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Neoliberalism, NIL, and the Decline of Amateurism: Reimagining the Purpose of Higher Education in a Postmodern Era

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This article examines how name, image, and likeness (NIL) reforms illuminate and intensify the broader neoliberal transformation of higher education in the United States. While NIL is widely celebrated as expanding student-athlete rights, the article argues that it also functions as a *Trojan horse*, extending market logics that have long eroded higher education's civic and equity-driven mission. Drawing on social equity theory, critical pedagogy, and public administration scholarship, the analysis shows how NIL both disrupts and reproduces structural inequities across race, gender, sport, and institutional resources. Although NIL challenges the historical exploitation embedded in the amateurism model, its benefits remain unequally distributed, particularly disadvantaging female athletes, non-revenue sports, and under-resourced institutions. The article concludes that NIL can serve as a lever for democratic renewal only if universities adopt equity-centered governance, redistributive policy frameworks, and holistic student development practices grounded in justice rather than market imperatives.

Keywords
neoliberalism, name, image, and likeness (NIL), social equity, higher education governance, critical pedagogy, public administration

Over the last several decades, higher education in the United States has undergone a profound transformation. Once understood as a public good—an institution committed to cultivating democratic citizens, advancing social equity, and contributing to the commonweal— higher education has increasingly been reshaped by neoliberal logics. Universities today are governed by market imperatives, managerialism, and consumer-based metrics, reconfiguring students as clients, faculty as contract labor, and knowledge as a monetizable commodity (Giroux 2014; Marginson 2011; Olssen and Peters 2025; Williams 2016). Scholars have consistently demonstrated that this reorientation is not a peripheral drift but a wholesale ideological colonization of the academy, where language, governance, and priorities all bend toward market rationality (Brown 2015; Saunders 2010). This ideological shift has narrowed the mission of the academy, reduced intellectual inquiry to economic utility, and exacerbated systemic inequalities across race, gender, and class lines.

Neoliberal transformation does not occur in isolation; it seeps into every layer of university life. From tuition pricing models to performance-based funding and the rise of *student success* dashboards, metrics have come to dominate institutional decision-making. As de Wit and Altbach observed, global higher education is increasingly framed in terms of competition, branding, and market share, with universities conceptualized as firms and students as investors in their own human capital (deWit and Altbach 2023). In this sense, neoliberalism functions less as a policy orientation and more of what Bourdieu called a *totalizing discourse*, shaping how institutions imagine their missions, their value, and their very legitimacy in society (Bourdieu and Armstrong 1999). This paradigm shift erodes not only affordability but also the ethos of higher education as a civic and democratic good (Lovell and Mallinson 2023) further confirming what Olssen and Peters called the dominance of *knowledge capitalism*, where even the public mission of the university is subsumed under market logic (Olssen and Peters 2005).

Olssen and Peters argued that neoliberalism transforms universities into engines of *knowledge capitalism*, aligning education with market production (Olssen and

Peters 2025). This same dynamic extends into athletics, where revenue sports and NIL become laboratories for neoliberal expansion. Nowhere is this neoliberal turn more visible, and more contested, than in the domain of collegiate athletics. Athletics have long operated as both a revenue engine and a cultural front porch for universities, but the rise of NIL rights amplifies these contradictions in unprecedented ways. Rather than existing outside neoliberal encroachment, NIL can be understood as a Trojan horse, arriving with the promise of liberation and empowerment, yet carrying within it the potential to deepen commodification and inequity if left unchecked (Cooper, Cheeks, and Cavil 2017; Lovell and Mallinson 2023).

The emergence of NIL rights following the *NCAA v. Alston* decision in 2021 marks a significant rupture in the long-standing amateurism model that has governed college sports for over a century. While some herald NIL as a long-overdue recognition of athlete labor, others view it as the latest terrain in which neoliberal ideology reinforces structural inequities under the guise of empowerment (Harris and Brison 2024; Lovell 2025). The Trojan horse metaphor captures this duality: NIL rides in under the banner of justice, but it smuggles in the logics of market expansion, branding culture, and corporate capture, further aligning higher education with neoliberal capitalism (Silk and Andrews 2012). NIL reveals a paradox: it simultaneously challenges the exploitative tenets of amateurism while risking reproduction of new inequities if implemented without structural safeguards, inclusive governance, and equity-centered policy frameworks.

This article argues that the NIL era presents a unique opportunity to reimagine the mission and practice of higher education, particularly in its relationship to student-athletes and the public good. To do so, however, requires grappling with the ways neoliberalism has already hollowed out higher education's civic mission, leaving institutions vulnerable to embracing NIL primarily as a revenue and branding tool rather than as a social equity mechanism. Drawing on critical pedagogy, public administration theory, and intersectionality, we explore how NIL can serve as a portal for systemic transformation rather than a mechanism of further commodification. We interrogate the neoliberal structures that underpin higher education, the racialized and gendered labor dynamics of collegiate sports, and the governance challenges surrounding NIL implementation. In doing so, we examine how institutions can reclaim their democratic ethos by embedding social equity, shared governance, and critical consciousness into their NIL strategies. We also note here that questions of race, gender, and class inevitably intersect within the NIL landscape, a complexity we return to later in the manuscript once the broader structural context has been established.

The article proceeds through several interlocking sections. First, we revisit the philosophical foundations of higher education as a public good and examine how neoliberalism has eroded this vision. Here, we establish the conceptual scaffolding for understanding NIL not as a singular policy change but as an extension of neoliberal seepage into higher education. Next, we explore the role of critical consciousness in cultivating students as agents of transformation, not merely participants in credentialing systems. We then analyze the NIL landscape through the lenses of equity, institutional governance, and public policy, highlighting the structural barriers and opportunities for reform. Finally, we address the intersectional realities of race, gender, and class in shaping NIL access, and challenge the mythologies of amateurism as a moral ideal. The article concludes by asserting that NIL, while not a panacea, can serve as a lever for a renewed social contract in higher education; one rooted in justice, collective flourishing, and democratic renewal.

Higher Education as a Public Good: A Social Equity Imperative in a Neoliberal Era

The notion of higher education as a public good has historically underpinned democratic society's faith in colleges and universities as vital engines of civic formation, social equity, and collective progress. Rooted in Enlightenment and pragmatist traditions, particularly those of John Dewey, this paradigm emphasizes the intrinsic value of learning, the development of critical faculties, and the cultivation of democratic citizens capable of ethical deliberation and participatory governance (Dewey 2024; Synytsia 2020). Dewey's belief that education must not merely transmit knowledge but also foster communal intelligence and moral judgment remains one of the clearest articulations of education as a civic trust rather than a market transaction. For Dewey, education was inseparable from democracy itself. When education becomes privatized or subordinated to exter-

nal economic demands, its democratic character withers (Dewey 2024).

