

Nevada Board of Regents
Oversight of Intercollegiate Athletic Programs
Resource Document
(Revised May 10, 2013)

Background

Conversations have taken place at the Nevada System of Higher Education (NSHE) Board of Regents' meetings regarding the appropriate role of the Board in the selection of, and contracting with, athletic directors and head coaches. These discussions have been part of the larger topic of the appropriate scope of Board athletic oversight and governance. This document contains material relevant to those discussions and is designed to facilitate future consideration of these topics. Additional supplemental information is provided in attachments appended to the end of the document.

Considerations Regarding Athletic Director and Head Coaching Contracts

Two general approaches to the hiring of and contracting with athletic directors and head coaches have been discussed by the Board:

- Leaving the process to the presidents of the respective institutions and holding them responsible for the results;
- Having the Board approve both the selection of the individual and approve the contract length and the terms of compensation.

In general, supporters of the first approach have focused on the importance of good presidential appointments by the Board, and then leaving both the hiring and contracting details to the institutional presidents to avoid Board intrusion into administrative duties. Advocates of the second approach have stressed the Board's responsibility in high profile athletic selections and contracts given the prominence of those issues in the public eye and their impact on academic institutions.

The Board has sought input regarding these policy determinations both from internal sources of expertise as well as from national organizations. The results of some of that outreach are summarized below.

The Crowley Study

Formation of the Study Committee

In June 2011, an eight member ad hoc committee was formed at the request of Chancellor Daniel Klaich to conduct a comparative study of athletic director and head coach search and appointment processes. The committee was chaired by former University of Nevada, Reno President Dr. Joe Crowley and included the athletic directors of the two universities, two NSHE

head coaches, two Emerita and the NSHE Director of Human Resources. The following is a summary of the Crowley report and its findings.

Summary of the Study

Twenty one institutions from the nine Division I athletic conferences noted below responded to a survey prepared by the Committee; the only two conferences not represented in the study are the Big East and the Sun Belt ¹

- Mountain West Conference (5)
- Western Athletic Conference (4)
- Other conferences, including ACC (4), SEC (2), Big Ten (1), MAC (1), Big 12 (2), Conference USA (1), Pac 12 (1)

The Committee decided to focus on four questions and reported on them as follows:

1. Do athletic departments generally follow the same procedures as those utilized in faculty and administrative searches and appointments?

In general, yes but athletic directors and coaches in “high profile” sports are often subject to more limited searches, the use of search firms or “emergency” hires. Head coaches are frequently given more flexibility in hiring assistant coaches during the head coach’s initial year.

- The NSHE Board has no specific policy regarding athletic department searches. There is a general provision applicable to all hires: employment contracts of more than 12 months or which overlap a fiscal year require Board approval (*Handbook* Title 2, Chapter 5, Section 5.4.2). There is a specific exception applicable to coaching appointments: contracts that do not exceed 24 months, including option periods, and with a salary of \$150,000 or less per year only require the chancellor’s approval. Such appointments are reported to the Board by the president after approval by the chancellor (*Handbook* Title 2, Chapter 5, Section 5.4.2 (e)).²

¹ **Mountain West:** Boise State, Colorado State, San Diego State, Texas Christian, Wyoming; **Western Athletic:** Fresno State, Idaho, New Mexico State, San Jose State; **Atlantic Coast:** Boston College, Duke, Maryland, North Carolina; **Southeastern:** Alabama, Vanderbilt; **Big Ten:** Ohio State; **Midwest Athletic:** Ohio University; **Big 12:** Missouri, Oklahoma; **USA:** Tulsa; **Pac 12:** Stanford.

² At the time the Crowley study was performed, the Section 5.4.2 (e) limits were 24 months and \$150,000; also, contracts exceeding these limits required chancellor approval. These terms were changed in March 2012 to 36 months and \$200,000, with approval required by the institutional president rather than the chancellor as a result of recommendations made in the Crowley study.

2. What is the nature of the governing board involvement in the search and appointment process?

All institutions that responded reported no involvement in the search process, collectively or individually. Board members may suggest candidates but board involvement is limited to contract review and approval.

3. What is the nature of the presidential involvement in the search and appointment process?

The university president is typically designated by boards as the principal official invested with responsibility for searches (a few institutions vest this authority in the chancellor). They handle athletic director searches and play important roles in “high profile” sports head coaching searches, often meeting with final candidates, usually in consultation with the athletic director. It is standard practice for boards to be involved in the level of compensation and contract length.

4. How are continuing contracts for athletic directors and head coaches handled by governing boards?

Boards typically exercise authority over contract renewals and extensions for athletic directors and “high profile” sports head coaches.

Recommendations from the Crowley Study

The Crowley Committee made several recommendations to the Board which are noted below.

1. Delegation of Approval of Certain Head Coaching Contracts

The two *Handbook* provisions in Title 2, Chapter 5 noted above had come to be interpreted as requiring Board approval of any athletic contracts of more than 24 months or salary greater than \$150,000 in any year. According to the Crowley study, it is not unusual for head coaches of non-high profile sports to have contracts exceeding 24 months but with salaries below \$150,000, resulting in the necessity of Board review of these contracts. The Crowley study recommended relieving the Board of the burden of reviewing such contracts and instead assigning to the presidents the authority currently given to the chancellor, with a requirement for regular reporting to the Board by the presidents through the chancellor.³

2. Board of Regents Contracts Policy

³ In addition to the changes noted in footnote 2 made by the Board as a result of the Crowley recommendations, a provision was added at the same time to Section 5.4.2 (e) requiring chancellor approval (rather than Board approval) of any contracts whose terms exceeded these limits. However, if in the chancellor’s opinion, any contract rises to a level in size or term that the Board’s approval is needed, such approval is required. In making this recommendation, the Committee commented, “The committee is concerned that, as a policy-making entity, the Board of Regents is significantly burdened by the necessity of reviewing and approving a number of head coach and assistant coach appointments that could effectively be handled in other ways.”

The Committee also recommended that "...the Board determine whether it wishes to develop a policy on Board involvement in the search processes for coaches and athletic directors. Such a policy could both make clear the particulars and limitations of its involvement and appropriately insulate itself and its members from the sometimes intense pressures that arise when these processes deal with high profile positions in the athletic departments."⁴

3. Board Policy Regarding Head Coach and Athletic Director Searches

The committee concluded that, "...with NSHE's two universities soon to share membership in the same conference, the time is right for a thorough review of their search, appointment and related practices to develop a common approach, grounded in Board and institutional policies and a strong commitment to gender equity and minority opportunity. Such an approach could cover, as examples, in-line progression, the use of search waivers, contract features, shareholder involvement, succession planning and assistant coach search and appointment practices."

Observations Regarding the Crowley Study

As the Crowley Study revealed, the governing bodies of most institutions and systems do not participate in the selection of athletic directors and head coaches, but they are generally directly involved in the hiring process, including approval of contract terms. No institution was identified where the governing board left these aspects of athletic governance entirely to the presidents or chancellors. The determination of which approach is the most appropriate for NSHE is a policy decision for the Board.

