

# Rethinking Disability Inclusion in Intercollegiate Athletics: Examining the NCAA's Mission and Priorities

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As higher education continues to strive to be inclusive and accepting of all identities, the NCAA must reconsider some of its practices and policies surrounding disability. The NCAA has started to recognize the importance of varying abilities within specific policies and procedures but there is still improvement that must be made to achieve an equitable experience for all athletes. Within academic regulations, the NCAA must reconsider initial eligibility, minimum credit hour requirements, and progress towards degree. The NCAA seeks to create an atmosphere of fairness; however, the inclusion of varying ability levels is excluded throughout various statements, hiring practices, and how specific sports are played. The NCAA has made well-being a top priority but this cannot be achieved without representation and focus on disability identity. This implies that more funding and resources should be implemented to support the understanding of disability identity development and formation. It is time for the NCAA to rethink how disability can be included throughout all aspects of collegiate sports.

Keywords: NCAA, inclusion, policy, disability, sport, universal design

## Introduction

As the National Collegiate Athletic Association (NCAA) has begun to recognize the potential power shift in governance as student activism continues (Navarro & Malvaso, 2015; Oriard, 2012), it is essential for decision-makers to understand that college athletes with disabilities endure discrimination and inequitable experiences academically as well as athletically (Stokowski & Ferguson, 2020).

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However, the literature has largely ignored the multi-faceted college experience of college athletes with disabilities (Stokowski et al., 2017; Stokowski et al., 2020a). The NCAA (2021a) “is a member-led organization focused on cultivating an environment that emphasizes academics, fairness, and well-being across college sports” (para. 1). Yet, the premier governing body of intercollegiate sport (i.e., NCAA) has failed to promote the inclusion of students with disabilities in athletics participation. Since its inception, through its policies and procedures, the NCAA has made minimal effort to ensure the inclusion of athletes with disabilities, as demonstrated through its legal obligations (*Ganden v. NCAA*, 1996; *Tatum v. National Collegiate Athletic Association and St. Louis University*, 1998). Like the passing of Title IX, which made it illegal to discriminate based on sex within various educational practices that include participating in athletics (Koch, 1975), there will be no serious change or consideration for the inclusion of individuals with varying abilities until legal action creates consequences that holds the NCAA accountable for rethinking practices and procedures. This article strives to provide insight into the NCAA’s mission (academics, fairness, well-being) as it relates to college athletes with disabilities; specifically, the unintentional exclusion and absence of individuals with disabilities within collegiate athletics spaces.

## Disability in Higher Education

In the United States (US), 19% of undergraduate students enrolled at institutions of higher learning reported having a disability (de Brey et al., 2021), an 8% increase within the last decade (U.S. Government Accountability Office, 2009). It is important to be mindful that such statistics do not account for students who purposefully choose not to disclose their disability due to societal stigma, or other potential barriers (Eccles et al., 2018). It is unknown exactly how many college athletes have a disability (e.g., Stokowski & Hardin, 2014; Stokowski & Huffman, 2014). However, as the enrollment of students with disabilities increases on college campuses (Eccles et al., 2018), it is essential for administrators and other stakeholders within higher education to ensure that policies, procedures, and practices are inclusive of individuals from a wide range of abilities (e.g., Stokowski et al., 2017; Stokowski & Ferguson, 2020).

In the past 50 years, students with disabilities have been granted access to higher education due to laws such as the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 (ADA), Americans Disabilities Act Amendments Act of 2009 (ADAAA), and the 1997 Amendment to the Individuals with Disabilities Education Act (IDEA). The ADA (1990) defines disability as a physical or mental impairment that limits an individual’s major life activities. Under the ADA (1990), institutions are required to provide reasonable accommodations in

various aspects of the collegiate experience. Students with disabilities are often asked to advocate and seek accommodation for their disabilities in educational settings (Barnard-Brak et al., 2010; Getzel & Thoma, 2008). An accommodation is referred to as “an alteration of environment, curriculum format, or equipment that allows an individual with a disability to gain access to content and/or complete assigned tasks” (DO-IT, 2021, para 1). Accommodations are often implemented after the design of administrative policies, procedures, and various environments rather than incorporating and designing spaces that break down limiting barriers from the outset (Burgstahler, 2008; Evans et al., 2017).

