

A History of Intercollegiate Athletics and the NCAA

S HULMAN AND BOWEN (2001) SURMISED intercollegiate athletic departments make higher education institutions more visible to the public at large, playing a major role in the way institutions communicate with prospective students, parents, alumni, and society. In being a major source of external communication, athletic departments serve as a visible “front porch” for the university as a whole. In his acceptance speech for the 2012 International Brand Master Award presented by the Educational Marketing Group (EMG), Texas A&M Vice President Jason Cook explained how he reinvented the Texas A&M brand by unifying the athletics brand with the university and using sport as the “front porch”:

Our brand was not widely known across the country and the institution was perceived much like it was in the 1970s: a regional, all-male military institution, not the thriving, top-20 research university that it is today. Recognizing that athletics is the “front porch” of a university providing an opportunity to reach millions of people each Saturday in the fall I worked directly with the University’s President and Board of Regents to initiate a focused plan in 2011 that would increase the visibility of the Texas A&M brand across the country. This effort culminated with Texas A&M leaving the Big 12 Conference for the Southeastern Conference on July 1, 2012... our plan had three

primary objectives: increase the exposure for our student-athletes and coaches, as well as for our world-class faculty and their research; create new revenue streams in the form of TV payouts, licensing, sponsorships, philanthropy and ticket sales; and provide long-term stability for the Texas A&M brand in a period of significant athletic conference upheaval. The SEC is widely recognized as the nation's top athletic conference, and through its extensive media partnerships with ESPN and CBS, the national exposure generated by the league is unparalleled. . . . Today, because of these efforts, Texas A&M is widely recognized as one of the hottest college brands in the country. (Stephenson, 2013, para. 9)

As another example, think of a major university for which you have minimal familiarity. What is the first image or phrase that comes to mind? Rock Chalk Jayhawk (University of Kansas)? Roll Tide (University of Alabama)? The blue turf at Boise State University? Mike Krzyzewski (Duke University)? These are all illustrations of athletics symbols, traditions, and individuals for which major colleges and universities are known nationally and internationally. Thus, in this text, we explore the increasingly entangled relationship between the university and athletic department in this age of big-time college sports. We specifically focus on the many methods in which athletics relies on the university for funding, and in turn the ways in which the university uses these very visible athletic departments to enhance their brand and, ultimately, increase their bottom line through increased enrollment, donations, and similar strategies. The overarching goal of this monograph is to highlight the impact and consequences of the financial and cultural relationships that exist between universities and athletic departments at the NCAA Division I level. We begin with a discussion of the history of the NCAA to set the context for this discussion.

History of the NCAA

The debate on whether National Collegiate Athletic Association student-athletes should be classified as amateurs or employees of their respective

universities has reached a fever pitch in recent months both with the Ed O'Bannon federal antitrust trial against the NCAA (Eder & Strauss, 2014) and with Northwestern University's men's football team attempting to unionize in order to receive the workplace rights delineated in the National Labor Relations Act (Resnikoff, 2014). Despite the current groundswell for dramatic changes in the NCAA Division I model, the century-old history of the NCAA indicates that uncertainty and proposed reform have actually been part of the NCAA since its inception (Clotfelter, 2011; Duderstadt, 2009; Zimbalist, 1999). The early stages of the NCAA, restructuring of NCAA divisions, Title IX, and television contracts all point to the notion of changes in the NCAA fueled by financial and legislative motives.

In order to understand the rationale for the original development of the NCAA, it is important to understand the beginnings of athletic activities in collegiate settings in the mid-1800s. In its most grassroots form, collegiate athletics started because of the growing popularity of student-organized athletic activities between students within the insular setting of individual campus environments (Hums & MacLean, 2004). Interest eventually developed to have organized competitions *between* different colleges and universities, and the first intercollegiate athletics competition was a student-organized rowing competition between Yale and Harvard in 1852 (Hums & MacLean, 2004; Weight & Zullo, 2015). Perhaps foreshadowing the eventual corporatization of college athletics, this first intercollegiate athletics competition had its own exclusive sponsorship as the Boston, Concord & Montreal Railroad Company was the official transportation sponsor of the competition (Hums & MacLean, 2004).

Over the next 20 years, this idea of athletic competitions between different colleges and universities continued to expand with the growth of rowing competitions and the start of intercollegiate baseball and football competitions (Hums & MacLean, 2004). As early as the latter part of the 1800s, university administrators voiced concerns about this rapid growth of intercollegiate athletics (Hums & MacLean, 2004; Weight & Zullo, 2015). Specifically, some administrators were worried about the direction of intercollegiate football and its growing influence in the academic setting of college campuses (Hums & MacLean, 2004).

In line with the initial development of intercollegiate athletic competitions, contests continued to be organized by students until the late 1800s. At this point, another larger faction of university administrators began to see the merits of supporting intercollegiate athletics—increased alumni support, branding, and student applications—and pushed for control over the governance and operation of intercollegiate athletic competition at their respective institutions (Hums & MacLean, 2004). As a precursor to the Big Ten Conference, university officials met in Chicago on January 11, 1895, to develop parameters for eligibility, participation, scheduling, equipment, and funding (Hums & MacLean, 2004).