AGB Recommended Best Practices for Contracting with Athletic Directors and Coaches

The following information is drawn from Association of Governing Boards of Universities and Colleges (AGB) sources, including publications and webinars. This section of the document poses questions governing boards should ask and considerations that should be taken into account to ascertain the effectiveness of their oversight functions regarding contracts with athletic department personnel.⁵

1. What is the Board philosophy and policy concerning the background, qualifications, and compensation of coaches and the athletics director?
2. Is the institution utilizing best practices for coaches' contract language that is consistent with the institution's values and philosophy? [*Handbook* Title 4, Chapter 10, Section 25(5)(c)]
3. Are thorough background checks conducted of prospective athletics department employees?

⁴ The Board acted on this recommendation at its March 2012 meeting by adopting *Handbook* Title 4, Chapter 10, Section 25(1)(c).

⁵ Some of the questions are followed by citations to provisions in the *Board of Regents Handbook* indicating existing provisions addressing the issues raised in the questions.

4. How carefully are records of compliance with NCAA rules considered in the hiring process?
5. Do coaches contribute to an atmosphere within their programs that is conducive to academic achievement? Do coaches and administrators accept their responsibilities to be educators? How is this communicated to them?
6. What professional development opportunities are available for coaches and administrators to help them be effective educators?
7. Are board members communicating inappropriately with athletics department personnel or coaches? Board members should be discouraged from fostering personal relationships with the athletics director or coaches.
8. The board's compensation committee should ask to review the compensation packages of the athletics director and head coaches of major sports.
9. How effectively is Board commitment to compliance with institutional, conference, and NCAA rules and regulations communicated to coaches, administrators, students, faculty, boosters, and alumni? [*Handbook* Title 4, Chapter 10, Section 25; Section 25(2)(b) and (d); Section 25(3)(b) and (c); Section 25(4); Section 25 (5)(c) and (f)(1) and (2)]
10. Boards should insist on an institutional culture that integrates student-athletes into the campus mainstream as well as an athletics department culture that promotes academic achievement. [*Handbook* Title 4, Chapter 10, Section 25(3)(b)-(c)]
11. If the athletics department has an incentive and reward system for coaches or administrators, does it encourage positive outcomes for student-athletes in terms of academics and general welfare? For example, do such contracts include incentives relating to graduation rates or to the academic achievement of student-athletes?
12. Require the General Counsel to negotiate coaching and athletic director contracts and explain them to the Board prior to approval, especially because of the growing practice of multi-year contracts and the "arms race" in contract amounts; General Counsel negotiation of contracts is an emerging "best practice";
13. Make sure coaches do not enter into "side contracts" such as apparel contracts without Board knowledge and approval so the institution is not embarrassed by something a coach does.

Summary of Athletic Contracting

Returning to the two broad policy options regarding athletic contracting noted at the beginning of this section of the document, the Board can analyze the basic issue surrounding athletic contracts by asking, “Should the Board be involved in approving athletic director and football/basketball head coaches at all?”

- Staff research indicates that virtually all higher education systems or institutions have board oversight of both the selection and the compensation, but not the search. However, if the Board determines that it does not wish to approve either hires or contract terms, the Board should decide who should oversee this process. The two obvious candidates are the chancellor and the presidents. Currently, the chancellor approves athletic contracts over 36 months and \$200,000 for non-football/basketball coaches; presidents approve smaller contracts.
- If the Board determines that the appropriate policy is for the Board to be involved in the selection of athletic department personnel and the terms of their contracts, then the Board should consider what, if any, changes should be made in the current practice. The current practice is the presidents (often with the collaboration of the athletic director) conduct the search. The Board is prohibited from playing any role in the search other than referring the name of a potential candidate. The presidents then recommend a candidate, as well as determine the contract terms, and present the candidate and the contract to the Board for approval. The Board also approves any extensions or renewals. Head coaches are allowed to select their own assistant coaches when first hired; thereafter, regular search and hiring practices must be followed.

Possible additional areas for Board direction could include:

- Requiring the institutional or System General Counsel to conduct (or participate in) negotiation of the contract terms and explain them to the Board;
- Deciding whether candidates should or should not be present during Board consideration of their hire;
- Setting limits on the length of contracts and if so, at what length;
- Requiring thorough background checks on candidates prior to job offers;
- Requiring NCAA compliance records to be checked prior to job offers;
- Prohibiting all “side contracts” such as apparel contracts unless they are approved in advance by the appointing authority, whoever that is.

General Board Oversight of Athletic Programs

In addition to the issue of whether the Board participates in the hiring of, and contracting with, athletic directors or coaches, there are areas involved with intercollegiate athletics where the

Board may wish to consider best practices of governance. The following information is drawn from the Association of Governing Boards of Universities and Colleges (AGB) publications on the issue.

AGB Insights on Athletic Program Governance

2009 AGB “Statement on Board Responsibilities for Intercollegiate Athletics”⁶

Since 2004, the AGB has published a number of papers on the issue of board responsibilities for intercollegiate athletics. Some excerpts from those reports will provide background and perspective on the underlying topic. The following is from the Introduction to the 2009 “*Statement on Board Responsibilities for Intercollegiate Athletics*,” which replaced an earlier statement:

In 2007, the AGB board adopted a “Statement on Board Accountability,” which encourages boards and chief executives to examine the clarity, coherence, and appropriateness of their institutions’ governance structures, policies, and practices. The document asserts core principles of board accountability and responsibility in such areas as fiscal integrity, board performance, and educational quality—areas that surely encompass the board’s oversight responsibilities for intercollegiate athletics.

While most of what transpires in college athletics is positive, there is a growing sense among academic leaders, the news media, and the public that our society glorifies athletic accomplishment far more than academic achievement. At some colleges and universities, intercollegiate athletics programs may be detracting from the institution’s mission. What’s more, the increasingly commercialized nature of major sports at the highest competitive levels and a widening gulf between the athletic and academic cultures at some institutions and in some communities have negatively affected the reputation and public standing of higher education as a whole. Restoring balance between sports and education continues to be elusive. If efforts to achieve an appropriate balance are to succeed, governing board members will need to lend consistent and public support to their chief executives and academic leaders who are at the forefront of such discussions.

Although presidents and chancellors have always been essential to athletics reform efforts, only recently have governing boards been asked to address the issues more actively. Given their responsibilities for ensuring the academic

⁶ http://agb.org/sites/agb.org/files/u1525/AGBStatement_Athletics_final.pdf

integrity and reputation of the institutions they serve, boards should be engaged in the search for balance. Further, because board members occasionally have been associated with problems in some prominent football and basketball programs, it is time for all boards to reexamine how they exercise their oversight responsibilities.

In the study itself, the AGB repeatedly asserts its guiding principle in regard to governance of athletics:

Boards should delegate direct responsibility for the conduct and control of the athletics department to the institution's chief executive. This authority must be explicitly defined, clearly understood, and articulated in a formal policy statement. It should be reinforced by consistent and visible public support of the chief executive.

Boards should not be directly involved in the process of hiring and firing coaches or other athletics department personnel. Boards are ultimately responsible for the integrity of the hiring process of all athletics department personnel and should ensure the department is suitably accountable for the academic performance of student-athletes. Boards should expect that presidents will communicate to athletics department personnel and coaches the institution's academic expectations and values as well as the responsibilities inherent in being educators.

