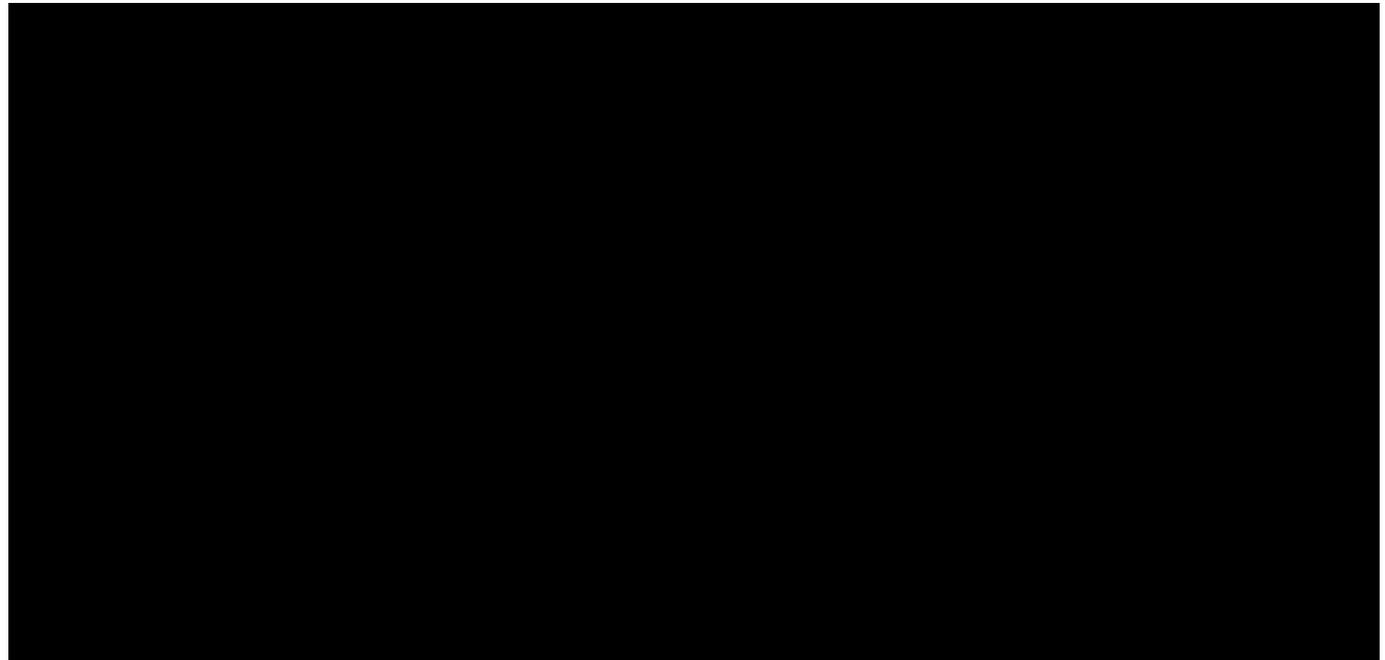


# Collegiate Esports 101: Trends & Legal Issues

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**Steven Blickensderfer**



Scholastic esports programs have spread like wildfire throughout the country. Join Steve and Nick as they catalog the rapid rise of collegiate esports and discuss some of the legal issues that have come with it. Also hear from Tyler Schrodt, founder & CEO of the Electronic Gaming Federation, who shares some of the rewards and challenges of establishing a national collegiate esports league, as well as those facing today's collegiate esports competitors.

## Transcript:

**Steve Blickensderfer:** Hello and welcome to another episode of the LAN Party Lawyers podcast. My name is Steve Blickensderfer, and I'm joined by my colleague and cohost, Nick Brown. If you are one of our regular listeners, welcome back. For our new ones, on this podcast we tackle issues at the intersection of video games, law, and business through debate, discussion, and interviews. We try to focus on the legal issues in particular and offer takeaways and our thoughts. But remember, nothing we say on the podcast is legal advice.

Today's episode will be focusing on collegiate esports. We'll talk a little bit about Title IX, some of the IP issues in the collegiate esports space, and the concept of going pro.

We will then shift gears and interview Tyler Schrodt of the Electronic Gaming Federation to discuss various issues facing interscholastic esports.

We have a lot of content to get through and a great interview to get to as well, so let's just dive right in. Nick, why don't you get us started?

**Nick Brown:** So, back in 1990 Gary Larson predicted the future. On October 15, 1990, there ran a comic strip by Gary Larson in the Far Side series. It's called "Hopeful Parents." And it depicts this little kid, he's a little nerdy kid. He's playing a little game console, probably a Nintendo. And his parents are standing behind him and both of them have these thought bubbles leading to this giant help wanted section of the newspaper that says "Nintendo expert needed. \$50,000 salary plus bonus." The next entry is "Looking for good Mario Brothers player. \$100,000 a year plus your own car." Next one: "Can you save the princess? We need skilled men and women. \$75,000 a year plus retirement." And so Gary Larson had the date of

that supposed help wanted section as September 2005. And the crazy thing is...

**Steve Blickensderfer:** That's 15 years ago. *[laughs]*

**Nick Brown:** That's 15 years ago, right?

**Steve Blickensderfer:** Right.

**Nick Brown:** And, these parents in here, it was a joke at the time that parents might actually expect that their kids would be able to grow up and have a career in video games. But, a lot of things change over time and that's kind of where we are today.

**Steve Blickensderfer:** Bold prediction.

**Nick Brown:** I know! And, the truth is he didn't actually go far enough because even though we haven't seen wanted ads like this, what we have seen is that kids can now go to school and actually get a degree and even get a scholarship for esports, for playing video games at a competitive level. And that's a beautiful thing. As esports continue to gain in popularity, so do the school esports programs. And some schools are even offering full rides and degrees. And so as we're going to discuss today, with this comes a variety of practical challenges and legal issues, and Tyler's going to help us understand some of what those are.