As the popularity of football exploded in the late 1800s, there were a frightening number of serious injuries in intercollegiate football (Duderstadt, 2009; Hums & MacLean, 2004; Wiggins, 1995). In 1905 alone, 18 collegiate players died as a result of on-field injuries and more than 140 were seriously injured (Hums & MacLean, 2004). In response to these events, President Theodore Roosevelt called an emergency meeting at the White House with university administrators from Harvard, Yale, and Princeton to discuss these alarming safety issues with intercollegiate football.

President Roosevelt urged university leaders at Harvard, Yale, and Princeton to develop an organization to bring some structure and integrity into intercollegiate athletics (Duderstadt, 2009; Wiggins, 1995). Another meeting to address similar concerns about football safety took place in December 1905 when the chancellor of New York University (NYU) invited members from 13 other institutions to New York City. Although this meeting at NYU and President Roosevelt's meeting at the White House were called to address football safety issues, it became apparent that a larger group of university administrators shared similar concerns about the safety of college football and also about the governance—or lack thereof—of intercollegiate athletics in the United States (Hums & MacLean, 2004).

In collaboration with the ideas of President Roosevelt and those at the meeting at NYU, 62 members formed the Intercollegiate Athletic Association of the United States (IAAUS) in March 1906 (Duderstadt, 2009; Weight & Zullo, 2015; Wiggins, 1995). The IAAUS would be renamed the National Collegiate Athletic Association (NCAA) in 1910 (Hums & MacLean, 2004).

The 1906 NCAA Constitution laid the groundwork for intercollegiate amateur sport when it asserted: “An amateur sportsman is one who engages in sports for the physical, mental, or social benefits he derives therefrom, and to whom the sport is an avocation. Any college athlete who takes pay for participation in athletics does not meet this definition of amateurism” (Duderstadt, 2009, p. 71).

Even before Roosevelt’s directive, however, there were legitimate concerns about the overemphasis of college sports in American society. In his 1893 annual report, Harvard President Charles Eliot declared, “With athletics considered as an end in themselves, pursued either for pecuniary profit or popular applause, a college or university has nothing to do. Neither is it an appropriate function for a college or university to provide periodical entertainment during term-time for multitudes of people who are not students” (as cited in Clotfelter, 2011, p. 10). Despite this unease about the direction of college athletics, the popularity of college athletics, particularly football, continued to soar among students, alumni, and the general population alike after the founding of the NCAA (Duderstadt, 2009). For those potential fans with little direct connection to the university, athletics truly did become the metaphoric front porch for the university; the athletic department was becoming arguably the most visible faction of the university.

As a result of the growing power of athletics in the university setting, football coaches began to have more authority. A specific example at the University of Michigan demonstrates this power shift. In 1906, the same year the NCAA was founded, the Big Ten began to develop and enforce more stringent conference rules. Specifically, it was decided that a coach at a Big Ten institution must be a full-time employee of their institution (Byers & Hammer, 1995). Field Yost, the football coach at the time at the University of Michigan, had external businesses, so he was not a supporter of the new conference role limiting external employment opportunities. Coach Yost said he thought the University of Michigan should leave the Big Ten Conference. Michigan’s university president, James Burrill Angell, wanted to remain a member of the Big Ten (Byers & Hammer, 1995). Coach Yost skirted university protocol and pushed for the board of regents at the University of Michigan to call for Michigan to leave the Big Ten. The university regents sided with the coach,

and Michigan left the Big Ten conference for 11 years (Byers & Hammer, 1995). Walter Byers, who was elected as the NCAA's first executive director in 1951 (Byers & Hammer, 1995; Hums & MacLean, 2004), said,

I believe this showdown was more significant in charting the course of college athletics than the founding of the NCAA that same year... This act of a coach steamrolling his college president had historic significance although the lesson had to be relearned time and again by succeeding generations of college chief executives. (Byers & Hammer, 1995, p. 37)

Byers's concerns about the power dynamic between athletics personnel and university administrators mimic the sentiments expressed by Weight & Zullo (2015). While detailing the modern-day structure of intercollegiate athletics, they assert that power struggles between university administrators and high-profile coaches (who often make more money than university presidents) continue to demonstrate that oftentimes university administration does not have the final say about athletic department decisions at their university (Weight & Zullo, 2015).

Little more than 20 years after the founding of the NCAA, a 1929 report by the Carnegie Foundation indicated great trepidation over the direction of college football, asserting it was rife with unnecessary commercialization and professionalization to the detriment of both athletic departments and the universities themselves (Duderstadt, 2009; Wiggins, 1995). According to Duderstadt (2009), "the report went on to note that the relationship between intercollegiate athletics and their academic hosts had long been an uneasy one and called for de-emphasis of football" (p. 72). There was no deemphasizing. The popularity of college athletics continued to grow. In fact, the 1920s became the so-called "Golden Age of Sport" and institutions felt pressure from alumni and fans to continue to grow intercollegiate athletics (Wiggins, 1995). Although the Carnegie Report brought to light many concerns about the current state and future direction of intercollegiate athletics, it did not bring drastic changes to the structure of the NCAA (Wiggins, 1995).

