

BOARD OF TRUSTEES MEETING

UHSAA Office

May 7, 2019

9:00 a.m.

Those in attendance: Board Members: Marilyn Richards, Amber Shill, Dale Whitlock, Adam Britt, Cory Anderson, Jerre Holmes, Tom Sherwood, Dave McKee, Bryan Durst and Laura Belnap. Staff Members: Rob Cuff, Jeff Cluff, Brenan Jackson, Jon Oglesby and Jan Whittaker. Excused: Roger Pulsipher, Sam Jarman, David Brotherson, Stan Young and Greg Miller. Minutes: Jeanne Widerburg.

1. Welcome and Chair Business: Chair Whitlock welcomed members to the meeting. He excused Roger Pulsipher, Sam Jarman, David Brotherson, Stan Young and Greg Miller. Craig Morris was representing Greg Miller.

A. Reverence/Thought: Mr. Whitlock felt it important to remember the students from North Sanpete HS who were killed in an auto accident over the weekend. Mr. Sherwood quoted Ralph Waldo Emerson, “To laugh often and much; To win the respect of intelligent people and the affection of children; To earn the appreciation of honest critics and endure the betrayal of false friends; To appreciate beauty, to find the best in others; To leave the world a little better, whether by a healthy child, a garden patch or a redeemed social condition; To know even one life had breathed easier because you have lived. This is to have succeeded.” Mr. Sherwood hoped as members they would make decisions with the best interests of students in mind. He appreciated the opportunity to work with members of the Board and the chance to reflect on the good they do. He then offered a prayer.

B. Pledge of Allegiance/Patriotic Thought: Mr. Durst led the members in the pledge of allegiance.

C. Acknowledge Outgoing BOT Members: Mr. Whitlock acknowledged the outgoing members for their service and contributions to the Association.

(1) Amber Shill is now serving on the USBA Board as vice-president. This is a four-year commitment. Mr. Cuff thanked her and presented her photo and letter of appreciation. Ms. Shill said she had appreciated being on the Board. She feels the decisions made on this Board are important because they affect the students of Utah. She is willing to continue to help.

(2) Dave McKee is retiring from education. Mr. Cuff thanked him for his service and congratulated him on his new position for his church. Mr. McKee feels being associated with this Board and students has been a blessing in his life. He said he has loved the members and the chance to get to know everyone better. He thanked them for their inspiration. He wants to continue to be involved.

Mr. Whitlock thanked them again. He said he appreciates everyone’s service and feels the students of Utah are well served by the UHSAA BOT. Good values and morals are important in this service and he appreciated their examples and representation of their constituents.

D. Approval of Minutes of March 21, 2019, BOT Meeting (summary on UHSAA website):

MOTION: Ms. Richards motioned to approve the BOT Meeting Minutes of March 21, 2019. Mr. McKee seconded the motion. Motion carried.

E. Approval of Board Agenda:

MOTION: Mr. Holmes motioned to approve the Board Agenda. Mr. Anderson seconded the motion. Motion carried.

2. **USBE Report:** Ms. Belnap said members of USBE asked if there is something they could be doing to help with the racial issue. They care and want to know whether to get involved or let the UHSAA handle the matter. Mr. Cuff wanted to discuss it later in the meeting when the Constitution By-Laws items were reviewed. The difficulty is enforcement and consistency. Mr. Sherwood said it is difficult when it is governance over adults. There is a hearing on May 20 and if it is appealed, some members of the Board will be part of that appeals process. Mr. Cuff said some would say to ban individuals for life as did the Jazz, but there is the private vs public venue to be considered. Mr. Holmes feels the district needs to take care of such issues as quickly as possible. He doesn't feel the UHSAA is responsible for every game throughout the state. The staff is meeting with the Jazz to partner in education and training. Discussion continued later in the meeting.

3. **Executive Committee Meeting Report:** Mr. McKee reported the meeting of April 24. Summary is on the UHSAA Website.

