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## Is the NCAA Finally Loosening Its Iron Grip On College Basketball By Allowing Underclassmen the Opportunity to Return to College After Declaring for the NBA Draft?

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# IS THE NCAA FINALLY LOOSENING ITS IRON GRIP ON COLLEGE BASKETBALL BY ALLOWING UNDERCLASSMEN THE OPPORTUNITY TO RETURN TO COLLEGE AFTER DECLARING FOR THE NBA DRAFT?

NEIL PATEL\*

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## I. INTRODUCTION

The National Collegiate Athletic Association (NCAA) Oversight Committee has proposed a new rule that allows undergraduate college basketball players to reject the National Basketball Association (NBA) and return to school after they have submitted their name for the draft.<sup>1</sup> This rule represents a great change in the policies that regulate college sports, specifically college basketball.<sup>2</sup> The NCAA has ruled college basketball with an iron fist, but with this

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<sup>1</sup> Gregg E. Clifton, *NCAA Changes Course, Proposes Rule Allowing Players to Reject NBA and Return to School*, COLLEGIATE & PROF. SPORTS L. BLOG (Nov 12, 2015, 8:30 AM), <http://www.collegeandprosportslaw.com/uncategorized/ncaa-changes-course-proposes-rule-allowing-players-to-reject-nba-and-return-to-school/>.

<sup>2</sup> *Id.*

new proposal, it seems that it is beginning to help our college athletes sustain some semblance of a normal life after their playing days are over.<sup>3</sup> Importantly, the rule is merely a proposal.<sup>4</sup> In January, the NCAA will vote on the rule, and if passed, it will be immediately implemented for the 2016 NBA Draft.<sup>5</sup> The objective of this Comment is to show the impact the proposed rule will have on the NCAA, universities, basketball players, and the NBA.

Before we can discuss the potential impact of the proposed rule, we must compare it to the existing NCAA rule. The existing rule, NCAA Exception 12.2.4.2.1, states that:

A student-athlete in the sport of basketball may enter a professional league's draft one time during his or her collegiate career without jeopardizing eligibility in that sport, provided the student-athlete is not drafted by any team in that league and the student-athlete declares his or her intention in writing to the institution's director of athletics to resume intercollegiate participation within 30 days after the draft.<sup>6</sup>

When the NCAA adopted this rule, many were in opposition.<sup>7</sup> College coaches disliked the increased likelihood of categorizing players as “one and done.”<sup>8</sup> They also were worried about the impact that the rule might have on their ability to recruit and offer scholarships,<sup>9</sup> and they worried about the subsequent ramifications for universities.<sup>10</sup> Furthermore, college players condemned the rule because of the impact it would have on their futures, both on and off the court.<sup>11</sup> Despite changes implemented to correct deficiencies, the old rule and new rule have many similarities that may lead those same critics to believe that old rule problems will continue to exist if the proposed rule is passed.

In Part II, we will discuss the impact the proposed rule will have on universities and coaching. This includes the rule's impact on basketball team, future recruiting, and university policies regarding athletes. As previously mentioned, coaches hated the uncertainty the old rule created with regards to

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *NCAA Regulations Related to Agents and Other Amateurism Provisions*, CINCINNATI BEARCATS (Nov. 12, 2015, 9:00 AM), <http://www.gobearcats.com/compliance/ncaa-bylaws.html> [hereinafter *NCAA Regulations*].

<sup>7</sup> See generally John P. Gillard Jr., *Smoke, Mirrors, and NCAA Bylaw 12.2.4.2.1: An Analysis of College Basketball's Thirty-Day Rule and the Continued Exploitation of College Cagers*, 6 Marq. Sports L.J. 173 (1995).

<sup>8</sup> *Id.* at 176.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 180.

<sup>11</sup> *Id.*

recruiting, but the new rule will not be much different.<sup>12</sup> The new rule does not affect the increased likelihood of players testing their professional skills earlier time in their collegiate careers because they will have the option of coming back.<sup>13</sup> This will affect teams because coaches will not know whether certain players will return, affecting how coaches recruit, especially at the lower levels.<sup>14</sup>

Additionally, continual team changes have the potential to create animosity towards those players that leave teams and then come back.<sup>15</sup> This rule will affect how the universities treat and monitor those players. Universities have to make sure the players are still in compliance with NCAA Student Athlete rules and regulations in order to stay eligible.<sup>16</sup> If players are on the verge of entering the NBA draft but decide to come back, the universities must toe a fine line.<sup>17</sup> Universities must also put academic advising, classes, and tutoring on hold for student-athletes—benefits which may not be available when student-athletes return. This uncertainty might cause budgeting issues for universities. Lastly, college athletic departments' ability to sell season and single-game tickets may be impacted due to an inability to supply alumni and fans with final rosters.

Next, in Part III we will discuss how this rule will impact the NCAA. The NCAA has a strong hold on college sports, particularly basketball.<sup>18</sup> The NCAA has continually passed rules and regulations that allow it to maintain its strong hold.<sup>19</sup> If the proposed rule passes, it might shift the NCAA's policies towards helping student-athletes by allowing them to return to college.<sup>20</sup> The rule would also impact other areas such as recruiting, team chemistry, and budgeting. While the proposed rule will have significant impact on the NCAA,<sup>21</sup> it is nice to see the organization treating its athletes with some level of added respect by concerning itself with their futures.

Part IV will discuss how the proposed rule will impact the basketball players. The proposal will significantly impact players in three major ways. First, their collegiate careers and their ability to stay eligible will be affected.<sup>22</sup> This is a major issue because college basketball players that declare for the draft must

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 181.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 180.

<sup>18</sup> Clifton, *supra* note 1.

<sup>19</sup> Warren K. Zola, *Transitioning to the NBA: Advocating on Behalf of Student-Athletes for NBA & NCAA Rule Changes*, 3 Harv. J. Sports & Ent. L. 159, 162 (2012).

<sup>20</sup> *Id.* at 179.

<sup>21</sup> *Id.* at 162.

