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A Ticking Time Bomb- The NCAA and Sports Gambling

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A Ticking Time Bomb- The NCAA and Sports Gambling

Ryan Hillermeier¹

“How many of your student-athletes have bet on your games?” He said, “I don’t know. I have no idea.” And he said, “I almost don’t want to know.” The sports integrity experts will say there is 100% probability of a sports betting scandal on a campus – 100% probability – within the next few years.²

Introduction

The above quote from former Congressman and professional basketball player Tom McMillen is not hyperbole. One of the greatest issues facing the NCAA is the expansion of sports betting.³ After the repeal of the Professional and Amateur Sports Protection Act (“PASPA”) in 2018, sports betting expanded beyond Nevada, as it is now legal in 37 states and Washington D.C.⁴ Seven additional states have active legislation to legalize sports betting, and this phenomenon makes sense because it brings in revenue for states and citizens want it legalized.⁵ In 2003, the NCAA determined that 60% of the men’s athletes and 42% of the women’s athletes gambled on something the previous year.⁶ The NCAA conducted this study 14 years before the repeal of PASPA, so with legalization of gambling, these numbers are likely higher today.⁷

There could be a groundbreaking collegiate sports betting scandal if conditions do not change.⁸ The NCAA thinks it has a bigger existential issue in the form of name, image, likeness

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² Eric Prisbell, *On NCAA enforcement and the possibility of a ‘catastrophic’ college sports betting scandal*, On3, Mar. 14, 2023, at 3, <https://www.on3.com/os/news/ncaa-enforcement-possibility-catastrophic-college-sports-betting-scandal-tom-mcmillen-lead1/>.

³ *Id.*

⁴ *Interactive U.S. Map: Sports Betting*, American Gaming Association, <https://www.americangaming.org/research/state-gaming-map/>.

⁵ *Id.*

⁶ Prisbell, *supra* note 2, at 3.

⁷ *Id.*

⁸ *Id.*

(“NIL”), but a betting scandal could ruin the integrity of the NCAA’s competitions more so than NIL.⁹ Collegiate athletes are more accessible for bad actors than professional athletics, as shown by notable point shaving and match fixing scandals like the scandals involving CCNY, Boston College, and UNLV.¹⁰ Additionally, friends and family have accessibility to collegiate athletes and may encourage tampering with games for profit.¹¹ The lack of injury reporting on NCAA sporting events allows for potential leaking or taking advantage of the asymmetrical spread of information.¹²

Collegiate athletes do not have adequate education or awareness of how detrimental this fluid situation could be for them, and at the same time, college institutions are negotiating advertising deals with sportsbooks.¹³ The inflation in marketing, data, and television deals in the wake of the legalization of sports betting is over, making for a lack of incentive to educate student bodies on the subject. Many players and students on university campuses are too young to even bet depending on the state.¹⁴ This environment is unsafe for students and universities. Colleges are also overspending on NIL deals, creating more of a desire for the quick fix of a deal with a sportsbook.

From afar, one may think that this issue is the NCAA’s domain. However, it is apparent that the states, sportsbooks, and universities must take the lead on preserving the sanctity of the campus and the integrity of competitions. Matthew Holt, President of U.S. Integrity in Las

⁹ Dan Murphy, *Legal threats, NIL among top issues facing new NCAA president*, ESPN, Mar. 1, 2023, https://www.espn.com/college-sports/story/_/id/35755198/legal-threats-nil-top-issues-facing-new-ncaa-president

¹⁰ L.A. Times Archives, *College Scandals*, L.A. Times, Mar. 27, 1998, <https://www.latimes.com/archives/la-xpm-1998-mar-27-sp-33239-story.html>.

¹¹ *Davydenko's family questioned in match-fixing probe*, ESPN, Nov. 9, 2007, <https://www.espn.com/sports/tennis/news/story?id=3101698>

¹² John Holden, *Why Are There No NCAA Injury Reports In The Age Of Legal Sports Betting?*, Legal Sports Report, Apr. 15, 2009, <https://www.legalsportsreport.com/31209/ncaa-injury-reports-legal-sports-betting/>.

¹³ The Associated Press, *At the University of Colorado, a sports betting company is aiming its pitch at students*, The Colorado Sun, Feb. 28, 2023, <https://coloradosun.com/2023/02/28/university-of-colorado-points-bet-targeting/>.

¹⁴ *Id.*

Vegas, Nevada, says that the NCAA is a “toothless tiger” that is all bark and no bite. This change in the reputation of the NCAA comes from conference realignment, which shifted power to the big conferences and universities. The Big Ten and the SEC are the ones who capitalized on selling betting data and signing television deals during the sports betting boom while smaller conferences did not.¹⁵ The NCAA does not have strong policing power and is now at the mercy of the conferences. The NCAA’s dealing with NIL shows that it cannot set effective rules for fairness and integrity in a fluid situation.¹⁶

Because sportsbooks are the ones generating revenue, and because sportsbooks are self-interested in safe betting standards, sportsbooks must push for increased education on campuses concerning the dangers of sports betting and the policies of the NCAA and conferences.¹⁷ Conferences need to use professional leagues like the NFL as a guide despite key differences between the NCAA and the NFL. Conferences must also increase oversight on its games both through its own efforts and through a third-party betting integrity group.

The federal government should pass standardized federal legislation for the reporting of incidents, as universities will be complacent about incidents surrounding gambling due to a lack of incentives.¹⁸ States or the federal government must also prevent marketing deals between universities and sportsbooks. All actions must be intended to restrict institutional or outside malfeasance but protect amateur athletes. These athletes are often uncompensated for participation outside of NIL payments and scholarships that are often less lucrative than reported

¹⁵ Dennis Dodd, *College Football 2.0: Who gets left behind as realignment, new leadership, player empowerment reshape game?*, CBS, Jul. 1, 2022, <https://www.cbssports.com/college-football/news/college-football-2-0-who-gets-left-behind-as-realignment-new-leadership-player-empowerment-reshape-game/>.

¹⁶ *Id.*

¹⁷ Katherine Sayre, *Americans Betting More Pushed Gambling Revenues to Record \$60 Billion Last Year*, Wall Street Journal, Feb 15, 2023, <https://www.wsj.com/articles/gambling-revenues-hit-record-60-billion-last-year-9db4ed>.

¹⁸ Shane Connuck and Blake Townsend, *On college campuses, sports betting agreements are shielded*, AP News, Feb. 28, 2023, <https://apnews.com/article/college-sports-betting-agreements-with-universities-b4d1abce973e04fc6b59dd0f8db39b17>.

in the media.¹⁹ College students deserve privacy and protection, and it only takes one moment for them to be at the epicenter of a social media attack or betting controversy.²⁰ States must do everything possible to fix these issues because the federal government is unlikely to get involved in the controversial realm of sports betting while states rapidly legislate the issue for them.