Over the next 15 years, the NCAA would continue to add more sports, national championships, and members. Additionally, there were growing

concerns about recruiting, financial aid guidelines for student-athletes, and the role of the media (Hums & MacLean, 2004). This, combined with the effect that the end of World War II had on increased enrollment and changing finances in colleges and universities across the country, led to the establishment of a brick-and-mortar office for full-time NCAA personnel in Kansas City. In 1951, Walter Byers was hired as the first executive director for the NCAA (Byers & Hammer, 1995; Hums & MacLean, 2004).

Whereas the NCAA now had a more formalized hierarchical in-house structure with more full-time NCAA personnel, the notions of amateurism and grants-in-aid created a powerful philosophical divide between the northern and southern regions of the United States (Byers & Hammer, 1995). Post-World War II culture in the United States actually served as the impetus for many of these dramatic differences. Many World War II veterans were older, more experienced athletically, and more skilled because of their participation on military-based athletic teams while serving in the military (Byers & Hammer, 1995). Additionally, the commercialization of airline travel in the United States enabled coaches to travel with greater ease to recruit at a national level. In 1948, the NCAA adopted the Sanity Code. This code marked a true effort by the NCAA to establish some specific parameters on the allowable amount of financial aid that could be given to intercollegiate athletes. If the athlete was either in the top 25% of his high school class or maintained a B average in college, he could have his tuition and fees paid for. Essentially, the student would receive a full-ride scholarship based on athletic ability if he met the aforementioned academic standards (Byers & Hammer, 1995).

Colleges and universities in the southern regions of the United States believed the Sanity Code created an unfair advantage for the Big Ten Conference and the Ivy League—conferences that were established and had the financial resources to actually be able to offer prospective athletes such a financial package. Indeed, talented athletes from the south headed to schools in the north that could entice them with a robust financial aid package and a guarantee of admission into their university (Byers & Hammer, 1995). The South wanted to use the grant-in-aid concept—a concept that would rely less on the academic merits of the prospective athlete. Ultimately, the Sanity Code concept was discontinued because the NCAA did not receive the required two-thirds

majority vote to expel those who had been in violation of it. Essentially, that left the NCAA with an unenforceable rule. The true grant-in-aid concept was then adopted by more and more colleges as competition in recruiting athletes increased (Byers & Hammer, 1995).

In the book *Unsportsmanlike Conduct: Exploiting College Athletes* (Byers & Hammer, 1995), Byers discusses how he served as a driving force behind the development of the specific term “student-athlete.” Byers poignantly acknowledges that the development of this concept has formed the foundation of the pay-for-play debate that rages on today (Byers & Hammer, 1995). Thus, it merits mention that this specific discussion of the development of the student-athlete terminology uses the timeline discussed by Byers himself because he was the most powerful voice behind the development of the definition of student-athlete. Ultimately, the fallout from the Sanity Code and the ensuing popularity of the grant-in-aid concept led to the adoption of the specific term “student-athlete.” Byers is credited with the development of this term in an effort to make it so that student-athletes would not be considered employees of the university. Byers knew that if athletes were legally designated as employees, the university would be responsible for covering the prohibitively expensive cost of workers’ compensation. He foresaw the extended commercialization efforts of intercollegiate athletics and knew that classifying college athletes as employees could crumble the financial structure of the NCAA itself.

Systemic Changes in College Athletics in the 1970s and 1980s

During the 1970s and 1980s, three systemic, groundbreaking, and relatively simultaneous key movements helped to dramatically change the dynamic of the NCAA: (a) There was a separation of NCAA member schools into different divisions, (b) Title IX radically changed the impetus for NCAA member institutions to increase the inclusion of women’s athletic teams, and (c) with the advent of cable television, there was a great opportunity for the NCAA to capitalize on the sport television market. Importantly, all three of these

movements are intimately tied together by the distinct motive for the NCAA to increase revenue.

Formation of Three NCAA Divisions

In 1973, the NCAA divided its member institutions into Divisions I, II, and III. The top revenue producers were funneled into Division I, where athletes could receive full athletic scholarships that covered tuition and housing. Division II athletes could receive partial athletic scholarships, and Division III athletes could not receive scholarships based on athletic merit (Yost, 2010). In the late 1990s, there was restructuring within Division I into Division I-A, I-AA, and I-AAA, with revenue generation serving as the primary filtering mechanism (Yost, 2010). Ultimately, NCAA member institutions differentiate themselves across divisions based on funding of athletic programs, scholarships for student-athletes, and fan interest (NCAA, 2014a). On its own website, the NCAA acknowledges the drawing power of football and men's basketball by saying

Most Division I institutions ... choose to devote more financial resources to support their athletics programs, and many are able to do so because of the large media contracts Division I conferences are able to attract, mostly to showcase the publicly popular sports of football and men's basketball. (para. 3)

The NCAA Division I membership includes approximately 250 colleges and universities with more than 170,000 Division I student-athletes (NCAA, 2014d). Many athletes receive full or partial athletics scholarships that fully cover tuition and room and board (Yost, 2010). Within the Division I level, there are three subdivisions for football purposes. Football Bowl Subdivision (FBS) schools—what is typically thought of as “big-time” Division I—are eligible to participate in football bowl games. Football Championship Subdivision (FCS) schools participate in an end-of-season 24-team playoff. The third division is made up of Division I schools that do not sponsor football (e.g., St. Louis University, Marquette University; NCAA, 2014d).