<sup>22</sup> *Id.* at 183.

be careful to “navigate the legal regulations established between the NBA and NCAA,” in order to stay eligible.<sup>23</sup> This is harder than it seems because the NCAA has rules that prevent college basketball players from hiring agents if they plan on keeping their college eligibility.<sup>24</sup> It will also be hard for players to remain academically eligible while they travel and train for the NBA draft.<sup>25</sup>

Additionally, the players’ abilities to turn professional and development their skills will be greatly altered.<sup>26</sup> This rule will entice players to enter their name in the draft, but may hinder their ability to develop physically and emotionally, should they elect to come back. A player’s college team may “recruit another player in anticipation of the draftee not returning to school.”<sup>27</sup> As a result, the coach’s new plan may not include the star player, passing the role on to develop a younger player.<sup>28</sup> Yes, the proposed rule will afford players a viable option to return to school, which is momentous, but the long-term outcome may still be detrimental to many players.<sup>29</sup>

Further, this section discusses the impact the rule will have on the players as students and how it will affect their potential basketball careers.<sup>30</sup> One of the most important reasons Dan Guerrero, NCAA chairperson of the oversight committee and UCLA Athletic Director, drafted this rule change was to allow undrafted players a viable option.<sup>31</sup> Every year, an increasing number of young players enter their names into the draft to achieve their lifelong dream of playing in the NBA.<sup>32</sup> However, since only sixty players may be drafted each year, a number of players will have their dreams crushed. Undrafted players will have limited career options.<sup>33</sup> This new rule will allow players to return to school and have the opportunity to earn a college degree.<sup>34</sup>

Lastly, Part V will discuss the proposed rule’s impact on the NBA. The NBA is rarely significantly impacted by NCAA rules and regulations because the talent gap is so significant.<sup>35</sup> Every year, the NBA has a surplus of talent and

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Gillard, *supra* note 7, at 180.

<sup>26</sup> *Id.* at 178–79.

<sup>27</sup> *Id.* at 179.

<sup>28</sup> *See id.* at 180.

<sup>29</sup> *Id.*

<sup>30</sup> *See* Gillard, *supra* note 7, at 178–82 (discussing the effects of the proposed rule on players including proponent and opponent arguments).

<sup>31</sup> Clifton, *supra* note 1.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Gillard, *supra* note 7.

limited roster spots.<sup>36</sup> Additionally, on a yearly basis only a few blue chip college basketball prospects actually cause an immediate impact on NBA teams.<sup>37</sup> Thus, this rule would help the overcrowded NBA free agent list because it would allow players that are not happy with their draft selection to return to school and improve, or possibly seek an alternative career path.<sup>38</sup> The truth of the matter is that very few players actually make NBA rosters and even fewer are successful.<sup>39</sup> The NBA might benefit from this rule because it might delay and/or decrease the number of players that go undrafted without viable career options. Overall, however, this rule will not greatly impact the NBA because it already has a surplus of talent without roster spots.

## II. THE CURRENT SITUATION

The preexisting NCAA rule that governs NCAA Men's Basketball Players is titled NCAA Exception 12.2.4.2.1. This rule states that:

A student-athlete in the sport of basketball may enter a professional league's draft one time during his or her collegiate career without jeopardizing eligibility in that sport, provided the student-athlete is not drafted by any team in that league and the student-athlete declares his or her intention in writing to the institution's director of athletics to resume intercollegiate participation within 30 days after the draft.<sup>40</sup>

This rule was created in 1994 because too many young college basketball players were entering the NBA draft and realized the unfortunate limits of their talent.<sup>41</sup> Ultimately, the NCAA created this exception to help the numerous underclassmen without adequate alternatives.<sup>42</sup> Before this rule was implemented, college players that entered the draft had limited choices.<sup>43</sup> If the player was lucky, he accepted whatever the drafting team offered. However, the unlucky ones played in the Continental Basketball Association,<sup>44</sup> played overseas in places like Europe or China, waited for the next draft, or entered the NBA's de-

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<sup>36</sup> *Id.* at 176–78.

<sup>37</sup> *Id.* at 177.

<sup>38</sup> *Id.* at 177–78.

<sup>39</sup> NCAA RESEARCH, ESTIMATED PROBABILITY OF COMPETING IN ATHLETICS BEYOND THE HIGH SCHOOL INTERSCHOLASTIC LEVEL (Sept. 17, 2012), [https://www.ncaa.org/sites/default/files/Probability-of-going-pro-methodology\\_Update20123.pdf](https://www.ncaa.org/sites/default/files/Probability-of-going-pro-methodology_Update20123.pdf) [hereinafter *Estimated Probability*].

<sup>40</sup> *NCAA Regulations*, *supra* note 6.

<sup>41</sup> Gillard, *supra* note 7, at 174–75.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> The Continental Basketball Association was dismantled in 2001. See David Walstein, *Continental Basketball Association Confronts an Uncertain Future*, N.Y. TIMES (Feb. 08, 2009), <http://www.nytimes.com/2009/02/09/sports/basketball/09cba.html>.

velopmental league (also known as the D league).<sup>45</sup> As a result, this rule was thought to benefit undergraduate players. However, although it may have benefited undergraduates in the short term, it did not benefit them in the long run.

The rule had many adverse effects. In order for an underclassman to maintain his NCAA eligibility, within 30 days of the draft he would have to declare his intention to return to school.<sup>46</sup> Additionally, the hiring of an agent to market a player's athletic ability would automatically render a player ineligible to participate in collegiate athletics.<sup>47</sup> One must always comply with NCAA Bylaw 12.3.1 to maintain collegiate eligibility.<sup>48</sup> However, both NCAA Bylaw 12.3.1 and the thirty-day waiting period cause immense problems for interested parties. The thirty-day period alone is unfair to college coaches, players, and even future college basketball players.<sup>49</sup>

For college coaches and future players, the thirty-day period creates turmoil. College coaches do not know whether players will return, and as a result, do not know whether they need to recruit replacements. Colleges are only allotted a certain amount of scholarships to offer student athletes each year, and under the current rule, colleges and their coaches are unable to adapt.<sup>50</sup> The rule makes underclassmen ineligible to play for their school if they signed with an agent.<sup>51</sup> This rule hurts a player because the player and his advisors "may not know [the player's] present market value when negotiating a contract."<sup>52</sup> Furthermore, agents plan and create meetings for prospective players. While these meetings complicate the situation, they serve an important role by helping players navigate the treacherous waters of the NBA. Additionally, a thirty-day time period is not enough time for a player to adequately negotiate with an NBA team, especially without an agent to negotiate on the player's behalf.<sup>53</sup> Should a player negotiate with an NBA team and thirty days pass, the player must make the difficult decision to continue negotiations with the NBA team and forfeit his eligibility or continue his collegiate basketball career.<sup>54</sup>

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<sup>45</sup> Gillard, *supra* note 7, at 174.