Sports gambling is not going anywhere and will only expand, and illegal gambling is still a billion-dollar market.²¹ Sports betting legislation from states attempts to address these issues, but the specific laws states pass to limit collegiate sports betting fail to reach these goals. Some states, like New Jersey, do not allow action on in-state collegiate sports, but that only drives betting onto illegal platforms that already see huge successes.²² States could limit, but not outlaw, prop betting and live betting on collegiate sports to protect its integrity and especially protect the smaller collegiate sports.²³ Prop bets or live bets have the capability of targeting individual collegiate athletes, but history shows that match fixers will operate on illegal services anyway.²⁴ An unfettered collegiate sports betting environment will allow for more transparency in college sports and would have more positive effects than limiting it.

¹⁹ Bryan K. Clontz, *Name, Image And Likeness: After The Gold Rush*, Forbes, Mar. 1, 2023, <https://www.forbes.com/sites/bryanclontz/2023/03/01/name-image-and-likeness--after-the-gold-rush/?sh=709f266424d4>.

²⁰ David Purdum, *How college athletes face social media abuse from gamblers*, ESPN, Mar. 30, 2023, https://www.espn.com/mens-college-basketball/story/_/id/35983485/social-media-abuse-gamblers-concern-college-athletes.

²¹ Press Release, *New AGA Report Shows Americans Gamble More Than Half a Trillion Dollars Illegally Each Year*, American Gaming Association, Nov. 30, 2022, <https://www.americangaming.org/new/new-aga-report-shows-americans-gamble-more-than-half-a-trillion-dollars-illegally-each-year/>.

²² Brad Allen, *NJ Voters Reject In-State College Sports Betting*, Legal Sports Report, Nov. 4, 2021, <https://www.legalsportsreport.com/58919/nj-rejects-local-college-sports-betting/>.

²³ Devon Platana, *What is a Prop Bet?*, Forbes, Mar. 8, 2023, <https://www.forbes.com/betting/guide/prop-bet/>.

²⁴ Press, *supra* note at 21.

History of Betting Regulation

Collegiate sports are integral to the foundation of sports and sports betting in the United States.²⁵ While horse racing and boxing receive credit for being the first sports that received notable levels of betting, football was not too far after.²⁶ The first football game was a college football game, as spectators saw Rutgers University beat Princeton University 6-4 on November 6th, 1869.²⁷ Sports were seen as entertainment at the time rather than as a hallmark of robust integrity and competition which led to betting through pools and parlays.²⁸ Sports became more popular and legitimate as the 19th Century progressed, especially with young males, due to the movement of muscular Christianity.²⁹ This movement gave sports a religious and moral purpose.³⁰ Young males started to play sports in private schools and local YMCAs, thereby rapidly expanding the popularity and value of sports.³¹ Historians often refer to the early 20th Century, and particularly the 1920s, as a golden age of sports.³² The driving force of this golden age of sports was collegiate sports through football and basketball, which meant that college football and basketball were the most bet on sports in America.³³ If anything, collegiate sports had more reverence than the professional leagues due to the established history of collegiate

²⁵ *History Of Sports Betting In The USA*, Legal Sports Betting, Feb. 10, 2023, <https://www.legalsportsbetting.com/history-of-sports-betting-in-the-usa/>.

²⁶ *Id.*

²⁷ Wendy Plump, *First Smackdown 1869*, Princeton Magazine, <https://www.princetonmagazine.com/first-smackdown-1869/>.

²⁸ *History*, *supra* note 25.

²⁹ Jack Moore, *Muscular Christianity and American sport's undying love of violence*, The Guardian, May 8, 2015, <https://www.theguardian.com/sport/blog/2015/may/08/muscular-christianity-and-american-sports-undying-love-of-violence>.

³⁰ *Id.*

³¹ *Id.*

³² *History*, *supra* note 25.

³³ *Id.*

sports and the lack of money in professional leagues at that time.³⁴ Alumni were passionate about college sports, which created the need for bookies to match the local demand for betting.

In 1931, Nevada legalized gambling, and sports gambling continued to become more popular, even in states and large cities where gambling was illegal.³⁵ However, this growth came from organized crime members offering games to the public at large, which finally put gambling on the government's radar.³⁶ In 1961, Robert F. Kennedy became the 64th Attorney General of the United States, and one of his main goals was to stop organized crime.³⁷ The 1961 Interstate Wire Act, known as the Wire Act, prevented the use of electronic communications to host a betting service.³⁸ These organized crime outfits used telegraphs and telephones to create sports gambling opportunities across the United States, but the Wire Act's technological restrictions made gambling a regionalized activity.³⁹ College sports, being a regionalized game, continued to see significant action, but gambling scandals in collegiate sports started to accumulate.⁴⁰

In the years since the golden age of sports, the NCAA went from turning a blind eye to the influence of gambling on collegiate sports to actively policing it.⁴¹ It is no coincidence that the NCAA supported the restriction of sports betting through PASPA.⁴² Enacted in 1992, it

³⁴ *College football's golden age*, Encyclopedia Britannica, <https://www.britannica.com/sports/American-football/College-footballs-golden-age>.

³⁵ Richard N. Velotta, *Legalized gambling in Nevada marks 90 years*, Las Vegas Review-Journal, Mar. 18, 2021, <https://www.reviewjournal.com/business/casinos-gaming/legalized-gambling-in-nevada-marks-90-years-2308482/>.

³⁶ Davis Schwartz, *Not Undertaking the Almost-Impossible Task: The 1961 Wire Act's Development, Initial Applications, and Ultimate Purpose*, Gaming Law Review and Economics, Sep. 2018, https://digitalscholarship.unlv.edu/cgi/viewcontent.cgi?article=1120&context=lib_articles.

³⁷ Archive, *Kennedy's Role as Attorney General*, New York Times, Sep. 4, 1964, <https://www.nytimes.com/1964/09/04/archives/kennedys-role-as-attorney-general.html>

³⁸ Schwartz, *supra* note 36.

³⁹ *Id.*

⁴⁰ Matt Bonesteel, *Sports betting timeline: From Las Vegas to the Supreme Court*, Washington Post, Aug. 29, 2022, <https://www.washingtonpost.com/sports/2022/08/29/history-of-sports-gambling/>.

⁴¹ *History*, *supra* note 25.