The president, with authority and responsibility vested by the governing board leads the intercollegiate athletics programs through the following specific actions:

Exercising ultimate responsibility for the conduct and control of the athletics department, including all personnel decisions (hiring, firing, compensation, etc.), corporate partnerships, television contracts, booster clubs, and affiliated organizations, including their private fundraising efforts.

2012 AGB Study⁷

In its more recent 2012 study entitled, “*Trust, Accountability, and Integrity: Board Responsibilities for Intercollegiate Athletics*,” the AGB reiterated its support for delegation of hiring and contracting to presidents.⁸ At the same time, the organization emphasized the oversight role of boards. The following excerpt begins with information regarding why oversight of intercollegiate athletics remains so vital an issue for higher education institutions:

The Association of Governing Boards of Universities and Colleges (AGB) is pleased to share the results of its recent study on the engagement of governing boards in the oversight of intercollegiate athletics. As spending on athletics by colleges and universities continues to rise, accompanied by mounting public ire about ethical and moral misconduct, it is critically important that governing boards monitor and oversee the impact of athletics on the academic missions of the institutions for which they have fiduciary responsibility.

In this report, AGB explores what boards are really doing in the area of athletics oversight.

We surveyed chief executives and board chairs of Division I institutions, as well as systems that include Division I institutions, about how they have applied the recommendations from AGB’s 2009 statement and about other governance issues related to college sports. Our findings demonstrate substantive board engagement but also point to certain areas of responsibility that need to be strengthened. Although public and independent colleges, universities, and systems have their own governing boards and enjoy relative autonomy, they seem much less independent when it comes to intercollegiate sports. Powerful interests that benefit financially from big-time sports, as well as fans and booster clubs with emotional investments, can distort the clarity of mind required for effective governance.

The institutional leaders who responded to our survey and comprised our advisory group represent large athletics programs—either as board leaders, institutional chief executives, or system heads—and have guided our thinking and focus. Their responses to our survey make clear that the positive impact of college-sports programs on student athletes and colleges and universities can be significant and profound. Clearly, a disproportionate share of problems in intercollegiate athletics

⁷ <http://agb.org/sites/agb.org/files/KnightReport.pdf>

⁸ This report was presented to the Board during its October 19, 2012 Special Meeting by Dr. Sheila Stearns, former Commissioner of Higher Education in Montana and former Vice President of the University of Montana, Chancellor of UM-Western, and President of Wayne State College in Nebraska. Dr. Stearns facilitated a discussion regarding the Board’s effectiveness in key areas of responsibility, including athletics.
<http://system.nevada.edu/Nshe/index.cfm/administration/board-of-regents/meeting-minutes/10192012/>

involves football and basketball programs and their broader oversight. Yet the findings and recommendations included in this report are broadly applicable to all athletics programs and pertinent to institutions across all competitive athletic divisions.

This report focuses on three recommendations for appropriate board engagement in intercollegiate athletics:

1. *The governing board is ultimately accountable for athletics policy and oversight and should fulfill this fiduciary responsibility.*
2. *The board should act decisively to uphold the integrity of the athletics program and its alignment with the academic mission of the institution.*
3. *The board must educate itself about its policy role and oversight of intercollegiate athletics.*

We are not urging boards to move into areas of management prerogative; AGB's earlier statements on athletics make clear our recommendations about the ideal breadth and limitations of board engagement. However, there is no getting around the fact that the changes affecting higher education don't stop at the water's edge of intercollegiate sports. Further, while we urge boards to delegate the administration of their institutions' sports programs to their chief executives, boards must still become more aware of the issues and engage actively and appropriately in policy considerations, which ultimately impact the institution's financial welfare and reputation. We think these recommendations will help boards to strike the right balance in exercising their authority, and to restore the balance between academics and athletics.

In its Executive Summary, the study cites additional reasons for increased oversight of intercollegiate athletics:

In recent years, higher education institutions of all kinds have come under increasing public pressure to contain costs while making more effective use of resources. For both public and independent institutions, this environment of increased public scrutiny has intensified the need for more prudent allocation of institutional funds to core purposes. While many areas of the academy today operate in these leaner circumstances, intercollegiate athletics is a category of institutional expenditures that has continued to grow, especially Division I institutions.

Intercollegiate athletics is big business, and it is getting bigger across most athletic divisions—particularly in Division I universities in the Football Bowl Subdivision (FBS). In its 2010 report, “Restoring the Balance: Dollars, Values, and the Future of College Sports,” the Knight Commission on Intercollegiate Athletics reported that between 2005 and 2008 the rate of spending per student for academic programs in the FBS grew by 20.5 percent; during that same period, the

rate of institutional spending for athletes grew by 37.9 percent. What those percentages do not reveal as clearly are the major differences in the *amount* of spending in each category: the Knight Commission’s analysis finds that among that set of institutions the rate of spending per athlete ranged from four to 10 times the expenditures made for educational purposes per student.

This new report presents results and reflections from a study designed to identify gaps between actual practices and the principles of effective oversight articulated in the AGB Statement of 2009. We present these findings and observations to governing boards of individual colleges and universities as well as university systems, chief executive officers, and other stakeholders—including the NCAA and the major athletic conferences—in hopes of ensuring the ability of boards and institutional leaders to develop and implement the best policies for their institutions.

AGB Recommended Best Practices for Board Oversight

The 2009 and 2012 AGB studies make clear the Association’s position that while boards should delegate athletic hiring and contract issues to institutional presidents, there are numerous critical oversight functions in which a board should be actively and continuously engaged. Among these functions are the following, which have been selected from the AGB reports and are arranged here under several broad headings⁹:

General Board Policies Regarding Athletics

1. Does new Regent orientation have a component related to the issues surrounding intercollegiate athletics? New board members, as part of their orientation, and all board members, ongoing, should be informed about the business and challenges of intercollegiate sports, risk assessments, pertinent NCAA and conference rules, Title IX and other federal regulations, and the progress and well-being of student athletes. The board needs to be aware of the balance between appropriate oversight and involvement in institutional policy and intrusion into management prerogatives — an especially important understanding for effective oversight of intercollegiate athletics.
2. Does the board have a policy on intercollegiate athletics similar to the illustrative policy in “The AGB Statement on Board Responsibilities for Intercollegiate Athletics? Are the mission, values and goals of the program compatible with those of the institution?
3. Does the Athletic Department have a mission statement? Boards should be certain that the athletics department adheres to the institution’s mission, values, and strategic

⁹ In some instances, references to provisions in the *Handbook* have been noted in brackets after a recommendation, indicating the Board has already taken some action in regard to the general thrust of the recommendation.

objectives. If an athletics department mission statement does not exist, the board should require that one be developed.

