

BOARD OF REGENTS
BRIEFING PAPER

1. Agenda Item Title: *Handbook* Revision, Contracts for Athletic Coaches and Directors
Meeting Date: September 10-11, 2015

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

At the September 2013 Board of Regents meeting, the *Handbook* provisions in Title 2, Chapter 5 regarding athletic coach contracts were revised in conjunction with the creation of a new chapter devoted to intercollegiate athletics (Title 4, Chapter 24). Though revised, the provisions relating to athletic contracts were left in Title 2, Chapter 5, Section 5.4.2 instead of being relocated to the new Chapter 24 in order to keep provisions addressing all personnel contracts in a central location within the *Handbook*.

In the course of making the revisions and creating the new chapter, a conflicting provision relating to approval of certain head athletic coaching contracts in the new chapter was inadvertently overlooked. The conflicting provision in Title 4, Chapter 24, Section 1(1)(b) requires all contracts for initial hire of head coaches of football and men's and women's basketball to be reviewed and approved by the Board. This provision (which predates the revisions made in September 2013) conflicts with the revision adopted in September 2013 and which is now codified in Title 2, Chapter 5, Section 5.4.2(e). Section 5.4.2(e) provides that all athletic director contracts and only those contracts for head athletic coaches of football and men's and women's basketball require Board approval if the term exceeds 36 months or if the contract exceeds \$1,200,000 for the contract term.

Removing the automatic Board review of all head football and men's and women's basketball coaching contracts was part of the efficiency and effectiveness initiative to remove Board involvement in contracts below a certain threshold level. As noted, in the process of creating the new Chapter 24 and revising the Code provisions respecting athletic contracts, the aforementioned conflicting provisions were inadvertently not conformed. The current request for a revision will accomplish the alignment of provisions which should have occurred in connection with the September 2013 revisions.

An additional revision is recommended to assist in cross referencing the intercollegiate athletics provisions in Title 2 and Title 4. This revision consists of an addition to Title 4, Chapter 24, indicating that contract provisions for intercollegiate athletic personnel are codified in Title 2.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Remove conflicting provisions in Title 4, Chapter 24 regarding Board approval of head coaches of football and men's and women's basketball and add a cross reference to the Title 2 athletic contract provisions in Title 4, Chapter 24.

4. IMPETUS (WHY NOW?):

The conflicting provisions need to be reconciled.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

Conflicting provisions should always be clarified and reconciled.

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None

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

None

8. COMPLIANCE WITH BOARD POLICY:

Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____

<input checked="" type="checkbox"/> Amends Current Board Policy: Title # <u>4</u> Chapter # <u>24</u> Section # <u>1</u>
<input type="checkbox"/> Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
<input type="checkbox"/> Other: _____
<input type="checkbox"/> Fiscal Impact: Yes _____ No <u>X</u> Explain: _____

POLICY PROPOSAL – HANDBOOK Revision
TITLE 4, CHAPTER 24, SECTION 1
Policies Concerning NSHE Intercollegiate Athletics

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

Title 2, Chapter 5, Section 5.4.2(e) [No changes are proposed for this section; it is reproduced for reference regarding the proposed changes in Title 4, Chapter 24, Section, below]

5.4.2 Duration of Employment Contracts.

(e) Contracts for appointment of head athletic coaches and assistant coaches, including interim or acting appointments, shall require only 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) does not exceed 36 months, and b) the total compensation is \$1,200,000 or less for the contract term. For these purposes, total compensation does not include standard fringe benefits available to all NSHE employees including but not limited to retirement contributions, insurance, travel, out-of-pocket expense reimbursement, annual and sick leave nor does it include outside income from sources including but not limited to commercial endorsements of products and services, income from written and video materials, summer camps or apparel and equipment endorsements. Total compensation includes performance bonuses and perquisites including but not limited to moving expenses, host account, automobile allowance or privilege, housing allowance or privilege, club membership, guest travel, event tickets and media and personal appearances. The chancellor may approve contracts that exceed 36 months for head athletic coaches and assistant coaches, other than head athletic coaches of football and men's and women's basketball. 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 and/or the chancellor. If, in the chancellor's opinion, any contract rises to a level in length of term that the Board's approval is needed, such approval will be required. Contracts for head athletic coaches of football and men's and women's basketball that exceed 36 months, all contracts that exceed \$1,200,000 for the contract term, and all contracts for directors of athletics shall require approval of the Board of Regents.

(f) The president shall negotiate all athletic department personnel contracts involving directors of athletics or coaches with the assistance of institutional counsel. Such appointments shall not take effect, and no employment contracts for such positions shall be issued or binding, until approved by the president and by the vice chancellor for legal affairs, including as to consistency of form.

(g) Institutions shall not relocate a candidate or hold events introducing a candidate as a new coach or athletic director until after the Board has approved the candidate's contract.

Title 4, Chapter 24, Section 1(1)

Section 1 Policies Concerning NSHE Intercollegiate Athletics

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. 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. ***Employment contracts for athletic coaches and directors are governed by Title 2, Chapter 5, Section 5.4.2(e)&(f).***

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.