⁴² *Murphy v. NCAA*, 138 S. Ct. 1461 (2018).

barred all but a select few states from legalizing sports gambling.⁴³ Sports lotteries in Oregon, Delaware, and Montana continued, and sports pools in Nevada continued, thereby grandfathering in states that had previous sports gambling activity.⁴⁴ New Jersey had a one-year long opportunity from the day Congress enacted the law to legalize sports betting, as PASPA crafted an exception to allow an opportunity for states which operated licensed casino gambling for a ten-year period to legalize gambling.⁴⁵ New Jersey did not successfully do so, but it would not be the last time New Jersey involved itself in the sports betting sphere.⁴⁶ Gambling was not a federal crime under PASPA, but PASPA did allow sports leagues to sue states under PASPA.⁴⁷

The Supreme Court overturned PASPA in 2018 through *Murphy v. NCAA*.⁴⁸ While New Jersey did not take its opportunity to legalize sports betting in the early 1990s, Governor Chris Christie looked to find a way to overturn PASPA in the early 2010s.⁴⁹ New Jersey passed a law via referendum to permit sports gambling, and the NCAA sued to enjoin the law through PASPA.⁵⁰ The NCAA had a strong interest in protecting its sports' integrity and amateurism.⁵¹ *NJ Thoroughbred Horsemen v. NCAA* combined with the case, and the case went from the title of *Christie v. NCAA* to *Murphy v. NCAA* when Christie left office and Governor Phil Murphy assumed office.⁵²

While the NCAA argued that PASPA was the supreme law of the land under the Supremacy Clause, New Jersey argued that the federal government commandeered the states, as

⁴³ Bonesteel, *supra* note 40.

⁴⁴ *History*, *supra* note 25.

⁴⁵ *Id.*

⁴⁶ *Murphy*, *supra* note 42.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ MaryAnn Spoto, *Sports betting backed by N.J. voters*, NJ.com, Nov. 9, 2011, https://www.nj.com/news/2011/11/nj_residents_vote_on_legalizin.html.

⁵⁰ *Id.*

⁵¹ *Murphy*, *supra* note 42.

⁵² *Id.*

PASPA was a federal law that the states needed to enforce.⁵³ Additionally, not every state got the same treatment from PASPA due to the law grandfathering certain state lotteries and pools.⁵⁴ The Tenth Amendment safeguards states from commandeering, but before *Murphy*, there were only two other prominent cases that struck down federal law on such a basis, *New York v. United States*⁵⁵ and *Printz v. United States*.⁵⁶ Nevertheless, the Supreme Court ruled that PASPA was commandeering and therefore bad law.⁵⁷ PASPA prohibited the alteration or rescinding of a federal law that affected state laws.⁵⁸ This ruling gave states without legalized sports gambling the freedom to legalize it and left the NCAA having to face widespread legal sports betting on its competitions for the first time.⁵⁹

Of that \$60 billion in gambling revenue in the United States in 2022, \$7.5 billion was commercial sports betting revenue, and this number does not consider gambling through offshore markets or bookies.⁶⁰ Congress saw sports gambling as a crutch and a national epidemic during the years of PASPA, and sports leagues pushed for PASPA to protect the integrity of the major sports leagues.⁶¹ These leagues value the integrity of results more than anything, even sometimes the safety or health of players, as seen through concussions in football.⁶² The issue with PASPA was the creation of a stronger underbelly of illegal gambling. The people that had the addiction

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ 505 U.S. 144 (1992) (holding that a federal law requiring states to either take title to radioactive waste or to regulate such waste in Congress' vision to be commandeering and therefore bad law).

⁵⁶ 521 U.S. 898 (1997) (holding that a federal law requiring states to conduct background checks on handgun license applicants is commandeering and therefore bad law).

⁵⁷ *Murphy*, *supra* note 42.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Sayre, *supra* note 17.

⁶¹ Staff Editor, *Murphy v. NCAA: The Fall of PASPA and the Rise of Sports Gambling*, New York University, Jan. 2, 2019, <https://blog.jipel.law.nyu.edu/2019/01/murphy-v-ncaa-the-fall-of-paspa-and-the-rise-of-sports-gambling/>.

⁶² Ken Belson, *N.F.L.'s Concussion Protocol Under Scrutiny After Tagovailoa Is Hit Hard Again*, New York Times, Sep 23, 2022, <https://www.nytimes.com/2022/09/30/sports/tua-tagavailoa-nfl-concussion-protocol.html>.

to sports gambling found ways to gamble and these ways did not create wealth for state governments. Offshore sports betting and illegal bookies became a billion-dollar industry, and the illegality inherent in sports betting at that time accelerated match fixing and insider gambling.⁶³

History of Scandal

A key distinction when understanding the history of sports betting is the level of scrutiny on betting from the public and the government during each era.⁶⁴ During the golden era of sports, enforcement bodies did not get involved in betting.⁶⁵ As time passed, important landmarks chipped away at the sports betting juggernaut.⁶⁶ The first sensational betting scandal happened in professional baseball, known as the Black Sox Scandal.⁶⁷ A gambling syndicate convinced eight members of the Chicago White Sox to throw the 1919 World Series against the Cincinnati Reds.⁶⁸ The MLB banned all eight “Black Sox” from the sport forever to protect the integrity of the game as a growing sport and a pastime of the United States.⁶⁹ The effects of the Black Sox Scandal still resonate today, as it was the first incident to cast serious doubt on the legitimacy of sports. A sports league valuing the integrity of its game more than anything is a lesson that collegiate sports must keep at the forefront of its mind, especially in the chaotic times the NCAA is in now. If a collegiate athlete is convinced to fix a game out of necessity, due to the NCAA’s failure to compensate athletes or out of greed, the results for the NCAA would be catastrophic.

⁶³ Sayre, *supra* note 17.

⁶⁴ *History*, *supra* note 25.

⁶⁵ *Id.*

⁶⁶ Bonesteel, *supra* note 40.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

In the 1950-1951 season, there was a point shaving scandal relating to the behavior of seven college basketball programs.⁷⁰ The scandal is known as the CCNY point shaving scandal because players of the reigning NIT and NCAA Champions City College of New York participated in the scandal.⁷¹ Point shaving is when a team tries to affect the score without changing the ultimate outcome so that the winner remains the same, but the result of a point spread bet changes.⁷² For example, if a team is favored by nine points, that team can ensure a victory but can intentionally give up points so that the win is by eight or less points, thereby still winning but helping people profit if those people bet the other side of the spread. The police arrested seven men for involvement in the 1951 scandal, including Ed Warner, Al Roth, and Ed Roman, who were all stars of the CCNY championship team.⁷³ In all, 32 players admitted to taking bribes over a four-year period in 17 different states for 86 total games, and only two schools (Kentucky, and Bradley) ever got ranked in college basketball again.⁷⁴ CCNY dropped down to Division III in the wake of the scandal and LIU shut down its athletic programs until 1957.⁷⁵

Ten years later, the same year as the Wire Act's passage, another related gambling scandal broke out in college basketball.⁷⁶ Jack Molina was the most important figure in this scandal which resulted in 37 arrests from 22 different colleges.⁷⁷ Molinas, a graduate of Brooklyn Law School and NBA All-Star, worked with bookmaker Joe Hacken and organized crime members

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² Ray Gustini, *How Point Shaving Works*, The Atlantic, Apr. 12, 2011, <https://www.theatlantic.com/culture/archive/2011/04/how-point-shaving-works/349575/>.

