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SUMMARY OF ISSUES AFFECTING THE UNM BUDGET AND TITLE IX COMPLIANCE FOR INTERCOLLEGIATE ATHLETICS

Background:

- Absent changes, and despite implementation of significant budget reductions (Appendix I), Intercollegiate Athletics (IA) was projected to run a \$2.6 million deficit in FY19 (Appendix II)
- IA already has a cumulative debt of \$4.5 million that has built up over many years
- Audits of IA by the State Auditor and the Internal Audit Department identified a number of deficient practices. IA is implementing changes that will address all findings (Appendix III)
- HED placed UNM on Enhanced Fiscal Oversight because of the issues in IA, potentially putting the entire campus budget at risk
- Independent review of Title IX compliance revealed a significant amount of non-compliance, requiring major changes to IA programs. (Appendix IV)
- IA with assistance from the Office of the President undertook a comprehensive review of IA programs with the goals of:
 - Title IX Compliance
 - Fiscal Stability and Accountability
 - Alignment with Mountain West Conference (Appendix V)

Summary of changes recommended by staff and adopted by the UNM Regents:

- Eliminated 4 sports, Men's Soccer, Men's and Women's Skiing, and Women's Beach Volleyball. Estimated net savings of \$1.1M million in FY20
- Expansion of women's sports opportunities in several sports
- Scholarships of all affected athletes will be honored throughout their undergraduate education at UNM
- Revised IA budget that will generate \$0.5 million per year for reducing the accumulated debt if added savings of \$0.4 million per year can be achieved. (Appendix II)
- Resources/cost containment measures to reduce the recurring deficit:
 - Institutional- \$975 thousand grant-in-aid subsidies
 - Departmental- \$550 thousand cost containment measures (shared services and cost reductions)
 - Departmental- Potential new revenues, through special state appropriations, student fees, renewal of media rights contract and special events

Resources needed to become fully Title IX compliant without eliminating sports and balancing the departmental budget:

- Recurring \$4.6M additional resources needed, which include (Appendix II):
 - \$1.1 million to replace the sports UNM is eliminating, and
 - \$3.5 million of additional expenses for Title IX compliance:
 - Additional women's sport
 - Cost of attendance for gender inequities

- Coaching and support staff
- Backfill existing sports budgets built from one-time resources
- Non-Recurring \$2,300,000
 - Facilities (new and improvements)
 - Equipment

Does UNM have other resources that could be used to cover the athletics deficit?

- Suite revenue from the Pit generates approximately \$1.8 million per year. Currently this is earmarked for debt service reduction for the Pit renovations. If diverted to the IA operating budget, the Institutional budget would have to cover the \$1.8 million, in addition to the \$975 thousand per year in the current plan. Even if the State were able to cover a portion of this cost, the remainder would have to come from increased tuition and fees or decreased spending on Academics and Student Support.
- Given the estimated \$4.6 million annual cost of achieving Title IX compliance without eliminating sports, and assuming a 5% distribution rate from an endowment, an endowment on the order of \$70 million would be needed to fully fund the IA deficit. This is roughly equivalent to the total reserves of the Main Campus (including Restricted and Unrestricted funds). Such a commitment would place an unsupportable burden on the Academic and Student Support budgets. UNM faces many other budget challenges. The recent decrease of the lottery tuition scholarship has negatively impacted enrollment, which will reduce tuition and fees, etc. UNM I&G budgets have decreased 17% over the last 10 years, leaving very little “fat” in the budget. Although the campus does have reserves, those are dedicated to specific purposes as shown in Appendix V.

Concluding Points:

- Title IX compliance without eliminating sports/reductions requires \$4.6 million additional resources beyond current budget in order to have a balance budget and address the accumulated deficit
- Scenarios proposed by LFC analyst do not fully address Title IX compliance, costs associated with compliance and fiscal stability (plans increase accumulated deficit and/or increase UNM’s institutional support)
- Title IX compliance (Appendix IV) amounts in this document only account for the minimum resources identified at this time, and do not account for on-going needs of all sports and departmental operations
- Amounts discussed in this document do not account for inflationary costs, additional facility needs, and contingency funds for unexpected costs such as coach buy-outs, ticket sale fluctuations, etc.
- Proposal adopted by UNM Regents addresses both accumulated and recurring deficit. Proposal was challenged that the cost savings did not account for lost revenues for the entire institution. Responses regarding assumptions made in this assessment are detailed in Appendix VI.

Athletics' Budget Reduction Efforts:

- Over the past 3 fiscal years the department has eliminated 11 staff positions, which have amounted to a cost savings of \$470K
- In FY19 the department centralized fiscal functions to the Fiscal Shared Service Center, which resulted in an elimination of 4 staff positions amounting to \$150K recurring cost savings
- In FY19 the department centralized Human Resource (HR) functions to central HR, which resulted in an elimination of 1 staff position
- Additional cost containment efforts, such as shared services through communication and marketing, web services, and academic advisement efforts are under discussion, which could result in additional savings estimated at \$250K
- Expenditure controls will be implemented in FY19, to ensure compliance and spending authority to avoid overspending within each program. Through these additional control efforts and fiscal oversight additional cost savings could be accounted for in future years
- Institutional support for tuition and fees of \$750K for FY19 and \$975K for FY20 forward will offset grant-in-aid expenses for the department

Conference Comparisons (2016-17 amounts):

Student Fees:

UNM Athletics: \$3.85M

Mountain West Conference Average: \$4.98M

Net Difference: **(\$1.13M)**

Direct State/Governmental Support:

UNM Athletics: \$2.64M

Mountain West Conference Average: \$3.71M

Net Difference: **(\$1.07M)**

Overall, UNM Athletics' percent of institutional, state/governmental, and student fee support over total budget is the lowest compared to all conference peers. In total dollar amounts combined UNM Athletics is the 2nd lowest amount funded compared to all conference peers.

