

Journal of

# NCAA Compliance

A sports law periodical by Hackney Publications

## College Athletics as the University's 'Front Porch': What Is the Relationship between Athletics and Educational Quality?

### Peer Reviewed

By Jody W. Lipford, Associate Professor of Economics, Francis Marion University, Florence, SC 29505 and Jerry Slice, Professor of Economics, Presbyterian College, Clinton, SC 29325

Key Words: economics of information, advertising as information, educational quality, subsidies, power index

### ABSTRACT

College administrators and athletic

supporters often justify expenditures on college athletics with the argument that athletics serves as the "front porch" of the university. If prospective students, donors, and other constituents are impressed with a university's athletic program, they are more likely to provide resources to the university, thereby improving institutional quality. In this paper we test the correlation between educational quality and measures of athletic success, on and off the field and court. Our findings are supportive of the front porch hypothesis.

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## NCAA Convention 2024 Recap

By Kasey Nielsen and Joel Nielsen, of *Bricker Graydon*

Every day of the NCAA convention brings a certain flare to it, and this year was no different. What follows are our takeaways for each day:

### DAY ONE

1. New Division I NIL Rules to "Protect" Student-Athletes  
Division I approved rules that are intended to protect student-athletes and provide greater transparency. The NCAA announced its commitment to (1) establishing a voluntary registration process for NIL service providers (agents, financial advisors, etc.), (2) working with schools to provide template NIL contracts and recommended contract language, and (3) providing comprehensive NIL education.

Our take is that there is certainly room for this type of assistance from the NCAA, though many schools are well down the road already with an NIL compliance structure and model contract language will need to be vetted through applicable state laws.

Student-athletes are now also going to be required to disclose to their school any NIL deals that exceed \$600. It's not entirely clear how this is designed to protect student-athletes, particularly those attending public institutions. Nevertheless, schools are also required to notify the NCAA, which will be creating a "deidentified database" of those deals. Privacy concerns abound and no word on what enforcement would look like here if there was a failure to disclose.

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**HOLT HACKNEY**  
Editor and Publisher

**DR. B. DAVID RIDPATH, ED.D.**  
Professor of Sport Business  
Ohio University

**DR. CLAY BOLTON, ED. D.**  
Associate Professor of Sports  
Management  
LaGrange College

Academic Co-Editors

**MICHAEL ROSS**  
Senior Writer

**ERIKA PEREZ**  
Design Editor

Please direct editorial or subscription inquiries to Hackney Publications at:

P.O. Box 684611  
Austin, TX 78768  
[info@hackneypublications.com](mailto:info@hackneypublications.com)

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## CCHA Adds Paia LaPalombara to Team

Church Church Hittle + Antrim (CCHA Law) has announced the hire of Paia LaPalombara, who will join the firm's **Sports Law** and **Higher Education** sections and assist the firm's clients in navigating the complex landscape of NCAA compliance and regulatory issues.

As a member of CCHA, LaPalombar "will play a crucial role in assisting the firm to provide clients with strategic guidance, advocacy, and a deep understanding of the evolving challenges faced by college athletics and higher education. Her diverse skill set, cultivated through extensive experience at an NCAA Division I Power 5 university and the NCAA National Office, uniquely positions her to approach NCAA compliance and regulatory issues from multiple perspectives."

LaPalombar's national reputation in college athletics is emphasized by her roles as Vice Chair of the NCAA Division I Student-Athlete Reinstatement Committee, a member of the NCAA Division I Board of Directors Infractions Process Committee, and service on the National Association for Athletics Compliance (NAAC) Board of Directors.

Her professional journey includes leadership roles on several prominent NCAA committees, demonstrating her commitment to staying at the forefront of industry trends. She has "a proven track record in managing public relations, open records requests, and media statements associated with NCAA infractions and institutional and student-athlete crises, aligning with state and NCAA policy."

LaPalombar's expertise encompasses a wide range of areas, including:

- NCAA investigations, case processing, and infractions appeals
- Student-athlete eligibility matters (reinstatement, amateurism, transfer and legislative relief waivers, academic eligibility, and limited immunity)
- Name, Image, and Likeness (NIL) support (policy creation, collective and

third-party support, risk management, contract review, and institutional best practices)

- Independent investigations (coach and staff conduct, hazing, sports wagering, Title IX sexual harassment and violence, substance abuse, and student-athlete welfare)
- NCAA compliance reviews
- Program culture and risk assessments
- Title IX gender equity reviews
- NCAA Policy on Campus Sexual Violence

Prior to joining CCHA, LaPalombara served as the Assistant Athletic Director for Compliance at The Ohio State University. Her role involved overseeing the Department of Athletics' investigatory function, managing "a consistent caseload of investigations, and developing best practices that became templates for departments university-wide.

"Her specialization in Name, Image, and Likeness (NIL) is highlighted by her business acumen and background in intellectual property. She played a pivotal role in guiding the NIL program at one of the largest athletic departments in the country, demonstrating creativity and direct communication to garner stakeholder support. LaPalombar's elite student-athlete advocacy extends to the development of Ohio State's first Elite Student-Athlete Program, offering tailored support for athletes with professional aspirations."

"Paia's background in college sports and higher education speaks for itself," said CCHA Sports Law section chair Kelleigh Fagan. "She is a great fit for our growing practice and brings with her the most relevant of experiences, coming to CCHA Law directly from The Ohio State University and through her service on NCAA committees and NAAC.

## NIL Update: Florida State Decision and Tennessee and Virginia TRO Denied

By Connor Glass, CCHA

The current state of NIL in college athletics is sort of like the Taylor Swift and Travis Kelce romance. It's being covered incessantly by the national media; as many people love it as love to complain about it; some find it distracting from the actual game; and it seems likely to end in a way that could be a little messy. This NIL update will highlight some of the latest NIL developments and reactions. Most recently, the Florida State University (FSU) football program was involved in NIL-related recruiting violations, and the NCAA was hit with another lawsuit, this time from Tennessee and Virginia Attorneys General (AG's). But when it comes to student-athletes monetizing their name, image, and likeness, it's not all Bad Blood. The NCAA passed an NIL

proposal that many people hope will bring some transparency to the NIL space and help protect student-athletes.

### I. The Florida State University Decision

On January 12, 2024, the NCAA released a Negotiated Resolution for an FSU case involving an NIL-related recruiting violation. Specifically, an assistant football coach informed a prospective student athlete (PSA) and his family members about a meeting with a booster during the PSA's official visit. The assistant coach transported the PSA and his family members to an off-campus location to meet with the booster. At the meeting, the booster offered the PSA an NIL deal valued at approximately \$15,000 per month over one year. While the assistant coach did not attend the meeting, he provided the PSA and his family members a ride back

from the off-campus location.

Using NIL as a recruiting inducement was one of the few prohibitions covered by the NCAA's Interim NIL Policy in July 2021. A year later, the NCAA clarified prohibitions around such activity in its *Name, Image and Likeness Policy Question and Answer*. The answer to Question No. 3 states, "[a]n institutional staff member may not organize, facilitate, or arrange a meeting or conversations between the NIL entity and a PSA, including a transfer student athlete..." It is worth noting, however, that, in speaking with the PSA, it would have been permissible for the FSU coach to disclose existing NIL arrangements with current student-athletes at FSU, as long as the coach did not "provide information or guarantees regarding NIL opportunities should the PSA attend [the coach's] institution." Id.



### Who We Are

CCHA Sports Law is a team of attorneys and professionals comprised of former student-athletes, coaches, campus and conference administrators, NCAA staff members, and in-house counsel. We advise and advocate for schools, coaches, and student-athletes across a variety of matters that impact collegiate athletics.

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- NCAA Infractions
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- Education & Assessment
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The FSU case demonstrates the complexity of NIL rules. For instance, while this case represents violations for a coach's conduct with a PSA, coaches are permitted to interact more with NIL entities on behalf of current student-athletes. Coaches may engage NIL entities to inform student-athletes of NIL opportunities, give information to student-athletes about NIL opportunities, provide student-athletes' contact information to NIL entities, introduce student-athletes to representatives of NIL entities, and arrange space for student-athletes and NIL entities to meet on campus or at an institution's facilities. *NCAA Division I Institutional Involvement in a Student-Athlete's Name Image and Likeness Activities* (October 26, 2022).

