
THE UNIONIZATION OF COLLEGE SPORTS: WHAT IS THE FUTURE OF COLLEGE SPORTS?

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Synopsis:

The aim of this paper is to examine the future direction of college sports in the United States. In particular, the paper examines the impact the National Labor Relation Board's decision in College Athletes Players Association v. Northwestern University will have on college and Olympic sports in America.

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Aim of the paper

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Theoretical background

In 2014, College Athletes Players Association (CAPA), a labor organization, attempted to organize and represent a group of Northwestern University scholarship football players. In order to do that, CAPA had to show that these football players, based on the financial grant-in-aid they received from Northwestern, were in fact "employees" under the National Labor Relations Act (the Act). If found to be employees, CAPA argued that they were entitled to vote on whether or not to be represented a union for the purposes of collective-bargaining. Northwestern, in opposing the union's efforts, claimed that the athletes were not employees under the Act and therefore had no right to be represented by a labor union.

On March 26, 2014, Peter Sung Ohr, the regional director for the National Labor Relations Board (NLRB) in Chicago, ruled that under the common law definition of "employee" any player that received scholarships to perform football-related services for Northwestern was in fact an employee working under a contract for hire in return for compensation. Accordingly, the NLRB ordered that an election be conducted to determine if the players wished to be represented by CAPA. The election was conducted in April 2014.

Research analysis

After reviewing the facts of the case, and the relationship colleges and universities have over their scholarship athletes, the paper examines the impact the NLRB decision could have on the future of college and Olympic sports in the United States. The US Olympic movement is concerned because of all the gloom and doom scenarios being thrown around by the universities, who claim that the unionization of college athletes will cause universities to cut sports and opportunities for athletes. In fact, these claims have grown so load that the United States Olympic Committee has voiced concern over the future quality of US Olympic athletes.

In addition, while the main focus of this paper is the unionization of college athletes, a part of this analysis must also briefly examine the various antitrust challenges that colleges and the National Collegiate Athletic Association (NCAA), the organization that governs college athletics in the United States, are currently facing. It is my position that these cases are all part of the current assault of the entire college sport model.

Implications/conclusion

On April, 2014, Northwestern University formally filed a "request for review" of the ruling by the entire five person National Labor Relations Board. However, while the issue of college athletes can unionize may be in doubt, there is no doubt that the outcome the case will have major implications for college sports and the NCAA. For example, even though the decision will only officially impact the 17 other private universities that play football at the highest level, NLRB decisions only apply to private employers, it would seem logical that athletes at state universities would also move to unionize as well. In fact, to cut off this possibility, the State of Michigan has already passed legislation that would ban university athletes from unionizing. The paper, therefore, concludes by examining the potential cost of unionization to the schools and the future of college sports in America.

References:

Northwestern University v. College Athletes Players Association (CAPA), Case 13-RC121359 (March 26, 2014).