Appendix II

Athletics' FY19-FY20 Projected Budget (without recommended reductions)

Revenue/Expense	FY18 Actuals	FY19 Budget	FY20 Budget (Proposed)
Beginning Cash Balance	(4,713,999)	(4,492,378)	(4,492,378)
Pooled Revenues			
NCAA/Mountain West Conference	4,811,244	4,750,000	4,750,000
Media Rights/Sponsorships/Licensing/Commissions/Naming Rights	5,808,500	6,625,000	6,625,000
Student Fees	3,851,603	3,681,708	3,681,708
Fundraising	2,200,000	2,400,000	2,400,000
State Appropriation	2,617,300	2,641,500	2,641,500
Facility Rental/Merchandise/GIK	1,893,895	2,400,000	2,400,000
Special Events & Other Revenues	2,836,016	2,035,000	2,035,000
Transfers to/from Main Campus	1,588,632	974,000	-
Land Proceed Transfer	814,207	789,039	-
Subtotal	26,421,397	26,296,247	24,533,208
Direct Revenues (by sports)			
Men's Basketball Tickets	3,653,733	3,800,000	3,800,000
Football Tickets	1,539,833	1,200,000	1,200,000
Women's Basketball Tickets	398,630	375,000	375,000
Other Sports Teams	144,832	115,000	115,000
Football Game Guarantees	1,600,000	1,100,000	1,100,000
Subtotal	7,337,028	6,590,000	6,590,000
Total Revenues	33,758,425	32,886,247	31,123,208
Expenses			
Salaries	11,240,784	11,272,844	11,340,576
Payroll Benefits	3,167,131	3,271,643	3,291,307
Communication Charges	86,663	110,268	110,268
Other Expense	2,495,040	782,164	782,164
Patient Care Costs	158,631	98,300	98,300
Plant Maintenance	200,961	250,457	250,457
Services	4,216,582	4,967,038	4,967,038
Student Costs	1,241,148	894,190	1,144,190
Grant-in-aid	4,923,803	4,800,000	5,300,000
Supplies	1,380,376	2,055,696	2,055,696
Travel	3,864,523	3,809,977	3,809,977
Utilities	561,162	573,670	573,670
Total Expenses	33,536,804	32,886,247	33,723,643
Net Income (balances go towards repayment of accumulated debt)	221,621	-	(2,600,435)
Ending Cash Balance	(4,492,378)	(4,492,378)	(7,092,813)

Athletics' FY19-FY20 Projected Budget- UNM Recommendation Adopted by UNM Regents

Revenue/Expense	FY18 Actuals	FY19 Budget	FY20 Budget (Proposed)
Beginning Cash Balance	(4,713,999)	(4,492,378)	(4,492,378)
Pooled Revenues			
NCAA/Mountain West Conference	4,811,244	4,750,000	4,750,000
Media Rights/Sponsorships/Licensing/Commissions/Naming Rights	5,808,500	6,625,000	6,625,000
Student Fees	3,851,603	3,681,708	3,681,708
Fundraising	2,200,000	2,400,000	2,400,000
State Appropriation	2,617,300	2,641,500	2,641,500
Facility Rental/Merchandise/GIK	1,893,895	2,400,000	2,400,000
Special Events & Other Revenues	2,836,016	2,035,000	2,035,000
Transfers to/from Main Campus	1,588,632	974,000	-
Land Proceed Transfer	814,207	789,039	-
Subtotal	26,421,397	26,296,247	24,533,208
Direct Revenues (by sports)			
Men's Basketball Tickets	3,653,733	3,800,000	3,800,000
Football Tickets	1,539,833	1,200,000	1,200,000
Women's Basketball Tickets	398,630	375,000	375,000
Other Sports Teams	144,832	115,000	115,000
Football Game Guarantees	1,600,000	1,100,000	1,100,000
Ticket Revenue Reduction	-	-	(383,704)
Subtotal	7,337,028	6,590,000	6,206,296
Total Revenues	33,758,425	32,886,247	30,739,504
Expenses			
Salaries	11,240,784	11,272,844	11,340,576
Payroll Benefits	3,167,131	3,271,643	3,291,307
Communication Charges	86,663	110,268	110,268
Other Expense	2,495,040	782,164	782,164
Patient Care Costs	158,631	98,300	98,300
Plant Maintenance	200,961	250,457	250,457
Services	4,216,582	4,967,038	4,967,038
Student Costs	1,241,148	894,190	1,144,190
Grant-in-aid	4,923,803	4,800,000	5,300,000
Supplies	1,380,376	2,055,696	2,055,696
Travel	3,864,523	3,809,977	3,809,977
Utilities	561,162	573,670	573,670
Student Athlete Grants-in-aid reductions	-	-	(975,000)
Cost Savings	-	-	(646,572)
Sport Reduction	-	-	(1,435,206)
UNM Pending Additional Reductions	-	-	(414,689)
Total Expenses	33,536,804	32,886,247	30,252,176
Net Income (balances go towards repayment of accumulated debt)	221,621	-	487,328
Ending Cash Balance	(4,492,378)	(4,492,378)	(4,005,050)

Athletics' FY19-FY20 Projected Budget- Title IX Compliant (without Program Eliminations)

