

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

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

Section 1. Policies Concerning NSHE Intercollegiate Athletics

The Board of Regents encourages the development of intercollegiate athletic programs at the NSHE institutions consistent with their institutional mission and goals. The goal of the NSHE shall be to provide for student competition in intercollegiate sports appropriate to the universities, colleges and their conferences, to fiscal resources available, and to sound standards of student academic performance. Every intercollegiate athletic program shall comply with all applicable rules and regulations of the National Collegiate Athletic Association (NCAA), the National Junior College Athletic Association (NJCAA) and other organizations and conferences in which each is member.

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

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

- A. In recognition of the importance of academics in maintaining the integrity of athletic programs, the universities and colleges will emphasize and ensure progress towards graduation by establishing and enforcing academic standards and developing a support system to increase the academic success of student-athletics;
- B. An Intercollegiate Athletic Council (IAC), organized in conformity with NCAA or NJCAA rules and regulations, as applicable, shall be established and maintained by each university and every college engaged in Intercollegiate Athletics. The IAC will serve as an advisory committee reporting to the institution president;
- C. Each director of athletics and all coaches recognize the necessity for funding for athletic programs and the necessity to assist in this process. Funding for athletics may be provided by both public and private sources. Each institution shall be responsible for the proper disclosure, accounting, control and administration of all funds; and

D. Each institution is accountable to the Board of Regents, as it is the Board of Regents which maintains the ultimate responsibility for all contractual obligations and implementation of the goals contained in the Intercollegiate Athletics Policies and Mission Statement.

1. Board of Regents Oversight.

a. The Board of Regents carries out its responsibility for oversight of all NSHE Intercollegiate Athletics through the institutional presidents and through periodic reports *set forth in this Chapter 24 or as otherwise* specified by the Board.

~~[b. — On recommendation of the president, the Board shall review and approve the initial contracts of all directors of athletics regardless of contract term or salary on hire. Upon the hiring of a new head coach of football or men’s and women’s basketball, the president of an institution may authorize the new coach, upon conditions established by the president, to select the assistant coaches who will join the head coach upon hire. Thereafter, assistant coach positions will be filled through the normal search process. In making these initial appointments, the institution shall be guided by Board policies pertaining to equal opportunity and diversity. The appointment of assistant coaches in this manner will be reported to the chancellor and Board annually but will be deemed exempt from the search waiver requirements under Title 4, Chapter 8.]~~

~~[c. — The Board of Regents and individual Regents shall not be involved in the search process for directors of athletics or coaches. Board members may refer the name of a potential candidate in writing to the chancellor who in turn shall provide the referral in writing to the president. However, Board members shall not endorse or formally nominate a candidate, and shall not serve formally or informally on search committees or attempt to influence the search process in any manner.]~~

~~[d. — The policies of the Board on hiring and affirmative action shall be followed in all personnel decisions, including initial hires and promotions, within the intercollegiate athletic programs. Employment contracts for athletic coaches and directors are governed by Title 2, Chapter 5, Section 5.4.2(e) & (f).]~~

b[e]. Any change by an NSHE institution in its athletic conference membership requiring an NSHE institution to vote on approval shall be approved by the Board on recommendation of the president and chancellor with full consideration of all factors to include student competition in intercollegiate sports appropriate to the institution, fiscal resources available, and sound standards of student academic performance.

c[f]. The Board and each president shall ensure that standards of accountability and benchmarks against which to measure the success of each institution’s Intercollegiate Athletics programs are established and reported annually to the Board.

2. Institutional Control.

- a. The Board of Regents charges the institution and the president of each institution with the responsibility for the conduct and control of intercollegiate programs and activities. The president is accountable for exercising ultimate responsibility for the conduct and control of the Athletics Department, including all personnel decisions (hiring, firing and compensation), corporate partnerships, television contracts, booster clubs, and affiliated organizations, including its private fundraising efforts.
- b. Each institution and its employees shall comply with all applicable rules and regulations of the NCAA, the NJCAA and other organizations and athletics conferences in which each is a member. Each institution shall regularly engage in self-study, which monitors Intercollegiate Athletics programs to assure compliance with such rules. Each institution shall identify, and report to the appropriate organization, instances in which compliance has not been achieved. Each institution will cooperate fully with the NCAA, the NJCAA and athletic conferences, as applicable, in investigating instances of noncompliance and will promptly take appropriate disciplinary and remedial action.

~~[e. — To assist in assuring institutional control over Intercollegiate Athletics programs, member institutions shall not make new joint appointments to the positions of director of intercollegiate athletics and coach of an intercollegiate sports program.]~~

- ~~c[d].~~ Compliance programs will be enforced by a compliance officer who shall report to, and serve within the office of the president of each institution. ~~[In carrying out these responsibilities, the president shall also be assisted by the Intercollegiate Athletic Board.]~~ Institutions are encouraged to impose more stringent policies and rules when, in the judgment of the institution, such policies and rules are necessary.

