

BOARD OF REGENTS
BRIEFING PAPER
Handbook and Code Revision, NSHE Intercollegiate Athletics

BACKGROUND & POLICY CONTEXT OF ISSUE:

The Board earlier requested that staff review current policies on intercollegiate athletics and bring recommendations for consideration by the Board. A Chancellor's committee headed by Dr. Joe Crowley had given the Board a report *NSHE Athletic Hiring Report* in September 2011 related to hiring practices for coaches and athletic directors and the appropriate role of the Board. These proposed *Handbook* and Code revisions were discussed at the December 2011 Board meeting and are the result of the Crowley report plus recommendations from the *AGB (Association of Governing Boards) Statement on Board Responsibilities for Intercollegiate Athletics (2007 & 2009)*. This proposal clarifies the Board's overall responsibility for intercollegiate athletics at all NSHE institutions, the role of the presidents, and hiring practices for coaches and athletic directors. These revisions require Board approval of athletic conference membership changes unless rapid changes in conference configuration occur. Revised language is in the Board *Handbook* section on NSHE Intercollegiate Athletics, with personnel contract changes in the *Code* that clarify length of contract for some coaches and assistant coaches.

In addition to these policy changes, the *NSHE Athletic Hiring Report* recommended that since the two universities will soon be in the same conference, they should jointly undertake "a thorough review of search, appointment and related practices to develop a common approach." This work would address Board concerns about the current practices for searches and appointments in intercollegiate athletics within Board policy and as implemented at each university.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend *Title 4, Chapter 10, Section 23* regarding

- The ultimate responsibility of the Board for oversight of all NSHE intercollegiate athletics through the institutional Presidents.
- The requirement for Board approval of initial and subsequent contracts for athletic directors and head coaches of football and men's and women's basketball. The proposal includes authorization for head coaches to select their assistant coaches upon initial hire of the head coach only.
- Clarification of the role of the Board and individual regents in athletic searches.
- Clear emphasis on affirmative action, equal opportunity, and diversity of intercollegiate athletics personnel decisions.
- The requirement for Board approval of changes in an institution's athletic conference membership with criteria for such decisions. Exception granted for rapid changes in conference configuration only.
- Clear requirements for accountability and annual reporting by the President to the Board.
- Deletion of specific NCAA academic requirements and insertion of general language requiring adherence to all applicable NCAA academic requirements for eligibility.

Amend *Title 2, Chapter 5, Section 5.4.2* to

- Authorize institutional presidents to approve coach's contracts, excluding those of athletic director and head coaches for football and men's and women's basketball, under certain circumstances.
- Require the approval of the Chancellor if such appointment is at a level higher than 36 months and a salary of \$200,000.
- Raise the allowable bonus for these coaches in one contract year from \$25,000 to \$75,000.
- Empower the Chancellor to bring to the Board for approval any contracts that rise in size of salary or term that Board approval would be wise.

(See attached Policy Proposal.)

IMPETUS (WHY NOW?):

Recommendations come as a result of previous conversations by the Board and a request to examine NSHE current policies in light of best practices across the country.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

These changes comply with recommendations from AGB and the NSHE internal study committee and clearly spell out roles and responsibilities of the Board, the Chancellor, and the President.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

The Board may wish to change some specific portions of the proposed changes, such as level of salary and term of contracts requiring Board or Chancellor approval or the particular sports designated as requiring Board approval of head coaches.

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

Leave the policies as currently written.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- Amends Current Board Policy: *Title 2, Chapter 5, Section 5.4.2 and Title 4, Chapter 10, Section 23*
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- Other: _____
- Fiscal Impact: Yes _____ No _____
Explain: _____

POLICY PROPOSAL
TITLE 2, CHAPTER 5, SECTION 5.4.2
Duration of Employment Contracts - Coaches

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

5.4.2 Duration of Employment Contracts

....

