

BOARD OF REGENTS

BRIEFING PAPER

- 1. Agenda Item Title:** Handbook Revisions – Presidential Approval of Athletics Director and Athletic Coach Employment Contracts
- Meeting Date:** September 8-9 Meeting of the Board of Regents

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

Current Board policy requires that employment contracts for (1) athletic directors, (2) head football coaches, (3) men’s and women’s head basketball coaches, and (4) any other head athletic coach contract that exceeds 36 months or \$1.2 million in total compensation, must be approved by the Board of Regents. The attached Policy Proposals would amend various sections of the Handbook to authorize institution presidents to approve *all* employment contracts for athletics directors and athletic coaches. The attached Policy Proposals also centralizes in one place (Title 4, Chapter 24, Section 1, Subsection 10) various policies governing athletic directors and athletic coaches that are currently spread throughout the Handbook.

Changes being proposed include the following:

1. Revisions to the Board of Regents Bylaws (Title 1, Article VII, Section 4 – Presidents) expressly adding to the duties of institution presidents the obligation to provide oversight and management of the institution’s intercollegiate athletics programs (the “**Bylaw Revisions**”).
2. Revisions to the NSHE Code (Title 2, Chapter 5, Section 5.4) eliminating certain restrictions on the ability and authority of institution presidents to approve employment contracts for athletic director and athletic coaches (the “**Code Revisions**”).
3. Revisions to Title 4, Chapter 24 (NSHE Intercollegiate Athletics) adding a new Subsection 10 (Athletic Directors and Coaches) that (a) authorizes institution presidents to approve and execute all employment contracts for athletic directors and athletic coaches, and (b) centralizes various existing policies governing athletic directors and athletic coaches that are currently found in other areas of the Handbook (the “**Athletic Revisions**”).

Under these Policy Proposals – institution presidents are authorized to execute all employment contracts for athletic directors and athletic coaches including all business terms related to compensation. For certain high-dollar contracts, the institution president must provide written certifications to the Chancellor and the Chief of Staff of the Board of Regents related to the contract – including (a) that the financial terms are reasonable in the context of the market for the position and the appointee’s professional reputation and expertise, (b) that the institution has, or reasonably expects to have, the funds necessary to pay all sums that may become owed under the contract, and (c) that the institution has completed a reasonable background investigation on the appointee. The institution president is also required to use any Contract Template, Checklist and Guidelines that have been approved by the Board and that is applicable to the appointee, and must provide a written explanation of any variations from the approved Contract Template. In addition, the Policy Proposals make clear that the institution president will be held responsible for all employment contracts and other actions related to athletic director and athletic coaches as part of his or her duty to provide oversight and management of all intercollegiate athletic programs.

The Policy Proposals also require institutions to provide an annual statement (certified by the president) describing the methods by which the institution achieves a balanced athletic department budget – including the disclosure of any reliance on funds from outside the athletic department (like student fees and gifts from boosters etc.). If the athletic department budget is not based on a sustainable financial model, the annual statement shall include a plan for achieving a sustainable athletic department budget.

These Policy Proposals were initially reviewed by the Committee on Athletics at its June 2, 2016 meeting. Members of the Committee suggested several changes to the Title 4/Athletic Revisions. This included adding a requirement that the institution President provide a report to the Board outlining the methods the institution used to obtain a diverse pool of candidates for athletic director and coaches position. Various other changes were made in response to comments that were received from the institutions and the athletic

directors. The changes that have been made to the Title 4/Athletic Revisions since the June 2nd meeting of the Committee on Athletics are shown in the redline version of the Athletic Revisions included in the reference material.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

These Policy Proposals are presented for final approval and adoption at the September 8-9, 2016 Board of Regents Meeting. The Board may take any action it deemed necessary, including approving, denying, or amending these Policy Proposals.

4. IMPETUS (WHY NOW?):

- Recently the Committee on Athletics and the full Board of Regents approved a Contract Template, Checklist and Guidelines for football and basketball head athletic coaches and those documents were added to the Procedures and Guidelines Manual for use by the institutions.
- The Board also recently approved several new or amended head athletic coach employment contracts - Coach Beard, Coach Menzies and Coach Musselman.
- Now is an opportune time to consider amending existing Board policy regarding the process for approval and execution of athletic director and athletic coach employment contracts.
- Some believe that the Board should delegate authority to the institution presidents to execute all athletic director and athletic coach employment contracts.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Some believe that the Board should delegate authority to the institution presidents to execute all athletic director and athletic coach employment contracts.

