

Minutes are intended to note (a) the date, time and place of the meeting; (b) those members of the public body who were present and those who were absent; and (c) the substance of all matters proposed, discussed and/or action was taken on. Minutes are not intended to be a verbatim report of a meeting. An audiotape recording of the meeting is available for inspection by any member of the public interested in a verbatim report of the meeting.

These minutes are not final until approved by the Board of Regents at the December 2015 meeting.

**BOARD OF REGENTS\* and its  
ad hoc COMMITTEE ON ATHLETICS  
NEVADA SYSTEM OF HIGHER EDUCATION**

System Administration, Reno  
2601 Enterprise Road, Conference Room  
Tuesday, September 8, 2015

Video connection from the Meeting Site to:

System Administration – Las Vegas  
4300 South Maryland Parkway, Board Room  
and  
Great Basin College – Elko  
1500 College Parkway, Berg Hall Conference Room

Members Present: Dr. Jason Geddes, Co-chair  
Mr. Kevin J. Page, Co-chair  
Mr. Cedric Crear  
Mr. James Dean Leavitt  
Mr. Kevin C. Melcher  
Mr. Michael B. Wixom

Other Regents Present: Mr. Trevor Hayes  
Mr. Sam Lieberman

Others Present: Mr. Daniel J. Klaich, Chancellor  
Ms. Brooke Nielsen, Vice Chancellor, Legal Affairs  
Mr. Nicholas Vaskov, System Counsel and Director of Real Estate Planning  
Mr. Scott G. Wasserman, Special Advisor to the Board  
Mr. R. Scott Young, Acting Chief of Staff  
Dr. Michael D. Richards, President, CSN  
Dr. Marc A. Johnson, President, UNR  
Mr. Chet Burton, President, WNC

*For others present, please see the attendance roster on file in the Board office.*

Chair Jason Geddes called the meeting to order at 10:00 a.m. with all members present except Regent James Dean Leavitt.

1. Information Only - Public Comment – None.

2. Approved - Committee Charge (Agenda Item #3) – The Committee recommended approval of a committee charge that incorporates the purpose and goals of the Committee. (Ref. COA-3 on file in the Board office.)

Mr. Daniel J. Klaich, Chancellor, asked who will provide the support and expertise to the Committee. Ms. Brooke Nielsen, Vice Chancellor, Legal Affairs, responded Mr. Nicholas Vaskov, System Counsel.

Regent Cedric Crear hoped the Committee would not micromanage the Athletics process. He wanted to see the Committee participate at a policy level and then let the institutions execute those policies.

Regent Kevin C. Melcher was concerned with the amount of work this Committee had ahead and he wanted to see the institutions do the job they were hired for and allow the Committee to be in oversight mode.

Chair Geddes stated the Board did create Board of Regents *Handbook*, Chapter 24, NSHE (Nevada System of Higher Education) Intercollegiate Athletics, and place all policies in it. The goal of the Committee is to find an appropriate level of oversight without micromanaging.

Chair Geddes noted Counsel suggested a change to the last sentence in the opening paragraph that reads, “The ad-hoc Committee on Athletics **may:**” instead of shall.

Regent Melcher added the University of California (UC) Davis documents provided are a very good model to use in answering many of the questions that may arise.

Regent Melcher moved approval of the Committee charge, with the suggested change of the word “shall” to “may”. Regent Kevin J. Page seconded. Motion carried. Regent Leavitt was absent.

3. Approved - Intercollegiate Athletic Reports – CSN, WNC, UNLV, UNR (Agenda Item #4) – The Committee recommended approval of the respective Intercollegiate Athletic Reports. (Ref. COA-4a, COA-4b, COA-4c and COA-4d on file in the Board office.)

Dr. Michael D. Richards, President, College of Southern Nevada (CSN), introduced Dr. Juanita Chrysanthou, Vice President of Student Affairs. Her job duties include Athletics. Mr. L. Dexter Irvin, Director of Intercollegiate Athletics and Recreation provided the report.

Regent Leavitt entered the meeting.

Athletic Director Irvin stated he is very proud and excited about what is happening with CSN Athletics and provided their report. He noted CSN had no National Junior College Athletic Association (NJCAA) violations and their student athletes were acting with class, are graduating at or above the other students at the institution, have higher grade point averages and are competitive within the conference.