So, Steve, why don't you give us the lay of the land on scholastic esports programs, especially collegiate?

**Steve Blickensderfer:** Esports in college and high school has very, very humble beginnings. I'm going to turn the clock back even further, Nick, before 1990 to 1972. That's the first known collegiate video game tournament. And that was..., do you know where they played it, Nick? You do because you peeked at my notes, but it was at Stanford.

**Nick Brown:** I was going to say, I do. I'm cheating.

**Steve Blickensderfer:** The Stanford students got together and hosted a *Space War* championship. I never played that game. I assume it's like the precursor to *Galaga* and some of the other classics that we enjoyed. But, you can imagine it was a small crowd. It was not broadcast on Twitch, which didn't exist yet. And the first prize was..., does anybody know? A subscription to *Rolling Stone*.

**Nick Brown:** Well, a lot of things have changed since then. Now, fast forward to today, we're seeing schools all over the country implement various types of esports programs with various levels of sophistication.

You know, it really started more or less in terms of dedicated varsity programs with Robert Morris University, which is a private school in Illinois. Back in 2014, they really came out of the gate and went hard on their first esports team. They had matching uniforms. They had team meals afterwards. They were pretty much modeling traditional sports.

And since then, we've seen varsity programs continue to grow. A couple numbers here to illustrate the point: in 2016 it is reported that there were about 7 schools in the country with varsity esports programs - colleges. Just two short years later, in 2018, there were 65 schools in the country with varsity esports programs. And then to continue the trend, a mere year later, in 2019, reports have that number at over 130 schools.

**Steve Blickensderfer:** I'm no math whiz, Nick, but I think that's exponential growth in terms of the number of schools that are participating in esports.

**Nick Brown:** Yeah. It is clear you are no math whiz.

**Steve Blickensderfer:** *[laughs]*

**Nick Brown:** In addition to these varsity programs that we're seeing, schools are actually offering esports degrees with full rides. A little stat shot: last year in 2019 there was approximately \$15 million available in esports college scholarships, which blows my mind...

**Steve Blickensderfer:** Mm-hmm.

**Nick Brown:** ...and surpasses even the wildest dreams of the parents in the Gary Larson comic from 1990. And that \$15 million number, by the way, Steve, that excludes tournament winnings. That's just scholarships.

**Steve Blickensderfer:** That's impressive.

**Nick Brown:** Really remarkable. In addition to these full rides, there's formal degree programs in esports. Most famously the one that has been developed by THE Ohio State University.

**Steve Blickensderfer:** Not a trademark at this point.

**Nick Brown:** I understand the "the" is required.

**Steve Blickensderfer:** *[laughs]*

**Nick Brown:** And, the trend that we're seeing and the bottom line here is that we're seeing these [esports student athletes] increasingly treated like traditional athletics. We're seeing full time coaching programs. There are people whose full time job is just esports collegiate coach, which is amazing. We're seeing teams live together in houses. They're treating them like

traditional sports with entire athletic and school and nutritional regiments to accompany them. They're eating meals together afterwards like you would see a basketball team do.

And, another big development is that we're seeing dedicated arenas popping up around the country that are just for esports competitions. And one in particular is right in our backyard. Give a quick shout out to Full Sail University with their Armada team. They have recently put together the Fortress, which is a very impressive esports arena. Steve and I have visited. It's beautiful. You should consider doing the same.

**Steve Blickensderfer:** Yeah. Esports facilities at universities just make so much sense. I hope to see more of them like that.

So, where do these teams play? They compete in leagues. And so in discussing what that scene looks like, you have to start with the - you think collegiate esports, you think the NCAA, right? Well, wrong. In April, 2019 the NCAA board of governors actually voted on the issue of whether to govern and hold championships for collegiate esports. And they voted unanimously to table the issue, not for a week, not for a year, indefinitely. So who knows...

**Nick Brown:** Wow.

**Steve Blickensderfer:** ...what that's going to look like.

**Nick Brown:** That's a pretty negative review. A unanimous vote that we don't ever want to even consider touching this issue.

**Steve Blickensderfer:** Well, they could always just pick it up tomorrow. But it just goes to show you that it's up for grabs as to what the scene will look like. Could you imagine right now if there was no NCAA in football -- the opportunities it creates for other organizations to step in? And that's exactly what we've seen in the competitive league space.

So, I'm going to name a few different organizations in no particular order, but I'll start with Tyler's. The Electronic Gaming Federation is one such organization that has created a competitive scene for collegiate esports. You have Tespa, which started at University of Texas Austin. You have the National Association of Collegiate Esports or NACE as they're called. You have Collegiate Star League, which started from - Nick, you'd enjoy this - Heroes of the Storm, which is kind of how they kind of got their start.

**Nick Brown:** Be still my heart.

**Steve Blickensderfer:** I know.

**Nick Brown:** I still shed a tear every time that name [Heroes of the Storm] comes up.

**Steve Blickensderfer:** We're one of the handful of gamers that still play that game, I think.

And then you also have game-specific leagues. And one that immediately comes to mind is the Riot Scholastic Association of America, which governs collegiate League of Legends. And so those are just a few. There are a number of others as well. But that's just to give you a flare of the cornucopia of leagues that are out there for the competitive side.

**Nick Brown:** And although this episode today is focusing on collegiate programs, we'd be remiss if we didn't at least talk for a moment about the high school programs that are developing all over the country. Similar to what we're seeing in colleges, we're seeing a tremendous amount of interest in high schools and we're seeing the number of people and programs increase over time. So it's a very similar trend. What we're seeing in high schools is that the organizations are more club-based than, like, varsity-based for example. But we're seeing a transition to varsity where they're taking it more seriously and that's a natural fit with the collegiate programs because then they can get more training and expertise and context for what they may be interested in doing when they go to college.

