



***SUMMARY OF ITEM FOR ACTION,
INFORMATION OR DISCUSSION***

TOPIC: Annual Report on Intercollegiate Athletics

COMMITTEE: Education Policy

DATE OF COMMITTEE MEETING: June 1, 2011

SUMMARY: The annual report on intercollegiate athletics has as its main focus the reports submitted annually to the USM Board of Regents by the eight institutions that have intercollegiate athletics programs. Those reports center on whether those programs are operating in such a fashion as to demonstrate integrity, to enhance the mission of the institutions, and to warrant the confidence of those within the institutions, particularly the students, and the public that supports public higher education. The format for the report was first used for submission in Spring 2002 of reports on the intercollegiate athletics programs in FY 2001. This year's reports on FY 2010 are being provided to the members of the Committee on Education Policy, along with a summary of "highlights." Highlights only are attached with this item for other meeting attendees.

In some of the tables in the reports, there exists a possibility of having a very small number of individuals in a particular category such that those individuals might be identifiable. Since this might constitute a violation of the Family Educational Right to Privacy Act (FERPA), institutions were asked to exclude such data from their public session reports, indicating only the existence of a small N. Several institutions have provided additional information for review in executive session should the Committee members so desire.

In addition, there are included with this item a number of items concerning recent developments of interest to the Regents:

- A recent NY Times article on gender equity in athletics;
- An op-ed piece by Regent Thomas McMillen that appeared in the Baltimore Sun in April; and
- JCR language on a report required of the USM on general fund expenditures on intercollegiate athletics.

If the NCAA has released the annual APR reports by the meeting date, those will be made available to the Committee at the meeting.

Representatives of the institutions will be available at the Committee meeting to respond to questions about their reports.

ALTERNATIVE(S): This report is for information only.

FISCAL IMPACT: This report is for information only.

CHANCELLOR'S RECOMMENDATION: This report is for information only.

COMMITTEE RECOMMENDATION:

DATE:

BOARD ACTION:

DATE:

SUBMITTED BY: Irwin L. Goldstein (301) 445-1992

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**UNIVERSITY SYSTEM OF MARYLAND
ANNUAL REPORT ON INTERCOLLEGIATE ATHLETICS
FY 2010**

HIGHLIGHTS

Philosophy

Each of the USM institutions that have intercollegiate athletics programs has a statement of philosophy that emphasizes scholarship and sportsmanship within the program.

Reporting

The Director of Athletics reports directly to the President of the institution at BSU, CSU, TU, UMCP, and UMES. At FSU, the Athletic Director reports to the Vice President for Administration and Finance. At SU, the Athletic Director reports to the Vice President for Student Affairs. At UMBC, the Athletic Director reports to the Provost.

Admissions

FSU and SU are Division III institutions and as such do not provide athletic scholarships; they have no athletes who are "special admits," and the qualifications of incoming student-athletes are comparable to those of other incoming students. CSU and UMES, both of which are Division I institutions, likewise have no "special admit" athletes. Coppin's admissions data for the Fall 2009 cohort did not include data for all first-time, full-time freshmen, so it is not possible to make comparisons between athletes and the general population.

BSU's Fall 2009 cohort of 234 male and 401 female first-time full-time freshman students included 14 male student-athletes, of whom three were special admits, and 20 female student-athletes, of whom four were special admits. Admissions credentials of BSU's student-athletes were on average slightly higher than those of all first-time full-time freshmen at the institution in Fall 2009.

In Fall 2009, TU admitted 12 of its 67 new male student-athletes and seven of its 57 female student athletes as special admits. Special admit athletes at Towson in Fall 2009 had an average high school GPA of 2.63 for men and 3.22 for women, compared to 3.35 and 3.52 for regular admit athletes, and combined SAT scores (out of a possible 2400) of 1419 (men) and 1366 (women), compared to 1555 and 1617 for regular admit athletes. Among all first-time full-time freshman males, the average GPA was 3.46 for regular admits and 2.78 for special admits; the SAT averages were 1639 for regular and 1415 for special admit males. The first-time full-time freshman female students had an average GPA of 3.59 for regular and 3.13 for special admits; SAT averages were 1619 (regular) and 1465 (special).

In the fall of 2010, 14 of UMBC's 43 admitted male student-athletes were considered special admits. The GPA for the entire male student-athlete cohort was 3.55 compared

to the special admit cohort which was 3.03. The combined SAT for the total male student-athlete cohort were 1144 and the SAT for the special admit cohort was 1014. When compared to all first-time male freshmen at UMBC, the grade point average for male student-athletes was higher than their counterparts (3.55 to 3.46). The SAT average, however, was lower, for male student-athletes than that for all students, 1144 as compared to 1219. The special admit population represents a higher percentage of male student-athletes (33%), when compared to all male special admit students (0.1%). The grade point averages of the special admit male student-athletes, 3.03, was higher than the all male special admit freshmen (2.75). The SAT's, were also higher for special admit male student-athletes (1014) when compared to all male special admit students (990).