The FSU coach facilitated a meeting between a "booster," or representative of FSU's athletics interests who also represented an NIL collective, by informing the PSA and his family members about the meeting and providing transportation to and from the location of the meeting. If, however, the young man were a current FSU student-athlete instead of a PSA, what the assistant coach did could have been permissible... as long as the coach did not communicate with the NIL entity regarding a specific request or demand for compensation, encourage the NIL entity to fulfill that request, or "proactively assist in the development/creation, execution or implementation of a [student-athlete's] NIL activity... unless the same benefit is generally available to the institution's students." *Id.*

Navigating NIL rules is a difficult endeavor. College coaches are constantly looking for a competitive edge, and bigger programs are supported by NIL collectives run by boosters who want to land the big recruits. Institutions want to demonstrate to recruits and current student-athletes that they are committed to embracing NIL, but that can be difficult to do while remaining NCAA

compliant. The best way for an institution to avoid NCAA penalties or the headache of going through an investigation is to make NIL rules education a priority. It's worth noting that FSU's head football coach was able to avoid a Head Coach Responsibility violation by promoting an atmosphere of compliance and monitoring his staff. Additionally, the institution was able to avoid a failure to monitor by providing effective rules education to its staff members and training its staff to "routinely seek guidance from compliance when questions or concerns arose."

**The NCAA passed an NIL proposal that many people hope will bring some transparency to the NIL space and help protect student-athletes.**

As much as people want to call NIL the "Wild West", the FSU case demonstrates that the NCAA plans on enforcing its rules--but that might not be the End Game given the lawsuit filed last week.

II. Tennessee and Virginia Complaint

The antitrust case brought by the State of Tennessee and the Commonwealth of Virginia against the NCAA exhibits some of the frustrations related to the NCAA's NIL-related recruiting restrictions mentioned above. The Complaint requests that the United State District Court for the Eastern District of Tennessee issue a Temporary Restraining Order (TRO), then preliminary injunction, then permanent injunction "barring the NCAA from enforcing its NIL-recruiting ban or taking any other action to prevent

prospective college athletes or transfer candidates from engaging in meaningful NIL discussion prior to enrollment..."<sup>1</sup>

The main argument throughout the Complaint is that NCAA rules restricting NIL-related recruiting "limit competition and artificially decrease NIL compensation that college athletes would otherwise obtain in a free market." Since NIL rules prohibit institutions from using NIL as a recruiting inducement, they restrict PSAs from being able to shop around for the best NIL offers from different schools. As a result, PSAs are unable to ensure that they are being compensated what the market dictates they are worth (whether PSAs' "worth" is related more to their athletic ability than their name, image, and likeness is a conversation for another NIL Update).

Days later, the NCAA filed its opposition to the plaintiffs' TRO and preliminary injunction, specifically stating that the plaintiffs were seeking relief against "longstanding and fundamental prohibitions against the professionalization of college sports." The NCAA pointed out that Tennessee's NIL law already restricts compensation arrangements designed to incentivize enrollment, the very thing the challenged NCAA rules prohibit. The Tennessee law states "To preserve the integrity, quality, character, and amateur nature of intercollegiate athletics and to maintain a clear separation between amateur intercollegiate athletics and professional sports, such compensation must not be provided in exchange for athletic performance or attendance at an institution."<sup>2</sup>

Additionally, the NCAA listed multiple procompetitive benefits from the challenged rules, including: preserving collegiate athletics as a unique offering; competitive balance among member

1 <https://fingfx.thomsonreuters.com/gfx/legaldocs/lgpdnblp0/pr24-10-NCAA.Antitrust-Tennessee-Virginia.pdf>

2 Tenn. Code Ann. § 49-7-2802(a).

institutions; and preventing student-athlete exploitation. The “preventing student-athlete exploitation” argument is particularly interesting, as the NCAA argued the challenged rules act as a “safeguard” for PSAs who are “unlikely to have an advanced understanding of their own NIL value...”

Ultimately, the TRO was denied in federal court. U.S. District Judge Clifton Corker ruled the potential harm claimed by the plaintiffs was not imminent and “is compensable by monetary damages and, thus, not irreparable.”<sup>3</sup> The TRO, however, is indicative of a new trend. A federal court recently issued a preliminary injunction on the NCAA’s transfer rule, effectively making the rule that restricts immediate eligibility for an undergraduate student-athlete who has transferred to a four-year institution previously unenforceable through the end of the 2023-24 academic year. Even though the Tennessee, Virginia TRO was rejected, it seems likely that another suit will eventually be filed in relation to reports of some future NIL investigation. To put it another way, TROs and lawsuits are procedures that the NCAA is getting to know All Too Well.

### III. NCAA’s Adoption of NIL Student-Athlete Protections

The NCAA Division I Council met in January at the 2024 NCAA Convention in Phoenix, AZ, where it adopted NCAA Division I Proposal No. 2023-58 (Name, Image and Likeness – Student-Athlete

Protections). The proposal will go into effect on August 1, 2024 and includes the following elements:

**1) Third-Party Service Providers.** The NCAA will create a centralized registry of professional service providers, including agent representatives, who are seeking to provide services to student-athletes.

**2) Disclosure of NIL Activities.** Student-athletes must disclose specified information related to NIL activities valued at \$600 or more to the institution no later than 30 days after entering or signing the agreement. Failure to disclose will result in the student-athlete becoming ineligible until the disclosure requirement is satisfied.

**3) Education.** The NCAA office will make comprehensive NIL education, including the provision of standardized contract terms for use in NIL agreements, available to prospective student-athletes, student-athletes, and professional service providers.

Part of the proposed bylaw’s rationale includes:

“This proposal is designed to assist student-athletes in making informed decisions as they navigate the environment surrounding name, image and likeness without exerting control over a student-athlete’s decision or curtailing their name, image and likeness opportunities. While congressional action and/or state laws could help regulate the name, image and likeness environment, this proposal should be considered the first step in creating protections for student-athletes in the name, image and likeness

environment, which must be regularly monitored to ensure the needs of student-athletes are met....”<sup>4</sup>

Like most new legislation, the NCAA’s new NIL Student-Athlete Protections proposal has been met with mixed reviews. On the one hand, a centralized NIL registry could be an effective way to empower student-athletes and fill a Blank Space by providing them with some transparency related to NIL agents for example. On the other hand, requiring the disclosure of all NIL activities over \$600 – at the risk of losing their eligibility – will potentially add a lot of liability for institutions and a lot of risk for student-athletes who could lose their eligibility for failing to disclose a deal. Not to mention, there will likely be some resistance from SAs who do not wish to disclose their NIL agents/inner circle. Student-athletes at public universities, for example, could potentially face public scrutiny if NIL details were obtained through a public records request.

As the NIL landscape continues to evolve, just like the eras of one of our culture’s biggest pop icons, no one is Out of the Woods yet.

<sup>3</sup> Daniel Libit, Judge Nixes Tennessee, Virginia NIL Injunction Push Against NCAA, Sportico, Feb. 6, 2024, <https://www.sportico.com/leagues/college-sports/2024/ncaa-nil-tro-tennessee-virginia-1234765691/>.

<sup>4</sup> [https://web3.ncaa.org/lstdbi/reports/pdf/searchPdfView?id=107554&businessCode=PROPOSAL\\_SEARCH\\_VIEW&division=1](https://web3.ncaa.org/lstdbi/reports/pdf/searchPdfView?id=107554&businessCode=PROPOSAL_SEARCH_VIEW&division=1)

## Former University of the South Women’s Basketball Head Coach Violated Sports Betting Rules

**B**rody Curry, the former University of the South women’s basketball head coach, violated NCAA sports betting and ethical conduct rules when he placed more than

\$93,000 in bets on college and professional sports over approximately two years, according to a decision released by a Division III Committee on Infractions hearing panel.

As a result of his involvement in the violations, the coach also violated head coach responsibility rules.