<sup>46</sup> *Id.*

<sup>47</sup> *What are the Official NCAA Rules Concerning College Athletic Recruiting Companies?*, STUDENTATHLETEWORLD.COM, <https://www.studentathleteworld.com/recruiting-101-blog/entry/what-are-the-official-ncaa-rules-concerning-college-athletic-recruiting-com> (October 19, 2016) [hereinafter *Athletic Recruiting Companies*].

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *College Athletic Scholarship Limits*, SCHOLARSHIPSTATS.COM, <http://www.scholarshipstats.com/ncaalimits.html> (last visited Sept. 26, 2016). NCAA Division I Men's Basketball teams are limited to thirteen scholarships a year. *Id.*

<sup>51</sup> See *NCAA Rules Concerning Agents*, *supra* note 47.

<sup>52</sup> Gillard, *supra* note 7, at 181.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.* at 180–81.

The thirty-day period further complicates the situation because, during that time span, it is nearly impossible for a player to maintain academic eligibility.<sup>55</sup> In those thirty days, players constantly travel around the nation trying out for teams, making it nearly impossible for players to maintain eligible grades.<sup>56</sup> Additionally, players must pay their own way to these tryouts and camps if they wish to return to school.<sup>57</sup> The NCAA does not allow college athletes to accept money or gifts of any sort.<sup>58</sup> As a result, if a player wishes to remain eligible after attending an NBA team's camp or tryout, he must pay all the expenses.<sup>59</sup> Thus, student-athletes that come from less affluent backgrounds will struggle to pay and may have to forfeit their eligibility for testing NBA waters.<sup>60</sup> However, it gets worse. Assuming that a player properly maintains his grades and finances, does not hire an agent, and properly announces his intentions to return to school, his school may no longer have a scholarship or roster spot for him.<sup>61</sup> As mentioned above, college basketball scholarships are limited, and a coach must determine what is best for his team.<sup>62</sup> As a result, a coach may offer the player's scholarship to another player or recruit in anticipation of the player leaving for the NBA.<sup>63</sup> Thus, there is no guarantee that an underclassman that enters the NBA Draft will still have a roster spot should he return to school.<sup>64</sup>

The current rule, as explained above, has created many problems and spurred outcry for change.<sup>65</sup> The outcry seems to come from everywhere as more and more young players enter the draft without vital information. As a result, the NBA proposed a new rule. The new rule would allow for underclassmen to enter their name into the draft, "be allowed to attend the Chicago pre-draft combine in May, get evaluated by team personnel[,] and [be] given a true reading on their draft status."<sup>66</sup> Additionally, the players would have more time to evaluate their draft stock because the deadline to enter the draft would move

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<sup>55</sup> *Id.* at 180.

<sup>56</sup> *Id.* at 186–187 n.77.

<sup>57</sup> *Id.* at 180.

<sup>58</sup> 16.01.1.1 *Eligibility Effect of Violation*, NCAA, <https://web3.ncaa.org/lstdbi/search/bylawView?id=14958> (Sept. 27, 2016).

<sup>59</sup> Gillard, *supra* note 7, at 180.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.* at 176.

<sup>62</sup> *Id.*

<sup>63</sup> Gillard, *supra* note 7, at 176.

<sup>64</sup> *Id.* at 176–77.

<sup>65</sup> *Id.* at 175.

<sup>66</sup> Andy Katz, *NCAA Proposes New NBA Draft Rule to Allow Early Entrants Back in School*, ESPN (June 24, 2015), [http://espn.go.com/mens-college-basketball/story/\\_/id/13142145/ncaa-proposes-new-nba-draft-rule-allow-underclassmen-return-school](http://espn.go.com/mens-college-basketball/story/_/id/13142145/ncaa-proposes-new-nba-draft-rule-allow-underclassmen-return-school).



to approximately one week after the invite-only draft combine.<sup>67</sup> This would allow players and their families to receive unbiased information and help them make the best decision possible.<sup>68</sup> Many famous college basketball coaches and NBA executives heavily favor this idea and policy.<sup>69</sup> However, the message is still pretty clear—if you are not invited to the combine, the chances of you being drafted are slim to none.<sup>70</sup>

Prospective players still cannot hire an agent if they wish to maintain their eligibility.<sup>71</sup> In fact, many like Kiki Vandeweghe, the NBA's vice president of basketball operations, hope that players will not sign with an agent until they receive news about their draft prospects.<sup>72</sup> Regardless of the intentions of the NBA and college coaches, the problems that currently exist will continue for many mid-level NBA prospects if they are unable to hire an agent. Elite college players like Karl-Anthony Towns and Jahlil Okafor, prospects in this past year's draft, knew that they would get drafted and had no second thoughts about hiring the league's best sports agents.<sup>73</sup> However, players like Andrew Harrison and Dakari Johnson, who, like Towns and Okafor, were prized five-star recruits, were drafted 44th and 48th overall, respectfully.<sup>74</sup> Agents may cause problems, but they help their clients get drafted.<sup>75</sup> Agents coordinate meetings, tryouts, and introductions with key members of NBA teams.<sup>76</sup> This process makes it easier for players to concentrate on what is important, like maintaining eligibility.<sup>77</sup> Underclassmen, often nineteen to twenty-two years old, may not know how to communicate efficiently with NBA General Managers and executives, making it necessary for an agent to represent the player. Furthermore, agents are much more likely to understand the market and a player's value, protecting

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<sup>67</sup> Andy Katz, *Plan Would Move Withdrawal Date*, ESPN (Mar. 12, 2015), [http://espn.go.com/nba/story/\\_/id/12459854/proposal-nba-ncaa-nabc-move-draft-withdrawal-date](http://espn.go.com/nba/story/_/id/12459854/proposal-nba-ncaa-nabc-move-draft-withdrawal-date) [hereinafter *Withdrawal Date*].

<sup>68</sup> Katz, *supra* note 66.

<sup>69</sup> *Id.*

<sup>70</sup> *Withdrawal Date*, *supra* note 67.