3. Academic and Athletic Standards.

- a. Intercollegiate Athletics programs shall be an integral part of the educational program of each institution and student-athletes shall be an integral part of each student body. Policies and standards concerning the admission, academic standing and academic progress of student-athletes shall be consistent with policies and

standards adopted for each student body generally. Each institution must establish policies concerning class time, assignments, tests and final examinations that are missed by student-athletes due to participation in officially sponsored intercollegiate athletic events.

- b. Student-athletes are representatives of the institution. Student-athletes shall **comport**~~deport~~ themselves with honesty and good sportsmanship, in compliance with all applicable NCAA, NJCAA, conference, and university rules and regulations, as applicable, and in accordance with all such rules and laws regulating gaming. Their behavior shall reflect the high standards of honor and dignity that characterize participation in intercollegiate activities.
- c. Minimum Academic Requirements for Continuing Eligibility of Student Athletes. Students enrolled in any NSHE institution must meet all applicable NCAA or NJCAA academic requirements, as applicable, to be eligible for intercollegiate competition, as well as any additional academic requirements established by the institution.

4. Review of Intercollegiate Programs. The institution shall be responsible for reviewing and evaluating, on a regular basis ~~[approved by the Board of Regents,]~~ financial, academic, and managerial aspects of the athletics program. All expenditures for or on behalf of an institution that is a Division I member of the NCAA, including expenditures made by any outside organization, agency, or group, shall be subject to an annual financial audit, in addition to regular audits, in a form approved by the NCAA, conducted for the institution by a qualified auditor who is not a staff member of the institution and who is selected either by the institution's president or by an institutional administrator from outside the Department of Intercollegiate Athletics **designated**~~designed~~ by the president. Corresponding provisions shall apply to an NJCAA institution member.

5. Fiscal and Budgetary Control. The ~~[institution]~~ **president** shall be responsible for the proper accounting and administration of all funds, services, and gifts in-kind received and expended on Intercollegiate Athletics.

a. Gifts

All gifts must be accepted and approved by the Board of Regents in compliance with the provisions of Title 4, Chapter 10, Section 9 of the Board of Regents Handbook. The use of gift monies accepted and approved by the Board on behalf of the Athletic Department will be determined by the institutional president and athletic director, with the exception of gifts specifically restricted by the donor.

b. Interest Income

The use of interest income generated from surplus operating capital of the Athletic Department will be determined by the institutional president and athletic director.

c. Compensation

Compensation to athletic department personnel shall be approved by the president and awarded through proper institutional channels. Employees receiving compensation for outside professional services will comply with provisions of Title 4, Chapter 3 of the Board of Regents' Handbook. The contracts of coaches in Departments of Intercollegiate Athletics shall provide that coaches found by the institution to have committed violations of NCAA or NJCAA rules, as applicable, will be subject to actions as provided by NCAA or NJCAA enforcement provisions. Contracts shall also provide that all coaches, full-time and part-time, must report annually to the institution all athletically related income.

d. Revenue

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

e. **Balanced** Budget [~~Revisions~~]

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

Regents to determine the extent to which the athletic department budget is self-sustaining – i.e. relies on Internal Revenues to balance expenditures. To the extent that the athletic department budget is not self-sustaining, the Balanced Budget Statement shall include a detailed plan to achieve a self-sustaining athletic department budget in future years. The president shall be held responsible by the Board of Regents for the Balance Budget Statement and the plan to achieve a self-sustaining athletic budget, and failure to comply shall be cause for disciplinary action against the president.

f. Boosters

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

(2) As a condition of the purchase of season tickets or other admissions to the institution's Intercollegiate Athletics events, or as a condition of membership in booster clubs, all individuals or groups representing each institution's athletics interests, i.e., boosters, are expected and required to cooperate fully in the institution's efforts to comply with NCAA, NJCAA and conference bylaws, rules and regulations, as applicable, including without limitation cooperating fully in all investigations of possible violations of such rules. Any individual or group found to have committed violations of NCAA, NJCAA or conference rules and regulations, as applicable, or failing to cooperate fully in the institution's compliance efforts shall be subject to disassociation from the institution's athletics interests and immediate termination of all further participation in the institution's athletics programs, including without limitation the purchase of season tickets or other admissions to the institution's athletics events or the revocation or cancellation of the purchase of season tickets or other admissions to the institution's athletics events. If the purchase of season tickets or other admissions to the institution's athletics events is revoked or canceled, the purchase price paid for any unused tickets or admissions shall be repaid to the purchaser.