4. Does the Board have a formal board policy defining the delegation of responsibility for athletics to the chief executive? This authority should be explicitly defined, clearly understood and articulated in a formal policy statement. [*Handbook* Title 4, Chapter 10, Section 25 (1)(a); Section 25 (2)(a)]
5. Does the Board's periodic review of the president's performance include the president's accountability for athletics as part of the review? Does the president understand the Board's expectations for the athletic department? Is the president providing the leadership and direction necessary to implement the standards and expectations articulated by the board?
6. Boards and chief executives should agree on standards of accountability and reasonable benchmarks in evaluating the intercollegiate athletics program. Examples include graduation rates, budgets, capital expenditures, coaching conduct, and the progress and well-being of student-athletes.[*Handbook* Title 4, Chapter 10, Section 25(1)(f)]
7. Boards should request that accurate, appropriate, and unfiltered data be provided regularly and in a timely manner on such topics as admissions, academic achievement, graduation rates, finances, and athletics conference matters.
8. Should there be a standing committee on athletics and if so, what should its charge be?
9. The appropriate board committees should assess whether the intercollegiate athletics program is being evaluated against agreed-upon goals.

Issues Regarding Athletic Directors and Coaches

10. Do presidents meet periodically with athletics department personnel to articulate expectations concerning compliance and ethical conduct?
11. What is the Board philosophy and policy concerning the background, qualifications, and compensation of coaches and the athletics director?
12. Is the institution utilizing best practices for coaches' contract language that is consistent with the institution's values and philosophy? [*Handbook* Title 4, Chapter 10, Section 25(5)(c)]

13. Are thorough background checks conducted of prospective athletics department employees?
14. How carefully are records of compliance with NCAA rules considered in the hiring process?
15. Do coaches contribute to an atmosphere within their programs that is conducive to academic achievement? Do coaches and administrators accept their responsibilities to be educators? How is this communicated to them?
16. What professional development opportunities are available for coaches and administrators to help them be effective educators?
17. Are board members communicating inappropriately with athletics department personnel or coaches? Board members should be discouraged from fostering personal relationships with the athletics director or coaches.

Oversight of Athletic Financial Issues

18. Does the full Board receive sufficient financial information regarding expenditures for each revenue-generating sport, including net amount of institutional support?
19. Is the financial information on the athletics program complete and comprehensible? Do financial reports contain information on all sources of revenue and expenditures?
20. To what extent (financial or otherwise) does the institution subsidize intercollegiate athletics with allocated revenues? How does the growth of these allocated revenues compare with the overall growth of institutional expenditures?
21. The board's compensation committee should ask to review the compensation packages of the athletics director and head coaches of major sports.
22. Is the board or a board committee monitoring the fund-raising efforts for intercollegiate athletics programs? Is the institution maintaining an appropriate balance in its fund-raising priorities for athletics and academics? Are fund-raising efforts for athletics and academics integrated with or discrete from one another?

Oversight of Internal Controls and Compliance Programs

23. Is an annual risk assessment conducted to evaluate the internal controls of the athletics department and is the institution's internal audit program engaged in the evaluation?

24. Is a comprehensive compliance program and review in place for the athletics program?
25. Boards should insist NCAA rules and regulations relating to the time demands placed on student-athletes are met in spirit and in practice.
26. How effectively is Board commitment to compliance with institutional, conference, and NCAA rules and regulations communicated to coaches, administrators, students, faculty, boosters, and alumni? [*Handbook* Title 4, Chapter 10, Section 25; Section 25(2)(b) and (d); Section 25(3)(b) and (c); Section 25(4); Section 25 (5)(c) and (f)(1) and (2)]
27. Is there a clear, consistent, and effectively communicated process by which NCAA violations are reported and investigated? [*Handbook* Title 4, Chapter 10, Section 25; Section 25(2)(b) and (d); Section 25(3)(b) and (c); Section 25(4); Section 25 (5)(c) and (f)(1) and (2)]
28. Is there a written policy that protects whistleblowers from punitive action?

Oversight of Student-Athlete Welfare and Campus Culture Issues

29. Boards should insist on an institutional culture that integrates student-athletes into the campus mainstream as well as an athletics department culture that promotes academic achievement. [*Handbook* Title 4, Chapter 10, Section 25(3)(b)-(c)]
30. Boards should refrain from establishing specific academic or eligibility standards for student-athletes, because such matters are the responsibility of the faculty, administration, and the NCAA.
31. Boards should be confident that admissions policies for athletes are consistent with those of the regular student body, and trustees should not interfere with admissions decisions regarding any prospective student-athletes. [*Handbook* Title 4, Chapter 10, Section 25(3)(a)]
32. Boards should be vigilant that admissions policies for student-athletes do not have an adverse impact on the academic mission or cause an imbalance in the campus culture. [*Handbook* Title 4, Chapter 10, Section 25(3)(b) and (c)]
33. Boards should review graduation-rate data, information on the number and rates of special admissions of athletes compared with that of the regular student body, and information on the declared majors of student-athletes.

34. Is a mechanism in place that allows effective communication with faculty regarding student-athlete academic and welfare issues?
35. If the athletics department has an incentive and reward system for coaches or administrators, does it encourage positive outcomes for student-athletes in terms of academics and general welfare? For example, do such contracts include incentives relating to graduation rates or to the academic achievement of student-athletes?
36. Is the academic-support program able to meet the needs of student-athletes?
37. Boards should review and monitor the institution's plans to ensure gender equity.[*Handbook* Title 4, Chapter 10, Section 25(6)]

Additional AGB Recommended Best Practices from March 2013 Webinar¹⁰

A webinar on “Board Responsibilities for Intercollegiate Athletics” was presented by AGB on March 7, 2013. The participants were Carol Cartwright, President Emeritus, Kent State University, John Casteen, President Emeritus, The University of Virginia and William Hubbard, Board member and former Chair, University of South Carolina. The following are some observations and suggestions made by one or more of the panelists:

- Board members are often uncertain of their proper role regarding athletics. Have a “deep” discussion of athletic programs once a year, focusing on graduation rates, coaching salaries and capital expenses. If the Board does not have an athletic committee, make sure some committee is carefully reviewing athletic issues but do not spread these issues over so many committees that no one group has a comprehensive understanding of the various components; ensure athletic issues are “squarely centered” in at least one committee;
- Boards should have “noses in and fingers out” of athletic programs;
- All athletic program information must come back to the full Board. The audit committee is crucial to athletic oversight because auditors are trained to recognize and discover discrepancies;
- Boards should set annual goals and receive quarterly reports so there is follow through on these goals; Watch indicators over

¹⁰ <http://agb.org/events/webinar/2013/complimentary-webinar-board-responsibilities-intercollegiate-athletics>

time instead of just getting “snapshots in time” because they may change from acceptable to unacceptable;

- Boards signal what is important by how members spend their time and how they choose to participate. Do not just attend games; “show the flag” at events where student athletes are recognized for academic achievement;
- “You don’t know what you don’t know” so ensure the Board gets full information on graduation rates, athletic welfare, finances and compliance with NCAA and conference rules; Keep an eye on the amount spent per student athlete vs. regular students; do not get information solely from your athletic personnel, also obtain NCAA information; do the NCAA self-study;
- The ACC requires annual Board training on NCAA rules; this is done in public and the Chair signs a statement indicating the Board, to the best of its ability, is complying with those rules; do the training regularly, not just once in a Regent’s career.
- Require the General Counsel to negotiate coaching and athletic director contracts and explain them to the Board prior to approval, especially because of the growing practice of multi-year contracts and the “arms race” in contract amounts; General Counsel negotiation of contracts is an emerging “best practice”;
- Make sure coaches do not enter into “side contracts” such as apparel contracts without Board knowledge and approval so the institution is not embarrassed by something a coach does.
- If “naming opportunities” are granted, make sure no one gets a special deal; a gift tied to a naming opportunity must be at least 50 percent of the cost of the project; with very limited exceptions, a person must be deceased before a facility is named for them;
- Donors should not be allowed to feel their donation gives them the right to something, such as naming a head coach; this is a dangerous notion. Gifts do not purchase “entitlements;” a gift with an entitlement is not a gift;
- Academic support personnel are accountable to athletic advisors and these advisors should have direct access to support personnel;
- Capital expenditures that require bonding need close scrutiny; determine what bond rating agencies say about the quality of

your bonds; do not let athletic reserves get too low or you will be in trouble.

