

Oklahoma State University Policy and Procedures

EMPLOYMENT OF OSU ATHLETICS EXEMPT STAFF AND INTERCOLLEGIATE COACHES	1-0401 GENERAL UNIVERSITY April 2020
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PURPOSE AND INTENT

1.01 Oklahoma State University (OSU) is committed to fairness and equity in its employment relationships with exempt staff employees within OSU Athletics. It is recognized, however, OSU Athletics is a unique enterprise of the University, distinct in many ways from any other administrative unit of the University, and such distinctness in some areas requires individualized treatment. Accordingly, this policy is adopted to formalize employment standards applicable to exempt staff employees of OSU Athletics.

1.02 The terms and conditions of employment of all exempt staff employees of the OSU Athletics are controlled by this policy. The provisions of this Policy and Procedures letter are intended to supersede and control over any contradictory statements which might be contained in any other University employment policies, handbooks, procedures letters, or other documents generally applicable to exempt staff personnel. Such documents specifically include, but are not limited to, OSU Policy and Procedures Nos. 3-0721, 3-0713, 3-0720, 3-0711, 3-0726, 3-0732, 3-0740, 3-0741, and 3-0746.

1.03 The term “exempt staff employees of OSU Athletics,” as used throughout this policy, also includes the Senior Associate Director for NCAA Compliance.

TERMS OF EMPLOYMENT

2.01 Effective January 1, 1998, all exempt staff employees of OSU Athletics are employed on an annual, year-to-year basis, as further conditioned in this Policy and Procedures letter.

- A. All exempt staff employees shall be considered contract employees with an initial term starting on the date of initial employment and ending at the end of the usual annual term set forth in this policy. Thereafter, such employee, if renewed, shall be employed on an annual basis as set forth in this policy.

(Ex: An assistant football coach initially hired on May 1, 2010, would have an initial contractual term with the University extending from May 1, 2010, through January 31, 2011. Thereafter, the employee, if renewed, would work on a full twelve-month contract.)

- B. All exempt staff employees of OSU Athletics are employed on one-year terms, such terms to run from July 1 through June 30 of the following year, with the exception of coaches and staff noted in 2.01(C).

- C. Due to the competition season, all coaches and exempt support staff (director of operations, player development, recruiting coordinators, etc.) shall be employed on the below one-year terms.
1. Football: February 1 through January 31
 2. Women's Soccer: February 1 through January 31
 3. Baseball and Softball: August 1 through July 31
 4. Men's and Women's Golf: August 1 through July 31
 5. Men's and Women's XC/T&F: August 1 through July 31
- D. This policy does not apply to graduate assistant coaches. Such employees are retained on such terms and conditions as authorized by the Director of Intercollegiate Athletics.

2.02 Exempt staff employees of OSU Athletics are not guaranteed any employment after the end of any applicable annual term. Such employees have no contractual right to reappointment for any period of time beyond the expiration date of the employment term, nor of continued employment, and no expectations of reappointment are conferred by this policy or should be expected by such employees. No property or contractual interests in future employment are intended to be extended to employees whose employment relationships with the University are governed by this Policy and Procedures letter and no oral statements by any University official which are contradictory to the provisions of this Policy and Procedures letter are enforceable. Neither this policy nor any person's employment hereunder shall in any way grant such employee a claim to tenure in employment, or to any years of employment attributable to tenure within the University.

2.03 Notwithstanding the statements contained within Paragraph 2.01, above, exempt staff employees of OSU Athletics, with formal approval by the President, may be extended contractual relationships with the University which extend for more than one annual term, subject to applicable budget balancing restraints imposed by the Oklahoma Constitution. It is intended that such agreements normally will be limited to head coaches of intercollegiate athletic teams, assistant football coaches, the Director of Intercollegiate Athletics, and any other assistant coaches determined by the Director of Intercollegiate Athletics. Any such agreements must be reduced to writing, all terms and conditions of the agreement must be contained in such writing, and all such agreements must be formally executed by the President in order to be enforceable. Oral representations not reflected in a written employment contract shall not be effective or enforceable against the University. Any exempt staff employee who is extended a multi-year contract has property and contractual rights only through the stated expiration date of the contract and shall have no property interests or expectations to future reappointment. Specific written contractual agreements as authorized here may contain clauses and conditions which differ from the general policies of this Policy and Procedures letter or other University policies.

2.04 Employment relationships of exempt staff employees of OSU Athletics may be separated at the end of their employment term without any reason or cause and the University is not obligated to express any reason or cause if a decision is made not to reappoint any such employee. Such employees have no right of grievance or appeal from such decisions.

2.05 OSU Athletics must operate in a financial environment which balances its revenues and expenses. In the event OSU Athletics' annual budget is negatively impacted after the date of renewal set forth in Paragraph 2.01, the Director of Intercollegiate Athletics shall have discretion to alter the terms of an exempt employee's employment terms on the terms and conditions which the Director of Intercollegiate Athletics deems appropriate. Such alterations may include, but are not limited to, reduction in salary, furloughs, and layoffs resulting in termination. The determination of whether OSU Athletics' annual budget has been negatively impacted will be made by the Director of Intercollegiate Athletics. To the extent possible, the Director of Intercollegiate Athletics will use his or her best efforts to notify impacted employees in advance of any such alterations. In the event an exempt employee's terms of employment are altered under this Paragraph 2.05, the employee shall have no right to a hearing or grievance proceeding.

