

Name, Image, and Likeness (NIL) Opportunities for Black College Athletes: Strategically Facilitating Academic Achievement and Successful Career Transitions

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Abstract: Omitted in discussions of college athletes' use of Name, Image, and Likeness (NIL) is a focus on equity, educational issues, and transition into post-college careers. We frequently hear National Collegiate Athletic Association (NCAA) declarations stating that nearly all college athletes 'will go pro in something other than sports,' but little is said about the challenges faced by Black athletes as they deal with coursework and the transition into post-college careers. In this paper, we summarize how the changing contexts of collegiate sports and race relations in higher education have intensified those challenges for Black athletes. We discuss how NIL opportunities can be used by Black athletes to expand identities, create and nurture relationships with mentors from Black-owned businesses, and develop programs in Black communities and organizations that promote social justice and racial equity. We assert that NIL can be combined with Happenstance Learning Theory (HLT) to develop skills for using unanticipated NIL-related opportunities in meeting challenges in courses and the transition into post-college lives. Lessons learned from support programs for Black athletes serve as a basis for recommending that universities fund the formation of a *NIL Alliance of Black Athletes* on campuses and provide career counselors to guide athletes as they meet people in connection with NIL deals that involve a combination of financial and personal development benefits relevant to education and future careers.

Keywords: NCAA, Black athletes, name, image, and likeness (NIL), happenstance, education

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NIL: Happenstance Opportunities for Black Athletes

Nearly all college athletes ‘will go pro in something other than sports.’¹ This statement is often heard when watching televised National Collegiate Athletic Association (NCAA) Division I (DI) football and men’s basketball games. However, it identifies a reality that is given little attention compared to financial considerations when DI decision-makers in the NCAA, conferences, and universities establish rules and policies. This oversight has become more serious as the economic stakes, cultural significance of sports, and importance of a college degree have increased dramatically over the past two generations. Although this oversight impacts all athletes, Black athletes face additional challenges due to the social and cultural significance of race and race relations in sports, universities, and American society (Comeaux & Grummert, 2020; Cooper, 2019; Simien et al., 2019; The Drake Group, 2022; Wilkerson, 2020).

These challenges were highlighted by the widespread backlash following the Black Lives Matter demonstrations in 2020; the condemnation of Black spokespeople who called attention to systemic racism; state-level legislation that undermined diversity, equity, and inclusion (DEI) policies and programs; and criticism of teachers and courses that focused on the history and current examples of racial discrimination that have perpetuated inequities and injustice. This backlash was amplified by the racist statements of Donald Trump during and following his presidency (2016-2020). The visibility of Black athletes who made statements and took actions protesting systemic inequities and injustice made them regular targets of racist comments and threats (Zirin, 2021). The negative media attention around these issues took a toll on the mental health and well-being of all People of Color, especially Black students making sense of history and current events (Peter, 2020; Wilkerson et al., 2020).

The sting caused by public expressions of racism is long-lasting. This impacts Black students in historically white institutions (HWIs) as they consider their choices about participating in academic and social life on campus. It also creates anxiety about transitions into post-collegiate careers and relationships. Black athletes face challenges due to social isolation, how they are perceived in HWIs, and how sport participation limits the expansion of their experiences, relationships, and identities.²

The choices available to DI athletes, especially for those participating in revenue-producing sports, are further constrained by their lack of agency in athletic departments and team cultures in

¹ The discussion in this paper does not directly consider athletes at Historically Black Colleges and Universities because the sport and racial contexts there differ from those at historically white institutions (HWIs) in Division I of the National Collegiate Athletic Association (NCAA).

² There is a rich history of scholarship focused on Black college athletes. This population is not homogeneous in terms of backgrounds and experiences (Oseguera et al, 2018), nor is the culture of every HWI the same, but research over the past decade has found that Black college athletes, male and female, generally deal with similar challenges with varying degrees of success. The following is a partial list of informative sources on this complex issue: Bailey & Fuller (2019); Bernhard (2014); Bimper (2014; 2015; 2016; 2017); Bimper et al. (2013); Carter-Francique (2014); Carter-Francique & Hawkins (2011); Carter-Francique et al. (2017); Clark et al. 2015; Comeaux, 2019a; Comeaux & Fuentes (2015); Cooper (2019); Cooper & Cooper, 2015; Cooper et al. (2017); Fuller et al. (2017); Fuller et al. (2020); Gill et al. (2021); Griffin (2017); Griffith et al. (2019); Harper (2018); Hawkins et al. (2016); Hawkins et al., 2015; Lowe & Bernard (2019); Maples et al. (2019); Oseguera (2010); Peter (2020); Simien et al. (2019); Singer (2016); Singer & Carter-Francique (2013); Stone et al. (2012); Wilkerson et al. (2020); Zamudio-Suarez (2022).

which they face multiple demands on their time, have little discretion in how and when to meet those demands, and receive no material rewards enabling them to take more control over their everyday lives. The fairness of this situation is questionable when the labor of these athletes produces nearly all the revenue that supports athletic departments and the salaries of administrators, coaches, and other staff members.

