

BOARD OF REGENTS
BRIEFING PAPER

1. Agenda Item Title: Policy Proposal – athletic department annual reports and approve of employment agreements for athletic department personnel; including head athletic coaches and athletic directors.
- Meeting Date: June 1, 2017 meeting of the Committee on Athletics

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

In September of 2016 the Board approved a new policy authorizing institution presidents to approve all employment agreements for athletic department personnel – including head athletic coaches and athletic directors. That policy is codified in Title 4, Chapter 24, Section 1, Subsections 9 and 10 of the *Handbook*.

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

Take no action or provide other direction to System and institutional staff.

8.

POLICY PROPOSAL - HANDBOOK
TITLE 4, CHAPTER 24, SECTIONS 1 – Policies Concerning NSHE
Intercollegiate Athletics

Making certain revisions to subsection 10 (Athletic Directors and Coaches).

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

9. Board of Regents Reports

- vi. **A summary of the fundraising activities of the department for the previous year;**
- vii. **An accounting of the any donor or third-party funds included in any Funds Disclosure issued pursuant to Section 1.10.d of this Chapter but not received by the institution.**

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 and all applicable requirements and policies established by the institution and the Board, including without limitation, those related to equal opportunity and diversity.

b. Athletic Coaches. If authorized by the institution President, athletic directors may appoint and execute employment contracts for head athletic coaches and assistant athletic coaches provided the contract: (a) does not exceed twenty-four (24) months in length (including any option periods); and (b) does not exceed \$200,000.00 in total compensation per year (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 Threshold. 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

current employee that exceeds the AD Threshold. The President shall be held personally responsible by the Board of Regents **for the accuracy of the [regarding the] Contract Certification, Funds Disclosure, and the Diversity Report, and any failure to comply with requirements related to those documents** shall be cause for disciplinary action against the President.

g[d]. Form of Employment Contract. In negotiating any employment contract for an athletic director or athletic coach, 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, provide a copy of the **signed employment contract and contract checklist to the Chancellor and Chief of Staff of the Board of Regents. No public announcement or confirmation of hiring may be made by the institution until the signed employment contract and contract checklist is provided to the Chancellor and Chief of Staff. In addition, the prospective athletic director or coach shall not undertake or assume any activities or duties of the position until he or she has executed the employment contract.**

h[e]. No Involvement in Search Process. The Board and individual Regents shall not be involved