- Ready reference calendar
- Activities report was given
- 2019-2020 Calendar – approved by the Executive Committee
- Unified Sports – soccer and track and field in May
- Coaches' certification – district responsibility to certify and train coaches
- Sportsmanship initiative – reminder to increase good sportsmanship. Forms have been sent to apply for the 2018-2019 sportsmanship star.
- Dare2Lead Student Conference – Thursday, June 13
- Wrestling scoring – survey will be sent to schools
- UIAAA Conference – training and breakout sessions
- Constitution By-Laws Committee report and proposed items
- Education-based activities articles were provided from the NFHS.

Mr. Whitlock read a report that 90% of all female executives participated in extra-curricular activities. Mr. Sherwood said an article in *Time Magazine* a few years ago reported on Fortune 500 companies and 95% of the CEO's participated in extra-curricular activities and only 3% were members of the National Honor Society. Mr. Whitlock feels extra-curricular activities provide great opportunities for students.

4. **2019-20 Meeting Schedule for Boards (p. 130):** Mr. Cuff presented a proposed meeting schedule.

Thursday, August 22	9:00 am
Thursday, November 21	9:00 am
Thursday, January 23	9:00 am
Thursday, March 19	9:00 am
@Sleepy Ridge	
Tuesday, May 5	9:00 am

MOTION: Mr. McKee motioned to approve the meeting schedule. Ms. Shill seconded the motion. Motion carried.

5. UHSAA Calendar:

A. Review of 2018-19 Calendar (p. 131): Mr. Oglesby said the events for the remainder of the year can be found on the website calendar.

B. Review of 2019-2020 Calendar (pp. 132-134): Mr. Oglesby reminded members the calendar is set by the Thanksgiving holiday and the holiday is late this year. This has changed the entire fall calendar. Any questions, please reach out to Mr. Oglesby or individual sport director.

6. Activities Report:

A. Winter Financial Report: Mr. Cuff reported winter tournaments had good attendance. Basketball revenue was up about \$46,000 from last year. Drill Team was best-ever revenue with the changed format and is the third highest revenue sport for the Association. Swimming returned to the BYU venue and revenue was up. 3A will go to two sessions next year. Wrestling revenue was best in the last five years. Music, Theatre and Speech/Debate are not revenue producing. The total revenue for winter activities was \$768,00 and was up \$100,000 from the previous year. Expenses increase each year by about 3-4%.

B. Officiating Update: Mr. Cluff said he felt the game fee increase has helped to maintain the number of officials. Soccer had less than 10% of varsity games without three officials. We have seen a significant number of officials return to high school officiating that were doing college and upper level clubs for soccer. Numbers continue to grow in other sports. The NFHS campaign has helped and Utah continues to be one of the top states recruiting those people. The biggest problem is with the second or third-year official in retaining them. If we can keep them for four years, they typically stay with officiating. Officials receive training to help them be successful. There are significant sportsmanship issues and officials need to be trained to handle those situations. He reported there would be camps offered this summer for basketball, football and baseball. There will also be a volleyball clinic offered this summer. They are trying to create a culture/environment of learning to improve officials' skills. This helps to move sub-varsity officials to the varsity level.

Recruitment is important especially in the rural areas. It is expensive to send officials to rural areas so if they can recruit local officials it will save in travel expense. Mr. Whitlock asked if the game fee is comparable to surrounding states. Mr. Cluff stated that with the \$5 increase for next year, Utah went from 14th in western states to 6th. He feels we are aligned competitively. Ms. Belnap asked what we do to recruit individuals who have no connection with the school at this point in their life. Mr. Cluff said the best recruiting process is current officials and administrators talking about officiating. Ms. Belnap asked about using schools' marques to advertise. The NFHS campaign has helped us stay above the curve compared to the rest of the country. Mr. Sherwood said he is reluctant to recruit officials from his school staff because those individuals are usually needed for something else at the school. Tough balance. Mr. Cluff said many officials on the Official's Hall of Honor are high school teachers or administrators.