Revenue/Expense	FY18 Actuals	FY19 Budget	FY20 Budget (Proposed)
Beginning Cash Balance	(4,713,999)	(4,492,378)	(4,492,378)
Pooled Revenues			
NCAA/Mountain West Conference	4,811,244	4,750,000	4,750,000
Media Rights/Sponsorships/Licensing/Commissions/Naming Rights	5,808,500	6,625,000	6,625,000
Student Fees	3,851,603	3,681,708	3,681,708
Fundraising	2,200,000	2,400,000	2,400,000
State Appropriation	2,617,300	2,641,500	2,641,500
Facility Rental/Merchandise/GIK	1,893,895	2,400,000	2,400,000
Special Events & Other Revenues	2,836,016	2,035,000	2,035,000
Transfers to/from Main Campus	1,588,632	974,000	-
Land Proceed Transfer	814,207	789,039	-
Subtotal	26,421,397	26,296,247	24,533,208
Direct Revenues (by sports)			
Men's Basketball Tickets	3,653,733	3,800,000	3,800,000
Football Tickets	1,539,833	1,200,000	1,200,000
Women's Basketball Tickets	398,630	375,000	375,000
Other Sports Teams	144,832	115,000	115,000
Football Game Guarantees	1,600,000	1,100,000	1,100,000
Subtotal	7,337,028	6,590,000	6,590,000
Total Revenues	33,758,425	32,886,247	31,123,208
Expenses			
Salaries	11,240,784	11,272,844	11,340,576
Payroll Benefits	3,167,131	3,271,643	3,291,307
Communication Charges	86,663	110,268	110,268
Other Expense	2,495,040	782,164	782,164
Patient Care Costs	158,631	98,300	98,300
Plant Maintenance	200,961	250,457	250,457
Services	4,216,582	4,967,038	4,967,038
Student Costs	1,241,148	894,190	1,144,190
Grant-in-aid	4,923,803	4,800,000	5,300,000
Supplies	1,380,376	2,055,696	2,055,696
Travel	3,864,523	3,809,977	3,809,977
Utilities	561,162	573,670	573,670
Student Athlete Grants-in-aid reductions	-	-	(975,000)
Cost Savings	-	-	(646,572)
UNM Pending Additional Reductions	-	-	(414,689)
Title IX Compliance Additional Expenses			
M/W Skiing difference	-	-	200,000
Beach additional coaching staff salaries	-	-	150,000
Beach additional scholarships	-	-	215,000
Swim/Diving coach salary	-	-	55,000
Additional Women's Sport	-	-	700,000
Additional COA for gender equities	-	-	300,000
Other Departmental Needs			
Training room requirement (salary expenses)	-	-	300,000
Roster management plan	-	-	100,000
Increased Sport Budgets	-	-	1,500,000
Total Expenses	33,536,804	32,886,247	35,207,382
Net Income (balances go towards repayment of accumulated debt)	221,621	-	(4,084,174)
Ending Cash Balance	(4,492,378)	(4,492,378)	(8,576,552)

Title IX Compliance Additional Costs Recurring

Additional Women's Sports and Gender Inequities

M/W Skiing difference	200,000
Beach additional coaching staff salaries	150,000
Beach additional scholarships	215,000
Swim/Diving coach salary	55,000
Additional Women's Sport	700,000
Additional COA for gender equities	300,000
	<u>1,620,000</u>

Other Departmental Needs

Training room requirement (salary expenses)	300,000
Roster management plan	100,000
Increased Sport Budgets	1,500,000
	<u>1,900,000</u>

Total Recurring 3,520,000

Title IX Compliance Additional Costs Non-Recurring

Softball clubhouse renovation	450,000
Covered batting cages	250,000
Beach practice facility	350,000
Beach locker-room/team faculty	350,000
Volleyball training/locker-room	200,000
Swimming/diving locker-room	100,000
Weight room	600,000
	<u>2,300,000</u>

Total Non-Recurring 2,300,000

**Follow Up Report - Implemented (sort by project)
August 2018 Open Session**

No	Project Name	Report Approval Date, # of Recommendations, Risk (H/M/L)	Recommendation Title	Executive Recommendation	Management Response	Original Estimated Implementation Date	Recommendation Action	Responsible Party
5	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 3 - Deficit Reduction Plan</u>	The Director for Intercollegiate Athletics should ensure the approved deficit reduction plan is implemented .	The Athletics Department will work in conjunction with the Office of Planning, Budget and Analysis in implementing the approved deficit reduction plan.	5/18/2018	Internal Audit obtained and reviewed Athletics' ten-year Deficit Reduction Plan.	Eduardo Nunez,Dir,Intercollegiate Athletics
6	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 5 - Enhancement Funds</u>	The Athletics' Chief Financial Officer should ensure that sports enhancement fundraising and donor cultivation activity is charged to the enhancement funds within Lobo Club. Reserves remaining in the Sports Enhancement Funds recorded in Banner should be expended on goods or services that are not a fundraising or donor cultivation activity.	All sports enhancement fundraising and donor cultivation activity is currently charged to the enhancement funds within Lobo Club. Following the conclusion of each fundraising event, the net profits raised will only be transferred from the Lobo Club to Athletics for public use as funds are needed. Otherwise, monies generated from fundraising events will remain at the Lobo Club.	5/18/2018	Internal Audit verified sports enhancement funds are now housed at the Lobo Club. Fundraising and donor cultivation activities are now recorded using the Lobo Club sports enhancement funds. Internal Audit also reviewed the sports enhancement reserves in Banner and noted the remaining reserves are being expended on goods and services that are not a fundraising or donor cultivation activity.	Robert David Robinson,Fiscal Opns Director/Division
7	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 12a - Coaches Overpayments</u>	The Vice President for Human Resources should address identified payroll weaknesses; make sure extra compensation payments are not duplicated in the future; and, review the data entry process for Non-Standard Payments.	1. HR worked with the Office of University Counsel to modify the current employment contract/addendum amendment process for Athletic staff. Previously, when a portion of a coach's contract was changed, an amendment to the addendum is issued addressing only the terms that have changed. Currently, the Division of Human Resources now creates a new addendum in its entirety whenever there is a change in the terms of employment beyond a change in salary, duration, or other minor revision. 2. HR will review the NSP form upon receipt and prior to processing into UNM's Banner System. They will be responsible for verifying the accuracy of the data on the form and ensuring there is no duplication of NSP payments. They will also review existing NSP payments in Banner, and terminate as needed. An SOP and corresponding checklist has been developed to ensure a consistent process by Central HR when entering and reviewing NSP forms.	5/17/2018	The Vice-President for Human Resources implemented standard operating procedures for the non-standard payment process for Athletics coaches. Internal Audit reviewed the SOP for the implemented process in place.	Dorothy Terese Anderson,Vice President,Human Resources
8	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 13 - Courtesy Car Program</u>	A signed agreement should be obtained for every courtesy car issued to an Athletics employee, and mileage should be closely reviewed to ensure personal vs. business miles are accurately reported. In addition, courtesy cars should only be assigned to Athletics' employees if provided by their contract.	The outlined recommendations have been implemented. All personnel within the courtesy car program have completed and reviewed all policies and procedures prior to obtaining the courtesy vehicle. Athletics staff members and the Athletic Business Office will continue to monitor all aspect of the program with all employees.	5/17/2018	Internal Audit reviewed mileage reported by selected courtesy car recipients and determined mileage is accurately being reported. In addition, Athletics management indicated they will continue to ensure all courtesy car recipients have a signed agreement on file.	Eduardo Nunez,Dir,Intercollegiate Athletics

