

Kaplan Hecker & Fink LLP, NCAA Extern Gender Equity Review Phase I: Basketball Championships – Report Notes

Executive Summary

- I. “When you lay the men’s and women’s [Division I basketball] championships side by side, as has been made clear over the past weeks, it is pretty self-evident that we dropped the ball in supporting our women’s athletes, and we can’t do that.” –Mark Emmert
- II. Gender disparity, however, is not something new for the NCAA
 - i. The NCAA did not sponsor any women’s championship until 1982 (75 years after its founding)
 - ii. The NCAA unsuccessfully opposed Title IX
 - iii. To date, the NCAA successfully resists application of Title IX to the association through a loophole in the law
- III. When looking at women’s basketball, the NCAA has not fulfilled its commitment to “diversity, inclusion and gender equity among its student-athletes, coaches and administrators”
- IV. The structure and systems of the NCAA are designed specifically to maximize the value and support of March Madness (its primary source of funding)
- V. 2021 was the first year ESPN nationally televised all 63 women’s tournament games
- VI. Media expert Ed Desser and his team estimated the broadcast rights for women’s basketball will be worth between \$81 and \$112 million by 2025—a value multiples higher than ESPN pays for the rights to women’s basketball and 28 other NCAA championships
- VII. There is deep distrust in the NCAA’s willingness and ability to make the necessary changes in order to achieve gender equity in college sports

Review Process & Scope

- I. While Title IX may not apply to the NCAA, it does require the schools to look at whether an institution “provide[s] equal athletics opportunities for members of both sexes”
- II. 1992 NCAA Gender Equity Task Force definition of “gender equity”: “An athletics program can be considered gender equitable when the participants in both men’s and women’s sports programs would accept as fair and equitable the overall program of the other gender”
- III. Question at the heart of this review: “Would the student-athletes participating in the women’s basketball championship accept as fair and equitable their championship as compared to the championship that the NCAA currently administers for the men?”
- IV. Important to know/remember that “equitable” does not mean “identical” and the purpose of the report is not to eliminate all possible differences between men’s and women’s basketball

Summary of Findings

- I. There have been significant and consistent disparities in areas of the production and operation of the championships like quality and quantity of branding/signage in the arena, use of the “March Madness” trademark, and sponsorships of fan festivals

- II. Underlying and systemic gender equity issues at the NCAA must be addressed/resolved if the goal of gender equity for athletes is going to be achieved
- III. Key Findings:
 - i. **The NCAA's organizational structure and culture prioritizes men's basketball contributing to gender inequity**
 - ii. **The structure of the NCAA's media agreements perpetuates gender inequity**
 - i. "The NCAA allocates all of the incredibly lucrative CBS/Turner rights fee—this year, \$850 million—as revenue from men's basketball only, notwithstanding the fact that the agreement includes selling CBS/Turner the management of the Corporate Partner Program, which covers the right to use and profit off of the NCAA's brand and logo in connection with all 90 championships, not just men's basketball."
 - i. *The argument that follows is that if women's basketball partners were handled separately, the sport could be a revenue sport because, as the report states, there are companies that would sponsor women's basketball, but how current system is set up, they can't afford to sponsor all 90 championships CBS has the rights to, including men's basketball*
 - ii. "This revenue allocation impacts the internal NCAA narrative, which has been repeated in the press, that women's basketball is a revenue loser and, therefore, not as worthy of investment"
 - iii. **The NCAA's revenue distribution model prioritizes and rewards investment in men's basketball**
 - iv. **The disparity in participation opportunities for men's and women's basketball further impacts the student-athlete experience**
 - v. **Fewer disparities exist in Division II and Division III men's and women's basketball**

Summary of Results

- I. The NCAA should **provide structural support for gender equity** in connection with the Division I Men's and Women's Basketball Championships, and take steps to **improve transparency and accountability around gender equity**
- II. The NCAA should take steps to **maximize value through gender equity in marketing, promotion, and sponsorships**
- III. The NCAA should take steps to **improve gender equity at future championships**
- IV. The NCAA should **recognize gender equity in revenue distribution**
- V. The NCAA should take steps to **ensure gender equity in participation opportunities**
- VI. The NCAA should take steps to **enhance gender equity in Division II and III basketball**
- VII. The NCAA should **ensure progress on gender equity** by requiring there to be transparency and accountability

What Happened at the 2021 NCAA Basketball Championships

- I. The gender inequities felt by the college athletes were baked into the fabric of the tournaments and how the NCAA viewed the men's and women's tournaments
- II. NCAA senior official on the 2021 tournaments: "We knew if we failed with the men, the NCAA was doomed. We'd be nothing. . . . There wasn't that same sense of angst with the women."

Announcement & Planning

- I. The fundamental difference in the perspective the NCAA had for the men's and women's tournament and the different level of importance given to each led to gender inequity from the beginning of the planning process
- II. The men's tournament was announced on November 16, 2020, but the women's tournament was not permitted to be announced until December 14, 2020 (putting their planning a month behind the men's)
 - i. Women's basketball was not notified early enough to make an announcement on Nov. 16, but just days later informed the SVP of Basketball they were prepared to announce their tournament on Nov. 23
 - ii. Women's basketball was told they needed to conduct a financial review and get approval for the pandemic related costs so they NCAA could determine whether to hold the whole tournament in one location like the men's tournament
 - iii. Men's basketball did not have to conduct a financial review and get approval
- III. The location of the men's tournament (Indianapolis) was announced on January 4, 2021, but the location of the women's tournament (San Antonio) was not announced until February 5, 2021
- IV. Shortly after the athletes arriving on March 16, Oregon women's basketball player Sedona Prince released a video showing the discrepancy between the men's and women's weight rooms (on March 18), which quickly went viral and grabbed the attention of fans and professional athletes
 - i. The video quickly led to reports about further disparities in COVID-19 testing, food, and the promotion of the tournaments