However, over the past four decades, the emergence and entrenchment of neoliberalism have radically reoriented the purpose, structure, and perception of higher education. Neoliberalism, broadly understood as an economic and political rationality that prioritizes market-based logics in all domains of life, has recast education as a private investment in human capital rather than a collective social institution (Giroux 2014; Harvey 2007). In this schema, students are positioned not as co-creators of knowledge but as consumers seeking credentials for labor market competitiveness, while universities become quasi-corporate entities driven by metrics, rankings, and profit margins (Rhoades and Slaughter 1997; Slaughter and Rhoades 2004). What is particularly insidious about neoliberalism in higher education is its capacity to masquerade as common sense: who could oppose *efficiency*, *accountability*, or *choice*? Yet beneath these terms lies a displacement of higher education's social contract with democracy in favor of market discipline (Brown 2015).

This is where NIL begins to emerge as more than a reform in college sports—it exemplifies neoliberal release into one of the academy's most visible cultural arms. On the surface, NIL affirms higher education as a public good by granting student-athletes long-denied rights to their own labor and identity. But if pursued within neoliberal logics of branding, influencer culture, and institutional market share, NIL risks converting education further into spectacle, positioning universities as staging grounds for entrepreneurial identity markets rather than spaces of democratic cultivation (Silk and Andrews 2012). Thus, NIL should be read not merely as an athletics policy but as a Trojan horse that forces higher education to decide if it will reclaim its public mission or capitulate further to neoliberal commodification.

Neoliberalism's Reshaping of the University

The neoliberal transformation of higher education has been well-documented across disciplines. As Marginson and Williams explained, the shift from viewing higher education as a social investment to a privatized consumer good has led to profound structural changes, including tuition increases, decreased public funding, administrative bloat, reliance on adjunct labor, and the prioritization of vocational over liberal arts curricula (Marginson 2011; Williams 2016). These changes disproportionately impact students from historically marginalized communities, especially first-generation college students, students of color, and those from lower socioeconomic backgrounds (Berman and Paradeise 2016; Kromydas 2017) This shift is not accidental but reflects what Brown called the *financialization of everything*, whereby education is no longer justified by its civic mission but only by its capacity to yield measurable economic returns (Brown 2015).

Critically, this commodification devalues the non-economic contributions of higher education, such as promoting social cohesion, reducing inequality, advancing critical thinking, and encouraging civic participation. Public universities, especially in states with politically conservative leadership, have experienced acute defunding and increased political interference, reflecting the broader ideological devaluation of higher education as a public good (Pedota et al. 2015; Thomas and Wright 2022). For instance, in states like Florida and Texas, state legislatures have restricted academic freedom, targeted diversity, equity, and inclusion (DEI) initiatives, and reduced investments in public institutions under the guise of fiscal responsibility (Baez and Talburt 2008; Keith and Zickar 2025; Williams 2016). Here we see neoliberalism's paradox: it expands institutional branding and corporate partnerships while hollowing out the very structures that sustain equitable learning.

NIL enters this terrain as both symptom and accelerant. As universities aggressively market their athletic departments as brands, NIL provides an avenue for extending the reach of neoliberal logics into student identities themselves. Student-athletes become not only representatives of their teams but also entrepreneurial firms, encouraged to monetize their persona in ways that echo the broader student-as-consumer model (Sanderson and Siegfried 2015). In this way, NIL does not simply coexist with neoliberal transformation, it dramatizes it. The student-athlete becomes the archetype of neoliberal higher education: simultaneously a learner, a worker, and now, a market brand. It is a subtle but profound shift. NIL presents itself as liberation from amateurism, yet it risks deepening the very market logics that have already reshaped the academy.

The Erosion of Public Trust and Rising Inequality

The consequences of this market-driven model are deeply inequitable. As higher education becomes increasingly privatized, access is stratified along lines of race, class, and geography. Federal and state disinvestment in public universities has led to increased tuition and student debt, effectively shifting the financial burden to students and their families. This has resulted in growing wealth gaps and a higher education system that often reproduces rather than mitigates social hierarchies (Goldrick-Rab 2016; Paulsen and John 2022). Trust in higher education has declined in parallel—surveys show that confidence in universities has eroded sharply over the last two decades, particularly among working-class and rural communities, who increasingly view higher education as inaccessible, politicized, or irrelevant (Jones 2024).

Moreover, the shift toward return-on-investment (ROI) discourse narrows the value of education to individual economic advancement. This framing, while appealing to market rationality, diverts attention from higher education's historic responsibility to serve democracy by fostering collective action, social critique, and engaged citizenship (Giroux 2018; Labaree 2017). The result is what public administration scholar H. George Frederickson called a *failure of social equity* in which public systems no longer produce fair and just outcomes across population groups (Frederickson 1990). When higher education is judged primarily through ROI, equity concerns are often recast as inefficiencies, and systemic barriers are obscured by the myth of meritocracy. This dynamic reinforces racialized and gendered inequalities rather than dismantling them (Ahmed 2012; Bearfield et al. 2023; Harper 2012).

The NIL era mirrors these same fractures. While NIL is celebrated as expanding opportunity, the benefits disproportionately accrue to student-athletes in revenue-generating sports, particularly men's football and basketball, and even more narrowly to those positioned within elite programs (Harris and Brison 2024). Just as higher education at large reproduces social hierarchies under the guise of access, NIL risks replicating inequality within athletics under the guise of empowerment. For example, female student-athletes, student-athletes in Olympic or non-revenue sports, and those from smaller markets often receive minimal NIL opportunities compared to their peers, highlighting the persistence of inequity within a supposedly liberatory reform (Brake 2010; Cooper 2016; Elias et al. 2024).

Social Equity and Public Administration in Higher Education

Social equity, as defined in public administration, refers not just to equal treatment, but to outcomes that reflect justice, recognition, and the amelioration of structural disadvantage (Johnson and Svara 2011). Within the context of higher education, this means ensuring that access, retention, and completion rates are not stratified by race, gender, or class, and that the benefits of higher education are equitably distributed. Equity in this tradition is not reducible to abstract fairness; rather, it demands an active redistribution of resources and intentional dismantling of systemic barriers that reproduce inequality (Blessett et al. 2019; Frederickson 1990).

Recent scholarship has underscored how this principle is undercut by neoliberal policy mechanisms that disempower public institutions, restrict their civic mission, and reduce their redistributive capacity (Lovell 2025). Particularly concerning is the fact that universities, increasingly forced to act like businesses, are making decisions based on cost-benefit calculations rather than social obligations, often cutting programs that serve underserved communities, divesting from humanities and ethnic studies, and redirecting funds toward revenue-generating entities such as athletics or research grants (Newfield 2016). This dynamic produces a troubling irony—while equity is invoked rhetorically in strategic plans and mission statements, neoliberal logics ensure that equity is simultaneously undermined in practice, subordinated to the imperatives of efficiency, branding, and market competition (Bacevic 2019).

