

Questionable Call: The NCAA Places Threshold on Student-Athletes' Ability to Claim Earned
Tennis Prize Money in NIL Era



Photo source: Preston Mack/NCAA Photos via Getty Images, *College Tennis Champ Fiona Crawley Explains Decision to Forfeit US Open Prize Money*, ABC NEWS (last visited Oct. 11, 2023), <https://abcnews.go.com/Sports/college-tennis-champ-fiona-crawley-explains-decision-forfeit/story?id=102929858>

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Background

Hailing from San Antonio, Texas, Fiona Crawley, a senior standout on the University of North Carolina at Chapel Hill's ("UNC") women's tennis team with an NCAA Division I ranking of 1 and world ranking of 559, took the professional tour by storm this past August in

Flushing Meadows, New York.¹ At the U.S. Open, which is one of the four major grand slam tournaments, Crawley, along with only one other female collegiate player, won all three of her qualifying matches to advance into the women's singles main draw.² After qualifying for the main draw, Crawley's incredible run ultimately came to an end in the first round in a straight-set 2-6, 4-6 loss against Anastasia Pavlyuchenkova, a Russian woman ranked number 82 in the world at that time.³

Though Crawley had an impressive, unprecedented run on one of the biggest stages in professional tennis, the focus shifted from her success in the tournament to NCAA regulations.⁴ By qualifying for the first round in singles, Crawley earned \$81,500 in prize money for her efforts, and she also earned \$22,000 with her doubles partner, Tanguilig, by qualifying for the doubles draw.⁵ Generally, tournament players, like Crawley, would have no issue claiming this money, but NCAA regulations stood in her way.⁶

NCAA Regulations

According to NCAA Bylaw 12.1.2.4.1, student-athletes may generally accept performance-based prize money from competing in athletic events to cover actual and necessary

¹ See Caroline Wills, *'I felt like a kid': UNC Star Fiona Crawley Recounts Unlikely Run at U.S. Open*, THE DAILY TAR HEEL (Sept. 18, 2023), <https://www.dailytarheel.com/article/2023/09/sports-womens-tennis-tar-heels-north-carolina-unc-fiona-crawley-usopen#:~:text=At%20the%202023%20U.S.%20Open,fell%20in%20the%20first%20round> (discussing Crawley's historic run).

² See *id.* (mentioning Crawley and her college teammate at UNC, Carson Tanguilig, also competed in the doubles tournament).

³ See *id.* (noting Crawley switched her focus to doubles with Tanguilig after losing in the singles draw, but the duo lost in the first round).

⁴ See *College Tennis Champ Fiona Crawley Explains Decision to Forfeit US Open Prize Money*, ABC NEWS (Sept. 6, 2023, 12:35 PM), <https://abcnews.go.com/Sports/college-tennis-champ-fiona-crawley-explains-decision-forfeit/story?id=102929858> (interviewing Crawley to thoroughly discuss NCAA rules and regulations, which were the main source of distraction from her run at the U.S. Open).

⁵ See *id.* (stating Crawley, along with her partner Tanguilig, earned this prize money through their stellar performances, but the NCAA barred them from claiming it).

⁶ See Patrick Andres, *UNC Tennis Star Fiona Crawley Speaks Out About Forfeiting U.S. Open Winnings*, SPORTS ILLUSTRATED (Sept. 5, 2023), <https://www.si.com/tennis/2023/09/05/north-carolina-fiona-crawley-declines-us-open-winnings-ncaa-rule> (asserting Crawley's forfeiture did not sit right with her).

expenses, but only if the event sponsor provides the prize money.⁷ Under NCAA Bylaw 12.1.2.4.2, the NCAA specifically makes an exception for one sport: tennis.⁸ Moreover, under the first subsection of this bylaw, the NCAA permits student-athletes participating in professional tennis tournaments prior to full-time collegiate enrollment to accept up to \$10,000 in prize money from event sponsors, and permits these players to accept additional funds beyond this threshold amount to cover actual and necessary expenses to participate in the event.⁹ Under the second subsection of this bylaw, the NCAA limits student-athletes who participate in professional tennis tournaments after initial full-time collegiate enrollment, permitting them to accept performance-based prize money from the tournament sponsor only to the extent that it covers actual and necessary expenses.¹⁰ Regardless, Crawley decided to forgo her ability to claim any portion of winnings, claiming “[she] would never take the money and never risk [her] eligibility[.]”¹¹

In making this comment, Crawley noted how unfair it is that football and basketball players can make “millions in [name, image, and likeness (“NIL”)] deals,” but she cannot claim her hard-earned money.¹² Indeed, other female student-athletes, including Haley and Hanna Cavinder and Olivia Dunne, have made approximately \$2 million and \$1 million, respectively, through various deals with companies across multiple industries, such as T-Mobile and Vuori, in

⁷ See *Amateurism and Athletics Eligibility*, NCAA (Apr. 25, 2018), <https://web3.ncaa.org/lstdbi/search/bylawView?id=8740> (outlining the rule at issue and its various provisions).

⁸ See *id.* (noting tennis as the sole collegiate sport entitled to an exception).

⁹ See *id.* (distinguishing between the amount to which an athlete is entitled based on whether the athlete is competing in tennis prior to or after full-time collegiate enrollment).