<sup>71</sup> Matt Velazquez, *Media Day Notes: Henry Ellenson Focused on the Present, Not the NBA*, J. SENTINEL (Oct. 7, 2015), <http://www.jsonline.com/blogs/sports/331029421.html>.

<sup>72</sup> *Withdrawal Date*, *supra* note 67.

<sup>73</sup> Ricky, O'Donnell, *Karl-Anthony Towns is the NBA Draft's Best Prospect, and It's Not Close*, SB NATION (June 25, 2015), <http://www.sbnation.com/nba/2015/6/19/8810453/karl-ant-hony-towns-no-1-pick-nba-draft-2015>.

<sup>74</sup> *2015 NBA Draft Board*, NBA.COM (June 25, 2015), <http://www.nba.com/draft/2015/draftboard.html>.

<sup>75</sup> Jimmy Spencer, *How an Agent Prepares a Prospect for the NBA Draft*, BLEACHER REP. (June 25, 2013), <http://bleacherreport.com/articles/1683599-how-an-agent-prepares-a-prospect-for-the-nba-draft>.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

the player from being taken advantage of.<sup>78</sup> The potential ramifications of the proposal will be further discussed in Part IV.

In addition to the problems players may face, the problems that currently exist for college coaches and their universities will also continue.<sup>79</sup> The proposed rule will increase the time that players have to return to school.<sup>80</sup> Thus, college coaches must continue to try and create a team without actually knowing if their star players will return.<sup>81</sup> Additionally, coaches must be extra careful when offering scholarships to future recruits because there will be more at stake.<sup>82</sup> At the end of the day, the new proposal, if passed, will start a new era for the NCAA and college basketball<sup>83</sup> where the NCAA helps its players, and for that, the proposal should be applauded.<sup>84</sup> However, this is only one step toward fixing the problem. The new rule, if implemented, will not be perfect.

### III. IMPACT ON UNIVERSITIES

If implemented, the new rule will take effect immediately for, which means that universities must be prepared for the ramifications.<sup>85</sup> However, in the grand scheme of things, the rule change will not affect much. The main problem that currently exists and will continue to exist, should the NCAA elect to change the rule, is the impact it will have on recruiting.<sup>86</sup> The new rule will increase the amount of time underclassmen have to make career decisions.<sup>87</sup> Conversely, coaches will have less time to know whether their players are going to return.<sup>88</sup> Additionally, because of the flexibility for returning players, younger players may decide to try their luck at the combine. However, many players, when they declare their intention to enter the draft, assume they will enter the league. Unfortunately, many of them fail to understand that they will not make it in the NBA.<sup>89</sup> Only sixty players get drafted each year, and that number is shared among international players, upper classmen, and sure-fire lottery picks like Andrew Wiggins and Jabari Parker. As a result, under the new rule many

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<sup>78</sup> Gillard, *supra* note 7, at 181.

<sup>79</sup> Tyler Conway, *NCAA Proposes New Rule to Allow Early NBA Draft Entrants to Return to School*, BLEACHER REP. (June 24, 2015), <http://linkis.com/Xrnto>.

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> Katz, *supra* note 66.

<sup>84</sup> *Withdrawal Date*, *supra* note 67.

<sup>85</sup> *Id.*

<sup>86</sup> Gillard, *supra* note 7, at 176.

<sup>87</sup> Conway, *supra* note 82.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

underclassmen may want to return after their combine results.

Coaches are given a finite amount of scholarships every year to assemble the best teams possible, and if a player declares his intention to enter the draft, that player's spot may no longer be available.<sup>90</sup> Recruiting is serious and coaches must stay ahead of the game; thus, if a player declares his intention to leave, the coach may give his scholarship away.<sup>91</sup> In such a situation, the player cannot return to school unless he can academically qualify and finically afford it.<sup>92</sup> Furthermore, because the new rule gives players an extra three to four weeks to make a determination, college coaches cannot wait for the results of the combine to determine whether a player will return.<sup>93</sup> Three to four weeks is a lifetime in recruitment terms. In three to four weeks a coach may host, visit, and potentially offer a scholarship to a player with the capacity to make an immediate impact. Alternatively, waiting a few weeks is a big risk. College recruits are highly sought after, and one slip-up may cause a player to commit elsewhere.

A second problem that college coaches will have to deal with is team chemistry.<sup>94</sup> At the end of the day, most basketball teams have one or two star players.<sup>95</sup> A potential problem looms if a team's so-called star player declares his intentions for the NBA but ends up returning to his university's team.<sup>96</sup> This may send a message that the star player believes he is superior to his teammates, especially if he does it multiple times. Thus, a rift may occur among teammates. Furthermore, should a player return to school, there is no guarantee he will play the same role within the team.<sup>97</sup> A player returning with expectations to be the focal point may be disappointed, creating more animosity. Unfortunately, this is not where the problems end.

Difficulties continue when attempting to decipher what will happen to universities from an administrative outlook. Universities must make sure that players who are invited and attend the NBA combine maintain their academic

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<sup>90</sup> Katz, *supra* note 66. See also, *College Athletic Scholarship Limits*, *supra* note 50.

<sup>91</sup> Gillard, *supra* note 7, at 176.

<sup>92</sup> NCAA Division 1 Basketball teams are limited to 13 scholarships a year. *College Athletic Scholarship Limits*, *supra* note 50.

<sup>93</sup> Katz, *supra* note 66.

<sup>94</sup> Myron Medcalf, *Chemistry Bigger than One Player*, ESPN (July 16, 2012), [http://espn.go.com/blog/collegebasketballnation/post/\\_id/61131/chemistry-bigger-than-one-player](http://espn.go.com/blog/collegebasketballnation/post/_id/61131/chemistry-bigger-than-one-player).

<sup>95</sup> The individuals that excel on a consistent basis.

<sup>96</sup> Dick Vitale, *Dick Vitale: One-and-Done Rule Hurts Hoops More than it Helps*, USA TODAY (Feb. 15, 2011), [http://usatoday30.usatoday.com/sports/college/columnist/vitale/2011-02-14-one-and-done-rule\\_N.htm](http://usatoday30.usatoday.com/sports/college/columnist/vitale/2011-02-14-one-and-done-rule_N.htm).

