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The Proper Use and Abuse of Roster Management

The purpose of this paper is to identify and discuss the impact of proper and improper use of “roster management”.

Honor to be Selected. Historically, most high school and college programs practiced “roster management” without use of that particular label. Practically every athlete remembers trying out for the varsity or junior varsity team and anxiously waiting for the coach to post the names of students who “made the team”. Interscholastic and intercollegiate athletics have been viewed traditionally as “elite” programs for the most highly skilled. The most highly skilled students would be selected for a team which would have the opportunity to play against the best players from another institution. Varsity sports is the equivalent of an honors program or selection for the school debate team or choir or marching band.

Determination of Proper Team Size. The limits on the size of varsity debate teams or athletic teams are usually determined in relationship to competition rules. How many players are required to compete? How many substitute players are needed in case of illness, injury, fatigue due to the nature of the sport or similar sport related factors and how many players are reasonable for the teacher/coach to instruct, given the need for a significant and positive athletic experience? Many high school and college athletic governance associations (conferences, leagues, national championship fields) have set limits on the size of a team permitted to compete in order to legislate “fairness” and “financial restraint”. Some conferences do not limit the size of a team the institution can sponsor, but many limit the number who can travel to away contests. It is possible to identify reasonable and commonly acceptable maximum roster limits by looking at these legislated numbers, such as the size of a team allowed to participate in an NCAA championship or the travel squad limits of a conference.

Philosophical Approaches. Interestingly, in sports like football, large squads and never cutting the size of a team became a tradition. At many educational institutions, giving as many students as possible a varsity experience was philosophically important. For instance, football as a sport caters to a wide range of body types and even participants with very limited skill (i.e., the very large and overweight individuals who are not very quick or mobile being used as offensive lineman). At schools with such participation philosophies, either no limits were imposed on the size of any sport program, or junior varsity and freshman squads were added to encourage more participation.

Stockpiling. And in some highly competitive college programs, large squads were a way of keeping talent away from another institutions (known as “stockpiling”) or making sure there were sufficient “tackling dummies” so that more valued players wouldn’t have to sacrifice their bodies during practice.

Legitimate Financial Purpose. Some schools use roster management as a legitimate way to control costs. They want the team or program to be of sufficient size to offer a quality experience to all participants but not so large as to have many players who are unlikely to ever get a chance to play.

Title IX Implications of Large Teams. Prior to Title IX, when athletics programs primarily consisted of men, roster size was not a gender equality issue. But when Title IX imposed the obligation of equal participation opportunities, roster size became a critical factor. Keeping a football team of 100 players instead of the 65 or 70 that might really be needed, meant adding another two to four sports for women, a considerable financial outlay. Hard financial times for athletic programs and educational institutions added to these pressures as did the arms race to put extravagant sums of money into men’s football and basketball programs.

Managing the Size of Men's Teams Only. In the late 1990s, many schools implemented a practice that became known as “roster management.” In order to avoid cutting men’s teams, the schools cut back on the number of male participants who would be allowed on existing teams. Often, football and men’s basketball did not have roster limits imposed. By placing maximum squad size limits on some or all men’s teams and subsequently reducing the total number of male athletes, institutions simultaneously increased the percentage (but not number) of female athletes in their programs. While this practice would help an institution meet the Title IX Prong One “proportionality” standard, it would not help an institution meet a Prong Two (continuing program expansion) or Prong Three (fully met interest of underrepresented sex) standard.

Unrealistic Squad Sizes Imposed on Women's Teams. As more and more women enrolled in college and demanded athletic participation opportunities, institutions faced larger opportunity gaps that roster management could not solve. Schools did not want to cut men’s sports but also could not cut any more men from the existing teams without severely impacting their competitiveness. To meet Prong One, they had to add opportunities for women. Adding new sports costs money and places demands on facilities. Schools that did not want to reallocate the resources necessary to do this looked for ways to increase participation on existing women’s teams either in fact or in appearance. The goal for many schools became, “How can we add participation numbers without adding new women’s sports?” Some schools set new and higher minimum squad limits for women’s teams, with some of those limits being unreasonable with regard to normal team size and optimum coach/athlete teaching ratios.

