

How NIL Transformed the Potential for College Athletes to Support Social Causes

Jonah Zaidman

jonah.zaidman@providenceday.org

ABSTRACT

For decades, college athletes in America held contradictory positions. Even though they were often quite visible and influential, athletes were prohibited by NCAA eligibility rules from financially profiting from their position. Importantly, this restriction applied to not only commercial sponsors but to cause-oriented organizations as well. The 2021 adoption of Name, Image, and Likeness (NIL) policies fundamentally altered this landscape, granting college athletes the ability to commercially earn money from their athletic identity for the first time. The “brand creation” that resulted from these changes also expanded the impact that college athletes could make when advocating for social change. However, with this new power came new contractual limits. For example, corporate NIL contracts frequently include morality clauses and provisions that restrict the college athlete’s ability to advocate for a chosen social cause. This paper presents a comparative conceptual analysis on athlete-activism to examine what changed for the college athletes supporting social causes before and after NIL. This paper also compares post-NIL college athlete-activism to the professional context and explores why post-NIL athlete-activism is more complex than the simple expansion of college athletes’ power.

INTRODUCTION

The year 2020 unfolded during a period of American unrest: a deadly pandemic, a polarizing presidential election, and a large wave of racial justice protests following the death of George Floyd. In the autumn of 2020, the NCAA administered a survey on student athlete-activism to nearly 25,000 college athletes, which was released in February 2021 (“Student Athlete Activism Study”). The overall results were striking. Three-quarters of those surveyed said being an engaged citizen was important to them, and over 80% reported discussing politics or performing volunteer work in the past year. Among Black student-athlete participants specifically (approximately 2,500 of the total sample), 77% reported having communicated about a cause and 53% had demonstrated for a cause in the preceding twelve months.

The vast majority of college athletes were not just observers of the social changes. They were participants at the polls, on social media, and in the streets. According to Cooper and colleagues’ research on sport

activism, college athletes have engaged in activism across multiple forms—including symbolic, grassroots, legal, and media-based efforts—each with distinct strategies and constraints (Cooper et al.).

What these NCAA athletes could not do was earn money from their platforms and direct it toward the causes they supported (NCAA Division I Manual). A college athlete who accepted compensation (even from a nonprofit) in connection with their athletic identity risked losing their eligibility under NCAA amateurism rules (National Collegiate Athletic Association, Division I Manual, art. 12). This limitation was demonstrated in August 2020 when a group of Pac-12 football players organized and published under the #WeAreUnited movement. These athletes published a list of demands, threatening to sit out the football season unless they were met (Pac-12 Football Players Show Unity). The players grounded their demands in race advocacy from the first line of their published letter, claiming that NCAA sports "disproportionately harm black college athletes" (Pac-12 Football Players Show Unity). They tied that claim to their economic demands: an end to amateurism restrictions, the right to profit from their name, image, and likeness, and the direction of NCAA profit toward low-income black students.

Importantly, under NCAA rules, players such as the #WeAreUnited activists could organize and command public attention, but they had no legal mechanism to actually bargain like employees, and therefore, their movement stalled (Putterman; Northwestern Players Denied). Change came instead through antitrust law.

In *NCAA v. Alston* (2021), the Supreme Court addressed whether the NCAA could restrict compensation tied to academic achievement and scholarships. The Court ruled unanimously that these particular restrictions violated antitrust law. However, the decision did not specifically address name, image, and likeness rights, and did not require the NCAA to permit NIL compensation. What the *NCAA v. Alston* case supplied was a signal that the NCAA's remaining compensation restraints faced similar antitrust vulnerabilities.

That signal mattered and led to some important statewide statutes. California's Fair Pay to Play Act (2019) was followed by statutes in multiple states—Florida, Illinois, Mississippi, New Mexico, Ohio, Oregon, and others—with a significant cluster timed to take effect on July 1, 2021 (Multistate 2026). This coordinated effective date created a problem for the NCAA: on that single date, the NCAA would face a patchwork of state laws in which athletes in some states held statutory rights to NIL compensation while athletes in others did not. In response to this dilemma, the NCAA adopted an interim policy on the eve of that date, suspending its NIL prohibitions and deferring to state law and institutional policy.

