

BOARD OF REGENTS
BRIEFING PAPER

**1. Agenda Item Title: Modification of Board of Regents Oversight
Policy Concerning NSHE Intercollegiate Athletics**

Meeting Date: February 28, 2013

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

The Board has previously considered its role in approving athletic conference membership changes. A Chancellor's committee headed by Dr. Joe Crowley prepared a report entitled *NSHE Athletic Hiring Report* and presented the report to the Board in September 2011. The report contained information on the appropriate role of the Board in regard to various aspects of athletics. At its December 2011 meeting, the Board discussed a number of proposed *Handbook* and Code revisions pertaining to athletics which emanated from this report and the *AGB (Association of Governing Boards) Statement on Board Responsibilities for Intercollegiate Athletics (2007 & 2009)*. Further discussion at the March 2012 meeting led to the adoption of revised language in the *Handbook* regarding, among other things, rapid changes in conference configuration. This revised language is now codified in Title 4, Chapter 10, Section 25 (1) (e) of the *Handbook*. This current language creates an exception to the general policy requiring Board approval of athletic conference membership changes; in the event of rapid changes in conference configuration, the exception allows the Chancellor, after consultation with the Board Chair, to approve a conference change, subject to Board ratification.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

The recommended action is to restore the requirement of Board of Regent approval before an NSHE institution can change its athletic conference membership, thus eliminating the exception that was adopted for cases of rapid changes in conference configuration.

4. IMPETUS (WHY NOW?):

Recently there have been significant changes across the nation in the composition of various athletic conferences. Some of these changes have later been reversed at substantial financial cost to the institutions making the changes. The changes have also resulted in uncertainty regarding the future composition of conferences and in some cases have resulted in the dislocation or extinguishment of cherished traditional rivalries. The haste with which some of these decisions have been made has contributed to these financially costly and socially disruptive outcomes. Prior approval from the Board will allow for more deliberative and prudent consideration of any anticipated changes in conference membership and is an appropriate exercise of the Board's oversight authority.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

This recommendation restores stronger Board oversight of conference changes.

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

Changes in conference membership happen quickly and advantageous opportunities may be lost if additional time is required for Board approval pursuant to the requirements of the Open Meeting Law.

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

Leave the existing policy exemption in place.

8. COMPLIANCE WITH BOARD POLICY:

Consistent With Current Board Policy: Title # ___ Chapter # ___ Section # ___
 Amends Current Board Policy: Title # 4 ___ Chapter # 10 ___ Section # 25 (1) (e) ___
 Amends Current Procedures & Guidelines Manual: Chapter # ___ Section # ___
 Other: _____
 Fiscal Impact: Yes ___ No X ___
Explain: _____

POLICY PROPOSAL - HANDBOOK
TITLE 4, CHAPTER 10, SECTION 25 (1) (e)
Policies Concerning NSHE Intercollegiate Athletics

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

Section 25. Policies Concerning NSHE Intercollegiate Athletics

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1. Board of Regents Oversight

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- 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, subject to Board ratification.~~]

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