One quick note on the high school programs. They are developing leagues as well. These leagues have various levels of school integration. Some of them can help you get you credits. Some are just for fun and bragging rights. We've seen the High School Esports League which is gaining popularity. And another big one is PlayVS, which we've seen increasing as well. So we're going to be watching those going forward.

**Steve Blickensderfer:** So let's switch gears, Nick, and talk about some of the legal issues, beginning with Title IX of the 1972 Educational Amendments. Now, Title IX is a complicated law, and we're just going to hit the highlights. Title IX is a federal law designed to prevent gender discrimination in education programs. It applies to all educational institutions that receive federal funds, public and private, so nearly all of them. And it applies to all educational programs and activities, and so that's when it would capture the athletics and the courses that are offered. And so what does Title IX require? Title IX requires equal treatment between the sexes with respect to opportunities and scholarships.

**Nick Brown:** It does this because the goal is to give everybody an equal chance to develop the skills they want and to apply those skills. Historically, the underrepresented sex, which is women, are sought to be elevated up to the traditionally overrepresented sex in athletics, which is men. But despite that goal, Title IX does not require mirror image programs between men and women. I think that's considered a little bit infeasible. So, compliance with the law can include treatment that is proportional to the participation. That allows students to participate in different sports according to whatever their particular interests and abilities are. It's designed to help provide some sort of equity while also being reasonable in context and allowing for some flexibility. Title IX's approach does not reduce opportunities for the overrepresented sex, but instead it tries to bring the treatment of the historically disadvantaged sex up to the level of the historically advantaged group, which is

no small feat. And when there are issues with Title IX, it's enforced by the Office for Civil Rights of the U.S. Department of Education.

**Steve Blickensderfer:** So how does esports impact Title IX? Although the same Title IX requirements apply to the school's athletic clubs and courses, compliance is reviewed separately depending on the level or what we're talking about.

So, let me give you an example. Title IX treats athletics or varsity, intermural sports, and clubs as three separate programs and the compliance findings for one program doesn't necessarily determine the compliance for another. Why is that important? Well, if you have an athletic program and if esports is in the athletic program then it will be compared with the other athletic programs like football for purposes of Title IX compliance. If esports is a club, in other words it's student initiated, then it will be compared with the other student-initiated clubs. And generally speaking, clubs tend to be more gender neutral given the proliferation or the number of different clubs that are offered and how they are structured or can be structured. Athletics, on the other hand, tends to be less so, which is why some schools don't have a collegiate wrestling team, for example.

Now, let's tie back in esports. Esports may actually present an opportunity for school to achieve Title IX compliance. And why is that? Well, while there is a split between men and women who play video games competitively that's a little unequal - I think it's about 35% [women] to 65% [men] depending on the source of the information where you get it - the percentage of men and women who actually play video games is closer to equal. It's about 45% [women] to 55% [men].... So really if you think about it, there really shouldn't be inequality on the competitive level even though it's being experienced right now. Maybe it will increase going forward and there will actually be greater equality. And that could actually help schools with Title IX compliance rather than hurt. But we're just not quite there yet.

**Nick Brown:** Right. And particularly, tying this back in the with the trends we've been seeing, choosing to offer a scholarship for esports could raise Title IX concerns because it could impact the balance of treatment of one vs. the other. In the same vein, if a school offers an esports club access to funds or equipment that are not enjoyed by other clubs, that could in certain circumstances also create a problem.

Now, as we said earlier, this is a complex area of law. Each one of these cases is going to be fact-specific and there are a number of other factors to consider. We're just touching the highlights, so do not go and generate your Title IX compliance program based on this podcast alone.

**Steve Blickensderfer:** Please, please don't.

**Nick Brown:** It will - yeah, please don't. *[laughs]*

**Steve Blickensderfer:** *[laughs]*

**Nick Brown:** But it's a good starting place.

**Steve Blickensderfer:** Yeah, so let's switch gears real quick and talk about player compensation, because this is a big area in collegiate sports generally, but it also impacts collegiate esports. So, historically the NCAA has taken a position of no compensation beyond the scholarship. At the same time, they've recently signaled that they'd be receptive to a different approach. Right?

**Nick Brown:** Which is a huge shift, right, because that rule has been in place for quite some time.

**Steve Blickensderfer:** Sure. But, they didn't come to this decision by themselves. I think they were encouraged greatly by the California law that recently passed giving student athletes name, image, and likeness rights beginning in 2023, and other states are following suit - Florida being one of them - in passing or considering laws that would do the same thing. And so what does that mean? That means that student athletes will now have the ability to earn money from their autographs, endorsements, and commercials. So this will be an issue to watch going forward as esports develops, but right now you can imagine just esports adding into that is just kind of complicating things even further.

**Nick Brown:** Yeah. I'm still waiting for my autograph revenue to start rolling in. Hasn't happened yet, but every day I wake up optimistic.

**Steve Blickensderfer:** Yeah, keep waiting.

**Nick Brown:** So that's Title IX. There are also IP issues that are raised with respect to collegiate esports becoming more popular. We're just going to mention a couple of them, maybe put them on your radar. You know, esports players, one thing that's interesting about esports as an industry is there's the competitive side and then there's also the practicing and the fan-facing side. So a lot of competitors, esports players of all ages, they'll stream their sessions online, whether it be on Twitch or Mixer or Caffeine or what have you. Now, that almost always, or in many circumstances, automatically creates video and audio content. So the question becomes, who owns that content, right, if a VOD is automatically created from your streaming. If you were streaming under the flag of your esports team, under your college, does that impact the rights of who owns it or what people might expect? What happens if, for example, a player becomes more popular online than the team they represent?