The school, head coach and enforcement

staff agreed that the violations in this case occurred when the coach placed more than \$93,000 in sports bets over a 26-month period, including 407 bets on college sports totaling \$28,000. Among those bets, 20 were on collegiate women's basketball games that did not include his team. The school educated coaches about rules around sports betting, so the coach knowingly broke NCAA rules.

"Given the prevalence of sports wagering activities on college campuses, it is arguably even more important that those closest to student-athletes refrain from such behaviors to protect student-athletes," the committee said in its decision.

It added: "Regardless of the evolving views and prevalence of sports wagering, such activities remain against NCAA rules. Given the prevalence of sports wagering activities on college campuses, it is arguably even more important that those closest to student-athletes

refrain from such behaviors to protect student-athletes."

This case was resolved through the cooperative summary disposition process.

The committee prescribed the following penalties and corrective measures:

- One year of probation.
- A \$1,500 fine (self-imposed by the school).
- A two-year show-cause order for the former head coach. During the show-cause order, any employing member institution shall be required to provide the head coach with individual monthly rules education during the two-year period. Additionally, if he becomes employed during the show-cause period, he shall be suspended for the first five regular-season contests during the first season of employment.

In a statement, AD John Shackelford said: "Brody has been an important part of the Sewanee family as a student-athlete, an alumnus, an assistant with our

men's program, and as the head coach of our women's basketball program."

University of the South will require in-person attendance by a member of the athletics department staff at the 2024 and 2025 NCAA Regional Rules Seminars (self-imposed by the school).

Members of the Committee on Infractions are drawn from the NCAA membership and members of the public. The members of the panel who reviewed this case are Tom Di Camillo, commissioner of the State University of New York Athletic Conference; Kenneth Elmore, president of Dean College; Donna Ledwin, chair of the committee and commissioner of the Allegheny Mountain Collegiate Conference; and Tom Simmons, athletics director at Ohio Northern.

## Bricker Graydon & INCompliance Consulting

Our athletic compliance team, comprised of attorneys, paralegals, consultants, and higher education specialists, believes that the best defense is a good offense. Our team can help your institution build a compliance program that meets today's obligations while keeping an eye on tomorrow.

Whatever the state of your existing compliance program, our multifaceted team can help assess your obligations, identify potential gaps in your day-to-day operations, develop appropriate policies and procedures, and train employees and those close to your program.



### OUR TEAM IS PARTICULARLY EXPERIENCED IN:

- Title IX, including the NCAA Policy on Campus Sexual Violence
- Name, Image and Likeness
- NCAA eligibility and waivers
- Investigations
- Intellectual property portfolio development and management
- Esports

and more!

For additional information visit



### LATHAM NAMED ASSOCIATE AD FOR COMPLIANCE AT CALIFORNIA BAPTIST

**N**ic Latham has joined California Baptist as the Associate Athletic Director for Compliance in January 2024 after spending three-and-a-half years as the Athletics Compliance Coordinator at Grand Canyon University. His primary responsibilities include overseeing and coordinating all financial aid functions for Lancer Athletics Compliance. Latham obtained a Masters of Sports Law and Business in the spring of 2019 and a Bachelor of Arts in Sports and Media Studies in May 2018 from Arizona State University. Before transferring to ASU, he attended Denison University and played NCAA DIII lacrosse from 2012-13. Latham and Assistant Director Matthew Ford will combine to oversee the NCAA Compliance for all 21 Lancer varsity and emerging Division I sports. Latham will also act as the Sports Supervisor for men's and women's swim & dive, men's and women's cross country & track, and men's water polo.

### JAKOBSZE NAMED ASSISTANT AD FOR COMPLIANCE AND NIL

**M**atthew Jakobsze, J.D., has been named Saint Louis University's Assistant Director of Athletics for Compliance and NIL. Jakobsze has more than a decade of experience in college athletics. Most recently, he served as the Associate Athletics Director for Compliance at the University of Missouri Columbia since 2019, where he managed the day-to-day compliance operations and was a member of the department's senior staff. At Mizzou, Jakobsze served as the sport administrator for women's gymnastics and women's soccer, overseeing a gymnastics program that wrapped up the 2022 season with a fifth-place finish at the NCAA

Championship, the highest in program history. Additionally, Jakobsze was heavily involved in the world of NIL – writing the department's NIL policy, advising on student-athlete and donor education, and consulting on the state of Missouri's NIL legislation. Jakobsze earned a B.A. in Psychology from Dominican University (River Forest, Ill.) in 2008, where he was a men's soccer student-athlete and team captain. In 2011, he graduated with a Juris Doctor from Northern Illinois University's College of Law.

### SIMMS NAMED ASSISTANT DIRECTOR, GOVERNANCE AND COMPLIANCE AT MOUNTAIN WEST

**T**he Mountain West Conference has announced that Andrew Simms has been hired as assistant director, governance and compliance. Simms is scheduled to finish his Juris Doctor at the DePaul University College of Law in May 2024. In his new role, Simms will support the day-to-day aspects of the Conference's governance and compliance efforts. Simms comes to the Mountain West from Loyola University Chicago, where he served as a compliance assistant from August 2022 to December 2023, helping modernize the Athletic Department's monitoring systems and supplying multiple interpretations to the University's executive-level leadership regarding potential, proposed and adopted NCAA legislation, NIL statutory law, and state-specific sports wagering laws. A native of Westminster, Maryland, Simms graduated from the University of Kentucky with a degree in business administration in 2018.

### RAIDBARD JOINS QU AS SENIOR ASSOCIATE AD OF COMPLIANCE & STUDENT DEVELOPMENT

**Q**uinnipiac University Athletics has announced the hiring of Matthew Raidbard

as its Senior Associate Athletic Director of Compliance and Student Development.

In his new role, Raidbard will oversee all aspects of the athletic department's compliance efforts. Additionally, he will direct all student-athlete life, skill, and leadership development programming.

He will also pioneer all aspects of student-athlete development programming designed to enhance personal, leadership and professional skills. Raidbard will lead group discussions and workshops designed to enhance the growth of Quinnipiac's student-athletes, helping current Bobcats foster skill sets required to succeed both personally and professionally.

Raidbard brings a wealth of student-development experience to Quinnipiac. He most recently served as Manhattan College's Senior Associate AD for NCAA Compliance and Student-Athlete wellness, working closely with the Athletic Director to manage the day-to-day operations of the department. While at Manhattan (since July 2022), Raidbard directed oversight and responsibility for the Jaspers compliance, academic success, student-athlete development, sports medicine and strength and conditioning offices/staffs. He led the charge on the department's strategic plan, which centers on ways to enhance the student-athlete experience/provide more resources to support college athletes.

Raidbard previously spent time at the University of Hartford (February 2020 – August 2021). His most recent title at Hartford was Executive Senior Associate Athletic Director of Administration, Compliance & Student-Athlete Success – where he led the development and implementation of the athletic department's strategic plan. Raidbard was responsible for overseeing the operations of the compliance, academics, student-athlete welfare, facilities, events, sports medicine, strength & conditioning, and

diversity, equity, and inclusion offices while at Hartford.

He also made professional stops at University of Northern Colorado (July 2019 – February 2020) and Chicago State University (August 2016 – February 2019). Raidbard served as Assistant Athletic Director for Compliance at Northern Colorado, and as Associate Athletic Director for Compliance at Chicago State.

In addition to his student-athlete experience & compliance background, Raidbard has made multiple stops in the industry on the coaching side. He has worked for Chicago State University (August 2010 – August 2018), Dartmouth College (August 2008 – May 2009) and Western New Mexico (August 2006 – June 2008) as an Assistant Men's Basketball Coach. Raidbard also served as Video Coordinator/Executive Assis-

tant at Florida Gulf Coast University in 2009/2010.

Raidbard graduated from Indiana University at Bloomington with a Bachelor of Arts in Classical Studies & History in 2006. He then earned a Master of Arts in Educational Leadership at Western New Mexico University in 2008. In 2019, Raidbard received his Doctor of Education (Ed.D) in Educational Leadership from Chicago State University.