"Ghost" Participation Slots. These unreasonable size expectations for women’s teams ran afoul of Title IX requirements. Some schools were found to report female participation based on the minimum squad sizes they created rather than the actual number of female athletes who were participating. Courts ruled that counted athletic participation opportunities must reflect actual opportunities filled by actual students(Brown University case) and could not be “ghost slots” or opportunities that a school claims that it offers but that are not filled by students. For example, a school cannot count 18 softball players when, in fact, it only has 15 actual players even if the school wanted to have 18 players and even if the school told the coach to find 18 players. If only 15 athletes actually exist, then the school cannot count more than those 15 athletes. This counting method was also expressly upheld when the U.S. Office for Civil Rights rejected a Title IX Commission recommendation that would have permitted the counting of such

“ghost slots.” As stated on page 4 of the Dear Colleague Letter of the 1996 OCR Clarification, athletic, “athletic opportunities must be real, not illusory.”

EADA Participant Data Manipulation. Some schools have gotten into the habit of focusing on numbers they are required to submit under the Equity in Athletics Disclosure Act and manipulating those numbers rather than achieving actual gender equity. Incredibly, there are some schools who count male practice players used for women's teams as female participants. Other schools manipulate their rosters around the date of their first competition, which is the date on which participants are supposed to be counted. For example, they may have 18 female athletes (underrepresented sex) show up for practice at the beginning of the season, but they do not remove them from the roster after they quit, or are not selected for the team or even when they cease participation prior to the first competition. Or, they intentionally keep them on the team until after the first competition and then cut them to produce a more manageable roster size of actual participants. In both cases, the EADA female participation number is artificially manipulated to produce more participants than actually participate because the institution intentionally misuses the “first date of competition” instructions for determining number of participants to be reported.

Conversely, some schools drop men (the overrepresented sex) from the sport roster prior to the date of their first competition so that they do not count them on the EADA and then add them back to the roster after the date of their first competition. Alternatively, they intentionally keep male athletes out of the first game and do not add them to the team roster until the next day. There is no athletic purpose for doing so. Schools do it to make their numbers look better.

When schools count male and female athletes differently in these ways, they breach the purpose and intent of Title IX and, by definition, they discriminate on the basis of sex. They do so to avoid adding new women’s sports and, in so doing, they artificially limit women’s athletic participation opportunities. This is the essence of sex discrimination and the problem that Title IX was intended to fix.

Proper Counting. Accordingly, in order to assess actual participation opportunities, one must carefully look at the numbers to determine how many athletes actually exist and how many actually receive the benefits of varsity participation. The 1979 Policy Interpretation explains that counted participants are those athletes:

(a) Who are receiving the institutionally-sponsored support normally provided to athletes competing at the institution involved (e.g., coaching, equipment, medical and training room services) on a regular basis during a sport’s season; and

(b) Who are participating in organized practice sessions and other team meetings and activities on a regular basis during a sport’s season; and

(c) Who are listed on the eligibility or squad lists maintained for each sport; or

(d) Who, because of injury, cannot meet a, b, or c above but continue to receive financial aid on the basis of athletic ability.

OCR also uses this definition to determine the number of athletic participation opportunities provided for purposes of Prong One.

Whether a student meets this definition is very fact specific. In most circumstances, reviewers would assume that a student who is listed on a team roster is a participant. But given the increasing manipulation of roster and squad lists for the EADA, it is becoming more important to look behind the numbers to investigate which students are actually receiving a meaningful varsity experience.

Establishing Proper Team Sizes. When I advise schools, I instruct them to compare the number of athletes on each team to the number of athletes I would reasonably expect to find on such a team given the nature of the specific sport. For example, most people would understand that since a basketball team can only play five athletes at a time, a varsity team of 25 is so large that no one would expect most of those athletes to ever compete or receive a varsity experience. This same concept applies to all sports.