2.06 The Director of Intercollegiate Athletics, at least thirty (30) days prior to the end of any applicable employment contract period (whether same is a one-year term or a multi-year term), may end the employment relationship of any exempt staff employee without particular cause or reason by giving written notice to the employee of the employee's non-reappointment. In instances where the University sponsors an intercollegiate athletic sport and employs both a head coach and one or more assistant coaches and exempt staff in a sport, the Director of Intercollegiate Athletics or the respective head coach may end the employment relationship of any assistant coach or exempt staff working under the supervision of the head coach by giving such written notice. In such event, the affected employee's employment shall end on the last day of the then-current employment term. Such employees shall receive all payments that they are entitled to on separation (such as for accrued, unused annual leave as otherwise authorized under general University employment policies). Such payment shall be made in a single payment, less usual payroll deductions.

EVALUATIONS, SALARY DETERMINATIONS, AND BENEFITS

3.01 Exempt staff employees of OSU Athletics shall be evaluated annually for the purpose of assisting the Director of Intercollegiate Athletics in making salary recommendations in the event of reappointment of such employees. Such evaluations shall be implemented in a manner determined by the Director of Intercollegiate Athletics, approved by the President and not controlled by any other University policy statement. Such evaluations do not extend to any affected employee any expectation of continued employment or increase in compensation.

3.02 Salaries of exempt staff employees of OSU Athletics are not subject to the University's salary plan. Salary levels are to be determined through resource availability, market value, merit, and the department's Mission Statement. OSU Athletics is expected to operate in a financial environment which balances its revenues and expenses. In the event OSU Athletics' annual budget is negatively impacted as determined by the Director of Intercollegiate Athletics, the salary and other benefits of exempt staff employees may be altered pursuant to Paragraph 2.05, regardless of any other provision in this Policy and Procedures letter.

3.03 Compensation paid to exempt staff employees shall be subject to the same payroll deductions (for example, state and federal taxes, F.I.C.A. withholding, and retirement plans) generally applied to University exempt staff employees. Such employees shall be eligible to

participate in group insurance, retirement programs and voluntary payroll deduction programs on the same basis, and with the same employer contributions, generally applied to exempt staff employees of OSU Athletics.

3.04 Exempt staff employees of OSU Athletics shall be entitled to reimbursement for transportation and per diem expenses at the maximum rate authorized by law and University regulations.

3.05 Exempt staff employees shall be entitled to annual vacation or leave time and sick leave in accordance with University policies governing exempt staff employees.

POLICY COMPLIANCE AND DISCIPLINARY ACTIONS

4.01 Exempt staff employees of OSU Athletics shall recognize and comply with the policies, rules, and regulations of and governing Oklahoma State University and its employees, the rules of the Big Twelve Conference, and the rules of the National Collegiate Athletic Association (NCAA), as now constituted or as any of the same may be amended in the future. Head coaches shall use best efforts to ensure that all assistant coaches or any other employees, for whom they are administratively responsible, abide by and comply with NCAA and other governing athletic rules and University policy. To ensure consistency with NCAA bylaws, employees must provide to the University annually, in accordance with OSU Athletics' rules and procedures, an account of all athletically-related income and benefits received from sources outside University.

4.02 Exempt staff employees of OSU Athletics shall conduct themselves with due regard to public convention and morals, shall not do any act that will tend to degrade them in society or bring them into public hatred, contempt, scorn, or ridicule, or will tend to shock, or insult the community, or offend public morals or decency, and shall not do any act which tends to impair their capacity to fully comply with their obligations as employees of OSU Athletics and the University. Failure to do so constitutes a basis for termination for cause or other disciplinary action by the Director of Intercollegiate Athletics. All employees of OSU Athletics must cooperate fully in the infractions process, including the investigation and adjudication of a case. Full cooperation includes, but is not limited to: (a) affirmatively reporting instances of noncompliance to the NCAA in a timely manner and assisting in developing full information to determine whether a possible violation has occurred and the details thereof; (b) timely participation in interviews and providing complete and truthful responses; (c) making a full and complete disclosure of relevant information, including timely production of materials or information requested, and in the format requested; (d) disclosing and providing access to all electronic devices used in any way for business purposes; (e) providing access to all social media, messaging and other applications that are or may be relevant to the investigation; and (f) preserving the integrity of an investigation and abiding by all applicable confidentiality rules and instructions. An individual found in violation of NCAA regulations shall be subject to disciplinary or corrective action as set forth in the provisions of the NCAA infractions process (see Bylaw 19), including suspension without pay or termination of employment.

4.03 Exempt staff employees may not personally, or through any agent, actively seek, negotiate for, or accept other full-time or part-time employment of any nature during the term of

their employment, without first having obtained the permission of the Director of Intercollegiate Athletics. Such employees may not accept employment, under any circumstances, at any institution of higher education which is a member of the NCAA, or for any team participating in any professional league or conference in the United States or elsewhere, requiring performance of duties prior to the expiration date of the term of their contract or any extension thereof, without first obtaining a release of the contract, or a negotiated settlement thereof accepted by the employee and the Director of Intercollegiate Athletics.

4.04 The Director of Intercollegiate Athletics shall have the administrative authority to order the termination or suspension (with pay or without pay) for cause of any exempt staff employee of OSU Athletics. Any alteration of an exempt employee's terms of employment pursuant to Paragraph 2.05 shall not be considered disciplinary action for cause and shall not be subject to this Paragraph 4.04. Notice of any termination or suspension without pay shall be provided in writing, detailing the reasons for such termination or suspension, and setting forth a reasonable time within which the employee may respond to such notice before the action is placed in effect. Any such employee shall have the right, upon written request, for a review and hearing regarding the termination or suspension without pay. Any such hearing shall be governed by the normal University grievance procedures provided for exempt staff employees, as now or hereafter amended, unless other procedures are agreed upon by the parties in lieu thereof.

Approved:
Board of Regents, October 1997
Board of Regents, October 2014
E-Team, April 2020
Board of Regents, April 2020

Amended:
April 28, 2000

Approved:
July 2008