LGBTQ-inclusive fan codes of conduct in US athletic departments: a multilevel analysis

E. Nicole Melton
Mark H. McCormack Department of Sport Management,
University of Massachusetts Amherst, Amherst, Massachusetts, USA

George B. Cunningham
University of Florida, Gainesville, Florida, USA

Jeffrey D. MacCharles
University of North Texas, Denton, Texas, USA, and

Risa F. Isard
Mark H. McCormack Department of Sport Management,
University of Massachusetts Amherst, Amherst, Massachusetts, USA

Abstract
Purpose – Sport organizations increasingly emphasize their support for lesbian, gay, bisexual, transgender and queer (LGBTQ) inclusion by promoting a perfect score on the Athlete Ally Equality Index, partnering with nonprofits to increase awareness of LGBTQ individuals in sport (e.g. Rainbow Laces campaign), or hosting a pride night for LGBTQ fans. Despite these and similar efforts, LGBTQ fans historically have felt unwelcome in sport settings, thereby signaling the need for inclusive fan codes of conduct. The purpose of this study was to examine both the prevalence and antecedents of such policies.

Design/methodology/approach – Using publicly available data sources, the authors focused on 350 Division 1 college athletic departments in the USA.

Findings – Results illustrate factors at both the macro (i.e. institution) and meso- (i.e. athletic department) levels interact to explain whether a school will possess a fan code of conduct. Specifically, research-intensive institutions with strong gender equity are more likely to possess a code of conduct than schools that are not research oriented and have weak gender equity. This project extends the understanding of LBGTQ inclusion in the sports industry.

Originality/value – The current study is the first to examine the prevalence and predictors of LGBTQ-inclusive fan codes of conduct. Understanding these dynamics can help athletic programs that want to create safe and inclusive sport spaces for LGBTQ fans and spectators.

Keywords LGBTQ marketing, Fan environment, Inclusion, Multilevel theory, Sport consumer

Paper type Research paper

Introduction
As members of the lesbian, gay, bisexual, transgender and queer (LGBTQ) community have realized greater acceptance in society, they have also received considerable attention from the world of business. Organizations have come to recognize the presence of LGBTQ fans and the imperative of appealing to this growing market, which holds considerable influence as both consumers (with $1 trillion plus in spending power; Melton, 2021) and organizational stakeholders (e.g. owners/investors, managers, employees, etc.). As such, organizations that value diversity, equity and inclusion recognize the importance of authentically communicating these ideals to LGBTQ consumers (Ciszek and Lim, 2021). As a microcosm of the broader marketplace, this trend appears in the sports industry (Cunningham, 2015; Shaw and Cunningham, 2021). Concurrent to the growing societal acceptance of LGBTQ individuals, more and more athletes are publicly disclosing their LGBTQ identities – and
Sport has established a more welcoming atmosphere for such individuals (Anderson et al., 2016; MacCharles and Melton, 2021a).

Though LGBTQ acceptance is on the rise among sports organizations, there is still room for improvement, particularly when it comes to LGBTQ sport consumers (Cunningham and Melton, 2014; Melton and MacCharles, 2021). Sport has long been the domain of traditionally masculine, exclusive, heteronormative attitudes and behaviors (Denison and Kitchen, 2015; MacCharles and Melton, 2021b; Melton, 2013). Sexual prejudice has historically been prevalent in sports stadiums and in online fan message boards (Kian et al., 2011; Muller, 2007) and is also predictive of identification with popular sports in the USA (Lee and Cunningham, 2016). Some recent examples in the world of sports – such as the troubling, leaked Twitter messages from National Basketball Association (NBA) star Kevin Durant, homophobic chants yelled during a Mexico–USA soccer match (Melton, 2021) and anti-transgender policies supported by the National Collegiate Athletic Association (NCAA) and member institutions (Cunningham et al., 2022) – suggest antigay and anti-transgender attitudes remain an issue in college and professional sport. Sadly, researchers have consistently shown that LGBTQ people who do not feel welcome in sport, who feel afraid, or who experience distress are likely to leave sport altogether (Knoester and Allison, 2021; Melton and Cunningham, 2012; Symons et al., 2017).

Sport organizations can play an important role in cultivating more welcoming spectator environments, as inclusiveness begins at the organizational level (Cunningham and Melton, 2011; Melton and MacCharles, 2021). According to Chaney et al. (2019), individuals with traditionally stigmatized identities scan their environments (e.g. a sports stadium) for inclusive signals (i.e. “safety cues”). Such consumers seek out visible evidence that they are both welcome and wanted in such settings. Sport organizations can provide such cues in many ways, including through the establishment of expectations and guidelines for fan conduct. For example, the Los Angeles Dodgers (Major League Baseball) – regarded as a beacon of LGBTQ inclusion in the sports industry – possess a fan code of conduct that prohibits use of derogatory language based on sexual orientation, providing contact information for fans to report other spectators who violate the code (MLB.com, n.d.).