<sup>97</sup> For example, the player that left may have been the focal point of the offense, which can cause problems if the player returns and expects to have the same role. During that player's time away, his coach will have had to adapt and create a new playbook that suits the remaining players (players the coach knows will be playing next season).

and athletic eligibility by complying with NCAA rules and regulations.<sup>98</sup> For example, college basketball players are limited in how many hours a week they can practice—four hours a day for up to twenty hours a week.<sup>99</sup> This rule is just one of many that universities must follow in order for a player to return to school should they remove their name from the draft. Maintaining eligibility is a process that is easier said than done, especially considering that universities will not have control over the players at or preparing for the combine.<sup>100</sup> There is a fine line that must be maintained and there are numerous opportunities to cross that line. This includes taking of any sort of benefit from teams, or team members, or agents.<sup>101</sup> The new proposal has the potential to cause chaos for Athletic Compliance Directors at all universities, let alone ones at major universities like UCLA, Duke, and Kentucky, which continually see underclassmen declare for the draft. Yes, these three specific universities have a reputation that tends to only intrigue elite prospects that make the early jump to the NBA, but even top-tiered schools have players do not project well at the next level. Universities already have their hands full with NCAA rules and regulations, but this rule will create more potentially troublesome grey area.

Many college athletes are given the luxury of extra help or advisement throughout their time in school; basketball players are no different. College basketball player receive academic help from advisors and tutors.<sup>102</sup> Players that take advantage of the tools they are provided. If universities are not sure which players are returning, they will not know how to schedule or pay their employees accordingly,<sup>103</sup> which may cause budgeting issues for the teams and athletic departments. Additionally, the NCAA is unclear about whether players will still be able to use the facilities provided to them by their university should they declare for the draft. If they are allowed, then universities must prepare for added student services. Universities must make sure they have enough tutors, for example, that are prepped to help. This is very important because the NCAA heavily monitors the way student athletes are tutored and the assistance they receive, as stated in NCAA Bylaws 16.3.1.1 and 16.3.1.1.1.<sup>104</sup>

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<sup>98</sup> Gillard, *supra* note 7, at 181.

<sup>99</sup> Alex Bozich, *NCAA Announces Changes to NBA Draft Early Entry Withdrawal Date*, INSIDE THE HALL (Jan. 14, 2016), <http://www.insidethehall.com/2016/01/14/ncaa-announces-changes-to-nba-draft-early-entry-withdrawal-date/>.

<sup>100</sup> *Withdrawal Date*, *supra* note 67.

<sup>101</sup> Gillard, *supra* note 7, at 180–81.

<sup>102</sup> Pete Thamel, *Athletes Get New College Pitch: Check out Our Tutoring Center*, N.Y. TIMES (Nov. 4, 2006), <http://www.nytimes.com/2006/11/04/sports/ncaafootball/04ncaa.html?pagewanted=all>.

<sup>103</sup> Jerry Hinnen, *Seahawks' Richard Sherman, Michael Bennett Blast NCAA*, CBS SPORTS (Jan. 30, 2015), <http://www.cbssports.com/collegefootball/eye-on-college-football/25009747/seahawks-richard-sherman-michael-bennett-blast-ncaa>.

<sup>104</sup> *NCAA Regulations Concerning Academic Support*, OREGON STATE ATHLETICS, <http://oreg>

Lastly, and maybe most importantly, this rule will impact how athletic departments market and sell both season and single-game tickets.<sup>105</sup> This rule is likely to affect whether elite recruits commit to play for certain universities.<sup>106</sup> Due to this level of uncertainty, in regards to who is actually going to be a member of the team, many season ticket holders and fans will either wait longer to buy tickets or will not buy tickets altogether.<sup>107</sup> Many fans will be reluctant to buy tickets until they know who is on the roster, and at that point, many fans will be unable to or may not want to buy tickets. In addition, donations made to the universities' athletic program may be affected as well. A common notion in college sports is that the amount of revenue earned from basketball and football programs pays for all the other sports. This may not necessarily be true, it may have some foundation in reality. As a result, not knowing which players will return team may impact other athletic programs.

#### IV. THE NCAA

The NCAA was originally created because many believed that interscholastic collegiate activities needed governing.<sup>108</sup> Whether by a committee or a group of university officials, something had to be done.<sup>109</sup> At first, this committee was rather powerless.<sup>110</sup> However, as time has progressed, the NCAA slowly gained footing and eventually gained control.<sup>111</sup> This coincided with the growing popularity of collegiate athletics.<sup>112</sup> Originally, popular collegiate athletics were limited games where Harvard and Yale University competed against each other. However, with the recent trend and immense popularity of college sports, the NCAA has had to increase its role by creating more rules and regulations, in addition to creating a system to enforce those rules.<sup>113</sup>

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onstate.edu/studentathlete/book/export/html/4174 (last visited Sept. 24, 2016).

<sup>105</sup> Under the new rule, it may take longer to know which player or players will be available for the next year. Ricky O'Donnell, *Why Top College Basketball Recruits Sign Late*, SB NATION (Sept. 25, 2014), <http://www.sbnation.com/college-basketball/2014/9/25/6838903/college-basketball-recruiting-kentucky-stephen-zimmerman-jaylen-brown>.

<sup>106</sup> *See id.*

<sup>107</sup> Mak, J. & Chen, S., *Factors Influencing Men's Basketball Season Ticket Purchase*, 49(2) KAHPERD J., May 2012 at 32, 33.

<sup>108</sup> Rodney K. Smith, *A Brief History of the National Collegiate Athletic Association's Role in Regulating Intercollegiate Athletics*, 11 MARQ. SPORTS L. REV. 9, 11 (2000), <http://scholarship.law.marquette.edu/sportslaw/vol11/iss1/5>.

<sup>109</sup> *Id.*

<sup>110</sup> *See id.* at 13.

<sup>111</sup> *See id.* at 21.

<sup>112</sup> *Id.* at 21–22.