**Follow Up Report - Implemented (sort by project)
August 2018 Open Session**

No	Project Name	Report Approval Date, # of Recommendations, Risk (H/M/L)	Recommendation Title	Executive Recommendation	Management Response	Original Estimated Implementation Date	Recommendation Action	Responsible Party
9	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 14 - Learfield Communications Agreement</u>	The Director of Intercollegiate Athletics should a.) work with UNM Legal Counsel and Learfield Communications to determine a path forward to payment from Lobo Sports Properties, which may take the form of an amended or new contract; and, b.) work with Learfield Communications and Pepsi to ensure that credits due Learfield pursuant to the contact are properly transacted.	Athletics worked with UNM Legal Counsel and Learfield in amending the 2013 Marketing and Media Rights agreement with Learfield Communications. The amended agreement was signed by the appropriate UNM officials on May 10, 2018 and Learfield on May 11, 2018. Pepsi money allocated to sponsorship will be deducted from the annual rights fee in fiscal year 2019	5/17/2018	Internal Audit reviewed the amended agreement with Learfield Communications through June 30, 2019. In addition, Learfield applied credits for the Pepsi contract from its second half payment for FY 2017-18 as recommended and agreed between UNM and Learfield.	Eduardo Nunez,Dir,Intercollegiate Athletics
10	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 15 - Contract Execution and Compliance</u>	The Director of Intercollegiate Athletics should ensure all Athletics contracts are reviewed by a designated Contract Review Officer and ensure contracts/agreements are not entered by an Athletics employee who is not authorized to enter contracts/agreements.	All Athletics contracts are reviewed by a designated Contract Review Officer. In addition, all contracts initiated by the Director of Intercollegiate Athletics are reviewed and approved by the Purchasing Department and the President. All Athletics contracts/agreements are entered by an Athletics employee who is authorized to enter contracts/agreements.	5/17/2018	Internal Audit reviewed an agreement entered in June 2018 and noted it was properly signed by UNM Purchasing.	Eduardo Nunez,Dir,Intercollegiate Athletics
11	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 16b - Endowment Disbursements</u>	The University Controller should ensure expenses recorded by Unrestricted Accounting to endowment accounts are only made if adequate supporting documentation has been reviewed.	Effective immediately, no journal vouchers submitted for approval that are transferring costs from athletic operation indexes to endowment accounts will be processed or approved without adequate supporting documentations indicating the specific transaction being transferred and must include supporting documentation indicating that the transaction being transferred is compliant with donor intent for the index receiving the transaction.	5/17/2018	Internal Audit reviewed endowment account detail for June 2018 and did not identify any JVs to charge expenses to endowment accounts that were posted by unrestricted accounting. The Controller's office further indicated that unrestricted accounting will no longer record JVs to endowment accounts unless adequate supporting documentation is provided that supports compliance with donor intent.	Elizabeth Metzger,University Controller
12	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 19 - Event Management Parking Fee Collections</u>	The Assistant Athletics Director for Events should enforce compliance with UAP 7200: Cash Management, ensure that cash deposits from parking fee collections are made by the next working day, and separate cash reconciliation and deposit duties.	The Events Planner is responsible for acquiring, counting, and reconciling all monies collected for each event. This individual will count all monies collected and then place the funds in the safe after each event. The following working day, the Assistant AD – Events will count the funds in the safe and initiate a deposit in accordance with UAP 7200. Thus, the Assistant AD – Events will be responsible for cash deposits to reduce the risk of misappropriation and/or lost cash.	7/1/2018	Internal Audit completed follow up procedures for the collection, reconciliation, and deposit of parking fee cash collections. IA determined deposits are being made timely, and responsibilities have been adequately separated between cash collections, reconciliation, and deposits.	Eduardo Nunez,Dir,Intercollegiate Athletics

Follow Up Report - Pending (sort by project)

August 2018 Open Session

No	Project Name	Report Approval Date, # of Recommendations, Risk (H/M/L)	Recommendation Title	Executive Recommendation	Management Response	Original Estimated Implementation Date	Revised Estimated Implementation Date	Last Status Update	Responsible Party
5	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 1 - Business Processes</u>	The Athletics Fiscal Operations Director should: a. The Fiscal Operations Director should also consider adding resources to the business office, such as an additional full-time employee, to strengthen internal controls within the accounting function. b. Budgeted expenses should also be closely monitored on a regular basis and adjusted to reflect actual revenues generated. This will decrease the risk of inaccurate revenue accruals, over-expended budgets, and year-end deficits. c. Amortize the \$500,000 additional investment received from Levy Restaurants over the term of the contract. d. Record funds intended for specific purposes and their corresponding expenses in their own index.	A comprehensive business operations manual detailing policies and procedures for specific business functions, including, but not limited to: journal vouchers, accounts payable, purchasing, cashiering, payroll, financial award processes, compliance with endowment restrictions, etc., will be developed and implemented. In addition, a comprehensive assessment of the business operations within Athletics will be completed in order for a determination to be made as to the most efficient use of the current resources within the office and whether additional resources are necessary. Moving forward, account reconciliations will be performed on a regular basis throughout the year. In addition, revenue accruals will be adjusted on a quarterly basis to recognize actual revenues earned for the period. Further, budgeted expenses will also closely monitored on a regular basis and adjusted to reflect actual revenues generated. The additional investments received from Levy Restaurants will be amortized over the term of the contract.	9/1/2018		Athletics is currently reviewing the manuals of industry leaders in terms of best practices and working with campus personnel to tailor these procedures to the applicable university administrative policies. Management believes they will have a working draft of a comprehensive business operations manual by its target date of September 1, 2018. Athletics has entered into a shared service agreement with the Academic Affairs Fiscal Shared Service Center. As stated in the agreement, the Shared Service Center is responsible for timely account reconciliation, and will amortize the \$500,000 additional investment from Levy as required by the amended agreement and ensure funds intended for specific purposes are recorded in their own index. Internal Audit will perform procedures to determine if corrective action for this recommendation has been implemented.	Robert David Robinson, Fiscal Opns Director/Division
6	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 2 - General Activities Financial Management</u>	The Fiscal Operations Director should conduct a thorough review of expenses throughout the year to ensure expenses, by budgeted line item, are within budget and conduct a cost savings analysis to determine where management controlled expenses can be reduced.	All budgets will be closely monitored throughout the year to ensure expenses are within budget at year end. This process will include: (1) a thorough review of expenses throughout the year to ensure expenses, by budgeted line item, are within budget; (2) budgeted expenses will be adjusted at least quarterly to reflect adjustments to actual revenues; and (3) a cost savings analysis will be conducted on a quarterly basis to determine where management-controlled expenses can be reduced.	9/1/2018		For FY2018, the Athletics CFO, in conjunction with the Fiscal Shared Services unit, completed a thorough review of all fiscal operations within the Athletics Department. For FY19, Athletics will work with the Fiscal Shared Service Center to review budgeted expenses and make quarterly adjustments, as necessary, to reflect actual revenues. The Athletics CFO also indicated a cost savings analysis will be conducted on a quarterly basis to determine where management-controlled expenses can be reduced. Internal Audit will perform procedures to determine implementation of this corrective action.	Robert David Robinson, Fiscal Opns Director/Division
7	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 4 - Fundraising</u>	The Director of Intercollegiate Activities should consult with the University of New Mexico Board of Regents and University Counsel to revise and update the May 17, 2015 Memorandum of Agreement between the Board of Regents, UNM Foundation, and the UNM Lobo Club to clearly define roles and responsibilities of all parties in the agreement.	Athletics is in the process of developing and executing a Memorandum of Agreement, which will clearly define the roles and responsibilities of the all parties in the agreement.	8/1/2018	9/30/2018	Athletics is in the process of finalizing the MOA, and has provided Internal Audit a draft copy of Agreement. Management indicated the final Agreement needs to reflect a restructuring of the Lobo Club, and believes the MOA will be finalized by a requested extension date of September 30, 2018.	Eduardo Nunez, Dir, Intercollegiate Athletics

