

Union Push by Dartmouth Athletes Is Distinct From Previous Failed Efforts

A bid to unionize by the Dartmouth men's basketball team raises questions that earlier unsuccessful campaigns in college sports have not addressed.



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When the Dartmouth College men's basketball team filed a petition to unionize this week, it was a reminder of how much the movement for player empowerment has grown in college sports.

The petition, filed to the National Labor Relations Board by the Service Employees International Union, was unanimously signed by all 15 players on the team, the union said. It was immediately backed by supporters of more rights for college athletes, and Dartmouth itself said it was considering how to respond.

In a statement, the Ivy League school said it had "the utmost respect for our students and for unions generally" and that it was "carefully considering this petition with the aim of responding promptly yet thoughtfully in accordance with Dartmouth's educational mission and priorities."

The petition was filed on Wednesday, according to the N.L.R.B. Players from Dartmouth's team did not respond to messages seeking comment, and it was unclear in filings obtained through an open records request how the athletes were framing arguments for forming a union.

The S.E.I.U. said in a statement that it was "proud to stand in solidarity with these young people as they fight for the right to collectively bargain for a better future and blaze a path for other student athletes to follow."

The Dartmouth team's effort joins a long line of recent actions that have challenged the N.C.A.A.'s student-athlete model, which has come under heightened scrutiny in recent years. States have enabled athletes to be paid for endorsement deals, and the Supreme Court has said that leaders of the sport cannot not stop modest payments and benefits related to education.

In February, the U.S. Court of Appeals for the Third Circuit heard oral arguments for a case in which a former Villanova football player asserted that college athletes are employees. The N.C.A.A. is also facing a \$1.3 billion class-action lawsuit from current and former players over the use of their name, image and likeness in television broadcasts. And the Ivy League itself is facing litigation, after current and former Brown University basketball players filed a lawsuit against the conference in March to challenge its practice of not awarding athletic scholarships.

"We are just in a completely different place with college sports," said Jason Stahl, the founder and executive director of the College Football Players Association, which promotes the unionization efforts of college football players.

It wasn't that long ago that such efforts were greeted with strong, sustained opposition and a desire to preserve the N.C.A.A.'s cherished model of amateurism above maneuverability for players. And though it is unclear whether the Dartmouth players can be successful in their efforts to unionize, they do have some structural advantages that past groups did not.

In 2014, players from the Northwestern football team started a similar effort, arguing that the compensation they earned through their scholarships earned them the right to collectively bargain with the university. That petition was eventually dismissed, but the players who signed union cards saw themselves as being at the vanguard of a movement.

“Right now, the N.C.A.A. is like a dictatorship,” quarterback Kain Colter said at the time. “No one represents us in negotiations. The only way things are going to change is if players have a union.”

The N.L.R.B. argued then that recognizing a Northwestern unit would have created an uneven labor arrangement with other schools in the Big Ten Conference, which were public and not subject to the board’s jurisdiction, meaning it could not force them to be unionized, too.

Michael LeRoy, a professor and sports labor expert at the University of Illinois Urbana-Champaign, said the Dartmouth case differs from the Northwestern case in ways that could lead to broader efforts among Ivy League teams.

Because the Ivy League schools are all private, LeRoy said, the N.L.R.B.’s justification for rejecting the Northwestern union would not apply since Dartmouth is not in a conference with public schools.

Still, the effort will certainly have its hurdles. The players would have to prove they are employees, LeRoy said, which is the subject of ongoing litigation.

It is also not clear if Dartmouth’s effort could or would spread. LeRoy said that even if Dartmouth were unionized, collective bargaining could not be imposed on other Ivy League basketball programs. But Stahl said the Dartmouth effort showed that basketball had an advantage with relatively small roster sizes compared with other sports, like football.

The tide has shifted surrounding not just unionization, which has gained favor with the American public since 2015, but in sentiments toward the N.C.A.A. and its member institutions, which have fought hard against player empowerment. The institution lost some sway in Washington with the Supreme Court’s 2021 ruling in *N.C.A.A. v. Alston* and states forcing the N.C.A.A. to change its rules on endorsement deals.

Stahl said that the environment for Dartmouth players gives them an advantage that Northwestern’s players didn’t have in 2015.

“I think the argument is really on our side now,” Stahl said.

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