In this article, we suggest that within the emerging NIL space, there will be happenstance or unanticipated opportunities for athletes to expand their identities, relationships, personal agency, and material resources. At the same time, these opportunities may be utilized by athletes to provide meaningful educational experiences and facilitate successful transitions into post-college careers. In making this case, we combine lessons learned from historical and contemporary research on Black athletes to recommend that Happenstance Learning Theory (HLT) be used to maximize benefits in NIL and similar spaces. Although the context in which Black athletes navigate their years in college is constantly emerging, creative use of NIL opportunities can expand benefits associated with their personal, academic, and athletic experiences. Importantly, this also enables them to present themselves and be seen by others as more than physical assets in college athletic programs.

The Changing Context of College Sports

The changing economics of DI intercollegiate sports over the past generation have significantly impacted college athletes (Rumsey, 2023; Shurts & Shoffner, 2004). This is especially true for athletes in revenue-producing sports, primarily DI football and men's and women's basketball – sports with the highest numbers and percentages of Black athletes. As these sports have been increasingly organized to maximize revenues, the demands and pressures experienced by athletes and the stakes associated with individual participation and team success have escalated dramatically. During this process, big-time college sport became what sociologist Louis Coser called a *greedy institution* (Coser, 1974). Like other greedy institutions, it demands a total commitment of athletes' time, effort, and loyalty. This commitment is made in a formal hierarchical structure in which athletes lack agency and are subject to forms of control that grant them little discretion. Their scholarships and other benefits conferred by team membership depend on approval by coaches who possess formal as well as coercive power over them (Hatteberg, 2018).

To question or resist expectations under these conditions is to risk being labeled a 'problem athlete' unwilling to do what it takes to be part of a team. Efforts to avoid this label are intensified when coaches and teammates describe the team as a 'family' in which members have unquestioned responsibilities to support each other and obey coaches as quasi-parents. At the same time, greedy institutions regularly disregard normative limits that safeguard the autonomy and agency of those who participate in and reproduce them. In the case of high-stakes college sports, this means that athletes have fewer opportunities than other students to gain experiences, establish relationships, and develop identities in contexts apart from their sport participation. Within the institutionalized structure of those sports, coaches control their team membership and the benefits associated with it. Under these conditions, the time and energy that can be allocated to other activities, relationships, and identity formation unrelated to sport are severely limited (Howe, 2022).

Research by sociologists Peter and Patti Adler (1991) led them to conclude that athletes on big-time college teams experience *role engulfment* in connection with team membership. Regardless of academic goals or concerns for overall growth and development, the male athletes they observed and interviewed became so exclusively immersed in their athlete roles that there was little or no social space for them to engage in other roles, cultivate new identities apart from their sport, and create the social and cultural capital needed for meaningful transitions to post-college careers. This is partly due to the influence of others who use traditional stereotypes to define them in terms of physical attributes and skills. This provides persistent social reaffirmation that perpetuates the dual process of role engulfment and identity foreclosure. During the 30 years following the Adlers' study, this process continues to be difficult for Black college athletes to avoid (Hatteberg, 2018; Hawkins, 2010; Shurts & Shoffner, 2004).

The role engulfment process is reinforced by academic advisors, tutors, and coaches who regularly counsel athletes, especially Black athletes, to lower their educational aspirations so they remain academically eligible (Duru, 2022). Additionally, coaches often maintain tight control over Black athletes to ensure that they avoid trouble and remain eligible to provide cash-free labor while generating revenues for predominantly white NCAA institutions (Hatteberg, 2018). This has led noted sociology of sport scholar, Billy Hawkins, and others to describe those campuses and their athletic departments as *new plantations* (Fels, 2021; Hawkins, 2010; Kalman-Lamb et al., 2021a; Rhodes, 2006).

The greediness of big-time college sports and the process of role engulfment have intensified as university presidents, governing boards, foundation directors, and other campus administrators use athletic programs as the 'front porch' of higher education. As front porches, they recruit students, obtain financial donations from wealthy boosters, gain support from local and state legislators, and connect with alumni and team fans who promote and support university interests.

As football and basketball teams at top Division I universities have become major revenue and publicity generators, the status and salaries of the men who are head coaches for highly visible men's sport teams have increased to become the most recognizable and highest-paid public employees in nearly all states. For example, during the 2023-24 season, more than 50 football coaches at those universities had annual salaries topping four million dollars, and over a dozen coaches had annual salaries over eight million (Williams, 2024). Twenty-five of the men coaching men's basketball teams made over \$3.4 million. About 60% of these teams' basketball rosters were Black men. One woman coach, Kim Mulkey at Louisiana State University, made over three million dollars; 10 of the 12 players on the 2023-24 LSU team were Black women.

Increases in the salaries of coaches lead to increased expectations for team success. As a result, coaches demanded more time, energy, and commitment from athletes. The result is year-round training, at least a 40-hour weekly workload for team members during most of the year, and additional hours spent recovering from exhausting practices, long road trips during the season, and injuries sustained during participation. As a result, both the greediness of sport and the role engulfment that accompanies it have increased to a point that challenges the mental health of athletes (Peter, 2020; Wilkerson et al., 2020).

As universities embrace an entertainment-based commercial model of sport, the NCAA has used the ‘student-athlete’ label to give lip service to the academic benefits of intercollegiate sports and divert attention from the reality that athletic programs are isolated from the academic context of higher education (Kalman-Lamb et al., 2021b; Stone et al., 2012). Today it takes a student with strong academic experience, self-confidence, abilities, and social support to successfully combine athletic participation with coursework leading to a meaningful college degree. Given the power and influence of Division I coaches, the NCAA does little to enforce the ‘20-hour rule’ as the maximum of sport-related activities time that coaches can demand from athletes each week. This lack of enforcement undermines the efforts of team members to take advantage of development opportunities associated with being a student and participating in relationships on and off campus. The powerlessness of faculty athletic representatives (FARs) and the lack of meaningful academic oversight by faculty committees allow coaches to manipulate the young people on their teams.