Follow Up Report - Pending (sort by project)

August 2018 Open Session

No	Project Name	Report Approval Date, # of Recommendations, Risk (H/M/L)	Recommendation Title	Executive Recommendation	Management Response	Original Estimated Implementation Date	Revised Estimated Implementation Date	Last Status Update	Responsible Party
8	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 6 - Agency Fund Written Procedures</u>	The Athletics Chief Financial Officer should develop formal fund establishment documentation for the Agency fund that outlines the purpose and use of the fund.	Formal fund establishment documentation for the Agency fund outlining the purpose and use of the fund will be developed and implemented. In addition, written procedures will be developed to clearly explain and support the financial activity that flows between the Lobo Club, Agency fund, and unrestricted athletics accounts.	9/1/2018		Athletics is in the process of finalizing formal fund establishment documentation for its agency fund. Internal Audit has received and reviewed the written formal process for Lobo Club accounting in the agency fund.	Robert David Robinson, Fiscal Opns Director/Division
9	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 7 - Financial Reporting by Athletics Program</u>	The Athletics Chief Financial Officer should complete a thorough assessment of financial reporting in the Banner Accounting System and determine which transactions are not being recorded correctly by Athletics program.	A thorough assessment of financial reporting in the Banner Accounting System will be conducted to determine which transactions are not being recorded correctly by Athletics program. Following the completion of this assessment, Athletics accounts will be properly organized in Banner to ensure that transactions such as fundraising, payroll, and financial awards are recorded in the applicable Athletics program. Further, budgeted salaries for Athletics staff will be properly organized in the Banner index that corresponds to their Athletics program using the "Salary Planner" budget module. This measure will ensure salary and benefits are budgeted and recorded in the correct Athletics program as they occur.	9/1/2018		The Athletics CFO indicated he worked in conjunction with the Fiscal Shared Services unit and completed a thorough assessment of financial reporting in the Banner Accounting System to determine which transactions were not being recorded properly. As a result of this assessment, Athletics' indices have been properly organized in Banner to ensure that all transactions are recorded in the applicable index. In addition, the Athletics CFO indicated budgeted salaries for Athletics personnel are properly organized within the Banner index of the applicable unit/sports program. These measures ensure that salary and benefits of Athletics personnel are properly budgeted and recorded. These processes will continue in FY19 and beyond. Internal Audit will perform procedures to determine if this corrective action has been implemented.	Robert David Robinson, Fiscal Opns Director/Division
10	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 8 - Account Coding</u>	The Athletics Chief Financial Officer should ensure P-Card reviewers are conducting thorough reviews of P-Card activity to ensure P-Card transactions are recorded to the appropriate expense account.	A thorough review of all P-Card activity will be conducted to ensure that reviewers of P-Card activity are following all applicable policies and procedures and all P-Card transactions are recorded to the appropriate expense account.	9/1/2018		Athletics entered into a shared service agreement with the Academic Affairs Shared Service Center. As part of the agreement, the Shared Service Center is responsible for conducting the review of P-Card transactions. Internal Audit will perform procedures to determine if P-Card transactions are adequately reviewed by the Shared Service Center, and that transactions are recorded to the correct account code.	Robert David Robinson, Fiscal Opns Director/Division
11	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 9 - Cash Advances</u>	The Athletics Chief Financial Officer should ensure that supporting documentation submitted for cash advances clearly supports the business purpose, and identifies how cash advance needs are calculated.	A thorough assessment of all activities related to cash advances will be completed. Following the completion of this assessment, best practices will be implemented and internal controls will be strengthened and enforced to ensure that all cash advances are for a valid business purpose, the documentation submitted for each cash advance clearly supports the business purpose, and excess cash is deposited in a timely manner.	9/1/2018		Athletics entered into a shared service agreement with the Academic Affairs Shared Service Center. As part of the agreement, the Shared Service Center is responsible for conducting the review of cash advances. Internal Audit will perform procedures to determine if cash advances are adequately reviewed by the Shared Service Center, have adequate supporting documentation, and are for a valid business purpose.	Robert David Robinson, Fiscal Opns Director/Division

Follow Up Report - Pending (sort by project)