<sup>113</sup> *Id.*

In the end, universities are competing to win.<sup>114</sup> Schools are constantly looking to gain advantages and the problems will only grow more sophisticated as college sports gain more popularity.<sup>115</sup>

Thus, the NCAA had no choice but to build a strong regulatory system.<sup>116</sup> This trend toward more control is not one of which many are fond.<sup>117</sup> Many believe that the NCAA is a corrupt committee that focuses on revenue creation.<sup>118</sup> This criticism has grown with the recent decisions in *NCAA vs. O'Bannon*<sup>119</sup> and the Northwestern Players Union court case,<sup>120</sup> where courts struck down college players' ability to earn paychecks for their athletic collegiate performance.<sup>121</sup> Additionally, Jay Bilas, an ESPN College basketball analyst and Duke Law Graduate, has continually expressed his disdain with the NCAA.<sup>122</sup> In fact, Bilas has gone so far as to say, "[i]f the NCAA policies are so great, then they should easily be able to justify them. . . . They don't want to talk about them because it's so hard for them to justify."<sup>123</sup> Bilas is not alone in his criticism.<sup>124</sup>

A brief history of the NCAA's reputation and humble beginnings is necessary to fully understand the degree of change the proposed rule will cause. The NCAA, as mentioned above, has what many feel is a stranglehold on college sports and their respective players; this hold is particularly strong with basketball players.<sup>125</sup> However, even though the modern trend and reputation of the NCAA is one that is continually disparaged, the proposed rule may mute the critics.<sup>126</sup> Should the new rule pass, the NCAA would allow underclassmen, who were previously not allowed to test NBA waters, to return to school.<sup>127</sup> This rule may help many underclassmen, who are unable to jump to the next level, by offering them a real option of returning to school.<sup>128</sup> However, just be-

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<sup>114</sup> *Id.* at 21.

<sup>115</sup> *Id.* at 21–22.

<sup>116</sup> *Id.* at 22.

<sup>117</sup> Rachel Bachman, *Criticism of the NCAA Grows*, WALL ST. J. (July 22, 2013), <http://www.wsj.com/articles/SB1000142412788732478320457862207285081106>.

<sup>118</sup> *Id.*

<sup>119</sup> 802 F.3d 1049 (9th Cir. 2015).

<sup>120</sup> Ben Strauss, *N.L.R.B. Rejects Northwestern Football Players' Union Bid*, N.Y. TIMES (Aug. 17, 2015), [http://www.nytimes.com/2015/08/18/sports/ncaafball/nlrb-says-northwestern-football-players-cannot-unionize.html?\\_r=0](http://www.nytimes.com/2015/08/18/sports/ncaafball/nlrb-says-northwestern-football-players-cannot-unionize.html?_r=0).

<sup>121</sup> Bachman, *supra* note 121.

<sup>122</sup> Scott Soshnick, *The NCAA Critic Who Can't Be Ignored*, BLOOMBERG (Apr. 2, 2015), <http://www.bloomberg.com/news/articles/2015-04-02/the-ncaa-critic-who-can-t-be-ignored>.

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

<sup>125</sup> Smith, *supra* note 111, at 22.

<sup>126</sup> Katz, *supra* note 66.

<sup>127</sup> *Id.*

<sup>128</sup> Conway, *supra* note 82.

cause a player returns to college does not mean he has to graduate. A player will have the chance to graduate or refine his skills and try to be drafted again.<sup>129</sup> Many college coaches like Kentucky Coach John Calipari and college basketball analysts like Dick Vitale believe that this is the least the NCAA can do for the players from whom they have made so much money.<sup>130</sup> Should this rule pass, it might mark that start of an era in which observers attribute the NCAA with looking after the well-being of their players and not just the bottom line.

In the past, critics viewed that NCAA has as a greedy, self-interested, and corrupt organization that only cared about the revenue it created, specifically from men's basketball and football.<sup>131</sup> Men's football and basketball bring in the most revenue of any U.S. sport; be it from ticket sales, concessions, merchandise, and most importantly television deals. As a result, the NCAA has a high degree interest in the individual players and teams. In fact, this interest has become a popular topic among university officials and legal experts, but that is a different discussion. Regardless, the reputation of NCAA is not a good one, and even with this proposed rule, it may not make that much of a difference in keeping the critics at bay. At the end of the day, when a player returns to his university team, the NCAA will likely be the greatest beneficiary.

While the NCAA has signaled a more player-friendly approach,<sup>132</sup> it will still retain control over returning players. Furthermore, should this rule pass, more grey area will exist within the NCAA Bylaws. This rule, as explained above, would create a vacuum of uncertainty in regards to returning players.<sup>133</sup> While the NCAA must be prepared to implement this rule, in practice, much still needs to be defined in order to protect players and their interests. The NCAA should be armed and ready to open the floodgates because this rule cannot be regulated without the creation of additional rules. Nonetheless, hopefully this is the start of a complete overhaul of the NCAA rules.

## V. PLAYER IMPACT

### A. Maintaining NCAA Eligibility

The proposed rule, if passed, will have the strongest impact on players. The rule will impact players in three major ways.

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<sup>129</sup> Katz, *supra* note 66.

<sup>130</sup> *Withdrawal Date*, *supra* note 67.

<sup>131</sup> Marc Edelman, *How NCAA Greed Has Led to a Student-Athlete Uprising*, FORBES (Feb. 11, 2014), <http://www.forbes.com/sites/marcedelman/2014/02/11/how-ncaa-greed-has-led-to-a-student-athlete-uprising/#2c845ce04f01>.

<sup>132</sup> Katz, *supra* note 66.

<sup>133</sup> Gillard, *supra* note 7, at 180.

First, and most importantly, this rule will affect a player's collegiate career and his ability to stay eligible.<sup>134</sup> The new rule has the power to give underclassmen discretion over their own education; however, no rule exists to explain the process for players to return. The only current rule mentioned in the proposal is that of agent prohibition, which many believe harms players.<sup>135</sup>

Underclassmen that declare for the invite only combine, with the intention of returning to school, should be careful. "Navigat[ing] the legal regulations established between the NBA and NCAA," in order to stay eligible requires caution.<sup>136</sup> Many players find it hard to navigate the preexisting rules, let alone a new, unclear one. One rule that will inevitably arise is the rule prohibiting players from taking money from any teams, individual representatives, or organizations in order to remain eligible.<sup>137</sup> Many players do not have the financial means to attend the combine, should they be invited, let alone any other meetings or individual tryouts.<sup>138</sup> Accordingly, some players may not have the choice to return to school because they will have to borrow money or accept gift money in order to participate in many of the events that take place during the draft process.<sup>139</sup> The NCAA may think it is helping younger players by proposing this rule, but unless the NCAA finds a way to help players pay for the combine without having to hire an agent, this rule will not help a majority of the players.

