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College Teams, Relying on Deception, Undermine Gender Equity

By **KATIE THOMAS**

Ever since Congress passed the federal gender-equity law known as Title IX, universities have opened their gyms and athletic fields to millions of women who previously did not have chances to play. But as women have surged into a majority on campus in recent years, many institutions have resorted to subterfuge to make it look as if they are offering more spots to women.

At the University of South Florida, more than half of the 71 women on the cross-country roster failed to run a race in 2009. Asked about it, a few laughed and said they did not know they were on the team.

At [Marshall University](#), the women's tennis coach recently invited three freshmen onto the team even though he knew they were not good enough to practice against his scholarship athletes, let alone compete. They could come to practice whenever they liked, he told them, and would not have to travel with the team.

At Cornell, only when the 34 fencers on the women's team take off their protective masks at practice does it become clear that 15 of them are men. [Texas A&M](#) and [Duke](#) are among the elite women's basketball teams that also take advantage of a federal loophole that allows them to report male practice players as female participants.

Title IX, passed in 1972 at the height of the women's rights movement, banned sex discrimination in any federally financed education program. It threw into sharp relief the unequal treatment of male and female athletes on college campuses.

Over the next 40 years, the law spawned a cultural transformation: the number of women competing in college sports has soared by more than 500 percent — to 186,000 a year from fewer than 30,000 in 1972.

But as women have [grown to 57 percent](#) of American colleges' enrollment, athletic programs have increasingly struggled to field a proportional number of female athletes. And instead of pouring money into new women's teams or trimming the rosters of prized football teams, many

colleges are turning to a sleight of hand known as roster management. According to a review of public records from more than 20 colleges and universities by The New York Times, and an analysis of federal participation statistics from all 345 institutions in N.C.A.A. Division I — the highest level of college sports — many are padding women's team rosters with underqualified, even unwitting, athletes. They are counting male practice players as women. And they are trimming the rosters of men's teams.

“Those of us in the business know that universities have been end-running Title IX for a long time, and they do it until they get caught,” said [Donna E. Shalala](#), the president of the [University of Miami](#).

Each year, institutions must report their male and female participation numbers to the Department of Education. And even though the numbers would not be used in a formal investigation, many colleges manipulate them to avoid bringing about one. The embarrassment that comes with a public inquiry or a lawsuit can motivate them to do what it takes to stay under the radar.

Shrinking budgets also spur universities to use these tactics, said Jake Crouthamel, a former Syracuse athletic director. “It's easier to add more people on a roster than it is to start a new sport,” he said.

Yet football, the pride of many universities and a draw for alumni, rarely faces cuts. The [average Division I football team](#) went from 95 players 30 years ago to 111 players in 2009-10.

“Football is the elephant in the whole thing,” Mr. Crouthamel said. “That's the monster.”

Advocates for men's teams say roster management hurts their cause as well, because colleges tend to eliminate men's sports rather than increase women's sports to reach parity. Officials have also cut the size of men's teams, compromising their competitiveness.

“I think roster management is almost a cuss word,” said Tommy Bell, the athletic director at [Indiana University-Purdue University Fort Wayne](#). He wants to restore a men's track team, he said, but to do so, he must trim men's spots elsewhere. “I hate doing it,” he said.

According to the most current federal numbers, women make up 53 percent of the student body at Division I institutions yet only 46 percent of all athletes. And that discrepancy does not take into account all the tactics used to boost the numbers artificially.

Roster management came under scrutiny last year when a [federal judge ruled](#) that [Quinnipiac University](#) in Connecticut had violated Title IX by engaging in several questionable practices, including requiring that women cross-country runners join the indoor and outdoor track teams

so they could be counted three times. The judge found earlier that Quinnipiac had been padding women's rosters by counting players, then cutting them a few weeks later. Quinnipiac athletic officials declined to comment, but in its appeal, the university said the judge's conclusion that women were required to be on all three teams was not supported by evidence.

Russlynn H. Ali, the assistant education secretary who heads the Office for Civil Rights, which is charged with enforcing Title IX, said the Quinnipiac case was "a check on what some were doing, either knowingly or unwittingly."

Nancy Hogshead-Makar, an Olympic swimmer and the senior director of advocacy at the Women's Sports Foundation, said: "The fraud is disheartening. Intercollegiate athletics are rare educational opportunities, subsidized with our tax dollars, which deliver superior lifelong returns on investment. When an athletic department engineers itself to produce only the appearance of fairness, they flout the law and cheat women."

When One Equals Three

The roots of South Florida's enormous women's cross-country team can be traced to 1997, when the university added football.

Universities must demonstrate compliance with Title IX in at least one of three ways: by showing that the number of female athletes is in proportion to overall female enrollment, by demonstrating a history of expanding opportunities for women, or by proving that they are meeting the athletic interests and abilities of their female students.

After South Florida added more than 100 football players, it was out of balance under the first test. Lamar Daniel, a gender-equity consultant, told the university in 2002 that it failed the other two as well. He recommended adding a women's swimming team and warned that trying to comply with the proportionality option would be difficult because South Florida's female participation numbers were too low.