6. Student Participation.

- a. Participation in all men's and women's sports shall be encouraged for all students with the interest and ability. Each institution shall make a commitment to provide equitable financial and managerial support for programs of quality in sports for both men and women and in both revenue and non-revenue producing categories.
- b. The institutions are encouraged to recruit student athletes within the state of Nevada and seek their participation in intercollegiate sports.

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

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

9. Board of Regents Reports.

- a. At the first regular Board meeting after the beginning of each new fiscal year, the Board shall conduct a complete review of the athletic budget, including state and non-state sources, of each institution participating in intercollegiate athletics, including the amount of institutional support for each revenue-generating sport. The Board shall also review each such institution's athletic mission statement, five year plan and the annual report of any assistant coaches hired pursuant to this Section. The Board shall also review conference, NCAA and NJCAA rules.
- b. During that same meeting, the Board shall review reports on the following issues:
 - i. Information on the number of special admissions for student-athletes compared with the rest of the student body, declared majors of student-athletes and graduation rates of athletes;
 - ii. Information regarding the extent to which, financial or otherwise, each institution subsidizes intercollegiate athletics with gifts, sponsorships, allocated revenues or dedicated student fees and how the growth of these sources compares with the overall growth of institutional expenditures;
 - iii. ***To evaluate the internal controls of the respective athletics department if an audit or periodic risk assessment was conducted by NSHE internal audit staff during the previous year; and [If conducted during the previous year, a periodic risk assessment, as determined by the Board,***

~~conducted by the NSHE internal audit staff to evaluate the internal controls of the respective athletics departments; and]~~

- iv. Intercollegiate athletic related capital expenditures from all sources, including but not limited to, gifts, state Capital Improvement Projects and bonds, and the level of athletic department reserves.
- c. The Board shall review the following reports, or any successor reports, as they are prepared throughout the year:
- i. The annual Equity in Athletics Disclosure Act report to the United States Department of Education filed on or about October 15th;
 - ii. The annual Statement of Revenues and Expenditures filed with the NCAA on or about January 31st;
 - iii. The annual summary of self-reported and other reported Level 3 and 4 violations and corrective actions, along with conference and NCAA responses filed on or about July 15th;
 - iv. All reports of Level 1 and 2 violations when they occur, with follow-up communications on conference and NCAA actions; and
 - v. Any corresponding NJCAA reports

10. Athletic Directors and Coaches.

- a. ***Athletic directors. Institution presidents may appoint an athletic director and, subject to the requirements of this subsection 10, are authorized to execute an employment contract related to such appointment. Institution presidents shall not make joint appointments to the position of athletic director and the athletic director shall at all times report directly to the institution president. The institution president shall negotiate the employment contract for the appointed athletic director with the assistance of institution counsel. The institution president may authorize the athletic director to appoint certain assistant athletic directors or other personnel necessary to the operation of the athletic department upon such conditions that may be established for the hiring of such personnel and subject to any all applicable requirements of this Handbook, including without limitation, those related to equal opportunity and diversity.***
- b. ***Athletic Coaches. Subject to any applicable institution policies, athletic directors may appoint and execute employment contracts for head athletic coaches and assistant athletic coaches provided the contract: (a) does not exceed twelve (12) months in length (including any option periods), and (b) does not exceed \$200,000.00 in total compensation (collectively the “AD Threshold”). Institution presidents shall appoint and are exclusively authorized to execute employment contracts for all head athletic coaches and assistant coaches that exceed the AD Theshold. For purposes of the AD Threshold, “total compensation” does not include standard fringe benefits available to all NSHE employees including but not limited to retirement***

contributions, insurance, travel, out-of-pocket expense reimbursement, annual and sick leave, and outside income from sources including but not limited to commercial endorsements of products and services, income from written and video materials, summer camps or apparel and equipment endorsements. The institution president or athletic director shall negotiate head coach employment contracts with the assistance of institution counsel. The institution president or athletic director may authorize head athletic coaches to appoint certain assistant coaches or other personnel necessary to the operation of that sport upon such conditions as may be establish for and the hiring of such personnel. The hiring of all athletic personnel shall be subject to all applicable requirements of this Handbook, including without limitation, those related to equal opportunity and diversity.

- c. *Certifications and Disclosures. At the time an employment contract for an athletic director or head athletic coach is executed, the institution president shall certify that:*

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

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

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

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

The institution president shall provide the Contract Certification and the Funds Disclosure to the Chancellor and the Chief of Staff of the Board of Regents within twenty four (24) hours after the execution of any employment contract for an athletic director or head athletic coach. The president shall be held personally responsible by the Board of Regents regarding the Contract Certification and Funds Disclosure, and any failure to comply shall be cause for disciplinary action against the president.

- d. *Form of Employment Contract. In negotiating any employment contract for an athletic director, head athletic coach, or other athletic personnel, the institution*

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

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