The current rule, which prohibits players from hiring an agent, will continue to remain intact.<sup>140</sup> The continued adherence to this rule forcing automatically ineligibility for many players, causes two major problems. First, this rule continues to put players at a disadvantage during the drafting process.<sup>141</sup> Agents have the necessary experience and relationships to benefit players when meeting with teams and executives, ultimately helping the players get drafted.<sup>142</sup> Agents set up meetings, try-outs, and even negotiate contracts on behalf of their players.<sup>143</sup> While many see agents in a negative light, at the end of the day, their success is directly related to their clients' success.<sup>144</sup> Thus, agents have strong incentives to secure the best possible options for their clients.

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<sup>134</sup> Zola, *supra* note 19, at 183.

<sup>135</sup> See *Athletic Recruiting Companies*, *supra* note 47.

<sup>136</sup> Zola, *supra* note 19, at 183.

<sup>137</sup> Gillard, *supra* note 7, at 179–80.

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> Zola, *supra* note 19, at 183–84.

<sup>141</sup> Gillard, *supra* note 7, at 179–81.

<sup>142</sup> Spencer, *supra* note 76.

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*



Interestingly, young basketball players can greatly benefit from having an agent. Agents can help players who are not stars get drafted.<sup>145</sup> Every year numerous players are tagged with the controversial label of one-and-done. These players reap the benefits of hiring an agent because they know they will not need to return. Players that are on the fence, even players that attended small schools, need all the help they can get. Players that impress NBA personnel at the invite combine still must perform a tremendous amount of work to get drafted. Players must attend individual workouts, team meetings, and interviews with team executives and coaches.<sup>146</sup> Many teams draft players who they believe have the potential to be stars, rather than those who have already achieved star notoriety; this is where an agent would be most helpful. Agents can organize the whole process to make sure that players are not wasting their time, as well as provide the necessary information players need to succeed in interviews. Underclassmen often are still nineteen-year-olds who need help. Thus, the NCAA's prohibition on players hiring agents will continue to prevent players from fully participating in the draft process.

The second problem that exists for players is maintaining academic eligibility.<sup>147</sup> Players are already on a tight schedule when it comes to classes and exams, especially during the NCAA Tournament.<sup>148</sup> This rule would only make studying harder. Should this rule pass, players would be in charge of maintaining and monitoring their own academic eligibility during the draft process. The NCAA has not spoken about whether academic aid will be available to student athletes that declare for the draft. Because of this lack of clarity, players must be careful to not let their eligibility expire. In a nutshell, players will have to act as students and agents—which are both full time jobs—in addition to taking on the physical and economic toll, in order to keep their eligibility intact.

### *B. The Impact on Player Development*

The second major ramification players will face, should this rule pass, is their ability to fully develop and improve their skills in a manner that may later allow them to become better professional basketball players.<sup>149</sup> A college team

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<sup>145</sup> Both Andrew Wiggins and Karl-Anthony Towns were considered the top players in their draft class. As a result, both were drafted first in their respective drafts. Mike Mazzeo, *Timberwolves Select Karl-Anthony Towns No. 1 Overall in NBA Draft*, ESPN (June 26, 2015), <http://www.espn.com/nba/draft2015/story/id/13148888/minnesota-timberwolves-select-karl-anthony-towns-no-1-overall-2015-nba-draft>.

<sup>146</sup> Spencer, *supra* note 76.

<sup>147</sup> Gillard, *supra* note 7, at 180.

<sup>148</sup> Zola, *supra* note 19, at 184–86.

<sup>149</sup> Gillard, *supra* note 7, at 179.

may elect to recruit another player to take the spot of a tentative NBA player.<sup>150</sup> If it was not made clear, college basketball is a moneymaking business. Coaches and universities must continue to reload for the next season, especially at major division-one schools where jobs are on the line every year.

Normally, a vacant roster spot will be filled to ensure success. Recruiting is a serious business based around a team's needs and availability. Consequently, should a player elect to leave for the draft, a spot may or may not be available for that returning player.<sup>151</sup> This may even affect a player's campus housing and class schedule. Most importantly, a player who does not have a roster spot will be unable to develop.<sup>152</sup> This is a major concern because many undrafted players only need limited improvement.<sup>153</sup> The opportunity to improve may no longer be available should a coach recruit or design a game plan for another player.<sup>154</sup> Coaches design game plans based around the players on their roster. Once star player leaves for the combine, he may be omitted from new games or team goals.<sup>155</sup> Additionally, should a player return to school and not have the same success as he did in previous years, it will impact a player's prospects. Coaches, as mentioned above, are under immense pressure to win. Should a player leave, the coach is responsible for filling that void. Coaches will change and implement new game plans quickly in response to a player's departure. This is not meant to paint coaches in a negative light; it is just meant to highlight the nature of the business. A player that returns may find that he is no longer the focal part of the team, ultimately impacting that player's ability to get drafted.<sup>156</sup>

Should a player elect to return, another minor problem may arise regarding team moral and chemistry. A common theme ingrained into American team sports is the idea that "there is no 'I' in team." The true success of a team often lies within the players' ability to work with each other and sacrifice for the team. While there may be star players, it is important to have players that can and are willing to sacrifice for each other. If a player should return to find that he is no longer the focal point of the offense or the team leader, how will he react? Other players may not want to play with a returning player, because entering the NBA draft early may be seen as putting himself ahead of the team. Animosity may hurt the team. While this problem may arise regardless, it is something that might intensify should this new rule pass.

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<sup>150</sup> *Id.* at 180.

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> *Id.*

*C. Post-Basketball Legacy*

College basketball is full of splendor. In March sixty-eight teams full of wide-eyed, excited, and nervous division-one athletes enter the NCAA tournament. This event never ceases to amaze the millions of college basketball fans that watch the tournament. In the end, one team stands atop the mountain and is crowned champion. There may be no better feeling in the world for those players, but for many that may be the last time basketball has a positive impact on their lives. At the end of the tournament, players have to make decisions about their future. After the tournament, many college basketball players will never play competitive basketball again. Only sixty players are drafted into the NBA each year.<sup>157</sup> In fact, based on statistics created in 2012, approximately 1.3% of NCAA college basketball players get drafted.<sup>158</sup> That percentage includes superstar freshmen who are labeled one-and-done. Additionally, more international players are getting drafted as the game has gone global. At the end of the day, it is nearly impossible for a player to play basketball at all three levels—high school, college, and professional.<sup>159</sup> Thus, thousands of NCAA college basketball players will not make it to the NBA.<sup>160</sup> This is a troublesome realization because most of these players have worked their entire lives to play in the NBA. The sooner that realization occurs, the earlier a player may take advantage of his situation.