The comparison of entering UMBC's female student-athletes in the fall of 2010 also shows that the percentage of at-risk admits is higher than that for all first-time freshmen women (19% as compared to 0.1%). The grade point averages for regular admits were higher, 3.72, than the new female student-athletes at 3.67. The SAT scores for female student-athletes were 1111, which was lower than their counterparts who scored 1189. First-time full-time freshmen women who were admitted to UMBC with special circumstances had a combined SAT average of 1000 as compared to 967 for new female special admit student-athletes. The GPA for new female special admit student-athletes was 3.23 which was lower than that of all freshmen special admit women at 3.70.

Twenty of UMCP's 64 new male student-athletes in Fall 2009 were special admits, as were seven of the 72 new female student-athletes. The average HS GPA of all male special-admit students was 2.8 and of all female special admit students was 3.4; average combined SAT scores (out of 1600) were 906 and 944 respectively. The GPAs and SATs of all first-time full-time regular admits to UMCP in Fall 2009 were 3.9/1311 for men and 4.0/1263 for women. Average high school GPAs for male student-athletes ranged from 2.9 to 3.9 for regular admits and from 2.0 to 3.2 for special admits, depending upon sport. For female athletes, the comparable ranges were 3.1 to 4.4 and 3.0 to 3.8 respectively. The SAT scores of athletes were on average lower than those of the overall entering cohort.

Graduation

Retention and graduation rates for student-athletes as a whole at FSU, UMCP and UMES are comparable to those for all students. Athletes graduate at a higher-than-average rate than do all students at BSU, CSU, SU, TU and UMBC. Special admit student-athletes as those institutions that have them graduate at lower rates than do regular admit student athletes, as is the case with special admit non-athletes compared to regular admit non-athletes.

Student Fees

The following table shows FY 2010 data on the amount of the student athletic fee paid by full-time undergraduate students at each institution, the percent of the total

mandatory student fees that the athletic fee represents, and the percent of intercollegiate athletic program revenues accounted for by the student athletic fee.

2010 Student Athletic Fees			
	Annual Fee/FT Student	% of Total Student Mandatory Fees	% of Athletic Revenue
BSU	\$655	37.3%	97.7%
CSU	\$678	50.0%	62.7%
FSU	\$574	34.0%	91.0%
SU	\$380	21.0%	100.0%
TU	\$751	33.6%	86.8%
UMBC	\$768	32.2%	69.0%
UMCP	\$394	26.5%	20.1%
UMES	\$550	27.9%	39.4%

Revenues/Expenditures/Fund Balances

The following table illustrates the changes in fund balances for intercollegiate athletic programs between June 30, 2008 and June 30, 2010.

Fund Balances			
	Ending FY 2008	Ending FY 2009	Ending FY 2010
BSU	(\$2,833,975)	(\$2,761,644)	(\$2,624,877)
CSU	(\$4,766,099)	(\$5,659,570)	(\$6,285,419)
FSU	\$83,217	(\$97,159)	(\$84,112)
SU	\$527,803	\$562,521	\$1,104,444
TU	\$2,644,352	\$2,668,871	\$3,053,059
UMBC	(\$1,348,601)	(\$1,236,957)	(\$1,083,969)
UMCP	\$0	\$0	\$0
UMES	\$73,713	\$106,372	\$130,927

SU, TU, and UMES have historically had revenues in excess of expenditures in the ICA program and have consistently maintained positive fund balances in their programs. FY 2009 was the first year in which the FSU fund balance has dipped into negative territory; at that time, FSU indicated that the deficit could be attributed to salary and benefit adjustments that aligned FSU with marketplace norms. Frostburg is working diligently to eliminate the shortfall, and its FY 2010 deficit was smaller than the prior year's.

UMCP has a zero fund balance again in FY 2010 and notes that ICA has managed to achieve a balanced budget in spite of significant financial challenges. In light of the future budget projections, the department will need to explore both incremental revenue opportunities as well as budget or scope reductions if it hopes to continue to balance the budget in future years.

UMBC's program accrued a large deficit as a result of several key factors: the conference change cost, student interest in slowing fee growth, loss of anticipated fees due to an enrollment shortfall, conference mandates, and reallocation required to

support University cost containment efforts. The a long-term budget “pay-back” plan put into place to eliminate the deficit is bearing fruit. In FY 2008, the budget was stabilized and slightly reduced the department fund balance. Fund raising has also increased significantly and has helped toward the goal in this area. In FY 2009, UMBC reduced the deficit by \$112,000 and in 2010 by an additional \$152,988; UMBC is on track to make continued reductions annually and to retire its deficit.

CSU made a presentation to the Committee in September 2008 concerning the deficit situation in its intercollegiate athletics program and presented a plan to achieve a balanced budget; that plan was implemented in FY 2010. The negative fund balance continued to increase in FY 2010 although at a slower rate than in past years. The amount of auxiliary funds transferred to ICA from other auxiliary enterprises to balance the budget in FY 2010 was lower than in past years, and CSU has indicated that it anticipates that the ICA program will be running in the black within four years.

