

The Tectonic Plates Beneath Intercollegiate Athletics Continue to Shift

By Jim Delany, Jim Roth and Tim Walsh

All institutions, whether directly or indirectly engaged in the field of intercollegiate athletics, should know what is happening across the complicated Division I landscape and be mindful of related future opportunities and threats to their institutions. Three key current issues have sparked discussion about the future of the field and may change the face of intercollegiate athletics — and the strategies of many colleges and universities — going forward.

NCAA Under Fire

After a year of uncertainty, the Supreme Court unequivocally rejected the NCAA's appeal that its rules limiting benefits to student-athletes were necessary to preserve the concept of amateurism in the June 2021 decision on *NCAA v. Alston*. This decision will permit institutions to provide funding to student-athletes for educational benefits, such as computers, musical instruments, or other services and goods, as well as cash awards for academic achievement. As these additional benefits are not

historically included in the NCAA's cost of attendance limits, the decision opens the door for athletes to receive even greater benefits from schools and raises questions related to finance, compliance, competition and strategy. To confront the sea of change that awaits intercollegiate athletics as a result of this decision, athletic department leaders and universities will need to be attentive to related opportunities and risks and coordinate their institutional responses as they chart a path forward.

Amateurism Pressured

Though the Supreme Court's *Alston* ruling made headlines last month, there has been a rush of new, pending and draft legislation focused on protecting student-athletes' opportunities to make money by selling their name, image and likeness (NIL) while playing a college sport. Until recently, studentathletes forfeited those rights as part of the terms of signing scholarship agreements — now every studentathlete has this opportunity. With a number of states instituting new legislation as of July 2021 allowing student-athletes to capitalize on their NIL, the NCAA has adopted interim guidelines to allow athletes in states without NIL laws to earn compensation for the use of their NIL and without jeopardizing their eligibility. This change may require a new set of institutional policies, procedures and tracking tools to be developed and deployed — potentially by the fall of 2021 — which will be particularly challenging

given that internal resources are already consumed by preparations for a return to “normal operations” in post-pandemic year one.

Conference Realignment

Internal pressures are creating instability across intercollegiate athletics as well. The University of Texas at Austin and The University of Oklahoma were formally accepted to join the Southeastern Conference (SEC) in 2025, leaving behind the Big 12 Conference (Big 12). This move initiated a domino effect that extended well beyond the Big 12 and SEC, and even outside of the Power Five conferences, reaching Group of Five institutions as well. The Big 12, as a result, added four new members who previously called a Group of Five conference home: Brigham Young University, the University of Central Florida, the University of Cincinnati, and the University of Houston. Additionally, three of the “Power Five” conferences (Atlantic Coast Conference, Big Ten Conference and the Pac-12) announced an alliance that will, among other characteristics, integrate scheduling opportunities across the conferences in the years to come. Given the benefits, such as media rights revenues, conference payouts and expansive public platforms, that conference membership can provide, university leaders across the country are, in many cases, exploring all options as they attempt to position their institutions as well as possible within this sea of uncertainty.



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Key Takeaways

With various laws, policies and ideas evolving related to intercollegiate athletics, leaders can do the following to stay ahead of these shifts:

Think differently.

Given how these changes range from larger conference issues to individual actions players can now take, consider how these may impact all areas of campus. How might different areas of the institution be affected? With uncertainty comes the opportunity for growth and innovation. How can leaders embrace the positive and capitalize on this new landscape while mitigating any possible negative repercussions?

Plan differently.

In anticipation of future decisions, start building flexibility into your strategy to be able to act quickly and adjust plans accordingly. Based on recent events and laws already enacted, how should you best prepare your institution for any further changes? With the new academic year now underway, use this time to gather key learnings and set a benchmark for the changes now in place. In this way, you can track and utilize data more efficiently to inform future initiatives.

Act differently.

Create more opportunities to interact with athletes and collect feedback. Ensure communication pathways are open and clear between key constituents, including the conference in which your institution resides. While challenging to plan with laws and regulations in flux, being as informed and transparent as possible with others will help guide your path forward and keep your institution positioned for success.