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COMM 460
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The NIL Agreement and Social Media: A Content Analysis

By: Scott Smith

Introduction:

The idea of student athletes making money in any capacity whether that be from endorsements, based on their athletic performance or from their social media following has been a hot topic in recent years. Ever since California governor Gavin Newsome signed a bill back in September 2019, which did not become effective until September of 2021, the idea of student-athletes profiting from their successes has rapidly grown. Since that point, numerous states along with the help of the NCAA and Congress have adopted legislation called the NIL agreement that allows athletes to profit off their Name, Image and Likeness. Nearly two years later, effective July 1st, 2021, the day finally came and athletes could start to make money based on their Name, Image, and Likeness.

While this is a big step for college athletes in the 21st century, this is just one more obstacle that athletes have to navigate in college. Since the introduction of social media and now the NIL agreement, more gray areas are coming to light about how athletes can make money. This paper will bring insight into these possible gray areas and how social media is exploiting this hot topic. Through a content analysis we will answer these 2 questions:

1. How is the NIL agreement being discussed within social media channels?
2. How is this new legislation changing the student-athlete experience?

Further we will discuss what the NIL is, certain mental health stigmas related to being a student-athlete, the rise of the social media influencer, how colleges/administration are navigating the NIL and what this could all mean in the years to come. First, we will look at the literature around the topic, then we will move into the research questions, approach, findings,

discussion and then end with a conclusion on how the NIL is changing how we view college sports and the life of student-athletes across the U.S. in this new digital age.

Literature Review:

As mentioned above, the NIL agreement stands for Name, Image and Likeness. This means that student-athletes can make money based on the name on the back of their jersey, their overall appearance/image and their likeness on and off the field. This does not mean, however, that athletes can make money off their performance on the field. That is why athletic scholarships exist. The better an athlete you are, the more money you can receive from the program and ultimately get a free education in certain cases. While the issue of paying student-athletes is confusing, the NCAA and the states encompassing these schools are working around the clock to clear up the gray areas that exist within the NIL agreement. There is tremendous work to be done, however, many in the professional marketing and branding world feel that there is a great benefit to paying the athletes who struggle with having enough money to pay rent and other expenses such as food to live.

In the October 2020 issue of *College Athletics and the Law*, Zach Soskin, the co-founder of Voltage Management who deals with the content creation/management of student athletes said on behalf of the worries of this new deal that “Some of the distraction concerns are overblown. They’ll have less worries and daily struggles and one less distraction. Lack of money is a much bigger distraction or drain on their energy than having it is” (pg. 2). While many athletes struggle with putting food on the table in between all the practices and traveling for games. The hope is that this new agreement will allow athletes to make money in ways they never thought they could and one day the schools they attend have the resources to help these athletes navigate the entrepreneurial path.

In the article *Sports Entrepreneurship expert offers practical guidance, addresses frequently asked questions about NIL*, Bill Carter, founder of Student-Athlete Insights discusses how this new change is not only good for the athletes, but also the colleges they attend. In one of the questions, Carter states: “I see very little upside for institutions not taking a lead role in educating athletes. NIL is here and is here to stay. Educating student-athletes and helping them become successful will “raise all boats.” An institution viewing their own student-athletes as “competitors” is a recipe for disaster.” (pg. 2) There is a huge opportunity for schools to step up and educate their athletes on best practices with individualized branding courses.

As we learn about new NIL laws, one must consider that the schools are the ones responsible for teaching their athletes as well as how they can protect their own brands. In the article, *How colleges are navigating NIL laws by turning to influencer shops*, the author Ilyse Liffreing discusses what’s at risk if schools don’t assist their athletes. Liffreing states, “The reputation of their school brand as well as future revenue opportunities through NIL is on the line depending on how they work with student athletes moving forward.” (pg. 1) It’s clear that schools know what’s on the line if athletes aren’t educated correctly or at all and it’s their job to make sure they protect their overall brand.

In a March 2020 edition of the *College Athletics and the Law* Article, Claudine McCarthy discusses how college presidents and the NCAA are taking matters into their own hands in how they can help progress the new age of marketable and profitable student athletes. The NCAA’s Chief Operating Officer/Chief Legal Officer, Donald Remy, said in regards to the changing times “It’s our opportunity to shape the future. I’d rather be part of designing our path forward than having it done to us.”(pg. 2) He went further on to say “What I’m hearing here is that this isn’t so much an existential threat as it is an existential opportunity.” (pg. 2) Many of those in power

know what actions need to be taken to help aid their student-athletes, it will just take time to consider what the right moves are.

As more research has come out over the years, it is clear that the life of a student-athlete is not for everyone. Athletes nowadays go under tremendous stressors everyday and rarely seek or know where to seek the help they need. We often see signs of depression, anxiety, eating disorders and substance abuse from the average everyday athlete. In the *Student-Athletes and Mental Health Experiences* article, the authors Ryan, Gayles, and Bell (2018) discuss that “Intercollegiate athletic programs have the potential to design preventative mental health programs, policies, and practices that promote positive and holistic health.” (pg. 76) There is more that universities can do to support their athletes, however, at the moment schools are simply not doing enough to prevent these mental health issues.