**Steve Blickensderfer:** Yeah. Think of the Tfue-Faze controversy that happened last year.

**Nick Brown:** Yeah, some shades of that dispute. So that still hasn't been resolved and we don't really know how these

battles are going to play out. But it does raise a lot of questions. Does the player who actually did the work to create the stream own it, or does the school, team, or club own it, or does somebody else own it? What if they play for a team, and independent team, while they also play for the school? That can raise a lot of issues. As with most things, it's a good idea to set out the expectations through a contract ahead of time, even at the collegiate level so that there are no surprises on the back end...

**Steve Blickensderfer:** Right.

**Nick Brown:** ...and any issues can be resolved with some level of predictability. But at the same time, schools also allow the clubs to use the school's logos and emblems. Some do, some don't.

**Steve Blickensderfer:** Some don't, right.

**Nick Brown:** So students, if you're out there steaming and practicing and trying to get your name out there and your brand and to build your skills, it's important to know what your school's rules are for their IP, whether or not you can, whether they are going to come after you if you stream with your school hoodie on, for example. It may sound silly, but these are real issues that could raise and we're going to see more of them over time as the popularity of collegiate esports continues to skyrocket.

**Steve Blickensderfer:** Right. So I want to shift to one other issue and then we're going to bring in Tyler for the interview. But the last issue I wanted to talk about - legal issue - is going pro. It's not unique to collegiate athletics or esports in particular, but a new question that is facing students who found themselves playing video games competitively: should they go pro instead of college? What's unique about esports athletes is the average age of today's gamer, which is anywhere in between the age of 18-26 depending on the video game we're talking about. So that's usually lower than most traditional sports. And I'll give an example of a pro StarCraft II player known as Jun "TY" Tae Yang, known as "BaBy," who played his first pro match at the ripe age of 13. Alright. So, I mean, why...

**Nick Brown:** And wiping the floor with people.

**Steve Blickensderfer:** *[laughs]* Oh, yeah, exactly. And if you could see his little fingers going. And so why do you ask do esports athletes start so early? It ranges from dexterity, reflexes, and also just the reality of today's binge gamer. People who have more time to play these games and to practice tend to be younger. So, some schools are being proactive and establishing relationships with pro teams, and I think that's a great idea and it offers a competitive advantage when you're talking to students who are looking to get into college and the pro scene thereafter.

**Nick Brown:** Much like the strong relationship we're seeing between collegiate traditional sports teams and the pro teams. Right? It's a natural progression...

**Steve Blickensderfer:** Right. Exactly.

**Nick Brown:** ...and so we can expect to see more similarities pop up over time.

**Steve Blickensderfer:** That's right. So at this point I want to switch gears to the interview. We have with us today as a very special guest Tyler Schrodtt who is the founder of the Electronic Gaming Federation, the governing body for division one collegiate esports and high school esports across the country. In addition to overseeing competition, Electronic Gaming Federation also works with its members to build comprehensive programs on campus, focus on competition, education, and social impact. Tyler started out as a Counter Strike player, I think version 1.6. He spent six years working in higher education and serves as an advisor for Power Spike and mental health non-profit, Rise Above the Disorder. Tyler, it is great having you on the podcast. Thanks for joining.

**Tyler Schrodtt:** Thanks for having me. Excited to be here.

**Steve Blickensderfer:** So, I wanted to ask you the first question, if I may, Nick. If you would give us a brief history on your involvement in the Electronic Gaming Federation.

**Tyler Schrodtt:** Yeah, so video games for me have always been a really big part of my life. I mean, going all the way back to when I was, like, three or four years old where at the time it was Super Nintendo and Mario, playing with my older brother and sister, trying to get them to let me play, even though most of the time that wasn't going to happen. But what I realized over time that it didn't really matter what the game was or whether I was playing or not. It was always about that experience and that connection with them. So that's what got me into gaming as big as that was basically through my whole life. And I started playing competitively when my parents finally switched over from dialup over to broadband.

**Nick Brown:** *[laughs]*

**Tyler Schrodtt:** *[laughs]* At the time it was Counter Strike 1.5 when that originally came out as, like, the Half-Life 2 mod. It was the first thing that caught my attention.

**Nick Brown:** So you're more OG than 1.6 is what you're saying.

**Tyler Schrodtt:** *[laughs]* Only in the sense...

**Steve Blickensderfer:** Yeah.

**Tyler Schrodtt:** ...that I played it, not that I was as good at it as some of my friends.

**Nick Brown:** That's OK. Our listeners know about that. I love StarCraft more than anything in the world and they know I'm terrible at it, so you're all set.

**Steve Blickensderfer:** *[laughs]*

**Tyler Schrodt:** I feel it. But I did start playing competitively when 1.6 stabilized and then you started to see leagues like Cal and CVO and a whole bunch of other leagues that were enabling me to play for, like, graphics cards and computers as opposed to, like, the millions of dollars you can play for now. And it was the first opportunity that I had really been able to interact with what I was kind of doing in my free time anyways. So I got into teams there, started playing my way through Cal, got to the higher level of play there and then realized that everybody else on my team was way better than I was.

**Nick Brown:** *[laughs]*

**Tyler Schrodt:** So, I was much better served helping them as a manager and kind of doing the rest of the things outside of the organization.

**Nick Brown:** You had other skills to contribute.

**Tyler Schrodt:** Yeah. I would say that I was a pretty good coach and game leader, but my mechanics were not as good as everybody else's so I acknowledged that. I went over to it and switched to the business side and got more involved in running tournaments and things. So basically I was doing this from the age of, like, 10 to when I was in high school, throughout that. And then when I got into college, I had made that promise to, like, not play video games, go be a physics major, give my parents that reassurance that I was going to actually graduate from RIT where I went to school.