Weight Rooms

- I. For the men, there was a large weight room divided into six different areas along with a pyramid of dumbbells in the holding room next to the practice courts where athletes could stretch/wait while courts were sanitized
- II. For the women, there was no plan to set up a weight room until the Sweet Sixteen which would consist of three private areas; instead, for the first two rounds the NCAA set up a small set of dumbbells, a stationary bike, and yoga mats in the holding room
 - i. While the PowerPoint from men's basketball was sent to women's basketball officials, the volunteer helping to review the men's weekly PowerPoints did not scrutinize it to identify potential disparities
- III. Women's basketball did not release plans about a weight room until March 15, the day before athletes began to arrive

Slide from the Feb. 26 Men's Basketball PowerPoint

Excerpt of March 15 Final Edition of Participant Manual for Women's Basketball Championship

- I. In an email sent from a women's basketball staffer on March 13, they included a picture of the men's basketball plans for a weight room and said "FYI – a snapshot from MBB manual on weight room usage and set-up. Again, this list is FAR too heavy for WBB needs, yet a good start for review."
 - i. The staffer later said March 13 was the first time she learned men's basketball was being provided a full weight room for the whole tournament
- II. **After the disparities were made public and gained national attention**, the NCAA spent \$370,139 for a weight room to be set up virtually overnight for the women's tournament

- III. The women's weight room was divided into two areas (so that two teams could use it at once) and there were workout benches, bikes, rowing machines, and treadmills set up in spaces next to the practice courts
 - i. For the Sweet Sixteen and beyond, the NCAA replaced this equipment with the originally planned weight room, which included three private weight rooms containing similar equipment used for the men's tournament weight room

COVID-19 Protocols

- I. While entry requirements/testing were the same for the tournaments, in the "bubble" the men received daily PCR tests while the women received daily antigen tests and one PCR test per week
- II. NCAA partnered with Diamond Health on Jan. 1, 2021 to "plan for, schedule implement, manage and oversee all on-site COVID-19 testing activities" for NCAA championships
 - i. On Jan. 11, the NCAA announced Diamond Health would not be the testing provider for either the men's or women's tournament, after previously partnering with Marion County Public Health Department and Indiana University Health specifically for the men's tournament
- III. The original plan was for the women to only have antigen testing, until local health authorities at San Antonio said they wanted to add PCR testing
- IV. The NCAA later moved forward with Diamond Health to provide daily antigen and weekly PCR tests once the testing protocol was approved by the NCAA and San Antonio
- V. Quotes from women's basketball college athletes regarding health/testing:
 - i. "It's not about the gifts, whatever it may be. But something like our health, the weight room, how we were getting tested . . . we want to be treated equally in that aspect of our lives."
 - ii. The difference in COVID-19 testing "was really telling about how [the NCAA] felt about us as people, like we weren't important enough to have good testing for [COVID-19] which is life-threatening."
- VI. The dramatically higher rate of false positives from antigen tests compared to PCR tests negatively impacted the athlete experience, with some women's basketball athletes stating that two or three people a day had to stay back because of false positive or inconclusive antigen tests
 - i. The individuals responsible for taking photos and videos of teams in the Final Four and putting together a video could not attend the University of Arizona's practice because of false positive tests, leaving them out of the Final Four video
- VII. Note: the PCR tests did not eliminate all issues with testing—the men's basketball athletes had to be tested at early hours in the morning and still faced delays for practices and meetings waiting for the lab-based PCR results to be returned
- VIII. VIII. The men conducted almost 20,000 PCR tests with only 7 positive tests; while the women conducted 15,597 antigen tests and 2,342 PCR tests with 226 positive antigen tests and 2 positive PCR tests

Food, Meeting Space & Recreation

Hotel Food

- I. Four main concerns raised by women's basketball athletes and coaches: **quantity, quality, lack of flexibility/choice, and lack of variety**

- i. "They gave us little portions. It wasn't warm and wasn't good."
 - ii. "It was really [a] little amount of food and not good food."
 - iii. "Food was our biggest thing. We were on our feet so much of the day. So not having good meals was frustrating."
 - iv. "The portions originally were very small. I didn't ask the men's teams about the food. I saw a buffet on Twitter. . . . I would love to be in a buffet situation."
- II. Schools that could afford it provided by groceries, snacks, and restaurant meals for the athletes
 - III. After pre-packaged meals during the two-day arrival quarantine, the men were provided with self-service buffets for the rest of the tournament while the women continued to receive pre-packaged meals

Women's (left) and Men's (right) Lunch Menus

Picture Shared on Social Media of Food Served at the Tournaments

- I. **After concerns were raised**, the NCAA called all the hotels for the women's tournament to increase the quantity of food, but the meals were still pre-packaged
- II. **After the media began reporting on food disparities**, the NCAA allowed the women's Final Four participants to have self-service buffets
- III. The men's basketball staff worked with health officials during multiple site visits to create a safe plan for self-service buffets after the quarantine period, while the women's basketball staff assumed boxed meals were required for the whole tournament and did not look into other options before planning to only offer boxed meals

Corporate Sponsor Food

- I. Men's tournament participants also had greater access to food from NCAA corporate sponsors
- II. Men's basketball staff worked with Pizza Hut, Wendy's, and Buffalo Wild Wings to provide free supplemental food at the men's tournament
- III. Some opportunities were offered to the women's tournament but because the women's basketball staff was already operating with reduced time and did not have the bandwidth to coordinate the logistics, the opportunities were not accepted
- IV. **After disparities were made public**, the NCAA corporate relations team and the women's basketball staff worked quickly with San Antonio to set up/get permits for a Wendy's food truck from March 21 to March 30 outside the hotel where teams were staying for the Sweet Sixteen
 - i. The NCAA corporate relations team also made plans for Buffalo Wild Wings to provide food from March 22 to March 24 and for Pizza Hut to provide food on March 26
- V. The NCAA women's basketball staff also rejected last-minute offers from local store/companies in San Antonio because of fear of conflicts with existing corporate sponsors and "ambush" marketing

Recreation Space and Student-Athlete Lounges

- I. "Early on [women's basketball athletes] weren't allowed to leave the hotel except for going to the gym or testing. . . . It was a poor set up for the mental health of players."
- II. "The guys had opportunities to go outside and do things to get out of the hotel room for mental health, not being stuck inside. But for us, it took a couple of days before we were allowed to do something outside with the team. . . . Mental health is real and if you're stuck in a hotel room, it was pretty tough."