In this context, redefining higher education as a public good must be more than aspirational—it must be a praxis grounded in public administration ethics, legal frameworks, and institutional accountability. The imperative is not simply to expand access but to reintegrate justice into the core of educational philosophy and governance (Muzzatti 2022). Here again, NIL illustrates the stakes. Institutions publicly celebrate NIL as an equity mechanism, an opportunity for student-athletes, many of whom are students of color, to finally profit from their labor. Yet when NIL infrastructure is built

primarily around corporate sponsorships, social media branding, and donor-driven collectives, the benefits accrue unevenly, often to student-athletes who already occupy privileged positions within the athletic hierarchy (Brake 2010; Sanderson and Siegfried 2015). In other words, as the NIL becomes cloaked in the language of social equity, it risks reinforcing the very inequities public administration ethics were designed to redress.

If universities are to honor the spirit rather than the rhetoric of equity, NIL policy and practice must be intentionally designed through a justice lens. This means embedding Title IX compliance, redistributive funding models, and student-athlete support systems that extend beyond market visibility. Without such safeguards, NIL will merely extend neoliberalism's colonization of higher education, further widening inequities while claiming to resolve them.

Global Comparisons and Philosophical Stakes

International comparisons also show that the erosion of higher education as a public good is not inevitable. In countries such as Norway, Finland, and Germany, higher education remains largely free or low-cost, publicly funded, and centrally governed as part of a national equity agenda. These systems retain broader support because their purpose is clearly defined in public terms, not as pathways to personal success, but as infrastructure for democratic resilience, innovation, and solidarity (Marginson 2016; OECD Indicators 2023). In these contexts, students are not interpellated primarily as entrepreneurs of the self but as citizens whose learning contributes to the broader social fabric. This contrast is instructive because it illuminates the political choices embedded in higher education structures—choices that demonstrate how marketization is neither universal nor inevitable, but a historically specific trajectory shaped by governance, funding models, and national philosophies of education. The collective framing insulates education from some of the corrosive pressures of neoliberalism that dominate the U.S. system.

In contrast, the U.S. system is increasingly characterized by privatized gain and public loss. And as critics such as Giroux and Barnett warned, the philosophical costs of this transformation are high—the university becomes a space of passive training rather than active thinking, of job preparation rather than societal transformation (Barnett 2021; Giroux 2014). **The very** *idea of the university* (Barnett 2021; Newman et al. 1996) has been hollowed out, replaced by an enterprise university model (Marginson 2016) that privileges rankings, corporate ties, and market outputs. In this climate, trust in the academy diminishes, and its democratic mission is obscured by economic instrumentalism. Seen against international models where public investment affirms the civic mission of higher education, the U.S. trajectory appears not as a natural evolution but as a profound philosophical divergence—one in which the meaning and purpose of higher education are reorganized around private return rather than collective flourishing.

NIL starkly illustrates this divergence. While European systems continue to treat higher education as a shared public responsibility, the United States has now extended market logics into the intimate identities of its student-athletes through NIL. From a global perspective, NIL appears as an anomaly—no other higher education system so visibly commodifies the personas of students as marketing platforms for corporate brands. This anomaly becomes even clearer when considering the status of amateur athletics outside the United States: most countries do not embed amateur collegiate sports within multi-billion-dollar media contracts, nor do they construct universities as the primary developmental pipelines for elite athletes. In many international contexts, elite sport occurs through independent clubs, national development systems, or federations—not through universities—meaning that there is no structural equivalent to NIL because there is no comparable fusion of higher education, entertainment markets, and commercialized amateurism. NIL is framed as a civil rights victory for student-athletes, but it also demonstrates the degree to which neoliberalism has colonized U.S. higher education in ways largely unparalleled elsewhere (Cooper 2022; Silk and Andrews 2012). In this sense, NIL does not simply differ from global systems—it reveals the exceptional degree to which U.S. higher education has absorbed market logics into domains that other nations continue to treat as civic, developmental, or state-supported.

The philosophical stakes are therefore profound. If higher education is to reclaim its civic purpose, NIL cannot be allowed to merely accelerate neoliberal encroachment. Instead, it must be reframed as a site where universities can resist market colonization, embedding equity, shared governance, and public responsibility

into NIL policy. Otherwise, the contrast between the United States and its global counterparts will widen, with the American university drifting ever further from its public-good foundations. The global landscape thus serves as both a mirror and a warning: it shows that alternative models of higher education and amateur sport remain viable and that the United States still possesses the capacity—and the obligation—to choose a different trajectory.

Reclaiming the Public Mission

Reestablishing higher education as a public good requires a reorientation of both policy and ethos. This includes increasing public investment, rejecting austerity narratives, reinstating robust shared governance, and embedding social equity into institutional planning. It also requires that universities foreground their civic mission, not merely as credentialing factories, but as laboratories for justice, imagination, and moral inquiry. This reclamation cannot be nostalgic. It must grapple honestly with how deeply neoliberalism has already colonized the academy and how easily new reforms, such as NIL, can be captured by market logics if they are not explicitly anchored in justice (Gooden et al. 2023).

In the post-NIL era, where student-athletes navigate dual roles as both laborers and learners, this act of reclamation becomes increasingly more pressing. Student-athletes are now positioned at the very heart of neoliberal contradictions. They are celebrated as empowered entrepreneurs while simultaneously subjected to intensified pressures of surveillance, branding, and economic exploitation (Hawkins 2010). The question that persists is whether universities will allow the hidden neoliberal payload to dominate, or whether they will disarm it by reimagining NIL as a lever for equity and public mission.

As we explore in subsequent sections, NIL reveals the fault lines of neoliberal logic but also provides a wedge through which the academy might be re-democratized. However, this potential can only be realized if institutions confront and resist, the structural logics that reduce students to economic units. However, resistance requires more than compliance—it requires the active construction of alternative value systems within higher education. For instance, NIL could be embedded in civic engagement programs that teach student-athletes how to leverage their platforms for community advocacy rather than purely for profit, or institutions could redistribute a portion of collective-driven NIL funds to support women's sports and non-revenue athletes, ensuring Title IX parity (Brake 2010; Harris and Brison 2024).

Reframing higher education as a public good is not merely a nostalgic return to a bygone era; it is a radical act of resistance and reimagining. It is, in Frederickson's words, a *moral imperative* for the public administrator, and for the academy writ large (Dubnick et al., 2021). NIL crystallizes the urgency of this imperative. Left to neoliberal forces, it will exacerbate inequity and entrench commodification. Claimed as part of the academy's civic mission, it can be harnessed to restore trust, equity, and democratic purpose. The stakes, therefore, are not limited to athletics, they implicate the very soul of higher education.

The Role of Critical Consciousness in Education: From Awakening to Action

At the heart of democratic and socially responsive education lies the imperative to cultivate *critical consciousness*, a term and praxis most closely associated with Paulo Freire's transformative pedagogy. In *Pedagogy of the Oppressed*, Freire argued that education must move beyond the *banking model*, in which students are passive recipients of knowledge, toward a dialogical model that fosters critical reflection (conscientização) and equips learners to recognize, analyze, and ultimately resist structural forms of oppression (Freire 1972). In the context of higher education, critical consciousness emerges not simply as an intellectual exercise, but as an emancipatory project—empowering students to interrogate dominant ideologies, deconstruct systemic injustices, and enact change through collective praxis (Freire 1972; Giroux 2014). It is precisely this form of consciousness that neoliberal higher education seeks to suppress, since a critically conscious student body threatens the legitimacy of market logics masquerading as common sense (Apple 2012).