Every year numerous players fail to realize they will not make it to the NBA. This creates complications for players who enter the draft under the current rule because they cannot return to school.<sup>161</sup> Those players who are not drafted will have limited options. Currently, undrafted players can tryout for the NBA's Developmental League (D-League) or play international basketball, should they wish to continue their basketball careers. Alternatively, a player may have to find a traditional job to support himself. This may be tough for players without college degrees. Such consequences are both sad and wrong considering that players earn their universities money. College basketball players create great economic value for universities and the NCAA, but once they leave, their use to those universities and the NCAA is limited.<sup>162</sup>

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<sup>157</sup> Joe Piechowski, *UCLA AD Dan Guerrero Working on a Partial Fix for "One-And-Done,"* BRUINS NATION (June 24, 2015, 12:00 PM), [http://www.bruinsnation.com/ucla\\_basketball/2015/6/24/8839835/ucla-ad-dan-guerrero-working-on-a-partial-fix-for-one-and-done](http://www.bruinsnation.com/ucla_basketball/2015/6/24/8839835/ucla-ad-dan-guerrero-working-on-a-partial-fix-for-one-and-done).

<sup>158</sup> *Estimated Probability*, *supra* note 39.

<sup>159</sup> The chance a high school basketball player making it to the NBA is 0.03%. *Estimated Probability*, *supra* note 39.

<sup>160</sup> There are approximately 17,890 male college basketball players on an NCAA affiliated team. *Id.*

<sup>161</sup> Piechowski, *supra* note 161.

<sup>162</sup> Clifton, *supra* note 1.

Student athletes are on strict schedules based around practice, film sessions, traveling, team promotions, student and alumni events, and even media interviews. Outside of that schedule, students have minimal free time to study. When will a player have the time to learn about networking, resume building, and interviewing skills? While there are some clear advantages to being a college basketball player, overall it may be safe to assume that being a college athlete hurts players ability to prepare for life outside of sports. The proposed rule is meant to limit the number of players left out in the cold, unable to return to college.<sup>163</sup> The rule will allow players the opportunity to better themselves and potentially attain the skills necessary to succeed in life. Underclassmen may earn degrees helping them attain some semblance of success, long after their playing days are over.<sup>164</sup> Currently, many players are not afforded this opportunity. The implementation of the proposed rule will be a step in the right direction. However, more work is still required.

#### VI. THE INSTITUTION, THE LEAGUE, THE NBA

The NBA is a one of kind organization that will forever affect on the lives of young people everywhere. With the NBA's audience, basketball has the power to transform the world. At this very moment, countless children and young adults are trying to emulate the world's greatest players like Kobe, LeBron, and Kevin Durant. Many young boys and girls dream of playing in the NBA, but their chance are very low.<sup>165</sup> This creates a win-win situation for the NBA because competition between the best players ensures a successful league.<sup>166</sup> Sadly, only sixty players get drafted each year.<sup>167</sup> Thus, at least for the near future, the NBA will not see a shortage of talent. However, the NBA does recognize the negative impact it may have on college basketball players.

At the end of the day, it is important to realize that the NBA is rarely impacted by NCAA rules and regulations because of the significant talent gap that exists between the two entities.<sup>168</sup> Should the new rule pass, it would be no different. The NBA is the strongest worldwide basketball league and receives a surplus of talent to fill its few open roster spots.<sup>169</sup> As a result, the NBA may benefit from this rule because it will allow players who do not get drafted to ac-

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<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

<sup>165</sup> *Estimated Probability*, *supra* note 39.

<sup>166</sup> Gillard, *supra* note 7, at 177.

<sup>167</sup> Clifton, *supra* note 1.

<sup>168</sup> Gillard, *supra* note 7, at 177.

<sup>169</sup> *Id.*

tually return to college and avoid an overcrowded NBA free agent list.<sup>170</sup> Furthermore, it will allow underclassmen to have the opportunity to return to school, should they not perform well at the invite only combine.<sup>171</sup> Meanwhile, the NBA will receive less criticism regarding the overcrowding of free.<sup>172</sup> It is nearly impossible for a player to make the NBA; therefore, many players are left to struggle.<sup>173</sup>

This rule may ease that struggle by giving certain underclassmen the opportunity to return to school.<sup>174</sup> Overall, the NBA will benefit from this rule because it has the potential to help players develop viable alternative options.<sup>175</sup> However, even if this rule does not pass, the NBA will not be impacted significantly. The NBA already has a surplus of talent.<sup>176</sup> The NBA is a well-oiled machine that will continue to breed and attract the top talent from around the world.

## VII. CONCLUSION

The overarching theme of the proposed rule is one that critics can get behind. However, in practice, the NCAA is far from creating a rule that actually helps college basketball players. Therefore, the answer to the overall question—whether the NCAA is loosening its control over college basketball by allowing underclassmen the opportunity to return to college after declaring for the draft—is maybe. The rule will do very little, if anything, to help transform the current policies in place. The rule makes little difference in the life of college basketball players because there is too much grey area surrounding the law.<sup>177</sup> The proposed rule must be accompanied by other policies in order to prevent foreseeable problems that may occur, especially for the players. As a result of the incompleteness of the proposed rule, the potential impact the rule will have on the NBA, universities, coaches, the NCAA, and players cannot be confirmed. This rule is a step in the right direction but the NCAA still has a long way to go to facilitate real change.

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<sup>170</sup> Spencer, *supra* note 76.

<sup>171</sup> Katz, *supra* note 66.

<sup>172</sup> Gillard, *supra* note 7, at 177–78.

<sup>173</sup> *Id.*

<sup>174</sup> Piechowski, *supra* note 161.

<sup>175</sup> Katz, *supra* note 66.

<sup>176</sup> In other words, there will always be a place for top players no matter what in the NBA. Specifically, the trend of one and done players is still alive and prosperous. Gillard, *supra* note 7, at 177–78.

<sup>177</sup> “Grey area” refers to the fact that there is no rule written to complement the new policy, in regards to enforcement and monitoring.