Strides toward LGBTQ inclusion have recently become evident at both the professional and amateur levels of the sports industry. For example, consider the overwhelmingly positive reaction to National Football League (NFL) defensive lineman Carl Nassib’s announcement that he is gay (Battista, 2021). The league commissioner Roger Goodell responded to the news with a supportive statement that read, in part: “We share his hope that someday soon statements like his will no longer be newsworthy as we march toward full equality for the LGBTQ community” (Patra, 2021). Similarly, consider recent news from the National Collegiate Athletic Association (NCAA). In 2015, NCAA basketball fans garnered headlines for their response to anti-LGBTQ legislation (the Indiana Religious Freedom Restoration Act). Standing in solidarity, fans held rainbow flags at the Final Four, one of the biggest platforms in sports (Payne, 2015). Emerging resources such as Athlete Ally are urging schools to better consider the needs of LGBTQ stakeholders (Anderson, 2021), and the expectations of customers and fans, with regard to LGBTQ inclusion, are shifting (Mumcu and Lough, 2017). Fans from the LGBTQ community, and their allies, want to see clear signs that sport organizations are creating inclusive spectator spaces, and these fans will be more loyal to sport organizations that do so (Melton and MacCharles, 2021). Providing signs of LGBTQ inclusiveness (e.g. fan codes of conduct) set the tone for what is acceptable behavior and take an important step toward ensuring stadiums and arenas are safe spaces for all fans (Denison and Kitchen, 2015).

Despite the noted importance of formal policies promoting LGBTQ inclusiveness among fans (i.e. fan codes of conduct), little scholarly attention has been devoted to the topic, especially from an organizational perspective (Melton and MacCharles, 2021). That is, although researchers have identified the poor experiences of many LGBTQ fans and how these experiences impact their sport involvement, systematic examination of organizational actions
to facilitate an inclusive fan experience is lacking. To this end, the purposes of the current study are (1) to investigate the prevalence of LGBTQ fan codes of conduct in college sport; and (2) to identify the antecedents of such policies. To achieve the latter objective, we draw from a multilevel framework, examining the roles of organizational and community characteristics.

A multilevel theoretical framework

Adopting a multilevel approach is often applied in sport management research (Cunningham and Nite, 2020; Melton, 2015; Melton and Cunningham, 2014) and is useful because it allows researchers to avoid errors that often result from examining a single level of influence (Rousseau, 1985). As Goodman (2000, pp. 6-7) argued, “Our research, how we train each new generation of researchers, and our professional associations display a clear level bias, that is, we tend to focus on one level of analysis and implicitly make assumptions about ... other units of analysis.” Thus, the multilevel perspective provides a more robust explanation of factors that contribute to outcomes. The multilevel perspective is appropriate for this study because characteristics of both the larger institution (i.e. the university/college) and the athletic department can impact its approach to LGBTQ inclusion, as explained below.

Macro-level factors

Macro-level factors are those operating beyond the specific organization of interest. As we studied college athletic departments in the USA, the most proximal macro-level factor is the university in which the department is embedded. Previous researchers have shown university characteristics influence an athletic department’s diversity mindset and the inclusiveness of its policies (Cunningham, 2015; Singer and Cunningham, 2012).

Size. An organization’s size can influence its structure and operations (Amis and Slack, 1996), largely due to increased capacity (see also Wicker et al., 2014). That is, larger organizations often have more access to technology, more sophisticated human resource systems and the ability to specialize in particular roles (Doherty and Cuskelly, 2019; Svensson et al., 2018). The specialization is important because employees can focus on a specific task, identify unique needs and innovate (Damanpour, 1992).

Division 1 institutions possess population sizes that vary dramatically. For example, the University of North Florida has an enrollment of under 15,000, whereas the University of Central Florida (UCF) has nearly 70,000 undergraduates (Wikipedia, n.d.). One would logically infer there will be cultural differences between institutions of such varying population size – much like there would be differences between working at Google’s corporate headquarters or working for a local software company with five employees. One cultural difference may be, for example, the schools’ varying perspectives on, and attitudes toward, diversity, equity and inclusion (DEI). When an organization has more members, a more diverse population is typically a natural by-product (Florida, 1999).