August 2018 Open Session

No	Project Name	Report Approval Date, # of Recommendations, Risk (H/M/L)	Recommendation Title	Executive Recommendation	Management Response	Original Estimated Implementation Date	Revised Estimated Implementation Date	Last Status Update	Responsible Party
12	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 10 - Cash Management Training</u>	The Athletics Chief Financial Officer should require all Athletics P-Cardholders to take the Cash Management training and enforce cash management policies and procedures requiring timely deposit of excess cash not used from cash advances.	All Athletics P-Cardholders will be required to complete Cash Management training and all cash management policies and procedures will be enforced, such as requiring timely deposit of excess cash not used from cash advances. In addition, any excess cash will be deposited by the next working day upon completion of the business activity.	9/1/2018		The Athletics CFO is in the process of determining which P-Cardholders have not yet taken the cash management training. He will then provide a notice to the P-Cardholders to complete the training by September 1, 2018.	Robert David Robinson, Fiscal Opns Director/Division
13	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 11 - Chrome River Approvers</u>	The Athletics Fiscal Operations Director should: conduct an assessment of P-Cardholders, P-Card transactions, and reimbursements by each Athletics area; and, assign Chrome River reviewers and approvers responsible for the review and approval of P-Cardholders and reimbursements by Athletics area. Ensure reviewers and approvers complete the Chrome River online training.	A thorough assessment of P-Cardholders, P-Card transactions, and reimbursements by each Athletics area will be completed to determine the number of Chrome River reviewers and approvers needed for each Athletics area. Chrome River reviewers and approvers responsible for the review and approval of P-Cardholders and reimbursements will be assigned according to official duties and areas of oversight. All reviewers and approvers will be required to complete the Chrome River online training.	9/1/2018		Athletics entered into a shared service agreement with the Academic Affairs Shared Service Center. As part of the agreement, the Shared Service Center is responsible for conducting the review of P-Card transactions. Therefore, Athletics does not have any Chrome River reviewers for P-Card transactions. Internal Audit will perform procedures to determine if P-Card transactions are adequately reviewed in Chrome River by the Shared Service Center.	Robert David Robinson, Fiscal Opns Director/Division
14	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 12b - Coaches Overpayments</u>	The Senior Associate Athletics Director for Administration should: ensure that Non-Standard Pay (NSP) forms accurately reflect contract terms; provide the Payroll Department copies of both the NSP forms and the coaches' contracts; and, monitor payments to coaches for three (3) months after contracts are initially executed, changed, or renegotiated.	Effective FY 18, Athletics HR will create a spreadsheet that includes all compensation-related details for coaches' contracts. Athletics HR will continue to update and send spreadsheets for contract employees at least annually (send by July 1 each year) and then if there were to be mid-year changes will send updates on an as-needed basis to HR consultant and Athletics CFO. Athletics HR will review be responsible for monitoring the encumbrances compared to coach's pay on a quarterly basis against the contract terms. Beginning July 1, 2018 Athletics Business office, primarily the Senior Associate Athletics Director - CFO, unless otherwise delegated, will be responsible for monitoring the encumbrance compared to coaches' pay on a monthly basis during account reconciliation. This will ensure payments made to coaches are consistent with the terms of the contract.	7/1/2018		A shared service agreement was recently entered with Human Resources for the non-standard payment process and monitoring of changes to coaches contracts. Although the former Athletics Human Resources Administrator 3 had implemented a process, HR is currently developing a new process for implementation.	Robert David Robinson, Fiscal Opns Director/Division

Follow Up Report - Pending (sort by project)

August 2018 Open Session

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15	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 16a - Endowment Disbursements</u>	The Athletics Chief Financial Officer should a. Develop a formal process for the awarding and disbursement of financial awards from endowment funds. b. Implement a scholarship committee. c. Perform a detailed review of disbursements from endowed funds to ensure activity charged to endowments are in compliance with donor intent. d. Reimburse endowments that were incorrectly charged for disbursements that did not meet donor restrictions.	A formal process will be developed for the awarding and disbursement of financial awards from endowment funds. A scholarship committee will be formed to review student qualifications to ensure financial awards disbursed from endowments meet donor restrictions. A detailed review of disbursements from endowed funds will be performed to ensure activity charged to endowments are in compliance with donor intent. Endowments that were incorrectly charged for disbursements due to the failure to meet donor restrictions will be reimbursed. Athletics administration will work with donors to broaden restrictions on certain endowments if current restrictions are difficult to meet.	8/1/2018		a. Implemented: IA reviewed the formal written process for awarding and disbursing financial awards from endowment funds. b. Implemented: Athletics implemented a scholarship committee for awards disbursed from endowments. Athletics also developed a Scholarship Endowment Form for formally selecting and documenting award disbursements and recipients. c. Implemented: IA reviewed disbursements from endowments and verified the implemented process was used for scholarship disbursements. d. Pending: Athletics entered a shared service agreement with the Academic Affairs Shared Service Center. It is in the process of preparing a JV for reimbursements to endowments that were charged for disbursements that did not comply with donor intent. Management believes the JV will be prepared and posted by September 1, 2018. e. Athletics management does not believe it is necessary to work with donors to broaden restrictions for any endowments.	Robert David Robinson, Fiscal Opns Director/Division
16	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 17 - Pit Suite and Club Seat Sales and Collection</u>	The Interim Executive Director of the Lobo Club should a. continue to ensure formal documentation such as contracts or sales invoices is obtained for every Pit Suite and Club Seat sale; b. enforce implemented collection procedures; c. ensure receivables are reconciled on a regular basis to ensure balances are accurately reported; and, d. work with UNM's Legal Counsel and/or the Director of Intercollegiate Athletics to develop a formal agreement that clearly defines the roles and responsibilities pertaining to UNM and the Lobo Club for the sale and collection of Pit Suites and Club Seats.	Recommendations (A), (B), and (C) have been implemented. Recommendation (D) – The Interim Executive Director of the Lobo Club is currently working with UNM's Legal Counsel as well as the Director of Intercollegiate Athletics to develop a formal agreement that clearly defines the roles and responsibilities pertaining to UNM and the Lobo Club for the sale and collection of Pit Suites and Club Seats	8/1/2018	9/30/2018	Internal Audit reviewed a newly developed suite agreement and invoice used for the 2017-2018 basketball season and reviewed written processes for pit suite and club seat sales. Athletics sales and collection procedures resulted in 100% collection of sales for the 2018-2019 season. Internal Audit also reviewed a copy of a draft agreement between Lobo Club, Foundation, and Board of Regents. Athletics management indicated they believe a final agreement will be completed by September 31, 2018.	Jalen Ivan Dominguez, Assistant AD for Premium Seating
17	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 18 - NCAA and Mountain West Conference Tournament Tickets</u>	Athletics should purchase NCAA and MWC tournament tickets only for UNM officials with such a provision for tickets in their employment contract. The Director of Intercollegiate Athletics should require NCAA and MWC tournament tickets to be purchased through the Lobo Club.	Athletics purchases NCAA and MWC tournament tickets only for UNM officials who are attending to conduct official university business and/or have such a provision for tickets in their employment contract. The Director of Intercollegiate Athletics requires NCAA and MWC tournament tickets to be purchased through the Lobo Club, which may then sell or distribute tickets as it deems necessary.	6/4/2018	12/31/2018	The Lobo Club has not yet purchased tickets for the 2019 MWC and NCAA Tournaments. Management indicated that tickets will be purchased through the Lobo Club and then distributed and/or resold. Internal Audit will perform procedures to verify 2019 MWC and NCAA tournament tickets for Non-Athletics employees on official business are purchased through the Lobo Club.	Eduardo Nunez, Director, Intercollegiate Athletics