The economic context of college sports has changed dramatically over the past half-century. The stakes associated with success are so high that the time, energy, and commitment demanded of athletes, especially those in revenue-generating sports, undermine opportunities to fully benefit from academic courses and other learning and developmental experiences accessible to the general student body. Although the commercialization of sports impacts all athletes, research indicates that it impacts Black athletes in more targeted and profound ways due to racial attitudes and dynamics on campus, in the athletic department, and on teams (Harper, 2018; Southall et al., 2020). It is to that topic that we now turn.

These outcomes are further intensified as athletes negotiate their sport participation in a context characterized by ongoing chaos. Conference realignment motivated by a quest to maximize media rights income adds to pressures and time constraints for athletes. Other changes, often unpredictable, are shaped by factors such as: multiple lawsuits; a lack of regulation; confusion about the place and purpose of sports in higher education; coaches being fired and hired as universities desperately seek to be national leaders in multiple sports; a national governing body that fails to govern in conformity with antitrust laws; unsettled Title IX issues (Zimbalist, 2024); and athletes by the thousands transferring from one school to another and another as rules governing eligibility shift, lawsuits are settled or put on hold, and agents and booster collectives provide NIL inducements for athletes to transfer schools.

Overall, this context creates constant challenges for many athletes. For Black athletes, these challenges accompany additional ones related to the politically charged racial dynamics in higher education – our next topic.

Changing Racial Dynamics in Higher Education

Historically white institutions (HWIs) of higher education have not always fully supported Black students or responded effectively to their unique needs (Harper, 2018; Hawkins, 2010; Murty & Roebuck, 2015; The Drake Group. 2022). These inequities impact male and female athletes who have been treated differently than their white peers in sport, education, and social contexts. These differential experiences often affect Black athletes’ emotional well-being, educational choices, self-confidence, and sense of belonging on their campuses. This is important because research shows that there is “a relationship between positive perceptions of campus

climate” and the academic success of athletes from racial and ethnic minority populations (Oseguera et al., 2018, p. 119).

Although a statistical case can be made that overt expressions of racism have decreased over the past half-century, the fact that they continue to exist, coupled with social media amplification and the persistence of racial microaggressions, means that Black students and other students of color are forced to endure their socioemotional impact to maintain their sense of security and mental health. Dealing with a few cases rather than dozens of them makes little difference for Black students as they strive to maintain personal, social, and academic self-confidence. When microaggressions and other forms of racism create self-doubt and social isolation, it undermines efforts to succeed in coursework and maintain optimism about the future (Lowe & Bernard, 2019). This is exacerbated for the Black athletes who are admitted to the university with insufficient prior academic preparation and personal backgrounds that differ from those of white students.

To make matters more challenging, campus and classroom discussions about race and racism are usually shaped by white administrators, faculty, and students who seldom ask about or discuss its impact on their Black and brown peers. Instead, they focus on the intent of those who talk or act in racist ways and what can be done to prevent such expressions. Adding to this narrow-minded approach, fears that such discussions of racism in U.S. history make white students uncomfortable led former President Donald Trump to declare in 2021 that “...teaching even one [student] these divisive messages would verge on psychological abuse.” Trump added, “Indoctrinating generations of [students] with these extreme ideas is not just immoral – it is a program for national suicide” (Trump, 2021, para. 6). In his ‘analysis,’ Trump made no mention of the positive impact these programs may have on the identities and academic motivation of Black students and students of color generally.

Trump’s comments resonated with millions of white Americans who echoed the idea that racism had to be ignored to abolish it and to protect white students from internalizing guilt related to racism. This logic led many state legislatures to limit or ban teaching about the centrality of racism and white supremacy in U.S. history and use critical race theory (CRT) to trace the ways they have been incorporated into dominant culture and contemporary forms of social organization.

Politically conservative legislators and influential media commentators have described such teaching about racism as a divisive form of liberal indoctrination that distorts the accuracy of U.S. history, undermines patriotism and national unity, and makes white students uncomfortable (Brown, 2022; Myskow, 2022). As noted by Mark Perry, a senior fellow at the conservative American Enterprise Institute, “[Critical race theory is] a thoroughly racist ideology, because it imputes evil to people solely based on the color of their skin” (Editorial, 2021, para. 16). As a result of this misinterpretation of CRT and the analytical tool of intersectionality (Crenshaw, 1991), some teachers have been sanctioned or terminated for their discussion of issues that, according to vocal white legislators and parents, are contentious, offensive, and have no place in classrooms (Burnette, 2024; Krupnick, 2023). As this has occurred, no concerns were expressed about the negative impact these policies would have on the identities and academic motivation of Black students and all students of color from elementary school to higher education. Similarly, legislative actions to undermine or eliminate Black and Ethnic Studies programs in many colleges have likely exacerbated this negative impact, although systematic research on this topic is scarce.