This critical imperative becomes especially urgent in neoliberal academic environments in which curriculum is often standardized, depoliticized, and detached from the lived realities of students. Contemporary scholarship affirms that neoliberalism undermines critical pedagogy by subordinating intellectual inquiry to vocational utility and market efficiency (Bacevic 2019; Slaughter and Rhoades

2024). As a result, institutions risk producing graduates who are technically proficient but politically disengaged, lacking the critical faculties necessary for civic participation and ethical leadership (Apple 2012; Barnett 2021). Without critical consciousness, the Trojan horse of neoliberal reforms—whether in admissions metrics, ROI discourse, or NIL—passes unnoticed, embraced as empowerment while quietly entrenching commodification.

To counter this trajectory, institutions must intentionally create learning environments that foster dialogic engagement, problem-posing education, and a sustained critique of social hierarchies. Research in both higher education and public administration supports this claim, emphasizing that transformative learning requires students to question hegemonic narratives and develop analytical tools to understand the interplay of race, class, gender, and power in shaping policy and practice (Cho, Crenshaw, and McCall 2013; hooks 2013; Johnson and Svara 2011). This means embedding critical pedagogy not only in classrooms but also in athletic spaces. NIL, when approached without critical framing, risks teaching student-athletes that their worth lies solely in brand value. When embedded within critical pedagogical programs, however, NIL can become a laboratory for conscientização, and student-athletes might interrogate questions such as: Who profits from my labor? How do race, gender, or class shape access to NIL deals? How can I use my platform to advance collective rather than purely individual goals? (Beamon 2008; Cooper and Hawkins 2016).

For example, interdisciplinary coursework that incorporates critical race theory, feminist epistemologies, and decolonial thought invites students to view their experiences as data and to challenge the Eurocentric, heteropatriarchal foundations of the academy (Collins 2022; Delgado 1995; Delgado and Stefancic 2023). This is not merely an academic exercise, it is a public obligation. As Muzzatti asserted, universities must *steward equity* by cultivating critical agency, particularly among historically marginalized students whose communities are disproportionately impacted by state violence, economic dislocation, and environmental racism (Muzzatti 2022). In the NIL landscape, this means recognizing how racial capitalism has historically exploited Black athletes (Hawkins 1995; Southall et al. 2023) and asking whether NIL serves as resistance to or reinforcement of those dynamics. Critical consciousness provides the tools to tell the difference.

Thus, critical consciousness in higher education is not optional or supplementary; it is the foundation for an education that aligns with the public good and the ethical mission of a democratic society. NIL represents both the danger and the opportunity—without critical pedagogy, it becomes neoliberalism's vessel, smuggling deeper commodification into the academy. With critical pedagogy, it can become a site of awakening, where student-athletes and institutions alike reimagine higher education's civic mission.

The Intersection of Equity and Holistic Development: A Framework for Social Equity

Beyond cultivating critical awareness, higher education must intentionally prioritize equity—not merely as an abstract ideal, but as a practice that shapes institutional structures, pedagogy, and student experience. Equity in education demands more than equal access, it calls for differentiated support that acknowledges historical disadvantages and redistributes resources to achieve just outcomes (Frederickson 1990; Johnson and Svara 2011). Equity requires institutions to recognize that students do not enter higher education as blank slates, but with differential access to wealth, social capital, cultural legitimacy, and institutional recognition. Without intentional redistribution, higher education will reproduce stratification under the guise of opportunity (Harper 2012; Museus 2013).

Public administration scholars have long recognized that equity must be a guiding principle in policy design, implementation, and evaluation. In the context of higher education, this translates to reimagining admissions, advising, curriculum design, and resource allocation to redress systemic inequities that affect first-generation, low-income, persons with disabilities, LGBTQIA+, and BIPOC students (Conners, Hughes, and Lewis 2024; Thomas and Wright 2022). The American Council on Education (ACE) reports that despite gains in access, students of color continue to face significant disparities in graduation rates and financial burden, and inequity in campus culture, conditions that persist even in ostensibly *diverse* institutions. Neoliberal pressures magnify these gaps by reallocating institutional resources away from equity-oriented programs and toward revenue-driven initiatives. This explains why diversity statements proliferate while DEI budgets are slashed, eliminated, or politicized (Ahmed 2012; Keith and Zickar 2025).

Moreover, institutions must move beyond reductive metrics of student success (e.g., grade point average, job placement) and embrace a holistic framework that supports the intellectual, emotional, social, and ethical development of learners. This approach, consistent with the work of Kromydas and hooks, views students not as economic inputs or data points, but as whole persons embedded in complex social ecologies (hooks 2014; Kromydas 2017). To prioritize holistic development in a neoliberal context is itself a radical act: it insists that education cannot be reduced to market returns and must instead cultivate flourishing, belonging, and civic responsibility (Astin 2014; Rendón and Cantú 2023).

A holistic model of student development demands inclusive curricula that reflect student identities, mental health services that address trauma and marginalization, and co-curricular programming that fosters civic engagement and self-actualization (Astin 2014; Rendón and Cantú 2023). As Cho and colleagues argued, intersectionality must be central to these efforts, recognizing that students do not experience barriers monolithically but at the nexus of multiple identities and systems of oppression (Cho, Crenshaw, and McCall 2013).

The NIL landscape underscores the urgency of this holistic framework. While student-athletes are encouraged to monetize their image, institutions often fail to provide the educational scaffolding (e.g., financial literacy training, mental health support, legal guidance) necessary to navigate NIL without harm. Without holistic support, NIL amplifies stress, exacerbates inequities, and risks reducing student-athletes to commodities once again (Brake 2010; Cooper and Hawkins 2016). Conversely, when embedded in equity-centered development programs, NIL can be reimagined as part of a holistic educational mission—student-athletes can learn not only to build personal brands but to leverage their platforms for community engagement, social justice advocacy, and collective uplift.

This framework is especially vital in understanding the lived experiences of student-athletes, whose labor is often extracted without corresponding recognition of their developmental, psychological, or civic needs. As scholars Cooper and colleagues and Harris and Brison noted, Black male athletes in particular experience academic surveillance, racial stereotyping, and institutional neglect despite their visibility on the field (Cooper and Hawkins 2015; Harris and Brison 2024). A truly holistic and equitable model of education must confront these dynamics and reimagine athletics as part of the intellectual mission of the university, not separate from it. If left to market forces, it will intensify the exploitation of athletes under the veneer of empowerment. If integrated into holistic equity frameworks, however, it can disrupt neoliberal logics and expand higher education's public mission.