- (e) [~~The appointment of athletic coaches~~] *Except for head coaches of football and men's and women's basketball, contracts for appointment of head athletic coaches and assistant coaches, including interim or acting appointments, shall require only [Chancellor] approval of the institutional President as long as **the term or remaining term of the contract together with any option that has been exercised or any extension that has been offered** a) [~~the contract~~] does not exceed [24] **36** months, [~~including option periods~~] and b) the salary is [~~\$150,000~~] **\$200,000** or less for a contract year. For these purposes, salary does not include standard perquisites available to all NSHE employees nor does it include performance bonuses if such bonuses [~~would~~] **do** not exceed [~~\$25,000~~] **\$75,000** in any contract year. **Approval by the Chancellor is required for such contracts if the length of the contract or the salary exceeds these limits.** Such appointments shall not take effect, and no employment contracts for such positions shall be issued or binding, until the Chancellor approves the appointments. The appointments shall be reported to the Board of Regents by the President [~~on approval by the Chancellor~~] **and/or the Chancellor. If, in the Chancellor's opinion, any contract rises to a level in size or term that the Board's approval is needed, such approval will be required. Contracts for directors of athletics and head coaches of football and men's and women's basketball shall require approval of the Board of Regents.***

....

POLICY PROPOSAL
TITLE 4, CHAPTER 10, SECTION 23
NSHE Intercollegiate Athletics

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 23. Policies Concerning NSHE Intercollegiate Athletics

The Board of Regents encourages the development of intercollegiate athletic programs at the Nevada System of Higher Education (*NSHE*) institutions consistent with their institutional mission and goals. The goal of the NSHE shall be to provide for student competition in intercollegiate sports appropriate to the universities, colleges and their conferences, to fiscal resources available, and to sound standards of student academic performance. Every intercollegiate athletic program shall comply with all applicable rules and regulations of the National College Athletic Association (*NCAA*) and other organizations and conferences in which each is member.

¶ Intercollegiate athletics programs shall be intended to protect and enhance both the educational and physical welfare of student-athletes. Intercollegiate athletic programs shall seek to support and develop each participating student's academic and athletic talents, and shall seek to assure that the student athlete, as a student in an academic setting, achieves scholastically to the best of his or her capabilities. During recruitment activities, this policy shall be made known to potential men and women student athletes. Intercollegiate sports shall be viewed as an important component of the university, state college, college community, and of individual development.

The goals identified in support of the institutions' athletic mission statements include:

- [1-] **A.** In recognition of the importance of academics in maintaining the integrity of athletic programs, the universities and colleges will emphasize and ensure progress towards graduation by establishing and enforcing academic standards and developing a support system to increase the academic success of student-athletics;
- [2-] **B.** An Intercollegiate Athletic Council (*IAC*), organized in conformity with *NCAA* rules and regulations, shall be established and maintained by each university and every college engaged in intercollegiate athletics. The *IAC* will serve as an advisory committee reporting to the institution President;
- [3-] **C.** Each Director of Athletics and all coaches recognize the necessity for funding for athletic programs and the necessity to assist in this process. Funding for athletics may be provided by both public and private sources. Each institution shall be responsible for the proper disclosure, accounting, control and administration of all funds; and
- [4-] **D.** Each institution is accountable to the Board of Regents, as it is the Board of Regents which maintains the ultimate responsibility for all contractual obligations and implementation of the goals contained in the Intercollegiate Athletics Policies and mission statement.

1. Board of Regents Oversight

- a. *The Board of Regents carries out its responsibility for oversight of all NSHE intercollegiate athletics through the institutional Presidents.***

