

This Article examines that role that Title IX has played in the debate over college athlete compensation, including the Title IX implications of litigation that seeks to use labor and antitrust law to challenge the National Collegiate Athletic Association's longstanding amateurism policies. The Article acknowledges that because the justification for extending labor and antitrust law to college athletics stems from the commercial nature of the enterprise, there is an understandable tension with Title IX, which operates to constrain market choices by requiring institutions to support women's programs with less potential for revenue. Nevertheless, it takes the position that Title IX applies to athlete compensation. Despite its commercialism, college athletics benefits in numerous ways from its affiliation with higher education, and is therefore appropriately bound by Title IX obligations that apply in that context. This conclusion is important because of the leverage it provides to a broader project of college athletics reform. If, as the NCAA has suggested, Title IX implications render the application of labor and antitrust law to college athletics prohibitively expensive, the NCAA's only choice will be to reform college athletics to restore the primacy of educational over commercial values, or alternatively, to separate the commercial interests from higher education entirely. Either approach would simultaneously address concerns about the exploitation of uncompensated labor, gender equity, educational compatibility, and cost containment. For this reason, it is important that college athletics confront the Title IX implications of decisions that result in athlete compensation.