After interviewing university faculty at major universities and assessing survey and interview data from 4,250 college instructors in a study done by the American Association of University Professors (AAUP), Krupnick and Monroe concluded that a growing number of instructors are engaging in self-censorship in their courses when dealing with contentious topics, including racism, discrimination, and racial inequities (summarized in Krupnick, 2023 and AAUP, 2023). As noted by a professor at Georgia Tech, “Faculty are afraid. And that’s part of the point here, to make people afraid to teach” (Krupnick, 2023, para. 28). After collecting evidence on a number of campuses, Monroe explained that many faculty “are terrified” because faculty members don’t know how their teaching and research will be defined when they deal with controversial topics.

Although no systematic study has been done, the anti-DEI/anti-CRT movement has likely influenced instructors as they make choices about curriculum design, learning materials, classroom discussions, testing, and grading. With the elimination of topics related directly to the lives of Black students and other students of color, these students’ identification with course materials and motivation to immerse themselves in their educational experiences are likely undermined. Again, at this time (early 2024), there have not been systematic empirical studies of how these students are impacted by such changes.

The anti-DEI/anti-CRT movement and backlash to displays of the Black Lives Matter and social justice movements in education and other social spheres is based on a “perceived loss of power and status” by many white people (Bacon, 2022, para. 10). At this point in early 2024, it appears that organized efforts to eliminate and discourage DEI programs and CRT-related policies on college campuses will continue and lead to further legislation. These efforts have been inspired and supported by new laws and policies designed to repress voting by Black citizens, eliminate affirmative action, limit future protests calling for racial equality, and ‘de-liberalize’ education. Those who lobby for these actions feel legitimized as they discredit or demonize teachers and courses, along with academic programs that include content perceived as consistent with CRT and an emphasis on social justice for oppressed and marginalized segments of student and national populations (Burnette, 2024; Krupnick, 2023).

The tensions caused by this racial reckoning have not escaped the awareness of Black and brown students on campuses nationwide. They feel its sting as it intensifies their feelings of isolation on HWIs. For example, when Black athletes encounter racist words and actions, a lack of campus activities that reflect their interests, and a lack of Black faculty who could provide them with meaningful guidance and mentoring, it leads them to question if they are fully accepted and valued on campus. This form of alienation and self-doubt is insidious and often fosters the development of *imposter syndrome* – a discounting of one’s skills and success to the point that a person experiences anxiety and questions their ability to succeed in college and society at large (Lowe & Bernard, 2019). Especially vulnerable to this syndrome are Black athletes recruited and admitted to universities for their sport skills alone. Further affirming this is that these athletes are routinely counseled and directed into courses and majors perceived as undemanding for the sake of maintaining athletic eligibility. As a result, Black athletes continue to have lower graduation rates than their white athlete peers (Lapchick, 2024; Southall et al., 2020). These dynamics reinforce our suggestion that Black male and female athletes deserve and would benefit from participating in an organized *NIL Alliance of Black Athletes*. Such an organization would also help them deal with the complex, confusing, chaotic, and rapidly changing environment that has

developed around athletes' commodity status and the selling and licensing of their names, images, and likenesses to organizations wanting to capitalize on their popularity and endorsements.

Developing such an alliance is a challenge. However, lessons can be learned from others who have already moved in this direction by creating programs that promote holistic development, maximize learning, and prepare Black athletes for transitions into careers other than 'professional athlete.' These programs are described below and used to inform our approach to how Black athletes may benefit from NIL opportunities.

Existing College Programs to Support Black Athletes

Two noteworthy programs focused on supporting Black athletes have been developed by Keith Harrison (2002; 2004) and Joseph Cooper (2016). Each is a former athlete with extensive knowledge of the challenges faced by Black athletes throughout history and across multiple sports. Harrison studied the biographies of Black athletes who participated in college sports prior to the Civil Rights Movement. He found that they were able to make time to take their student role seriously and combine it with learning experiences associated with happenstance events in their lives. In the process of developing identities unrelated to sports and physical skills, they flipped the narrative that identified them solely as athletes. In turn, this created a foundation on which they could develop successful post-college careers.

Over 20 years ago, Dr. Harrison developed the *Scholar Baller*® program designed to facilitate opportunities for athletes to develop multiple identities and achieve academic success. It was assumed that excelling in coursework and expanding experiences and relationships apart from playing sports would lead them to be socially identified in terms of multiple positive attributes and skills. Along with a team of educators, practitioners, researchers, professional athletes, and entertainers, Harrison has made a continuous effort to promote awareness of overall development among scholar-athletes (Harrison, 2002; 2004; Harrison & Boyd, 2007; Harrison et al., 2019).

Scholar Baller has connected with more than 50 NCAA institutions since 2004. This program has influenced athletes to make a special commitment to their educational development and make a successful transition into a career after graduation (Dexter et al., 2021). Additionally, Harrison developed *Scholar Baller* into a brand by establishing annual awards, providing logoed mementos and apparel to those who met *Scholar Baller* standards, and producing a curriculum and other strategies to sustain the motivation of athletes as they actively engaged in scholarship and participated in campus and community activities (Comeaux & Harrison, 2011).

Joseph Cooper (2016) uses a slightly different strategy as he focuses on holistic development and empowerment among Black male athletes. His *Excellence Beyond Athletics* (EBA) approach consists of six holistic development principles (HDPs): (1) self-identity awareness, (2) positive social engagement, (3) active mentorship, (4) academic achievement, (5) career aspirations, and (6) balanced time management (2016).