The Freeh Report and Initiatives for Protection of Children

The Freeh Report was the result of an investigation conducted by independent counsel Louis Freeh, former Director of the Federal Bureau of Investigation, at the request of the Special Investigations Task Force appointed by the Pennsylvania State University's Board of Trustees. The report was released in July 2012. The independent counsel was charged with the investigation of the alleged failure of University personnel to respond to, and report to the appropriate authorities, the sexual abuse of children by a former athletic coach. The independent counsel was also directed to determine the circumstances under which such abuse could occur in the University facilities or under the auspices of University programs for youth. The Freeh report compiled 120 recommendations for University governance and the protection of children. The report may be accessed at this link: <http://progress.psu.edu/the-freeh-report>.

The report was a catalyst for re-examination of existing policies and procedures regarding protection of children at many higher education institutions, including NSHE. After study of the report and its recommendations, and after presentations to the Board of Regents on existing federal and state reporting requirements as well as relevant NSHE policies, the Board adopted a new chapter in *The Board of Regents Handbook* at its March 2013 meeting. The new chapter is designed to provide protection for children, as noted in the chapter Introduction, Section 1:

The Nevada System of Higher Education (NSHE) is committed to maintaining a supportive and safe educational environment, one which seeks to enhance the well-being of all members of the NSHE community, which includes creating a secure environment for children who may participate in NSHE programs or activities, or be present at NSHE facilities or events. The NSHE policies for the protection of children are intended for the protection all children who participate in NSHE events or activities for children or who are NSHE students.

The new provisions are codified in Title 4, Chapter 22 of the *Handbook*. A copy is appended to this document as Attachment F. Also attached is a chart entitled "Summary of Proposed Initiatives for the Protection of Children" prepared by the Vice Chancellor for Legal Affairs. This summary is based on the 120 Freeh Report recommendations.

Concluding Remarks

The foregoing material is designed to present the Board with a review of some athletic oversight and governance issues it has considered in the past as well as provide a list of suggested best practices drawn from AGB sources to serve as a starting point for future discussions. Attached

to this document are some additional reference materials focusing on existing Board athletic policies, relevant *Nevada Revised Statutes* and minutes from previous Board meetings where athletics were discussed:

Attachment “A”

Existing Board of Regents Policies Respecting Board Powers and Delegation of Authority

Attachment “B”

Existing Nevada Board of Regents Policies Respecting Intercollegiate Athletics

Attachment “C”

Nevada Revised Statutes

Attachment “D”

Board of Regents Meeting September 6-7, 2012

Attachment “E”

Length of Coaching Contracts

Attachment “F”

Child Protection Policies

Attachment "A"

Existing Board of Regents Policies Respecting Board Powers and Delegation of Authority

Regents Handbook Title 1 Bylaws

Section 1. Authority

The exclusive control and administration of the University is vested by the Constitution of the State in an elected Board of Regents.

Section 3. Powers

The Board of Regents shall be responsible for the management and control of the University but may delegate specific authority to its Officers as hereinafter provided.

Regents Handbook, Title 2 Code

Chapter 1, Section 1.2.3 Function of Board. The Board of Regents is a corporate body, legally responsible for the University of Nevada. Its function is to control and manage the Nevada System of Higher Education, primarily by setting policy. Upon approval by the Board of Regents, the appropriate officers of the System shall implement such policies.

Chapter 1, Section 1.2.4 Board's Authority and Delegation of Authority. The Board of Regents retains the right at all times to lawfully delegate authority. However, nothing in the Nevada System of Higher Education Code shall be construed as an abrogation or limitation of the lawful authority or responsibility of the Board of Regents. The Board of Regents retains the right at all times to amend or repeal the provisions of the Nevada System of Higher Education Code and to enact supplemental policies and procedures to carry out the provisions of the Nevada System of Higher Education Code.

Regents Handbook Title 4, Chapter 1, Section 2 Ethical Code of Conduct

The *Handbook* contains an Ethical Code of Conduct for Regents in Title 4, Chapter 1, Section 2; the following pertinent parts apply to delegation of authority:

Section 2 (1). A member of the Nevada System of Higher Education Board of Regents should honor the high responsibility that this elected office demands by:

b. Understanding that the primary role of a Board member is policymaking, not administration, and distinguishing intelligently between these two functions. (BR 12/02)

3. Members of the Nevada System of Higher Education Board of Regents should maintain desirable relations with the Chancellor and the Chancellor's staff by:

b. Giving the Chancellor clear and full administrative authority for properly discharging the professional duties of the System office and by holding the Chancellor accountable for acceptable results. Rev. 254 (09/12) Title 4, Chapter 1, Page 4

c. Acting only upon recommendations of the Chancellor, and the Chancellor's staff, and in conformance with applicable statutes and policies in all matters that come before the Board. (B/R 12/02)

Attachment “B”

Existing Nevada Board of Regents Policies Respecting Intercollegiate Athletics

Regents Handbook

Regents Handbook, Title 2 Code

Chapter 5, Section 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.

e) Except for head coaches of football and men’s and women’s basketball, contracts for appointment of head athletic coaches and assistant coaches, including interim or acting appointments, shall require only 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 salary is \$200,000 or less for a contract year. For these purposes, salary does not include standard perquisites available to all NSHE employees nor does it include performance bonuses if such bonuses do not exceed \$75,000 in any contract year. Approval by the Chancellor is required for such contracts if the length of the contract or the salary exceeds these limits. Such appointments shall not take effect, and no employment contracts for such positions shall be issued or binding, until the Chancellor approves the appointments. The appointments shall be reported to the Board of Regents by the President and/or the Chancellor. If, in the Chancellor’s opinion, any contract rises to a level in size or term that the Board’s approval is needed, such approval will be required. Contracts for directors of athletics and head coaches of football and men’s and women’s basketball shall require approval of the Board of Regents. (B/R 3/12)

Regents Handbook, Title 4, Chapter 10

Section 25. Policies Concerning NSHE Intercollegiate Athletics

The Board of Regents encourages the development of intercollegiate athletic programs at the Nevada System of Higher Education (*NSHE*) institutions consistent with their institutional mission and goals. The goal of the NSHE shall be to provide for student competition in intercollegiate sports appropriate to the universities, colleges and their conferences, to fiscal resources available, and to sound standards of student academic

performance. Every intercollegiate athletic program shall comply with all applicable rules and regulations of the National College Athletic Association (*NCAA*) and other organizations and conferences in which each is member.

