

National Collegiate Athletic Assn. v. Smith

525 U.S. 459 (1999)

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Petitioner, the National Collegiate Athletic Association (“NCAA”), appealed a decision made by the Court of Appeals for the Third Circuit. In August 1996, Renee Smith sued the NCAA, alleging that the organization discriminated against her on the basis of her sex by denying her permission to play intercollegiate volleyball at federally assisted universities. Smith claimed that this discrimination was in violation of Title IX of the Education Amendments of 1972. The issue raised was whether the NCAA, a private association that does not receive federal financial aid, is subject to Title IX because it receives money in the form of dues from entities that do. The Supreme Court held that merely because an entity receives money from federally funded recipients, does not make the entity a recipient itself. Thus, the NCAA was not considered a recipient under Title IX guidelines and was immune from Smith’s claim.

Title IX provides that “no person in the United States shall, on the basis of sex, be excluded from participation in...any education program or activity receiving Federal financial assistance.” Two previous cases offered guidance for the Court in determining whether the NCAA qualified as a recipient of federal assistance. In *Grove City College v. Bell*, the Court examined this issue with regard to a college whose students received federal financial aid earmarked for educational expenses. Here, the Court found no distinction between direct or indirect federal assistance as it pertained to education. In *United States Department of Transportation v. Paralyzed Veterans of America*, the Court limited inclusion to those who received aid, and refused extension to those who benefited from it.

The court held that unlike in *Grove City College*, Smith made no allegation that the universities paid their dues with federal monies earmarked for that purpose. Additionally, as in *Paralyzed Veterans*, the dues may have benefited the NCAA, but this was insufficient grounds to categorize the NCAA as a recipient within the meaning of Title IX.

Smith also asserted that the NCAA directly and indirectly received federal financial assistance for programs it administered. However, the Supreme Court does not make or review fact-finding decisions like this. These determinations are traditionally the realm of courts below.

The Supreme Court concluded that the NCAA was not a recipient subject to Title IX stipulations. The court vacated the Third Circuit’s judgment and remanded the case for further proceedings in accordance with its opinion.