⁷³ Joe Goldstein, *Explosion: 1951 scandals threaten college hoops*, ESPN, Nov. 19, 2003, https://www.espn.com/classic/s/basketball_scandals_explosion.html.

⁷⁴ Bonesteel, *supra* note 40.

⁷⁵ *Id.*

⁷⁶ Joe Goldstein, *Explosion II: The Molinas period*, ESPN, Nov. 19, 2003, http://www.espn.com/classic/s/basketball_scandals_molinas.html.

⁷⁷ *Id.*

Tommie Eboli and Vincent “The Chin” Gigante.⁷⁸ It became evident that Molinas has a large role as a gambling associate in the 1951 scandal, as Molinas played college basketball at Columbia at this time.⁷⁹ The NBA displayed zero tolerance towards this scandal by banning Molinas for life because he bet on NBA games.⁸⁰ A gunman killed Molinas in his backyard in 1975 and the police did not rule out the public’s suspicion of mafia malfeasance.⁸¹

A second scandal solidified the intentions of the government to stop point shaving and organized crime. Additional scandals furthered this link, as there was a point shaving scandal involving the 1978-1979 Boston College basketball team committed by Henry Hill and Jimmy “The Gent” Burke of *Goodfellas* fame.⁸² Tulane men’s basketball disbanded for four seasons after a point shaving scandal in the 1984-1985 season.⁸³ In 1992, the FBI and NCAA launched an inquiry into the UNLV basketball team after the Las Vegas Review-Journal published a photo with four UNLV players and Richard “The Fixer” Perry in a hot tub.⁸⁴ Perry pleaded guilty to conspiring to commit sports bribery in the Boston College scandal.⁸⁵ At the time, UNLV was a powerhouse in college basketball, coming off a championship in 1990 and a final four in 1991, but after the exile of coach Jerry Tarkanian and sanctions on the program’s scheduling and

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Edward Ranzal, MOLINAS PRESSES \$3,000,000 CASE; Ex-Court Ace Sues N.B.A. for Banning Him After He Bet on Own Team, *New York Times*, Jan. 3, 1961, <https://www.nytimes.com/1961/01/03/archives/molinas-presses-3000000-case-excourt-ace-sues-nba-for-banning-him.html>.

⁸¹ Goldstein, *supra* note 76.

⁸² David Purdum, ‘The Worst Fix Ever’, *ESPN*, Oct. 3, 2014, https://www.espn.com/espn/chalk/story/_/id/11633538/betting-chronicling-worst-fix-ever-1978-79-bc-point-shaving-scandal.

⁸³ Timothy W. Smith, *COLLEGE BASKETBALL; A Long Road Back for Tulane and Coach*, *New York Times*, Mar. 20, 1992, <https://www.nytimes.com/1992/03/20/sports/college-basketball-a-long-road-back-for-tulane-and-coach.html>.

⁸⁴ Todd Dewey, *Hot tub photo with convicted fixer, UNLV players doomed Jerry Tarkanian*, *Las Vegas Review-Journal*, Sep. 8, 2017, <https://www.reviewjournal.com/sports/betting/hot-tub-photo-with-convicted-fixer-unlv-players-doomed-jerry-tarkanian/#:~:text=In%201984%2C%20Perry%20pleaded%20guilty,to%20one%20year%20in%20prison.>

⁸⁵ *Id.*

television appearances, the program was never the same.⁸⁶ The NCAA is not unfamiliar with scandal, and modern challenges indicate that another betting scandal will occur without action.

Campus Challenges

The NCAA's policy on sports betting is that athletes cannot bet money on any sporting event at any level if the NCAA conducts collegiate championships for that sport.⁸⁷ The NCAA did not allow states with legalized sports betting to host NCAA tournaments before *Murphy* overturned PASPA.⁸⁸ The NCAA limits sportsbook advertising to its championships and bowls, but the academic institutions in the NCAA all have different opinions on advertising and betting on campuses.⁸⁹

There are a myriad of considerations and factors that the NCAA, conferences, and states should consider when it evaluates sports betting on collegiate games and at collegiate institutions. One such factor is the ages of college athletes. Many college freshmen are 17 years old, making them minors when entering the sport, and universities recruit athletes in high school, and most of such recruits are under 18.⁹⁰ Players this age often get redshirted by teams, but whether one plays immediately or not does not affect exposure to potential advertisement. All states that have legal sports betting require bettors to be over 18, but most states require bettors to be age 21 or over.⁹¹ Exposing collegiate athletes to an environment that embraces and

⁸⁶ *Id.*

⁸⁷ Dennis Dodd, *Ads explore options aiming to create leverage in future restructuring of college football, basketball*, CBS Sports, Oct. 3, 2022, <https://www.cbssports.com/college-football/news/ads-explore-options-aiming-to-create-leverage-in-future-restructuring-of-college-football-basketball/>.

⁸⁸ Quinn Emanuel Urquhart & Sullivan, LLP, *August 2018: The Implications of the United States Supreme Court's Murphy v. NCAA Decision on Legalized Sports Betting*, JD Supra, Sep. 5, 2018, <https://www.jdsupra.com/legalnews/august-2018-the-implications-of-the-19446/>.

⁸⁹ Austin Brezina, *NCAA bans specific commercials from March Madness broadcast*, On3, Mar. 16, 2022, <https://www.on3.com/news/ncaa-takes-strong-position-sports-betting-during-march-madness-ban-commercials-gambling-websites/>.

⁹⁰ The Associated Press, *supra* note 13.

⁹¹ Cole Rush, *How Old Do You Have To Be To Gamble?*, Forbes, Nov. 3, 2022, <https://www.forbes.com/betting/sports-betting/legal-gambling-age/>.

promotes betting will run against state interest. Somehow, the number of fake IDs on college campuses will increase.

One must consider what the best method for legislation and rulemaking is in this sphere. Sports betting in the wake of PASPA's repeal is a state issue, and collegiate sports betting has been a balancing test for states between revenue generation and the protection of the college environment through regulation. It is unlikely that the federal government will get involved in sports betting on a large scale, as states continue to propose and pass sports betting legislation at a swift pace to secure said revenue.⁹² However, the federal government should standardize reporting in collegiate sports betting. Not every state is including specific regulations for college sports, but as established by the age requirements, states without specific regulations may not realize that colleges are unconstrained marketing opportunities for sportsbooks on people who should not be targets. States would have problems if colleges entered into advertising agreements with cigarette or alcohol companies. Because states will be slow to this development, the federal government should regulate the college campus. The federal government should leave the states the choice on how people gamble on college sports, but the college campus itself and the students on it need protection. If the federal government cannot step in, then the conferences must do so.

