

Finally, the Regional Director found that *Northwestern* did not demand a different outcome. In *Northwestern*, the Board expressed concern that Northwestern was the only private school in the Big Ten Conference. The other schools—its competitors—were state-run and subject to their own state labor laws. The Board declined jurisdiction to avoid creating inconsistent sets of laws among schools in the same conference. Here, Dartmouth and its fellow Ivy League Conference schools are all private. Allowing the players to unionize under federal law does not raise the concerns present in *Northwestern*.

The *Dartmouth* decision is notable for its straightforward reasoning and its likely-extensive reach. Dartmouth’s players do not receive athletic scholarships or NIL compensation, yet the Regional Director noted numerous examples of compensation that supported the finding that they are employees. Under this definition of compensation, it will be difficult for any private university to say its athletes are not compensated. Universities may be able to argue that they exert less control over their athletes than Dartmouth did here, but many of the examples of Dartmouth’s control, such as its practice schedule and required interactions with alumni, are likely found throughout college athletics. Ultimately, student-athletes will frequently be found to be employees if the *Dartmouth* decision, and its reasoning, are approved by the Board or applied by other regions.

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