## NCAA: NIL-related Recruiting Violation Occurred in Florida State Football Program

**A** Florida State assistant football coach violated NCAA rules when he facilitated an impermissible recruiting contact between a transfer prospect and a booster, according to an agreement released by the Division I Committee on Infractions. During that contact, the booster encouraged the prospect to enroll at Florida State and offered a name, image and likeness deal as a recruiting inducement, according to the Committee. The assistant coach then violated ethical conduct rules when he provided false or misleading information about his involvement in the arranged meeting.

The school, assistant coach and enforcement staff agreed that the violation occurred after a prospective transfer student-athlete entered the NCAA Transfer Portal and communicated with the assistant coach to arrange an official visit to Florida State. During that visit, the assistant coach transported the prospect and his parents to and from an off-campus meeting with a booster, who at the time was the chief executive officer of an NIL collective that also was a booster. The prospect and his parents stated the assistant coach informed them that they would be meeting with the booster. The coach did not stay for the meeting.

During the meeting, the booster encouraged the prospect to enroll at

Florida State and offered him an NIL opportunity with the collective worth approximately \$15,000 per month during his first year at the school. After the meeting, the booster contacted the prospect and the prospect's mother via text message and/or phone call. Shortly thereafter, the prospect withdrew his name from the Transfer Portal and remained at his previous school. The prospect did not enter into an agreement with the booster or receive any related compensation.

The school and enforcement staff agreed that the meeting with the booster violated several recruiting rules. Specifically, the meeting constituted an impermissible recruiting contact because boosters are not authorized recruiters and generally cannot have in-person, off-campus contact with prospects. The booster also violated recruiting rules when he initiated telephonic communication with the prospect and his mother. Additionally, the booster's proposed NIL opportunity constituted an impermissible recruiting inducement.

The school, enforcement staff and assistant coach also agreed that during the enforcement staff's investigation, the assistant coach violated unethical conduct rules when he knowingly provided false or misleading information about his knowledge of and involvement in

the violations. Specifically, on two occasions, he denied facilitating the meeting between the booster, prospect and prospect's family. However, the assistant coach was truthful about aspects of the violations, including acknowledging his role in transporting the prospect and his parents to the location where they met with the booster. Although providing false and misleading information historically supports a Level I violation, the unique facts and circumstances of this case supported a Level II violation.

This case was processed through the negotiated resolution process. The process was used instead of a formal hearing or summary disposition because the university, enforcement staff and assistant coach agreed on the violations and the penalties. The Division I Committee on Infractions panel reviewed the case to determine whether the resolution was in the best interests of the Association and whether the agreed-upon penalties were reasonable. Negotiated resolutions may not be appealed and do not set case precedent for other infractions cases.

The university, enforcement staff and assistant coach used ranges identified by the Division I membership-approved infractions penalty guidelines to agree upon Level II-standard penalties for the university and Level II-aggravated penalties for the assistant coach. The



decision contains the full list of penalties as approved by the Committee on Infractions, including:

- Two years of probation.
- A two-year show cause order for the assistant coach, including a suspension from the next three regular-season games, a two-week restriction on recruiting communication, and required attendance at a NCAA Regional Rules Seminar attendance.
- A restriction from off-campus recruiting during fall 2023 for the assistant coach.
- A three-year disassociation from the booster.
- A one-year disassociation from the collective.
- A \$5,000 fine plus 1% of the football budget.
- A 5% reduction in football scholarships over the two-year probationary period, amounting to a total reduction of five scholarships.
- A reduction in official (paid) visits in the football program in the 2023-24 academic year by seven. The school also will not roll over six unused official visits from the 2022-23 academic year.
- A reduction in football recruiting communications for a total of six weeks during the 2023-24 and 2024-25 academic years.

- A reduction in the number of in-person recruiting days during the 2023-24 academic year by six evaluation days during fall 2023 and 18 during spring 2024.

Members of the Committee on Infractions are drawn from the NCAA membership and members of the public. The members of the panel who reviewed this case are Tricia Turley Brandenburg, chief hearing officer for the panel and executive associate athletics director and senior woman administrator at Army West Point; Stephen Madva, attorney in private practice; and Vince Nicastro, deputy commissioner and chief operating officer of the Big East Conference.

## COLLEGE

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but not in the way that many would expect. Specifically, we find that institutions that are size-appropriate, and as a result have the resources to play Football Bowl Subdivision athletics, also have higher measures of educational quality.

“Athletics is to the university like the front porch is to a home. It is the most visible part, yet certainly not the most important.”

*Dean Smith, Legendary UNC basketball coach*

### INTRODUCTION

College administrators and athletic departments, along with the media and much of the broader public, understand the common claim that college athletics is the “front porch” to the university. The idea behind the front porch hypothesis is that institutions of higher education seek to maximize their prestige and brand, and that athletics is a key component of this pursuit (Ngo et. al., 2022). The prominence of the front porch idea is so widespread and deeply held that “most of the larger American universities . . . design their athletic programs around the front porch proposition . . .” (Suggs,

2009, p. 13). Athletic departments argue that a university can “leverage” the athletic program to its benefit, through visibility and compelling stories that may lead to higher enrollment and greater donations (Advancement Resources, March 11, 2019, Davidson, 2021). Athletic directors understand a clean front porch as a key component to a university’s overall image and a means to establish trust with university constituents (Pratt, 2013). Moreover, athletics may provide information to prospective students and other university constituents about overall institutional quality. In effect, the front-porch hypothesis may encompass advertising, image, exposure, and information.

Nonetheless, many constituents of higher education are cautious or skeptical. A wide array of athletic scandals has undermined public support (Suggs, 2003) and led to calls for reform (Gurney et. al., 2017; Mitchell, 2018). For example, Gerdy (2016) calls on university trustees to apply greater scrutiny to the athletic programs under their charge, and Ennis (2016) wonders if the academic side of the university can reclaim the front porch through “academic outreach” (para. 4)

such as public lectures and entrepreneurship incubators. Branch (2011) even goes so far as to call into question the very ethics of college sports.

Two sets of questions, related but distinct, are of importance when examining the hypothesis that college athletics are the “front porch” of a university. First, does the public believe or perceive that college athletics are a good indicator of overall institutional quality? That is, if the public observes success on the field and court, do they infer that the institution is well-run and reward the institution with more students, higher quality students, and greater donations? Does it matter if winning programs are “clean” and scandal-free? Second, moving away from belief and perception to reality, is the question of whether an attractive front porch is truly indicative of institutional quality. More directly, do universities with winning athletic programs rank high on metrics of academic and educational quality, and does it matter if the athletic program is well-run and scandal-free?

This study focuses on the second set of questions. Specifically, we examine the empirical relationship between

athletic success and educational quality for Football Bowl Subdivision (FBS) institutions. Using data from the Wall Street Journal/College Pulse Best Colleges Ranking on educational quality and measures of athletic success in football and men's basketball, we empirically test the relationship between football and men's basketball success and educational quality. We also test whether institutions that heavily subsidize their athletic departments from the broader institutional budget are associated with lower-quality education. Probing further, we test the link between athletic subsidies and the size of a university relative to its peers.

We conclude that universities with athletic departments that win with self-generated resources are likely to be well-run and -managed and so offer quality academic programs and educational opportunities. Universities with athletic departments that lose, and this despite significant subsidies from the institutional budget, are likely to be institutions that make poor decisions with respect to their academic program as well. An administration and board of trustees that put their athletic department in a position where it can neither compete on the field or court, nor generate sufficient funds to support itself, may be doing a poor job of managing the educational program.

In the following section, we provide a brief overview of the literature on the link between athletic success and the public's response to it, looking at performance on and off the field and court. We then look briefly at the economics of information and advertising to provide a theoretical underpinning to the front porch hypothesis. In the fourth section, we discuss methodology, and in the fifth section, we explain the data used in the empirical tests presented in section six. We discuss the implications of our work in section seven and opportunities for future research in section eight.

## LITERATURE REVIEW

### The Link between College Athletic Success and Public Response

The literature on college athletics is vast. In this section, we examine literature on how the public – prospective and current students (and presumably their parents) and donors – respond to athletic success.<sup>1</sup> We note at the outset that some literature supports the hypothesis that the public perceives athletic success as indicative of institutional quality, whereas other literature does not support this hypothesis.