3. Approved - Intercollegiate Athletic Reports – CSN, WNC, UNLV, UNR (Agenda Item #4) – (Continued)

Regent Michael B. Wixom was excited about the growth of CSN Athletics. Regent Wixom asked if given CSN resources if objective 1, recruit every eligible student athlete from greater Las Vegas and Southern Nevada that can play at this level or above, was realistic. Athletic Director Irvin stated they want to recruit those kids within the valley to give them an opportunity to play at the next level and get an education.

Regent Wixom wanted to see measureable goals, not aspirational, that the Athletic Departments are bound by. Chancellor Klaich asked that through this process the Committee identify those things they wish to measure so they can gather the data to assist in viewing the journey. Regent Wixom supported the suggestion.

Regent Crear asked if CSN was looking to provide athletic scholarships at some point. Athletic Director Irvin stated to provide the full educational experience at some point they would like to provide scholarships. CSN currently provides baseball and softball scholarships.

Regent Wixom moved to accept the CSN Intercollegiate Athletic Report. Regent Crear seconded. Motion carried.

Mr. Chet Burton, President, Western Nevada College (WNC), reported many successes of the WNC Intercollegiate Athletics Program, but due to budget constraints, the program will be terminated at the conclusion of the 2016 season. Mr. John Kinkella, Dean of Student Services and Athletic Director, stated they have submitted to the NJCAA and to the Scenic West Athletic Conference an official letter from President Burton indicating this would be the final season for the college.

Regent Page moved to accept the WNC Intercollegiate Athletic Report. Regent Crear seconded. Motion carried.

Ms. Tina Kunzer-Murphy, Director of Intercollegiate Athletics, University of Nevada, Las Vegas (UNLV), stated it was important for UNLV and the University of Nevada, Reno (UNR) to work together to stay competitive. Athletic Director Kunzer-Murphy provided UNLV's report highlighting 50 percent of their student athletes have a cumulative grade point average (GPA) of 3.0 or better, between Fall 2014 and Spring 2015 semesters, 176 student athletes were names to the Dean's Honors list and for the third straight year UNLV has claimed the Governor's Series trophy.

Chair Geddes asked what the difference was between the two additional revenue lines for Thomas & Mack. Athletic Director Kunzer-Murphy reported the transfer includes the sponsorship revenue, suite revenue and concessions revenue. Mr. Rhett Vertrees, Associate Vice President, UNLV, noted \$2.8 million is projected from Thomas & Mack annually.

3. Approved - Intercollegiate Athletic Reports – CSN, WNC, UNLV, UNR (Agenda Item #4) – (Continued)

Depending on operations and how well they do, there may be additional funding available which is the difference between the two revenue lines.

Athletic Director Kunzer-Murphy explained IMG Worldwide (IMG) is the sports and entertainment advertising, sponsorship, and media rights entity that works with Thomas & Mack and UNLV Athletics. There is a pass-through payment from IMG that increases \$100,000 each year. Chair Page asked how much IMG is paying annually for the contract. Mr. Vertrees stated it is at \$3.1 million. Chair Page stated IMG is paying \$3.1 million, which means UNLV is keeping the balance so he did not think it should be classified as institutional support. Mr. Gerry Bomotti, Senior Vice President for Finance, UNLV, added in the current year there was no additional money derived. All the money listed came from central University sources. In the past, there was supplemental income, but there was none for the current reporting year.

Regent Leavitt asked if UNLV was aspiring for excellence and moving out of the Mountain West Conference (MWC), why were they shying away from saying it. Regent Geddes noted agenda item #10, Commission Study of NSHE Intercollegiate University Athletic Programs, would look at the profiles of the different conferences, so the Committee will understand what is needed for such an aspirational goal. Athletic Director Kunzer-Murphy reported college athletics is changing every day. The MWC is a great conference and UNLV is happy to be included. UNLV is reviewing and talking to people about their options and will continue to do so.

Regent Wixom asked what the components of the \$6 million in revenue were. Athletic Director Kunzer-Murphy responded they are payouts from the conference, as well as gate receipts. Regent Wixom requested a breakdown of the revenue sources and what the revenue stream will be over time. He also wanted to know what else they are doing to enhance the revenue stream.