C. Theatre/Drama: Ms. Whittaker reported 120 schools participated in Theatre. She feels the activity is growing with increased participation.

D. Speech/Debate: Mr. Oglesby reported on the event and said it went well. He also reported that there continues to be sportsmanship issues in speech and debate. A student was disqualified for using racially offensive language. He asked everyone to have conversations with

coaches and principals emphasizing they need to be involved in debate conduct and materials. Coverage for the speech and debate event was on the UHSAA social media and the students were pleased to be included.

E. Unified Sports: Mr. Oglesby reported that Unified Track would be held at Copper Hills on Wednesday at 3:00. He thanked Jordan District for their continued support. Mr. Jackson said Unified Soccer went well at Skyridge HS. He thanked them for their support and efforts. He said it was heart warming to watch the students participate. One young man could not use his legs, but supported himself on crutches. It was amazing watching him score a goal. Mr. Jackson said it was a great experience. There were 16 teams with two divisions.

F. Music: Mr. Jackson said the State Solo and Ensemble was held on April 27 at Northridge HS and Provo HS. There were over 1,000 students participating at each site. He thanked everyone for their support.

7. Sportsmanship Items:

A. 2019 School Sportsmanship Award Application: Ms. Whittaker stated the application had been out to schools to earn their star. A sportsmanship video was required for this year's award. The application is due by June 1. She asked members to encourage their schools to apply.

B. Criteria for Award: The Sportsmanship Committee will discuss the criteria for next year's award. Mr. Morris asked if the video requirement will be kept moving forward. He has heard some concerns about keeping the video requirement. The committee is trying to find something meaningful for the school. The Battle of the Fans competition didn't appear to increase sportsmanship, so the committee wanted to try something else to increase positive sportsmanship. It will be discussed at the next Sportsmanship Committee meeting.

C. Student Leadership Conference: The conference will be held on Thursday, June 13. The site has been changed to Corner Canyon HS because of no air conditioning available at Jordan HS.

8. **Insurance Report (meeting handouts):** Mr. Cuff welcomed representatives from USI Insurance Services. Mr. Dave Nelson was in attendance and he introduced Dezy Zohner. They handle the catastrophic medical insurance for the UHSAA. Nick Holland handles the property and casualty insurance.

Mr. Cuff said the two-year contract for catastrophic insurance is ending. Mr. Nelson said he had great news. He presented a two-year renewal (September 1, 2019-2021) with no rate increase. The premium is based on student enrollment at \$3.85 per student. A one-year rate is \$3.75 per student. This is a secondary insurance that pays out after the primary insurance to a maximum of one-million dollars. The Association hasn't had any claims for about 3-4 years. The Association is in a selective pool with nineteen other associations through Mutual of Omaha. He reviewed the coverage. The current policy has a \$75,000 deductible. He said the nation's average is between \$40-50,000. Mr. Cuff said those that have received the benefit are very appreciative. The Foundation and USHAA reimbursed the schools 100% for the premium last year. The UHSAA subsidized \$40,000 on the premium and the UHSAA Foundation funded the remaining amount. Mr. Nelson is retiring at the end of June. He said the UHSAA has been a favorite client. He admires the work and impact the Association has had on his own children and now his grandchildren.

Mr. McKee asked if there was a different option such as self-insured. Mr. Whitlock said you could self-insure for one-million and then carry reinsurance coverage for a catastrophic event and the premium would be 25% of current payment. Mr. Cuff said it could be considered. Ms. Richards said she feels better having someone outside of the organization dealing with insurance. A company has the experience of litigation and knowing what to have in place. Mr. McKee was also concerned with the \$75,000 deductible. Mr. Cuff pointed out that the cost would be much higher with a lower deductible.

MOTION: Mr. McKee made the motion to approve the renewal of the catastrophic insurance for two-years. Mr. Britt seconded the motion. Motion carried.