- III. The men had access to an outdoor space (Victory Field, minor league baseball stadium across from the Convention Center) for the duration of the tournament
 - i. The space was set up for the athletes to play badminton, pickleball, cornhole, soccer, and football
- IV. The women were not intended to have any access to an outdoor space (except for the path from the hotel to the Convention Center) until the Sweet Sixteen
- V. **In the wake of gender equity issues being reported (i.e., after issued were made public)**, the women's basketball staff worked to set up outdoor spaces for the women's tournament
 - i. The NCAA canceled original plans of using Civic Park and instead set up a balcony and a separate outdoor space at the Convention Center for the women's tournament

Outdoor Patio at the Convention Center for the Women's Tournament (left) and Victory Field for the Men's Tournament (right)

- I. The men's tournament planned to have an athlete lounge next to each meeting room starting at the Final Four round, with gaming stations, TVs, ping pong, etc.
- II. The original plan for the women's tournament was one lounge shared by each of the Final Four teams, then planned on four separate lounges with fewer amenities
- III. VIII. **After gender disparities gained national attention**, the NCAA created separate lounges for each Final Four team using the men's lounges as an outline for what would be included
- IV. The disparities in lounges are not new
 - i. In 2019, the men's tournament had an individual lounge for each Final Four team and an individual lounge for the families of each Final Four team (8 total)
 - ii. In 2019, the women's tournament had only one lounge for the Final Four teams to share and no family lounges

Gifts and Mementos

Student-Athlete Gifts

- I. Women's basketball athletes soon noticed (after men's basketball athletes began sharing photos of their "swag bags") that the men received higher quality gifts and a higher quantity
- II. For the first and second rounds, the NCAA spent \$125.55 per player for the men's tournament and \$60.42 for the women's tournament
 - i. The NCAA also spent \$70,539 on kits that contained supplies and accessories like disinfectant wipes, bathroom air fresheners, and sneaker deodorizer balls for the men's tournament but nothing for the women's tournament
- III. **After gender disparity issues gained national attention**, the NCAA sought to correct the issues later in the tournament
 - i. Throughout the remainder of the tournament, the NCAA provided less to the men (in terms of money spent per player) and more to the women to make up for the initial disparity

Pictures Shared on Social media of Gifts at the Men's Tournament (left) and the Women's Tournament (right)

- I. The unequal spending on gifts was consistent with previous years
 - i. In 2019, the NCAA spent \$560,130 on men's gifts and only \$395,150 on women's gifts

- ii. Statement from women's basketball staff in a budget increase request sent after the 2019 tournament:
 - i. "Each year we continue to hear from women's championship teams/conferences and committee members whose counterparts, either at their school or within their conference, have attended the men's championship and received an increased level of experience. Due to recent emphasis on providing similar experiences for both men's and women's basketball teams during the tournaments, the additional requested dollars would make a visible and memorable impact on the student-athlete experience that is comparable to what is already being done in men's basketball. Women's Basketball currently spends \$365K on student-athlete mementos, which is inclusive of all rounds."

Online Gifting Suites

- I. Similar to previous years, the gifting here was the same between the men's and women's tournament
 - i. Each athlete at the Sweet Sixteen and then later at the Final Four rounds had a set amount of money to spend on things ranging from beach chairs, to AirPods, to 50-inch TVs
- II. However, this is only because the disparity was addressed by the NCAA **after there was public backlash** toward the gifting suites in the 2016 tournament where only the men had access to the gifting suite
 - i. **After the backlash** in 2016, the NCAA had to scramble to set something up, resulting in an NCAA basketball staff member putting about \$20,000 on a personal credit card

Use of "March Madness"

- I. "March Madness" branding was completely missing from the women's tournament

Center-Court Logos for the Women's Tournament (left) and the Men's Tournament (right)

- I. One athlete explained her disappointment by saying "My biggest thing is that people were saying men's is the only one that's March Madness. . . . I don't understand that because everyone said we were going to March Madness."
- II. Athletes, coaches, NCAA staff, and committee members all believe using "March Madness" for the women's tournament would be a huge advantage
- III. A branding expert said "There is no question in my mind that the value of the women's tournament would go up pretty dramatically if [the women's teams] were able to have the halo of March Madness branding as well"
- IV. **The NCAA has stated that women's basketball chose not to use "March Madness" branding when the logos and branding were developed, but instead chose to pursue their own branding . . . only to retract the statement the next day for being "inaccurate"**
 - i. **Individuals involved with planning branding in the past said they were told the women's tournament could not use "March Madness" because it was "off-limits" to the women's tournament**
 - ii. **After creating gifts for women's basketball athletes that included the March Madness logo, individuals were reprimanded and told to stop using the logo**
- V. **SVP of Basketball at NCAA told the women's basketball staff they could not issue masks with the March Madness logo because it was not consistent with the branding of their tournament and "March Madness" has only been used in connection with the men's tournament**

Signage & Championship Atmosphere

- I. A women's basketball player noted that the atmosphere "didn't feel like it was the big tournament," with parents noting that local resident didn't even seem to know the tournament was happening
 - i. New York Times said the "banners, at least ones this large, are unique to Indianapolis. . . . In fact, the signs that are omnipresent here—covering pedestrian bridges, lampposts and the sides of buildings—are absent in San Antonio"
- II. The disparity in signage was a result of the NCAA spending \$2,416,000 on signage for the men's tournament and \$783,000 on signage for the women's tournament
 - i. This is the disparity after the women's tournament added significant signage to try and "provide a more equitable signage plan" **once the gender equity issues came to light**
 - ii. The NCAA spent \$100,000 on one sign for the men's tournament (a giant March Madness bracket for the side of the JW Marriot)