BSU President Mickey Burnim reported to the Committee in June 2009 on the BSU deficit. At that time, he indicated that personnel changes and tightening of spending controls should permit the program to run in the black prospectively. The athletic program’s revenue exceeded its expenditures in FY 2009, and this was again the case in FY 2010; the excess was applied to the deficit which continues to decline slowly. BSU continues to work on implementing components of the revenue enhancement plan presented to the Committee in September 2008 in order to reduce further its accumulated negative fund balance.

From NY Times, April 25, 2011

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.

Baltimore Sun Op Ed by Tom McMillen

(April 27, 2011)

It's a drearily familiar cycle: Successful colleges coaches sail away from one job to another, leaving in their wake a university with a tarnished reputation and an athletic program facing multiple NCAA sanctions.

Take John Calipari, former coach at the University of Memphis. In 2009, he took his team to the Final Four. Shortly after Memphis lost to Missouri in the finals, Mr. Calipari announced that he would be leaving Memphis to coach the Wildcats at the University of Kentucky.

Not long after his departure, the athletic program at Memphis came under heavy scrutiny for a host of academic violations that occurred during Mr. Calipari's tenure, including allegations that a player on the 2007-08 team committed "knowing fraudulence or misconduct in connection with his entrance examination." On Aug. 20, 2009, the NCAA ruled that the player had been ineligible and forced Memphis to vacate the entire 2007-08 season, including the NCAA Tournament and its standing as national runner-up.

Mr. Calipari isn't the only one in this situation.

In 2002, Coach Pete Carroll signed a five-year contract worth approximately \$\$1 million annually to be the head football coach at the University of Southern California. By fiscal year 2007, after five very successful seasons, his total yearly compensation was over \$\$4 million. But in January of 2010, Mr. Carroll announced that he'd be leaving USC to become the new head coach of the Seattle Seahawks on a five-year, \$\$33 million contract.

And then what happened? Six months later, the NCAA announced sanctions against the USC football team, including a two-year bowl ban, the elimination of 30 football scholarships and forfeiture of some victories, including the Bowl Championship Series.

And at my own alma mater, the University of Maryland-College Park, the athletic department recently lost three football scholarships because of poor academic performance by the players, whose graduation rate fell below the level at which penalties kick in. The athletic director at the time, Debbie Yow, has since left to become the athletic director at North Carolina State University. While not making the astronomical salaries of some coaches, she did receive a five-year contract of \$\$350,000 with supplemental income of \$\$100,000.

Clearly, universities need to be more diligent in oversight of their athletic programs. But I have another question: Why aren't well-compensated coaches and others in athletic departments held accountable for the problems they leave behind?

Recently at a meeting of the Board of Regents at the University of Maryland, I suggested that it's time to use the Sarbanes-Oxley Act of 2002 as a model for college athletics. What Sarbanes-Oxley provided for public companies is a "clawback" provision — the ability to retract compensation, even after an executive has left a company.

We've seen this process work. In just one instance, two former executives of UnitedHealth Group Inc., accused of compensation abuse, agreed to give back over \$600 million under the clawback provisions of Sarbanes-Oxley.

Why not have athletic directors and coaches face clawbacks too? If the NCAA imposes penalties for problems that existed during a coach or director's employment, why not require them to return some salary and bonuses to the university — even if they have moved on to another job? After all, many coaches get bonuses for good academic performance by their teams, why shouldn't there be penalties for poor performance?

If there were significant clawback provisions in the contracts for athletic directors and coaches as I proposed to our board of regents, I guarantee they would be more vigilant about what happens on their watch. Substantial financial incentives would encourage them to insure that rules are followed, that they wouldn't be able to afford to look the other way.

I suspect that it will be difficult to establish this process — too many coaches are dedicated to winning at any cost. But University System of Maryland Chancellor William Kirwan is also head of the Knight Commission on Intercollegiate Athletics. I am hoping he and I can work to persuade the NCAA to institute clawback policies. But first we want to make the University of Maryland a leader in creating a process where winning is accompanied by responsibility.

Tom McMillen is a member of the University System of Maryland Board of Regents. He previously served as co-chairman of the President's Council on Physical Fitness and Sports, a member of the Knight Commission on Intercollegiate Athletics and as a Congressman from Maryland's 4th District. His email is tmcmillen@hscapcorp.com.

Report on Fiscal 2011 General Fund Expenditures On Intercollegiate Athletics

The General Assembly is concerned about the use of general funds to support intercollegiate athletic programs, including institutional scholarships to student athletes on the basis of athletic ability at public four-year institutions of higher education in Maryland. The University System of Maryland (USM) has stated to the budget committees that athletic activities are expected to be self-supporting, though it has become apparent that many public institutions in Maryland use general funds to support intercollegiate athletic activities. This language restricts the expenditure of \$5,000,000 to support USM institutions until a report is submitted to the budget committees on the amount of general funds expended in fiscal 2011 on intercollegiate athletics, including athletic scholarships by institution, by September 1, 2011.