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

- Some believe that current Board policy requiring Board approval of all athletic director, football and basketball head athletic coach, and certain other head athletic coach employment contracts, should remain and provides an appropriate and necessary level of oversight of institution athletic programs.

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

- That the Board not revise current Board policies related to the process and authority for the execution of athletic director and athletic coach employment contracts.
- That the Committee on Athletics and full Board provide specific direction to System staff regarding amendments to current Board policies related to the process for approval and execution of athletic director and athletic coach employment contracts as its deems necessary.

8. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- Proposes amendments to Current Board Policy: Title 1, Article VII, Section 4 - Title 2, Chapter 5, Section 5.4 - and Title 4, Chapter 24, Section 1 – presented for final action at the September 8-9, 2016 Board of Regents Meeting.
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- Other: _____
- Fiscal Impact: Yes _____ No _____
Explain: _____

POLICY PROPOSAL - HANDBOOK

TITLE 1, ARTICLE VII, SECTION 4 - Presidents

Adding a new subsection 9 (specifying the obligation of institution presidents to provide oversight and management of intercollegiate athletic programs) and making other minor amendment thereto.

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

Section 4. Presidents

The president of each member institution shall be secretary of the board of that institution. The presidents report to the Chancellor for the administration of their respective institutions and are accountable through the Chancellor to the Board of Regents.

- a. The president is appointed by and except as otherwise provided herein above, serves at the pleasure of the Board of Regents. The president shall have a written contract that outlines the terms and conditions of the appointment.
- b. The president shall be evaluated annually in writing by the Chancellor in accordance with procedures approved by the Board of Regents. The Chancellor shall provide a confidential summary of the findings to the Board.
- c. The president shall be evaluated periodically by an evaluation committee in accordance with procedures approved by the Board of Regents. The periodic evaluation shall normally take place not later than the next-to-last-year of each contract period.
- d. Procedures for annual and periodic salary determinations for the presidents shall be established by the Board of Regents.
- e. Duties of the president are prescribed by the Board of Regents and include, but are not limited to, the following. The president may delegate any of the duties of the office unless expressly prohibited by Board policy.
 1. To provide leadership in the planning and implementation necessary for the successful operation of the member institution and to ensure that the institution develops to its potential;
 2. To be the appointing authority for all professional personnel in the member institution, subject only to the Nevada System of Higher Education Code, and to execute personnel contracts;
 3. To review the quality of performance of all professional personnel in the member institution and to either take final action or to recommend action to the Board of Regents on personnel matters in conformity with the Nevada System of Higher Education Code;
 4. To make recommendations concerning budgets in the member institutions and to administer approved budgets in accordance with NSHE policies;
 5. To authorize the transmission of applications or requests for grants, contracts or gifts to individuals, foundations, corporations, and the federal government;

6. To be the principal spokesman for the member institution and, in concert with the Chancellor, to represent the institution before the Board of Regents, the Legislature, and all other appropriate bodies; and
7. To ensure compliance by the member institution by and through its professional personnel with the NSHE Code, NSHE policies, the Board of Regents Bylaws, and institutional bylaws.
8. To notify the Board as soon as practicable of campus events that may have significant impact on the institution including, but not limited, to the reputation or public image of the institution;
9. ***To provide oversight, management, and control of intercollegiate athletic programs consistent with all applicable Board and institution policies, including those set forth in Title 4, Chapter 24.***
- [9]10. To perform such additional duties as the Board may dire.

POLICY PROPOSAL - HANDBOOK
TITLE 2, CHAPTER 5 (Personnel Policy for Faculty), Section 5.4 (Duration of Employment Contracts)

Amending subsection 5.4.2 related to contracts for athletic directors, head athletic coaches and certain other athletic personnel

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5.4.2 Duration of Employment Contracts.