Indeed, in the context of the current study, there is some evidence that larger organizations are more attentive to LGBTQ inclusion than their smaller counterparts. For example, Fatmy et al. (2022) collected data from 657 publicly traded firms in the USA from 2003 to 2016, focusing on LGBTQ inclusiveness and various measures of firm performance. In addition to demonstrating that welcoming organizations outperformed their peers across a number of measures, the authors found that larger firms were likely to be more inclusive than smaller ones. Roumpi et al. (2020) found a similar pattern in their seven-year study of Fortune 1,000 firms. On a related note, Kates et al. (2018) showed that larger firms were more likely to offer same-sex spousal benefits relative to their smaller counterparts. Given this scholarship, it appears possible that university size holds a positive association with an athletic department having an LGBTQ-inclusive fan code of conduct.

Private/public. Likewise, an institution’s status – public or private – may impact its perspective on inclusion, though the patterns from previous scholarship remain equivocal.
In the USA, private institutions do not receive state funding to support operations. Though the private structure often results in higher tuition rates, it also means private institutions are not under the purview of the states’ diversity-related legislation. For example, during the COVID-19 pandemic, executive orders from the governor prohibited public institutions from requiring student, staff, or faculty to wear protective masks or be vaccinated; private institutions, on the other hand, were free to institute such policies, as many did (McGee, 2021).

As evidenced by the COVID-19 developments, private institutions are self-directed. Such institutions’ leaders are thus largely free (though benefactors surely have a say) to engage in diversity and inclusion initiatives of their own accord. Meanwhile, public institutions are handcuffed by following state and federal guidelines, not to mention coping with the inertia of policies being channeled through layers of bureaucracy.

Further, some private institutions are guided by religious foundations that conflict with LGBTQ inclusion. For example, a spokesman for Brigham Young University (which belongs to The Church of Jesus Christ of Latter-day Saints) stated in 2020 that “same-sex romantic behavior cannot lead to eternal marriage and is therefore not compatible with the principles in the honor code” (Walch, 2020). Thus, one would not expect LGBTQ inclusion to be a focus at schools like Brigham Young University (BYU) or Baylor University. Other private schools without a strong evangelical base, however – such as Northeastern University or Stanford – may have more leeway than public schools to promote inclusion initiatives. With relevance to this discussion Ortega et al. (2022) examined athletic department diversity mission statements. Though public institutions were more likely to publish a diversity statement, private schools were more likely than public schools to explicitly mention sexual orientation in such a statement.

The institutional theory illustrates why such differences between public and private institutions are meaningful. Leaders’ actions might be constrained by the political and coercive pressures facing their organization (Cunningham, 2009; Spaaij et al., 2018; Yang and Konrad, 2011). When institutional forces favor inclusiveness, both public and private institutions might adopt inclusive codes of conduct; on the other hand, political and coercive pressures against such policies would likely affect public institutions (i.e. those reliant upon the state for funding) more so than private entities. The extant research largely supports this rationale. For example, in a study of Fortune 1,000 firms, Roumpi et al. (2020) found that companies located in states with conservative political leanings were less likely to have LGBTQ-inclusive policies than their peers. In sport, Spaaij et al. (2018) examined diversity work in Australian sport clubs. They pointed to institutional factors as sources of the inertia and resistance to change in those organizations. Cunningham (2009), in a case study of an intercollegiate athletics department in the USA, arrived at similar conclusions. In sum, these collective findings suggest that, owing to political and coercive pressures, private and public institutions might vary in terms of LGBTQ attitudes and policies.

**Research-intensive.** Individuals’ behavior within organizations is impacted by both the guidance of leadership (e.g. institutional mission statements) and cultural norms that guide day-to-day activities. Cultural norms represent “a shared expectation that people use to identify what is acceptable and unacceptable in a social world” (Coakley, 2009, p. 157). These norms are relevant within universities, dictating what is understood as appropriate conduct among community members (Bogler and Kremer-Hayon, 1999). The same logic extends to intercollegiate sports, a setting ripe for social change initiatives (Melton, 2015).