Players now had the power to turn their visibility into income and channel that income back out to the causes they believed in. They could also be paid for directly representing an advocacy organization. Even still, these economic agreements had limitations. These contracts often had conduct clauses, which bound college athletes to contractual terms that prior, unpaid college athlete-activists never faced.

This paper analyzes how NIL policy transformed college athlete-activism through comparative conceptual analysis of illustrative cases and survey evidence. Four cases were selected to exemplify key constraints:

Smith and Carlos (protection without platform security), Colter (visibility without legal standing), Garrick (platform without monetization), and Prince (post-NIL transition). NCAA survey data (2020) established that activism is widespread across the athlete population; these cases illustrate the specific mechanisms that data demonstrates.

PRE-NIL: THE COMMODIFICATION OF THE COLLEGE ATHLETE

NCAA amateurism rules, in place for over a century, rested on a foundational prohibition: athletes could not profit from their athletic status. Scholars have extensively challenged this framework as exploitative, noting that universities generated billions in revenue while athletes received only scholarships (Nocera and Strauss). The economic term for the way in which the NCAA profited from the performance of student athletes is *commodification*—turning an intrinsic human trait, idea, or activity into a commercial product that can be bought and sold. For college athletes who wished to form financial partnerships with nonprofit organizations and advocate for social causes, the NCAA eligibility rules resulted in the same restrictions imposed between college athletes and corporate sponsors.

The Visibility Agency Gap

Pre-NIL college athletes possessed significant visibility and public platform, yet they faced meaningful constraints on agency. Agency is defined here as the ability to convert visibility into power or benefit. This paper identifies three distinct forms of agency that matter for athlete-activists: *protection agency* (freedom from retaliation for public stance), *legal agency* (formal standing to bargain collectively or as an employee), and *monetization agency* (ability to earn income from one's visibility). The visibility-agency gap describes situations where athletes occupy one but lack the others. Pre-NIL college athletes faced constraints in all three forms simultaneously.

Protection Agency

One of the earliest and most famous examples of protection agency comes from San José State. In 1967, Black football players at the school threatened to sit out the season opener unless the university confronted the racism that black students faced on campus and in the surrounding community. In response, the University president canceled the opening game and ultimately conceded to many of the players' demands. Building upon the success of this activism, later that year, San José State sociologist Harry Edwards founded the Olympic Project for Human Rights (OPHR). A year later, two of the University's own track athletes, sprinters Tommie Smith and John Carlos, carried the OPHR cause onto the largest stage in the world, raising black-gloved fists on the 1968 Olympic medal stand in a racial protest that became one of the most iconic images of twentieth-century sport ("Tommie Smith and John Carlos"). Their case captures the gap between visibility and agency. The visibility was apparent—a single image broadcast to a global audience and recognized for generations. However, as athletes without institutional protection, they lacked *protection agency*. Smith and Carlos were promptly expelled from the Olympic games, bashed in the media, and left to personally bear the financial repercussions of their

protest. Upon returning to the United States both men were thoroughly blacklisted by the U.S. sporting and corporate establishments (Carlos and Zirin). The visibility that made their statement powerful could not shield them from retaliation.

Legal Agency

The same asymmetry between visibility and agency persisted decades later in the fight over athlete labor rights. In January 2014, Northwestern quarterback Kain Colter became the public face of an unprecedented effort to organize college athletes, founding the College Athletes Players Association (CAPA) with the backing of the United Steelworkers (Putterman). Colter pushed for college players to have the same rights as any employee, describing the NCAA as functioning "like a dictatorship" (Putterman). For a brief moment the effort succeeded: a regional director of the National Labor Relations Board (NLRB) ruled in 2014 that Northwestern's scholarship football players qualified as employees and therefore had the right to unionize. However, the following year, the NLRB dismissed the petition, ending the movement without the full board ever officially deciding if the athletes were, in fact, employees ("Northwestern Players Denied"). In his efforts, Colter received national media attention and demonstrated the visibility that college athletes could command. However, that visibility could not grant him *legal agency*—the formal standing to bargain collectively. His constraint was not one of monetization but of legal status: the NLRB's refusal to recognize an employment relationship meant he lacked the legal standing to bargain at all.