- (a) Except as provided in this subsection, an employment contract shall be for a term not to exceed twelve months. In any case, an employment contract's termination shall coincide with the conclusion of a fiscal year of the System. Except as provided in this subsection, an employment contract for a term in excess of twelve months or which overlaps a fiscal year requires the approval of the Board of Regents prior to being issued or becoming binding.
- (b) At the time of the initial appointment to employment of a faculty member who would otherwise be eligible for tenure and after consultation with the applicable department or other similar administrative unit, a president may offer at the president's discretion, and the faculty member may agree to accept, an employment contract for a period of up to three years which would not provide for eligibility for an appointment with tenure. A faculty member employed under such a contract shall not be eligible for appointment with, nor shall have, tenure during the period of such contract under any circumstances. At the termination of such an initial employment contract, succeeding employment contracts for periods of up to three years each under the same conditions as stated in this paragraph may be offered by the president at the president's discretion and accepted by the faculty member. Alternatively, the contract, at the discretion of the president, may be renewed on an annual basis and accepted as such by the faculty member. Faculty members accepting employment contracts authorized by this paragraph shall be placed in Rank O or Range O, as the case may be. During the term of such contracts such faculty members shall be eligible to receive salary increases and faculty benefits authorized under Subsection 5.6 of the NSHE Code at the same time and under the same conditions as other faculty members of the System. An initial employment contract authorized by this paragraph for a term of up to one year shall require at least 90 calendar days notice of nonrenewal of appointment prior to the contract's termination, such a contract for a term of two years shall require at least 180 calendar days notice of nonrenewal of appointment

prior to the contract's termination and such a contract for a term of three years shall require at least 365 calendar days notice of nonrenewal of appointment prior to the contract's termination. All succeeding employment contracts authorized by this paragraph of whatever duration shall require 365 calendar days notice of nonrenewal of appointment prior to the contract's termination. Nothing in this paragraph shall prevent the president from offering at the president's discretion, and the faculty member from accepting, an employment contract for a position providing eligibility for tenure after the termination of any employment contract authorized by this paragraph.

- (c) Except as provided in this paragraph, after the third year of employment, a president may offer at the president's discretion, and a nontenured faculty member may accept, an employment contract for a period of up to three years. At the termination of such an employment contract, succeeding employment contracts for periods of up to three years each may be offered by the president at the president's discretion and accepted by the nontenured faculty member. Alternatively, the contract, at the discretion of the president, may be renewed on an annual basis and accepted as such by the faculty member. During the term of such contracts, such nontenured faculty members shall be eligible to receive salary increases and faculty benefits authorized under Subsection 5.6 of the NSHE Code at the same time and under the same conditions as other faculty members of the System. The minimal notice of nonrenewal of appointment shall be as provided in Section 5.9 of the NSHE Code. The provisions of this paragraph shall not be applicable to faculty employed for a probationary period in a position providing eligibility for tenure or employed under paragraph (b) herein. The president may establish specific criteria in the institutional bylaws for issuance of extended contracts under this paragraph. Nothing in this paragraph shall give rise to any appointment or eligibility for appointment with tenure under any circumstances.
- (d) Nontenured faculty at the William S. Boyd School of Law, after the third year of employment, may be offered and may accept an employment contract for a period of up to five years. At the termination of such an employment contract, succeeding employment contracts for periods of up to five years each may be offered. All such employment contracts shall be on the same basis as, and subject to the same limitations, terms and conditions as those described in paragraph (c) herein.
- (e) ***Contracts for athletics directors, head athletic coaches, and certain other athletic personnel are subject to and governed by Title 4, Chapter 24.***
[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.]~~

POLICY PROPOSAL - HANDBOOK
TITLE 4, CHAPTER 24 (NSHE Intercollegiate Athletics),
Section 1 (Policies Concerning NSHE Intercollegiate Athletics)
Amending subsections 1, 2, 3, 4, 5, and 9, and adding a new subsection 10
(Athletic Directors and Coaches), and making other minor amendments thereto.

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

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 *set forth in this Chapter 24 or as otherwise* 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. 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).]~~
- b[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.
- c[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.

~~[e. 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.]~~

- c[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 **comport**~~(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 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 **designated**~~(designed)~~ by the president. Corresponding provisions shall apply to an NJCAA institution member.

5. Fiscal and Budgetary Control. The [~~institution]~~ **president** 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. **Balanced Budget** ~~[Revisions]~~

~~[Budget revisions shall occur only in compliance with established NSHE guidelines approved by the Board Regents.]~~ ***On an annual basis, each president shall provide to the Board of Regents a statement demonstrating a balanced budget for the institution's athletic department (the "Balanced Budget Statement"). The Balanced Budget Statement shall be certified by the president and shall include the following revenue categories (1) ticket sales, sponsorships, concessions and other sources of revenue derived from the operations of the athletic department (the "Internal Revenues"), (2) funds provided by students through any fees or portion of any student fees received by the athletic department (the "Student Revenues"), (3) gifts or grants used to support or subsidize the operations of the athletic department (the "Gift Revenues"), and (4) other institution funds used to support the operations of the athletic department (the "Institution Revenues"). The Balance Budget Statement shall only include Gift Revenues that are in the possession of the institution or based***