Florida et al. (2010) suggested an institution’s research status also plays a role in cultural norms. These scholars noted that research-intensive institutions (i.e. Research Level 1 universities) attract students and faculty with diverse backgrounds and identities. Thus, such communities “are meritocratic and open to difference and eccentricity; they are places where talented people of all stripes interact in stimulating environments that encourage open thought, self-expression, new ideas, and experimentation” (p. 46). Indeed, 77% of the five-star LGBTQ friendly universities, as measured by Campus Pride, are doctoral universities.
One of the primary strengths of a research university is promoting critical thinking and a creative, intellectually stimulating environment (Florida, 1999). Extending this idea, in US news’ most recent ranking of the Top 20 most innovative schools, 90% were R1 colleges (US News, n.d.). Though innovation is not a perfect corollary for inclusion, the two concepts are related – in terms of advancement, foresight, creativity and improving the environment on campuses. Supporting the link between these concepts, Cunningham (2011) found a relationship between creativity, diversity and LGBTQ inclusion.

It seems, then, that research-intensive institutions value DEI – or at least are receptive to more progressive ideas than institutions that are not research oriented. If that is the case, such a philosophical foundation is likely to extend to the athletic department. Melton and Cunningham (2014) found an institution’s values will influence the level of LGBTQ inclusion within its athletic department. In sum, there may be an expectation at research institutions that the athletic department will encourage prosocial behaviors among fans – which may include LGBTQ inclusion.

In summary, this review suggests that three macro-level factors might influence the presence of an LGBTQ-inclusive fan code of conduct: (1) institutional size, (2) research focus and (3) public/private status. Thus, we developed the following research question (RQ):

**RQ1.** What is the relationship among institutional factors, including size (RQ1a), research focus (RQ1b) and private status (RQ1c), and the presence of an LGBT-inclusive fan code of conduct?

### Meso-level factors

At the meso-level, we examined the athletic department within an institution. Regrettably, LGBTQ faculty, staff and students are more likely to consider leaving an institution because of harassment due to their sexual identity (Cech and Rothwell, 2020; Nowack and Donahue, 2020; Sabharwal et al., 2019). An inclusive culture, however, mitigates this risk. Athletic departments can take strides toward such a culture – toward reorienting cultural norms in the direction of inclusion – by publishing a fan code of conduct. One may question: What exactly is a fan code of conduct? Consider the example posted on the NCAA website:

**(Insert School Name) expects fans to enjoy the game experience free from fighting, thrown objects, attempts to enter the playing field, political or inciting messages and disorderly behavior, including foul, sexist, racist, homophobic, transphobic, obscene or abusive language or gestures.** (NCAA.org, n.d.)

In the university context, publishing such a code may signal to students, faculty, staff and the broader community that inclusion is an expectation at the institution, and this expectation extends to the school’s athletic events. We examined two factors that might influence the adoption of such policies in college athletic departments: gender equity (the proportion of man:woman stakeholders in the department) and the status of the department (Football Bowl Subdivision or Football Championship Subdivision).

**Gender equity.** In the context of intercollegiate athletics, discussions of gender equity frequently focus on the provision of equitable sport opportunities and funding for women and men (Carpenter and Acosta, 2005; Staurowski, 2019). In many respects, demonstrating gender equity is linked closely with other diversity forms (DeSensi, 1995). That is, if an athletic department commits the resources to have equitable participation or funding for women and men, they are signaling a mindset that diversity and inclusion are important. As a result, these departments might also demonstrate diversity in other areas, such as LGBTQ inclusion.

These possibilities have not been widely explored in sport, but there is some evidence to support the linkages. Cunningham (2010), for example, examined predictors of sexual orientation diversity among coaches and staff in intercollegiate athletics. The gender diversity
and racial diversity of the staff were both reliable predictors. In a separate study, Cunningham (2015) conducted a case study of two LGBT-inclusive athletic departments, identifying how those entities created and maintained inclusive environments. Inclusive practices emerged as one theme; for example, one participant commented: “I think it is important to understand that (University Pseudonym) in general is a very egalitarian place so that permeates the whole culture and certain the athletic department follows that ethos” (p. 432). These patterns suggest that a broader focus on diversity and inclusion, including gender equity, potentially influences an athletic department’s decision to adopt LGBTQ-inclusive fan codes of conduct.

**Capacity.** Finally, we also focused on organizational capacity of the athletic department. Hall *et al.* (2003) suggested capacity is reflected in the organization’s human resources, finances and structural components. Organizations with greater capacity are frequently better positioned to achieve their goals and perform at high levels (Doherty and Cuskelly, 2019; Misener and Doherty, 2009).

In the context of the current study, organizations with greater capacity are expected to have more employee diversity and a more inclusive culture. Cunningham and Nite (2020), for example, found that greater financial capacity was linked with more inclusive LGBTQ strategies among intercollegiate athletic departments. Similarly, low organizational capacity has been associated with poor diversity and inclusion (Spaaij *et al.*, 2020). Dwight and Biscomb (2018) studied the UK’s Equality Standard and its focus on equality in sport. Sport managers pointed to limited time, few resources and budget restrictions as some of the primary barriers to emphasizing diversity.