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

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

- 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.

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 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 intercollegiate athletics programs to assure compliance with such rules. Each institution shall identify, and report to the appropriate organization, instances in which compliance has not been achieved. Each institution will cooperate fully with the NCAA and athletic conferences in investigation instances of noncompliance and will promptly take appropriate disciplinary and remedial action.

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

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.
1. 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. (B/R 5/90)
 2. 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 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 rules will be subject to actions as provided by NCAA enforcement provisions. Contracts shall also provide that all coaches, full-time and part-time, must report annually to the institution all athletically related income.

d. Revenue

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

e. Budget Revisions

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

f. Boosters

(1) Each institution shall be responsible for identifying, and monitoring the activities of, individuals and groups representing the institution's athletics interests (*boosters*) to assure compliance with applicable NCAA, conference, and institutional rules, regulations and guidelines. Each institution shall provide comprehensive orientation and educational programs concerning NCAA, conference, and institutional rules and regulations to persons or groups identified with the institution's athletics interests. The Board shall approve the defined operating relationship between individuals and groups representing the institution's athletics interests and each institution. All changes in the duties and responsibilities of each party must be approved by the Board.

(2) As a condition of the purchase of season tickets or other admissions to the institution's intercollegiate athletics events, or as a condition of membership in booster clubs, all individuals or groups representing each institution's athletics interests (*boosters*) are expected and required to cooperate fully in the institution's efforts to comply with NCAA and conference bylaws, rules and regulations, including without limitation cooperating fully in all investigations of possible violations of such rules. Any individual or group found to have committed violations of NCAA or conference rules and regulations, or failing to cooperate fully in the institution's compliance efforts shall be subject to disassociation from the 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.

3. 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 3/12)

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 advertising, club memberships, sponsorships, tickets to athletic events, etc.*) (B/R 5/90)

b. The Director of the Department of Intercollegiate Athletics must approve all trade-outs. (B/R 5/90)

- 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. (B/R 5/90)
- 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. (B/R 5/90)
- e. No trade-out will be initiated without prior knowledge and approval of the Director of the Department of Intercollegiate Athletics. (B/R 5/90)
- 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. (B/R 5/90)
- 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. (B/R 5/90)
- 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. (B/R 5/90)
- 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. (B/R 5/90)
- 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. (B/R 5/90)
- k. Trade-outs will be approved only if they are in the best interest of the Department of Intercollegiate Athletics. (B/R 5/90)
- l. Trade-outs are to be utilized exclusively for business purposes. Personal use of trade-outs is prohibited. (B/R 5/90)
- m. Trade-outs are subject to annual audit. Auditors will require verification of relevant details. (B/R 5/90)
- n. Trade-outs are subject to annual review. (B/R 5/90)
- 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. (B/R 5/90)

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. (B/R 5/90)

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. (B/R 5/90)

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/R 5/90)

b. All trade-out agreements must be approved by the Director of Athletics or his designee in his absence. (B/R 5/90)

c. All trade-out agreements must be in accordance with NCAA, University and ICA policies, rules, and regulations. (B/R 5/90)

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. (B/R 5/90)

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. (B/R 5/90)

f. Trade-out agreements will be approved where the value received by ICA is of equal or greater value. (B/R 8/03)

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. (B/R 12/08)

h. All trade-out agreements are to be in compliance with the Internal Revenue Code, Section 132, and therefore construed to be tax exempt. (B/R 5/90)

i. This policy may not be amended without written approval of the Director of Athletics. (B/R 5/90)

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 Nevada System of Higher Education; the policies, rules and regulations of the NCAA; and those of any athletic conference with which UNLV is affiliated and those of the University and the Department of ICA.

c. The Department of ICA shall follow specific detailed procedures as established in the Department's ticket policy.

d. The Intercollegiate Athletic Council will review proposed changes to the ICA Departmental ticket policy.

e. Distribution of complimentary tickets pursuant to this policy shall be reported to the Internal Revenue Service in accordance with federal revenue regulations.

f. Authorization to distribute complimentary season and/or game-by-game tickets not specifically provided for in the departmental ticket policy shall be submitted in writing with a description of the business purpose therefore and approved in advance by the Director of the Department of ICA or his designee.

(B/R 1/06)

2. UNR

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

a. Complimentary tickets for Department of ICA events are University property and shall not be directly or indirectly sold or exchanged by any employee for money, anything of value, or for the benefit of the employee or any other person.

b. Any distribution of complimentary tickets shall be in compliance with federal and state statutes and regulations; the Code, policies and procedures of the Nevada System of Higher Education; the policies, rules and regulations of the NCAA; and those of any athletic conference with which UNR is affiliated and those of the University and the Department of ICA.

- c. The Department of ICA shall follow specific detailed procedures as established in the Department's ticket policy.
- d. Distribution of complimentary tickets pursuant to this policy shall be reported to the Internal Revenue Service in accordance with federal revenue regulations.
- e. Authorization to distribute complimentary season and/or game-by-game tickets not specifically provided for in the departmental ticket policy shall be submitted, in writing, with a description of the business purpose therefore and approved in advance by the Director of the Department of ICA or his/her designee.

(B/R 3/06)

Procedures and Guidelines Manual

Chapter 5 Fiscal Procedures

NSHE CONTRACT POLICY FREQUENTLY ASKED CONTRACT QUESTIONS

Q 5 Are employment contracts for head coaches of athletic teams governed by these requirements and procedures?

A Yes. Contracts with head coaches are contracts with NSHE and, therefore, are subject to the same policies and procedures established by the Board of Regents, the chancellor, and the presidents of the institutions. Often Board of Regents approval is required of athletic coach contracts because such contracts frequently exceed one year or contain certain perquisite/bonus provisions that require Board approval. Due to NCAA requirements, there are additional clauses in the employment contracts for head coaches that are not found in other employment contracts. Additional governing policy is contained in NSHE Code, Section 5.4.2 (b) and (c).

Attachment “C”

Nevada Revised Statutes Relating to NSHE Athletics

NRS 396.585 Satisfactory progress toward obtaining degree required to participate as member of varsity athletic team.

1. The Board of Regents shall require each student who participates as a member of a varsity athletic team which represents the University of Nevada, Reno, or the University of Nevada, Las Vegas, to make satisfactory progress toward obtaining a degree as a condition of participation as a member of the team.

2. The Board of Regents shall establish standards for determining whether a student is making satisfactory progress toward obtaining his or her degree as required by this section. The standards must:

(a) Include a requirement that a student enroll in a sufficient number of courses in each semester that are required to obtain the academic degree the student is seeking to allow the student to complete the requirements for obtaining the degree within a reasonable period after the student’s admission.

(b) Include a requirement that a student maintain a minimum grade point average in the courses required pursuant to paragraph (a).