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on legally enforceable pledges or gift agreements. The Balanced Budget Statement shall only include and rely upon Institution Revenues that the Board, as part of an approved plan, has authorized the institution to utilize for support of the athletic department budget. The Balanced Budget Statement will be utilized by the Board of Regents to determine the extent to which the athletic department budget is based on a sustainable financial model. To the extent that the athletic department budget is not based on a sustainable financial model, the Balanced Budget Statement shall include a detailed plan to achieve a sustainable financial model in future years. The president shall be held responsible by the Board of Regents for the Balance Budget Statement and the plan to achieve a sustainable athletic budget, and failure to comply shall be cause for disciplinary action against the president.

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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. *To evaluate the internal controls of the respective athletics department if an audit or periodic risk assessment was conducted by NSHE internal audit staff during the previous year; and* [~~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.~~

v. Diversity and equal opportunity in the hiring of athletic department coaches and compliance with applicable institution and Board policies related thereto, including, the methods used to obtain diverse applicant pools.

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 Level 3 and 4 violations and corrective actions, along with conference and NCAA responses filed on or about July 15th;
- iv. All reports of Level 1 and 2 violations when they occur, with follow-up communications on conference and NCAA actions; and
- v. Any corresponding NJCAA reports

10. Athletic Directors and Coaches.

a. *Athletic directors. Institution presidents may appoint an athletic director and, subject to the requirements of this subsection 10, are authorized to execute an employment contract related to such appointment. Institution presidents shall not make joint appointments to the position of athletic director and the athletic director shall at all times report directly to the institution president. The institution president shall negotiate the employment contract for the appointed athletic director with the assistance of institution counsel. The institution president may authorize the athletic director to appoint certain assistant athletic directors or other personnel necessary to the operation of the athletic department upon such conditions that may be established for the hiring of such personnel and subject to any all applicable requirements and policies established by the institution and the Board, including without limitation, those related to equal opportunity and diversity.*

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b. **Athletic Coaches.** If authorized by the institution president, athletic directors may appoint and execute employment contracts for head athletic coaches and assistant athletic coaches provided the contract: (a) does not exceed **twenty-four (24) months in length (including any option periods), and (b) does not exceed \$200,000.00 in total compensation per year (collectively the “AD Threshold”).** Institution presidents shall appoint and are exclusively authorized to execute employment contracts for all head athletic coaches and assistant coaches that exceed the AD Threshold. For purposes of the AD Threshold, “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, and 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. **The hiring of all athletic personnel shall be subject to all applicable requirements and policies established by the institution and the Board, including without limitation, those related to equal opportunity and diversity.**

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c. **Certifications and Disclosures.** At the time an employment contract for (i) an athletic director, or (ii) any athletic coach, that exceeds the AD Threshold is executed, the institution president shall certify that:

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(1) the financial terms of the employment contract are reasonable in the context of the market for the position and the appointees professional reputation and expertise;

(2) the institution has, or reasonably expects to have, the funds necessary to pay all sums that may be owed to the athletic director or coach under the employment contract; and

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(3) the institution president has conducted a reasonable and thorough background investigation on the athletic director or coach, including verification of any degrees or academic credential claimed by such athletic director or coach (the “Contract Certification”).

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At the time an employment contract for (i) an athletic director, or (ii) any athletic coach that exceeds the AD Threshold, is executed the institution shall provide a description of the source of all funds anticipated to be used to pay all sums that may be owed under the contract (the “Funds Disclosure”). As part of the Funds Disclosure, the institution president shall certify that all donor or third-party funds described in the Funds Disclosure are (i) in possession of the institution, or (ii) backed by legally enforceable pledge or gift agreements.

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At the time an employment contract for (i) an athletic director, or (ii) any athletic coach that exceeds the AD Threshold, is executed the institution shall provide a report outlining the methods used to obtain a diverse pool of candidates for the position and compliance with applicable institution and

Board policies related to diversity and equal opportunity (the “Diversity Report”).