Importantly, Division I universities typically have larger athletic department operating budgets than their Division II and Division III counterparts, primarily because of increased fan interest and television rights contracts (NCAA, 2014d). The revenue specifically for the NCAA (and not its member institutions) mostly comes from the television broadcasting contracts for the NCAA Division I men's basketball tournament that takes place during March and April of every year (NCAA, 2014d). Payouts for television broadcasting contracts for football and men's basketball can exceed \$25 million annually for some schools (Benedict & Keteyian, 2013).

The Division II membership includes more than 110,000 Division II student-athletes across approximately 300 Division II member institutions (NCAA, 2014a, 2014b). Again, the most salient difference between the Division II model and the other NCAA divisions is the financial scholarship model for student-athletes. Division II athletics follows the partial-scholarship model for its student athletes. Sometimes also called an "equivalency" system, each sport is awarded a number of full scholarships that they are allowed to parcel out to student-athletes. For example, at the Division II level, each football team receives the equivalent of 36 full scholarships that they are allowed to divide up among a squad size that may near 100 student-athletes. In comparison, at the NCAA Division I FBS level, a football team receives 85 full scholarships that may not be divided up; an FBS student-athlete either receives a full athletic scholarship or they receive no athletic scholarship at all (NCAA, 2014b).

The Division II financial operating model provides a cost-effective strategy for NCAA schools to administer an athletics program. Because of lower operating costs than at the Division I level (i.e., lower recruiting and travel expenditures and less expensive facilities and coaches), Division II schools are able to operate without large payouts from television contracts and ticket sales (NCAA, 2014b).

The NCAA Division III level includes 450 member institutions. More than 180,000 student-athletes currently participate in Division III athletics (NCAA, 2014e). The primary distinction between Division III student-athletes and their Division I and Division II counterparts is that they are

not allowed to receive athletic scholarships. Relatedly, Division III student-athletes are fully integrated into the general campus community and are primarily focused on academics (NCAA, 2014c, 2014e). These fundamental ideas are conveyed in the Division III Philosophy Statement (NCAA, 2014c):

[Division III institutions] shall not award financial aid to any student on the basis of athletics leadership, ability, participation or performance. (para. 4)

[Division III institutions] assure that athletics participants are not treated differently from other members of the student body. (para. 9)

Title IX

Another major movement during the 1970s and 1980s that drastically altered the trajectory of the NCAA was the inception of Title IX. A provision in the 1972 Education Amendments, it mandated that no person should be excluded from having the opportunity to participate in any educational program receiving federal financial assistance (Shaw, 1995). Under the umbrella of a university structure that receives federal financial assistance, colleges and universities began to fund women's athletic programs, programs that were not necessarily part of the NCAA structure (Sperber, 1990). In the early 1970s, women sport activists started a national organization called the Association of Intercollegiate Athletics for Women (AIAW). In an intentional move to differentiate itself from the NCAA, the AIAW promoted participation and education, in stark contrast to the ever-commercialized NCAA product (Sperber, 1990).

The NCAA did not initially feel threatened by the AIAW, but when the AIAW programs received increased funding from the universities, the NCAA and university athletic directors saw an opportunity to increase revenue. By offering NCAA membership discounts (and all-expenses paid trips to NCAA championships) to institutions that would enroll their AIAW women's programs into the NCAA, universities could align themselves with an athletic association at a drastically discounted rate. In a final crushing blow related

to the all-important television contract “the NCAA tied the sale of its men’s Final Four to its new women’s basketball championship game, guaranteeing a major network for the event and making it more attractive to schools than the AIAW final” (Sperber, 1990). In June 1982, the AIAW folded (Sperber, 1990).

It has been more than 40 years since Congress enacted the federal statute widely known as Title IX. A closer look at the words of Title IX, the historical developments of Title IX, and some of the unintended consequences of Title IX reveal that Title IX is much more complex than just a pat on the back for female athletic participation. It has dramatically altered the structure of college athletics and the role of athletics in the college institution at large.

Statistical changes in the American workforce in the 1960s provided the original impetus for what would eventually become Title IX. The 1960s saw a large increase in the number of women in the workforce, an increase that went hand in hand with an increased number of women in higher education. College applications that placed higher admittance standards on females were the norm. Females testified in front of Congress, claiming that university admission quotas were commonplace. There were also stories of females losing financial aid if they got married while in college (Gavora, 2002). The original intent of Title IX was not to make college athletics a balancing act of gender-based quotas. When Title IX was enacted in 1972, few people thought Title IX would ultimately have its greatest, and most contentiously debated, effects in athletics. The Education Amendments of 1972 were enacted to mirror many of the purer motives behind the Civil Rights Act of 1964—a fundamental right for equality and fairness.

As part of the Education Amendments of 1972, Title IX reads, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance” (Shaw, 1995, p. 7). Those familiar with the Civil Rights Act of 1964 will note that much of the language of Title IX is very similar to the Civil Rights Act of 1964. More or less using the wording of the Civil Rights Act as a template, the notion of Title IX started to form in 1970 as part of a special House Subcommittee on Education (Anderson, 2012).