Bracket Display for the JW Marriot

- I. The men's tournament had signage at the local airport and on major roads in Indianapolis
- II. The women's tournament had limited signage, mainly on street-lamps and displays near the Alamodome
 - i. The restriction because of the downtown district in San Antonio being a historic district did have some impact on signage, but cannot account for the huge discrepancy in signage
- III. An athletic director who attended both tournaments said "in Indy, it felt like you were at an NCAA championship anywhere you arrive in the city. In San Antonio, it felt like there was nothing when you arrive at the venue. [Indianapolis] had street signs for a mile . . . nothing like that in Austin. So the branding piece, **you never felt like you were at a women's NCAA championship event.**"
- IV. Overall, the NCAA spent less than 25% on signage (including "lower bowls" of arenas, player tunnels, and locker rooms) at the women's tournament than they did at the men's tournament

Signage at the Men's Tournament in Indianapolis

Signage at the Women's Tournament in San Antonio

- I. Disparities with signage is nothing new for the NCAA
 - i. In 2019, the NCAA spent \$1,524,471 on signage for the men's tournament and only \$87,760 on signage for the women' tournament
 - i. Part of the difference was due to the fact that, unlike the men's tournament, the first two rounds of the women's tournament were played on campuses of host schools not at neutral sites
 - ii. In 2018, the NCAA spent \$1.1 million more on signage for the men' tournament than the women's tournament for the Final Four alone
- II. VIII. The NCAA pays around \$180,000 per year to store, transport, and install the neutral site courts it owns for the men's tournament, but for the women's tournament the NCAA sends each host school three NCAA logo decals for the court (two for use and one backup) which cost \$38.75 each
- III. Many women's basketball athletes were disappointed over the way their courts looked in comparison to the courts the men were provided

Fan Festivals & Other Events/Meetings

- I. “Even in a year when most of the non-competition events were cancelled due to the pandemic, the men’s tournament managed to significantly outshine the women’s tournament.”
- II. Between the Final Four games at the men’s tournament, there was a made-for-TV concert by Miley Cyrus—giving the men’s tournament the feel of a **professional sports event**
 - i. There was nothing comparable at the women’s Final Four
 - ii. The concert was sponsored by AT&T, Coca-Cola, and Capital One, and cost the NCAA almost \$5 million

Stage for the Miley Cyrus Performance at the 2021 Men’s Final Four

- I. A month before the tournament, AT&T offered to do a virtual concert for the women’s tournament, but the women’s basketball staff turned it down for fear that not enough people would watch, making it not worth the \$150,000 it would cost the NCAA
- II. In a normal year, the discrepancy between the events at the men’s and women’s tournaments is even more pronounced
- III. Typical Disparity in Events:
 - i. Multi-day music festival (featuring artists like Rihanna and Bruce Springsteen) at the men’s tournament, and **sometimes** a one day music event at the women’s tournament
 - i. In 2019, AT&T sponsored a one night concert for the women’s tournament headlined by Gavin DeGraw, while the men’s tournament had the “2019 March Madness Music Series” sponsored by AT&T, Coca-Cola, and Capital One, featuring Katy Perry, the Jonas Brothers, and the Chainsmokers
 - ii. In 2019, the total cost of fan events at the men’s tournament (which is largely paid for by sponsors) was about \$7 million, while the total cost of fan events at the women’s tournament was a little over \$300,000 (with about \$200,000 being paid for by a single corporate sponsor)
- IV. The NCAA contributes to the view that the men’s tournament is the priority event by holding business meetings, governance meetings, networking events, and an annual dinner with broadcasting partners at the men’s tournament
- V. The NCAA also hosts an annual event honoring the spouses and partners of the Men’s Basketball Committee members, but does not hold a similar event for the Women’s Basketball Committee members’ spouses and partners

Press Conference Transcripts & Photo Posting

- I. On March 22, 2021, a reporter made it public that there were no photos from the women’s tournament on the NCAA’s Photo Hub (a new hub used to make tournament photos free to download)
- II. On-site photographers and post-game press conferences/interviews transcriptions were expenses budgeted for the whole men’s tournament, but only budgeted for the women’s tournament beginning at the Sweet Sixteen
- III. Limited audiences due to COVID-19 led the NCAA to its online photo portal accessible to the public for the first time, which only made the lack of photography for the women’s tournament more noticeable
- IV. After news broke about the lack of photos from the women’s tournament, the NCAA scrambled to get photographers on-site for the early rounds of the women’s tournament

The root causes of the discrepancies in the tournaments are “systematic issues in the NCAA’s organizational structure, its contracts with media partners, its revenue distribution, and its participation opportunities for student athletes.”

The NCAA’s Organizational Structure & Culture

Division I Basketball Structure

- I. SVP of Basketball (Dan Gavitt) oversees all things basketball at the NCAA and is on the President’s Senior Management Team (SMT)
 - i. Current primary responsibilities include managing the men’s and women’s Division I, II, and III tournaments and the men’s NIT tournament, manage broadcast relationships for all sports, and oversee corporate sponsorship programs for all sports
- II. The SMT includes all SVPs and Executive Vice Presidents at the NCAA
- III. The following positions report directly to the SVP of Basketball: head of women’s basketball (Lynn Holzman), head of men’s basketball (JoAn Scott), and the Director who administer broadcasting contracts with CBS/Turner and ESPN (Julie Kimmons)
 - i. Stakeholders reports that in practice and perception, women’s basketball is subordinate to Division I men’s basketball

NCAA Basketball Organizational Structure

- I. Although SVP of Basketball oversees both men’s and women’s basketball, the majority of his time is spent on men’s basketball
 - i. NCAA staffer said that SVP of Basketball is not “engaged in strategic thinking and initiatives” for women’s basketball
 - ii. Another staffer said the SVP of Basketball expects the head of women’s basketball to run women’s basketball autonomously
 - iii. A significant number of women’s basketball staff members understand the role of the SVP of Basketball as the head on men’s basketball only, not the head of all basketball
- II. This focus on men’s basketball means women’s basketball is not represented fully in