The institution president shall provide the Contract Certification, ~~the Funds Disclosure, and the Diversity Report~~ to the Chancellor and the Chief of Staff of the Board of Regents within thirty (30) days after the execution of any employment contract for an athletic director or any athletic coach that exceeds the AD Threshold. The president shall be held personally responsible by the Board of Regents regarding the Contract Certification, ~~Funds Disclosure, and the Diversity Report~~, and any failure to comply shall be cause for disciplinary action against the president.

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- d. **Form of Employment Contract.** In negotiating any employment contract for an athletic director ~~or athletic coach~~, the institution president and institution counsel shall utilize the contract template, checklist, and guidelines, if any, applicable to that position approved by the Board as set forth in the procedures established by the Chancellor’s Office. Any and all variations from the applicable contract template must be noted in the checklist and shall include a detailed explanation of the reasons and bases for the variation. The institution president shall, within twenty four (24) hours after the execution of any employment contract provide a copy of the contract checklist to the Chancellor and Chief of Staff of the Board of Regents.

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- e. **No Involvement in Search Process.** The Board and individual Regents shall not be involved in the search process related to the positions of athletic director, athletic coach, or any other athletic department personnel. Members of the Board may refer the name of a potential candidate in writing to the Chancellor who in turn shall provide the referral in writing to the institution president without attribution of the source of the referral. Members of the Board shall not formally nominate a candidate, and shall not serve formally or informally on any search committee or in any way attempt to influence the search process for athletic directors, athletic coaches or other athletic personnel.

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- ~~+~~ f. **Compliance with other policies.** The search process and appointment of all athletic directors, athletic coaches, and other athletic personnel shall comply with all other applicable requirements and policies of the institution and Board, including those related to equal opportunity and diversity.

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POLICY PROPOSAL - HANDBOOK
TITLE 4, CHAPTER 24 (NSHE Intercollegiate Athletics),
Section 1 (Policies Concerning NSHE Intercollegiate Athletics)
Amending subsections 1, 2, 3, 4, 5, and 9, and adding a new subsection 10
(Athletic Directors and Coaches), and making other minor amendments thereto.

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

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 *set forth in this Chapter 24 or as otherwise* 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. 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).]~~

b[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.

c[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.

~~[e. — 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.]~~

- ~~c[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 **comport**~~[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 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 **designated**~~[designed]~~ by the president. Corresponding provisions shall apply to an NJCAA institution member.

5. Fiscal and Budgetary Control. The [~~institution]~~ **president** 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. **Balanced** Budget [~~Revisions~~]

[~~Budget revisions shall occur only in compliance with established NSHE guidelines approved by the Board Regents.~~] ***On an annual basis, each president shall provide to the Board of Regents a statement demonstrating a balanced budget for the institution's athletic department (the "Balanced Budget Statement"). The Balanced Budget Statement shall be certified by the president and shall include the following revenue categories (1) ticket sales, sponsorships, concessions and other sources of revenue derived from the operations of the athletic department (the "Internal Revenues"), (2) funds provided by students through any fees or portion of any student fees received by the athletic department (the "Student Revenues"), (3) gifts or grants used to support or subsidize the operations of the athletic department (the "Gift Revenues"), and (4) other institution funds used to support the operations of the athletic department (the "Institution Revenues"). The Balance Budget Statement shall only include Gift Revenues that are in the possession of the institution or based***

on legally enforceable pledges or gift agreements. The Balanced Budget Statement shall only include and rely upon Institution Revenues that the Board, as part of an approved plan, has authorized the institution to utilize for support of the athletic department budget. The Balanced Budget Statement will be utilized by the Board of Regents to determine the extent to which the athletic department budget is based on a sustainable financial model. To the extent that the athletic department budget is not based on a sustainable financial model, the Balanced Budget Statement shall include a detailed plan to achieve a sustainable financial model in future years. The president shall be held responsible by the Board of Regents for the Balance Budget Statement and the plan to achieve a sustainable athletic budget, and failure to comply shall be cause for disciplinary action against the president.