In the current study, we used American football program classification (FBS/FCS) as a surrogate of organizational capacity. Compared to their counterparts in the Football Championship Subdivision (FCS), FBS departments are generally larger, more likely to have athletic contests broadcast on television, receive more media attention and enjoy larger budgets. FBS schools comprise “mainstream” college football, with examples including the Alabama Crimson Tide and Texas Longhorns. In short, FBS departments enjoy greater status than other athletic departments, and with it, greater organizational capacity. If capacity is associated with pursuing greater diversity and inclusion, then FBS athletic departments might be more likely than their peers to have an LGBTQ-inclusive fan code of conduct.

In summary, this review suggests that two meso-level factors might influence the presence of an LGBTQ-inclusive fan code of conduct: (1) gender equity and (2) football program designation. Thus, we developed the following RQ:

**RQ2.** What is the relationship among department factors, including gender equity (RQ2a) and FBS status (RQ2b), on the presence of an LGBT-inclusive fan code of conduct?

**Cross-level effects**

Finally, though we have presented evidence for macro level and meso-level factors separately, factors at one level can and do interact with those at another. In the parlance of Klein *et al.*’s (1994) typology, we have articulated a mixed-determinants model, whereby factors at various levels of analysis potentially influence a specific criterion. Accordingly, we developed our final RQ to examine this possibility:

**RQ3.** Do macro-level and meso level factors interact to explain the presence of an LGBT-inclusive fan code of conduct?

**Method**

**Data collection**

We collected data for the 2020 season among Division I National Collegiate Athletic Association athletic departments (*N* = 350). These departments are among the largest and
best resourced in intercollegiate athletics. The data came from publicly available sources, and we describe each in the following section.

We chose to focus the data collection within college sport because it represents a sizeable segment of the sport industry that warrants investigation. In fact, college sport fans represent the largest fan base in the USA – amassing more fans than any professional league or franchise (Dosh, 2021). The American college sports industry is valued at $14.4 billion and top athletes can now secure lucrative deals through name, image and likeness (NIL) contracts (Byers, 2021), with some college athletes earning over $1 million (Gentrup, 2021). In 2021, the NCAA generated over $1.1 billion in revenues and recent media agreements show that major media companies are willing to pay far more for the right to broadcast college sports than they are for the National Hockey League (Harvey, 2022). Based on these revenue trends, it is reasonable to content that major college sport operates more like a business than as a nonprofit academic entity (Bennett, 2020).

**Measures and variables**

Table 1 provides an overview of the variables included in the study. The primary outcome variable, LGBTCode, represented the department’s inclusion of an LGBT-inclusive fan code of conduct. We used data from the Athletic Equality Index to assess this variable. Athlete Ally, which sponsors the Athletic Equality Index, conducts an analysis of policy manuals, athlete handbooks and official websites to score departments. Other researchers have also used this index to examine LGBT-inclusive policies and their relationship with department success (Cunningham and Nite, 2020).

We included three institutional-level variables. The first, Size, was measured using the size of the undergraduate student body at the institution, as provided by the Equity in Athletics Disclosure Act survey, sponsored by the US Department of Education (http://www.ope.ed.gov/athletics/#/). We then drew from Carnegie Classifications of Institutions in Higher Education (https://carnegieclassifications.iu.edu/) to determine the Research status. We coded those institutions classified as R1 (or doctoral institutions – very high research activity) as those with a research focus. We used the same site to measure the status of the institution as private or public, Private.

Finally, we collected data for the two department-level variables. We measured GenderEquity by computing whether the department offered proportional participation opportunities for women. Drawing from the aforementioned equity in athletics data, we first computed the percent of women undergraduates and the percent of unduplicated women athletes. We then coded departments that offered participation opportunities for women within 5% of the women’s undergraduate enrollment as achieving GenderEquity and those outside that band as not. This coding is consistent with the notion of substantial proportionality frequently used to determine Title IX compliance (see Cunningham, 2019). We measured Football Bowl