Monetization Agency

In 2017, while a volleyball player at the University of Southern California, Victoria Garrick delivered a TEDx talk titled "Athletes and Mental Health: The Hidden Opponent," in which she described silently battling anxiety and depression while competing at the Division I level (Garrick). The talk reached hundreds of thousands of viewers and made Garrick one of the most visible figures in the destigmatization of college-athlete mental health. Her NCAA eligibility ended in 2018, and the following year she founded the nonprofit The Hidden Opponent, an organization that coordinates hundreds of campus mental-health ambassadors nationwide (Garrick Browne).

Garrick's case illustrates the visibility-agency gap in a particular form because of where the NCAA rules drew the line. Nothing in the NCAA eligibility rules prevented her from speaking, organizing, or building an advocacy platform out of her identity as a college athlete. Under NCAA rules, she could even use her athletic identity to raise money for a cause, provided that every dollar went directly to the organization, that she accepted no compensation, and that her institution approved the activity (National Collegiate Athletic Association, Div I Manual). What she could not do, while NCAA eligible, was build any personal revenue stream from her national visibility. She could not accept paid partnerships or serve as a compensated ambassador for her cause. The advocacy, and even sanctioned fundraising, were permissible. What the NCAA rules forbade was the ability for athletes to use their prominence to earn income, even if they chose to channel much of that income toward the causes they championed. Garrick's

constraint was explicitly one of *monetization agency*— not the ability to organize, but the ability to earn income from her prominence for the causes she championed.

Civic Engagement Without Monetization

The pattern above was not limited to a handful of prominent figures. Survey data from the pre-NIL era confirm that college athletes were broadly engaged in civic advocacy. One study comparing athletes with their non-athlete peers found that student-athletes reported using social media to express an opinion at rates comparable to their peers, while volunteering at approximately twice the rate of non-athletes (Hoffman et al.). The NCAA's autumn 2020 survey of 25,000 participants, released in February 2021, found that over 80% of respondents overall intended to vote in the next election. Among Black student-athletes specifically, the engagement on racial justice was particularly pronounced: 77% of the roughly 2,500 Black respondents reported having communicated about a cause and 53% had participated in a demonstration for a cause ("Student Athlete Activism Study"). What none of this data captures is economic action, because pre-NIL there wasn't any transactional data to measure. Every available metric reflected student athlete-activism based on behavior: posting, signing petitions, and voting. The absence of any data on college athletes directing earned money to support causes is not a gap in the research but rather is a reflection of the rules in the pre-NIL era.

Interestingly, it was this lack of financial gain that at least in part made college athletes so credible. College athletes possessed something invaluable to grass-roots social movements: authenticity. A first-generation college student advocating for educational access, or an athlete from an under-resourced community pushing for local investment, carried credibility that professional counterparts often could not replicate. Throughout the Civil Rights movement and into the BLM and #MeToo eras, college athletes served as leaders in challenging injustices both in athletics and in broader society (Cooper et al.). The visibility that came with athletic prominence was genuine; it was not purchased.

PROFESSIONAL ATHLETES: ECONOMIC FREEDOM, COMMERCIAL CONSTRAINTS

Professional athletes have navigated their own set of constraints on advocacy, but those constraints have shifted over time. In the activist tradition of the 1960s and 1970s, the forces that limited an outspoken athlete were mostly governmental or institutional. For instance, when Muhammad Ali refused induction into the U.S. military on religious and political grounds, declaring "I ain't got no quarrel with those Vietcong," the costs were severe. He was convicted of draft evasion, fined, sentenced to five years in prison, and stripped of his heavyweight title and boxing license by state commissions. However, in 1971, the Supreme Court unanimously reversed his conviction (Regalado). The financial toll of these institutional actions was immense. It came through the governing bodies that controlled his right to compete; his losses were competition income. Ali was excluded from years of competition income at the height of his career. The commercial sponsorship model that is so common today was not yet a major economic force. In the late sixties and seventies, the constraints that impacted professional athletes' ability

to advocate for social change were real, but they were imposed by governmental and sport institutions, rather than the commercial marketplace or corporate sponsorship.