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. ***To evaluate the internal controls of the respective athletics department if an audit or periodic risk assessment was conducted by NSHE internal audit staff during the previous year; and*** ~~[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.
 - v. ***Diversity and equal opportunity in the hiring of athletic department coaches and compliance with applicable institution and Board policies related thereto, including, the methods used to obtain diverse applicant pools.***
- 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 Level 3 and 4 violations and corrective actions, along with conference and NCAA responses filed on or about July 15th;
 - iv. All reports of Level 1 and 2 violations when they occur, with follow-up communications on conference and NCAA actions; and
 - v. Any corresponding NJCAA reports

10. Athletic Directors and Coaches.

- a. ***Athletic directors. Institution presidents may appoint an athletic director and, subject to the requirements of this subsection 10, are authorized to execute an employment contract related to such appointment. Institution presidents shall not make joint appointments to the position of athletic director and the athletic director shall at all times report directly to the institution president. The institution president shall negotiate the employment contract for the appointed athletic director with the assistance of institution counsel. The institution president may authorize the athletic director to appoint certain assistant athletic directors or other personnel necessary to the operation of the athletic department upon such conditions that may be established for the hiring of such personnel and subject to any all applicable requirements and policies established by the institution and the Board, including without limitation, those related to equal opportunity and diversity.***

- b. Athletic Coaches.** *If authorized by the institution president, athletic directors may appoint and execute employment contracts for head athletic coaches and assistant athletic coaches provided the contract: (a) does not exceed twenty-four (24) months in length (including any option periods), and (b) does not exceed \$200,000.00 in total compensation per year (collectively the “AD Threshold”). Institution presidents shall appoint and are exclusively authorized to execute employment contracts for all head athletic coaches and assistant coaches that exceed the AD Threshold. For purposes of the AD Threshold, “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, and 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. The hiring of all athletic personnel shall be subject to all applicable requirements and policies established by the institution and the Board, including without limitation, those related to equal opportunity and diversity.*
- c. Certifications and Disclosures.** *At the time an employment contract for (i) an athletic director, or (ii) any athletic coach, that exceeds the AD Threshold is executed the institution president shall certify that:*

(1) the financial terms of the employment contract are reasonable in the context of the market for the position and the appointees professional reputation and expertise;

(2) the institution has, or reasonably expects to have, the funds necessary to pay all sums that may be owed to the athletic director or coach under the employment contract; and

(3) the institution president has conducted a reasonable and thorough background investigation on the athletic director or coach, including verification of any degrees or academic credential claimed by such athletic director or coach (the “Contract Certification”).

At the time an employment contract for (i) an athletic director, or (ii) any athletic coach that exceeds the AD Threshold, is executed the institution shall provide a description of the source of all funds anticipated to be used to pay all sums that may be owed under the contract (the “Funds Disclosure”). As part of the Funds Disclosure, the institution president shall certify that all donor or third-party funds described in the Funds Disclosure are (i) in possession of the institution, or (ii) backed by legally enforceable pledge or gift agreements.

At the time an employment contract for (i) an athletic director, or (ii) any athletic coach that exceeds the AD Threshold, is executed the institution shall provide a report outlining the methods used to obtain a diverse pool of candidates for the position and compliance with applicable institution and

Board policies related to diversity and equal opportunity (the “Diversity Report”).

The institution president shall provide the Contract Certification, the Funds Disclosure, and the Diversity Report to the Chancellor and the Chief of Staff of the Board of Regents within thirty (30) days after the execution of any employment contract for an athletic director or any athletic coach that exceeds the AD Threshold. The president shall be held personally responsible by the Board of Regents regarding the Contract Certification, Funds Disclosure, and the Diversity Report, and any failure to comply shall be cause for disciplinary action against the president.

- d. Form of Employment Contract. In negotiating any employment contract for an athletic director or athletic coach, the institution president and institution counsel shall utilize the contract template, checklist, and guidelines, if any, applicable to that position approved by the Board as set forth in the procedures established by the Chancellor’s Office. Any and all variations from the applicable contract template must be noted in the checklist and shall include a detailed explanation of the reasons and bases for the variation. The institution president shall, within twenty four (24) hours after the execution of any employment contract provide a copy of the contract checklist to the Chancellor and Chief of Staff of the Board of Regents.*
- e. No Involvement in Search Process. The Board and individual Regents shall not be involved in the search process related to the positions of athletic director, athletic coach, or any other athletic department personnel. Members of the Board may refer the name of a potential candidate in writing to the Chancellor who in turn shall provide the referral in writing to the institution president without attribution of the source of the referral. Members of the Board shall not formally nominate a candidate, and shall not serve formally or informally on any search committee or in any way attempt to influence the search process for athletic directors, athletic coaches or other athletic personnel.*
- f. Compliance with other policies. The search process and appointment of all athletic directors, athletic coaches, and other athletic personnel shall comply with all other applicable requirements and policies of the institution and Board, including those related to equal opportunity and diversity.*