After the enactment of the Educational Amendments of 1972, the Department of Education's Office of Civil Rights (OCR) began to provide specific guidelines about Title IX's effect on intercollegiate athletic programs (Reich, 2003). Throughout this process, it became abundantly clear that the OCR would be the governmental agency taking the lead on Title IX enforcement. Thus, although the specific language of Title IX seems relatively straightforward and well intentioned, its expansion into college athletics has really relied on the OCR's administration of Title IX enforcement as well as judicial decisions in order to tease apart the tangible effects of Title IX on college athletics (Judge, O'Brien, & O'Brien, 1995).

Upon the enactment of Title IX, Congress and athletic administrators saw the road Title IX was heading down and saw the potential negative consequences it could have on revenue-generating college sports. Thus, in the years immediately following the enactment of Title IX, several bills were introduced in Congress to attempt "to stop what some believed was its potential negative impact on revenue-producing sports in collegiate athletics. None of these amendments passed" (Anderson, 2012, p. 4). More than 40 years later, these so-called "negative consequences" of Title IX continue to shape the heated debate that surrounds Title IX.

In response to the bills proposed in Congress in the years immediately following Title IX, Congress passed the Javits Amendment on August 21, 1974. Also known as the Education Amendments of 1974, the Javits Amendment specifically stated the applicability of Title IX to athletic activities. It required the Department of Health, Education, and Welfare to

prepare and publish . . . proposed regulations implementing the provisions of Title IX of the Education Amendments of 1972 relating to the prohibition of sex discrimination in federally affected education programs which shall include with respect to intercollegiate athletic activities reasonable provisions considering the nature of particular sports. (Anderson, 2012, p. 4)

The second issue that added to the confusion about the enforcement of Title IX in the 1970s had to do with the OCR's 1979 Policy Interpretation

that released the development of the three-pronged test for athletic departments to use to assess Title IX compliance (Judge et al., 1995). The three-pronged test for effective accommodation allows institutions to demonstrate Title IX compliance by:

1. Providing opportunities for participation in intercollegiate sports by gender in approximate proportion to undergraduate enrollment (substantial proportionality);
2. Demonstrating a “history and continuing practice” of expanding opportunities for the underrepresented gender (continued expansion); or
3. Presenting proof that it is “fully and effectively” accommodating the athletic interest of the underrepresented gender (full accommodation) (Stafford, 2004, p. 1470).

To this day, there is still a considerable amount of confusion about the functionality and importance of the three-pronged test. In fact, “substantial proportionality has never been explicitly defined by OCR” (Stafford, 2004, p. 1470) but rather has been taken in practice to mean that the percentage of female athletes must be within five percentage points of the female percentage in the general undergraduate student body. Furthermore, there is confusion about what exactly an institution must do to demonstrate both a “history and continuing practice” of continued expansion and “full accommodation.” As a result of this confusion, there has been an inherent tendency to rely on the substantial proportionality test part of the prong test in order to adhere to Title IX compliance. Perhaps telling of both the confusion about Title IX and the resistance to Title IX, “for the 1995–1996 school year, only 29 of the 321 Division I intercollegiate athletic programs achieved substantial proportionality”—a rate of 9.03% (Stafford, 2004, p. 1470).

Such a low percentage should not be surprising, especially if the NCAA’s general initial opposition to Title IX is taken into consideration. Thelin (2000) sums up the NCAA’s general resistance to Title IX when he outlines the NCAA’s efforts:

From the point of view of university athletic departments and the NCAA, their efforts for equity for women’s sports did not begin in 1972, when Title IX was passed into law. First, they opposed

Title IX and testified to Congress against it. Second, even when Title IX was passed in 1972 it carried with it two phases that gave colleges and universities a buffer from regulation. From 1972 to 1975 there was no Congressional enforcement or scrutiny, because those three years were devoted to federal agencies drafting guidelines, holding discussions and meetings, and trying to agree on and then publish criteria. When guidelines were published in 1975, the federal government gave colleges and universities a three-year period in suspense, with institutional reviews being delayed until 1978 at the earliest. (p. 397)

Finally, and arguably most tellingly, the NCAA did not include women's sports in its constitution and bylaws until 1981—a full 9 years after the passage of Title IX at a time when women's programs in the AIAW continued to receive increased funding for their female athletic programs (Sperber, 1990).

The general resistance to Title IX in intercollegiate athletics was not confined to those administrators in NCAA headquarters. In 1979, Southeastern Conference leaders publicly acknowledged that “inflation and the cost of adding sports to the program were major concerns among SEC Athletic Directors” (Thelin, 2000, p. 392). The proposed solution for these athletic directors was to increase fundraising efforts rather than reduce spending. Ironically, in the current age of the so-called Division I arms race, there is more pressure to increase fundraising efforts than there is to tighten the proverbial budgetary belt.

In 1972, the year Title IX was passed, one in nine girls played high school sports (Gavora, 2002). The failure to acknowledge that there was a drastic uptick in female athletic participation certainly does not negate the effects of Title IX, but it does reflect that there was momentum for female athletic participation before Title IX. Thus, it should be noted that perhaps Title IX was not the starting line for female athletic participation but rather a reflection of the momentum of female interest in athletics participation.