The American Gaming Association ("AGA") recently acknowledged this issue with new guidelines suggesting that sportsbooks do not partner with colleges to promote sports wagering and the banning payments to college and amateur athletes for such a purpose.⁹³ Sportsbooks could still promote content on college campuses for problem gambling awareness under these

⁹² *Interactive, supra* note 4.

⁹³ The Associated Press, *New marketing code will prohibit college betting partnerships*, ESPN, Mar. 28, 2023, https://www.espn.com/chalk/story/_/id/35979587/new-marketing-code-prohibit-college-betting-partnerships.

guidelines.⁹⁴ Caesars Entertainment has marketing deals with Michigan State University and Louisiana State University that makes a sportsbook the official sportsbook of the universities.⁹⁵ Through the Michigan State partnership, the sportsbook emailed students who were too young to bet bonus opportunities.⁹⁶ The University of Colorado has a similar agreement with PointsBet, but the university had an agreement which gave customers a \$30 referral bonus when someone else signed up with a university promo code.⁹⁷ This referral code was predatory, as it went out to every student on campus regardless of if students met the legal betting age.⁹⁸ The other two deals in existence are PointsBet's deal with the University of Maryland and Superbook's agreement with the University of Denver.⁹⁹

There are arguments for the presence of sportsbook advertisements if schools limit the advertising to the stadiums or arenas. While the game participants and much of the crowd are college aged, most of the crowd at collegiate sports games are of legal betting age. In the situation of LSU, betting is integrated into society already in Baton Rouge to a point where such a deal may not seem out of place.¹⁰⁰ The Belle of Baton Rouge and L'Auberge Casino and Hotel are two of the biggest hotels in the city and function as events centers while being only five minutes away from Tiger Stadium.¹⁰¹ Finally, if the money goes to the students and advances educational goals, it would be harder to criticize the presence of such marketing deals.

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Timothy Boone, *Belle of Baton Rouge casino plans \$35 million move onto land, will create 200 jobs*, The Advocate, Sep. 15, 2022, https://www.theadvocate.com/baton_rouge/news/business/belle-of-baton-rouge-casino-plans-35-million-move-onto-land-will-create-200-jobs/article_9eef6f88-3519-11ed-a180-f3d057a1fb99.html.

¹⁰¹ *Id.*

However, when looking at the climates at schools like LSU, Michigan State, and Colorado, one may see that these marketing deals with sportsbooks come from unfortunate origins. LSU made payouts when letting go of former basketball coach Will Wade and former football coaches Les Miles and Ed Orgeron.¹⁰² Orgeron's firing occurred during a high-profile Title IX case alleging that the school ignored sexual assault allegations.¹⁰³ For his firing alone, LSU paid Orgeron \$17.1 million.¹⁰⁴ The school still made a splash when hiring current football coach Brian Kelly with a deal with over \$100 million in compensation over ten years.¹⁰⁵ A deal with Caesars Entertainment is more appealing after such events.

Former Michigan State doctor Larry Nassar sexually assaulted hundreds of victims while working for the school and for the United States Olympics Women's Gymnastics Team.¹⁰⁶ Michigan State reached a \$500 million settlement with victims of Nassar while Caesars became the official sportsbook of the Michigan State Spartans four years later.¹⁰⁷

Colorado's deal with PointsBet came at the same time as deals with the Denver Nuggets and Colorado Avalanche, and the Kroenke family of Kroenke Sports and Entertainment own these teams.¹⁰⁸ The Colorado deal may have been interplay between big actors in the gambling

¹⁰² Perry Robinson, *Breaking down details behind 'separation agreement' between LSU & Coach O*, CBS, Oct. 19, 2021, <https://www.wafb.com/2021/10/19/breaking-down-details-behind-separation-agreement-between-lsu-coach-o/>.

¹⁰³ Andrea Gallo, *Ed Orgeron, others dropped from LSU sex discrimination lawsuit; here's who's left*, The Advocate, Jan. 18, 2022, https://www.theadvocate.com/baton_rouge/news/ed-orgeron-others-dropped-from-lsu-sex-discrimination-lawsuit-heres-whos-left/article_65797c68-78a8-11ec-a8c3-6f0cb54d5f0d.html.

¹⁰⁴ *Id.*

¹⁰⁵ Wilson Alexander, *Brian Kelly's LSU contract: Six-figure bonuses, two cars, \$1.2 million house loan; see details*, The Advocate, Nov. 30, 2021, https://www.theadvocate.com/baton_rouge/sports/lsu/brian-kellys-lsu-contract-six-figure-bonuses-two-cars-1-2-million-house-loan-see/article_e3209444-5247-11ec-9e32-ff8fe54a2db2.html.

¹⁰⁶ <https://www.npr.org/sections/thetwo-way/2018/05/16/611624047/michigan-state-university-reaches-500-million-settlement-with-nassar-abuse-victi>.

¹⁰⁷ *Id.*

¹⁰⁸ Judith Kohler, *PointsBet sportsbook, which will base its U.S. headquarters in Denver, launches betting operation in state*, The Denver Post, Nov. 18, 2020, <https://www.denverpost.com/2020/11/18/pointsbet-sportsbook-betting-launches-colorado/>.

and entertainment arena in Colorado without the school's best interests at the forefront. These schools are not making these deals with a clear mind, and the deals seem to be out of desperation rather than being organic. If the deals come from this origin, then the money will stay in the athletics department rather than benefiting the institution and student body at large. In the modern era of college sports, some institutions are eager to spend money on athletic facilities and coaching contracts over items that advance the academic and living conditions of students and faculty. These same institutions are unlikely to have the fortitude to refuse the money that sportsbooks are willing to spend on marketing.

The limits of the predatory effects of sports betting do not end with physical person to person interactions, as negative interactions occur online.¹⁰⁹ There are countless stories concerning social media harassment of college athletes.¹¹⁰ These stories existed before legalized betting, as if a kicker missed a crucial kick in college football, serious threats and abuse followed.¹¹¹ However, legalized sports betting exacerbates the problem.¹¹² A recent example is when TCU guard Damion Baugh made a three-point shot at the end of a game against Gonzaga during March Madness.¹¹³ The buzzer beater meant nothing, as Gonzaga advanced to the Sweet Sixteen after an 84-81 win.¹¹⁴ However, the spread was Gonzaga -4.5, which means that an immaterial shot made Gonzaga spread bettors lose and TCU spread bettors win.¹¹⁵ Baugh received death threats and abuse on social media for his actions, but he responded by saying that

¹⁰⁹ Lawrence Dow, *Damion Baugh shocks sports bettors with last-second 3-pointer in TCU's loss to Gonzaga*, Fort Worth Star-Telegram, Mar. 20, 2023, Damion Baugh shocks sports bettors with last-second 3-pointer in TCU's loss to Gonzaga Read more at: <https://www.star-telegram.com/sports/college/big-12/texas-christian-university/article273350950.html#storylink=cpy>.