- b. *On recommendation of the President, the Board shall review and approve the initial contracts of all directors of athletics regardless of contract term or salary on hire. Contracts for initial hire of head coaches of football and men's and women's basketball shall be reviewed and approved by the Board. Subsequent and continuing contracts for these positions shall be approved by the Board. Upon the hiring of a new head coach of football or men's and women's basketball, the President of an institution may authorize the new coach, upon conditions established by the President, to select the assistant coaches who will join the head coach upon hire. Thereafter, assistant coach positions will be filled through the normal search process. In making these initial appointments, the institution shall be guided by Board policies pertaining to equal opportunity and diversity. The appointment of assistant coaches in this manner will be reported to the Chancellor and Board annually but will be deemed exempt from the search waiver requirements under Title 4, Chapter 8.*
- c. *The Board of Regents and individual Regents shall not be involved in the search process for directors of athletics or coaches. Board members may nominate candidates, but shall not serve formally or informally on search committees or attempt to influence the search process in any manner.*
- d. *The policies of the Board on hiring and affirmative action shall be followed in all personnel decisions, including initial hires and promotions, within the intercollegiate athletic programs.*
- e. *Any change by an NSHE institution in its athletic conference membership requiring an NSHE institution to vote on approval shall be approved by the Board on recommendation of the President and Chancellor with full consideration of all factors to include student competition in intercollegiate sports appropriate to the institution, fiscal resources available, and sound standards of student academic performance. In the event of rapid changes in conference configuration, an exception may be granted in this necessity for Board approval, and the Chancellor, after consultation with the Board of Regents Chair, may approve a change in athletic conference affiliation.*
- f. *The Board and each President shall ensure that standards of accountability and benchmarks against which to measure the success of each institution's intercollegiate athletics programs are established and reported annually to the Board.*

[4-]2. Institutional Control.

- a. The Board of Regents charges the institution [~~itself,~~] and the President of each institution[~~;~~] with the responsibility for the conduct and control of intercollegiate programs and activities. *The President is accountable for exercising ultimate responsibility for the conduct and control of the athletics department, including all personnel decisions (hiring, firing and compensation), corporate partnerships, television contracts, booster clubs, and affiliated organizations, including its private fundraising efforts.*
- b. Each institution and its employees shall comply with all applicable rules and regulations of the NCAA and other organizations and athletics conferences in which each is a member. Each institution shall regularly engage in self-study, which monitors intercollegiate athletics programs to assure compliance with such rules. Each institution shall identify, and report to the appropriate organization, instances in which compliance has not been achieved. Each institution will cooperate fully with the NCAA and athletic conferences in investigation instances of noncompliance and will promptly take appropriate disciplinary and remedial action.

- c. To assist in assuring institutional control over intercollegiate athletics programs, member institutions shall not make new joint appointments to the positions of Director of Intercollegiate Athletics and coach of an intercollegiate sports program.
- d. Compliance programs will be enforced by a compliance officer who shall report to, and serve within the office of the President of each institution. In carrying out these responsibilities, the President shall also be assisted by the Intercollegiate Athletic Board. Institutions are encouraged to impose more stringent policies and rules when, in the judgment of the institution, such policies and rules are necessary.

[2.] 3. Academic and Athletic Standards.

- a. Intercollegiate athletics programs shall be an integral part of the educational program of each institution and student-athletes shall be an integral part of each student body. Policies and standards concerning the admission, academic standing and academic progress of student-athletes shall be consistent with policies and standards adopted for each student body generally. Each institution must establish policies concerning class time, assignments, tests and final examinations that are missed by student-athletes due to participation in officially sponsored intercollegiate athletic events.
- b. Student-athletes are representatives of the institution. Student-athletes shall deport themselves with honesty and good sportsmanship, in compliance with all applicable NCAA, conference, and university rules and regulations, and in accordance with all such rules and laws regulating gaming. Their behavior shall reflect the high standards of honor and dignity that characterize participation in intercollegiate activities.
- c. Minimum Academic Requirements for Continuing Eligibility of Student Athletes.

Students [~~first~~] enrolled [~~full-time~~] in any [~~collegiate~~] *NSHE* institution [~~during the fall 1992 or after~~] must meet the [~~following~~] *all applicable NCAA academic* requirements to be eligible for intercollegiate competition, *as well as any additional academic requirements established by the institution.*

[GENERAL REQUIREMENTS

~~NCAA rules require:~~

- ~~• Full-time enrollment (*minimum 12 credits*).~~
- ~~• Satisfactory completion of 24 credit hours during each academic year.~~
- ~~• At least 18 credits must be completed during the regular academic year (*Fall and Spring semesters combined*).~~
- ~~• No more than 6 credits of Summer hours may count toward meeting the 24 credit hours.~~

SPECIFIC NCAA REQUIREMENTS

~~AS A JUNIOR:~~

- ~~• Declare a major and make satisfactory progress toward the degree.~~
- ~~• Have completed 25% of the degree credits in your major.~~
- ~~• Have 90% of the cumulative minimum GPA required for graduation.~~

