

BOARD OF REGENTS
BRIEFING PAPER

1. Agenda Item Title: CODE REVISION, ATHLETIC DIRECTOR AND COACH
CONTRACT PROCEDURES

Meeting Date: September 5, 2013

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

At the April 19, 2013, Special Meeting of the Board, the Regents requested a proposal be brought forward existing policies regarding approval of coaching contracts to only require contracts that exceed three years such contracts on behalf of the institutional president and to further require the president to approve the form of the contract prior to the contract becoming effective.

The background to consideration of revising the coaching oversight provisions is in the "Crowley study". In June 2011, an eight member ad hoc committee was formed at the request of Chancellor Daniel J. Klaidt 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. One of the findings of the Crowley Study was expressed in this language:

The committee is concerned that, as a governing 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 Crowley study recommended relieving the Board of the burden of reviewing contracts below certain monetary and length thresholds and instead assigning to the presidents the authority for these contracts, with a requirement for regular reporting to the Board by the presidents through the chancellor. The Board adopted the Crowley recommendations. However, in recent meetings, some Board members have expressed concern that the Board is still burdened by review of some athletic contracts beyond the scope of the Crowley study revisions.

Additionally, recent Association of Governing Boards of Universities and Colleges best practice recommendations have emphasized the importance of involving institutional counsel in contract negotiations especially because of the growing practice of multi-year contracts and the so-called "arms race" in contract amounts.

At the June 6, 2013, meeting of the Board of Regents, the Board considered a proposal to revise existing policies regarding approval of coaching contracts based upon the Board's discussion at the April 19, 2013 meeting. Additionally, there was discussion about the proper role and scope of Board approval of athletic contracts and the extent to which, if any, the Board should limit its review process to contract terms as opposed to reviewing general athletic oversight policies during review. Elements would be considered part of the term "salary" and the desire for a more precise definition

included in the term "perquisites." The revised proposal also presents several decision units to address c

expressed during the June meeting about the proposed level of involvement of institutional counsel and the role of the Vice Chancellor for Legal Affairs in contract negotiation and preparation. Additionally, the revision addresses some issues surrounding the appropriate scope of Board contract review and the extent to which it should or should

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

Current delegation of authority over athletic policies adequately balances the need for institutional latitude Board oversight. Raising the contract amount threshold to \$1.2 million and eliminating Board approval of head football coach and men's and women's head basketball coach contracts will reduce Board oversight too much in important athletic program positions. As to the contract negotiation process, institutional presidents can currently avail themselves of assistance from counsel whenever a president desires counsel's participation.

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

5. Continued Board approval of certain extended head coaching contracts, all contracts above the \$1,200,000 threshold and all AD contracts

Second Decision Unit

(f-1)

REFERENCE BOR 19 – SEPTEMBER 5-6, 2013:
CODE REVISION, ATHLETIC DIRECTOR AND COACH CONTRACT PROCEDURES

The Board of Regents approved the *Handbook* amendment presented in Ref. BOR 19 as follows:

- x First decision unit:** Approved as presented;
- x Second decision unit:** Approved (f3);
- x Third decision unit:** Approved neither (g1) nor (g2); and
- x Fourth decision unit:** Approved as presented.