¹¹⁰ *Alabama kicker gets death threats on Twitter following loss*, CBS News, Dec. 3, 2013, <https://www.cbsnews.com/news/alabama-kicker-gets-death-threats-on-twitter-following-loss/>.

¹¹¹ *Id.*

¹¹² Dow, *supra* note 109.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

he played to the end like he was coached to do and that no one told anyone to bet on sports.¹¹⁶

Not every collegiate athlete will have the poise and perspective of Baugh, nor should that be the expectation. The protection of the athletes does not stop at education, as the NCAA must protect athletes from physical threats as well as threats to mental health.

The AGA cannot be left on its own in this space. Some states are more proactive than others, but this issue affects every state with legalized betting. Marketing deals between universities and sportsbooks must be banned and education on the dangers of betting must exist on college campuses. The federal government should partner with gaming integrity organizations to ensure this change occurs. The federal government should also take over the reporting process of breaches of gaming law on college campuses or during college events. Universities could report to the NCAA or conferences, but the federal government would achieve better results.

Integrity Challenges

The integrity of collegiate student bases and institutions are not the only principles at stake, as the integrity of the competitions the NCAA puts on are under threat. An attack on the integrity of competitions through match fixing or betting syndicates involving players could be the death knell for the NCAA, and experts think such a scandal is impending.¹¹⁷ The NCAA does not control how states differentiate between college and professional sports, or if states allow betting on college sports in general. The revenue of sports betting and the popularity of college sports makes betting on NCAA games a reality that will not go away. States risk losing revenue to neighboring states and it is easy for citizens to circumvent laws on the billion-dollar illegal

¹¹⁶ Pete Grathoff, *'Nobody told y'all to bet': TCU guard Damion Baugh responds after buzzer-beater against Gonzaga leads to bad beat*, The Spokesman-Review, Mar. 20, 2023, <https://www.spokesman.com/stories/2023/mar/20/nobody-told-yall-to-bet-tcu-guard-damion-baugh-res/>.

¹¹⁷ Prisbell, *supra* note 2, at 3.

markets.¹¹⁸ Looking to history as an indicator, state and federal government will spend resources on stopping illegal sports betting, as the government has more pressing crimes to investigate.¹¹⁹ Surveillance on betting trends must increase but limits on collegiate sports betting are not proven to achieve desired results.

The public often frames this issue in the context of college football and college basketball when that characterization is unfair. Over 520,000 athletes participate in 24 sports at the NCAA level, and while the two biggest sports generate far more revenue than the rest, the rules set by the NCAA apply to all athletes.¹²⁰ New Jersey's response to collegiate sports betting acknowledges the risks of collegiate sports betting but overcorrects the issue.¹²¹ In New Jersey, one cannot bet on in-state college teams.¹²² For example, if Seton Hall plays Michigan State in basketball, then people in New Jersey cannot bet on the game. Additionally, New Jersians cannot bet on college games taking place in the state, even if New Jersey colleges do not participate in the game.¹²³ If Villanova plays Providence in basketball at the Prudential Center, then people in New Jersey cannot bet on that game.

There are arguments in favor of this rule, but the arguments against this rule carry more weight. The main argument in favor of banning in-state collegiate sports betting is the heightened accessibility to a collegiate athlete compared to a professional athlete. Collegiate athletes are often not famous, struggling for money, and looking to maximize opportunities while one has

¹¹⁸ Press Release, *supra* note 21.

¹¹⁹ *History*, *supra* note 25.

¹²⁰ Media Center, *NCAA student-athletes surpass 520,000, set new record*, NCAA, Dec. 5, 2022, <https://www.ncaa.org/news/2022/12/5/media-center-ncaa-student-athletes-surpass-520-000-set-new-record.aspx>.

¹²¹ Allen, *supra* note 22.

¹²² *Id.*

¹²³ *Id.*

them.¹²⁴ Race and background can also play into the power dynamics of a potentially negative agreement.¹²⁵ Less than two percent of collegiate athletes go professional, and a powerful person can use this dynamic to proposition an athlete to do something immoral.¹²⁶ There are less eyes and action on college sports than professional sports. The history of point shaving in college sports and the link between sports betting and organized crime both lead to this hypothetical situation being a threat.¹²⁷

New Jersey's rule overreacts to the threats posed by college sports, and New Jersey should allow betting on such events. People want to bet on the games involving local teams or that take place in one's own state. Preventing the possibility of betting on games loses revenue for the state but also drives people to bet on illegal markets who would not otherwise do so. The state does not seem to think that this revenue loss is significant, but it does exist, and the amount of money lost cannot be calculated easily. Additionally, sports betting on collegiate sports could promote reporting and lessen informational symmetry on games.¹²⁸ College sports could use improvement in this area, as there is no injury reporting, and the Pac-12 conference is considering releasing such reports to respond to the current climate.¹²⁹ Without injury reporting and a strong gaming integrity presence in games, situations where locals know something that others do not can become something that someone would exploit on an illegal market. The arguments made to ban betting on in-state college games can be made for professional games as

¹²⁴ Nathan Kalman-Lamb, Derek Silva, and Johanna Mellis, *Race, money and exploitation: why college sport is still the 'new plantation'*, The Guardian, Sep. 7, 2021, <https://www.theguardian.com/sport/2021/sep/07/race-money-and-exploitation-why-college-sport-is-still-the-new-plantation>.

¹²⁵ *Id.*

¹²⁶ *NCAA Recruiting Facts*, National Federation of State High School Associations, <https://www.nfhs.org/media/886012/recruiting-fact-sheet-web.pdf>.

¹²⁷ *History*, *supra* note 25.

¹²⁸ Dennis Dodd, *Pac-12 plans to consider releasing injury reports, selling data rights to capitalize on sports betting wave*, CBS, Dec. 28, 2022., <https://www.cbssports.com/college-football/news/pac-12-plans-to-consider-releasing-injury-reports-selling-data-rights-to-capitalize-on-sports-betting-wave/>.

¹²⁹ *Id.*

well. Although the arguments seem persuasive, the arguments are a slippery slope and not backed by data or evidence.

If compromise is necessary, one way of limiting college sports betting that would be more effective and sensible than an outright ban would be to limit prop betting. A proposition bet, commonly known as a prop bet, is a wager on a part of a game that is not predicated on the final score of the game.¹³⁰ The most popular types of bets are money line bets that hinge on who wins a given game or match, point spread bets that hinge on the margin of victory or defeat for a team or player, and total bets that hinge on the point total of the game.¹³¹ Prop bets do not involve the final score of the game, but rather hinge on the stats of an individual player or team.¹³² For a collegiate example, prop bets placed next year could include Caleb Williams to pass for over 300 yards vs. UCLA, USC to score over 40 points vs. UCLA, or Caleb Williams to rush for a touchdown vs. UCLA. Novelty props on big sporting events can include anything from the color of the Gatorade dumped on the winning coach or whether the coin toss is heads or tails.¹³³ Due to the ability to bet on individual performances, prop bets create the risk of improper power dynamics between bad actors and individual collegiate athletes.