Follow Up Report - Pending (sort by project)
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18	<u>Athletics Administration</u>	5/17/2018, 20, H	<u>Recommendation 20 - Events Management Payroll Processing</u>	The Director of Intercollegiate Athletics should add additional resources to assist in the payroll process for part-time and on-call employees to ensure payroll processing is complete by the pay period deadline	The Senior Associate Athletics Director – Administration will work with the Assistant Athletics Director – Events to change the current payroll tracking process to include the final Friday of the payroll cycle. Individual timesheets with both employee and supervisor signatures will be used. The Senior Associate Athletics Director – Administration will key timesheets, and prior to approval by the Senior Associate Athletics Director - CFO, will send the list of all inputted employees on Monday morning of the payroll deadline to ensure all time has been keyed properly and in advance of the deadline. The Senior Associate Athletics Director – CFO will then approve time and submit for processing prior to the payroll deadline.	9/1/2018		Athletics has entered a shared service agreement with human resources for the payroll processing of events management employees. Human resources is developing processes to ensure compliance the Department of Labor Fair Labor Standards Act. Management believes processes will be developed and implemented by the target date of September 1, 2018.	Eduardo Nunez,Dir,Intercollegiate Athletics



TITLE IX ASSESSMENT AND SUMMARY

UNMLobos

Submitted: May 18, 2018

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INTRODUCTION

The following report was prepared by **HELEN GRANT CONSULTING, LLC**, for **UNIVERSITY OF NEW MEXICO (UNM)** in Albuquerque, New Mexico. The report addresses the compliance status of **UNM** with the athletic provisions of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. Sections 1681 et. seq., and its implementing regulation at 34 C.F.R. Part 106. As a means of assessing compliance, **HELEN GRANT CONSULTING, LLC** followed the Policy Interpretation on Intercollegiate Athletics issued by the Office for Civil Rights (OCR) on December 11, 1979, 44 Fed. Reg. 71413 et. seq. (1979), subsequent policy clarifications, legal precedent (where applicable) and OCR practices. The findings were made for the 2016-2017 academic year, unless otherwise indicated. Preliminary to the review, **UNM** provided specific data requested by **HELEN GRANT CONSULTING, LLC**. During the onsite portion of the review (February 19-21, 2018), all head coaches, appropriate **UNM** administrators, support staff, and men and women student-athletes from each team were interviewed. Facilities were reviewed also. The conclusions reached herein are based on these data alone.

UNM is a member of the National Collegiate Athletic Association (NCAA) Division I (FBS), the Mountain West Conference (MWC) and Conference USA (CUSA) and is subject to the rules and regulations of those organizations. As a recipient of federal financial assistance, **UNM** must comply with the requirements of Title IX.

I. EFFECTIVE ACCOMMODATION OF STUDENT INTERESTS AND ABILITIES

A. Regulatory Requirement

The regulation requires institutions to accommodate effectively the interests and abilities of students to the extent necessary to provide equal opportunity in the selection of sports and levels of competition. [34 C.F.R. Section 106.41(c)(1)]

B. Selection of Sports

UNM offers twenty-two (22) varsity intercollegiate teams, ten (10) for men and twelve (12) for women. These teams and the number of participants on each team during the 2016-2017 year are indicated in the chart below. Please note that the participant count below is based on the definition of a participant by OCR in the interpretation of Title IX policies. Fifth-year/exhausted eligibility and participants meeting NCAA medically disqualified requirements are not counted. Also, participants on the men’s and women’s cross country, indoor track and outdoor track teams are counted as three participation opportunities.

SPORTS	2016-2017 MEN	2016-2017 WOMEN
Baseball	36	NA
Basketball	15	17
Beach	NA	16
Football	110	NA
Golf	12	9
Skiing	13	11
Soccer	25	36
Softball	NA	22
Swimming/Diving	NA	22
Tennis	9	8
Track: XC	17	19
Indoor	41	35
Outdoor	39	35
Volleyball	NA	17
TOTAL	317	247

C. Compliance Standard (Three - Part Test)

Test 1 "Whether intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments."

AY 2016-2017 Undergraduate Enrollment & Participation Rate Analysis

Full-time Undergraduate Male Students:	8,765 (44.6%)
Full-time Undergraduate Female Students:	<u>10,883</u> (55.4%)
	19,648
Male Participants	317 (56.2%)
Female Participants	<u>247</u> (43.8%)
	564

There is a **minus 11.6%, favoring the men**, difference between the male and female participation rates and the male and female full-time, undergraduate enrollment rates, approximately 145 participation opportunities which is significant. UNM does not offer participation opportunities in substantial proportionality to the undergraduate enrollment rate and does not comply with Test 1 - Proportionality.

