

BOARD OF REGENTS
BRIEFING PAPER

1. Agenda Item Title: HANDBOOK REVISION, and to require certain athletic department financials presented on an annual basis for Board review. Appraisal of the current handbook Chapter 10, Section 25(1) (c) stating how a Regent may refer a matter to a committee or coach. If approved, this provision will become a part of the handbook.

provisions of Section 25(1)(c).

4. IMPETUS (WHY NOW?):

The tragic events at Penn State University and the recent problems which occurred at the Rutgers University men's basketball program and the University of Oregon football program coupled with AGB best practices recommendations, demonstrate the need for enhanced Board athletic oversight will help avoid the possibility of similar situations with NSHE programs and will maintain public confidence in the safety and integrity of NSHE intercollegiate athletics.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- x Intercollegiate athletic programs provide many positive benefits but are subject to certain problems if Board governance is insufficient.
- x NJCAA institutions should specifically be included in appropriate athletic oversight provisions.
- x Best practices for intercollegiate athletics involve delegation of broad authority to institutional presidents coupled with accountability through informed Board oversight

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

Existing Board oversight is sufficient to prevent abuse. Too much Board time and attention is already devoted to athletics, which should only be an appendage to the primary mission of higher education institutions.

POLICY PROPOSAL - *HANDBOOK*

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

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.**
- 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, 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 ~~the~~ 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 designed by the president. Corresponding provisions shall apply to an NJCAA institution member.*

5. 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, 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-

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 the institution.*



- b. The Director of the Department of Intercollegiate Athletics must approve all trade-outs.***
- 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.***
- 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.***
- e. No trade-out will be initiated without prior knowledge and approval of the Director of the Department of Intercollegiate Athletics.***
- 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.***
- 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.***
- h. Trade-outs, which involve print advertising, are subject to the same process as ticket trade-outs.***

- 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.*
- 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.*

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. *All trade-out agreements must be approved by the Director of Athletics or his designee in his absence.*
- c. *All trade-out agreements must be in accordance with NCAA, University and ICA policies, rules, and regulations.*
- 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.*
- 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.*
- f. *Trade-out agreements will be approved where the value received by ICA is of equal or greater value.*
- 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.*
- h. *All trade-out agreements are to be in compliance with the Internal Revenue Code, Section 132, and therefore construed to be tax exempt.*
- i. *This policy may not be amended without written approval of the Director of Athletics.*

Section 4. 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 NSHE; 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 the Director's designee.**

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 NSHE; 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 the Director's designee.**

Section 5 Student Athlete Responsibilities

Students of an institution of the NSHE who choose to participate in the institution's intercollegiate athletic program are considered to be representatives of the institution, and are in a position of high visibility to the community and therefore are often held to a higher standard of responsibility than nonathletes. Such students must accept the following responsibilities:

- 1. In addition to meeting academic sta***

- 9. Student athletes must comply with the rules, regulations, and guidelines established by the athletic department, the institution, the NSHE, the regional athletic conference, and the NCAA or NJCAA, as applicable.**
- 10. Any violation of the above standards of conduct may result in suspension or dismissal from the athletic program or other disciplinary action as set forth by the Athletic Department, the institution, the NSHE, the regional athletic conference of the NCAA or NJCAA, as applicable.**

POLICY PROPOSAL - HANDBOOK
TITLE 4, CHAPTER 10, SECTIONS 25-28
NSHE Intercollegiate Athletics

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

DELETE SECTIONS 25-28

[~~Section 25. Policies Concerning NSHE Intercollegiate Athletics~~]

~~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.~~

~~e. 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 NSHE institinges20 0 12oaers 2t[(a)6ntk1 ii94t6(er)-1(s)-~~

- 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 investigating 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~~

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

~~[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 for example advertising, club memberships, sponsorships, tickets to athletic events, etc.~~
- ~~b. The Director of the Department of Intercollegiate Athletics must approve all trade-outs.~~
- ~~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.~~
- ~~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.~~
- ~~e. No trade-out will be initiated without prior knowledge and approval of the Director of the Department of Intercollegiate Athletics.~~
- ~~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.~~
- ~~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.~~
- ~~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.~~
- ~~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.~~
- ~~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.~~
- ~~k. Trade-outs will be approved only if they are in the best interest of the Department of Intercollegiate Athletics.~~

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- b. Any distribution of complimentary tickets shall be in compliance with federal and state statutes and regulations; the Code, policies and procedures of the NSHE; 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 the Director's designee.

(B/R 3/06)

RENUMBER TITLE 4, CHAPTER 10, SECTIONS 29-34 AS SECTIONS 25-30.

POLICY PROPOSAL - HANDBOOK
TITLE 4, CHAPTER 20, SECTION 6
Student Athlete Responsibilities

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

DELETE SECTION 6

[Section 6. — Student Athlete Responsibilities

Students of an institution of the NSHE who choose to participate in the institution's intercollegiate athletic program are considered to be representatives of the institution, and are in a position of high 12 7-2(t)-2(i)-2nh 14.04 0 0 14.0Tc 0 Tw 8.72 0 Td ()JTJ u 0 Tw 8.w 12 0 0 12 72 510 Tm

- ~~— b. Provide information concerning athletic competition to individuals involved in organized gambling activity; or~~
- ~~— c. Wager on, solicit or accept a bet on any intercollegiate team.~~
- ~~8. Student athletes must comply with Nevada state law that prohibits any person who has not reached the age of 21 years from buying alcoholic beverages or consuming alcoholic beverages in premises where such beverages are sold.~~
- ~~9. Student athletes must comply with the rules, regulations, and guidelines established by the athletic department, the institution, the NSHE, the regional athletic conference, and the NCAA.~~
- ~~10. Any violation of the above standards of conduct may result in suspension or dismissal from the athletic program or other disciplinary action as set forth by the Athletic Department, the institution, the NSHE, the regional athletic conference of the NCAA].~~

RENUMBER SECTION 7 AS SECTION 6