

TITLE IX AND ATHLETE NIL OVERVIEW

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TITLE IX BASICS

Title IX of the Education Amendments of 1972:

“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 . . .**”

TITLE IX BASICS

Three main areas of compliance:

1. Scholarships

2. Equivalence in other athletic benefits and opportunities

3. Effective accommodation of student interests and abilities—must provide equal opportunity in the selection of sports and levels of competition.

TITLE IX AND NIL RIGHTS

- **If no involvement by the institution, no Title IX issues.**
- If institution *arranges* deals, Title IX applies and requires male and female athletes to be treated equitably.
- If institution *approves* deals, must have equal standards for male and female athletes.

TITLE IX GRAY AREAS

- Boosters/local businesses using deals as a recruiting inducement. If school is aware, Title IX may apply.
- If schools market teams/athletes, they must do so equitably. If those efforts lead to individual NIL deals, may trigger Title IX scrutiny.

NIL RIGHTS AND GENDER EQUITY

- The NIL marketplace has evolved—not just the local car dealership.
- NIL deals can benefit women—allow them to earn income from their sport participation during prime earning years.
- NIL deals can benefit women's sports—help generate fan interest.

SHOULD TITLE IX BE A BARRIER TO NIL RIGHTS FOR ATHLETES?

- All students enjoy NIL rights when entering college. Athletes' rights stripped away as condition of participation.
- NIL deals are with third parties, not institution, so no Title IX issues.
- Title IX compliance is an obligation of all institutions that receive federal financial assistance.
- If Title IX implicated through institutional involvement, NIL deals do not change existing gender equity obligation.