¹⁰ See *id.* (placing an explicit threshold on full-time collegiate tennis players’ ability to claim prize money).

¹¹ See *College Tennis Champ Fiona Crawley Explains Decision to Forfeit US Open Prize Money*, *supra* note 4 (alteration in original) (explaining Crawley’s decision not to claim her winnings).

¹² See *id.* (alteration in original) (expressing Crawley’s dissatisfaction with the current status of NCAA regulations in the NIL era).

the NIL era.¹³ Many other individuals and groups agree that inequality exists due to NIL deals, and one start-up company based in Frisco, Texas is even making an attempt to help Crawley.¹⁴

Potential Resolution and Future Impact

The digital platform, referred to as myNILpay, enables individuals, such as UNC Tar Heels alumni and fans, to pay student-athletes directly while still being in compliance with NCAA regulations, which would help Crawley recoup at least a portion, if not all, of her winnings.¹⁵ The new platform labels this idea “sports crowdfunding,” and many are referring to myNILpay as the so-called “Venmo of NIL.”¹⁶ This nickname is somewhat misleading because users cannot pay student-athletes through avenues like Venmo or Paypal, but rather can only pay them through a required “quid pro quo [transaction] at fair market value[,]” according to myNILpay Founder and CEO, Brent Chapman.¹⁷ Essentially, this process requires fans to download the platform’s software application on their mobile device, search for the NCAA student-athlete’s name, and specify the amount of money they would like to send.¹⁸ In return,

¹³ See Ariel Zilber, *Cavinder Twins Have Raked in \$2M in NIL Deals Off Their Looks — While Better Athletes Come Up Empty, Critics Charge*, NEW YORK POST (June 13, 2023, 1:27 PM), <https://nypost.com/2023/06/13/cavinder-twins-have-raked-in-2m-in-nil-deals-off-their-looks-while-better-athletes-come-up-empty-critics-charge/> (discussing the arguably non-existent correlation between performance as a student-athlete and ability to earn money through NIL deals); see also Andrew Miller, *NIL’s Top 10 Most Valuable Athletes for 2023*, FIRSTPOINT USA (Feb. 6, 2023), <https://www.firstpointusa.com/blog/2023/02/nilstop-10-most-valuable-athletes-for-2023/> (mentioning Dunne’s earning potential is projected to more than triple this year, leading to a possible \$3.2 million evaluation).

¹⁴ See Lance Murray, *Frisco-Based NIL Platform ‘Creates Pathway’ for Fans to Offset NCAA Tennis Star’s Forfeited U.S. Open Earnings*, DALLAS INNOVATES (Sept. 7, 2023), <https://dallasinnovates.com/frisco-based-nil-platform-creates-pathway-for-fans-to-offset-ncaa-tennis-stars-forfeited-u-s-open-earnings/> (outlining Crawley’s struggle to claim her prize money and asserting myNILpay can provide assistance in her efforts to recoup money to which she is rightfully entitled).

¹⁵ See *id.* (describing the startup’s groundbreaking technology that enables fans to have a direct impact on an athlete’s earnings).

¹⁶ See *id.* (elaborating on how myNILpay has assisted students across all divisions in monetizing their NIL rights, which gave rise to the platform’s nickname).

¹⁷ See *id.* (alteration in original) (mentioning the NCAA compliance requirement that prevents usage of existing, popular payment applications, such as Venmo or Paypal, to distribute NIL money to student-athletes).

¹⁸ See *id.* (delineating the steps needed for an alumni or fan to directly support a student-athlete through the myNILpay application).

the user receives a unique digital asset featuring the student-athlete's name and digital signature, thus complying with the NCAA's quid pro quo requirement.¹⁹

Though Crawley is currently in the spotlight of this debate, other UNC women's tennis players, including sophomore Reese Brantmeier, have run into issues when attempting to claim prize money.²⁰ At the end of the day, essentially everybody—the NCAA, universities, collectives, agents, and fans—want to help students monetize their NIL in the most effective way possible while still remaining in regulatory compliance.²¹ As NIL deals continue to become more prevalent, the NCAA should consider alternative methods to help alleviate the financial burden faced by collegiate tennis players competing on the professional tour.²²

¹⁹ See *id.* (explaining how the pioneering application meets the NCAA compliance requirement).

²⁰ See Caroline Wills, *Fiona Crawley, UNC Tennis Players Struggle with NCAA Prize Money Rules*, THE DAILY TAR HEEL (Sept. 27, 2023), <https://www.dailytarheel.com/article/2023/09/sports-tennis-prize-money-regulations-in-college-fiona-crawley-us-open-tar-heels-north-carolina-collegiate-womens-tennis> (demonstrating the prize money issue is pervasive in the collegiate tennis sphere, especially at UNC).

²¹ See Murray, *supra* note 14 (explaining the underlying inspiration for the new platform myNILpay).

²² See Wills, *supra* note 20 (noting one potential solution, which involves the United States Tennis Association (“USTA”) adopting a grant program, similar to that of the USA Swimming and Diving associations, to provide college tennis players with the ability to accept grant money once annually from major tennis tournaments, like the U.S. Open).