Chair Page agreed the Committee needed to see the revenue trends. Athletic Director Kunzer-Murphy stated they would provide the historical data of where they were and where they have come.

Regent Melcher moved to accept the UNLV Intercollegiate Athletic Report. Regent Page seconded. Motion carried.

2. Approved - Committee Charge (Agenda Item #3) – The Committee reconsidered the Committee charge and recommended approval with the mentioned changes. (Ref. COA-3 on file in the Board office.)

Chair Geddes asked that #6 of the Committee charge be changed from “the previous two years” to “the previous four years” for historical purposes.

2. Approved - Committee Charge (Agenda Item #3) – (Continued)

Regent Wixom moved to reconsider agenda item #3, Committee charge. Regent Page seconded. Motion carried.

Regent Wixom clarified he wanted the information to be disaggregated. Chair Geddes stated it would be in the instructions, but not the motion. Chair Page requested the budget versus actual be included for the four years of data.

Regent Page moved approval of the Committee charge as amended. Regent Wixom seconded. Motion carried.

Dr. Marc A. Johnson, President, UNR, clarified the report would now include the four past years and the four future years.

3. Approved - Intercollegiate Athletic Reports – CSN, WNC, UNLV, UNR (Agenda Item #4) – (Continued)

Mr. Doug Knuth, Athletic Director, UNR, provided UNR's report highlighting a culture of academic excellence with a department-wide 3.1 GPA, a graduation rate of 80 percent, UNR is pleased with the coaches and the student athletes and the way they are competing. UNR did rewrite their academic integrity policy to lay out the expectations of the staff and athletes.

Chair Geddes asked if pay outs for games were just a part of athletics or were there games there isn't a payout. Athletic Director Knuth noted even when they play a school away one year and then at home the next there is an exchange of expenses. One time trips are where there is a negotiated higher level guarantee.

Chair Page referred to page 24, goal #2 – formal needs reporting for facility projects and asked they receive updates in future reports to know where they stand. Chair Page asked why the budget numbers do not match between pages 26 and 30. Athletic Director Knuth responded he would get the answers and report back. President Johnson noted the difference between pages 26 and 30 was likely due to page 30 including operations and maintenance expenses. President Johnson stated they would work harder to make better footnotes so people reading the documents will understand the differences.

Regent Leavitt asked what the operating principles were when scheduling nonconference games. Athletic Director Knuth stated there is a scheduling philosophy. In conversation with the head coach they discuss the hopes and expectations for the team, which include many factors. The schedule must be balanced in a manner that allows the team to feel like they can compete but still be tested. The team should not feel over or under scheduled. Chair Geddes stated it was a good discussion and asked the athletic directors to discuss and write up their philosophies to present at the next meeting.

3. Approved - Intercollegiate Athletic Reports – CSN, WNC, UNLV, UNR (Agenda Item #4) – (Continued)

Regent Crear moved to accept the UNR Intercollegiate Athletic Report. Regent Leavitt seconded.

Chancellor Klaich asked if the upgrade for women's track and field also will accommodate the men's program. Athletic Director Knuth stated they can use the same facility.

Regent Crear stated the scheduling discussion is a sensitive topic, because he did not think anyone wants to give out their scheduling strategies. There are so many factors to take into account.

Motion carried.

The meeting recessed at 11:49 a.m. and reconvened at 12:11 p.m. with all members present.

4. Approved - Commission Study of NSHE Intercollegiate University Athletic Programs (Agenda Item #10) – The Committee recommended approval to direct the Chancellor to draft parameters of the study for consideration by the Committee. (Handouts on file in the Board Office.)

Chair Geddes stated one of the Committee goals is to hire a consultant and commission a study of NSHE Intercollegiate University Athletic Programs that would include the profiles of the MWC and Pacific-12 (Pac-12) conference.

Regent Wixom was not sure he had reached the conclusion the Pac-12 Conference is where the athletic programs should be going. Chair Geddes believed the intent of the study is to gather the data so the Committee can make an informed decision as to the direction they would like to move.

Regent Wixom moved approval to direct the Chancellor to draft parameters of the study for consideration by the Committee. Regent Page seconded.