That balance of forces changed in the 1980s and 1990s, as the athletes themselves became their own brands (Andrews, Michael Jordan, Inc.). As endorsement incomes swelled during these decades, the economic risks of social advocacy migrated away from penalties imposed by sports institutions and toward commercial marketability (Andrews, Michael Jordan, Inc.). These newer constraints were often contractual (Auerbach). Standard endorsement agreements contained so-called “morality clauses”. These were provisions that let a brand terminate a contract if the athlete became a source of “public disrepute,” often in the sponsor’s sole judgment (Auerbach). Such clauses rarely single out specific political stances, but rather they give sponsors free discretion to drop an athlete whose public stances generate controversy. The threat of that open-ended discretion by sponsors, combined with the risk of alienating consumers, can have an additive effect that encourages professional athletes to avoid activism altogether.

Michael Jordan is a prime example of how athletic stars avoided social or political stances in the 1990s. Jordan reportedly justified his refusal to endorse Harvey Gantt, a Black Democrat running against Republican Jesse Helms, a conservative senator known for opposing civil rights legislation in his home state of North Carolina, with the remark that “Republicans buy sneakers too” (Smith). The quotation has been disputed by Jordan himself in subsequent interviews, though the broader point about his political neutrality strategy remains. Scholars have since treated the Jordan-Nike partnership as emblematic of a decades-long lull in athlete-activism, a period in which the commercialization of the star athlete displaced the athlete-activist tradition that preceded it (Andrews, “The Fact(s) of Michael Jordan’s Blackness”; Teixeira da Silva et al.).

What governed Jordan’s decisions was not the absence of bargaining power but the commercial reception of activism. In the 1990s, controversy about race or politics threatened to alienate consumers, so political and social neutrality was the rational brand strategy. That strategy, however, is not fixed. The same commercial logic that once rewarded silence can, under different cultural conditions, reward speech. Said another way, it is possible for a social stance to strengthen rather than threaten an athlete’s brand. Professional athletes’ capacity to advocate is therefore best understood as a moving target, shaped by a shifting assessment of whether activism helps or harms their marketability.

Social media accelerated this shift. By giving athletes large, directly owned platforms, it allowed them to build social and political positions into their personal brands— converting advocacy from a pure liability into a potential asset. Nike’s selection of Colin Kaepernick as a “Just Do It” spokesperson in 2018 demonstrates this shift in perspective. Nike’s alignment with Kaepernick’s social-justice message generated a reported 31 percent spike in online sales, during the Labor Day weekend (September 2-4, 2018), according to data from Edison Trends, even in the face of some backlash. However, this data reflects a short promotional period rather than sustained sales effects (Avery and Pauwels). On the institutional side, Kaepernick’s “take a knee” protest likely cost him his place in the NFL (Edelman; Teixeira da Silva et al.). The episode illustrates a new paradigm: a brand could profit from activism while the athlete still bore a professional cost. A sponsor’s willingness to stand by an athlete-activist hinged on

whether the cause aligned with its commercial interests, since fans' perceptions of a brand coincide with their perceptions of the sponsored athlete (Teixeira da Silva et al.). Brand policy can even encourage social advocacy on a contractual basis: Adidas added a clause to many sponsorship contracts explicitly protecting athletes who come out publicly as LGBT ("Why Recent Declarations"). The commercial force, in short, no longer points only toward silence, but neither does it reliably point toward speech.

NIL: EXPANDED AGENCY, NEW CONSTRAINTS

Post-NIL, college athletes gained meaningful new tools for cause-driven advocacy that previously were only available to professionals. The emergence of social purpose-built platforms illustrates this shift. Take for example the Sports Philanthropy Network (SPN). SPN is a philanthropic organization founded in 2019 to assist professional athletes who seek to build healthier and more inclusive communities through sports. SPN provides professional development programs and educational resources including webinar series, podcasts, networking events, an annual conference, and media coverage. In 2022, following the NIL decision, the SPN launched its NIL4Good platform in order to broaden the organization's reach to collegiate athletes. The stated mission of NIL4Good is to help collegiate athletes leverage their personal brands and social media presence to perform charitable work as influencers across causes including mental health, social justice, military support, and sports access ("Sports Philanthropy Network"). Following the NIL decision, philanthropic platforms were also developed at the University level. The University of Michigan's Hail! Impact program connected student-athletes with Ann Arbor-area nonprofit organizations, providing both charitable service and educational opportunities in exchange for meaningful stipends (Hess 2023).