Proponents of a male-dominated revenue-driven athletic department mentality frequently fail to point out that colleges and universities had a hard

time being financially self-sustaining in traditional spectator sports before Title IX was part of the NCAA Constitution (Thelin, 2000). To accentuate this point, the University of Colorado eliminated men's baseball, swimming, wrestling, and tennis a full year before the NCAA added women's sports as part of its jurisdiction in 1981. Coincidentally or not, fan interest in sports such as baseball, wrestling, tennis, and gymnastics declined *before* Title IX was explicitly part of the NCAA.

Contrary to some of the other men's sports, football had significant fan interest before Title IX, is often the primary sport included in the TV deals that frequently top \$100 million, and is the main sport at the center of the Title IX debate. With 85 players on scholarship and a total squad list that usually exceeds 100 players including walk-on athletes, there simply is not a traditional female sport that can keep up with the sheer numbers of male athletes on football teams. Money spent just on recruiting and travel for football teams is absolutely mind-boggling (Salter, 1996). As will be discussed later when detailing many of the unintended consequences of Title IX, two of the primary strategies for athletic departments to attempt to match football numbers with female athletes for Title IX purposes are either to cut other men's programs or to add unpopular, high-number sports like rowing or equestrianism.

Proponents of Title IX point to the bloated numbers on college football teams and recommend decreasing football squad sizes. Football enthusiasts campaign for Title IX exemptions and even separating from the NCAA. History has shown an unwillingness to listen to the other side. Thus, the debate about football and Title IX continues. Doctor Christine Grant, former athletic director at the University of Iowa, advocated for some sort of resolution when she said:

Each campus has to sit down and decide what are the purposes of intercollegiate athletics. If the purposes are to bring in money and to provide the largest PR arm for the university, then we have got to be up front and say, this is why we are doing it. If it is not the reason, then we have got to put it in an educational framework that makes sense. At least tell me what is the real purpose of intercollegiate athletics. (Salter, 1996, p. 45)

The coaches and fans of the nonrevenue men's sports are often caught in the middle. Should they take the stance that football is indirectly to blame for the recent trend of cutting nonrevenue men's sports for Title IX reasons? Or, rather, should the blame be put on Title IX itself for the quota system it has seemingly created? Basic facts continue to demonstrate that, from an operating budget standpoint, women's sports are still significantly behind men's. An internal NCAA study revealed that "men's teams receive 70 percent of athletic scholarship money, 77 percent of the operating budget, and 83 percent of the recruiting money at large Division I-A institutions" (Salter, 1996, p. 53).

The sport of football has created the most difficulty in what has become a delicate numbers balancing act for Title IX compliance. From a historical standpoint, there has been resistance to Title IX from the football community since the birth of Title IX in 1972. With squad sizes that have hovered around 100 athletes, it was clear that drastic changes would have to be made for those schools that had football programs to come close to Title IX compliance. With the popularity of college football taking off, an alarmed Senator John Tower, an ardent football supporter and member of a fan base that worried Title IX would signal the demise of college football, sponsored an amendment that became known as the Tower Amendment. The amendment proposed that revenue-generating sports would not be factored into Title IX calculations. Entered into Congress in 1974, the Tower Amendment was passed in the Senate but was then dropped in a House-Senate conference committee (Sigelman & Wahlbeck, 1999). In the 40 years since the Tower Amendment was rejected, the push for a football exemption from Title IX has continued to be a hot button issue.

Another scenario that has been proposed in order to combat the issues football posed to Title IX compliance efforts is the idea that squad sizes should be reduced. Unsurprisingly, football coaches' associations have been up in arms that this proposal has even been discussed as a viable option. However, the fact is that at many Division I institutions, there are as many football student-athletes as there are female student-athletes across all female teams combined (Sigelman & Wahlbeck, 1999). As previously mentioned, instead of cutting back on football squad sizes, there has been more of a movement to reduce male numbers by cutting men's nonrevenue sports. Sigelman and

Wahlbeck (1999) conducted a statistical research study that looked at what kind of cutbacks it would take to reach Title IX compliance if no women's sports were added and just men's sports were cut. The researchers found that, with football players making up 40% of the male athletes at the median Division I-A school (currently FBS), a Division I FBS school would have to go from 167 male nonfootball male athletes to 41 (Sigelman & Wahlbeck, 1999). Clearly, other options, including football squad size reductions, should continue to be discussed.

Football coaches adamantly argue that squad sizes should not be reduced, noting the already inherent safety concerns of such a violent sport. They point out that fewer players on the team would overexpose athletes to injury. The NCAA headed an Injury Surveillance System summary for the 2000–2001 season that revealed that the “serious injury rate during games in football was 14.1 per 1000 athletic exposures” (Simon, 2005, p. 74) based largely on the assumption that for any given NCAA football game, approximately 60 players participate in the game. Even conservative estimates using information from the Injury Surveillance System summary indicate that football injuries would not increase with reduced roster sizes (Simon, 2005). Although certainly no one on either side of the Title IX debate would want even one player injured per game, the study did reveal that reducing squad sizes would not necessarily result in a huge increase in the safety concerns that college football coaches fear so greatly. Furthermore, from a financial standpoint, there is certainly an incentive to decrease football squad sizes. “If football scholarships were cut to 60, the average college would save approximately \$750,000 annually, enough to finance more than two wrestling teams—whose average cost is \$330,000 per team” (Simon, 2005, p. 73). Additionally, in the National Football League (NFL), teams have a roster cap of 52 players, with a maximum of 45 that can play in any given NFL game (Simon, 2005).