The Role of Higher Education in Promoting Social Justice: NIL and the Politics of Redistribution

Social justice is not a peripheral concern of higher education—it is, or ought to be, its central vocation. As knowledge-producing institutions, universities hold the power to shape discourse, legitimize frameworks, and set agendas. In the neoliberal era, however, this power has been increasingly wielded in service of privatized interests, technological solutionism, and economic instrumentalism (Newfield 2016). Higher education must reclaim its capacity to engage in emancipatory work, addressing not only individual advancement but collective liberation. This requires institutions to name neoliberalism as the structural barrier it is, to refuse complicity with market logics masquerading as empowerment, and to insist on redistribution as the measure of justice (Gooden et al. 2023).

This reclamation begins with community-based participatory research, civic partnerships, and policy interventions that center marginalized voices. Public administration literature emphasizes the importance of collaborative governance and co-production, models in which community members are not mere beneficiaries of institutional outreach but active partners in knowledge creation (Ansell and Gash 2008; Nabatchi and Leighniger 2015). In higher education, this looks like faculty engaging with local activists, students organizing for policy change, and universities using their land-grant status to advocate for housing justice, food security, and prison abolition. In short, social justice is not an *add-on* but a reorientation of the university's entire purpose toward democratic flourishing.

Yet, universities must also look inward. Social justice requires that institutions audit and transform their internal policies, from hiring and tenure to funding and campus policing. Austerity regimes, racialized admissions criteria, and the marginalization of ethnic and gender studies departments all serve to reinforce the

very inequities institutions claim to challenge (Ahmed 2012; Wilder 2013). If social justice is to be more than rhetoric, redistribution must occur not only outwardly in community partnerships but inwardly in institutional budgets, governance, and priorities.

Within this framework, NIL rights represent both a challenge and a possibility. As Lovell and Mallinson and Harris and Brison asserted, NIL has exposed the exploitative economics of college athletics, particularly as it relates to Black and working-class athletes (Harris and Brison 2024; Lovell and Mallinson 2023). Institutions must recognize that the NCAA's historical model of amateurism functioned as a racialized form of labor extraction, denying compensation while leveraging student-athletes' identities for institutional branding and revenue (Beamon 2008; Beamon and Messer 2013; Cooper 2019). If institutions treat NIL only as a marketplace, they will have ushered neoliberalism further into the academy under the banner of reform. If, however, they treat NIL as a redistributive justice project, they can transform it into a wedge for equity, democratization, and public mission renewal.

By integrating NIL within their social justice frameworks, universities can support student-athletes in achieving financial literacy, brand autonomy, and civic impact. Examples abound: Stanford's partnership with civic organizations, Georgia Tech's voting day initiative, and Northwestern's student-athlete-led mental health advocacy show how NIL can be a platform not only for income but for voice, agency, and political engagement (Beamon and Messer 2013). These efforts demonstrate what happens when NIL is decoupled from neoliberal logics and reconnected to civic and collective purposes.

However, this requires more than celebration; it requires infrastructure. Institutions must create ethical NIL support systems, ensure Title IX compliance in resource distribution, and guard against corporate capture of student expression. Moreover, NIL policies should be evaluated through a public administration lens by asking critical questions, such as: What inequities do they reinforce? Whose voices are elevated or erased? How do state laws and NCAA guidelines constrain institutional action? Only by addressing these questions with intentionality can higher education move from complicity to justice, from rhetoric to transformation. Ultimately, NIL exposes the deepest fault lines of neoliberal higher education. Whether it entrenches inequality or inaugurates renewal depends on whether universities recognize it for what it is: a Trojan horse. The question is whether they will allow neoliberalism's hidden payload to take the city, or whether they will disarm it and repurpose it for justice, redistribution, and the public good.

Reimagining Higher Education's Purpose in the NIL Era: Toward a Socially Just and Democratic University

The introduction of NIL rights in college athletics marks a pivotal moment for higher education, one that challenges longstanding assumptions about student-athlete labor, institutional mission, and the commodification of learning. Catalyzed by the Supreme Court's decision in *NCAA v. Alston*, which unanimously affirmed that NCAA restrictions on student-athlete education-related benefits violated antitrust law, NIL has destabilized the amateurism regime that once undergirded collegiate sports. However, the implications of this shift extend far beyond legal structures or economic redistribution. NIL invites a fundamental rethinking of the university's purpose, away from market rationality and toward democratic renewal. As Lovell and Mallinson contended, NIL both reflects and disrupts the neoliberal logics that have pervaded higher education for decades (Lovell and Mallinson 2024). It reveals the contradictions of an academy that extracts labor and image from its most visible students while cloaking itself in the language of educational mission.

To respond adequately to the complexities of NIL, institutions must adopt a holistic and justice-oriented framework, one that sees student-athletes not as marketing commodities or revenue generators but as whole persons embedded within an educational ecology. Rather than relegating athletics to a commercial annex of the university, colleges and universities should integrate sports into their core developmental mission, recognizing athletics as a site of civic learning, identity exploration, and social formation (Cooper 2019; Sack 1980). MacKeigan argued that the NIL moment represents more than a regulatory shift; it is a call to embed equity, access, and pedagogical intentionality into every dimension of the student-athlete experience (MacKeigan 2023). This requires dismantling the inherited dualism between athletics and academics, which has historically marginalized the educational potential of sports and reinforced structural inequities, particularly for Black, low-income, and first-generation student-

athletes (Beamon and Messer 2013; Cooper 2019; Cooper and Hawkins 2016).

Praxis in the NIL Era: Critical Pedagogy as a Foundation for Transformation

At the heart of this reimagining lies critical pedagogy. Rooted in the emancipatory philosophy of Paulo Freire, critical pedagogy insists that education must move beyond passive content delivery toward an active process of consciousness-raising, dialogue, and praxis (Freire 1972). In the NIL era, critical pedagogy demands that institutions empower student-athletes to interrogate the systems—legal, financial, and racial that govern their participation in sport and shape their access to opportunity. This pedagogical approach rejects the idea of the student-athlete as a passive recipient of training or compliance and instead positions them as an epistemic agent capable of critiquing and transforming the conditions of their participation (Giroux 2014). Faculty and administrators must move beyond merely preparing student-athletes for brand management or media literacy and cultivate political and ethical discernment, helping students to understand, for example, how state-level NIL laws differ, how NCAA policies interact with federal legislation, or how gender and racial disparities manifest in NIL valuations (Harris and Brison 2024; Wright and Thomas 2023).

Equity and Access in the NIL Economy: Confronting Structural Disparities

Yet, such critical engagement is not possible without attention to equity and access. While NIL formally extends to all NCAA student-athletes, in practice its benefits remain highly stratified by sport, gender, geography, and institutional capacity. Athletes in football and men's basketball disproportionately receive most deals, while student-athletes in non-revenue or Olympic sports, many of whom are women, LGBTQIA+, or from rural communities, receive little to no NIL compensation (Creedon and Wackwitz 2025). Structural disparities are even more pronounced at smaller institutions, Historically Black Colleges and Universities (HBCUs), and Division II or III schools, where student-athletes lack the media visibility and alumni infrastructure necessary to attract endorsements or partnerships (Lovell and Mallinson 2023). These inequities mirror broader patterns in higher education, where wealthier institutions reproduce privilege while under-resourced campuses serve students with fewer safety nets (Goldrick-Rab 2015; Kromydas 2017).