In 2013, the U.S. Department of Education, Office for Civil Rights released a Dear Colleague Letter (DCL) providing clarification and guidance relating to specific mandated practices in accordance with Section 504 of the Rehabilitation Act of 1973, to provide equal opportunities to students with disabilities to participate in athletics and other extracurricular activities (U.S. Department of Education, Office of Civil Rights, 2013). Although the focus of the DCL targets K-12 settings, the implications can be applied and used as guidance for equal access in higher education, specifically relating to athletic participation and must be considered by collegiate athletic associations, like the NCAA. The DCL urges inclusion by ensuring students with disabilities can participate alongside their peers with the same opportunities, but when this is not possible, it is suggested that programs be created that mirror the same opportunities to participate, with the appropriate modifications as needed. Yet in accordance with the law, creating separate programming is not a requirement (U.S. Department of Education, Office of Civil Rights, 2013). To fully embrace inclusion, “we must look for opportunities to ensure that the policies we enact do not continue the exclusive status quo, but rather foster an inclusive future” (Proctor et al., 2022, p. 97).

## History of the NCAA Academic Reform and Disability

Prior to 1970, students with disabilities have historically been denied access to higher education and the opportunity to participate in collegiate sport (Paul, 2000; Petr & McArdle, 2012; Stokowski et al., 2017). In 1983, the NCAA adapted Proposition 48, which provided expectations regarding initial eligibility for college athletes based on high school grade point average (GPA) and standardized test scores (Crowley, 2006; Smith, 2011). Even with these expectations in place, questions still loom in regard to how such legislation would affect specific low-income and minority populations (Klein & Bell, 1995; Yost, 2010). In 2005, the NCAA implemented Academic Progress Rate (APR) with the intention of ensuring Division I college athletes were meeting standardized benchmarking toward retention and graduation (NCAA, 2021b; Oriard, 2012).

The NCAA's initial and continuing eligibility standards has faced legal ramifications for not complying with specific aspects of the ADA (Trainor, 2005; Weston, 2005). As a private entity, the NCAA works closely with public institutions and public entities as determined during the legal case *NCAA v. Tarkanian* of 1988. In this legal case, federal courts determined that the NCAA could be held accountable and sued under Title III of the ADA (Miller, 1997). In *United States vs. NCAA* in 1998 (Department of Justice, 1998), the NCAA agreed to make a few accommodations by accepting (under exceptional circumstances) special education courses to meet initial eligibility "core" course requirements. The NCAA also agreed to provide students with specific learning disabilities (SLD) an extra year of eligibility if the student was unable to participate in their first year of college due to initial eligibility concerns (Koller, 2017). In both *Ganden v. NCAA* and *Tatum v. NCAA*, the court viewed the NCAA as a place of public accommodation for both spectators and college athletes participating in competition (Bakker, 2005; Trainor, 2005; Weston, 2005).

The NCAA began including college athletes with disabilities into policies and procedures by coining the term Education-Impacting Disability (EIDs). An EID is defined in bylaw 14.02.5 as a "current impairment that has a substantial educational impact on a student's academic performance and requires accommodation" (NCAA, 2021b, p.165). Students, parents, and/or collegiate personnel can submit waivers on behalf of an athlete with a disability seeking individualized accommodations to provide access to athletic co-curricular programs. Although the NCAA's attempt to create spaces of equity for students with disabilities indicates positive progression, the system continues to place the burden on the college athlete to seek the accommodation (e.g., Stokowski, 2013; Stokowski et al., 2017).

The NCAA also stated that an institution has the right to seek accommodations on behalf of a student typically through compliance, yet there are several stipulations. The accommodation must ensure the safety of other athletes are not compromised; the accommodation must not significantly alter the game; and the accommodation must not provide a student an "unfair advantage" to others competing (NCAA, 2021c). Inclusion is essential (Molback, 2018), and the NCAA has made some attempts to ensure students with disabilities are included and evaluated on an individualized basis; however, more attention is needed to ensure all students, regardless of ability, have the opportunity to participate in collegiate athletics.

## Academics and NCAA Bylaws

When it comes to academics, the NCAA has expressed the importance of retention and graduation (Crowley, 2006), but the organization often fails to acknowledge the journey of learning. Often, the NCAA's singular approach fails

to meet the needs of all learners and may create barriers for many students with disabilities (Stokowski & Ferguson, 2020). Although academic standards are important to ensure rigor, specific NCAA legislation can cause more barriers for students in regard to minimum credit hours and progress towards degree (PTD). While such legislation was implemented to ensure minimum ethical academic standards, many regulations unintentionally create several barriers for students with disabilities to navigate (Stokowski, 2013; Stokowski et al., 2017).