There have been other strategies more commonly put in place to meet the Title IX “substantial proportionality” standards—namely adding less popular women's sports with large squad sizes. Recognizing that many schools would need to add women's sports in order to move toward Title IX compliance, the NCAA recommended that schools added “emerging sports” to create more possibilities for females to join intercollegiate athletic teams. Suggested team

sports were crew (rowing), ice hockey, handball, water polo, and synchronized swimming. Suggested individual sports were archery, badminton, bowling, and squash (Reich, 2003). Few would argue that any of these sports are widely popular across the United States.

Sadly, albeit somewhat humorously, there have been numerous examples of schools going to extreme lengths to add women's sports that from a geographic and popularity standpoint make very little sense to add. Arizona State University, a school that is unsurprisingly in the desert, had to flood a valley so that its newly created women's crew program could have a place to practice. The Ohio State University placed ads in the student newspaper reading "Tall athletic women wanted. No experience necessary" (Reich, 2003, p. 531).

Much of the consternation about Title IX has to do not only with how to stay out of the red financially but also with confusion over how Title IX compliance is even measured and enforced. In 1979, the OCR issued a Policy Interpretation to provide enforcement instructions to athletic departments on three issues they deemed were directly tied to Title IX: scholarships, benefits and opportunities, and effective accommodation of student interests and abilities (Jurewitz, 2000). Eventually known as the three-part test to measure substantial proportionality, continued expansion, and full accommodation, it has received plenty of criticism from all sides of the Title IX debate for several reasons (Stafford, 2004).

First, neither Congress nor the president ever approved the policy interpretation, yet it is the primary framework that is used to measure Title IX compliance. Second, the substantial proportionality prong does not actually specify if there is any percentage point leeway when it comes to matching student-athlete gender percentages with gender percentages for that undergraduate institution as a whole (Porto, 1996). The second prong, continued expansion, does not specify how many women's teams need to be added in a specified time frame in order to satisfy the compliance standard. Also, with budgetary constraints putting more and more pressure on athletic directors, there have been limited examples of athletic departments spending the money to add teams to satisfy the second prong. With the third prong, there has been criticism on how a school would prove that females are being "effectively accommodated" (Porto, 1996). As a consequence of some of the concerns

mentioned with satisfying the second prong—namely the expenses associated with adding teams—there really are not many ways to prove effective accommodation if continued expansion has not been taking place. As such, there are confusion and criticism about each of the three prongs. However, the first prong, substantial proportionality, seems to provide the most tangible method to measure Title IX compliance. Thus, most schools attempt to use the substantial proportionality prong to satisfy Title IX regulations (Sigelman & Wahlbeck, 1999).

Consequently, a very significant portion of Title IX compliance is centered on what substantial proportionality really means and whether or not it is an appropriate measure for the intent of Title IX. Critics say it either does not accurately measure the athletic interests of females or it leads to a numbers game that has created serious concerns about reverse affirmative action (Sigelman & Wahlbeck, 1999). They say formulas and percentages cannot correctly enforce the original intent of Title IX (Jurewitz, 2000). Jurewitz summed up the notion that the three-prong test does not accurately reflect the original intent of Title IX when he says:

Congress never intended Title IX to allocate half of all spaces in theatre or literature classes for men, or half of all spaces in science and math classes for women. Congress merely intended for students of each sex, free from discrimination, to select the education programs in which they wished to participate. (p. 351)

Some pundits argue that even though Title IX has received the most publicity as it relates to athletics, it continues to tap into the central motive that drove Title IX in the first place—educational equality. Salter (1996) addressed this notion of Title IX and educational equality when he says:

Sports are a microcosm of society in that many, if not all, of the attributes required to compete and be successful in the athletic arena are prerequisites for basic survival. Whether it is in business, law, or medicine, people need the skills to work as a team, to be able to function effectively under pressure, and to exhibit simpler traits like responsibility and discipline. Are these

characteristics not as important for our daughters to learn as they are for our sons? (p. 9)

Title IX has often received the majority of the blame for the forced creation of women's sports teams like rowing and equestrian that do not generate much participatory interest and for the elimination of nonrevenue men's teams. However, the Commission on Opportunities in Athletics succinctly stated it believes it is unfair to place all the blame on Title IX when athletic teams are cut from an institution's NCAA offerings. There is no mandate that men's teams be cut. There are other opportunities for the reallocation of resources. The commission's most understated, yet possibly most important, stance was, "The Commission found that it is extremely difficult to obtain a set of data that is accepted by all parties" (Simon, 2005, p. 13). It appears there are no clear-cut answers to the concern and confusion that drives Title IX debate. Perhaps Title IX is best summarized in Brad Reich's (2003) piece that says

Title IX is a regime which has, directly and indirectly, often by fits and starts, and without ever being a model of theoretical elegance of coherence, helped bring about a world in which more and more women and girls share in a set of valuable experiences that were almost the exclusive province of men and boys. (p. 532)

Television Broadcasting Contracts

After the epic 1979 NCAA men's basketball championship game between Larry Bird's Indiana State Sycamores and Magic Johnson's Michigan State Spartans, the NCAA increased its television rights deal with CBS. More important, a true competitor entered the market. The NCAA also struck a deal with the newly formed ESPN to broadcast all men's tournament games that were not televised by CBS (Duderstadt, 2009). Television companies sought out college broadcasting rights because production costs were inherently low. College basketball, along with college football, became both commercial and national products (Duderstadt, 2009). The national interest generated by the stories of Bird and Johnson, combined with the inception of ESPN, created

a situation in which the NCAA held significant negotiating power with television companies.

