

BOARD OF REGENTS
BRIEFING PAPER

1. Agenda Item Title: *HANDBOOK* REVISION, BOARD OVERSIGHT OF INTERCOLLEGIATE ATHLETICS

Meeting Date: June 6-7, 2013

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

Conversations have taken place at the Nevada System of Higher Education (NSHE) Board of Regents' meetings regarding the appropriate scope of Board athletic oversight and governance. Intercollegiate athletic oversight has become an increasingly important issue for governing boards nationally in the wake of the disproportionate growth in the expense, visibility and recently and widely reported scandals associated with athletics. The Board would underscore the importance of its oversight function as well as facilitate its ability to readily access all governance procedures by consolidating existing intercollegiate athletic policies in a separate chapter.

Information from various *Association of Governing Boards (AGB)* publications highlights the promise and the potential problems with intercollegiate athletics. The material provides an overview of athletic governance issues confronting the Board of Regents as well as pointing up the pressing need for enhanced Board engagement in this area to safeguard the welfare of student-athletes, students, the NSHE community at large and the integrity of the System. Please see the accompanying reference material, especially pages 6-11, for more detail.

With these findings and observations in mind, the Board of Regents may wish to take steps to increase its focus on intercollegiate athletic oversight while still respecting the crucial role of its presidents and athletic department personnel.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Approval to consolidate existing Board intercollegiate athletic policies in a new *Handbook* chapter by moving *Handbook* Title 4, Chapter 10, Sections 25-28 and Title 4, Chapter 20, Section 6 to a new Chapter 24; to add references to the National Junior College Athletic Association (NJCAA) institutions where appropriate; and to require certain athletic department financial information and athletic reports to be presented on an annual basis for Board review. Approval is also requested to add a provision to Title 4, Chapter 10, Section 25(1) (c) stating how a Regent may refer the name of a candidate for athletic director or coach. If approved, this provision will become a part of new Chapter 24 along with the existing provisions of Section 25(1)(c).

4. IMPETUS (WHY NOW?):

The tragic events at Penn State University and the recent problems which occurred with the Rutgers University men's basketball program and the University of Oregon football program, coupled with AGB best practices recommendations, demonstrate enhanced Board athletic oversight will help avoid the possibility of similar situations with NSHE programs and will maintain public confidence in the safety and integrity of NSHE intercollegiate athletics.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Intercollegiate athletic programs provide many positive benefits but are subject to certain problems if Board governance is insufficient.
- NJCAA institutions should specifically be included in appropriate athletic oversight provisions.
- Best practices for intercollegiate athletics involve delegation of broad authority to institutional presidents coupled with accountability through informed Board oversight.

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

Existing Board oversight is sufficient to prevent abuse. Too much Board time and attention is already devoted to athletics, which should only be an appendage to the primary mission of higher education institutions.

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

Retain existing oversight procedures.

8. COMPLIANCE WITH BOARD POLICY:

- | | | | | |
|-------------------------------------|--|-----------|--------------|-----------------------|
| <input type="checkbox"/> | Consistent With Current Board Policy: | Title # | Chapter # | Section # |
| <input checked="" type="checkbox"/> | Amends Current Board Policy: | Title # 4 | Chapter # 10 | Sections # 25-28; and |
| | | Title # 4 | Chapter # 20 | Section #6 |
| <input type="checkbox"/> | Amends Current Procedures & Guidelines Manual: | | | |
| <input type="checkbox"/> | Other: _____ | | | |
| <input type="checkbox"/> | Fiscal Impact: | Yes _____ | No ___X___ | |
| | Explain: _____ | | | |

POLICY PROPOSAL - HANDBOOK
TITLE 4, *new* CHAPTER 24, SECTIONS 1-5
NSHE Intercollegiate Athletics

Additions appear in ***boldface italics***; new additions to existing material being transferred to the new chapter are shown in ***shaded boldface italics***; deletions are [~~stricken~~ and bracketed]

INSERT THE FOLLOWING NEW CHAPTER 24

Section 1. Policies Concerning NSHE Intercollegiate Athletics

The Board of Regents encourages the development of intercollegiate athletic programs at the 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 Collegiate Athletic Association (NCAA), the National Junior College Athletic Association (NJCAA) and other organizations and conferences in which each is member.