**Nick Brown:** *[laughs]*

**Tyler Schrodt:** But then Twitch came out, StarCraft II came out, and I realized I really didn't want to do physics for the rest of my life.

**Nick Brown:** *[laughs]*

**Tyler Schrodt:** So we'll say my life took a pretty drastic turn at that point. *[laughs]*

**Nick Brown:** But your MMR went way up.

**Tyler Schrodt:** Yeah, absolutely.

**Nick Brown:** *[laughs]*

**Tyler Schrodt:** I achieved my way to diamond in StarCraft II and that was my crowning achievement for the time. But...

**Steve Blickensderfer:** Diamond brothers right there.

**Tyler Schrodt:** *[laughs]* It was a good time. Absolutely. But while I was doing that, I was also working for residents life and student conduct. And the consistent challenge that we were always talking about in staff meetings and on the campus in general was about this idea of engagement, because at RIT we're all famously nerdy and super proud of that fact. And it did mean for a number of the population that sometimes it was easier to make the choice to just hang out and play video games than to go to class or get involved with other things around campus. So after a while I had gotten permission to start running tournaments from my floor that I was overseeing as an RA. And then it kind of evolved pretty quickly from there because as you might imagine people really like playing video games and they were really into the idea of playing video games against other people in their community.

**Nick Brown:** That's great.

**Tyler Schrodt:** It was a great start and eventually it grew outside our own campus where we got to start inviting teams from other places.

**Nick Brown:** Is that how EGF got started? Was it through that endeavor or was it something independent of that?

**Tyler Schrodt:** It really was that. I mean, for me at the time I didn't really know it because I was also running a skateboard business and I was getting involved in other things on campus. So for me, it was something that I could do that was combining what I was doing as a job, working for residents life but also something that I really loved doing from the gaming side. So, while I didn't know it at the time, it really was sort of the impetus of that where it was literally just me running tournaments out of my dorm room and out of the common area.

**Nick Brown:** So, that's a fascinating story. You're one of the few people that is able to take something that they have been doing all their life in their free time and leverage that into, not only a real career, but also one that helps other people. Can you give us a brief history of the EGF when it started and where we got to now so our listeners can understand the context?

**Tyler Schrodt:** Absolutely. So from me starting those tournaments - that would have been in 2012 - it kind of grew and we started to think about "can we turn this into something?" at about 2013, when I was graduating. As every good undergrad student who lives in sort of an ambiguous major - for me it was business and finance - I had that crisis of, like, oh no, what am I going to do with my life when I graduate?

**Nick Brown:** *[laughs]*

**Tyler Schrodt:** So like any good person facing that crisis, I decided to go to grad school and get my MBA.

**Nick Brown:** Delay it!

**Tyler Schrodt:** *[laughs]* Yeah. Delay the inevitable, right?

**Nick Brown:** *[laughs]*

**Tyler Schrodt:** So I stuck around at RIT because they had 4+1 program that I turned into a 4+2 as I figured out that EGF actually had some opportunity there. So we continued to just run tournaments the same way that we had been. But then we started to look at OK, well obviously we need to turn this into a business so what can we do to add in the business part of it? So we started charging admission. We started to think about building a platform that would look pretty similar to what you'd seem from, like, a BattleFi and then just continuing to develop something that at the time we assumed would just be a platform for college students to play against each other. We didn't really know to turn it into a governing body yet but we knew that eventually that would have to happen. So that was kind of the impetus of it.

And then what happened is that over time we realized that, like, students had very little money and they had a super high turn rate. So as a result of those sort of shifting sands, it was really difficult to build a scalable business off of that without sort of drastically changing pieces of it. So what we ended up doing was moving from working with students and clubs where we kind of got our start, into specifically working with administrators and then trying to figure out all the different elements of what did it take to bring a college from not acknowledging the fact that esports was a thing at all to having a fully functioning program and then being able to answer all the questions and things that you talked about in the early part of the episode.

**Nick Brown:** Yeah. So what's that challenge like, going from working with students to working with the administration? I have got to imagine that would be kind of whiplash, right?

**Tyler Schrodt:** Yeah. It really was. I think we were kind of lucky in the sense that as we were starting to do that, people were starting to think about esports as, like, this really attractive idea. They weren't really sure what it meant, but they were willing to take more risks than they might have been otherwise if you were trying to disrupt, like, a really well-established industry. And the way that we came to it was obviously lots of trial and error, lots of research and working with schools, oftentimes just helping them set up, like, small versions of programs at smaller colleges.

And then I think what really helped us out is the fact that there is well over a century of sports history that you can go back and look at and say, "How did this develop? Why did it develop this way? What are the choices that they made that kind of had this outcome or the other? And how can we take all of that knowledge to develop the system that we wanted to?" And that kind of takes advantage of that blank slate of esports in college and high school, to turn it into something that we felt would be the best version of traditional sports in the context of esports. So that meant that as a company, we had to be the governing body. We had to deal with all the things that you mentioned before: player compensation, Title IX, where these programs are all listed, what the standards were. And then because no colleges were ready at the time to meet anywhere close to those standards, we started the second part of our business which was working with all of our campuses to build those programs out. So, not only are we ...

**Steve Blickensderfer:** Right.

**Tyler Schrodt:** ... saying, "Here's what esports is," but "Here are all the things that you need to be able to include in your program and here's how you're going to take this from just playing video games to something that's going to have a much broader and more important impact on the students we were working with.

**Nick Brown:** Like a starter pack, but more sophisticated.

**Steve Blickensderfer:** And so all this happened before April 2019, when the NCAA decided hands-off, they're not going to get involved.