~~AS A SENIOR:~~

- ~~• Have completed 50% of the degree credits in your major.~~
- ~~• Have 95% of the cumulative minimum GPA required for graduation.~~

~~AS A FIFTH YEAR:~~

- ~~• Have completed 75% of the degree credits in your major.~~
- ~~• Have 95% of the cumulative minimum GPA required for graduation.]~~

[3-] **4. Review of Intercollegiate Programs.** The institution shall be responsible for reviewing and evaluating, on a regular basis approved by the Board of Regents, financial, academic, and managerial aspects of the athletics program. All expenditures for or on behalf of an institution that is a Division I member of the NCAA, including expenditures made by any outside organization, agency, or group, shall be subject to an annual financial audit (*in addition to regular audits*) in a form approved by the NCAA, conducted for the institution by a qualified auditor who is not a staff member of the institution and who is selected either by the institution's President or by an institutional administrator from outside the Department of Intercollegiate Athletics designed by the President.

[4-] **5. Fiscal and Budgetary Control.** The institution shall be responsible for the proper accounting and administration of all funds, services, and gifts-in-kind received and expended on intercollegiate athletics.

a. Gifts

All gifts must be accepted and approved by the Board of Regents in compliance with the provisions of Title 4, Chapter 10[~~Section 8~~] of the Board of Regents Handbook. The use of gift monies accepted and approved by the Board on behalf of the Athletic Department will be determined by the institutional President and Athletic Director, with the exception of gifts specifically restricted by the donor.

b. Interest Income

The use of interest income generated from surplus operating capital of the Athletic Department will be determined by the institutional President and Athletic Director.

c. Compensation

Compensation to athletic department personnel shall be approved by the President and awarded through proper institutional channels. Employees receiving compensation for outside professional services will comply with provisions of Title 4, Chapter 3[~~Section 8,~~] of the Board of Regents' *Handbook*. The contracts of coaches in Departments of Intercollegiate Athletics shall provide that coaches found by the institution to have committed violations of NCAA rules will be subject to actions as provided by NCAA enforcement provisions. Contracts shall also provide that all coaches, full-time and part-time, must report annually to the institution all athletically related income.

d. Revenue

Revenues received in the current fiscal year for services or goods to be provided in a future fiscal year may not be used in the current year except with Board approval.

e. Budget Revisions

Budget revisions shall occur only in compliance with established Nevada System of Higher Education guidelines approved by the Board of Regents.

f. Boosters

- (1) Each institution shall be responsible for identifying, and monitoring the activities of, individuals and groups representing the institution's athletics interests (*boosters*) to assure compliance with applicable NCAA, conference, and institutional rules, regulations and guidelines. Each institution shall provide comprehensive orientation and educational programs concerning NCAA, conference, and institutional rules and regulations to persons or groups identified with the institution's athletics interests. The Board shall approve the defined operating relationship between individuals and groups representing the institution's athletics interests and each institution. All changes in the duties and responsibilities of each party must be approved by the Board.
- (2) As a condition of the purchase of season tickets or other admissions to the institution's intercollegiate athletics events, or as a condition of membership in booster clubs, all individuals or groups representing each institution's athletics interests (*boosters*) are expected and required to cooperate fully in the institution's efforts to comply with NCAA and conference bylaws, rules and regulations, including without limitation cooperating fully in all investigations of possible violations of such rules. Any individual or group found to have committed violations of NCAA or conference rules and regulations, or failing to cooperate fully in the institution's compliance efforts shall be subject to disassociation from the institutions' athletics interests and immediate termination of all further participation in the institution's athletics programs, including without limitation the purchase of season tickets or other admissions to the institution's athletics events or the revocation or cancellation of the purchase of season tickets or other admissions to the institutions' athletics events. If the purchase of season tickets or other admissions to the institutions' athletics events is revoked or canceled, the purchase price paid for any unused tickets or admissions shall be repaid to the purchaser.