Cooper emphasizes an asset-based, anti-deficit approach through which Black athletes develop an awareness of the structural inequities that enable the university to exploit them. This approach also promotes the belief among athletes that they have the power to confront and alter these

inequities as they focus on their holistic development, academic achievement, and strategies for successful career transitions (Comeaux, 2015a). Positive outcomes depend on identifying and eliminating barriers, developing relationships, and increasing expectations for success. Overall, the goal for Black athletes is to form a campus-based advocacy group of peers that regularly affirms and nurtures their identities as students, community members, citizens, role models, leaders, and family members (Comeaux, 2015b).

Success in the *Excellence Beyond Athletics* (EBA) program also depends on support from faculty mentors, advocates, and allies who understand that without “holistic consciousness, internalized empowerment, and engagement in counteractions,” these men will continue to face an “oppressive system of athletic exploitation and academic neglect” (Cooper, 2016, p. 280).

As Cooper developed his EBA approach for Black male athletes, Akilah Carter-Francique and her colleagues (2017) developed a *Sista to Sista*TM leadership enhancement program for Black female athletes. Their approach is based on an Afrocentric paradigm and an ethic of care (Carter-Francique, 2014). It calls for the establishment of a ‘safe cultural space’ in which Black female athletes form relationships built around awareness of the power dynamics on campus and in the athletic department, and the power that comes with affirmations of self-definition and self-valuation grounded in the rich history of Black women’s culture. From that vantage point, the athletes formulate strategies to express and politically represent their interests in contexts where their voices are traditionally undervalued or silenced (Kunda & Davis, 2022).

Carter-Francique and her colleagues knew that this was a risky strategy given that the structure and cultures of nearly all HWIs and Division I athletic departments were controlled by white men with little or no awareness of the experiences and concerns of Black female athletes on their campuses. The continuing underrepresentation of Black women in campus and athletic department leadership positions has long made it difficult for Black female athletes to find role models, mentors, and advocates who share an experience of marginalization due to stereotypes and beliefs that undermine knowledge about Black women living at various intersections of race, gender, class, and sexuality (Bernhard, 2014; Carter-Francique, 2020; Carter & Hawkins, 2011; Cooper & Jackson, 2019; Long, 2022; Silbert et al., 2022).

In addition to Drs. Harrison, Cooper, and Carter-Francique, other scholars have invested time and effort into creating strategies to support academic success, holistic development, and positive career transitions among Black athletes (Comeaux, 2010; 2013; 2019a; 2019b; 2021; Comeaux & Grummert, 2020). However, doing this on all Division I campuses is practically impossible without an organizing body and institutional commitments by universities to establish, fund, and sustain such programs. This leads to our contention that such a program for Black athletes would be more likely to succeed over the long run if it were linked with NIL opportunities and the potentially positive developmental experiences associated with them.

Name, Image, and Likeness (NIL): Challenges and Opportunities for Athletes

As of July 2021, college athletes acquired the right “to control the commercial use of their name, image, and likeness” (Carter, 2023). However, many boosters, members of collectives, and athletes mistakenly assume that NIL focuses only on being paid for endorsements and promotional

activities when it involves the right to control *any* commercial use of their name, image, and likeness. Current NIL rules exist in over 30 states, but they are vague, inconsistent, and often contradictory. They vary by state and often conflict with the NCAA's temporary, vague, and restrictive NIL policy.³

Many NIL policies and rules contain loopholes. This creates enforcement challenges that enable collectives to use NIL deals to recruit and retain athletes or poach them from other universities. This is done by using the transfer portal that was established in 2018 and (temporarily) modified in 2021 to allow transfers to play immediately at their new school without sitting out of their sport for one year. To make it more confusing, the strategies used by booster collectives and agents from outside organizations have taken advantage of weak policy enforcement as they deal with recruits and current athletes in private and on their own terms.

Sports Illustrated reported in the spring of 2021 that there were approximately 150 NIL platforms created and managed by entrepreneurs claiming they were well-prepared to train, mentor, brand, and market athletes for lucrative financial deals (Dellinger, 2021).⁴ They also claimed that there could be third-party advisors and enforcement agents serving as an NIL clearinghouse for universities and the NCAA. Some of these deal-seeking entrepreneurs have even alleged that they could simultaneously handle NIL deals on the one hand and enforce compliance with NIL policies on the other hand by forming two separate organizations. These agents operate on their own or work with 'collectives' formed by boosters who seek or create NIL deals for selected athletes at the universities they support. In both cases, their success depends on the fees they collect as they advise athletes.

Despite attractive mission statements and catchy slogans, NIL platform developers are primarily interested in athletes who can command deals that bring them sizable commissions and consulting fees. This leaves most athletes to seek NIL opportunities on their own, mostly as online influencers seeking enough followers to earn money by promoting products and services through social media. Despite a handful of athletes who have experienced notable financial success in this highly competitive realm, few of their athlete peers have the visibility and social media skills to make more than pocket-money as influencers.

Not surprisingly, the NIL space has been and remains crowded, competitive, and confusing. Furthermore, little is known about how participation in the NIL space impacts athletes' educational experiences and career transitions. Current NIL policies do nothing to transform the power structures of sport teams and athletic departments (Kalman-Lamb et al., 2021a). Only by threatening to enter the transfer portal can athletes generate leverage in their relationships with coaches and possibly gain more autonomy and control over their lives.