(Added to NRS by 1993, 336)

NRS 396.591 Medical insurance for members of athletic teams. The University of Nevada, Reno, and the University of Nevada, Las Vegas, may each elect to insure members of varsity and freshman athletic teams representing the respective campuses for unlimited medical coverage for injuries incurred while the members of the teams are engaged in organized practice or actual competition or any activity related thereto. Such insurance must be obtained from a private carrier.

(Added to NRS by 1973, 288; A 1981, 900, 1527; 1999, 1826)

Attachment “D”

Board of Regents Meeting September 6-7, 2012¹¹

Item 21 on the Board of Regents agenda for September 6-7, 2012 was an informational item presented by Presidents Johnson and Smatresk regarding athletics reporting. They mentioned four reports they recommended be presented to the Board on an annual basis. According to the schedule they outlined, two of those reports could already have been presented to the Board but the minutes of meetings in the interval do not contain any mention of those reports. The following excerpt is from the minutes of the September 2012 Board meeting:

22 Informational - Athletics Reporting, UNLV and UNR (Agenda Item #21) - UNR President Marc A. Johnson and UNLV President Neal J. Smatresk presented for information purposes a list of reports on Intercollegiate Athletics that both universities recommend be presented to the Board of Regents on an annual basis (*Ref. BOR-21 on file in the Board office*).

Pursuant to the Board of Regents request, President Johnson and President Smatresk presented a timeline of four annual reports that are currently compiled and that will be shared with the Board of Regents in the future:

4. The annual Equity in Athletics Disclosure Act report to the Department of Education on or about October 15th of each year;
 5. The annual Statement of Revenues and Expenditures to the NCAA on or about January 31st of each year;
 6. An annual summary of self-reported and other reported secondary violations and corrective actions, along with Conference and NCAA responses, on or about July 15th of each year; and
4. All reports of major violations when they occur, with follow-up communications on NCAA and Conference actions.

President Johnson related that generally it was felt to be more prudent to report secondary violations (*level 1 and level 2*) annually. He clarified that all level 1 secondary violations are reported to the NCAA and to the applicable conference while level 2 secondary violations are reported only to the conference. He added that secondary violations are self reported and typically take some weeks for response from the NCAA and/or conference. For example President Johnson related that if while traveling a student athlete is provided with a stamp to send a postcard home that is in violation of NCAA rules. He provided another example that is included in the latest report that the vendor supplying trail mix for the locker room included carob chip that is categorized as giving the athletes extra consideration and is therefore a violation of NCAA rules.

¹¹ <http://system.nevada.edu/Nshe/index.cfm/administration/board-of-regents/meeting-minutes/09072012/>

President Smatresk called UNLV and UNR zealous over-compliers of NCAA and conference rules. He stated that for UNLV, the NCAA has reviewed all of their secondary violations and minor adjustments have been made where required. He felt that both universities are dedicated to maintaining the highest standards and that dedication will be reflected in the reports.

President Johnson added that the NCAA is currently undergoing a review of their rules and violations.

Attachment “E”

Length of Coaching Contracts

Some of the Board discussions have centered on the appropriate length for head coaching contracts. The following information is drawn from information available on the Internet and is designed to provide the Board with an idea of what other higher education institutions are doing in this regard.

Head Coach Football¹²

Length varies between one (Miami, Ohio) and nine years (Texas).

Distribution (40 schools):

<i>Years</i>	<i>Number of Schools</i>
9	1
8	4
7	8
5	21
4	5
1	1

¹² Texas(9);Alabama(8);Georgia(8);Georgia Tech(8);North Carolina(8);Iowa(7.5);Maryland(7.5); Bowling Green(7); Missouri(7); North Carolina State(7);Oklahoma(7);Oklahoma State(7); Virginia Tech(7); Air Force(5); Army(5); Ball State(5); Boise State(5); Buffalo(5);Cincinnati(5); Clemson(5); E. Michigan(5); Kansas(5); Kansas State(5); LSU(5); Middle Tennessee(5); Nebraska(5); New Mexico State(5); Ohio(5); Oregon(5); Toledo(5); Washington(5); Washington State(5); W. Michigan(5); Wyoming(5); Arizona State (4.5); Kent State (4.5); C. Michigan(4); Mississippi State(4); Troy(4); Miami, Ohio(1).

source: <http://www.coacheshotseat.com/SalariesContracts.htm>.

Head Coach- Men's Basketball¹³

Length varies between 11 years (Iowa) and 4 years (Illinois, Murray State).

Distribution (22 schools):

<i>Years</i>	<i>Number of Schools</i>
11	1
8	3
7	4
6	2
5	10
4	2

¹³ Iowa(11);Kentucky(8);North Carolina(8);Washington(8);Indiana(7);Kent State(7);Michigan State(7);George Mason(6);North Carolina State(6);Alabama-Birmingham(5); Arkansas(5);Missouri(5.5);Northern Iowa(5);Kansas(5);LSU(5);San Diego State(5);Southern(5);Wichita State(5);UConn(5);Illinois(4);Murray State(4).Source: http://usatoday30.usatoday.com/sports/graphics/basketball_contracts/flash.htm.

Attachment “F”

NSHE Child Protection Policies

Regents Handbook Title 4, Chapter 22

Section 1. Introduction

The Nevada System of Higher Education (NSHE) is committed to maintaining a supportive and safe educational environment, one which seeks to enhance the well-being of all members of the NSHE community, which includes creating a secure environment for children who may participate in NSHE programs or activities, or be present at NSHE facilities or events. The NSHE policies for the protection of children are intended for the protection all children who participate in NSHE events or activities for children or who are NSHE students.

(B/R 3/13)

Section 2. Public Events and Venues

Children are permitted at events and venues open to the public on NSHE property. However, NSHE reserves the right to determine whether selected events or venues are appropriate for unescorted or unsupervised children.

(B/R 3/13)

Section 3. Definitions

1. Child. A “child” is anyone under 18 years of age or, if in school, until graduation from high school, and includes children under the age of 18 years who are registered as NSHE students. The terms “child”, “minor” and “children” are used synonymously in this policy.
2. Volunteer. The term “volunteer” means individuals who are working at an institution pursuant to a volunteer agreement approved by the institution’s general counsel. For the purposes of this policy, the term “volunteer” does not include a parent or guardian of a child. Parents and guardians, however, should be supervised by appropriate NSHE or non-NSHE personnel during their participation in NSHE sponsored or approved programs and activities.
3. Child Abuse or Neglect. Child abuse or neglect is defined in accordance with the provisions of NRS 432B.020-NRS 432B.150.