By 2024, over 60% of NCAA athletes reported receiving at least one NIL offer, with opportunities extending to athletes with even modest social media followings through deals with local businesses (Opendorse). Football and men's basketball athletes capture approximately 70% of all NIL compensation, while most athletes in non-revenue sports earn under \$1,000 annually (OC&C Strategy Consultants 2025). Despite the skewed sponsorship, this democratization matters for advocacy: the population of athletes capable of sponsored activism was no longer limited to star athletes in revenue sports. Sedona Prince, a University of Oregon Women's Basketball player, offers an instructive example. During the 2021 NCAA women's basketball tournament, Prince became a prominent activist for gender equity in the NCAA after exposing the stark inequalities between men's and women's facilities (Dellinger). Her viral TikTok post, filmed before NIL was in effect, demonstrated the power college athletes already had through social media. Post-NIL, athletes in her position can formalize those advocacy relationships into commercial partnerships, directing income toward the causes they champion rather than simply raising awareness.

Yet NIL has simultaneously introduced commercial constraints that did not exist in the pre-NIL era. Many NIL agreements now include one or more restrictive provisions. Morality clauses allow sponsors to terminate contracts if an athlete becomes a source of public backlash. Conduct clauses go further by imposing restrictions on what athletes can publicly say or do. Exclusivity clauses prevent athletes from endorsing competing brands. Together, these provisions create multiple layers of constraint: a conduct clause might prohibit public statements on certain political topics; a morality clause might allow termination if those statements generate backlash; and an exclusivity clause might prevent a sponsored athlete from formally affiliating with advocacy organizations that compete with the sponsor's brand positioning ("NIL Contracts"; Scott). For example, a college athlete with a shoe company NIL deal who wishes to partner with a racial justice organization may find that their corporate sponsor's brand-protection interests clash with their advocacy goals. Before NIL, no such conflict was possible, because no commercial relationships existed. In addition to corporate contractual restrictions, colleges have demonstrated the structural capacity to impose restrictive provisions in NIL agreements, including broad termination powers (Ehrlich and Ternes). While documented restrictions to date have focused on categories such as gambling and adult entertainment, the contractual infrastructure exists for institutions to restrict athlete partnerships across various domains, including political organizations. Legal scholars applying First Amendment analysis to these post-NIL restrictions have found that the institutional constraints raise constitutional concerns regarding free speech, particularly at public universities (Ehrlich and Ternes).

In summary, similar to what was seen in the professional arena, the introduction of financial gain for the college athlete also brought with it economic vulnerability. However, this dynamic has only a partial parallel to the professional context. What distinguishes the professional context most from the post-NIL college context is in large part due to the infrastructure surrounding it. As private employees of professional leagues, an athlete's right to speak is governed by the language of their collective bargaining agreements and individual contracts (Edelman; Teixeira da Silva et al.). That protection covers the employment relationship with the league, but not the endorsement deals that constitute most of a star's income. That revenue remains subject to individual contracts with morality clauses and market reception of an athlete's activism.

College athletes lack the collective bargaining power that professional athletes have to try to protect their abilities to speak out. In 2020, in response to a wave of athletes wanting to participate in causes they believe in, the NCAA failed to build any comparable collective infrastructure to protect athletes' free speech. Instead, the NCAA addressed the issue by instructing the athletes themselves. In September 2020 the NCAA produced a four-part YouTube series, NCAA Athletes Using Their Power (National Collegiate Athletic Association, "NCAA Athletes Using Their Power"). This video series served as a "how to" guide for student athletes wanting to engage in politically charged subjects, but it provided no collective protection. Most college athletes thus entered the post-NIL activism era with similar restrictive pitfalls that professional athletes faced, but without the collective bargaining power or personal wealth that professional athletes stood on.

DISCUSSION

The comparisons between the pre-NIL college athlete, post-NIL college athlete, and professional athlete reveal that the right for a NCAA athlete to earn income based on personal branding is neither a simple expansion nor a simple constraint of advocacy capacity. It is both simultaneously.