But university officials tried anyway. A primary strategy was to expand the women's running teams. Female runners can be a bonanza because a single athlete can be counted up to three times, as a member of the cross-country and the indoor and outdoor track teams.

In 2002, 21 South Florida women competed in cross-country. By 2008, the number had grown to 75 — more than quadruple the size of an average Division I cross-country team.

When told of the team's size, Mr. Daniel, a former investigator for the Office for Civil Rights, said: "Good gracious. That would certainly justify further examination."

In 2009-10, South Florida reported 71 women on its cross-country team, but race results show only 28 competed in at least one race.

At a recent track meet at South Florida, three female long jumpers who are listed on the cross-country roster said they were not members of that team.

“They have us on cross-country if we want to, like for extra conditioning, but we have fall training, so I don’t,” Tralanda Todd, one of the jumpers, said.

Ms. Ali, the assistant education secretary, said that it was fair to count athletes multiple times, but that “if they didn’t know they were on the team, in all likelihood we would determine that not to be a meaningful participation opportunity.”

Sarah Till, who graduated from South Florida in 2009, was a more extreme case. She said that she quit and returned her track scholarship in her sophomore year, but her name was listed on the rosters of all three squads through her junior year.

“They wanted to keep me on the roster because the more girls they have on the roster, the more positions they have to give for the guys’ teams,” she said, adding that a former assistant coach had told her she would receive running shoes and priority class registration as a reward for staying on the rosters.

After being contacted by The Times, South Florida officials said they would end the practice of listing athletes who do not participate on team rosters. But Bill McGillis, the executive associate athletic director, defended providing “opportunities to women in cross-country in large numbers.”

South Florida is not the only university to open its rosters to women, no matter their skill level. Florida State and Marshall encourage their women’s coaches to accept many walk-ons — generally athletes who were not recruited — while often prohibiting or limiting the same practice on men’s teams.

At Marshall, John Mercer, the women’s tennis coach, added three freshman walk-ons to satisfy the athletic department’s 10-player team minimum. “They’re being nice and trying to help us fill the spots, to help our rosters,” he said. While practices are optional this year, a Marshall official said more will be expected of the walk-ons next year once their class schedules are arranged to accommodate regular practices.

The Office for Civil Rights does not require athletes to compete to be counted. Still, some have questioned why elite Division I programs are opening rosters to underqualified athletes.

Kristen Galles, a lawyer who represents athletes in Title IX lawsuits, said colleges that were committed to gender equity “are going to add new women’s teams, not tell your softball coach to have 30 softball players.”

Men as Women

Division I programs routinely count male players who practice with women’s teams as female participants. According to the Department of Education, they are doing nothing wrong.

David A. Bergeron, the deputy assistant secretary in the Office of Postsecondary Education, said men should be counted on women’s teams if they receive coaching and practice with women.

Texas A&M, which just won the women’s Division I basketball championship, reported 32 players in the 2009-10 academic year, although 14 were men. Cornell included 19 men among the women’s fencing, volleyball and basketball teams in the 2009-10 numbers reported to Bergeron’s office. Yet Cornell counted the five female coxswains for the men’s rowing team as female athletes.

Cornell and Texas A&M officials said they were simply following the rules, odd as they are. “We count who we’re supposed to count,” J. Andrew Noel Jr., Cornell’s athletic director, said.

Todd Kennett, a Cornell men’s rowing coach, said he exploited the loophole. “The women on my team count as women, which allows me to put more men on my roster,” he said, adding that the women were talented coxswains.

Ms. Ali said that universities investigated by her office would never get away with counting men as women, but acknowledged that a formal inquiry is rare.

“I would hope, as someone who cares about these issues, that that data is accurate and that institutions would not try and game it,” she said.

Numbers Up, Bodies Down

Double- and triple-counting women has allowed four dozen Division I universities to mask the fact that they have fewer female athletes. At those institutions, overall participation rates appeared to show that women were gaining ground. But when the duplications were not counted, records show the percentage of women who played for those universities fell.

Oklahoma State reported 35 more female participants in the 2009-10 academic year than in 2003-4, although the number of women actually competing decreased by 12. The number of male athletes increased by 22 during that period. Amy Weeks, an associate athletic director, attributed the decrease in female athletes to natural fluctuation. When universities are found to

be noncompliant, the solution does not always satisfy the complainants.

The **University of California, Irvine**, is among at least five California universities that sponsor women's indoor track teams despite a mild climate and a dearth of indoor facilities. Those universities do not offer men's indoor track.

Last year, an investigation by the Office for Civil Rights concluded that Irvine was not complying with Title IX because its indoor track team was essentially a ruse. It competed in just one meet per year and several women on the roster "vigorously stated" that they were not on the team.

Jessie Rogers, 20, filed the complaint after her Irvine swimming team was cut in 2009. "All I wanted was to get that women's swimming team back," she said.

That did not happen. Irvine reached an agreement with the Office for Civil Rights to expand its indoor track schedule and to increase its roster.

Irvine officials would say only that they were committed to providing equal opportunities. Ms. Ali said that her office encouraged more meaningful changes but all it could do was force institutions to follow the letter of the law.

Karen Crouse, Griffin Palmer and Marjorie Connelly contributed reporting.