Regent Melcher was concerned the Committee might be a little early in commissioning a study. He said there might be some early work done by the Committee to save on costs. He asked to see a proposal to include what valuable information the Committee and the institutions would like to see in the study. Chair Geddes stated if the Committee decided to commission a study the Committee would first determine those parameters.

Regent Leavitt stated with the daily changes in intercollegiate athletics, the Board must determine which direction they will move in. It is time to understand exactly what it will take to complete a conference change.

4. Approved - Commission Study of NSHE Intercollegiate University Athletic Programs (Agenda Item #10) – (Continued)

Regent Trevor Hayes stated the Committee did need to look at what it will take to be a part of other conferences. He believed the first round of information could definitely be done by staff since it was all public information.

Regent Melcher clarified he was not against a report, just that a lot of work could be done before hiring a consultant.

Motion carried.

5. Information Only - Discussion of Future Topics (Agenda Item #11) – Chair Geddes led a discussion on Committee topics for discussion by the Committee in the upcoming year.

Chair Geddes stated he would like to see the template for coaching and athletic director contracts come to the Committee for review.

Regent Wixom asked they receive the disaggregated data they requested earlier in the meeting as soon as possible so the Committee can decide how to move forward.

Regent Leavitt pointed out the aspirations of UNLV and UNR may be different or the same, but the Committee should know what they are and what resources it may take to achieve those aspirations.

6. Information Only - Litigation Involving the National Collegiate Athletic Association (NCAA) and Potential Congressional Involvement in Intercollegiate Athletics (Agenda Item #5) – Mr. Nick Vaskov, System Counsel, reviewed recent litigation involving the NCAA and its impact on intercollegiate athletics and potential Congressional involvement in the future landscape of intercollegiate athletics. (Ref. COA-5 on file in the Board office)

Vice Chancellor Nielsen reported the updated litigation outline is attached as reference material to the agenda. She noted System Counsel Vaskov will be working with the Committee and had provided this most current update to the litigation.

System Counsel Vaskov stated the reference material included a high level introduction to the litigation and the basis for the claims. The two most notable cases at the current time are the O'Bannon v. NCAA and the College Athletes Players Association (CAPA) v. National Labor Relations Board.

System Counsel Vaskov noted in the O'Bannon v. NCAA, about a year ago the District Court issued an injunction that told the NCAA they could no longer enforce the "no-pay rules" to prevent college athletes from receiving compensation. The ruling has been appealed by the NCAA and the injunction was set to go into effect this past August, which has been stayed pending the appeal.

6. Information Only - Litigation Involving the National Collegiate Athletic Association (NCAA) and Potential Congressional Involvement in Intercollegiate Athletics (Agenda Item #5) – (Continued)

Regent Wixom left the meeting.

System Counsel Vaskov noted the College Athletes Players Association (CAPA) v. National Labor Relations Board (the Northwestern Case) was an effort by the Northwestern football players to unionize all Football Bowl Subdivision (FBS) football players nationwide. The Chicago Office of the National Labor Relations Board (NLRB) initially granted the petition but on appeal to the full Board of the NLRB it was dismissed because of lack of jurisdiction.

Chancellor Klaich referred to the Kessler case (NCAA Athletic Scholarship Antitrust Litigation). System Counsel Vaskov stated it was a series of anti-trust cases that were consolidated because they are very similar to the O'Bannon matter, but no decision has been made on the merits of the matter.

7. Approved - Handbook Revision, Contracts for Athletic Coaches and Directors (Agenda Item #6) – The Committee recommended approval of the Handbook revision related to contracts for athletic coaches and directors. (Ref. COA-6 on file in the Board office).

Mr. Scott Young, Acting Chief of Staff, reported they had previously consolidated all athletic issues into a new Chapter 24 of the *Handbook*. Language related to coaching contracts was inadvertently not conformed in one provision of Title 4, Chapter 24, Section 1. This is a non-substantive revision. The revision also includes a cross reference to Title 2, Chapter 5, Section 5.4.2. relating to coaching contract provisions.

Regent Page moved approval of the *Handbook* revision related to contracts for athletic coaches and directors.  
Regent Leavitt seconded. Motion carried. Regent Wixom was absent.

8. Information Only - Athletic Coach and Director Hiring Practices (Agenda Item #7) – The Committee discussed Board policy governing the hiring of athletic coaches and athletic directors, use of standardized contract templates and institutional approaches to negotiating coaching contracts, including the possible use of outside counsel.