Pre-NIL, college athlete-activists were visible, credible, and deeply engaged (as the NCAA's own 2020 survey data demonstrated), but they were economically constrained. Athletes were prohibited from being paid to act as spokespeople for social causes. Professional athletes occupied a more complex position – free to be paid but still commercially constrained by morality clauses and market forces. Interestingly, however, those constraints loosened substantially in the social media era where one's personal brand can actually benefit from speaking out.

Post-NIL college athletes now occupy genuinely new territory. They have acquired economic agency, access to cause-driven platforms like NIL4Good, and the legal right to formally affiliate with nonprofit partners. At the same time, they have entered the commercial ecosystem without the union protections or collective bargaining power that allow professional athletes to navigate that system's restrictions on expression. The result is a landscape in which some athletes will use NIL to become more effective advocates, while others may find that their commercial relationships constrain the advocacy they might otherwise pursue.

Several notable events since 2021 have also impacted athletes' abilities to pursue social change initiatives. Following the NIL policy adoption, third-party organizations called NIL collectives— groups of alumni, boosters, and donors pooling resources— quickly became the dominant vehicle for funding athlete compensation. Beginning in 2022, many NIL collectives organized around charitable partnerships, enabling athletes to earn money by appearing at nonprofit events or promoting causes (Oregon Accelerator 2025). This created genuine cause-directed NIL opportunities. However, in 2023, the IRS ruled that charitable NIL collectives do not qualify for tax exemption when athlete compensation is central to their purpose, heightening scrutiny of these organizations (Alston & Bird 2023). The 2025 House v. NCAA settlement introduced additional institutional oversight: third-party NIL deals above \$600 now pass through a College Sports Commission review that assesses "valid business purpose," potentially creating barriers for cause-driven partnerships (Crowell & Moring 2025).

On employment status of college athletes, the question remains contested. A 2024 NLRB Regional Director found Dartmouth basketball players were employees entitled to unionize (Congress.gov 2024), but a 2025 shift in NLRB leadership rescinded prior pro-unionization guidance, leaving the issue unresolved (National Law Review 2025). These developments have expanded athlete economic agency while simultaneously introducing new regulatory and contractual constraints.

Little to no data yet exists that measures if college athletes are allocating NIL income toward social causes or whether cause-driven NIL partnerships produce measurable community outcomes. This is uncharted territory and represents a significant research gap that future studies should prioritize. Three

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research strategies could address this gap. First, filings from nonprofit organizations that received athlete-directed NIL compensation would identify donations, and payments received. A systematic comparison of these organizations' revenue streams before and after 2021 would begin to answer whether NIL has expanded athlete's donations to these causes. Second, interviews with athlete-activists could illuminate how athletes navigate contractual restrictions and how their activism strategies have shifted post-NIL. Third, interviews with athletic administrators would illuminate institutional decision-making around cause-driven partnerships and the institutional infrastructure that facilitates or restricts them. Together, such studies could reveal new evidence about how NIL has transformed college athlete-activism.

LIMITATIONS

This analysis has several important constraints that warrant discussion. The historical cases examined—Smith and Carlos, Colter, Garrick, and Prince—were selected for their documented prominence and clear illustration of specific mechanisms. However, their prominence and visibility could have affected the outcome being studied. These athletes are known precisely because their activism achieved unusual public attention and may not represent the average college athlete's experience with activism. Additionally, the analysis is confined to the United States, and therefore may not be applicable to other countries with different athlete compensation frameworks. The post-NIL period examined spans only 2021-2026, a window during which policy and institutional infrastructure remain in flux, making claims about long-term effects more prone to unpredictability. The NCAA survey data, while valuable, rely on self-reported activism metrics and were administered to respondents who volunteered to participate, introducing potential selection bias. Athlete-activists who are contractually constrained by morality or conduct clauses may be particularly reluctant to disclose the nature or extent of those constraints, introducing the potential for reporting bias.

CONCLUSION

NIL gave college athletes one thing they had never had: the legal right to convert their visibility into economic agency. For athletes motivated by social causes, this is the difference between being a voluntary face for a cause and being a more valued leader. But the NIL changes also inducted college athletes into a commercial framework that restricts expression—constraints they are less equipped to negotiate than their professional counterparts. The athlete-activist is not new. The college athlete-activist navigating a corporate NIL contract is. Understanding how those athletes manage that tension and whether NIL ultimately expands or limits their advocacy power are important questions that deserve ongoing study.

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