The same phenomenon could occur in states with live wagering on college sports. Bettors can bet on sporting events as the events occur rather than just before the event starts.¹³⁴ Someone local to a low-level collegiate sports event may have an edge on the sportsbook employees adjusting the live odds of said game. Additionally, those locals will have accessibility to that

¹³⁰ Platana, *supra* note 23.

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ Cole Rush, *How Does Live In-Game Betting Work?*, Forbes, Feb. 28, 2023, <https://www.forbes.com/betting/guide/in-game/#:~:text=Live%20betting%20goes%20by%20many,bets%20happen%20amid%20the%20action.>

event, meaning that someone could bet on something to happen live and influence the outcome right before the event occurs. This hypothetical is unlikely as well, but the odds of such an event happening during a collegiate event are slightly higher than the same thing occurring during a professional event due to accessibility. Sportsbooks have advanced live and prop betting, as books offer baseball bets on things as granular as if the next pitch will be a ball or strike.¹³⁵ A rich bettor could bribe an offensive coordinator to call a run on the first play on the second drive of a game, bet on that play being a run live, and there would be zero clues that anything wrong occurred. It is worth acknowledging that the sportsbook offerings on collegiate live betting are simpler than professional sports live betting, but the potential for advancement still exists.

Banning prop bets on college sports outright is an option, but as previously noted, such an action will drive bettors to the black market of sports betting. Also, the same threats exist in professional sports, however limiting how much someone could bet on individual collegiate props could prevent betting syndicates or organized criminals from creating potential match fixing or point shaving scenarios. While unrestricted betting is still the best option for states and the desired option for consumers, a compromise could be to limit betting on props and live betting to \$100 for an individual bet. This proposal keeps prop betting and live betting on collegiate sports legal while limiting the potential damage done by bad actors. If this proposal does not achieve desired results or decreases action to an unanticipated degree, then perhaps the limit should be tied to a percentage of a bettors' online budget. Such a limit would have to be national legislation to have the desired effect because that would prevent bettors from crossing state lines to bet. Any compromise will not truly stop undesired betting, but compromise is better than banning collegiate betting like New Jersey does.

¹³⁵ Jennifer Piacenti, *Why the Pitch Clock Could Be Disastrous for Live Betting*, Sports Illustrated, Mar. 27, 2023, <https://www.si.com/betting/2023/03/27/mlb-pitch-clock-disastrous-live-betting>.

The protection of collegiate athletes is paramount, but in today's collegiate athletics, protecting the athlete from potential scams, traps, and bad deals is harder than ever. Athletes receive more business opportunities than ever due to the NIL climate.¹³⁶ PASPA's repeal and the creation of NIL makes for potential chaos, and bad actors in both the underground gambling and NIL arenas will prey on the most vulnerable athletes.¹³⁷ The exploitation of collegiate athletes through sources outside of the team is nothing new, as countless boosters offered players improper benefits when that was not allowed by NCAA rules.¹³⁸ These improper benefits sometimes rewarded immoral behavior on the field.¹³⁹ For example, a Miami University football booster offered bounties to players to knock opposing players out of the game, most notably when he offered \$5,000 for a Miami player to knock out Florida State's Quarterback.¹⁴⁰ Even with NIL providing collegiate athletes with the ability to profit off playing sports at that level, there still is a power dynamic between the outside actors with money and the athletes who still go to college and do not earn to one's full potential.¹⁴¹

Specific Areas of Concern for the NCAA

With the defined roles of state governments and conferences and the proposed role of federal government, one may ask themselves what role the NCAA should or should not have. The NCAA is in a precarious position currently, as sports betting is important to them but not as important as other issues. NIL and employment issues damaged the veil of amateurism.¹⁴² The distinctions that exist between the professional and college games get smaller with time, and this

¹³⁶ Clontz, *supra* note 19.

¹³⁷ *Id.*

¹³⁸ Times-Union and AP, *Ponzi scheme architect says he gave illicit benefits to 72 Miami players*, The Florida Times-Union, Aug. 16, 2011, <https://www.jacksonville.com/story/sports/college/2011/08/17/ponzi-scheme-architect-says-he-gave-illicit-benefits-72-miami/15893097007/>.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ Clontz, *supra* note 19.

¹⁴² Murphy, *supra* note 9.

issue is further toward front of the mind to the NCAA than sports betting.¹⁴³ As a baseline, the NCAA's 2003 study shows how precarious this situation is. 60% of male athletes and 42% of women athletes gambling is far too much for an institution with a supposed hardline policy against gambling.¹⁴⁴ The NCAA has authority to punish coaches and collegiate athletes, but conferences are becoming the true powers in collegiate sports through realignment.¹⁴⁵ The Big Ten and SEC gaining powerhouse university after powerhouse university creates an existential threat to the NCAA, as the universities with power will fully consolidate leaving no need for an overbearing NCAA.¹⁴⁶

The NCAA needs help overseeing the integrity of individual games. One cannot expect an organization to watch over 24 sports and hundreds of thousands of athletes while monitoring groundbreaking NIL rules and properly monitor gambling.¹⁴⁷ Throughout its history, the NCAA's relationships with betting integrity groups have been informal.¹⁴⁸ The NCAA not taking the lead on this issue means that conferences each take different stances on sports betting integrity.¹⁴⁹ Relationships between betting integrity groups and individual conferences further divide the NCAA.¹⁵⁰ One such integrity group, U.S. Integrity, revealed that on the average Saturday college football slate, there are five games with anomalous betting trends.¹⁵¹ If one such game occurred in the NFL, this incident would be front page news, but the complacency shown in college sports saves the NCAA from scrutiny in the sense that there has been no scandal uncovered. When that

¹⁴³ *Id.*

¹⁴⁴ Prisbell, *supra* note 2, at 3.

¹⁴⁵ Dodd, *supra* note 15.

¹⁴⁶ *Id.*

¹⁴⁷ Media Center, *supra* note 120.

¹⁴⁸ Ryan Rodenberg, *NCAA pivots to address sports betting integrity*, ESPN, Mar. 11, 2019, https://www.espn.com/chalk/story/_/id/26229344/how-ncaa-pivoting-address-sports-betting-integrity.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ Prisbell, *supra* note 2, at 3.

scrutiny does come, it may jeopardize all that the NCAA has built. The NFL only has 32 teams, so the number of games and sports means the NCAA should have formally partnered with a betting integrity group to oversee games with anomalous betting a long time ago. If a random college football game on a Saturday gets anomalous amounts of large bets on the same bet, it is likely an integrity problem, and if this phenomenon happens hundreds of times or more in a year between multiple sports, one must question the sanctity of the NCAA. The conferences must protect what they built if the NCAA will not.