Chair Page stated he liked the idea about revising the template but he added that some do not follow the template completely.

Regent Crear noted coaching searches are done differently every time and there should be some standardized procedures to create some equity and inclusion in the process. Committees have been created that end up making recommendations from the Board, which he didn't think was appropriate. He asked to discuss the use of consultants. Regent Crear added it would be worthwhile to have someone in the Legal Department that understands athletic contracts.



8. Information Only - Athletic Coach and Director Hiring Practices (Agenda Item #7) – (Continued)

Regent Melcher thought standardizing the contract process and using outside counsel were good ideas. Regent Melcher asked to hear from the presidents and athletic directors at the next meeting about their feelings and ideas about the hiring process for coaches and athletic directors.

Vice Chancellor Nielsen stated she will be bringing the contract template in completed form to the next meeting. They will meet with the athletic directors to get agreement on the clauses of the template, and at the same time, provide a set of guidelines for the institutions to follow when negotiating the contracts. Vice Chancellor Nielsen thought that once the Committee saw the template with the set of guidelines it might well answer a lot of the issues that have been of concern.

Regent Leavitt looked forward to the template and guidelines. He hoped the Committee recognized flexibility was needed in contract negotiations.

Chair Geddes stated the template with a proposal of the parameters that can and cannot be negotiated will come forward at the next meeting.

9. Information Only - Intercollegiate Athletics: Aspects of Title IX Compliance – Cost of Attendance Athletic Scholarships (Agenda Item #8) – The Committee discussed aspects of Title IX compliance costs at the institutions with respect to cost of attendance athletic scholarships and the proposed methods to implement cost of attendance athletic scholarships.

Vice Chancellor Nielsen stated this item is in response to the universities' plans to move toward possible full cost of attendance scholarships. In reviewing the materials on this subject she saw it comes down to money and making sure scholarships are awarded in a proportional manner.

Regent Sam Lieberman left the meeting.

President Johnson stated it was not just about money, but also about principle. Athletic Director Knuth stated whatever amount of dollars they have to spend will be spent evenly among the women's and men's sides. UNR has built their cost of attendance scholarships based on that principle to make sure everything is equal.

Athletic Director Kunzer-Murphy stated UNLV fundraised this year to provide full cost of attendance to the men's basketball team. UNLV also was able to go out and find additional money to be given to the women's basketball team.

Chair Geddes asked if there was a movement by the NCAA to make it a more standardized process. Vice Chancellor Nielsen stated it was different for every locale and is based on the local economic factors so it varies widely. President Johnson added the Financial Aid Office makes the calculations because it is used for other scholarships as well. The athletic cost of attendance is the same amount for other students on the campus.

9. Information Only - Intercollegiate Athletics: Aspects of Title IX Compliance – Cost of Attendance Athletic Scholarships (Agenda Item #8) – (Continued)

President Johnson stated this is a big financial issue. He has asked his athletic director to be competitive, but make it more affordable. He has come up with the principle that the cost of athletic attendance is a differential of \$3,600. UNR teams have also been given a budget equivalent to \$3,600 multiplied by the number of scholarships and then they let the coaches determine which players and in what amounts receive the money.

Chair Page left the meeting.

Vice Chancellor Nielsen stated there is flexibility built in how they reach compliance. It is fairly complicated and there are different ways to accomplish.

10. Information Only - Sportsmanship at Athletic Events (Agenda Item #9) – The Committee discussed ways to foster sportsmanship among athletes, coaching staff and fans at athletic events, with particular focus on NSHE rivalry events.

Regent Melcher stated it was always good to focus on sportsmanship. He thought UNR and UNLV had worked together to try and focus on sportsmanship and encouraged them to continue.

President Johnson stated the two presidents have agreed to do pre-game joint messaging with the Athletics Department, Communications Department and students.

11. Information Only - New Business (Agenda Item #12) – None.

12. Information Only - Public Comment (Agenda Item #13) – None.

The meeting adjourned at 1:10 p.m.

Prepared by: Angela Palmer  
Special Assistant & Coordinator  
to the Board of Regents

Submitted for approval by: R. Scott Young  
Acting Chief of Staff to the Board of Regents