[5-] **6. Student Participation.**

- a. Participation in all men's and women's sports shall be encouraged for all students with the interest and ability. Each institution shall make a commitment to provide equitable financial and managerial support for programs of quality in sports for both men and women and in both revenue and non-revenue producing categories.
- b. The institutions are encouraged to recruit student athletes within the state of Nevada and seek their participation in intercollegiate sports.

[6-] **7. Planning.** Five-year plans for each institution shall be developed and implemented for intercollegiate athletics.

[7-] **8. Policy and Procedures Manual.** Each institution shall develop and utilize a policy and procedures manual concerning intercollegiate athletic operations.

ADDITIONAL APPLICABLE POLICY REGARDING ATHLETICS
NOT PROPOSED FOR REVISION
Title 4, Chapter 10, Section 24 - 26

Section 24. Institutional Trade-Out Policy

1. General Policy.

- a. A trade-out is defined as an agreement between an institution or branch of the NSHE on behalf of itself or one of its colleges, departments, events centers, performing arts centers, units, programs, or other such entity (*hereinafter referred to as the "institution"*) and an individual, partnership, corporation, or other such entity for goods or services in exchange for anything of value from the institution, including, but not limited to, advertising, club memberships, sponsorships, or tickets to any event.
- b. Each institution shall adopt more specific trade-out policies in order to implement Board policy tailored to the circumstances of each entity that may make use of trade-outs. Institutional trade-out policies shall be in conformity with the Board of Regents' trade-out policy. The adoption, amendment, or repeal of institutional policy shall be on the recommendation of the President and approved by the Board of Regents. Minimally, the institution's policies must address the following areas: establishing new trade-outs; renewing trade-outs; multi-year trade-outs; non-renewal of trade-outs; audit/review; oversight and authorization; form(s) required; procedures for use of trade-outs.
- c. Institutional trade-out policies must be in compliance with all applicable laws, regulations, and Board of Regents' policies and must be in the best interest of the institution.
- d. All trade-out agreements must be in writing and approved by the President or his or her designee. The authority of a President's designee to execute trade-out agreements must be in writing and signed by the President.
- e. Trade-outs are to be used solely for the benefit of the institution and exclusively for business purposes. Any personal use or benefit from a trade-out is prohibited.

Section 25. Intercollegiate Athletics Trade-Out Policy

1. UNLV

- a. A trade-out is defined as an agreement between the Department of Intercollegiate Athletics and an individual, business or corporation for goods and/or services in return for something of value from the department (*including advertising, club memberships, sponsorships, tickets to athletic events, etc.*)
- b. The Director of the Department of Intercollegiate Athletics must approve all trade-outs.
- c. Finalized trade-out records will be maintained in the Athletic Business Office under the supervision of the Senior Assistant Athletic Director for Finance/Athletic Business Manager.
- d. Official receipts must be provided for all trade-outs and must be submitted to the Senior Assistant Athletic Director for Finance/Athletic Business Manager within 24 hours of business.
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- e. No trade-out will be initiated without prior knowledge and approval of the Director of the Department of Intercollegiate Athletics.
- f. To initiate a trade, staff members will consult with the Assistant Athletic Director/Director of Athletic Development who will in turn seek approval from the Director.
- g. Trade-outs, which involve tickets, are subject to ticket availability; approval must be obtained from the Assistant Athletic Director/Athletic Ticket Manager prior to finalization of contract.
- h. Trade-outs, which involve print advertising, are subject to availability of space; approval must be obtained from the Assistant Athletic Director/Communications prior to finalization of contract.
- i. Trade-outs, which involve promotions or game sponsorships, are also subject to availability of each; approval must be obtained from the Director of Marketing and Promotions prior to finalization of contract.
- j. Prior to signature by the Director, trade-outs will be reviewed by the Assistant Athletic Director/Director of Athletic Development and the Senior Assistant Athletic Director for Finance/Athletic Business Manager.
- k. Trade-outs will be approved only if they are in the best interest of the Department of Intercollegiate Athletics.
- l. Trade-outs are to be utilized exclusively for business purposes. Personal use of tradeouts is prohibited.
- m. Trade-outs are subject to annual audit. Auditors will require verification of relevant details.
- n. Trade-outs are subject to annual review.
- o. Meal trade-outs are to be utilized for business purposes only; business purposes are defined as meals with persons outside of the Department of Intercollegiate Athletics with whom the department has, or intends to have, official business. Meal trade-outs are not to be utilized solely by departmental staff.
- p. The Assistant Athletic Director/Director of Athletic Development and the Senior Assistant Athletic Director for Finance must have knowledge of all trade-outs for accurate record keeping in the Athletic Business Office.
- q. Employees determined to be in violation of the departmental trade-out policy will lose trade-out privileges and may be subject to termination of employment by the institution.

