

BOARD OF REGENTS BRIEFING PAPER

1. Agenda Item Title: *Handbook* Revision, Ethical Code of Conduct for Regents Policy on Gaming

Meeting Date: April 24, 2015

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

The Board of Regents has a comprehensive Ethical Code of Conduct to guide Regents in honoring the high responsibility this elected office demands. A vital component in maintaining public trust and confidence in the office of Regent is maintaining the integrity of all programs subject to oversight by the Board, whether they are educational in nature or involve activities such as athletics. As part of its intercollegiate athletic programs, NSHE is a member of the National Collegiate Athletic Association (NCAA). The NCAA has prohibitions on sports wagering which include provisions applicable to non-athletic department individuals who have responsibilities over athletic programs. Member institutions must ensure their athletic programs are in compliance with the rules and regulations of the Association.

The Board of Regents *Handbook* vests oversight of all NSHE intercollegiate athletics in the Board, which in turn carries out those responsibilities through the institutional presidents and through periodic reports as specified by the Board (*Title 4, Chapter 24, Section 1*). The institutions have adopted provisions in their student handbooks prohibiting staff members and student athletes from participating in gambling activities related to intercollegiate activities. However, there are no provisions in the governing documents of the Board which expressly address the issue of gambling on such activities by Regents. To set an example for staff and student athletes as well as to ensure strict compliance with the overall intent of the NCAA rules, the Board may wish to consider adopting a specific policy in regard to its members and wagering on intercollegiate athletic contests.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Adopt an express policy prohibiting Regents from gambling on intercollegiate athletic contests

4. IMPETUS (WHY NOW?):

Athletics is a high profile aspect of educational institutions and its conduct can reflect positively or negatively on the entire spectrum of institutional activities. The Board should underscore its commitment to integrity in all programs associated with NSHE to reinforce the importance of abiding by applicable rules.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- The Board should lead by example in all areas
- NCAA rules require compliance with gambling prohibitions applicable to all individuals responsible for institutional intercollegiate activities
- Currently there is no specific policy applicable to Regents regarding gambling on intercollegiate athletic contests

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

The institutions already have suitable provisions applicable to gambling activity

7. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

Do not adopt a specific prohibition applicable to Regents respecting gambling on intercollegiate athletic contests.

8. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # 4 Chapter # 24 Section # 1
- Amends Current Board Policy: Title # 4 Chapter # 1 Section # 2
- Amends Current Procedures & Guidelines Manual: Chapter # Section #

<input type="checkbox"/> Other: _____
<input type="checkbox"/> Fiscal Impact: Yes _____ No _____
Explain: _____

POLICY PROPOSAL - HANDBOOK
TITLE 4, CHAPTER 1, SECTION 2, *new* SUBSECTION 5
Ethical Code of Conduct for Regents
Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Title 4, Chapter 1, Section 2, new subsection 5:

...

5. A member of the Board of Regents should uphold the integrity of intercollegiate athletic competition by:

a) Adhering to the Regent Policy on Gaming which provides that a member of the NSHE Board of Regents should not wager on an intercollegiate athletic contest or participate in sports wagering involving an intercollegiate athletic contest.

b) As used in this subsection:

(1) "Wager" means to enter any agreement in which an individual or entity agrees to risk giving up an item of value (for example, cash, a shirt or dinner) in exchange for the possibility of gaining another item of value.

(2) "Sports wagering" means placing, accepting or soliciting a wager of any type with any individual or organization on any intercollegiate athletic contest. Examples of sports wagering include, but are not limited to, the use of a sportsbook or parlay card or internet wagering on sports in which wagers are placed on an intercollegiate team, individual or contest, and includes pools or fantasy leagues involving an intercollegiate team in which an entry fee is required and there is an opportunity to win a prize.