4. Program or Activity Involving Children. “Program or activity involving children” applies to programs or activities for children that are established by NSHE institutions; and programs or activities for children sponsored by outside persons or entities which are permitted to take place at NSHE facilities. “Program or activity involving children” does not include events (such as concerts, plays, sporting events) or facilities (such as restaurants or stores) that are open to the public.
5. (B/R 3/13)

Section 4. Policies for the Protection of Children

1. Reports of Child Abuse or Neglect by All NSHE Personnel. All NSHE employees and volunteers, who have reasonable cause to believe that child abuse or neglect has occurred at an NSHE facility or during NSHE programs or activities, must report the suspected abuse or neglect to law enforcement or a child welfare agency, as soon as possible and within 24 hours. Retaliation against any individual who makes a report of child abuse or neglect is prohibited.
2. Supervision and Protection of Children. All children who participate in NSHE programs and activities must be appropriately supervised at all times. A child must be immediately removed from a dangerous situation involving suspected child abuse or neglect or other inappropriate conduct, or which presents a threat to the child’s health and safety.
3. Policy and Procedure. In order to implement these child protection policies, NSHE institutions and System Administration must:
 - a) Periodically (at least annually) inventory all programs or activities that involve children under the age of 18 years, such as, daycare facilities, summer camps and programs, sport camps, research studies and other activities or programs that are specifically intended to involve children under the age of 18 years;
 - b) Periodically review (at least annually) the security of programs and activities involving children, including considering measures that may be appropriate for the protection of students from sex offenders who are registered with the institution's police departments;
 - c) Provide for a uniform procedure for the approval of the use of facilities by outside persons or entities for programs or activities involving children, and requiring written acknowledgment of NSHE and institution policy and procedure for the protection of children;
 - d) Identify all mandatory reporters of child abuse, pursuant to the provisions of NRS 432B.220-NRS 432B.250 and provide training materials regarding the mandatory reporting requirements;
 - e) Provide a copy of this policy, and any supplemental institution policy and procedure, for the protection of children to all employees and volunteers who supervise or work in programs or activities involving children;

- f) Publicize this policy, and any supplemental institution policy and procedure for the protection of children on the institution or System website, including the Division of Child and Family Services toll-free telephone number and/or other law enforcement telephone numbers to receive reports of child abuse or neglect;
- g) Conduct appropriate investigations of all incidents of alleged child abuse or neglect, and provide confidential notice of such incidents to the Chancellor and Chair of the Board of Regents.

(B/R 3/13)

SUMMARY OF PROPOSED INITIATIVES FOR THE PROTECTION OF CHILDREN

Board of Regents/System Focused Initiatives	Campus Focused Initiatives
<p style="text-align: center;"><u>Ethics, Communication and Oversight</u></p> <p>Revise Ethics policy to emphasize value, ethics-centered community</p> <ul style="list-style-type: none"> • Transparency, openness at all levels <p>Conduct ethics and oversight training for Regents</p> <ul style="list-style-type: none"> • Duty of reasonable inquiry <p>Consider ways to improve channels of communication between Board, institution administrators and community in general, and in particular, on issues related to protection of children.</p> <p>Consider conducting and publicizing periodic internal/external self- assessments of Board performance and effectiveness of initiatives for the protection of children.</p> <p>Consider tasking specific Board Committee with oversight for compliance with initiatives related to the protection of children.</p> <p style="text-align: center;"><u>Protection of Children</u></p> <p>Adopt policies regarding protection of children in NSHE programs and at NSHE facilities, requiring:</p> <ul style="list-style-type: none"> • Placing needs of children above adults. • Institution inventories of programs, activities and facilities where children may be present 	<p style="text-align: center;"><u>Campus Culture, Ethics and Communication</u></p> <p>All institutions should examine administrative practices, policies and procedures to identify ways to enhance transparency, ethics-based decision-making and integration of all programs into the campus community.</p> <ul style="list-style-type: none"> • Ensure that athletics department staff and student athletes are integrated into the campus community. • Ensure all policies are consistently enforced. <p>Consider ways to improve channels of communication between Board, institution administrators and community in general, and in particular, on issues related to protection of children.</p> <p style="text-align: center;"><u>Protection of Children</u></p> <p>All institutions can continue on-going efforts and initiate efforts to prepare appropriate policies and procedures for the protection of children.</p>

- and assessment of associated risks.
- Institutions to develop centralized and consistent protocols for approval of all programs or activities involving children.
- Institutions to develop and publicize policy and procedure regarding mandatory reporting child abuse and neglect.
- Amend Procedures and Guidelines Manual to require institutions to develop and publicize policy and procedure regarding Clery Act compliance, including:
 - Identification of Clery Act CSAs, regular notice regarding their responsibilities and providing for training of all Clery Act and mandatory child abuse and neglect reporters.
 - Appointment of a specific compliance officer for Clery Act, child abuse/neglect reporting or ensure that compliance is effective.
- Timely notification of Regents and Chancellor regarding incidents involving children.
- Training for Regents regarding Clery Act and child abuse reporting laws.
- Critical incident management plans.

Background Check Policy

The Board policy on background checks for childcare workers and volunteers should be reviewed and expanded to require background checks and appropriate screening of all individuals who are involved in programs, activities and at facilities where children are present.

Misconduct Reporting

Adopt System whistleblower and anti-retaliation policy.

- Reference state law.
- Emphasize prohibition against retaliation.

Board of Regents should consider development of statewide NSHE hotline for reporting of misconduct.

Campus policies and procedures should include:

- Specific policy on the protection of children in campus programs, activities and facilities.
- Inventory all programs, activities, and facilities where children may be present.
- Review security of all areas and facilities where children may be present and assess associated risks.
- Develop centralized consistent protocols for approval of program and activities involving children.
- Consider adoption of policy on non-familial interactions between minors and adults.
- Develop guidelines for employment of minors and for students/employees bringing minors to campus.
- Develop critical incident management plans.

Background Check Policy

All institutions should review background check policies and adopt best practices for screening of all individuals, including students, who may be involved in programs or activities with children or where children are present.

Misconduct Reporting

Institutions should publicize manner of direct or anonymous reporting of crimes, child abuse and neglect, whistleblowing and other misconduct.

<p style="text-align: center;"><u>Police and Security Departments</u></p> <p>Consider revising Board policy on police departments to require:</p> <ul style="list-style-type: none"> • Appropriate level of police department independence to ensure the integrity of police investigations. • Specialized training in investigation of crimes involving sexual abuse of children. • Campus policies on notification regarding students who are registered sex offenders. • Campus policies requiring assessment of whether registered sex offender conditions of parole or probation prohibit presence on campus, <i>e.g.</i> where children are present as students throughout the campus. <p style="text-align: center;"><u>Administration</u></p> <p>Direct Vice Chancellor for Legal Affairs to coordinate with General Counsels on all issues related to protection of children.</p> <p>Require periodic review of System and institution progress in implementing initiatives for the protection of children.</p>	<p>Institutions should consider development of hotline for reporting.</p> <p style="text-align: center;"><u>Police and Security Departments</u></p> <p>All institutions should review the independence of and reporting lines for police departments to ensure the absence of interference or undue influence that could affect the integrity of investigations.</p> <p>Institutions with security departments should review coordination and protocols with outside law enforcement agencies to ensure prompt and effective response to campus incidents.</p> <p>Police officers should receive specialized training in the investigation of crimes involving sexual abuse of children.</p> <p style="text-align: center;"><u>Administration</u></p> <p>Campus General Counsels, Human Resource Directors or others should be tasked with:</p> <ul style="list-style-type: none"> • Review, drafting and appropriate revision of all policies related to the protection of children as noted above. • Ensuring that all policies are consistently enforced. • Ensuring that all mandatory training in matters related to protection of children is regularly offered and attended. • Periodic monitoring, coordinating and reviewing progress in implementing initiatives for the protection of children.
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