To address these imbalances, universities must proactively implement equity-centered NIL support systems that provide resources tailored to student-athletes' varied positionalities. This includes need-based financial aid, legal and financial counseling, NIL literacy workshops, and institutional platforms for brand promotion that offer equal visibility across sports. Harris and Brison highlighted how female student-athletes require support that acknowledges the gendered dimensions of NIL, both in terms of media representation and the sexualization of branding opportunities (Harris and Brison 2024). Similarly, student-athletes from historically marginalized groups need culturally responsive mentorship that connects NIL success to broader goals of social justice, leadership, and community empowerment. Without such measures, NIL risks becoming another arena where existing inequalities are reproduced rather than redressed (Elias et al. 2024).

From the Fab Five to Flagg (and Clark, Dunne, and Beyond): Racial Capital, NIL, and the Evolution of Student-Athlete Power

Any discussion of the transformative potential of NIL rights would be incomplete without revisiting the historical precedent of the University of Michigan's *Fab Five*, the iconic 1991 basketball recruiting class that redefined collegiate athletics, cultural aesthetics, and the commodification of Black athlete labor. Comprising Chris Webber, Jalen Rose, Juwan Howard, Jimmy King, and Ray Jackson, the Fab Five were more than a basketball phenomenon—they were a cultural force whose baggy shorts, black socks, and on-court swagger challenged the aesthetic and political norms of college sports (Dyson and Elliott 2010; Rhoden 2010). Yet, despite their immense value to Michigan's brand and bottom line, contributing to surges in merchandise sales, television ratings, and national exposure, the players themselves saw none of the financial benefits. Their jerseys were sold in campus bookstores, their likenesses broadcast nationally, yet the NCAA's amateurism rules ensured they remained economically disempowered.

This paradox of visibility without agency is central to understanding the neoliberalization of college ath-

letics. The Fab Five helped generate hundreds of millions of dollars for the NCAA and the University of Michigan, yet their labor was governed by a racialized moral economy that conflated professionalism with corruption and framed compensation as an ethical violation (Hawkins 2010). Their experience epitomized what Cooper described as *academic athletic exploitation*, where Black male student-athletes are overrepresented in revenue sports yet structurally under-supported in academic and post-collegiate outcomes (Cooper 2019).

Fast forward three decades, and the NIL era has begun to unsettle this exploitative model, at least at the surface level. Today's top recruits, like Mikey Williams and Cooper Flagg, enter college (or professional alternative pathways) not as economically invisible amateurs, but as multimillion-dollar brands. Williams, who signed major endorsement deals with Puma and Cash App while still in high school, was projected to earn upward of $2 million through NIL endorsements before committing to any university (DePaula 2023). Similarly, Cooper Flagg, the top-ranked recruit in the class of 2024 and the first high school player to sign with the marketing agency CAA, has amassed significant market value based on social media presence, athletic performance, and branding potential alone (On3 2024). These developments mark a dramatic departure from the economic precarity that defined the Fab Five's era.

Yet, the most profound reorientation of NIL power may be occurring not only among elite male athletes but also among women who were historically excluded from the commercial spotlight. Caitlin Clark, for instance, has leveraged her transcendent performances at the University of Iowa, setting NCAA scoring records and drawing unprecedented television audiences, to secure endorsement deals with Nike, Gatorade, and State Farm, making her one of the most marketable student-athletes in college sports, male or female (Lundberg 2024). Olivia "Livvy" Dunne, a gymnast at Louisiana State University (LSU), has amassed an NIL valuation exceeding $3 million, fueled by her massive TikTok and Instagram followings that reach audiences far beyond gymnastics enthusiasts (Apstein 2023). Other student-athletes like Haley Cavinder, Hanna Cavinder, and Angel Reese (basketball) and Suni Lee (gymnastics) demonstrate that NIL has become a vehicle for female student-athletes to command market share in ways that were previously unimaginable, blending athletic accomplishment with digital-era entrepreneurship (Brake 2010; Singer 2025).

These cases highlight both opportunity and complexity. On one hand, NIL creates space for female student-athletes to achieve financial agency in sports that have long been underfunded and underexposed. Clark's national profile suggests that women's basketball can command prime-time audiences, while Dunne's success points to the growing importance of social media capital as an equalizer (Economou and Gamble 2025). On the other hand, questions remain about whether these successes are exceptions rather than indicators of systemic change. As Cooky and Antunovic argued, female student-athletes' NIL opportunities often remain tethered to marketable femininity, digital visibility, and sport-specific narratives that reproduce gendered inequities rather than dismantle them (Cooky and Antunovic 2020). In this sense, the NIL economy risks mirroring the gender wage gap in broader society: a few highly visible women thrive, while the majority continue to navigate structural inequities in exposure, pay, and institutional investment.

However, the underlying structures remain contested. While NIL offers unprecedented economic agency for some student-athletes, its benefits are unevenly distributed and contingent on existing social capital, media exposure, and institutional support. Like the Fab Five, today's elite student-athletes, whether Flagg or Clark, Dunne or Reese, are still commodified by institutions eager to capitalize on their labor, likeness, and cultural influence. Yet unlike the Fab Five, these student-athletes now enter the university as pre-formed economic actors, often with professional representation, digital footprints, and brand equity shaped long before they step onto campus (Harris and Brison 2024).

This shift reflects a deeper neoliberal turn in college athletics: the migration of student-athlete value from institutional control to individual entrepreneurship. On one hand, this may enhance student-athlete autonomy, especially for Black and working-class student-athletes historically denied access to wealth-building opportunities. On the other hand, it risks reproducing inequality in a new guise. As Sanderson and Siegfried cautioned, the student-athletes who profit most from NIL are those already embedded in the machinery of elite sports marketing, reinforcing the stratification of opportunity

along lines of race, gender, and institutional prestige (Sanderson and Siegfried 2015).

Universities, too, have evolved in response to this new reality. NIL collectives, brand consultant partnerships, and in-house NIL education programs are now common at Division I institutions, reflecting a shift from passive compliance to active facilitation. Yet, these efforts are not evenly distributed. As Lovell and Mallinson noted, resource-rich universities with deep alumni networks and Power Four (P4) affiliations are better positioned to attract top-tier recruits, provide NIL infrastructure, and support student-athlete branding (Lovell and Mallinson 2023). This structural asymmetry mirrors broader concerns in public administration about equity in resource allocation, access, and procedural fairness.