While there are many mental health concerns as a college athlete, one thing is for sure and that’s the idea that social media influencers are here to stay. In the *Rise of Social Media Influencers as a New Marketing Channel: Focusing on the Roles of Psychological Well-Being and Perceived Social Responsibility among Consumers*, the authors Kim and Kim (2022) state that “The formation of perceived friendship with social media influencers via digital interactions results in higher levels of users’ psychological well-being and increased loyalty toward the influencers and the products/services advertised and promoted by the influencers” (pg. 15). Social media is a full time job and we must understand that in order to be successful these athletes will have to make sacrifices in their everyday lives. As noted in the *Tackling a New Era*, article by Kevin Kleps, MAC commissioner Jon Steinbrecher says “The market will dictate what chances are present, Steinbrecher added, “and I would suggest no one should overreact to what we see in the first month, the first six months, probably the first year or two.”” (pg. 2) The NIL agreement is very

new and until we know its full effects only time will tell how athletes manage this new money making world.

Research Questions:

After reviewing literature on the topic of the NIL agreement and its potential effects in the years to come, I'm left with these 2 key questions:

1. How is the NIL agreement being discussed within social media channels?
2. How is this new legislation changing the student-athlete experience?

I will be looking at how the NIL is being discussed through social media channels such as YouTube and specifically TikTok as that was the platform that got me interested in the topic. The TikTok in question was of Oregon Women's Basketball star and social media influencer Sedona Prince. In the video, Sedona is being interviewed on her experience having to grow up "within 2-3 months, like instantly" due to the amount of phone calls about potential brand deals she was receiving. Her life before NIL was not complicated and now she struggles to keep up. In addition to this question, I will look at how this new legislation is changing the student-athlete experience. It's clear that life as a student-athlete is changing with the introduction of profiting of your Name, Image and Likeness. This is an issue that has been discussed for years, but nothing has been done to advance the experience for student-athletes. As we look forward in the days, months and years ahead this paper will bring insight into how this new agreement is ultimately going to change and has changed the life of the most social media friendly student-athletes.

Approach:

For this paper, I will be using a content analysis. This will help me determine through text-based articles and digital platforms how the NIL agreement is being discussed and what its implications could mean in the years to come. I looked at 5 different TikTok videos and 2 Youtube videos that

discuss either the humor, seriousness or implications of the NIL agreement. Each one of these videos have given me insight into how the NIL has been discussed in the media as well as how it has affected the student-athlete experience. In addition to these social media platforms, I can take the knowledge of what I've learned in previous sports management classes to help take on this ever changing and hot topic. Many of the sports management classes I've taken at UMW can shed light on the laws and day to day operations of college athletics that many do not take into consideration.

Findings:

The NIL agreement has changed how we view and discuss college athletics in popular media. Through various social media channels such as TikTok, YouTube and even news interviews; we are seeing how the greater public along with college athletes are discussing the new opportunities that brand deals have brought to light. There are thousands of athletes across the country who have scored brand deals with various companies, but what people don't realize is that the athletes who are making the most money aren't the typical stars on their teams you would expect to make upwards of 6 figures. After reviewing numerous social media channels, I've found current athletes, alumni, brand coaches and the greater public all have something to say about this tremendous opportunity.

TikTok's Big Market Price Tag

In the interview with standout Oregon Women's basketball player Sedona Prince, we learn about the struggles that NIL brings up since some of the most likable athletes are now getting phone calls on the daily about new brand deals. While this would stress many of the highest followed athletes, Sedona goes on to mention in a different video that she signed a deal with Parity. This

particular deal is a platform that women can use specifically to sign deals with potential brands as a way to bring down the wage gap between men and women.

While there are some disparities in wage earnings these new brand deals will ultimately level the playing field. In another TikTok, this time from @realblakelawrence, Blake discusses how the biggest of social media stars such as LSU gymnast Olivia Dunne (5.2 million followers) and Fresno State basketball players the Cavinder Twins (4.0 million followers) are making over 7 figures off brand deals just for having large social media followings. This is a huge opportunity for athletes with great personalities, many brands such as Boost Mobile, who sponsor the Cavinder Twins, will pay big money to be a part of your success.

Alumni's & Comic Relief

Not only are current athletes weighing in on this hot topic, but so are some of colleges most popular athletes and social media alumni. Two that stand out immediately are Robert Griffin III (RG3) and Donald De La Haye aka Deestroying on TikTok. In one TikTok video by Robert he makes a joke about wanting to go back in time with the TikTok sound "I wish I had a time machine". In this he makes fun of the fact that he wishes he could go back to his college days, so that he could take advantage of the NIL agreement. Who knows how much money he could have made, but he had the potential to reel in big bucks. In Donald's case, he had the opposite reaction. Due to his large social media following in college and the fact that he was making money off his YouTube channel while in college, the NCAA made Deestroying choose between football and social media. After choosing social media, Donald is now happy that athletes can now get paid and only hopes the best for student-athletes in the years to come.