<table>
<thead>
<tr>
<th>Variable</th>
<th>Description</th>
<th>Frequency/ M(SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private</td>
<td>Designation as a private institution</td>
<td>32.1%</td>
</tr>
<tr>
<td>Research</td>
<td>Carnegie classification as a Doctoral Institution with Very High Research Activity</td>
<td>32.9%</td>
</tr>
<tr>
<td>Size</td>
<td>Total Undergraduate enrolment</td>
<td>12,156 (9,645)</td>
</tr>
<tr>
<td>GenderEquity</td>
<td>Title IX compliance via substantial proportionality in women’s athletic participation</td>
<td>36.1%</td>
</tr>
<tr>
<td>FBS</td>
<td>Designation as a Football Bowl Subdivision department</td>
<td>34.4%</td>
</tr>
<tr>
<td>LGBTCode</td>
<td>Department has a LGBT-inclusive Fan Code of Conduct</td>
<td>26.0%</td>
</tr>
</tbody>
</table>

Table 1. Study variables
Subdivision (FBS) status by noting the conference affiliation of the athletic department, and this information was available in the aforementioned Athletic Equality Index.

**Analysis strategy**
We first computed descriptive statistics (frequencies or mean and standard deviation) and correlations for all variables. As the primary outcome variable, LGBTCode, was dichotomous, as examined the RQs through binary logistic regression. Consistent with Cohen et al. (2003), each of the categorical variables were coded as 0 or 1, and we standardized the lone continuous variable, Size. We then entered the three institutional-level variables in Model 1, the two department-level variables in Model 2 and the six institutional-by-department variable interactions in Model 3. We computed simple slope analysis to interpret any significant interactions (Cohen et al., 2003).

**Results**

**Descriptive statistics**
Frequencies, means and standard deviations are presented in Table 1. Results showed that just 26% of the 350 departments in the study had an LGBT-inclusive code of conduct. In terms of the institutional characteristics, 32.1% were private schools, 32.9% were research-intensive institutions and the average undergraduate enrollment was 12,156 (SD = 9,645). With respect to the department factors, 34.4% of the departments were in the FBS and 36.1% achieve gender equity via substantial proportionality in athletic participation.

Correlations are provided in Table 2. LGBTCode was positively and significantly associated with Research-intensive, Size and GenderEquity. In other words, research-intensive institutions, larger institutions and departments that had gender equity were more likely to have a LGBT-inclusive code of conduct their counterparts.

**Research questions**
We next turn to the RQs, the first set of which focused on the relationship between the institutional factors and the presence of an LGBT-inclusive fan code of conduct. Results are available in Table 3. As seen in Model 1, the block of variables explained a significant portion of variance (Nagelkerke $R^2 = 0.11$, $p < 0.001$). Private institutions ($B = 0.85$, SE = 0.32, $p < 0.01$), research-intensive institutions ($B = 0.76$, SE = 0.32, $p < 0.05$) and larger institutions ($B = 0.39$, SE = 0.17, $p < 0.05$) were all more likely than their counterparts to have an LGBT-inclusive fan code of conduct.

The next RQ focused on department-level factors. As seen in Model 2 of Table 3, after accounting for institutional factors, neither of the department factors had direct effects on the presence of an LGBT-inclusive fan code of conduct. The block of variables accounted for an insignificant portion of variance (Nagelkerke $R^2 = 0.01$, $p = 0.13$).

<table>
<thead>
<tr>
<th>Variable</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Private</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>2. Research</td>
<td>–0.22***</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>3. Size</td>
<td>–0.45***</td>
<td>0.62***</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>4. GenderEquity</td>
<td>0.04</td>
<td>0.24***</td>
<td>0.27***</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>5. FBS</td>
<td>–0.32***</td>
<td>0.57***</td>
<td>0.58***</td>
<td>0.08</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>6. LGBTCode</td>
<td>0.04</td>
<td>0.23***</td>
<td>0.20***</td>
<td>0.17**</td>
<td>0.08</td>
<td>–</td>
</tr>
</tbody>
</table>

Table 2. Correlations among study variables

Note(s): **$p < 0.01$, ***$p < 0.001$
Finally, Model 3 of Table 3 includes the six institution-by-department interaction terms. The block of variables contributed an additional 5% of variance beyond the institutional and department direct effects (Nagelkerke $R^2 = 0.05$, $p = 0.04$). The Research × GenderEquity interaction was significant ($B = 1.51$, $SE = 0.75$, $p < 0.05$), and the simple slope analysis is presented in Figure 1. At research-intensive universities, gender equity is positively and significantly associated with the presence of an LGBT-inclusive fan code of conduct ($B = 0.50$, $SE = 0.11$, $p < 0.001$). At those institutions that are not research intensive, gender equity is not related to such policies ($B = 0.19$, $SE = 0.11$, n.s.).