Thus, the comparison between the Fab Five, Flagg, Clark, Dunne, and other NIL-era student-athletes underscores both rupture and continuity. While NIL may have broken the surface tension of amateurism, it has not fully dismantled the racialized political economy that governs college sports. The legacy of the Fab Five remains relevant not only as a cautionary tale of exploitation but as a blueprint for student-athlete activism, institutional critique, and cultural disruption. Similarly, Clark and Dunne remind us that NIL has the capacity to disrupt long-standing gender inequities in college athletics, but only if institutions design policies that foreground equity, inclusion, and shared governance. By centering racial and gender justice in NIL implementation, universities can ensure that today's student-athletes—whether they wear baggy shorts, break scoring records, or post viral routines are not only celebrated, but also supported. Institutions must learn from this history, ensuring that NIL is not merely a commercial opportunity but a mechanism for racial and economic justice. By designing policies that foreground equity, inclusion, and shared governance, universities can ensure that today's student-athletes are not only celebrated—but supported—and that the mistakes of the past are not replicated in the marketplace of the present.

Shared Governance and Student Voice: From Consultation to Co-Creation

A crucial element in advancing this reimagined purpose is the revitalization of shared governance. Over the past several decades, neoliberal managerialism has displaced collaborative governance in higher education, reducing the role of faculty and students in institutional decision-making and reinforcing top-down administrative control (Berman and Paradeise 2016). In the context of NIL, this dynamic is particularly troubling, as student-athletes, whose labor is central to the institutional brand, have historically had little say in the policies that shape their experience. Lovell and Mallinson emphasized that true equity requires more than inclusion—it demands power-sharing. Institutions must create decision-making structures that include student-athletes in meaningful ways, whether through student-athlete advisory councils, participatory NIL policy taskforces, or voting representation on athletic governance boards (Lovell and Mallinson 2023). Public administration literature affirms that such co-governance is not only ethically preferable but also practically effective, yielding policies that are more legitimate, equitable, and responsive (Ansell and Gash 2008; Nabatchi and Leighninger 2015).

Civic Engagement and Community Integration: Athletics as Public Work

Reimagining higher education in the NIL era also necessitates reconnecting the university to the communities it serves. Rather than viewing athletics as insular or self-serving, institutions should integrate student-athletes into broader civic and community initiatives. This includes partnering with nonprofits, grassroots organizations, and local government to develop NIL opportunities rooted in public engagement, such as social entrepreneurship, civic education, and community health advocacy. As Cooper and colleagues and O'Hallarn and colleagues demonstrated, student-athletes possess immense social capital that can be channeled toward democratic aims when institutions support such work (Cooper and Hawkins 2016; O'Hallarn et al. 2023). Examples like Georgia Tech's NCAA voting rights initiative or the University of Missouri's student-athlete-led protests against campus racism illustrate how student-athletes can serve as moral leaders when institutions facilitate, rather than suppress, their civic agency (Beamon and Messer 2013; Boren 2020; Yan, Pegoraro, and Watanabe 2018).

Holistic Support Systems: Centering Student Well-Being

Finally, achieving a reimagined purpose for higher education in the NIL era demands the establishment

of comprehensive, student-centered support systems that recognize the emotional, cognitive, and logistical complexities of managing academics, athletics, and entrepreneurial responsibilities. These systems must be intentionally designed to reflect the principles of health equity and whole-person development. Robust advising, trauma-informed counseling, peer mentoring, and integrated career services are essential to ensuring that student-athletes not only succeed in NIL marketplaces but also flourish as scholars, citizens, and change agents (Campbell and Brown 2021; Cooper 2019; Harris and Brison 2024). Institutions must resist the temptation to treat NIL success as a branding metric and instead see it as part of a deeper educational project, one rooted in equity, ethics, and empowerment.

In sum, NIL is not just a policy change. It is an opportunity, perhaps fleeting, to recalibrate the values of higher education itself. To embrace this opportunity, universities must reject the hollow promises of neoliberalism and instead cultivate a pedagogical, administrative, and cultural ethos that sees students not as products, but as people—not as brand ambassadors, but as democratic actors—not as laborers, but as learners. This is the charge of a socially just and civically engaged university in the NIL era.

Technology, Innovation, and the NIL Economy

Technology and innovation have become inseparable from the evolving architecture of higher education, particularly as institutions grapple with the dual imperatives of democratizing access and enhancing pedagogical outcomes. Digital platforms, virtual learning environments, and artificial intelligence-driven advising systems have transformed the landscape of postsecondary education, enabling institutions to reach diverse student populations, personalize learning pathways, and transcend traditional temporal and geographic constraints (Dwedar 2022; Selwyn 2021; Veletsianos 2020). For student-athletes, whose schedules and obligations often limit access to in-person support, these technological advances are particularly significant. In the context of NIL, digital platforms such as Instagram, TikTok, YouTube, and bespoke NIL marketplaces (e.g., Opendorse, INFLCR) have redefined the student-athlete's public identity, offering unprecedented opportunities for branding, sponsorship, and narrative control (Adamson 2021; Cocco, Kunkel, and Baker 2023; O'Hallarn et al. 2023).

However, the expansion of these opportunities is not inherently equitable. As MacKeigan noted, access to high-level digital literacy, platform analytics, and brand development support is unevenly distributed across campuses and demographic lines (MacKeigan 2023). Student-athletes at Power Four (P4) institutions tend to have access to media teams and social media coordinators, while their counterparts at smaller, underfunded institutions lack the infrastructural scaffolding to fully leverage NIL technologies. This disparity maps closely onto existing hierarchies of race, gender, and institutional prestige, reinforcing what Thomas and Wright termed *stratified athletic capitalism* (Thomas and Wright 2022). Consequently, universities must not only provide NIL-specific technological support, such as digital media training, contract analytics tools, and platform access, but also frame these interventions within a broader commitment to digital equity and inclusive innovation.

Moreover, public institutions have an obligation, particularly within a social equity framework, to ensure that their investments in educational technology are not merely revenue-generating strategies but instruments for student empowerment. This means adopting participatory technology design, ethical data governance, and universal design for learning (UDL) principles to serve a broader range of learners, including student-athletes navigating overlapping challenges of academic load, media scrutiny, and financial uncertainty (Veletsianos 2020). Institutions that treat NIL technologies as extensions of their civic mission, rather than as tools of institutional marketing, are better positioned to balance innovation with equity and competition with community impact.

Neoliberalism, NIL, and Intersectionality

The convergence of NIL and neoliberalism necessitates a multidimensional analytical framework, one that can account for overlapping structures of oppression that shape student-athlete experiences. Intersectionality, as articulated by Crenshaw and further theorized by Cho et al., provides such a lens (Cho, Crenshaw, and McCall 2013; Crenshaw 2013; Crenshaw Kimberlé 2017). It enables researchers and practitioners to understand how race, gender, class, and institutional power intersect

to produce uneven access to NIL benefits, differential treatment within athletic departments, and disparate burdens in navigating the entrepreneurial expectations embedded in the new college sports economy.