Mr. Holland reviewed the renewal for property and casualty policies. He distributed a copy of the information to board members. The renewal is July 1. Last year's cost was \$37,069. The underwriter said the average increase is 3-5% increase this year. He is negotiating with the underwriter. Two items of concern for them is head injuries (concussions) and sexual harassment. Most likely any large claim would fall in one of these two categories. He has a program that helps him determine the Association's biggest exposure and how to help save money. It identified sexual harassment and distracted driving. He shared templates regarding distracted driving and sexual harassment that could help lower the exposure. It was pointed out that anyone that signed the distracted driving would exclude themselves from any coverage if an individual has a lapse in judgement and picked up their phone. There would be no coverage. There is a two-million umbrella limit. His analysis would indicate this is too low. Contracts should be written with the two-million limit indicated and/or consider increasing the umbrella limit. Mr. Holland indicated anyone representing the UHSAA is covered.

MOTION: Mr. Holmes motioned to approve the property and casualty and general liability coverage based on the new participation numbers at 1-3% increase. Mr. Anderson seconded the motion. Ms. Belnap asked that the driver distraction policy be discussed further for future premium quotes. The sexual harassment form will be discussed by the staff. Currently, there is a statement in the UHSAA Policy Manual. Motion carried.

9. Legal Report: Mr. Mark Van Wagoner reported on the relation between the Emerging Sport Program and the girls' football lawsuit. He reviewed the guidelines and policy for the Emerging Sport Program. He asked the BOT to pass an authorization to include the program in the Administrative Guidelines and Policies in the UHSAA Handbook. He would like the policy operative for the 2019-2020 school year. He thinks this will be good for the districts and the Association to show substantial progress in documenting ways in which a sport may become recognized as a state championship sport.

Mr. Van Wagoner said he has been working under the assumption that the Committee that was formed and the BOT was representing all the districts in the state. He wants to make certain that not only the districts, but the superintendents' association is fully informed of these documents. Mr. Sherwood said that the lawsuit was suing the specific districts. It has been questioned whose duty it is to move forward with regards to Title IX and providing opportunities for the less represented gender. He thinks moving forward with the documentation will encourage more participation and provide a path for emerging sports. He thinks this will give him a way to manage his duty as principal. Mr. Van Wagoner said participation between the districts and the Association is fundamentally a good thing irrespective of the lawsuit. The duty does lie with the districts and schools, but we have consolidated a way to move forward so the information will be lodged in one place – the Association. The Attorney General's Office is working out the details on the school survey on current activities and interest.

He reported on the girls' football case. He said the fact discovery is closed. There are still opportunities for experts and some of those experts may come from the Association. Mr. Van Wagoner reported the initial deposition of the staff went well.

Mr. Van Wagoner reported on the ICS and Tabiona regarding violation of the sportsmanship rule. On two occasions there were racial slurs and outrageous fan behavior. A hearing will be held on May 20 with a five Executive Committee members panel. The UHSAA clearly has opposition to racism, but there needs to be specific wording put into the Handbook. The proposed policy now includes specific wording.

10. Follow-Up Items:

A. Constitution/By-Laws Report (p. 138):

(1) Athletic Directors/Administrators Certification: Ms. Whittaker reported the UIAAA proposed that Athletic Administrators Certification be mandated. The Constitution/By-Laws Committee (CBL) wanted to be supportive, but didn't feel comfortable mandating the certification. Instead, the UHSAA recognizes the importance of a certified Athletic Administrators and strongly recommends the certification. An Athletic Directors Certification (CAA) shall be completed within three-years of being hired to that position at any member high school. Mr. Holmes felt it was good the Association support the training, but leave it more to local control. Mr. Cuff said the superintendents could be informed of the certification status of the Athletic Administrators. The Association will **strongly** recommend the Athletic Directors complete the CAA certification. This will be included in the UHSAA Handbook as an interps and guideline under coaches' certification. After three years, if the individual is not certified, it will be reported to the superintendents. Recommended Change: "The UHSAA **strongly** recommends that within three years that the school appointed Athletic Director complete the NIAAA Athletic Administrator's Certification."