2. UNR

- a. A "trade-out" is defined as an agreement by and between the Department of Intercollegiate Athletics (*ICA*) and an individual, business or corporation for goods and/or services in return for something of value from *ICA* (*including, but not limited to, advertising, club memberships, sponsorships, tickets to athletic events, etc.*).
- b. All trade-out agreements must be approved by the Director of Athletics or his designee in his absence.

- c. All trade-out agreements must be in accordance with NCAA, University and ICA policies, rules, and regulations.
- d. Documentation for trade-out agreements will be consistent with acceptable accounting procedures and guidelines established by the University as approved by the Board of Regents.
- e. A listing of all trade-out agreements will be maintained by the Assistant Athletic Director for Promotions for review upon reasonable request by authorized personnel.
- f. Trade-out agreements will be approved where the value received by ICA is of equal or greater value.
- g. Where trade-out agreements involve property subject to inventory, such property shall be received in accordance with University property control procedures and reported in accordance with Board of Regents' policy.
- h. All trade-out agreements are to be in compliance with the Internal Revenue Code, Section 132, and therefore construed to be tax exempt.
- i. This policy may not be amended without written approval of the Director of Athletics.

Section 26. Intercollegiate Athletics Complimentary Ticket Policy

1. UNLV

This policy governs the issuance of complimentary tickets for the UNLV Department of Intercollegiate Athletics (ICA) events. The policy shall be administered by the Director of the Department of ICA who is responsible for compliance with the policy hereunder.

- a. Complimentary tickets for Department of ICA events are University property and shall not be directly or indirectly sold or exchanged by any employee for money, anything of value, or for the benefit of the employee or any other person.
- b. Any distribution of complimentary tickets shall be in compliance with federal and state statutes and regulations; the Code, policies and procedures of the Nevada System of Higher Education; the policies, rules and regulations of the NCAA; and those of any athletic conference with which UNLV is affiliated and those of the University and the Department of ICA.
- c. The Department of ICA shall follow specific detailed procedures as established in the Department's ticket policy.
- d. The Intercollegiate Athletic Council will review proposed changes to the ICA Departmental ticket policy.
- e. Distribution of complimentary tickets pursuant to this policy shall be reported to the Internal Revenue Service in accordance with federal revenue regulations.
- f. Authorization to distribute complimentary season and/or game-by-game tickets not specifically provided for in the departmental ticket policy shall be submitted in writing with a description of the business purpose therefore and approved in advance by the Director of the Department of ICA or his designee.

2. UNR

This policy governs the issuance of complimentary tickets for the UNR Department of Intercollegiate Athletics (ICA) events. The policy shall be administered by the Director of the Department of ICA who is responsible for compliance with the policy hereunder.

- a. Complimentary tickets for Department of ICA events are University property and shall not be directly or indirectly sold or exchanged by any employee for money, anything of value, or for the benefit of the employee or any other person.
- b. Any distribution of complimentary tickets shall be in compliance with federal and state statutes and regulations; the Code, policies and procedures of the Nevada System of Higher Education; the policies, rules and regulations of the NCAA; and those of any athletic conference with which UNR is affiliated and those of the University and the Department of ICA.
- c. The Department of ICA shall follow specific detailed procedures as established in the Department's ticket policy.
- d. Distribution of complimentary tickets pursuant to this policy shall be reported to the Internal Revenue Service in accordance with federal revenue regulations.
- e. Authorization to distribute complimentary season and/or game-by-game tickets not specifically provided for in the departmental ticket policy shall be submitted, in writing, with a description of the business purpose therefore and approved in advance by the Director of the Department of ICA or his/her designee.