**Tyler Schrodt:** Yeah, we had kind of been going down this path of saying we didn't believe that the NCAA had a role in the esports, and there were obviously lots of people that were trying esports in different ways. But, you couldn't address the growth of esports at the collegiate level by just being another tournament organizer. You had to be able to answer what could be really difficult questions for a campus that really required a lot of specialized knowledge. So we sort of positioned ourselves to make sure that we were able to understand, to research, and ultimately create these positive things.

**Steve Blickensderfer:** So how do you describe EGF as compared to some of the other organizations out there?

**Tyler Schrodt:** For us the focus on sort of a combination of identity both in terms of the market that we choose to inhabit as well as sort of everything we do around it. So, compared to the rest of the people in our space, we're a specifically a varsity-level league, which means that all of our schools have officially endorsed teams. It comes with various definitions of what that means from campus to campus as we kind of...

**Nick Brown:** Yeah.

**Tyler Schrodt:** ...work towards everybody meeting those same standards.

**Nick Brown:** That must be hard dealing with all the different programs that probably an apples to apples comparison is too much to ask for, right?

**Tyler Schrodt:** Right now, yeah. I mean, it's getting a little bit easier because you have people that very clearly exist in the club space and they're focused on either intramurals or inter-collegiate club activities or things like that. So while they exist in our space, like, we wouldn't consider them someone that would overlap with us a whole lot. And then as you think about even the space of varsity, which would be primarily, like, us and NACE, NACE's membership is primarily, like, NAIA, Division 3, Division 2 schools where we're very specifically just focused on Division 1 mostly in the Power 5 group. And we did that on purpose just because we felt that it was the best chance to sort of take the model that we wanted to implement, work with a group of schools that had a very similar mindset, and then be able to translate that to other opportunities in the future.

**Nick Brown:** If you're going to go, go all out.

**Steve Blickensderfer:** Yeah, that's fascinating that you're focus on the varsity-level league and we now know that has a legal meaning when you're talking about a varsity level vs. club or otherwise. Do you have schools that come to you and they haven't set it up and they're looking for guidance?

**Tyler Schrodt:** Yeah, most of the schools at that level are in that space. I mean, like, we helped build Ohio State's program before it launched and other schools.

**Steve Blickensderfer:** Are you referring to THE Ohio State University?

**Nick Brown:** [laughs]

**Tyler Schrodt:** Yes.

**Steve Blickensderfer:** Just making sure. I was confused for a second.

**Nick Brown:** [laughs]

**Tyler Schrodt:** Of course. My apologies.

**Nick Brown:** [laughs]

**Tyler Schrodt:** But most schools are in a position where they know about esports, they're aware of it, they know that it's not just a fad and it's something that they should be investing in. But the challenge that most of them face is that they don't know where to put that enthusiasm. And oftentimes those are moderating questions of, as you alluded to previously, "where do you put it on campus? How do you fund it? What does the model exist around that? Who are we going to play against? How are we going to play against that? What are the issues that we're going to deal with as it relates to everything from the fact that, as you mentioned, like, students are streaming on Twitch?" That's going to be something that goes against amateurism. Like, all these different questions that if you're an administrator at a college that's sitting there just trying to figure this out, it can be really overwhelming and ultimately prevent you from taking the step to get into it. So our out of the box package, if you will, for program development really came from the idea that if you could just make it as easy as possible, narrow it down to, like, the 10 or 15 decisions that you have to make, and then show the path to developing all the other elements that you need, it would remove enough anxiety from the schools that they were able to actually take that step.

**Nick Brown:** And I bet they appreciate that. What a great service. So, one question that this makes me think of is, does EGF have a stance on whether every school should be varsity or club? Is your mission statement to help every school become varsity, or are some school more appropriate to stay in kind of a club-type formation?

**Tyler Schrodt:** Certainly our philosophy is that we want to get everybody being varsity. But we also understand that for different schools that's going to mean very different things. So, we look at sort of the definition of a varsity program from a competitive perspective first, and that's relatively easy to get to because it just involves the way the team is managed and the resources that the university is putting into that. But everything else that exists around that becomes a little bit more complicated because, for example, in our league we decided that we would not have any amateurism clause. So when we work with our schools, it's thinking about "we know that your students are already streaming on Twitch, so we developed a policy that allows that to happen...."

**Nick Brown:** Oh, wow. So you - I'm sorry to interrupt - but that means that you already just assume that everyone's already doing it. That's how popular it is, and so you're working around it.

**Tyler Schrodt:** Yeah. Our general philosophy behind it was, like, if you're in a position where you're an influencer or you want to be and you have the ability to generate value for yourself, then you should. The challenge was how do we marry that culture with that of very conservative universities who are used to doing everything in a very different way? So it required us to think about how we were working with universities to make them comfortable with that opportunity. How were we marrying it with the fact that there are athletes across campus who would not be able to do so? And then what sort of protections do we have to put in place for players to make sure that they weren't in a position where they were being approached and taken advantage of by, like, predatory agents or on a very base level even just understanding, like, what does it mean to be a Twitch streamer and run that business and how do you pay taxes? So we really try to think about it from its fundamentals, and having myself not being too far removed from that experience to be able to address those and then ultimately be able to educate our campuses to say, "This is what you're going to see. This is a plan to deal with this and if you're not ready to do this, here's the steps that we're going to take with you in order to get to the next level."

**Steve Blickensderfer:** Well, that's fantastic because that's kind of why we started this podcast, for purposes of educating

the masses on these issues that don't often get talked about because they're kind of in the shadows or at least they're coming out of them. So that's great, and I can now see more clearly the educational aspect to what you do, and so I applaud you for that.