MOTION: Ms. Shill made the motion to adopt the Athletic Administrators Certification guidelines in the UHSAA Handbook with the above recommended changes. Ms. Richards seconded the motion. Motion passed.

(2) Emerging Sports: Ms. Whittaker noted that the impact on Title IX compliance was added after the CBL Committee met.

MOTION: Mr. McKee made the motion to approve the UHSAA Emerging Sports Program. Mr. Anderson seconded the motion. Motion carried.

(3) Behavior Policies/Procedures: Mr. Van Wagoner stated the constitutional limits on a school or Association's ability to ban or remove fans for certain conduct are fairly strict. Mr. McKee said he had an unruly parent on campus and the district lawyer wrote up a no trespassing notice on the property. Mr. Van Wagoner said you can eject someone that is disrupting the event. Remember that we invite people to the activity in the gym or field and they scream and yell. During the school day, the principal has unlimited power to keep individuals out of the school because it would disrupt the educational environment. It becomes much more complicated at an activity where they are invited and pay to attend. Mr. Van Wagoner was excused and thanked for attending.

Mr. Oglesby reviewed the Policy recommendations from UHSAA Staff regarding the Association's stance towards Sportsmanship and Removing Harassment and Taunting from Association activities. He said the staff condemns racism, harassment or any type of

discrimination. Based on current circumstances, the language in the UHSAA Handbook may not reflect the official policy of the Association. There are several pieces to the policy including general statement of policy, definitions and responsibilities and a Code of Conduct for student-athletes and coaches. The UHSAA will begin working on a series of penalties for violations of this and other sportsmanship rules. He presented a table showing player/coach violations and minimum penalties and fan/spectator policies and minimum penalties.

Mr. Holmes expressed concern because principals have different tolerance levels and then have the responsibility of tracking violations. There could be conflict with opposing administrators handing out cards. Mr. Anderson asked how it would be enforced. Conduct starts with school administrator on site. Discussion on yellow cards and enforcement. Mr. Cluff shared the training that takes place prior to the season regarding the responsibility of the officials and responsibility of the fans. They are informed and educated on the process by which their conduct is evaluated. Mr. Sheetz, Park City AD, has seen a decline in the number of situations needing to be addressed at their contests. A reminder of policy and procedures for fans, players and administrators will be discussed at the UHSAA Summit. The ultimate goal is to create an environment for young people to feel safe and to participate and have a wonderful experience in an education-based activity. Mr. McKee said we need to do something proactive to make everyone aware of good sportsmanship and engage everyone. Mr. Sherwood said he is active with students as principal and not policing parents/fans. Fans are a problem. Mr. Britt said the policy will open eyes and we can address it. Mr. Anderson said this is not a new issue, but it is getting more exposure. Mr. Oglesby said it has reached a point that groups like our Association are having to make public statements by instituting policy such as this. Mr. Holmes is concerned that the UHSAA will be responsible for every game in the state. If an administrator isn't handing out cards, is their going to be more burden placed on the UHSAA to police administrators? Mr. Sherwood thinks we should give the policy a chance because it is a first step.

MOTION: Mr. Sherwood motioned to adopt the policy regarding sportsmanship and removing harassment and taunting from Association activities. Mr. McKee seconded the motion. Motion carried.

(4) Diversity and Inclusion Committee: Mr. Cuff reported the committee is in place. Ms. Ault is the chair with members from the BOT, Mr. Miller, Mr. Holmes, and Ms. Johnson, with Mr. Taylor and Mr. Carter from the Executive Committee. Other members include Fidel Montero, Timpview HS Principal; Rachel Townsend, West HS Assistant Principal; Everett Kelepolo, Springville HS Principal; Bobby Porter, Layton Christian Academy Basketball Coach; Shawn Newell, USBE Board. The committee will meet in August and help plan the UHSAA Summit in September.