### On-Field and On-Court Success and Public Response

In an early piece, McCormick and Tinsley (1987) argue that the athletic-academic relationship is symbiotic, so that athletic success yields a beneficial advertising effect for the entire university. These authors support their hypothesis by finding that members of major conferences and prominent independents have higher incoming SAT scores for freshmen. In later work supportive of the advertising effect, Mixon (1995), Mixon et. al., (2004), Pope and Pope (2009), and Chung (2013) also find positive relationships between basketball and football success and student quality. Mixon and Trevino (2005) consider freshmen retention and graduation rates and find that football success leads to higher rates of both. In a slight variant of these results, Smith (2009) finds that SAT scores and high school GPA and rank are positively correlated with a winning football program and a strong football tradition, but that the school's football tradition matters more.

Other researchers investigate the relationship between athletic success and giving to the university. Stinson et. al.,

(2012) find that the return on investment for athletic expenditures is positive for FBS schools with respect to core and gift revenues. They also find that athletic expenditures lead to higher graduation rates. Koo and Dittmore (2014) trace causality from football success to giving to the athletic and academic programs and find not crowding out but rather a symbiotic relationship as McCormick and Tinsley argued. Chung (2015) also finds that winning brings greater revenue for the athletic department.

Against this body of evidence stands the work of other researchers who do not find a link between resources devoted to athletics and positive public response. Litan et. al., (2003) and Orszag and Orszag (2005) find no proven correlations between operating expenses for athletics and SAT scores or alumni giving. Baumer and Zimbalist (2019) find that successful basketball and football programs have a positive effect on SAT scores and donations, respectively, but that the effects are negligible. In papers unique to this literature, Zoda (2012) and McDermond (2021) examine Football Championship Subdivision (FCS) schools only. Zoda finds no link between spending on football and higher SAT scores, and McDermond finds that institutional expenditures on athletics have no effect on enrollment, applications, or student quality.

Taking a similar approach, some researchers question the costs of the apparent benefits from athletics. Desrochers (2013), for example, acknowledges the “campus spirit, name recognition, and reputation” (p. 2) that athletics may bring, but wonders if these benefits are worth the high and rising costs and heavy institutional subsidies they often require. Frank (2004) doubts that they are, arguing that college athletics is like an entrapment game in a winner-take-all market: although a few schools win, most lose financially with bid escalation.

<sup>1</sup> Vanover and DeBowers (2013) provide a broad overview of the effects of college athletics on many constituents and outcomes, including student-athletes, non-student athletes, faculty, multiculturalism, community colleges, university rankings, and college finances.

Zimbalist (2010) follows a similar line of reasoning by asking tough questions of the evidence linking athletic success to overall benefits to the university. He asks, for example, not if the return on investment in athletics is positive, but rather how this return compares to the rate that would be earned from other investments in the university. He points out that the return to investments in athletics is overestimated if the costs include only operating costs and exclude capital costs. Further, if athletic success brings gains, does it not follow that losing erases these gains?

Taking a somewhat different approach, Ridpath et. al., (2015) highlight the substantial student fees and other institutional subsidies used to support the athletic program. Using survey evidence from a Mid-American Conference school, where student fees are high and subsidies are common, they find that a substantial share of students is aware of athletic fees but that few students are aware of the amount of the fees and that few value athletics highly. Moreover, Davidson (2021) finds no evidence that student fees increase the winning percentage of an institution's football or men's basketball programs.

#### **Off-Field and Off-Court Success and Public Response**

Research on off-field and –court success, or perhaps more accurately, failure, is limited. Eggers et. al., (2019), however, test the effects of athletic malfeasance on student profile using FBS men's basketball programs. They find that post-season tournament bans reduce the class rank and GPA of incoming high school students (though not mean SAT scores) and conclude that their results are “consistent with the supposition that prospective students use athletics as a signal for university quality” (p. 10), supporting the proposition that “university athletics are indeed the front porch to a university” (p. 11). Fleisher III et. al. (1992) find

that the mean winning percentage of college football teams placed on probation declines in the second, third, and fourth years after the team has been put on probation, and Rhoads and Gerking (2000), find that probation of the men's basketball program (although not the football program) reduces alumni contributions.<sup>2</sup>

On the other hand, Smith (2015) cites deterrence theory, which argues that sanctions are only effective if they are certain, swift, and severe and argues these criteria do not apply to college athletics, no matter how “visible” they are. In his empirical work, he finds that NCAA sanctions have little to no effect on football or basketball winning, revenue, or home attendance, or on freshman applications.

#### **Summary of the Literature**

The literature on the effects of athletic success, on and off the field and court, is vast, and although this review is not exhaustive, the upshot from the review is that the evidence is mixed. This paper advances the literature by determining whether a positive public response to athletic success, on and off the field and court – in effect, to the university's “front porch” -- is warranted. More directly, this paper tests the hypothesis of whether a well-run athletic program is, in fact, a good indicator of an institution's educational quality. Before turning our attention to the link between athletic success and educational quality, we look briefly at the economics of information and advertising.

### **THEORETICAL FRAMEWORK**

#### **The Economics of Information and Advertising**

The acquisition of information about products can be costly for consumers. Applying standard economic analysis

to information implies that consumers will search and acquire information until the marginal benefit of search and inquiry equals the marginal cost. As Stigler (1961) puts it, rational, optimizing consumers will search until “the cost of search is equated to its expected marginal return” (p. 216). The time and effort invested to acquire information varies significantly across products. Stigler's rational, optimizing consumer will invest few resources in determining the right tube of toothpaste to buy but will invest substantial resources in determining the right product to buy if that product is complex, bundled, or one for which quality is difficult to assess. Moreover, Stigler (1961) argues that consumers will incur even higher search costs if the prospective purchase is a large share of the consumer's budget or if the geographic size of the market is large.

Advancing the work of Stigler, Nelson (1974) distinguishes between search goods, for which quality can be determined relatively easily by inspection prior to purchase, and experience goods, for which quality cannot be determined by simple inspection prior to purchase. Nelson argues and presents empirical support for the proposition that advertising is more prevalent for experience goods than for search goods and that the purpose of the advertising is to enhance the firm and product's reputation as opposed to providing direct information on the product.

From the economics perspectives on information and advertising, the reasoning grounding the front porch hypothesis is sound. A college education is a complex product with many attributes and with quality that is difficult to determine before purchase and so fits the characteristics of an experience good. In addition, a college education is costly, and for many buyers, the market is large geographically. For all these reasons, advertising is important to colleges and universities, and athletics is one way to advertise. In the words of

<sup>2</sup> Although Fleisher III et. al. (1992) argue that the net effect of NCAA enforcement is to protect the status quo among college football powers, Depken II and Wilson (2006) find that NCAA enforcement improves the competitive balance in college football.

Ridpath et. al., (2012),

(S)ome university leaders justify the increase in dollars to athletics . . . by saying that the university is using these major sports as the 'front porch' of the university. The 'front porch' mentality seems to mean that sports are the easiest way to nationally advertise and draw attention to the school (p. 80).

We argue then that athletics provides advertising and exposure for a college or university and valuable information to prospective students and their parents about educational quality. Athletic success informs the prospective consumer that the university in question has not only winning athletic teams but also quality academics. If this is the case, observing the university's athletic program is a sensible way to reduce search costs.

Are these assertions correct? More directly, is athletic success a good indicator of educational quality? And, if so, what measures of success, on and off the field and court, matter? We now turn our attention to these questions, which provide our work's contribution to the existing literature.

**METHODOLOGY**

To test the link between athletics and overall educational quality, we employ three sets of empirical tests.

- First, we examine the link between educational quality and athletic success on the field and court.
- Second, we examine the link between educational quality and athletic success off the field and court.
- Third, we examine relative institution size as a determinant of athletic department management and overall institution management.

We emphasize that our first and second tests are strictly about correlation and not causation: can an unbiased observer conclude that athletic success – on the field and court, off the field and court, or both – is associated with an overall superior

institution that provides the benefits of a sound educational program and positive student experience? Our third test, however, lends itself to interpretations that may indicate causation.