Intercollegiate Athletics programs are 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:

- 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;***
- B. An Intercollegiate Athletic Council (IAC), organized in conformity with NCAA or NJCAA rules and regulations, as applicable, 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;***
- 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

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 and through periodic reports as specified by the Board.**
- 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 refer the name of a potential candidate in writing to the chancellor who in turn shall provide the referral in writing to the president. [but] However, Board members shall not endorse or formally nominate a candidate, and 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.**
- 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.

2. Institutional Control.

- a. The Board of Regents charges the institution 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, the NJCAA 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, the NJCAA and athletic conferences, as applicable, in investigating 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.**

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, NJCAA, conference, and university rules and regulations, as applicable, 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 enrolled in any NSHE institution must meet ~~the~~ all applicable NCAA or NJCAA academic requirements, as applicable, to be eligible for intercollegiate competition, as well as any additional academic requirements established by the institution.

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. Corresponding provisions shall apply to an NJCAA institution member.*

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 9 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 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 or NJCAA rules, as applicable, will be subject to actions as provided by NCAA or NJCAA 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 NSHE 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, i.e., boosters to assure compliance with applicable NCAA, NJCAA, conference, and institutional rules, regulations and guidelines, as applicable. Each institution shall provide comprehensive orientation and educational programs concerning NCAA, NJCAA, conference, and institutional rules and regulations, as applicable, 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, i.e., boosters, are expected and required to cooperate fully in the institution's efforts to comply with NCAA, NJCAA and conference bylaws, rules and regulations, as applicable, 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, NJCAA or conference rules and regulations, as applicable, or failing to cooperate fully in the institution's compliance efforts shall be subject to disassociation from the institution's 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 institution's athletics events. If the purchase of season tickets or other admissions to the institution's athletics events is revoked or canceled, the purchase price paid for any unused tickets or admissions shall be repaid to the purchaser.

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.

7. Planning. *Five-year plans for each institution shall be developed and implemented for Intercollegiate Athletics.*

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

9. Board of Regents Reports

a. *At the first regular Board meeting after the beginning of each new fiscal year, the Board shall conduct a complete review of the athletic budget, including state and non-state sources, of each institution participating in intercollegiate athletics, including the amount of institutional support for each revenue-generating sport. The Board shall also review each such institution's athletic mission statement, five year plan and the annual report of any assistant coaches hired pursuant to this Section. The Board shall also review conference, NCAA and NJCAA rules.*

b. *During that same meeting, the Board shall review reports on the following issues:*

i. *Information on the number of special admissions for student-athletes compared with the rest of the student body, declared majors of student-athletes and graduation rates of athletes;*

ii. *Information regarding the extent to which, financial or otherwise, each institution subsidizes intercollegiate athletics with gifts, sponsorships, allocated revenues or dedicated student fees and how the growth of these sources compares with the overall growth of institutional expenditures;*

iii. *If conducted during the previous year, a periodic risk assessment, as determined by the Board, conducted by the NSHE internal audit staff to evaluate the internal controls of the respective athletics departments; and*

iv. *Intercollegiate athletic related capital expenditures from all sources, including but not limited to, gifts, state Capital Improvement Projects and bonds, and the level of athletic department reserves.*

c. *The Board shall review the following reports, or any successor reports, as they are prepared throughout the year:*

i. *The annual Equity in Athletics Disclosure Act report to the United States Department of Education filed on or about October 15th;*

- ii. The annual Statement of Revenues and Expenditures filed with the NCAA on or about January 31st;**
- iii. The annual summary of self-reported and other reported secondary violations and corrective actions, along with conference and NCAA responses filed on or about July 15th;**
- iv. All reports of major violations when they occur, with follow-up communications on conference and NCAA actions; and**
- v. Any corresponding NJCAA reports.**

