructed to work with their respective athletic conferences in opposition to the NCAA's prohibition on the compensation of student athletes in proportion to the revenues they generate and other intrinsic value such athletes add to their universities and endorse the repeal of all related NCAA rules and policies.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be prepared and transmitted to the president of each of the above named universities.