**DATA**

Before presenting the empirical models and test results, we discuss the data.

**Measure of Institutional Quality**

Our measure of institutional quality is the *Wall Street Journal*/College Pulse Best Colleges Ranking for 2024.<sup>3</sup> This measure utilizes three student-centered metrics – student outcomes, the learning environment, and diversity -- with the goal of “measuring the value added by college—not simply measuring their students’ success, but focusing on the contribution the college makes to that success” (Carr, 2023).<sup>4</sup>

**Measures of On-Field and -Court Success**

Our determinants of success on the field and court use the season-ending

<sup>3</sup> Data used by the WSJ/College Pulse Ranking are from 2019 to 2023. We note that for our purposes the Wall Street Journal/College Pulse Rankings compares favorably to other college rankings. The U.S. News & World Report college rankings have a longer history and perhaps larger following. Nonetheless, Fisher (2009) cites studies that call this ranking into question because of evidence that some schools report inaccurate or fraudulent data to raise their rankings. Forbes list of America's top colleges provides a ranking but not a quantitative measure of institution quality, and the Princeton Review provides rankings of specific metrics of institutional quality (e.g., Academics & Administration, Quality of Life, and Social Scene) but does not provide overall college rankings.

<sup>4</sup> Student Outcomes account for 70 percent of the ranking and measure salary, years to pay off the net price, and graduation rates. The Learning Environment accounts for 20 percent of the ranking and is based on student surveys. The measure includes learning opportunities, career preparation, facilities, and recommendations. Diversity accounts for 10 percent of the ranking and measures student interactions with members of the campus community with different backgrounds, ethnicity, family earnings, countries, and with students with disabilities. For a complete discussion of the methodology of the WSJ/College Pulse Ranking, see Carr (2023) and <https://www.wsj.com/rankings/college-rankings/best-colleges-2024>.

ESPN Football Power Index (FPI) and ESPN men's Basketball Power Index (BPI). Both of these indexes measure “how many points above or below average a team is.” Specifically, for football, the ratings are “composed of a predicted offensive, defensive and special teams component” that measures the “number of points each unit is expected to contribute to the team's net scoring margin on a neutral field against an average FBS opponent.”<sup>5</sup> We take data from the last five years and calculate the average and standard deviation of the respective power indexes. The actual variables we use are the inverses of the coefficients of variation of the power indexes (i.e., Average FPI/Standard Deviation FPI and Average BPI/Standard Deviation BPI). We argue that these measures are better than simple FPIs or BPIs because they add consistency to the measures of on-field and -court performance. With this measure, if two above (below) average teams had the same average FPI or BPI, the team with less season-to-season variability in performance would have a higher (lower) score.

**Measures of Off-Field and -Court Success**

We utilize four measures of off-field and -court performance.

- First, we use the percentage of athletic department revenues that are subsidized by the broader institutional budget. These data are available for 2021-22 from the USA Today and provide information on athletic department revenues, expenses, and “total allocated,” which is defined as the “sum of student fees, direct and indirect institutional support and state money allocated to the athletic department, minus certain funds the

<sup>5</sup> As a result, power indexes are positive for above-average teams and negative for below-average teams. For complete details on the methodology used to calculate the power indexes, see <https://www.espn.com/college-football/fpi> and <https://www.espn.com/mens-college-basketball/bpi>.

department transferred back to the school.”<sup>6</sup> The subsidy percentage is calculated as the value of “total allocated” divided by total athletic revenues.<sup>7</sup>

6 For a full discussion of the methodology of this measure, see <https://www.usatoday.com/story/sports/2023/04/14/college-sports-finances-ncaa-revenue-expense-database-methodology/11664404002/>

7 As an example of the contribution of student fees to the athletic budget, student fees provide no revenues to the athletic budget of Ohio State University but provide 85 percent of the budget at Ohio University.

- Second, we use the academic progress report for football and men’s basketball for the 2021-22 academic year. This measure is a four-year average, and higher scores indicate greater academic progress.<sup>8</sup>

- Third, we use a dummy variable for NCAA major infractions in football

We thank an anonymous reviewer for this telling anecdote.

8 Data for Academic Progress Rates by institution and by year are available at <https://web3.ncaa.org/aprsearch/aprsearch>.

or men’s basketball from 2018 to 2022. Schools that had committed an infraction were coded with a one.<sup>9</sup>

- Fourth, we consider relative university size, defined as the number of standard deviations from the mean of a university’s undergraduate enrollment.

Table 1 provides descriptive statistics

9 Data for Major Infractions by institution and by year are available at <https://web3.ncaa.org/lstdbi/search?types=major&q=>.

**Table 1**

*Descriptive Statistics*

Variable	Mean	Std. Dev.	Minimum	Maximum
WSJ Education Score	65.14	9.95	41.6	84.2
Inverse C.V. of FPI	0.25	2.61	-5.86	8.71
Inverse C.V. of BPI	1.82	2.40	-3.33	11.06
Subsidy Percentage	30.22	27.45	0	79.21
APR Football	966.66	16.43	916	996
APR Basketball	970.14	18.83	922	1,000
NCAA Major Infraction	0.21	0.41	0	1
Relative University Size	0.00	1.00	-1.74	4.10

for the 97 FBS schools for which we have complete data.

**EMPIRICAL TESTS AND RESULTS**

We now turn to our empirical tests of the correlation between educational quality and athletic success, on and off the field. After presenting these tests, we examine athletic department management more closely.

**Educational Quality and On-Field and -Court Success**

To determine the correlation between educational quality and athletic success on the field and court, we estimate the following equation with OLS:

$$\ln \text{WSJ Education Score}_i = a_0 + a_1 \text{Inverse C.V. FPI}_i \text{ (or BPI}_i) + \epsilon_i$$

The results, shown in Table 2, indicate that football and basketball success on the field and court are associated with higher scores of educational quality: the correlations between the inverses of the coefficients of variation for the FPI and

BPI are positively and significantly correlated with the natural log of the WSJ education quality score. These results, taken alone, provide support for the front porch hypothesis. A one-standard deviation increase in the inverse of the football and basketball coefficients of variation in the third regression raises the WSJ education score by 5.2 points.

**Educational Quality and Off-Field and -Court Success**

We next test the correlation between

**Table 2**

*Educational Quality and On-Field and -Court Success*

**Dependent Variable: Log of WSJ Education Score**

<b>Independent Variable</b>	<b>Coefficient/t-stat</b>	<b>Coefficient/t-stat</b>	<b>Coefficient/t-stat</b>
Inverse C.V. FPI	0.025/4.26***		0.019/2.68***
Inverse C.V. BPI		0.023/3.62***	0.012/1.63
Constant	4.16/274.57***	4.12/212.80***	4.14/210.64***
Adj. R-square	0.15	0.11	0.17
F-statistic	18.18	13.11	10.58
N	97	97	97

\*significant at the 10% level for a two-tail test; \*\*significant at the 5% level for a two-tail test; \*\*\*significant at the 1% level for a two-tail test

educational quality and how the athletic department performs off the field and court. Whether a winner or a loser, is the athletic program financially sound? Do its student-athletes measure up academically? Does the athletic program follow the rules? Is the athletic program “clean”

and scandal free?

To determine the correlation between educational quality and athletic success off the field and court, we estimate the following equation with OLS:

$$\ln \text{WSJ Education Score}_i = a_0 + a_1 \text{Subsidy Percentage}_i + a_2 \text{APR}_i \text{ for}$$

**Football (or Basketball) + a<sub>3</sub> NCAA Major Infraction<sub>i</sub> + ε<sub>i</sub>.**

The results are shown in Table 3.