Staff Size and External Support

- I. There are currently 11 full-time men’s basketball staff members and only 7 full-time women’s basketball staff members
 - i. Taking into account time other staff members contribute to men’s and women’s basketball, men’s basketball has the equivalent of 21.86 full-time employees and women’s basketball has the equivalent of 13.92 full time employees
- II. While the NCAA paid for external support for assistance with operations and logistics with the 2021 women’s tournament, typically the NCAA only pays for external support for the men’s tournament
- III. The men’s tournament also has a larger scale of volunteers to help at the tournament
 - i. Every year, the men’s tournament has anywhere from 2,200 to 2,500 volunteers, where as the women’s tournament only had 912 volunteers in 2019

Communication/Coordination Between Men’s & Women’s Staffs

- I. The men’s and women’s staff generally operate independently of each other

- II. The heads of men's and women's basketball do not regularly communicate or meet with each other
- III. Coordination between the staffs usually occurs on an individual employee-by-employee basis and depends on how well employees with similar responsibilities communicate with each other
- IV. Coordination is not always easy because some individual women's basketball staff members may have the responsibilities that 8 different men's basketball staff members have

Men's & Women's Basketball & Basketball Oversight Committees

- I. Four key committees responsible for Division I basketball: Division I Men's Basketball Committee, Division I Women's Basketball Committee, Division I Men's Basketball Oversight Committee, and the Division I Women's Basketball Committee
 - i. The basketball committees administer the national championships while the oversight committees review the basketball committees' recommendations and are responsible for regular and post season strategic issues
- II. There is little communication between the men's and women's basketball committees and no sense of them having a joint purpose
- III. The oversight committees do have more communication, like meeting throughout the year to discuss the unique circumstances of hosting the tournaments during the COVID-19 pandemic
 - i. However, the oversight committees do not discuss strategic matters to ensure gender equity in college basketball
- IV. Composition of the committees also differs
 - i. As of July 2021, 10 members of the men's basketball committee were conference commissioners or athletic directors, whereas only 3 members of the women's basketball committee were conference commissioners or athletic directors
 - ii. As of July 2021, 8 members of the men's oversight committee were conference commissioners or athletic directors, whereas only 5 members of the women's basketball committee were conference commissioners or athletic directors
- V. The disparities in the committees is known by the NCAA, and now they are trying to fix it
- VI. In an April 2021 meeting (**after the public backlash on gender inequity of the men's and women's tournaments**) it was formally recommended that the composition of the committees should be similar in positions and responsibilities
- VII. In June 2021 (**again, after the public backlash on gender inequity**) the NCAA asked conference commissioners to prioritize making nominations of athletic directors and other commissioners to the Women's Basketball Committee

The Budget & the Budget Process

- I. In 2019, the men's tournament cost \$53.2 million and the women's tournament cost \$17.9 million
 - i. The projected cost of the 2021 men's tournament is about \$20 to \$25 million more than the women's tournament

2019 Unaudited Financial Break Down of the Men's and Women's Tournaments

- I. "To be sure, **gender equity does not require equal budgets**, as a tournament with greater fan attendance, corporate sponsorship, and media attention, and one with all rounds hosted at neutral sites, naturally commands additional resources and support. However, **the view that men's basketball is highly profitable and therefore worthy of increased investment has cultivated**

a culture within the NCAA in which men's basketball is not required to abide by many of the same budgetary constraints as women's basketball

- II. Recently, the women's basketball and oversight committees were asked to cut about \$2 million from the tournament budget, and when someone asked if the men's committees had to do the same the answer was "of course not because they're making so much money"
 - i. When a group met with the NCAA a few years ago to discuss cutting championship expenses, NCAA senior leadership said the Division I Men's Basketball Championship was "off the table" for cutting expenses
- III. While the SVP of Basketball (who spends most of his time focused only on Division I Men's Basketball) has rarely done so, he has the authority to move funds between men's and women's basketball (i.e., take money from women's basketball and give it to men's basketball)
- IV. Currently, the NCAA does not have the appropriate system in place to monitor gender equity in the budget and spending

Internal Gender Equity Controls

- I. While the NCAA has offices and committees overseeing issues of diversity and inclusion, they are focused on promoting diversity and inclusion externally (within NCAA member institutions) not internally
 - i. Even then, the NCAA Office of Inclusion, for example, has 6 full-time employees but is tasked with overseeing/serving more than 1,100 institutions and conferences
 - ii. None of the 4 committees tasked to focus on diversity and inclusion are tasked to ensure there is gender equity in NCAA championships

Recommendations

- I. **Recommendation 1.1 – Change the leadership structure of Division I basketball to prioritize gender equity and coordination between the men's and women's tournaments**
 - i. Leadership of men's and women's basketball should be made up of members with equivalent levels of seniority and should be tasked with working together/coordinating a joint strategy to maximize the value of both tournaments
 - ii. Men's and women's basketball (and leadership of every championship) should report to a "Head of Championships" who is tasked with ensuring gender equity across every championship
 - iii. Equity in the experience of the athletes should be a guidepost for NCAA championships
- II. **Recommendation 1.2 – Before the next budget cycle, conduct a "zero-based" budget for Division I men's and women's basketball to ensure that any gender differences are necessary, appropriate, and equitable**
 - i. Start from 0 and add back each budget line, instead of starting with the budget from the previous year
 - ii. This would ensure equitable budgets and help create efficiencies to maximize the impact of spending
 - iii. Each year, men's and women's basketball leadership should work with the Head of Championships to ensure the line items effecting the athlete experience are equitable, and any disparities are reasonable
- III. **Recommendation 1.3 – Develop equity in staffing for Division I men's and women's basketball**
 - i. Staffing could be adjusted in two different ways:

- i. The NCAA could increase total staff and/or contractors in women's basketball so equitable time is spent on tasks impacting the athlete experience
- ii. The NCAA could require certain positions to handle roles for both men's and women's basketball
 - i. This would be more efficient for certain roles and likely ensure equity (like the person in charge of "swag bags" being in charge of it for both tournaments) and create a sense of joint purpose and a unified team for men's and women's basketball