³ NCAA spokespeople continue to explain they are waiting for the U.S. Congress to create a nationwide NIL policy and guidelines for college athletes. Given the divided priorities of Congress and its inability to pass meaningful legislation related to college sports, it is difficult to predict when this might occur and what the laws would allow and prohibit. In the meantime, elements of an "anything goes" culture have emerged as agents, representatives of collectives, and coaches do questionable things to recruit, retain, or compensate athletes (Christovich, 2024; McCann, 2024; Moody, 2023; Nakos, 2024; Wohlwend, 2024).

⁴ An online search for "*Dellinger, articles on NIL*" provides dozens of articles that trace the challenges and opportunities that exist in the emerging NIL sphere
<https://www.google.com/search?q=Dellinger%2C+articles+on+NIL>.

At the same time, the NIL-induced dream of financial benefits seduces athletes into allocating much of their time and energy to creating online personas and attracting followers. Consequently, they have less time for their coursework and involvement in other activities that contribute to their overall development, although research on this is lacking.

All college athletes need guidance to create and benefit from NIL opportunities. However, Black athletes generally have experiences, perspectives, interests, needs, identities, support systems, family resources, and forms of social awareness that differ from those of most white athletes (see Hextrum, 2021, for a detailed, empirically-based discussion of these differences). This is the case for both Black women and men. For them to express concerns related to these differences and inequities while interacting with white teammates and classmates is difficult due to their desire to avoid arguments, misunderstandings, and possible racial confrontations when their truth makes white peers uncomfortable. Similarly, Black athletes often feel that white NIL agents, boosters, and even their coaches would not understand their perspectives as they seek and assess NIL opportunities (Anderson, 2022).

Given the increasing economic stakes of big-time college sports and increased public expressions of racism on and off campus, there is a need for the NCAA to work with Division I conferences and institutions to sponsor a nationwide program that provides formal opportunities for Black athletes to consistently receive informed guidance. This is most likely to occur in contexts where they feel empowered to ask questions to advisors and mentors who understand their perspectives. These contexts would also provide the athletes with opportunities to support each other as they strive to fully embrace their student roles, seek recognition as more than athletes, maintain an authentic sense of self, and take advantage of chance events that enhance learning, graduation rates, and preparation for future careers.

The case for such programs is strengthened by a history of neglect; the labor provided by Black athletes in revenue-producing sports; the current social and political context of race relations; the pressures exerted on higher education to avoid curricula that acknowledge the significance of race in people's lives; and the desire among Black athletes to seek NIL opportunities that reflect their perspectives, interests, and sense of self.

In the following section, we focus on how happenstance learning theory and its associated methodologies can be used to enable Black athletes to identify, cultivate, and utilize the random, unplanned, and potentially positive events associated with NIL opportunities and experiences. The goal is to show how HLT, as well as lessons from the work of Harrison, Cooper, Carter-Francique, and other Black scholars, can be used in conceptualizing the organization of an NIL Alliance of Black Athletes.

Happenstance Theory and Methodology: Strategies to increase the agency of Black athletes in the NIL Sphere

In discussions of NIL policies, there have been no concerted attempts to systematically connect NIL with educational achievement or help athletes nurture non-athlete identities, gain experiences valued in careers, express social consciousness, or expand social and cultural capital. Failing to do this is the result of many factors, including unawareness of *happenstance learning theory* (HLT),

an explanatory framework increasingly used in career counseling worldwide. In this section, we point out that HLT can be used to reduce or eliminate experiences that undermine learning, development, and career transitions. At the same time, it helps athletes maximize experiences that foster positive learning and developmental outcomes.

HLT is organized around the idea that meaningful occupational careers are achieved through an action-based approach in which people learn to recognize, generate, and utilize unplanned events as contexts for learning and development, especially in connection with transitions into post-college careers (Armstrong & Agulnik, 2020; Krumboltz, 2009; 2011; Krumboltz et al., 2013; Mitchell et al., 1999; Shurts & Schoffner, 2004). HLT recognizes that career choices and development are regularly influenced by unplanned and unpredicted events. This means that it is important to recognize these events as opportunities and effectively use them to produce positive outcomes. This process is not unfamiliar to athletes who routinely face and must effectively deal with unplanned and unpredicted events during sport competitions. Such events are inevitable, even when game plans and practice sessions are organized to minimize them.

HLT is also based on the realization that ever-changing social and cultural conditions today alter the patterns and processes of career development. This does not mean that ‘career planning’ is futile, but it does mean that opportunities and possibilities often occur in connection with happenstance events. Learning to recognize and utilize unanticipated opportunities maximizes a person’s prospects for career development and making intentional career changes throughout the life course. Recognizing and seizing chance opportunities enable a person to effectively focus on learning and career development in the face of changing social, economic, and cultural conditions. In the process, they learn that careers are not endpoints of following a single path, but part of a long-term developmental process that occurs along multiple paths.

When people understand that *happenstance* events are normal occurrences in everyday life, learn how to recognize them, and use them strategically, they maximize opportunities for growth and exercise personal agency in pursuit of meaningful goals. It also makes them aware that such events often involve opportunities to expand networks and experiences in ways that support developmental possibilities independent of their habitus and positionality in the structure of society (Valickas et al., 2019).