Of interest, neither the academic progress of athletes nor an NCAA major infraction is correlated with the measure of educational quality. The financial

**Table 3**

*Educational Quality and Off-Field and -Court Success*

**Dependent Variable: Log of WSJ Education Score**

<b>Independent Variable</b>	<b>Coefficient/t-stat</b>	<b>Coefficient/t-stat</b>	<b>Coefficient/t-stat</b>
Subsidy Percentage	-0.0026/-4.29***	-0.0026/-4.75***	-0.0026/-4.21***
Football APR	0.0004/0.42		0.0002/0.19
Basketball APR		0.0006/0.76	0.0006/0.66
NCAA Major Infraction	0.043/1.20	0.040/1.10	0.041/1.11
Constant	3.82/3.89***	3.64/4.66***	3.50/3.17***
Adj. R-square	0.21	0.21	0.21
F-statistic	9.56	9.73	7.23
N	97	97	97

\*significant at the 10% level for a two-tail test; \*\*significant at the 5% level for a two-tail test; \*\*\*significant at the 1% level for a two-tail test

variable, the share of the athletic budget subsidized from the broader institutional budget, is however, highly significant. A one-standard deviation increase in the subsidy percentage in the third regression would reduce the WSJ education score by 2.5 points.

In Table 4, we show the results of regressions when we combine the on- and off-field and court metrics of athletic performance. We find that, unlike in Table 2, the measures of football and

basketball success are no longer significant. The athletic department's subsidy percentage remains significant in all three regressions, with coefficient values and significance levels comparable to those shown in Table 3. The other measures of athletic department performance off the field and court remain insignificant as in Table 3. Drawing inferences from these results, we conclude that a university that runs an athletic department that cannot fund itself may also provide a broad-based

educational product that is inferior to that of its peers with financially-sound athletic programs. Athletic costs that are unsustainable must receive revenues from another source, and an institution's educational programs are one such source (Suggs, 2009).

**Athletic Department Subsidies and Institutional Management**

Since the percentage of athletic revenues subsidized is consistently and negatively correlated with the WSJ edu-

**Table 4.**

*Educational Quality and On- and Off-Field and -Court Success*

**Dependent Variable: Log of WSJ Education Score**

<b>Independent Variable</b>	<b>Coefficient/t-stat</b>	<b>Coefficient/t-stat</b>	<b>Coefficient/t-stat</b>
Inverse C.V. FPI	0.0087/1.13		0.0093/1.16
Inverse C.V. BPI		0.0026/0.32	0.0005/0.06
Subsidy Percentage	-0.0021/-2.84***	-0.0025/-3.45***	-0.0020/-2.38**
Football APR	0.0002/0.19		-0.00009/-0.08
Basketball APR		0.0006/0.70	0.0007/0.76
NCAA Major Infraction	0.0403/1.11	0.0390/1.07	0.0366/0.99
Constant	4.03/4.04***	3.67/4.64***	3.64/3.28***
Adj. R-square	0.21	0.21	0.20
F-statistic	7.51	7.25	5.04
N	97	97	97

\*significant at the 10% level for a two-tail test; \*\*significant at the 5% level for a two-tail test; \*\*\*significant at the 1% level for a two-tail test

cation score, we further investigate its determinants. The revenue side surely matters, and McEvoy et. al., (2013) and Chung (2015) find that winning football and men's basketball programs bring in greater revenue, a finding that McEvoy et. al., (2013) conclude provides "support for using the 'have's' and 'have nots' to describe athletic programs" (p. 263). Corroborating this conclusion, Gurney et. al., (2017) document a trend of vast and rising differences in revenues gener-

ated across college athletic programs.<sup>10</sup> Following the lead of these researchers, we include the inverse coefficients of variation of the ESPN football and basketball power indexes in our empirical estimate.

We hypothesize in addition that an institution's resource base is an important

<sup>10</sup> Ngo et. al., (2022) provide empirical evidence that the NCAA's Cost of Attendance policy adopted in 2015 increased financial pressures on non-Power 5 schools and increased the resource disparity between Power 5 and non-Power 5 institutions.

determinant of athletic department subsidies. We argue that an institution's size, relative to its peers, will also determine athletic department subsidies. To measure relative size and the resources it may generate through attendance at games, television viewing, and donations, we use a university's total number of undergraduates and calculate the number of standard deviations from the mean number of undergraduates for each university in our sample. In effect,

**Athletic Subsidy<sub>i</sub> = a<sub>0</sub> + a<sub>1</sub> Inverse C.V. FPI<sub>i</sub> (or BPI<sub>i</sub>) + a<sub>2</sub> Relative University Size<sub>i</sub> + ε<sub>i</sub>.**

As shown in Table 5, winning athletic programs reduce subsidies. Our measures of on-field and –court success are negatively and significantly correlated with the share of athletic department revenues drawn from the overall institutional budget. But, size matters too.

Holding winning constant, the larger an institution is relative to its peers, the lower the share of athletic revenues drawn from the institutional budget. The coefficient on relative university size is negative and significant in the regressions that include the inverse of the coefficient of variation of the FPI or the inverse of the coefficient of variation of the BPI. Although the relative university size vari-

able loses significance in the regression with both inverses of the coefficients of variation of the power indexes included, its sign remains negative.

We note that these results are consistent with evidence on median revenues, expenses, and athletic subsidies for Division I institutions that Desrochers (2013) presents and with Ridpath et. al., (2012), who argue that for “mid-majors”

**Table 5**

*Athletic Department Subsidies and On-Field and –Court Success*

**Dependent Variable: Percentage of the Athletic Budget Subsidized**

<b>Independent Variable</b>	<b>Coefficient/t-stat</b>	<b>Coefficient/t-stat</b>	<b>Coefficient/t-stat</b>
Inverse C.V. FPI	-6.22/-7.12***		-4.29/-4.86***
Inverse C.V. BPI		-6.63/-7.06***	-4.53/-4.78***
Relative University Size	-4.94/-2.17**	-5.47/-2.42**	-2.65/-1.26
Constant	31.79/15.48***	42.27/15.85***	39.54/16.08***
Adj. R-square	0.46	0.46	0.56
F-statistic	42.51	41.92	42.54
N	97	97	97

\*significant at the 10% level for a two-tail test; \*\*significant at the 5% level for a two-tail test; \*\*\*significant at the 1% level for a two-tail test

– relatively small Division I schools – expenditures on athletics do not lead to winning, nor are they advantageous to the university as a whole.<sup>11</sup> In effect, these findings support the front porch hypothesis, but perhaps not in a way that many expect. A school that subsidizes a losing athletic program that lacks the resource base to support itself may also have a poor-quality educational program.

<sup>11</sup> This finding is also consistent with the work of McDermand (2021) on FCS schools, where budgetary pressures may be acute and where athletic expenditures account for a higher share of the budget than at FBS schools.

Last, we test the link between academics, athletics, and institution size directly by regressing the WSJ education score against the relative university size variable, as shown in the equation below:

$$\ln \text{WSJ Education Score}_i = a_0 + a_1 \text{Relative University Size}_i + \epsilon_i.$$

The point of the test is to address the following question: does an institution that is well-positioned in its athletic program – the athletic program is competitive on the field and court and generates sufficient resources so that it isn’t a burden to the overall budget -- of-

fer a quality educational program? The empirical evidence presented in Table 6 suggests the answer is “yes.” The sign on the relative size of a university is positive and significant, and a university that is one standard deviation above the mean in number of undergraduates has a WSJ education score 5.8 points higher than the average size school.

This result is consistent with well-reasoned expectations. Large schools have not only more students, many of whom support athletics, but also and more importantly, larger alumni and fan bases from which to draw support for the



**Table 6***Educational Quality and Institution Size***Dependent Variable: Log of WSJ Education Score**

<b>Independent Variable</b>	<b>Coefficient/t-stat</b>
Relative University Size	0.087/6.21***
Constant	4.16/300.18***
Adj. R-square	0.28
F-statistic	38.62
N	97

\*significant at the 10% level for a two-tail test; \*\*significant at the 5% level for a two-tail test;  
 \*\*\*significant at the 1% level for a two-tail test

athletic program. An unbiased observer could conclude reasonably that these institutions are well-managed and have adequate resources to fund their athletic and academic programs. Moreover, an institution with a right-sized athletic program will divert fewer resources from its educational mission to support athletics. On the other hand, relatively small schools within a given NCAA division lack the strong student, alumni, and fan bases to support their athletic programs. An unbiased observer may conclude that an athletic program that is too small for the NCAA division in which it competes indicates that the athletic and academic programs are poorly managed. Such an institution will divert more resources from its educational mission to support athletics, and these diverted resources are paid for typically by low-income students (Davidson, 2021). This trend is exacerbated by changes in NCAA policies that demand an increase in expenditures and corresponding revenues for the athletic program; one such example is the adoption of Cost of Attendance policies in 2015 (Ngo et al., 2022). The financially-sound decision for institutions that cannot afford their current NCAA division is to reclassify to a lower NCAA division (Davidson, 2021).