IV. Recommendation 1.4 – Establish regular communication between Division I Men's and Women's Basketball Committees and Basketball Oversight Committees that focus on coordinating on strategic decision and achieving gender equity in the student-athlete experience

- i. Chairs of the men's and women's basketball and oversight committees should regularly communicate to coordinate broader strategic decisions
- ii. The NCAA could require that at least one seat on both men's committees is held by a member of the women's committees and vice versa

V. Recommendation 1.5 – Perform a real-time gender equity audit of the Division I Men's and Women's Basketball Championships as they are being planned and executed each year

- i. This process should start at the earliest possible point in planning and go through the execution of the tournaments
- ii. The review process should be created and performed by staff with expertise in Title IX and gender equity issues

VI. Recommendation 1.6 – Prepare an annual report on the results of the real-time gender equity audit, including issues identified, how those issues were resolved, and lessons learned

- i. Report should be prepared by the same staff with expertise in Title IX and gender equity issues who created and performed the review
- ii. Report should be made available to the Board of Governors, the Board of Governors Committee to Promote Cultural Diversity and Equity, the Gender Equity Task Force, the Committee on Women's Athletics, the Division I Board of Directors, the Men's and Women's Basketball and Oversight Committees, and the NCAA President and Senior Management Team

VII. Recommendation 1.7 – Conduct an external gender equity assessment of the Division I Men's and Women's Basketball Championships in five years

- i. The assessment should be done by an external auditor who has expertise in Title IX compliance in college athletics and gender equity issues in general
- ii. The report should be given to the same group listed in Recommendation 1.6, with an executive summary of the report made publicly available on the NCAA's website
- iii. Depending on the result, another assessment should be conducted periodically

VIII. Recommendation 1.8 – Complete a gender equity impact statement in connection with significant actions taken outside of the annual championship planning process

- i. By Fall 2022, the NCAA should do the following:
 - i. Develop a gender equity impact statement template

- ii. Identify actions being taken within the NCAA connected to the men's and women's tournaments that are not part of the annual planning process but that would require submission of a gender equity statement
 - iii. Establish a consistent process for submission, review, and sign-off of the gender-equity impact statements
 - ii. The impact statement (and related protocols) should be developed and reviewed by staff with expertise in Title IX and gender equity issues
- IX. Recommendation 1.9 – Evaluate and reward performance for contributions to gender equity**
- i. Achieving gender-equity is the NCAA leadership's responsibility, and while working toward this should be expected, it should also be rewarded as part of the internal performance review process
- X. Recommendation 1.10 – Increase NCAA staff with experience in Title IX and gender equity**

The NCAA's Long-Term Media Agreements

- I. Currently, CBS/Turner pays the NCAA billions for the exclusive right to broadcast the Division I Men's Basketball Championships in the U.S., while ESPN pays substantially less for the broadcast rights to 29 NCAA championships, including the Division I Women's Basketball Championship

The History & Structure of the Media Agreements

CBS/Turner

- I. The NCAA and CBS/Turner have had a media agreement since 1982
 - i. CBS/Turner must pay the NCAA a fixed rate that increases every year for the broadcast rights—in 2021 the fee was \$850 million and it will be \$1.165 billion by 2032 (when the current deal expires)
- II. This deal also gives CBS/Turner the exclusive right to sell sponsorship opportunities for all 90 championships (including women's basketball)
 - i. There are currently two tiers of corporate sponsors:
 - i. "Champions" – AT&T, Capital One, and Coca-Cola
 - ii. "Partners" – Aflac, General Motors-Buick, Buffalo Wild Wings, Geico, Great Clips, Hershey's/Reese's, Invesco, Lowe's, Marriott Bonvoy, Mondelez/Nabisco, Nissan, Pizza Hut, Uber/Uber Eats, Unilever, and Wendy's
 - ii. Corporate partners purchase the right to market their product at all championships, but must pay additional fees for every championship they actually market their products at beyond the men's tournament

ESPN

- I. The relationship between ESPN and the NCAA began in 1996
- II. The current deal (entered into in 2011 and expiring in 2024) gives ESPN the right to broadcast 29 total championships, the men's basketball NIT tournament, and international broadcast rights for the Division I Men's Basketball Championship
 - i. ESPN Multi-Media Agreement §§ 1(e), 2.1, 3.1, 4.1. The championships that ESPN agrees to broadcast are: Division I FCS football; Division II football; Division III football; Division I women's volleyball; Division I men's soccer; Division I women's soccer; Division I women's basketball; Division I men's and women's indoor track and field; Division I

- men's and women's outdoor track and field; Division I women's swimming and diving; Division I men's swimming and diving; Division I wrestling; Division I men's ice hockey; women's ice hockey; women's gymnastics; men's and women's fencing; men's volleyball; Division I men's lacrosse; Division I women's lacrosse; Division I men's and women's cross country; Division I softball; Division I baseball; field hockey; beach volleyball; and women's bowling
- III. ESPN pays an annual fee of \$34 million (average); which is only about 4.5% of what CBS/Turner pays

Effects on Gender Equity

The Contract Prioritize Support for Men's Basketball to the Exclusion of Women's Basketball (and other sports)

- I. CBS/Turner controls sponsorship rights for **all** NCAA Championships, but only has broadcast rights for the men's basketball championship—incentivizing them to only focus on sponsorship for men's basketball
 - i. CBS/Turner does not want corporate sponsors to spend anything on other sports—like women's basketball—if it would mean those sponsors would spend less on men's basketball (where CBS/Turner would get the most financial gain)
- II. Bundling marketing right for all sports together with media rights for men's basketball makes sponsorship of any NCAA championship extremely expensive for potential corporate partners
 - i. **There is no space for sponsors who would be interested in supporting women's basketball but cannot afford to or do not want to sponsor men's basketball**

The Contracts Have a Direct and Inequitable Impact on the Student-Athlete Experience