(5) Two-week Prior: Mr. Cluff said this deals with team sports and the protection of the tryout date to give students an equal opportunity. The proposal came from Region 8 Board of Managers and they are addressing what can occur during the open gym/field during the two-week prior. They feel some coaching needs to happen during that time for the safety and well-being of the athlete. There was a long discussion in Executive Committee. There was no recommendation from the EC for change of policy. It was discussed that some rules are kept by coaches and others bend the rules. Some are penalized for being honest. No action was taken.

(6) Scholastic Rule: Mr. Cuff said the adjustment to the scholastic rule would be for ninth grade students. Eighth grade, fourth term grades would not apply to the scholastic rule, but would apply to subsequent grading periods. Currently, the fourth term of 8th grade does apply to scholastic rule for ninth graders. The EC recommended the rule be adjusted to not apply eighth grade, fourth term grades to scholastic rule.

MOTION: Mr. Sherwood motioned to approve that eighth grade, fourth term grades will not apply to the scholastic rule for ninth graders; however, subsequent grading periods will apply. Mr. Holmes seconded the motion. Motion carried.

(7) Transfer Rule: Mr. Cuff said the proposal is anyone 18-years and older will not be recognized as a full and complete guardianship and will be letter “D” in the transfer interps and guidelines for transfer students.

MOTION: Mr. McKee motioned to approve an 18-year and older will not be recognized as a full and complete guardianship with regards to a transfer. Mr. Holmes seconded the motion. Motion carried.

B. Tennis Contest Limitations: Mr. Oglesby reported some of the new regions have eight schools and the number of contests (14) has come into question for tennis. The coaches’ association proposed, and the Executive Committee recommends, to increase the tennis contest limitation to 16.

MOTION: Mr. McKee made the motion to increase the contest limitation for tennis to 16. Mr. Sherwood seconded the motion. Motion carried.

11. Board of Trustees Terms 2019-2020 (p. 135): Mr. Cuff reviewed the information for the terms for the Board of Trustees. The Charter schools would elect their representative on Monday.

12. Executive Committee Terms 2019-2020 (p. 136-137): Mr. Cuff reviewed the information for the terms for the Executive Committee. This is for the new alignment.

13. Staff Items:

A. SMAC Report: Mr. Jackson reported SMAC had met and reviewed the information from the Korey Stringer Institute. Their recommendations include Emergency Action Plans and the wet bulb glove that measures the outside temperature and humidity for practice times. Another meeting is scheduled for more discussion.

The committee also discussed the wrestling skin lesion form. A local doctor had diagnosed a wrestler with herpes and prescribed prescription. The athlete had not been on medication for the required amount of time and was disqualified. They are looking at ways to get athletes qualified before disqualifying. More information will be coming.

14. Election for BOT leadership Positions 2019-2020:

MOTION: Mr. McKee nominated Dale Whitlock. Ms. Shill seconded the motion. Mr. Sherwood motioned to close nominations. Ms. Shill seconded the motion. Mr. Britt motioned to elect Mr. Whitlock as BOT Chair for 2019-2020. Mr. Anderson seconded the motion. Motion carried.

MOTION: Ms. Shill nominated Ms. Richards as BOT Vice Chair. Mr. Sherwood motioned for nominations to cease. Mr. Britt seconded the motion. Motion carried.

15. **For the Good of the Order:** Mr. Cuff provided NFHS articles on education-based activities.

16. **Approval of Consent Agenda:**

A. Financial Reports:

MOTION: Mr. McKee motioned to approve the consent agenda. Ms. Shill seconded the motion. Motion carried.

MOTION: Motion to adjourn was made by Mr. Holmes. Motion carried.

Next meeting: August 22 at 9:00 am.