Universities and colleges operate their own admissions processes, ultimately managing institutional to academic expectations and standards. The NCAA is contracted by member institutions to govern collegiate athletics as a private entity (Steiger, 2019). Through this process, the NCAA has full control to determine which students qualify and are ineligible to participate in collegiate sports, regardless of if an institution admitted a student. By enforcing strict academic standards, the NCAA holds the power to accept or deny a student with a disability the opportunity to participate in collegiate sport. When a student is denied the opportunity to participate in athletics, the NCAA is essentially stating the student is incapable of balancing both academic and athletic demands (Steiger, 2019). Rather than adjusting the academic standards to meet the student's needs, the NCAA is holding students to a higher standard. This inadvertent discrimination also correlates to disproportionate opportunities for students with disabilities to receive athletics-related grant-in-aide, which is contingent upon the ability to meet eligibility standards (Johnson et al., 2012; Oriard, 2012; Stokowski, 2013; Stokowski et al., 2017).

When reflecting on the changes several NCAA Division I membership institutions are making after experiencing the COVID-19 pandemic throughout the 2019-2020 and 2020-2021 academic year, admissions processes have removed the requirement for standardized test scores (Falk, 2020). Standardized tests (e.g., ACT, GRE, SAT) have been criticized for being unfair and discriminatory based on race and class (Au, 2020). For those with disabilities, standardized testing services offer accommodations; however, some of these add additional burdens on the student to seek necessary accommodations (Stokowski, 2013; Stokowski et al., 2017). For example, having extended time could lead to some students experiencing testing fatigue after sitting in an isolated room for more than eight hours with minimum breaks (Chu et al., 2020). As institutions begin to reevaluate if standardized test scores will be used to determine admissions requirements (Geisinger, 2021), it is important for the NCAA or other governing bodies in athletics to consider if the standardized testing scores should remain a critical aspect to determining initial eligibility (Huml et al., 2019).

Moving beyond initial eligibility, college athletes, regardless of circumstances, are required to meet a minimum credit hour enrollment each semester

unless an NCAA waiver is approved (NCAA, 2021b). Such NCAA (2021b) continuing eligibility legislation is commonly referred to as the 6-18-24 hour rule(s). According to NCAA (2021b) Bylaw 14.4.4.3.1, students must pass a minimum of six degree-applicable credit hours each semester. In the first two years, any credit can apply to this rule; beyond the fifth semester the courses must academically satisfy a credit toward their degree. The 18-hour rule (NCAA 14.4.3.1 [b]) sets a standard that athletes must successfully pass at least 18 credit hours each academic year (NCAA, 2021b). The 24-hour rule applies to first-year athletes, who must successfully pass 24 degree-applicable credit hours prior to starting their third semester. Transitioning from high school to college is difficult enough for most students, but students with disabilities may face further barriers such as navigating a new accommodation system, adjusting to collegiate life, advocating for one's own needs, and the new academic rigor and how this may affect their academic abilities (Stokowski et al., 2017).

To increase graduation rates, in 2003, the NCAA introduced PTD (Gurney et al., 2020). Often referred to the "40-60-80 rule," PTD states that a student must complete (and pass) 40% of degree-applicable courses by the end of their second year, 60% by the end of their third year, and 80% by the end of their fourth year. Ultimately, by the end of their fifth year, college athletes are expected to complete 100% of the degree program (i.e., graduate). Although PTD is well intended, such regulations can potentially cause barriers to students with disabilities. Students with disabilities may not be able to handle a full course load in their first year of college as this population learns to navigate a new environment (Stokowski, 2013; Stokowski et al., 2017). It should also be noted that PTD (NCAA, 2021b) forces college athletes to declare a major prior to their fifth semester of enrollment. This leaves the college athlete population with limited time for self-discovery and career exploration (Coffin et al., 2021). Although the NCAA offers a PTD waiver for students with EIDs (Bylaw 14.2.3.3, & Bylaw 14.4.3.9; NCAA, 2021b), many institutions lack the necessary resources to maneuver the waiver process (Gurney et al., 2020; Oriard, 2012).