For the first part of the 1980s, the NCAA received between \$30 million and \$40 million annually combined between CBS and ESPN for television rights for the NCAA tournament. To capitalize on the market opportunity in 1985, the NCAA expanded “March Madness” to a tournament that would include 64 teams and would last 3 weeks (Prisbell & Yanda, 2010). In 1989, CBS and the NCAA agreed to an exclusive broadcasting deal for the NCAA tournament for \$1 billion for the next 7 years (Duderstadt, 2009). In 2010, the NCAA reached a 14-year partnered deal with CBS and Turner Sports for \$10.8 billion (O’Toole, 2010). The crux of all of these exclusive March Madness television deals is that the NCAA itself, and not its member schools, is receiving the majority of the payout.

During this same time, the NCAA lost its monopoly over college football telecasts as conferences negotiated independently with different broadcasting companies (Sperber, 2000). Although the NCAA itself did not directly receive money from these football broadcasting contracts, the NCAA did regulate the sponsorship deals and payouts for football bowl games. As such, many athletic departments actually lost money when they participated in bowl games (Sperber, 2000).

Although Dave Brandon recently resigned as the athletic director at the University of Michigan, his thoughts conveyed in *The System* reveal that he knew his job security hinged on the success of the Michigan football team. Brandon said, “Michigan athletics cannot be successful if Michigan football does not lead our success, because the revenue it creates is what we live off of” (Benedict & Keteyian, 2013, p. 45). Brandon correctly noted that Division I athletic departments live and die by the financial revenue generated by football, and to a lesser extent, men’s basketball. Although ticket sales and booster donations can generate millions of dollars in revenue for college athletic departments, football television contracts often form the primary revenue source for Power Five conferences in college athletics (Benedict & Keteyian, 2013).

Benedict and Keteyian (2013) further posit that “nowhere [is] ESPN’s ubiquitous investment in live-event programming more complete or controlling than college football” (p. 371). Additionally, in the Power Five

conferences alone, ESPN committed more than \$10 billion to long-term broadcasting rights contracts. ESPN does indeed control much of the narrative because of its broadcasting rights for so many regular season games, the College Football Playoff, and 33 of the 35 bowl games that occurred at the conclusion of the 2013 regular season. ESPN and its associated platforms (ABC, ESPN, ESPN2, ESPNU, etc.) aired more than 450 college football games during the 2012 season (Benedict & Keteyian, 2013).

Conclusion

Each NCAA Division I member institution has a faculty athletics representative (FAR) who serves as a liaison between the athletic department and university officials. In a generalized sense, university officials are aware of the revenues and operating expenses of university athletic department. Whereas some universities are housed under the university umbrella, other athletic departments function separately from the university as an auxiliary entity (Clotfelter, 2011; Thelin, 1996). Because of an athletic department's inherent reliance on outside entities such as corporate sponsors, ticket sale revenues, and television broadcast payouts from its athletic conference, athletic departments function like a business more than almost any other university unit (Clotfelter, 2011). Athletic department budgets often are approximately the same as campus professional schools such as engineering, law, or medicine (Thelin, 1996). In instances in which athletic department financial revenues do not meet operating expenses, athletic departments receive subsidies from the university (Clotfelter, 2011).

As the NCAA has grown into a billion-dollar industry, university faculty members have been keenly aware of some of the hotly debated athletic funding issues (Thelin, 1996). Through the American Association of University Professors (AAUP), faculty members were a part of NCAA restructuring debates in the 1980s and 1990s. The AAUP even has publications titled "The Commercialization of College Sports," "Reforming College Sports: How? When? Ever?," and "A Report of the Special Committee on Athletics" (Thelin, 1996).

Since the launch of the NCAA, there has been continual debate about the efficacy and integrity of the NCAA model. Over 100 years ago, there

were concerns about player safety, the educational-athletic balance of collegiate athletes, overcommercialization, and funding debates that still rage on today. Whether it was Teddy Roosevelt promoting the amateur model, CBS signing billion-dollar television rights contracts with the NCAA, or student-athletes wanting to be classified as employees of their respective universities, what sparked debate and proposed change has almost always been commercialization and athletic department funding.

In the following three chapters we detail this increasing subsidization of intercollegiate athletics, the prominent corporate influence in higher education, and emerging problems on the horizon that could further complicate the higher education–athletics relationship. In the next chapter, we set the stage for this conversation by highlighting just how dire, and likely unsustainable, the current funding model is for NCAA Division I intercollegiate athletics.