If a school carries 20 women on a cross country team, but the nature of the sport is such that only 12 of those women actually practice and compete, then the “extra” 8 athletes likely do not receive a genuine varsity experience – and likely are not expected to ever compete, especially if they were not recruited and do not receive athletic aid.

By “padding” the number of participants on women’s teams, schools not only fail to provide varsity benefits to the “extra” women, they also devalue the varsity experience of all women on the team by spreading limited resources and limited playing time too thin. Women on such “padded” teams receive less coaching because of higher coach to student-athlete ratios, less benefits, and less (if any) playing time compared to men who play on smaller, more reasonably sized squads.

Although participation analysis is fact specific, coaches and other people who understand the nature and operation of each sport generally have clear views about the number of athletes they want on a team or that they believe they can reasonably carry on a team. They do not want to carry many athletes who will never compete or who do not have the athletic ability to contribute to the team overall. True varsity teams are elite by their very nature and thus such cuts must be made. Reasonable squad size is often a function of both the nature of the sport and the school’s funding of the team. A school that fully funds a team and provides large travel budgets and large coaching squads may be able to reasonably carry one or two more athletes than schools that have lean and mean budgets with high coach to athlete ratios. NCAA and athletic conference average squad sizes provide excellent guidance about reasonable squad sizes. Average conference squad sizes are also usually reasonable comparators. The NCAA regularly issues updated athletics participation report that includes average squad sizes.

When Questions Should be Raised. Whenever there are unusually large women’s squad sizes but not unusually large men’s squad sizes, or unusually large women’s squad sizes and smaller than usual men’s squad sizes, it is important to investigate the size of the individual teams to learn if there are legitimate athletic reasons for them (e.g., a team has a high number of injured or red shirt athletes that year). If there are not legitimate reasons for such large numbers or if those large numbers persist over many years and many teams, it is apparent that the school is manipulating its women’s participation numbers to feign Prong One compliance without actually providing genuine varsity athletic participation opportunities to them. Ultimately, the analysis is very fact specific, but such “red flags” should prompt further investigation of the reported numbers.

Need to Examine Recruiting Practices. When investigating the squad numbers, it is also important to consider how the schools find their athletes. If men’s teams fill their rosters by recruiting high school

athletes with the athletic ability to play at the school's competition level (e.g., junior college, Division I, Division III), then women's teams should find their athletes in the same way. If, instead, women's coaches must fill their mandatory minimum squad sizes by recruiting students from the dining hall or physical education classes, then this is a sign that the additional athletes may not have the skills necessary for varsity participation. It also is evidence that the school does not provide recruiting or scholarship resources or that it does not intend to provide the additional athletes with the expected benefits of varsity participation. If a team has many "extra" athletes or if the program overall has many "extra" athletes who are not recruited, do not have the same skills as the recruited athletes, and do not receive athletic scholarships, they are likely there to fill an artificial quota and not to contribute to the team. This practice devalues the varsity experience for everyone. A recruited athlete with high level sport skills does not want to waste valuable, NCAA-limited practice time training with students with substantially less skill who will never compete.

Manipulating Indoor and Outdoor Track Teams. Some schools go so far as to eliminate a men's sport season such as the elimination of men's indoor track as a designated team, so it can reduce the number of male participants in the athletics program by not counting the indoor and outdoor team twice (a currently permissible but questionable practice), but allow the men's team to compete in indoor track meets as part of its maximum number of permissible competitions in outdoor track (an interesting NCAA rules historical loophole).

In summary, it is good management practice to set a maximum limit on the number of participants in a varsity sport program based on the normal size of a team related to the rules and the nature of the sport in order to control costs and establish the best possible coach/athlete instructional ratio to support an elite level athletics experience. It is an unacceptable management practice to set different limits for the same men's and women's sport or higher limits for women's sports than men's sports when the purpose of such roster manipulation is purely to meet a participation proportionality goal and doing so results in discriminatory treatment of the underrepresented gender. The intent of the athletics director is all important when it comes to ethical conduct in sport.

Topics

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