One thing I wanted to ask you about was your game agnostic approach that you guys have, or just your approach just general - how you choose which games are being played in your competitions, and the different leagues that you set up.

**Tyler Schrodt:** Of course. So for us college and high school league offerings are entirely membership driven. So we run national surveys every year. They give us a really strong snapshot of what students across all of our campuses, both high school and colleges, what they're playing, what they're watching, what they have an interest in. And then based off of that we'll make recommendations to our schools as to which games they should be investing in, or inversely if you have a game that has historically been strong but then basically it dwindles down to nothing, how to ease out of that.

**Nick Brown:** Cough, Heroes of the Storm, cough.

**Tyler Schrodt:** *[laughs]* Right.

**Steve Blickensderfer:** *[laughs]*

**Tyler Schrodt:** Because the way that we think about it is always around the students are always the center of the philosophy. So obviously, if we decide to drop a game or add a game that has pretty strong implications to scholarships, to people that made a college decision based on that type of opportunity. So, we look at if we're able to move with the times as we should be - you know, games rise and fall in popularity as they're always going to - how do we kind of smooth those edges out for our universities to make sure that you don't have a student that in their second or third year suddenly doesn't have a scholarship anymore. And then some of the other challenges are just making sure that we're kind of working across what a campus expects from everything of, like, content standards and obviously, like, dealing with the licensing and things on the publisher side.

**Steve Blickensderfer:** Well, that actually gets me to my next question dealing with the game companies and the licenses that you have to obtain to play certain games. When we were seeing Riot create the Riot Scholastic league, do you see, like, a trend to where - well, first question is, does that cut you out from playing that game? And second question, do you see a trend of game companies, some of them, going to create more leagues for their games or do you see that kind of being one-off for the really, really popular games out there?

**Tyler Schrodt:** I think the developer's involvement in the collegiate or even the high school scene is pretty variable because you'll see people like Riot who obviously take a much more hands-on approach to certain elements of what it means to be a part of their esports ecosystem. And then on the other side of the spectrum you have a developer like Valve that basically says as long as you're not doing something that goes outside of our terms of service or creates some, like, really horrible problem we're pretty hands-off. So, I think for us we kind of look at it as always creating an opportunity to generate benefits for our colleges, for our students, and for the developers in a way that makes sense from a business perspective. So, in all cases that means that we're going to work in different ways with different publishers. Some of them we won't be able to run a game for a period of time until, I think, we're significantly more established and the economics and the development and structure side of it makes more sense. But others are kind of in this position where they just said "We know we need this. We don't really know what it looks like so we're just going to give it to everybody and then whoever wins out in the end based on quality, structure, experience and so on will be the person who kind of by default takes that position."

**Nick Brown:** Yeah. That makes sense. Well, what about for the games that the developer is not coming in and calling the shots or being very, very hands-on? How do you choose, like, the rules or the structure for a league or for a particular game? How do you deal with that? Do you try to, like, take notes from other leagues or do you get instructions from the companies themselves and modify those, or how do you go about solving that problem?

**Tyler Schrodt:** So we started with a foundational league rule set which we basically took from a combination of professional sports leagues and the NCAA. So we looked at MLS, NFL, the NCAA, Usports in Canada and a couple other groups to say if we're dealing about the collegiate environment first, which is where we obviously live and have to deal with, here are the things that are most important to address immediately and then are going to be universal regardless of what game you're playing. So that's things about, like, eligibility and transfer rules and how institutions enter and leave the league and that kind of thing.

And then for each game, when a new game comes into it we first look at our own experience running tournaments on the esports side and say what works and what didn't. And then we'll also look at what the professional counterparts for that game are doing. Like, for example, if we were talking about NBA 2K, we look at the NBA 2K league and say they're running 5 versus 5, which makes sense in a team perspective, are we going to choose to use that as opposed to a 1P1 scenario? And it's pretty similar for every game where we'll take inspiration from a bunch of different places...

**Nick Brown:** Mm-hmm.

**Tyler Schrodt:** ...and then we present it to our members. And just like in the NCAA, they're the ones that ultimately make that choice. Given that not all of them are game experts in each particular element of it, we'll usually work with the publisher to say this is what we're thinking, this is what we have to do to match the logistic requirements of the collegiate environment. And then we try to make sure there's a system that works for everybody that ultimately makes life easy and pleasant for the

players, or at least as best we can.

**Steve Blickensderfer:** Well, that means ... you're always doing something, always changing and tinkering...

**Tyler Schrod:** Right.

**Steve Blickensderfer:** ...rules because games are constantly changing. Fortnite is dead, right? Wasn't that trending a couple weeks ago? And then another game comes out just as super popular. This is kind of the reality of esports and in particular collegiate esports, especially when you're taking the temperature of your populace and saying we're going to play what you're most interested in right now. Right?

**Tyler Schrod:** Mm-hmm.

**Steve Blickensderfer:** And so you're constantly having to [change the rules] - that's fascinating. And so hats off to you guys for doing that. I had kind of a side question. What do you say - related to some of the other issues that we talked about earlier - what do you say to the student that asks the school, and maybe the school comes to you with this question, if they should go pro instead of going to college for esports?

**Tyler Schrod:** It's definitely one of the more interesting parts of esports, given all the stuff that you mentioned before. And we actually, when we're thinking about eligibility and recruitment and that kind of stuff, it was one of the fundamental factors as to how we designed our system. So we thought that the idea that we were going to end up mirroring a similar progression of, like youth to high school to college to pro as you see in traditional sports probably wasn't going to happen with esports. It may become that way over time, but certainly right now, as you mentioned, you're more likely to have someone who's high school aged going into Overwatch league or the LCS or whatever other league. So our expectation was you'd be more likely to get recruited out of our high school league than you would out of our college league, at least in most cases. So we started with the high school side of it being really well developed to allow students to understand what that choice to "go pro" meant. And then when we bring that to the collegiate scene, the three scenarios that we were looking at were the normal transition of high school to college, the opportunity to go from college to pro, but also from pro to college. And so as we were thinking about those standards and what we offer to students is really thinking about the different factors in your life. In theory, you can always come back and get an education. That opportunity may not always be there from the professional gaming side of it.