Section 2. 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 3. 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 for example 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.**
- 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 trade-outs 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 4. 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 NSHE; 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 the Director's 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 NSHE; 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 the Director's designee.*

Section 5 Student Athlete Responsibilities

Students of an institution of the NSHE who choose to participate in the institution's intercollegiate athletic program are considered to be representatives of the institution, and are in a position of high visibility to the community and therefore are often held to a higher standard of responsibility than nonathletes. Such students must accept the following responsibilities:

- 1. In addition to meeting academic standards required of their peers, student athletes must make normal progress toward degrees as a prerequisite to athletic participation.**
- 2. Student athletes of the NSHE are expected to demonstrate honesty and sportsmanship at all times.**
- 3. Student athletes are required to avoid involvement in receiving, arranging for or participating in the receipt of fraudulent academic credit.**
- 4. Student athletes cannot accept, use their positions in the athletic program to obtain, or be a party to the offer or receipt of compensation, exemptions, favors, gifts, inducements, privileges, preferences, services, allowances or advantages in violation of athletic department, institutional, NSHE, regional athletic conference, [or] National Collegiate Athletic Association (NCAA) or National Junior College Athletic Association (NJCAA) rules and regulations, as applicable, or federal or state law.**
- 5. Student athletes must cooperate at all times with, and may not provide false or misleading information to university, regional athletic conference, [or] NCAA or NJCAA officials.**
- 6. Student athletes are forbidden to use any substance listed by an institution of the NSHE, and/or the NCAA or NJCAA, as applicable, as a banned drug or performance altering substance and are expected to adhere to the drug testing and educational programs of the institution and/or the NCAA or NJCAA, as applicable.**
- 7. Student athletes must comply with Nevada state law that prohibits persons under 21 years of age from gambling or loitering in any premises where gambling takes place. Student athletes may not:**
 - a. Participate in any gambling activity that involves intercollegiate sports;**
 - b. Provide information concerning athletic competition to individuals involved in organized gambling activity; or**
 - c. Wager on, solicit or accept a bet on any intercollegiate team.**
- 8. Student athletes must comply with Nevada state law that prohibits any person who has not reached the age of 21 years from buying alcoholic beverages or consuming alcoholic beverages in premises where such beverages are sold.**

- 9. Student athletes must comply with the rules, regulations, and guidelines established by the athletic department, the institution, the NSHE, the regional athletic conference, and the NCAA or NJCAA, as applicable.**
- 10. Any violation of the above standards of conduct may result in suspension or dismissal from the athletic program or other disciplinary action as set forth by the Athletic Department, the institution, the NSHE, the regional athletic conference of the NCAA or NJCAA, as applicable.**

POLICY PROPOSAL - HANDBOOK
TITLE 4, CHAPTER 10, SECTIONS 25-28
NSHE Intercollegiate Athletics

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

DELETE SECTIONS 25-28

[Section 25. Policies Concerning NSHE Intercollegiate Athletics]

~~The Board of Regents encourages the development of intercollegiate athletic programs at the 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 Collegiate Athletic Association (NCAA) and other organizations and conferences in which each is member.~~

~~Intercollegiate Athletics programs are 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:~~

- ~~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;~~
- ~~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;~~
- ~~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~~

~~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.~~
- e. ~~The Board of Regents and individual Regents shall not be involved in the search process for directors of Athletics or coaches. Board members may refer the name of a potential candidate but shall not endorse or formally nominate a candidate, and 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.~~
- 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.~~

2. Institutional Control:

- a. ~~The Board of Regents charges the institution 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 Interscholastic 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 investigating instances of noncompliance and will promptly take appropriate disciplinary and remedial action.~~
- c. ~~To assist in assuring institutional control over Interscholastic Athletics programs, member institutions shall not make new joint appointments to the positions of Director of Interscholastic 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 Interscholastic 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.~~

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 enrolled in any NSHE institution must meet the all applicable NCAA academic requirements to be eligible for intercollegiate competition, as well as any additional academic requirements established by the institution.~~