Nowhere is this more evident than in the racialized labor economy of college athletics. Black male student-athletes are disproportionately represented in high-revenue sports like football and basketball, yet they frequently face systemic barriers to degree completion, holistic development, and post-college opportunities (Beamon and Messer 2013; Cooper and Hawkins 2016). Their labor generates billions in media and licensing revenues, revenues historically inaccessible to them under the NCAA's amateurism regime. NIL, in theory, offers a course correction. However, as Harris and Brison and Lovell and Mallinson both argued, this corrective is contingent on access to support systems, advisory networks, and institutional protections that are too often absent or unequally distributed (Harris and Brison 2024; Lovell and Mallinson 2023).

Female student-athletes face a different but equally constraining matrix of inequities. Although student-athletes like Livvy Dunne and Caitlin Clark have generated significant NIL revenues, their success often hinges on gendered norms of marketability, physical appearance, and heteronormative appeal, reflecting long-standing critiques of the commodification of women's bodies in sports media (Creedon and Wackwitz 2025). Meanwhile, student-athletes from lower socioeconomic backgrounds, particularly at HBCUs, Tribal Colleges, or regional public institutions, often lack the social capital, technological access, or alumni support networks to participate meaningfully in the NIL marketplace (MacKeigan 2023; Thomas and Wright 2022). These inequities are not incidental—they are symptomatic of the same neoliberal structures that disinvest from public institutions, undermine student support, and treat equity as a compliance issue rather than a core institutional value.

Reimagining Power Dynamics: Intersectional Governance and Institutional Change

To address these disparities, higher education institutions must adopt an explicitly intersectional approach to NIL governance. This involves more than surface-level inclusion—it requires rethinking how power is distributed, how voices are represented, and how decision-making is structured. As Filippakou and Williams observed, neoliberal governance regimes in higher education often centralize authority among senior administrators, marginalizing faculty, staff, and students, particularly those from minoritized groups (Filippakou and Williams 2014). In the NIL context, this dynamic is exacerbated by the historical exclusion of student-athletes from policymaking processes that directly impact their economic rights, public identities, and academic freedom.

Creating equitable NIL systems means ensuring that student-athletes, especially those from marginalized backgrounds, are not only consulted but empowered as co-constructors of policy. MacKeigan emphasized the importance of NIL oversight boards that include diverse student-athlete representation, legal advocates, faculty with expertise in critical race theory, and community stakeholders (MacKeigan 2023). These bodies must operate transparently, with authority over NIL program design, compliance oversight, and budget allocations (Bearfield et al. 2023). Such structural interventions resonate with the principles of participatory governance in public administration, as described by Nabatchi and Leighninger, and are essential for achieving procedural justice and democratic legitimacy (Nabatchi and Leighninger 2014).

This shift also requires confronting the lingering mythologies of amateurism. Long celebrated as a moral ideal, amateurism has functioned as a mechanism for institutional control and economic extraction, particularly over the labor of racialized and low-income athletes (Hawkins 2010; Sack 1980). As O'Hallarn and colleagues observed, NIL does not automatically dismantle these dynamics; rather, it risks becoming a new terrain of inequality if institutions fail to embed equity into policy design (O'Hallarn et al. 2023). Universities must explicitly reject the ideological residues of amateurism by acknowledging student-athletes as workers, scholars, and citizens, and ensuring that their labor is not only compensated but ethically governed.

Reclaiming Higher Education's Democratic Mission

At its core, the NIL transformation challenges the neoliberal trajectory that has eroded higher education's democratic mission over the last several decades. As Giroux argued, neoliberalism has redefined education as a private

commodity rather than a public good, subordinating teaching and learning to metrics, branding, and cost-efficiency (Giroux 2014). In this environment, student-athletes become vehicles for institutional prestige rather than partners in civic inquiry. Yet NIL also opens a countervailing possibility—the chance to reclaim the university as a space of liberation, where knowledge production and student development are oriented toward justice, agency, and collective flourishing.

To seize this opportunity, institutions must reimagine education not merely as training for labor markets but as a process of critical consciousness and participatory democracy (Freire 1972; hooks 2014). This means embedding equity audits into NIL implementation, conducting community impact studies, and integrating NIL experiences into academic curricula that explore topics like media literacy, racial capitalism, and economic justice. Faculty must play a central role in this work, designing pedagogies that link NIL literacy to ethical reasoning, historical analysis, and democratic deliberation.

Shared governance must also be reclaimed as a pillar of institutional integrity. NIL policy cannot be dictated by compliance officers or legal teams alone—it must emerge from deliberative structures that reflect the diversity of the academic community. Student-athletes, especially those historically silenced, must be given real influence over the programs designed for their benefit. Thomas and Wright called this *equity stewardship,* a practice of leadership grounded not in managerial authority, but in a moral commitment to fairness, recognition, and transformative accountability (Thomas and Wright 2022).

Ultimately, the struggle over NIL is not just about compensation. It is about what kind of university we want to build—one beholden to markets, or one accountable to communities—one that exploits labor, or one that nurtures agency—one that commodifies bodies, or one that cultivates minds. The choice is ours. The NIL era presents a rare chance to challenge neoliberal orthodoxy, affirm the university's democratic purpose, and advance a new social contract grounded in equity, justice, and shared prosperity.

NIL and the New Social Imagination of Higher Education

The emergence of NIL rights is not merely a reform of athletic policy, it is a challenge to the very ideological foundations of the neoliberal university. It exposes the moral contradictions of amateurism, the economic exploitation of student-athletes, and the pervasive commodification of education. At the same time, it opens a generative space, one where institutions can reject transactional paradigms and recommit to their historic role as cultivators of public purpose and democratic possibility.

This moment demands more than regulatory compliance or strategic adaptation. It calls for a wholesale reimagining of the academy's purpose. To meet that challenge, institutions must embed critical pedagogy into the student experience, amplify the voices of those historically silenced in governance structures, and design NIL policies that do not merely distribute profit but democratize power. Intersectionality must guide this process, not as an academic buzzword, but as a praxis of justice that recognizes how overlapping systems of race, gender, and economic stratification shape access to opportunity.

Technology, too, must serve equity rather than deepen divides. Digital platforms must be tools for storytelling, self-authorship, and community engagement, not instruments of algorithmic sorting or performative branding. Likewise, governance must move beyond tokenism toward genuine participation, wherein student-athletes become co-architects of the educational policies that govern their lives.

Reclaiming the democratic mission of higher education in the NIL era will require more than policy change. It will require moral clarity, institutional courage, and public imagination. Higher education must decide whether it will continue down a path of privatization and profit, or whether it will become again what it once aspired to be: a public trust, committed to social equity, intellectual freedom, and the shared work of building a just society.

By anchoring NIL within a vision of justice rather than market logic, universities can model the kind of equitable, participatory democracy that society so desperately needs. They can show that institutions, even ones shaped by neoliberalism, can be transformed when guided by purpose, grounded in ethics, and led by those most affected. In doing so, they can make good on the promise of higher education; not only for student-athletes, but for all students, and for the future of democracy itself.

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