**Nick Brown:** Right. I think my ship has sailed, by the way. I don't think I'm ever going to make it.

**Tyler Schrod:** [laughs] Maybe, but you never know. But what we were thinking is, we didn't want to tell people, I mean, just like you have said a couple times during the podcast, you're not giving legal advice, we're not telling people you need to go pro or anything like that. It's more about saying...

**Nick Brown:** Smart! [laughs]

**Tyler Schrod:** ...we're going to offer you the tools to make that decision for yourself because we're going to be able to lay out here's what you have right now in terms of a scholarship, opportunities, and things like that. Here's what the professional team that you're thinking about joining is offering from a realistic perspective. And then making sure that we're telling the individual that, here's a good opportunity for you to have a lawyer to help you understand what are these commitments and how does that work. And then help to try to map that out the best we can. Obviously, we can't do that for every single player and every one's going to make different choices, but we wanted to really set that philosophy of if we were in a position to inform and educate and ultimately influence the ability to make the decision, then that would help them out. And then our job, as a league, we're to say if you're a pro player that wants to come back into the collegiate scene, how do we make that work in a way that's going to be beneficial to everyone? And the same in all those other scenarios.

**Steve Blickensderfer:** And it's also important to point out, I mean, it's not just going pro is the only thing in esports. Right? There's a whole ecosystem of esports that you could get involved in, and it might help to have a college degree to help you with those things. I know some schools really focus on that and I think it's just also helpful to point out. It's like we're talking about the 5% that make it to pro and there's, like, a 95% that can also participate in doing the lights, the sound, the commentating and all that stuff. So...

**Tyler Schrod:** Yup.

**Steve Blickensderfer:** ...anyway, that's wonderful. And I'm surprised you're not a lawyer for all the disclosures you have to make.

**Tyler Schrod:** [laughs] I feel like it sometimes with the amount of time I work on legal documents and stuff.

**Steve Blickensderfer:** [laughs]

**Tyler Schrod:** But I think you're right on the parallel paths. Right? Because as you mentioned in my intro, a big part of us has been recognizing that while we talk a lot about the varsity level and about the players that are going to be that representative team of the university, there's huge communities around it on every campus. I mean, like, some of our campuses are over 50,000 or 60,000 undergrads. So, like, of course there are people that love video games but they're not all going to be on that team. So when we're working with our campuses and talking about those opportunities, it's thinking about, if you're going to run a team, why not create some of these opportunities or some of those positions and turn those

into educational opportunities where a student can be a coach, a social media manager, or any number of other positions that are ultimately going to prep them for jobs they might find elsewhere. Like, for example, we run a broadcaster academy program where starting in high school students can actually get on with us, learn how to do broadcasts and then we'll pay them to actually do commentary for our matches.

**Nick Brown:** Oh, that's great. Win-win hands-on training.

**Tyler Schrod:** Right. Because I'm continuously thinking about, like, what my experience going through high school and ultimately college was and what led to that existential dread after I graduated and trying to think "how can I prepare people for the experience that I have now much earlier?" And it also speaks to the way that we address things. Like, the number of women in gaming, we know that there's no overnight solution for that kind of thing. So we look down all the way to the high school and youth levels and say what can we do to make this environment more positive and ultimately more inclusive so more women are staying in it longer as opposed to dropping out somewhere along the way, and making sure that all the missions and the - I use the description of saying, like, we talk about these as systemic issues, whether it's education, mental health, inclusivity, diversity or any of these other things.

**Nick Brown:** Mm-hmm.

**Tyler Schrod:** And because we've taken the position that we are the system, that means that those challenges are our challenges. So you have to address all of them in different ways and...

**Nick Brown:** Yeah. Absolutely.

**Tyler Schrod:** ...it's not going to be fixed tomorrow, but it's something that we've made really clear that's important to all of our schools, all of our students, and us. And so we're taking those steps to make sure that it works.

**Steve Blickensderfer:** That's great.

**Nick Brown:** That's fantastic. Well, on the same topic, in your capacity as advisor and tutor and mentor, can you just real quick tell our listeners how they can get a sweet, giant Viking beard like yours?

**Tyler Schrod:** *[laughs]* Get lots of sleep. Believe in yourself.

**Steve Blickensderfer:** *[laughs]*

**Tyler Schrod:** And remember that it's the beard on the inside that really counts.

**Steve Blickensderfer:** There you go. Wise words.

**Nick Brown:** *[laughs]* I love it!

**Steve Blickensderfer:** Well, that's all the time we have for this episode. Be sure to check out our other episodes from season two and season one. You can connect with us on Instagram, Twitter, and on our page: LANpartylawyers.com.

**Nick Brown:** Huge thanks to Tyler Schrod for coming out and helping us and our listeners understand what it's like to work on the ground in developing one of the premier collegiate esports leagues in the country. Thank you so much for giving us your time and the benefit of your experience. Hopefully people will be able to take this to heart and we'll see even more of the great trends that we've been seeing so far.

**Steve Blickensderfer:** Agreed.

**Tyler Schrod:** Thanks so much for having me.

**Steve Blickensderfer:** Alright, Nick, unless you have anything else to add?

**Nick Brown:** That's all I got, but thanks for listening and until next time, game on!

**Steve Blickensderfer:** Game on!