The methodology associated with HLT for college athletes often begins by asking them to give examples of how chance events have altered competitive outcomes in their sports. This is followed by asking them to describe cases when unanticipated events in competitions led to a positive result for themselves and for their team. The goal is to help athletes understand that everyday life, like competitions in their sports, involves unpredictability, and that happenstance can be used to their advantage if they are ready for it (Mitchell et al., 1999). Just as success in competitions is linked with an ability to utilize happenstance events, successful growth and development depends, in part, on recognizing and knowing how to use them.

Research indicates that there are five primary skills required to effectively use happenstance. According to career counselors and psychologists (Mitchell et al., 1999, p. 118), they include the following:

1. Curiosity: exploring new learning opportunities
2. Persistence: exerting effort despite setbacks
3. Flexibility: changing attitudes and circumstances
4. Optimism: viewing new opportunities as possible and attainable
5. Risk Taking: acting assertively in the face of uncertain outcomes.

These skills, combined with the ability to critically self-reflect, are especially important for Black athletes because they face challenges that differ from those faced by white athletes during their college years and throughout post-college careers (Bernhard, 2014; Bimper, 2015; 2017; Carter-Francique, 2020; Comeaux & Grummert, 2020; Griffith et al., 2019; Harper, 2018; Njororai, 2012; Simien et al., 2019; Wilkerson et al., 2020).

NIL as a Conduit for Happenstance Learning

While acknowledging that NIL is available to all student-athletes, Black college athletes who are over-represented in high revenue-generating sports like football, men's and women's basketball, etc., appear to be disproportionately gaining NIL opportunities at a higher rate in these sports. Three of the five top NIL earners in the 2022-23 academic year per *USA Today* – Bronny James (USC basketball), Sheduer Sanders (Jackson State/Colorado football), and Caleb Williams (USC football) – and six of the top 10 overall are Black student-athletes. The rate of pay for each of these three young men in television appearances, product representation, etc., was well over two million dollars.

As we have articulated, contrary to public perception, these high-dollar deals are not common among the total population of athletes, specifically Black athletes. According to the 2023 NCAA Demographics Database, 37,838 (20% of the total NCAA college athlete population) Black athletes participated in Division I sports (NCAA, 2023). According to a Sports Law and Business journal survey of NIL data, about 17% of all student-athletes reported NIL deals in 2022, with an average of \$1300 per deal (Carter, 2023). While the volume and value of NIL deals continue to grow, it is safe to say that the vast majority of college athletes in general (and Black athletes as a subset) do not profit significantly from NIL deals. Furthermore, even for those who have no NIL deals, almost all contemplate and spend energy trying to participate and financially benefit from them (Wohlwend, 2024).

One female, non-revenue athlete at Arizona State University noted that many athletes are “distracted” and “have a lot of anxiety” surrounding NIL (personal communication, September 23, 2023). Related to the highly visible and widely followed sports of football and men's and women's basketball, we have also discussed the issues associated with role engulfment, identity foreclosure, and imposter syndrome for Black athletes. These realities reaffirm the need to activate the NIL space as one in which career-relevant skills can be developed, especially among Black athletes.

From the inception of the NCAA's permissive stance related to NIL rule enforcement in the summer of 2021, universities and their associated collectives were quick to develop programs to support athletes financially with little or no emphasis on linking support with learning and skill development opportunities. Universities created internal programs, even with assistance from

athletic department staff, and also nurtured alliances with third-party agent-like providers, such as Opendorse, SANIL, Altius, and dozens of others claiming to offer NIL guidance and deal-making programs. For example, the Altius group partnered with multiple institutions to provide General Managers for NIL (Smith, 2022). While these efforts are commendable, some of them are short-lived. One university's website link for its NIL platform, initially launched in 2021, no longer exists – an outcome that has been relatively common. Unlike the programs detailed on pp. 46-47 of this paper, these efforts, including those initiated by third parties, do not contemplate the nuance required to activate happenstance learning in the experiences of Black athletes.

In the meantime, the public and athletes across multiple sports are missing an important point here. Much like the overall college experience that may involve non-paid internships and developing social capital, there are significant opportunities for Black athletes to engage in meaningful discourse and network building that facilitate opportunities for happenstance learning. For example, with the formation of 'collectives' comprised of university-affiliated donors, alumni, and business owners, there are multiple opportunities for happenstance learning and establishing influential social networks. These collectives contract with athletes for quid pro quo compensation in exchange for 'work,' i.e., some form of marketing, public relations engagements, or 'development sessions' with young athletes or disadvantaged youth. The NIL Alliances of Black Athletes (NILABA) on campuses could ensure that these engagements could be undertaken strategically and with a sense of purpose. While the monetary gain is the focus in most discussions of NIL benefits, just as much emphasis should be placed on developing the athletes' networks with corporate and community leaders. As student-athletes are inevitably engaged with business owners and community leaders, these moments should be leveraged to include informational interviews, conversations about career development and success, and advice about the skills required to be a productive member of the community.

An example of this occurred recently when a Director of Player Development for football teams in Power 5 institutions held a community networking gathering for the athletes. The visiting group was comprised of clergy from a large Black church and Black community leaders across multiple business spheres. The goal was to surround the team members with supportive and influential leaders in the Black community. The conversation ultimately evolved into a discussion about success strategies, including NIL opportunities. These leaders emphasized that people in the region valued their 'brand' collectively and individually and that they utilize their value not only for NIL, but also for developing mentors who would provide guidance for personal and career development. Many of the athletes connected with and obtained contact information from the leaders in attendance and felt more confident about their post-graduation transitions. This is an example of planned happenstance learning inside of community engagement connected with NIL opportunities.