This finding is consistent with Lipford and Slice (2017) who find that be-

cause a high share of athletic costs is fixed, small schools face higher per-student costs for their athletic programs and that these costs escalate as the division of play rises (e.g., from Division II no football to Division II with football to Division FCS to Division FBS). Despite these costs, many institutions attempt to “play above their weight as a means of chasing visibility, funds, and students” (Suggs, 2009, p. 14). Deemphasizing athletics, while possible, is difficult (Hutchinson 2013), as such decisions run afoul of university politics, and the consequences for college presidents can be severe (Jarvis, 2019).

### **DISCUSSION AND IMPLICATIONS**

The upshot of this analysis supports the front-porch hypothesis. The findings expand the literature on the front porch hypothesis by testing the proposition that a well-run athletic program is indicative of a quality educational product. Empirical analysis supports this conclusion. Athletic teams that win on the field and court and have the resources to do so indicate that an institution is likely well managed with a quality academic program that benefits its students. On the other hand, an institution that is managed by an administration and governing board that insist on maintaining an athletic program that, given its NCAA division, is not competitive and requires a substantial

draw of resources from the overall institutional budget, is likely poorly managed with an educational program of marginal value for its students.

Although our analysis in no way measures economies of scale properly defined, it does deal with fixed cost-spreading, and Stigler’s (1958) warning that “competition of different sizes of firms sifts out the more efficient enterprises” (p. 2) may apply. Institutions that have insufficient resources to fund their athletic programs are likely to have insufficient resources to fund their educational programs as well. A shabby front porch may indicate that the rest of the house is in a state of disrepair -- and is hardly inviting.

Institutions of higher education can use these findings to evaluate their athletic programs. Administrators may rightly conclude that winning athletic programs that draw few resources from the overall institutional budget should be continued. However, if an institution’s athletic programs are losing and siphoning resources from the educational mission of the university, administrators may want to re-evaluate the scope and scale of their athletic programs.

### **LIMITATIONS AND RECOMMENDATIONS FOR FUTURE RESEARCH**

A limitation of this study is that the

sample consists only of FBS schools. The findings are consistent with expectations of the role of athletics for FBS schools that often play on television and before large crowds, and so may use athletics for advertising and exposure and to provide information to the institution's prospective customers. Along with the expected applicability of the front-porch hypothesis, the other reason for limiting the study to FBS institutions was the availability of data to conduct our analysis.

The limitations of our study, however, indicate opportunities for future research that addresses the applicability of the front-porch hypothesis to FCS, Division II, and Division III institutions. An examination of academic quality, athletic teams' winning, athletic department subsidies, and institution size for smaller schools would provide a more complete determination of the role of athletics for colleges that are trying to increase their exposure and expand their markets. In effect, what are the payoffs for investments in athletics for institutions of different sizes that play at different NCAA levels? Future research on this and related questions would shed more light on our findings, and if upheld, reinforce the conclusions we have drawn.

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## NCAA

Continued From Page 1

These rules are effective August 1, 2024.

Division I also proposed rules around institutional involvement and recruiting activities, including defining an NIL entity (collective) and expressly prohibiting contact between NIL entities and prospects (recruits). Schools would also have more freedom communicating with NIL entities regarding current student-athletes. These rules could be adopted as early as April 2024.

2. New Division I Enforcement Rules to Hold Schools, Coaches, Staff Members Accountable

In addition to the NIL rules, Division I approved new rules that will likely impact the infractions process. Under the new rules, coaches, and staff members, rather than the student-athletes, will see an increase in penalties and (theoretically) accountability for violations of the NCAA bylaws. For example, naming individuals responsible for certain wrongdoing, a public-facing database of serious NCAA infractions, and longer suspensions for coaches.

These rules are effective immediately.

Arguably the most eyepopping is the proposal to increase institutional fines from the existing \$5,000 to \$25,000 or even \$50,000, plus an increased percentage of an involved program's budget (up to 10%, on top of the base fine for the most severe cases) in Level I or Level II infractions cases. This rule could be adopted and effective as early as June 2024.

3. All Divisions – Updated Mental Health Best Practices

The NCAA updated its Mental Health Best Practices document, which all Division I, II, and III members are required to follow. Division I members also have to attest in November 2025 that they are following this document. The document will be available in the next few weeks and has information on the intersection between mental health and a variety of topics like sports betting, social media, and NIL.

### DAY TWO

1. NCAA goes (back) to Washington

Perhaps in a nod to its recent track record, the NCAA doubled-down on its

position that federal legislation is the best avenue for a more uniform system. Specifically, the Association is seeking to advance four priorities (and tell us if you've heard these before):

- NIL protections for student-athletes;
- that student-athletes should not be considered employees;
- a way for the NCAA to operate without the persistent threat of litigation (the antitrust exemption); and
- preempting state law to allow for uniformity across Association membership.

NCAA President Charlie Baker said that the Association would “need some sort of protection and special status from Congress.” That’s just what they’re after.

2. Restructuring College Athletics through the Conferences

Everyone has an idea of what the future of college athletics should look like. From a shift to the professional model to preserving the “unique educational nature” of the existing model – or at least the version immediately before the existing model – there are

no shortage of ideas. Now we have a new one to add to the mix. The Knight Commission on Intercollegiate Athletics presented a model, called the Connecting Athletics Revenues with Educational Model (C.A.R.E. Model). C.A.R.E. is predicated on the idea that conferences need to adopt certain requirements prior to schools receiving their “piece of the pie.” Based on what we heard and read, it sure sounds like these requirements are fairly aligned with the NCAA’s existing foundational/constitutional values.

C.A.R.E. is aimed at incentivizing four categories: (1) Transparency, (2) Independent Oversight, (3) Incentives for Core Values of Education, Gender Equity, and Opportunity, and (4) Financial Responsibility for Education, Health, Safety, and Well-Being. Within each category are requirements and benchmarks for institutions to follow. For instance, the third requirement incentivizes schools to achieve academic success, provide equitable opportunities for both female and male sports, and offer a broad base of sport opportunities. The final category is an attempt to limit schools on spending large sums of money on coaching contracts, and instead require athletic departments to spend that money on student-athletes. Panelists even discussed a luxury task.

The C.A.R.E. model champions a conference-based approach because, according to the Knight Commission, it is more likely to withstand antitrust legal challenges. We’re not entirely sure that argument would be on all fours with antitrust law, but it does shift the discussion a bit.

As of today, all DI schools would meet the target numbers required under this new model except 44 of the autonomous institutions, which are some of the highest resourced institutions of the 350+ Division I members. This is largely attributed to the last category, as

those schools spend a majority of their revenue on salaries, buyouts, and other non-student-athlete areas.

The Knight Commission is encouraging conferences and institutions to adopt the model immediately and are offering up to \$100,000 in grant money motivation. Up to 21 college coaching organizations are already in support of the Knight Commissions new model.

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Many of the non-revenue producing sports see this as a deterrent to dropping programs in the future world of college athletics.

This will be one proposal to watch to see if it gains any significant momentum in future days/months. To learn more about the details of the C.A.R.E Model, see here.

### 3. NIL Violations

While not tied to the Convention, we saw the NCAA penalize Florida State for NIL-related violations. An assistant football coach facilitated an impermissible recruiting contact between a transfer student-athlete and

the CEO of a NIL collective– violating the recruiting bylaws – and that CEO impermissibly offered a NIL deal to the transfer student-athlete to encourage the player to attend Florida State – violating the NCAA’s NIL interim rules. Florida State agreed to a list of penalties.

This is the second time the NCAA has penalized an institution for NIL-related violations, which should put schools on notice that this could be a trend.

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