- I. The men's tournament is presented at "so exciting and so big," leading people to view it as "the real basketball," while the women's tournament broadcast is all about "calling plays and commenting on the game itself"
- II. One commissions stated that the rules of the current sponsorship structure mean that when a sponsor "buy rights to all championships and only choose to activate at the men's [tournament], everyone else is screwed"

The NCAA's Treatment of Revenue from These Contracts Skews the Conversation About Which Sports Generate Revenue

- I. All the money brought in through the CBS/Turner deal is only credited toward men's basketball, even though CBS/Turner has control of corporate sponsors
- II. A \$2.8 million loss from the women's tournament in 2019—stated to be the biggest loss of any championship that year—was based on a calculation that attributed all revenue from the CBS/Turner deal (including sponsorships) to men's basketball

CBS/Turner Owns and Operates the March Madness Live App, Which Does Not Include Coverage or Information About Women's Basketball

- I. The March Madness app includes corporate sponsors, clips from games, stories about players and teams, the ability to enter the March Madness Bracket Challenge, and track the official bracket
- II. Women's basketball athletes felt confused/upset that the "genderless March Madness app" only included the men's tournament
- III. The "NCAA DI WBB" app has no corporate sponsors, limited clips of games, and no news articles—instead, it is designed to enhance the experience of those already attending games

The True Value of the Division I Women's Basketball Championship Is Not Reflected in the Contracts

- I. According to sports media and marketing experts, the Division I Women's Basketball Championship is "one of the most valuable U.S. sports media properties"
- II. Ed Desser estimates the women's tournament could be worth \$81 to \$112 annually when the ESPN contract expires
- III. The women's tournament has become an increasingly popular "tentpole" event
 - i. The 2021 Final Four had an average of more than 2.9 million viewers (14% more than 2019) and 2021 was the first year ESPN nationally broadcast all 63 games of the tournament
 - ii. The women's Final Four generally draws more viewers than every other sporting event in the same window, except for the men's tournament
 - iii. The women's tournament delivers viewership on par with the NBA conference finals, college football conference championships, regular season college football games, MLB Wild Card games, and the Women's Tennis Grand Slam Finals
 - iv. The women's tournament also draws more than four-times the viewers of the Duke v. UNC regular season games

Marquee ESPN Properties (excluding NFL and CFP)

- I. Because the WNBA does not allow players to enter the draft until they are 22, women's college basketball players are able to create a following for multiple years that could draw more people to watch the tournament
- II. The social media following of women's college basketball players can also drive up the viewership for the tournament
 - i. UCONN player Paige Beuckers has 900,000 followers on Instagram, which is more than twenty 2021 men's Final Four starters combined
- III. The changing market for sports broadcasting rights also means that when the contract with ESPN is up, there will be more potential bidders for the rights to broadcast the women's tournament

Recommendations

- I. **Recommendation 2.1 – Market the rights to the Division I Women's Basketball Championship as a stand-alone property**
 - i. This would unlock a considerable amount of value and attract more bidders than if it was included with 28 other championships
- II. **Recommendation 2.2 – Use "March Madness" for both the Division I Men's and Women's Basketball Championships**
 - i. "March Madness" is one of the most popular brands in sports and should be used for both the men's and women's tournaments
 - ii. There should be no differentiation between the men's and women's tournament by using gender modifiers only for the women's tournament (i.e., "Final Four" for the men and "Women's Final Four" for the women)

- III. **Recommendation 2.3 – Negotiate for a new tier of corporate sponsors for the Division I Women’s Basketball Championship (and other NCAA championships)**
- IV. **Recommendation 2.4 – Create a new senior position of Chief Business Officer to implement a strategy in the marketing, promotion, and sponsorship of the championships that both prioritizes gender equity and ensured the long-term sustainability of the NCAA**
 - i. One key responsibility would be to work the the NCAA’s media partners to find ways to increase gender equity
 - ii. By removing broadcasting, corporate sponsorships, marketing, and branding from the control of men’s basketball and under the control of the CBO the Corporate Partner Program could maximize the value of all NCAA championships, rather than just men’s basketball
- V. **Recommendation 2.5 – Implement an overall strategy to realize the value of the Division I Women’s Basketball Championship (and other championships across the NCAA)**
 - i. Future contracts should be negotiated and structured to maximize benefits across all NCAA championships
 - ii. “[A]s the NCAA’s media *partners*, CBS/Turner and ESPN should all be open to adjustments [under the current contracts] as the current gender equity issues that have surfaces provide ample justification for changes to the status quo”
- VI. **Recommendation 2.6 – Establish a system for tracking sponsorship activations across the Division I Men’s and Women’s Basketball Championships (and all other championships across the NCAA)**
- VII. **Recommendation 2.7 – Pursue marketing and promotional opportunities that will benefit both the Man’s and Women’s Division I Basketball Championships**
 - i. Televisе the women’s Final Four on ABC in the prime time slot to provide the games to an greater audience that may not have ESPN through cable or streaming
 - ii. While this would requires contract changes since the March Madness Live app is owned by CBS/Turner, those changes should be pursued so that the app becomes the go-to place for the men’s and women’s tournaments
- VIII. **Recommendation 2.8 – Increase cross-promotion of the Division I Men’s and Women’s Basketball Championships**

What Should Be Done With Respect To the Division I Men’s & Women’s Basketball Championships

The Student-Athlete Experience

- I. The key inquiry for the women’s oversight committee and the women’s coaches association is what aspects of the men’s and women’s tournament must be equal, what should be comparable, and what are and should be “different for a reason”

Recommendations

- I. **Recommendation 3.1 – Hold the men’s and women’s Final Four together in one city**
 - i. Without combining the championships, the women’s championship will continue to have a different look and feel until the CBS/Turner agreement expires in 2032
 - ii. Combined Final Fours would create a compelling weekend schedule and allow for aggressive cross promotion of the tournaments

- iii. The NCAA would need to work diligently to ensure that any experience made available for men's basketball would also be made available for women's basketball
- iv. While some may fear the men's games would drown out the women's games, the overwhelming majority of women's college basketball players who were asked about this possible solution were in favor of it to provide a more comparable experience to the men's tournament
- v. "The mere possibility that some disparities could remain despite careful planning, and that those disparities would be noticed by student-athletes, would leave the tournament no worse off than it is now"