**Discussion**

Sport organizations are increasingly recognizing the need to attract and connect with fans and spectators who have diverse identities, experiences and backgrounds (Delia et al., 2022;
One group that has recently received more attention is the LGBTQ fan and spectator market (Melton and MacCharles, 2021). Unfortunately, due to the sport industry’s history of heterosexism and homophobia, this growing and lucrative consumer segment can be hesitant to attend sporting events for fear they will not feel welcomed or be the target of discrimination (Denison and Kitchen, 2015). As such, LGBTQ fans scan sport environments and look for signs of inclusion and acceptance. One primary signal of inclusion is a formal policy or statement, such as a fan code of conduct, that explicitly states LGBTQ fans are welcomed and the sport organization will not tolerate any form of prejudice or discrimination in their athletic facilities (Melton, 2021; Melton and MacCharles, 2021). Given the importance of such polices the purpose of the current study was to determine the prevalence and antecedents of LGBTQ-inclusive fan codes of conduct within the intercollegiate athletics setting.

Drawing from a multilevel theoretical framework, we show and investigated how institutional characteristics interacted with athletic department factors. We found that a number of institution-level factors (i.e. private, research-intensive and size) positively related to an athletic department having a fan code of conduct. While we did not observe direct effects between department-level factors (gender equity and FBS/FCS status) and the presence of a fan code of conduct, there was a significant research-intensive by gender equity interaction effect. At research-intensive universities, athletic departments that were Title IX compliant (demonstrated gender equity) were more likely to have an LGBTQ-inclusive fan code of conduct than athletic department that were not Title IX compliant. These findings may indicate that fans expect their athletic programs to show signs of LGBTQ inclusion if they are housed within universities and departments that support diverse ways of thinking and equity. As such, when sport organizations are in diverse or progressive areas, and show certain forms of inclusion (e.g. gender equity policies), they should strongly consider demonstrating their support for all stigmatized or marginalized groups. Failure to do so may turn away fans who want to see that their sports teams value inclusion for all fans. In the space below, we expand on the theoretical contributions of the study, discuss practical implications, highlight limitations and identify future directions.

**Contributions**

The study offers several contributions to the literature. First, we extend the understanding of LGBTQ marketing in sport by examining external and department-level factors that relate to the presence of LGBTQ-inclusive policies (i.e. fan code of conduct). Specifically, we build on Melton and MacCharles’ work (2021) and show athletic departments situated within private institutions, research-intensive institutions and larger institutions are more likely to have a LGBTQ-inclusive code of conduct compared to their counterparts. As such, athletic departments within these types of institutions should consider adding an inclusive fan code. Failing to do so may dissuade LGBTQ fans from attending their events or watching their games.

With respect to private/public institutions, private institutions may have more freedom and flexibility in developing and implementing diversity-related policies. This finding is also consistent with Ortega et al. (2022). They investigated the presence, and content, of athletics mission statements and diversity mission statements in NCAA athletic departments, and while they found that departments in public institutions were more likely to have a specific diversity mission statement, the explicit inclusion of sexual orientation was more likely to occur in statements developed by private institutions. Although diversity mission statements in NCAA athletic departments are not prevalent, this work by Ortega et al. (2022) aligns with our findings and reinforces the premise that private institutions, may be more apt to publicly demonstrate their commitment to LGBT inclusion.
We also found that athletic departments situated in research-intensive universities were more likely to have an LGBT-inclusive fan code of conduct. As Florida et al. (2010) suggest, these institutions typically attract a diverse population of staff and students, which foster environments full of creativity and innovation. Cunningham (2011) has found that such environments are often spaces that are LGBT inclusive. Previous scholarship has also revealed that research-intensive universities may possess other qualities and characteristics which make them more inclusive than their peers. Research Level 1 (R1) institutions in particular have been found to be more likely than Research Level 2 (R2) or Master’s Level 1 (M1) institutions to have a Chief Diversity Officer (CDO) (Bradley et al., 2022). A CDO is typically positioned as a member of the senior leadership team in a university, charged with strategizing and implementing diversity plans (Williams and Wade-Golden, 2013) and their presence signifies a proactive commitment to diversity (Leon, 2014). Thus, our findings align with this previous research that suggests research-intensive universities are likely to create cultures that value diversity and inclusion, thereby providing opportunities for athletic departments to develop their own inclusive policies.

Large organizations have also been found to be more inclusive than smaller organizations (Fatmy et al., 2022; Roumpi et al., 2020; Kates et al., 2018), and in the context of universities, there is evidence that, similarly, larger institutions prioritize inclusion. In investigating the publishing of diversity mission statements by state flagship universities (typically considered large institutions), Taylor et al. (2019) found that 49 of 50 institutions had developed and publicized diversity-specific mission statements, the majority of which referred to a variety of diverse identities including sexual orientation, ethnicity, race and religion. Our results are in agreement with these findings, as we have demonstrated that it is the larger institutions that are more likely to have athletic departments which develop LGBT-inclusive fan codes of conduct.

