

Big U [Click Here for More Information on The Best Sales Week After Week...](#)

Ruling sends strong message to other schools

Michael P. Mayko, Staff Writer

Published: 12:51 a.m., Thursday, July 22, 2010

Colleges and universities across the country were put on notice Wednesday that compliance with anti-discrimination laws in collegiate sports requires more than inflating rosters of women's teams and claiming competitive cheerleading is a sport, according to sports law experts.

That notice comes in a 95-page ruling issued by U.S. District Judge [Stefan R. Underhill](#) in which he determined [Quinnipiac University](#) in Hamden "discriminates on the basis of sex in its allocation of athletic participation opportunities" during the 2009-10 academic year.

The judge also found that "competitive cheerleading does not qualify as a varsity sport for the purposes of Title IX and, therefore, its members may not be counted as athletic participants under the statute."

"This was a well-researched and thought-out decision," said [Donna Lopiano](#), the former Raybestos Brakette all-star, [University of Texas](#) women's athletic director and now head of [Sports Management Resources](#), an Easton consulting firm. Lopiano believes the ruling sent several strong messages to schools across the country.

One message in particular was to avoid trying to meet compliance numbers by inflating the rosters of women's teams when compared to their male counterparts.

"That is very important," said Lopiano, who Fox Sports named as one of its Ten Most Powerful Women in Sports. When that inflation happens, she said, "It means coaches on a women's team are going to be spread thinner when compared to the male team. It means males are going to get more individualized and a higher quality of instruction if there is one coach to every 10 males as opposed to one coach for every 15 females."

More women on a team means less playing time for all, Lopiano said.

Neena Chandry, senior counsel to the [National Women's Law Center](#) in Washington, agreed that the ruling is likely to have an impact on other athletic programs.

"It's very fact-specific," she said. "You have to evaluate each school on specific facts. But he points out what you can and can't do."

"The victory gives force to the law that has opened doors for women over the last 30 years," said [Andrew Schneider](#), [ACLU's](#) executive director in Connecticut. "Today's ruling requires Quinnipiac to stop playing games with the important principle of equal opportunity for women."

"We look forward to discussing with Quinnipiac its plan for compliance with the court's ruling," said [Jonathan Orleans](#), who with fellow Bridgeport attorney [Alex Hernandez](#) represented the plaintiffs. The pair still have pending issues in this case, as well as a separate discrimination suit brought by [Robin Sparks](#), the volleyball coach.

Lopiano testified as an expert witness for the ACLU.

Now, as a consultant, Lopiano said she advises schools "to look at the particular fact situation" if you are sued and "ask yourself if you've done everything you can to comply or did you manipulate rules to come into compliance."

She maintained that Quinnipiac "did a number of small things to try to meet the letter of the law" -- like inflating female athlete numbers by requiring members of the women's cross-country team to participate in indoor and outdoor track, which allowed them to be counted three times; increasing rosters of several women's sports beyond the national average and attempting to add cheerleading to meet any shortfall.

"This ruling puts schools with competitive cheerleading teams on notice that the squads can't be used to comply with Title IX requirements," said [Daniel Fitzgerald](#), a New Haven lawyer who specializes in sports law. "Schools are going to have to think long and hard before cutting a women's sports team and hoping to cover the loss with cheerleading."

Currently, competitive cheerleading is not recognized by the [NCAA](#) as a sport or even an emerging sport, Underhill said, citing the 2009-10 NCAA Division I Manual.



Refinance Now at 3.75% Fixed
\$160,000 Mortgage for \$547/mo. Free. No obligation.
MortgageRefinance

July 2010: Mortgage Rates Hit 3.25%
If you owe less than \$729k you probably
SeeRefinanceRates

Ads by Yahoo!