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## NIL, the Transfer Portal, and Social Justice



As March Madness kicks off this week, players around the nation are most focused on slam dunks and steals. But NEPC Fellow Shaun Harper suggests they may also have equity on their minds.

“Our research makes painstakingly clear that players want to speak publicly about social injustice, yet too many feel unsafe doing so,” the University of Southern California professor wrote recently for the news outlet [Inside Higher Ed](#).

Harper based this statement on [research](#) he and his co-author Justin Morrow released earlier this year on the experiences of female professional athletes. But he argues that these same perceptions are common among college athletes as well. And he believes that now is the time for them to speak out.

“Name, image and likeness (NIL) in college sports is narrowly understood as being only about student athletes’ ability to receive monetary benefits,” he writes of the term commonly used to describe 2021 changes

to National Collegiate Athletic Association (NCAA) rules that gave student athletes the right to earn money from their personal brands—including names, photos, and videos.

The rules are often viewed as groundbreaking because they permit athletes to earn substantial amounts in endorsements while they are still in school. But Harper suggests that the right to publicity upon which NIL rests should also permit athletes to go beyond sponsorships by sports drinks or athletic apparel.

“These policies also should afford them the opportunity to use their NIL to speak out on social justice issues,” he argues.

Expression can simply involve a choice to move. Revisions to NCAA rules in 2018 made it easier for athletes to leave one school to play at another, by introducing a “transfer portal” that replaced a system in which players needed coaches’ permission to switch schools.

He states:

[T]hose who care deeply about racial justice, gender equity, poverty, gun violence, educational equity, sexual harassment, voting rights, climate change, antisemitism, transphobia, disability rights, deadly wars in other countries, and other issues, yet are told by coaches and administrators on their campuses that they cannot leverage their platforms to highlight and address societal problems, now have the ability to take their voices and athletic talents elsewhere.

But exiting is not the only option. Student-athletes also have voice. And their voices can be powerful.

Harper points to the example of a 2015 action in which football players at the University of Missouri threatened to boycott a game unless their college addressed longstanding racial injustices.

“[By threatening not to play against Brigham Young University](#), black football players at Missouri flexed their collective muscle and exercised their power,” Harper wrote at the time for *The Washington Post*.

Their courageous efforts helped me realize that they and other

black male student-athletes at institutions similar to theirs are the most powerful people of color on campus. Despite constituting less than 0.2 percent of undergraduates at Mizzou, black football players were able to get significant attention from the national media more quickly than the original leaders of the protest were. Faced with the prospect of [losing \\$1 million](#) if they did not play BYU this weekend, university officials had no choice but to finally listen to what black students had long been telling them.

In the wake of that action, two top university officials resigned—including the system president.

Harper argues that NIL rules have only amplified athletes' power since the time of that 2015 protest.

To bolster their confidence, it is important to show contemporary players how some of the most transformative and enduring advancements in the history of American higher education resulted from student activism. And now, thanks to NIL, the ability to transfer to less repressive playing environments, social media and digital platforms, they have the ability to disrupt injustices in our broader society.

In return, Harper and Morrow urge fans to view players as flesh and blood human beings rather than fleeting images on a screen.

Even fans whose perspectives and political views clash with those being expressed by their favorite athletes should respect those players' free speech rights. . . . Insisting that they just “shut up and dribble” (or swim, ski, kick the ball, score touchdowns and home runs, etc.) seeks to silence athletes and reduce them to one-dimensional commodities for spectatorship.

## NEPC Resources on Higher Education

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