

1. Mark your confusion.
2. Show evidence of a close reading.
3. Write a 1+ page reflection.

## Dartmouth Men's Basketball Team Votes to Unionize

Source: Jimmy Golan, APNews.com, March 5, 2024

The Dartmouth men's basketball team voted to unionize Tuesday in an unprecedented step toward forming the first labor union for college athletes and another blow to the NCAA's deteriorating amateur business model.

In an election supervised by the National Labor Relations Board in the school's human resources offices, the players voted 13-2 to join Service Employees International Union Local 560, which already represents some Dartmouth workers. Every player on the roster voted.

"Today is a big day for our team," said Dartmouth juniors Cade Haskins and Romeo Myrthil, who have led the effort. "We stuck together all season and won this election. It is self-evident that we, as students, can also be both campus workers and union members. Dartmouth seems to be stuck in the past. It's time for the age of amateurism to end."

The school has appealed to the full NLRB, seeking to overturn last month's decision by the board's regional official that the Dartmouth players are employees and thus entitled to unionize. Both sides also have until March 12 to file an objection with the NLRB over the election procedures; barring that, the local will be certified as the workers' bargaining representative.

The case could also wind up in federal court, which would likely delay negotiations over a collective bargaining agreement until long after the current members of the basketball team have graduated. Dartmouth had told students that unionizing could get the team kicked out of the Ivy League, or even the NCAA. In a statement, the school said it was supportive of the five unions it negotiates with on campus, including SEIU Local 560, but insisted that the players are students, not employees.

"For Ivy League students who are varsity athletes, academics are of primary importance, and athletic pursuit is part of the educational experience," the school said in a statement. "Classifying these students as employees simply because they play basketball is as unprecedented as it is inaccurate. We, therefore, do not believe unionization is appropriate."

### Athletes or employees?

Although the NCAA has long maintained that its players are "student-athletes" who were in school primarily to study, college sports has grown into a multibillion-dollar industry that richly rewards coaches and schools while the players remained unpaid amateurs.

Recent court decisions have chipped away at that framework, with players now allowed to profit off their name, image and likeness and earn a still-limited stipend for living expenses beyond the cost of attendance. Last month's decision that the Big Green players are employees of the school, with the right to form a union, threatens to upend the amateur model.

"I think this is just the start," Haskins said after voting. "I think this is going to have a domino effect on other cases across the country, and that could lead to other changes."

In a statement, the NCAA held firm to its view of the athletes as students first.

"The association believes change in college sports is long overdue and is pursuing significant reforms," the governing body said. "However, there are some issues the NCAA cannot address alone, and the association looks forward to working with Congress to make needed changes in the best interest of all student-athletes."

A separate NLRB complaint is asking that football and basketball players at Southern California be deemed employees of their school, the Pac-12 conference and the NCAA. Marc Edelman, a law professor at Baruch College in New York, said even if Dartmouth prevails in its attempts to stop the players from unionizing, it is unlikely to stop similar movements at higher-profile, revenue-generating college sports programs.

"It does not seem likely to foreclose the possibility of the football and basketball teams at schools within conferences such as the SEC and the Big Ten still moving forward with an attempt to form a union," Edelman said.

## **The Dartmouth Decision**

The election at Dartmouth took about an hour, with players filing in before the NLRB representative declared, at 1 p.m., that voting was closed. After media and observers from both sides were allowed into the room, Dartmouth attorney Josh Grubman renewed the school's request to impound the ballots until all the appeals could be held; it was denied.

NLRB agent Hilary Bede then pulled packing tape from the brown cardboard board, took out the ballots and held up the deconstructed box to show it was empty. She then sorted the folded yellow ballots into "Yes" and "No" piles and checked them for irregularities before counting them out one by one. (The team did not wait for the count: It had a 2 p.m. shootaround to prepare for Tuesday night's game against Harvard. Dartmouth, which was in last place in the Ivy League, beat the Crimson 76-69 for just its second conference victory of the season.)

Although all 15 players had signed a letter supporting the effort, labor advocates said the 13-2 vote still represented a clear victory. Major League Baseball Players Association executive director Tony Clark applauded the players "for their courage and leadership in the movement to establish and advance the rights of college athletes."

"By voting to unionize, these athletes have an unprecedented seat at the table and a powerful voice with which to negotiate for rights and benefits that have been ignored for far too long," he said.

## **The Potential Impact**

A college athletes union would be unprecedented in American sports. A previous attempt to unionize the Northwestern football team failed because opponents in the Big Ten include public schools that aren't under the jurisdiction of the NLRB.

That is why one of the NCAA's biggest threats isn't coming in one of the big-money football programs like Alabama or Michigan, which are largely indistinguishable from professional sports teams. Instead, it is the Ivy League, formed in 1954 by eight academically elite schools in the Northeast, whose players don't receive athletic scholarships, teams play in sparsely filled gymnasiums and games are streamed online instead of broadcast on network TV.

"These young men will go down as one of the greatest basketball teams in all of history," SEIU international president Mary Kay Henry said. "The Ivy League is where the whole scandalous model of nearly free labor in college sports was born and that is where it is going to die."

Dan Hurley, the coach of the defending national champion UConn men's team, said he believes unionization and treating players as employees is the future of college basketball.

"These players are putting in incredible workdays, work weeks for five, six months," he said. "I think there's so much there that's going to have to be settled."

Haskins, a 6-foot-6 forward from Minneapolis, is already a member of the SEIU local as a dining hall employee, working 10-15 hours a week on a 10 p.m.-2 a.m. shift to earn spending money; Myrthil, a 6-foot-2 guard from Solna, Sweden, has a part-time job checking people into the gym. They said their top bargaining priority is health insurance so they wouldn't have out-of-pocket costs for their injuries.

"I'm playing a sport I love, and grateful to be doing it," said Haskins, who has had an ankle injury to go with torn labrums in his hip and shoulder. "But it definitely is a burden."

Myrthil and Haskins said they have heard from students at virtually every conference in the country to learn about their unionization efforts. They have said they would like to form an Ivy League Players Association that would include athletes from other sports on campus and other schools in the conference. They realize, though, that that change could come too late to benefit them and their current teammates: four seniors, five juniors, three sophomores and three freshmen.

"We're confident in the group we have right now. But it depends on how long this goes," Myrthil said. "We'll see. Next year we'll get to talk to our freshmen and introduce them to the idea, and what it means. And then hopefully it gets passed on. And I'm pretty confident it will."

## **Possible Response Questions**

- What are your thoughts about college athletes forming unions? Explain.
- Did something in the article surprise you? Discuss.
- Pick a word/line/passage from the article and respond to it.
- Discuss a "move" made by the writer in this piece that you think is good/interesting. Explain.