In comparison to the NCAA, the NFL punishes players, coaches, executives, and owners for gaming infractions. Such infractions would corrupt the reputation and history of the league.¹⁵² The NFL has a collective bargaining agreement with a players' union, and although it could change with impending litigation, the NCAA does not have a CBA because the NCAA does not consider its players as employees.¹⁵³ Betting is a monetary issue that would usually fall within a collective bargaining agreement.¹⁵⁴ The NFL also has antitrust immunity unlike the NCAA. The NFL does not permit match fixing, demands that players always participate with one's best effort, and states that employees cannot release confidential information.¹⁵⁵ The NFL has robust and mandatory injury reporting by teams, which contrasts with the lack of mandatory injury reporting in the NCAA.¹⁵⁶

¹⁵² *GAMBLING POLICY for NFL Personnel 2018*, Nat'l Football League, <https://nflcommunications.com/Documents/2018%20Policies/2018%20Gambling%20Policy%20-%20FINAL.pdf>.

¹⁵³ Chris Isidore, *NLRB opens door for union for college athletes*, CNN, Dec 15, 2022, <https://www.cnn.com/2022/12/15/business/nlr-unfair-labor-practice-athletes-usc-pac-12-ncaa/index.html>.

¹⁵⁴ Shams Charania and Mike Vorkunov, *NBA players can invest in NBA, WNBA teams under new CBA: Sources*, The Athletic, Apr. 1, 2023, <https://theathletic.com/4371954/2023/04/01/nba-players-invest-wnba-teams-cba/>.

¹⁵⁵ *Gambling*, *supra* note 152.

¹⁵⁶ Holden, *supra* note 12.

Atlanta Falcons wide receiver Calvin Ridley became a young star in the NFL, but his career took a turn in 2021 due to the NFL's gaming guidelines.¹⁵⁷ Ridley bet on NFL games via a parlay bet while he was away from the Falcons because of mental health issues.¹⁵⁸ Ridley had no effect on the results of the games and only bet \$1,500, but he could have been acting on insider information and the NFL cannot afford a betting scandal that puts the reputation of "the shield" at stake.¹⁵⁹ Commissioner Roger Goodell suspended Ridley for the rest of his 2021 season and the duration of the 2022 season.¹⁶⁰ Ridley will be able to play in 2023 as a newly minted Jacksonville Jaguar, but Ridley lost a portion of his prime because of the NFL's zero tolerance betting rules.¹⁶¹

The suspension Ridley served would have been shorter if the NFL found him using performance enhancing drugs or if he got arrested for domestic violence.¹⁶² On its face, this notion seems unconscionable, but an arrest of one of its players is not an existential threat to the NFL. If the NFL garners a reputation of having fixed games or no legitimacy, then all the money the NFL makes is in jeopardy. No matter one's opinion on the rulings of the NFL Commissioner, there is no denying the power of those rulings. The NFL Commissioner has broad discretionary authority to preserve the integrity of the game in any way possible, and the NCAA does not wield this power. The NCAA is in flux right now as an organization, but the NCAA or the power conferences must recognize the threat that a betting scandal could pose to its legitimacy.

¹⁵⁷ Woodroof, *Calvin Ridley is back in the NFL after being reinstated from his gambling suspension*, USA Today, Mar. 6, 2023, <https://ftw.usatoday.com/2023/03/calvin-ridley-reinstatement-jaguars-falcons-gambling>.

¹⁵⁸ *Id.*

¹⁵⁹ Michael DiRocco, *Calvin Ridley: 'I made a stupid mistake' betting on NFL games*, ESPN, Mar. 8, 2023, https://www.espn.com/nfl/story/_/id/35812641/made-stupid-mistake-betting-nfl-games.

¹⁶⁰ Woodroof, *supra* note 157.

¹⁶¹ *Id.*

¹⁶² Allison McCann, *The NFL's Uneven History Of Punishing Domestic Violence*, FiveThirtyEight, Aug. 28, 2014, <https://fivethirtyeight.com/features/nfl-domestic-violence-policy-suspensions/>.

A Need for a National Response

One may read the NCAA's fine print stating that athletes cannot bet money on any sporting event at any level if the NCAA conducts collegiate championships for and assume that the NCAA has an airtight betting policy.¹⁶³ However, the NCAA has a lax attitude towards an area where experts think that a major scandal could be looming.¹⁶⁴ Ideally, states should not ban betting on college sports, even in state collegiate sporting events, as the arguments backing such rules are often based on hypotheticals or slippery slopes. States should not limit how much one person can bet on prop bets or live bets, but if there is room for compromise, this area would be best for it. However, any limit on legal betting creates illegal betting and does not accomplish desired goals. The federal government needs to standardize compliance and reporting across collegiate institutions because the NCAA and the conferences incentivizing or promoting speedy and proper reporting. Sportsbooks and the conferences should protect collegiate athletes from predatory behavior, educate students on the perils of sports betting, ban advertising on campuses or deals between schools and sportsbooks in conjunction with federal or state governments, and make formal and long-lasting relationships with betting integrity groups. Even young organizations with betting scandals like the UFC have formal relationships with a betting integrity group.¹⁶⁵ Legalized betting with scrutiny from trackers will make it more likely to know if a game is fixed or point shaving occurs.

During *Murphy v. NCAA*, the NCAA was the face of the effort to keep sports betting illegal.¹⁶⁶ All the major sports leagues in the United States opposed the legalization of sports

¹⁶³ Dennis Dodd, *ADs*, *supra* note 86.

¹⁶⁴ Prisbell, *supra* note 2, at 3.

¹⁶⁵ Nolan King, *Ontario gaming commission bans betting on UFC fights amid concerns of impropriety*, MMA Junkie, Dec 1, 2022, <https://mmajunkie.usatoday.com/2022/12/ufc-news-ontario-commission-bans-fight-bets-minner-vs-nuerdanbieke-concerns>.

¹⁶⁶ *Murphy*, *supra* note 42.

betting at that time, but in the wake of the repeal of PASPA, states continue to move quickly to legalize sports betting.¹⁶⁷ This trend will continue, and collegiate sports must catch up to these modernizations. If the executives of the NCAA conducted a modern study on how much collegiate athletes sports bet, the results would be surprising to the organization. The NCAA, and more importantly its members and associates, must not ignore the signs of an impending betting scandal just like its lethargy in reacting to the idea of paying players. It is likely that this lethargy will continue until it is too late.

¹⁶⁷ *Interactive, supra* note 4.