With the development of campus-based NIL Alliances of Black Athletes, there would also be an organizational foundation for a systematic and strategic curriculum implemented on a national scale. This would be part of a planned happenstance approach leading to a range of learning opportunities and the expansion of social networks that would be useful in the future. At a minimum, such a curriculum would create an awareness of happenstance learning opportunities that are a part of everyday life. Additionally, Black athletes in the alliance would come to understand that their experiences in college sports can make positive contributions to both personal

and brand development. Deepening this awareness would provide the athletes with leverage that could be used in making successful and meaningful transitions into their post-college lives. The mentors established in connection with alliance programs would be valuable as role models and sources of information to create pathways to self-empowerment and career-oriented opportunities. Peer expression of experiences in the NIL realm can be used as intel and building blocks to successful negotiation in a literal and figurative sense, both locally and nationally.

Recommendations and Conclusions

When compared with white peers, Black athletes are more likely to seek NIL opportunities that endorse or promote Black-owned businesses, non-profits dedicated to the development of predominantly Black communities, and organizations working for social justice and racial equity. In addition to financial benefits, they may see NIL opportunities in terms of social and political activism and develop networks of mentors and advocates who understand their experiences, perspectives, and concerns. This does not mean that financial benefits would be irrelevant, but it does mean that they may want to combine those benefits with developing relationships, experiences, and identities compatible with who they are and want to become as young Black men and women facing the eventual challenge of transitioning to post-collegiate occupational careers that are meaningful for them and related to their skills. It is through this asset-based approach and lessons learned from research that Black athletes have been effectively supported and empowered as students on the campuses of HWIs that we make the recommendation for a NIL Alliance of Black Athletes (NILABA) in universities nationwide.

The NILABA on each Division I campus would be funded by the university and athletic department. It would take the form of a working group in which participants support each other, receive guidance for making informed decisions about NIL opportunities, effectively utilize happenstance events to gain social and cultural capital, succeed in their courses, obtain a degree, and transition into a meaningful career that is consistent with their sense of self and how they want to impact the social worlds in which they live. With the guidance of mentors and advocates who are aware of their experiences and concerns, regular Alliance meetings would focus on linking NIL opportunities with learning and development. Such involvement, organized within the moving boundaries of emerging and confusing NIL policies and rules, would be connected with coursework as well as expanding knowledge of the occupational world and the dynamics of post-college career transitions. It would also involve identifying and nurturing opportunities for athletes who seek to connect with Black-owned businesses and other organizations working with/for Black communities where they can make contributions to economic development and political effectiveness. Meeting people and recognizing the potential of happenstance events during this process would add significantly to the benefits of participating in the NILABA.

Another function of the NILABA would be to sponsor webinars locally and nationally (online) in which respected Black leaders and their allies from different institutional spheres would discuss relationships between NIL opportunities, personal agency, career transitions, and informed citizenship. The NILABAs would not replace or compete with campus-wide NIL education programs. Instead, they would complement them by providing safe and supportive spaces for Black athletes to explore issues and opportunities related to their experiences, perspectives, interests, and goals. For example, when Black athletes have NIL-related opportunities, it is

important that they gain thoughtful strategies for how to use them to expand social and cultural capital and sustain a continuing process of knowledge acquisition, related in part, to their personal growth and development as well as their coursework, career possibilities, and financial well-being.

If such webinars were held, Black athletes could discuss experiences and engage in critical self-reflection about their NIL decision-making and actions. The support and guidance received during regular sessions would be provided by NILABA mentors and advocates aware of HLT and how it could be used to expand experiences, relationships, and opportunities. In this context, they would also affirm the value of personal experiences, perspectives, and relationships among Black athletes. It would provide a supportive environment in which efforts to conform with the expectations and perspectives of white peers would not interfere with discussing race-related issues associated with identifying and negotiating NIL deals that are meaningful to them. For example, this might be the case when nurturing relationships with Black business and community leaders, members of Black sororities, fraternities, community organizations, and churches, and with those who manage NGOs or non-profits dedicated to racial justice and equity. Securing NIL opportunities through which Black athletes benefit by associating their name, image, and likeness with services or products that reflect their racial, family, and community identities would contribute to their career preparation and overall development as citizens and human beings.

The lack of previous actions by universities and athletic departments to provide meaningful support for Black athletes indicates that campus-based NILABAs guided by knowledgeable mentors would be valuable for young Black men and women as they negotiate their way through HWIs and prepare for life after college. The lack of racial diversity among people with power and status in universities and athletic departments often creates never-ending loops of overlooked strategies that provide meaningful and effective support for Black athletes. White men and women in these positions of power seldom know much about the everyday challenges faced by 18-22-year-old Black athletes and what they must do to maintain a positive sense of self as they strive for success in their courses leading to graduation and successful career transitions. The establishment of campus-based workgroups in the form of NILABA would be a step in the direction of fairness and racial equity. Without such groups, it would be difficult to critically assess NIL opportunities that might involve Black athletes in deals that unintentionally reproduce a racial status quo that disadvantages them in the long run.

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