The NCAA is transparent with published data on college athletes' graduation rates (NCAA, 2022a), APR (NCAA, 2022b), and well-being (NCAA, 2020). However, the NCAA has not published data relating to eligibility waivers, how many are accepted and/or declined, or what percentages of students with disabilities are afforded the opportunity to use remedial courses to fill specific aspects of PTD. When it comes to creating bylaws or the approval and denial of waivers, athletes with disabilities should be included in the process. When a committee is only comprised of abled-bodied individuals, many different barriers within the policies and procedures can be overlooked, making it even more difficult for those with disabilities to have access. Thus, efforts need to be taken by the

leading governing body of intercollegiate sport to ensure college athletes with disabilities have representation (Proctor et al, 2022).

## Fairness

The NCAA (2021a) states that fairness is a dedication to “fair, inclusive, and fulfilling environments for college athletes and giving them a voice in the decision-making process” (para. 2). This is specifically where the NCAA (2021b) includes “commitment to diversity” (p. xiii) and “gender equity” (p. 2). Although diversity, gender inclusion, and equity are essential in collegiate athletics, disability is not mentioned and is essentially excluded from this statement. The NCAA does include the word “disability” in the principle of non-discrimination statement printed in the NCAA (2021b) Division I manual. However, the NCAA (2016) has placed focus and invests in research on mental health, but lacks focus on understanding the disabled athlete experience, specifically relating to academics. This appears to be a significant gap in the NCAA’s understanding of college student-athletes with disabilities. It is important that the NCAA and other governing bodies take action to educate, advocate, and create spaces of inclusivity for all athletes.

In 2017, the City University of New York Athletic Conference (CUNYAC) began an inclusive sports program for individuals seeking adaptive sport opportunities in track and field, swimming and diving, wheelchair basketball, and tennis affiliated with NCAA Division III regulations (CUNYAC, 2017). The NCAA lags behind in inclusion of all individuals based on ability to participate in athletic opportunities. Burton (2021) believes that with the Supreme Court’s ruling in regard to name, image, and likeness (NIL), the NCAA and other athletic governing bodies should reconsider access and inclusion based on the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

There was a distinct time when the NCAA did not allow athletes of color, women, international students or those identifying as transgender to participate, even though their eventual presence did not fundamentally alter the sport. Race, gender, or place of origin didn’t require re-codifying the participation rules. Having an athlete in a wheelchair or competitor with a visual impairment does ... it seems a major remaining source of NCAA discrimination involves athletes with impairments ... now is a good time for the NCAA ... to think about whether “reasonable accommodations” should finally be introduced for more members of our growing athletic universe. (Burton, 2021, para 12-13)

Athletes who participate in adaptive sports in the collegiate environment usually have specific physical impairments (Park & Sinelnikov, 2016). Rather than adapting current athletic sports implemented at the collegiate level to be



inclusive for all individuals, the current model creates an environment for collegiate athletes with physical disabilities to be excluded from participating with their non-disabled peers. Students with disabilities then have to find environments or spaces that are designed for their specific accommodations or needs designed with limited or completely without barriers. As expressed in the DCL (U.S. Department of Education, Office of Civil Rights, 2013), the NCAA should reimagine how sports can be adapted to accommodate all abilities. It is essential to consider disability inclusion in the creation of sports and the way in which the game or competition is played (as well as governed).

Although rethinking the way college athletes with disabilities participate in athletics may take years to reorganize and revise, one specific area that could be improved by the NCAA immediately would be the inclusive practice of promoting and hiring individuals with disabilities. Representation is important, which is made clear in the NCAA's goal to foster diversity and gender equity (NCAA, 2021a). However, by solely focusing on race and gender, disability is once again forgotten and invisible in a space where disability is already deemed unwelcomed within participation. At the very least, the NCAA should take action to engage coaches and athletic staff by offering learning opportunities and professional development experiences. Educating coaches about differing abilities, the same way mental health has become a top priority within the past decade, could lead to more inclusive practices that benefit all students and allows for fairness to fully be incorporated in the realm of collegiate athletics. The NCAA has claimed mental health as a top priority by putting together a variety of summits and a task force (NCAA, 2016), yet disability is not given the same level of acknowledgment in its importance. In order for the NCAA (2021a) to truly uphold its stance on "fairness," it is critical for disability to be considered and inserted into the conversations surrounding college athletics.