- ~~4. Review of Interscholastic 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 Interscholastic Athletics designed by the president.~~
- ~~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 Interscholastic 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 9 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 of the Board of Regents' *Handbook*. The contracts of coaches in Departments of Interscholastic 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 NSHE 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, i.e., 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 Interscholastic Athletics events, or as a condition of membership in booster clubs, all individuals or groups representing each institution's athletics interests, i.e., 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 institution's 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 institution's athletics events. If the purchase of season tickets or other admissions to the institution's athletics events is revoked or canceled, the purchase price paid for any unused tickets or admissions shall be repaid to the purchaser.~~

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.~~

7. ~~Planning.~~ Five-year plans for each institution shall be developed and implemented for Intercollegiate Athletics.

8. ~~Policy and Procedures Manual.~~ Each institution shall develop and utilize a policy and procedures manual concerning intercollegiate athletic operations.
(B/R 3/13)}

[Section 26. 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.~~

(B/R 8/02)}

~~[Section 27. 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 for example 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.~~
- ~~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 trade-outs 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 Interecollegiate 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 Interecollegiate 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.
(B/R-12/08)}~~

~~[Section 28. 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 NSHE; 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 the Director's 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 NSHE; 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 the Director's designee.

~~(B/R 3/06)~~

RENUMBER TITLE 4, CHAPTER 10, SECTIONS 29-34 AS SECTIONS 25-30.

POLICY PROPOSAL - HANDBOOK
TITLE 4, CHAPTER 20, SECTION 6
Student Athlete Responsibilities

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

DELETE SECTION 6

[Section 6. — Student Athlete Responsibilities

Students of an institution of the NSHE who choose to participate in the institution's intercollegiate athletic program are considered to be representatives of the institution, and are in a position of high visibility to the community and therefore are often held to a higher standard of responsibility than nonathletes. Such students must accept the following responsibilities:

1. ~~In addition to meeting academic standards required of their peers, student athletes must make normal progress toward degrees as a prerequisite to athletic participation.~~
2. ~~Student athletes of the NSHE are expected to demonstrate honesty and sportsmanship at all times.~~
3. ~~Student athletes are required to avoid involvement in receiving, arranging for or participating in the receipt of fraudulent academic credit.~~
4. ~~Student athletes cannot accept, use their positions in the athletic program to obtain, or be a party to the offer or receipt of compensation, exemptions, favors, gifts, inducements, privileges, preferences, services, allowances or advantages in violation of athletic department, institutional, NSHE, regional athletic conference, or National Collegiate Athletic Association (NCAA) rules and regulations or federal or state law.~~
5. ~~Student athletes must cooperate at all times with, and may not provide false or misleading information to university, regional athletic conference, or NCAA officials.~~
6. ~~Student athletes are forbidden to use any substance listed by an institution of the NSHE, and/or the NCAA as a banned drug or performance altering substance and are expected to adhere to the drug testing and educational programs of the institution and/or the NCAA.~~
7. ~~Student athletes must comply with Nevada state law that prohibits persons under 21 years of age from gambling or loitering in any premises where gambling takes place. Student athletes may not:~~
 - ~~a. Participate in any gambling activity that involves intercollegiate sports;~~

- ~~— b. Provide information concerning athletic competition to individuals involved in organized gambling activity; or~~
- ~~— c. Wager on, solicit or accept a bet on any intercollegiate team.~~
- ~~8. Student athletes must comply with Nevada state law that prohibits any person who has not reached the age of 21 years from buying alcoholic beverages or consuming alcoholic beverages in premises where such beverages are sold.~~
- ~~9. Student athletes must comply with the rules, regulations, and guidelines established by the athletic department, the institution, the NSHE, the regional athletic conference, and the NCAA.~~
- ~~10. Any violation of the above standards of conduct may result in suspension or dismissal from the athletic program or other disciplinary action as set forth by the Athletic Department, the institution, the NSHE, the regional athletic conference of the NCAA].~~

RENUMBER SECTION 7 AS SECTION 6