Looking to the Next Generation

Which brings me to the next point that everyone from athletes, to the media, and the greater public wants to see athletes getting paid. In two different TikToks one by Katie Eidem who encourage athletes to use the site opendorse, a platform for athletes to use to find brand deals, along with another video by Emma Hoffart, a Missouri Western Softball player who signed with Degree to be an advocate for athletes who have come out, have both mentioned that all they want is for the current and next generations to continue the success of capitalizing on brand deals. There are so many people in the corner of athletes to make money that even colleges have acknowledged that they need to hire branding coaches. Jordan Rooney who is the NCAA's first personal brand coach in a recent Ted Talk discusses the impact that the NIL has on college athletes especially those in lower income backgrounds. He said that "social media is unlocking generational wealth." After years of not getting paid, the NIL agreement has unlocked the potential to support athletes and their kids for years to come.

Discussion:

After reviewing the findings in regards to the NIL agreement and how it's interpreted in the media. I found that there is an overarching support for college student-athletes to make money off their Name, Image and Likeness. We have found that while certain alumni make jokes about wishing they could make money as a college athlete back in their day that they ultimately support this new cause. While some have found their issues with the NCAA and the fact that they were told to choose between social media and sports, they too are excited for what the next generations can achieve.

While many of the top collegiate athletes who play on the biggest stage and win NCAA championships, most of the money that is being made will be by those with the biggest social media followings and best personalities. When brands reach out to these athletes they are looking

for someone who can carry their brand and take it to new heights. They want to know that the people they are endorsing have loyal fans who will in turn buy their products. For example when you look at the Cavinder Twins from Fresno State, Boost Mobile believed that they were worth 7 figures and the price of a billboard in New York City. Whether they were correct or not that is to be seen, but with a following of 4.0 million TikTok followers you would have to imagine Boost Mobile is feeling very good about their decision.

Although brands are jumping at the bit to sign athletes, we wonder how athletes such as Sedona Prince will handle these tremendous opportunities. As she mentioned before, school was already hard and now she is struggling to keep up with all the brand deals. Even though she went on to sign with Parity to bring this issue of gender wage equality to the forefront. We know that athletes will still struggle managing what deals work best for them and how they can make the most amount of money. That is where brand coaches come into play.

After hiring the first personal branding coach in Division 1 history, Jordan Rooney strives to be that positive force that collegiate athletes can look up to when they are navigating the laws around the NIL. Jordan has made it clear that the NIL agreement is the way of the future and that “social media is unlocking generational wealth”. Today’s athletes have access to so many brand deals if they just put their minds to it and even the poorest of student-athletes could potentially make 6 or 7 figures every year while in college. This level of wealth could set the athletes and their families on a path to life changing opportunities. Not only is this agreement changing the lives of these athletes, but it is changing their entire student-athlete experience. Athletes before the agreement struggled to put food on the table and often struggled to pay bills like rent. Now, even the average athlete could buy a car, a house, pay rent or simply buy groceries and not be worried about how they are going to find their next meal. The NIL, while showing moments of

stress in athletes' lives, can only benefit their college experience if they have the right resources to direct their personal brand.

What's so incredibly valuable about this research is finding out that this new law will impact athletes far into the future. I didn't realize that if an athlete were to get paid 6 figures or let alone a couple thousand that it would impact their lives more than just having enough to live today.

Athletes are now able to send money back home to their families or can use that money to support the next generation of collegiate athletes. This could be done through camps, talk shows or buying them the gear necessary to support their respective sports. The NIL is truly a step in the right direction and will provide athletes with the ability to impact those around them for generations to come. As mentioned by Katie Eidem and Emma Hoffart, such brand deals give athletes the opportunity to give back to those who are either in college right now or those that are pursuing college athletics. The NIL has given them the ability to share their experiences and give back to the very people that look up to them or respect their work.

Conclusion:

The Name, Image and Likeness agreement is a game changer for college athletics. This new law provides support for student-athletes that goes beyond the financial. Not only can they provide for their families, but they can give back to younger generations who are pursuing the college athletics path. From alumni, to current athletes and brand coaches there is a greater consensus that the NCAA is moving in the right direction to level the playing field for every athlete enrolled in college today. There is still work to be done as athletes struggle with mental health and substance abuse problems, but the hope is that this agreement will take some of those stressors away so they can focus on the sport they fell in love with playing.

As we look on to the future, we must note that this research is very new. The NIL has only been in effect for less than a year and the people at the top writing these laws are still figuring out what athletes can and can't do. While there are a few interviews out there it would be interesting to see the student-athlete from a perspective like ESPN 30 for 30's where they discuss what it's like being a college athlete in this new money making world. This unique perspective coming from the athletes it affects would provide the world with a greater understanding of how positive an impact the NIL has on the student-athlete experience and how it's talked about in the media.

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