## Well-Being

Mental health has been a topic of interest for the NCAA in the last decade, as the organization has endorsed and supported research in this area (NCAA, 2016, 2020); however, disabilities—specifically invisible disabilities—have been ignored or forgotten (Stokowski et al., 2017). The NCAA (2021a) discusses the importance of education and continued development in areas surrounding nutrition, heart health, mental health, health insurance, drug and alcohol prevention, prevention of injuries and concussions, and interpersonal relationships, which specifically refers to sexual assault and interpersonal violence. These specific perspectives fail to integrate a comprehensive approach to well-being, as the aforementioned initiatives do not address holistic well-being and are missing two critical aspects including community or social engagement (e.g., Haynes et al., 2016; Newman et



al., 2014; Rueger et al., 2010), and personal self-discovery or identity development (e.g., Booker et al., 2021; Schwarts et al., 2013), which are critical components within the collegiate experience that should not be ignored.

Throughout the collegiate experience, student development through identity exploration is a critical component, and students' peers, in addition to faculty and staff, help foster students' development (Navarro et al., 2020; Stokowski et al., 2020b). College athletes are balancing their time between athletic demands and academic obligations, which often leads to other aspects of identity development and social engagement being placed on hold, as there is not enough time to prioritize this aspect to their collegiate experience (Stokowski et al., 2019). College athletes should have the opportunity to explore their identity beyond the title of athlete or student (e.g., Adler, 1987). Coaches and athletic staff play a significant role in their athletes' individualized identity development as well as team dynamic. The NCAA should consider creating more opportunities for personnel to engage in best practices surrounding college student development, identity development, and fostering a community that is inclusive for all, which can lead to a sense of belonging (Stokowski & Ferguson, 2020; Stokowski et al., 2019).

Finally, the NCAA has dedicated time and funding to important issues such as concussion prevention (NCAA, 2021d), balanced nutrition (NCAA, 2021e), and physical and mental perspectives to health (NCAA, 2016), but what is evidently missing is the investment and stance on encouraging medical coverage for psychoeducational testing and evaluations. Psychoeducational assessments are completed by a licensed professional to provide a comprehensive understanding of a student's cognitive, academic, and/or socio-emotional functioning, typically used to diagnose attention deficit hyperactivity disorder (ADHD), or SLD (Dombrowski, 2015). These assessments are typically required for students to request accommodation with their institution's disability support services and provides a more insightful understanding of a student's recommended best practices within a learning environment (Lovett et al., 2019; Spenceley & Wheeler, 2016). The information can also be useful if the student fully understands the assessment, to communicate best practices with coaches and other athletic staff (Stokowski, 2013; Stokowski et al., 2017). The NCAA (2021c) requires this specific documentation for students who take ADHD medicine. The NCAA should be encouraging funding to support students to seek testing, if requested. This testing can support a student's academic needs and could provide further insight to potential undiagnosed and usually invisible disabilities. Furthermore, since such assessments are costly, perhaps athletic departments can utilize cross-campus collaborative opportunities to assist college athletes in receiving psychoeducational assessments (Stokowski, 2013). To focus on well-being, the NCAA should strive for a comprehensive approach that values all aspects of health and identity (Proctor et al., 2022).

## Conclusion

Rethinking disability inclusion in the world of collegiate athletics will take innovation and purpose-driven decisions to ensure no individual is excluded. Some ideas can be immediate, whereas others may take years to redesign. Including individuals with disabilities into intercollegiate athletic spaces involves understanding, empathy, education, and allyship (Springer et al., 2022). Unfortunately, history has shown that the only way to begin inclusion of excluded identities is to ensure there is legal consequences to exclusionary practices. As student activism continues to be acknowledged within the intercollegiate space, it is essential for the NCAA to be proactive rather than taking a reactive stance to issues surrounding disability. The NCAA has made some strides toward acknowledging disability and lack of inclusion in specific policies and procedures, but in the landscape of collegiate sport there are still many improvements to make to ensure that all students (regardless of ability) have access to participate in collegiate athletics. This work begins by acknowledging barriers, redesigning and implementing more inclusive policies and procedures, educating staff and athletes about inclusive environments and best practices, and taking a stance on ensuring all students are seen, heard, and acknowledged throughout different initiatives, missions, priorities, and values. It is acknowledged that disability being viewed from a perspective where the sole burden of advocacy is on one individual is not an athletic problem, but that does not permit continuous disregard for inclusion of all, regardless of one's disability.

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