At the meso-, or departmental level, we did not find any direct effects between the gender equity of the department, or the status as an FBS athletic department, on the presence of an LGBT-inclusive fan code of conduct. This absence, in tandem with the existence of relationships between the macro-level factors, supports Melton and Cunningham’s (2014) work that found the institutional-level values may have more of an impact on LGBTQ inclusion within athletic departments. As such, it appears that the cultural norms of the entire institution influence and dictate individual departmental values.

We did find, however, that athletic departments were most likely to have an LGBTQ-inclusive fan code of conduct when they met gender equity requirements and were located within research-intensive institutions. We suspect that at these universities, where research innovations are valued, and gender equity is the norm, fans and spectators expect practices of inclusion to include LGBTQ populations. This assertion is consistent with MacCharles and Melton’s (2021a, b) work that found gay men were more likely to assume a sport organization would be LGBTQ-inclusive if an area that valued diverse thought had high gender diversity. We might also start to see more athletic departments include LGBTQ-inclusive policies since Title IX has recently expanded to include prohibiting discrimination based on sexual orientation and gender identity (U.S. Department of Education, 2021). Thus, even though schools are only required to possess gender equity to comply with this legislation, LGBTQ inclusion may become more commonplace in college athletic departments.

Finally, from a methodological perspective, our inclusion of moderating effects led to new insights. Previous work encourages scholars to focus on moderating effects as it helps further unpack when, why and under what conditions various phenomena manifest (Aguinis et al., 2017; Cunningham and Ahn, 2019). In the current study, by including moderators, we were able to enhance our explanatory power and help explain when departmental factors are more likely to predict LGBTQ-inclusive policies.
Practical implications, limitations and future directions

Our study also offers key implications for sport marketers. First, our results show that only 26% of Division I institutions have an LGBTQ-inclusive fan code of conduct, which indicates there is significant room for improvement. To attract the LGBTQ market, sport marketers must communicate that their sport facilities are safe and welcoming places for LGBTQ fans and their families. More importantly, creating inclusive sport spaces will take needed steps toward ensuring the physical and psychological safety of LGBTQ sport fans. Indeed, research has shown that LGBTQ-inclusive policies can strengthen connectedness and psychological wellness (Cunningham et al., 2022; Melton and MacCharles, 2021).

For athletic programs that are debating whether to create a policy, our findings indicate that in certain context fans may expect them to publicly state their support for LGBTQ inclusion. We would also encourage athletic departments in all areas to consider adopting such policies as a growing body of research demonstrates there is no financial harm in being inclusive. As such, athletic departments should not fear backlash from implementing policies that will support their LGBTQ fans and spectators (Melton and MacCharles, 2021; Mumcu and Lough, 2017). If athletic departments are unsure how to authentically connect with their LGBTQ fan bases (Walker and Melton, 2015), they might consider partnering with academics or researches on their campus, particularly at research intensive institutions where values of innovation and inclusion are typically the norm.

While our study makes meaningful theoretical and practical contributions, there are potential limitations. First, our findings may not generalize to sport organizations outside the USA since the context of our study was college sport. However, the concept of LGBTQ inclusion certainly extends beyond US borders (see Shaw and Cunningham, 2021). Second, the focus of this study was on macro and meso-level antecedents, so we did not include micro level factors in our analysis.

These limitations encourage scholars to pursue additional research opportunities. Specifically, scholars should consider extending our analysis to professional sport contexts and sport contexts in other countries. Future research on the decision-making processes that lead to a sport organization adopting more LGBTQ-inclusive policies would also be advantageous. Such research could aid in understanding the perceived benefits (and barriers) key stakeholders consider before implementing LGBTQ-inclusive policies. In addition, future research should examine how fans’ consumer networks – particularly fans with diverse consumer networks – influence their spectator experiences (Katz et al., 2019). Finally, scholars should examine how such practices link to measures of sport organizational performance and individual well-being. Given the increased interest in creating more inclusive sport spaces, and the meaningful differences such spaces can make in people’s lives, continued research in this area is welcomed and encouraged.

References


Carpenter, L.J. and Acosta, R.V. (2005), Title IX, Human Kinetics, Champaign, IL.


Corresponding author
E. Nicole Melton can be contacted at: nmelton@isenberg.umass.edu