II. Recommendation 3.2 – Ensure that items impacting the student-athlete experience at the Division I Men's and Women's Basketball Championships are gender-equitable

- i. Health and Safety: anything in this category should be substantially the same
- ii. Practice Facilities and Locker Rooms: size, quality, and proximity of practice facilities and locker rooms should be substantially the same
- iii. Travel and Accommodations: travel to and at the tournaments should be substantially the same, hotels should be of the same quality with substantially similar amenities, and food quality, quantity, and variety should be substantially the same
- iv. Gifts, Mementos, and other Amenities: gifts, mementos, "swag," and other amenities given to athletes and their families should be substantially the same
- v. Signage, Marketing, Promotional Efforts, and Branding: quality and quantity of signage, marketing, promotional efforts, and branding should be substantially the same
- vi. Entertainment: any entertainment or recreational activities available to athletes and their families should be substantially the same

The NCAA's Revenue Distribution Model

The Current Model

- I. Since the 1970s, the NCAA has distributed about 60% of its revenue to Division I conferences and schools
- II. Revenue distributed based on participation and performance in the men's tournament accounts for more than a third of the distribution
- III. A model that distributes revenue based only on the performance of men's basketball teams does not advance the value of gender equity
- IV. It is inconsistent with the "NCAA's own stated commitment to gender equity[] for the NCAA and its membership to reward the success of men's basketball through its revenue distribution model, without providing comparable opportunities and benefits to women's basketball"

Recommendation

I. Recommendation 4.1 – Apply gender equity values to revenue distribution

- i. Any change should be phased in over time to minimize deleterious impact it could have on some programs
- ii. Over 10 years, take 5% per year from the men's basketball performance fund and reallocate it to a women's basketball performance fund (ending with half the men's performance fund becoming the women's performance fund)

- i. This would incentivize schools to develop and support women's basketball programs

Disparities in Participation Opportunities

Unequal Size of the Division I Tournaments

- I. Only 64 teams compete in the women's tournament, while 68 teams compete in the men's tournament
- II. There are concerns that the lack of parity in women's college basketball would lead to more uncompetitive games if the tournament was expanded
- III. However, the women's basketball community is largely in favor of expanding the tournament to 68 teams

National Invitation Tournaments

- I. The NCAA owns the 32 team men's NIT, while Triple Crown Sports, Inc. owns the 64 teams WNIT
- II. Triple Crown Sports requires each participating school to pay \$12,000 to cover travel expenses (air, hotel, bus, food) while the NCAA covers all travel costs of the men's NIT and provides a lodging per diem for food and housing for up to 25 teams
- III. Participants in the men's NIT also receive financial distributions for their participation, while no such distribution is made for the WNIT

College Basketball Academy

- I. This academy is run by the NCAA and is a development academy for prospective men's basketball athletes
- II. The NCAA does not offer a similar program for women's basketball athletes
- III. The academy was run in 2019 but canceled in 2020 and 2021 due to COVID-19 and is currently under review

Other Differences in Participation Opportunities

- I. There is a Rees's College All-Star Game featuring the top senior athletes from teams who did not make the men's Final Four, but there is not a similar event for the women's tournament
- II. As of 2022, there is also an all-star game for athletes from HBCU's for men's basketball, but no such event for the women's tournament

Recommendation

- I. **Recommendation 5 – Provide an equitable number of participation opportunities**
 - i. Increase the bracket for the women's tournament to 68 teams
 - i. Even if there are competitive concerns about this, looking at it through a "Title IX lens," the participation opportunities between men and women should be substantially proportionate
 - ii. While the Division I tournaments are the main focus, the NCAA should consider rewarding grants/stipends to help cover the fees associated with participation in the WNIT
 - iii. If the NCAA decides to keep the basketball academy following their review, there should also be an academy for women's basketball athletes

Divisions II & III's Infrastructure for Addressing Gender Equity

Background

- I. The championships in D-II and D-III are run by men's and women's basketball committees in each division that report to D-II and D-III championship committees
- II. In 2019, the D-II men's and women's tournaments had a budget of approximately \$1.6 and \$1.9 million respectively
- III. In 2019, the D-III men's and women's tournaments had a budget of \$1.2 and \$1.3 million respectively

Gender Equity Infrastructure

- I. "For the most part, the gender disparities in Division I exist to a far lesser extent, if at all, in Divisions II and III"
- II. This can largely be attributed to the Championship Committees in each division overseeing both men's and women's tournaments and providing a check on gender equity
- III. The Championship Committees have historically flagged requests by one sport for review by the other to ensure gender equity
- IV. The D-II and D-III leadership also embody the divisions' commitment to gender equity
 - i. For example, CBS/Turner was contracted to broadcast the D-II men's championship game on CBS or an affiliated channel, but the NCAA paid CBS about \$150,000 to broadcast the women's semi-finals and championship game, and \$84,000 to broadcast the men's semi-finals

Gender Disparities

- I. Venue for the women's tournaments in are consistently smaller than venues for the men's tournaments
- II. Men's tournaments often take advantage of off-campus facilities with more amenities, while the women's tournaments usually rely on campus facilities

Recommendations

- I. **Recommendation 6.1 – Establish regular communication between the Division II and III Men's Women's Basketball Committees that focus on coordinating on strategic decisions and achieving gender equity in the student-athlete experience**
 - i. The gender equity issues that do arise in D-II and D-III largely arise because of a lack of communication
 - ii. There should be more coordination/communication with aspects such as site selection and venue selection for the tournaments
- II. **Recommendation 6.2 – Ensure that items impacting the student-athlete experience at the Division II and III Men's and Women's Basketball Championships are gender-equitable**

Ensuring Progress on Gender Equity

- I. **Recommendation 7 – For the next five years, conduct an annual public assessment of the NCAA's progress in implementing the recommendations set forth in this report**