Test 2 "Where the members of one sex have been and are underrepresented among intercollegiate athletes, whether the institution can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of that sex;"

SPORT	FIRST YEAR
Swimming/Diving	1972
Basketball	1974; eliminated 1987, reinstated 1991
Golf	1974
Gymnastics	1974; eliminated 1992
Skiing	1974
Volleyball	1975
Cross Country	1976
Indoor & Outdoor Track	1976
Softball	1977
Tennis	1982
Soccer	1993
Beach Volleyball	2015

Women's sports began in 1972 with swimming/diving and from 1972 to 1977 eight women's sports (basketball, golf, gymnastics, softball, skiing, cross country, track and volleyball) began

intercollegiate competition. Tennis began competition in 1982 and soccer in 1993. The last sport added was beach volleyball in 2015.

UNM has demonstrated a history of program expansion (adding women's sports); however, the criterion is that there also be a continuing practice of program expansion in addition to the established history. Evidence of a continuing practice is when a sport for the underrepresented sex has been added in the last 3-5 years or there is a plan to add a sport by a date certain. **UNM added beach volleyball for women in 2015 (3 years), which means that UNM, at the time of the review, complies with Test 2.**

Test 3 “Where the members of one sex are underrepresented among intercollegiate athletes, and the institution cannot show a continuing practice of program expansion such as that cited above, whether it can be demonstrated that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.”

In making the determination of compliance with Test 3, three factors are considered. If all three factors are met, a team must be added or noncompliance results. The following analysis of those three factors includes information gathered by the consultant and information provided by UNM.

1. Unmet interest in a particular sport. There are several indicators of interest:¹
 - a. Requests by students that a sport be added – there have been no formal proposals by students at UNM to elevate a club sport or add a new sport for women to varsity status in recent years. However, members of the men's and women's rugby club teams met with the Deputy AD for Internal Operations to discuss elevating the club teams to varsity status. However, due to the University's financial situation, Athletics felt it would not be feasible to accommodate their request. The club team representatives asked that, if varsity status was not possible, would they be allowed to use athletic facilities for practice and competition and have access to support services (i.e., athletic trainers, etc.).
 - b. Requests that an existing club sport be elevated to intercollegiate team status – as stated above, there have been no formal request.
 - c. All intramural sports offered for women at UNM were already offered at the varsity level (i.e., basketball, soccer, and volleyball) or were recreational activities (i.e., flag football, badminton, dodgeball, corn toss, etc.).

There were four sports (bowling, fencing, rugby and water polo) for women offered at the club level but not offered by UNM Athletics. These four sports are NCAA Championship sports. The remaining sports were recreational activities (i.e., Ultimate Frisbee, Fusion Dancing, Cricket, Jujutsu, etc.).

¹ Source: Office for Civil Rights (OCR) Policy Clarification of 1996

- d. Interviews with student-athletes, coaches, administrators, and others regarding interest in particular sports – During the review, I discussed potential varsity sports with the student-athletes, coaches of women’s sports and administrators interviewed. Student-athletes interviewed mentioned rugby (6), ice hockey (4) and water polo (2). The student-athletes that mentioned these sports were uncertain if there were both men’s and women’s club teams and if they would want to be an intercollegiate, varsity sport. They knew that these teams existed. Two of the sports are UNM club sports (water polo and rugby). This indicates minimal interest in a women’s club sport becoming a varsity level sport for women.
 - e. Participation interscholastic sports by admitted students – The only sports offered at the interscholastic level in New Mexico but not at the intercollegiate level at UNM are bowling, competitive cheer and wrestling. Bowling is an NCAA championship sport and wrestling is not. Acrobatics & Tumbling has been developed as a sport for women that participated in competitive cheer in high school. A & T has been proposed to the NCAA to become an NCAA Emerging Sport for Women. Confirmation is pending.
 - f. Results of questionnaires of students and admitted students regarding interest in particular sports – Surveys have not been conducted.
2. Sufficient ability to sustain a team in the sport. The second factor in determining whether there is unmet interest in a sport is whether there is sufficient ability to sustain a team. Most sports for women originated from club sports, and participants at this level usually have greater ability than those at the intramural level; however, UNM recruits for student-athletes, male and female. Because of recruitment, when there is unmet interest, sufficient ability can be presumed unless the normal recruitment area is insufficient to sustain a team. Head coaches stated that they recruited regionally, nationally and internationally. This means that UNM’s recruitment area overall is broad for existing sports.

UNM’s recruitment area for existing sports is predominately regional (New Mexico, California, Texas, Arizona) and International. However, the head coaches stated that they attempt to recruit nationally. Rosters for each team were reviewed and indicated that 254 (55.9%) of approximately 454 participants were from six states [New Mexico (112), California (66), Texas (41), Arizona (21), Washington (14) and Virginia (7)] and 66 (14.5%) were international. The remaining participants were from twenty-three different states. In the states where UNM recruits the majority of its student-athletes, there is limited competition at the interscholastic level in bowling, field hockey, gymnastics, and ice hockey. There was a more significant number of state high school athletic associations that sponsored wrestling and there was a high number of high schools in California that sponsor lacrosse.

3. A reasonable expectation of competition for the team. The third factor to be considered

in determining unmet interest is whether there is reasonable expectation of competition for a particular team in UNM's normal competitive region or in the geographical area in which UNM is located. UNM's competitive region is primarily the Mountain West Conference and West Region (Arizona, Texas, Utah, Idaho, California, Colorado, and Nevada). The men's soccer team travels East or Southeast for competition. **There is limited available competition in UNM's normal competitive region for any women's sport other than the current sports offered at UNM. In those states that make up UNM's normal competitive region there are 4 bowling, 4 field hockey, 10 lacrosse, 16 water polo, and 11 gymnastics teams. There were no ice hockey or rugby teams.**

D. Recommendations/Comments

1. **Test 1 Analysis/Findings** - UNM does not provide intercollegiate level participation opportunities for male and female student-athletes in numbers substantially proportionate to the enrollment of male and female students. There is a **11.6% difference between the participation rates of male and female student-athletes and the enrollment rates of male and female students** which is significant and represents **approximately 145 participation opportunities**.

Recommendation: Implementation of a Roster Management Plan (RMP) and the addition or elimination of sports is the only way UNM could reach Test 1 compliance. Test 1 compliance is the most recognized way by the OCR to comply with the Accommodation of Interest and Abilities component. Due to the extensive financial cuts to colleges and universities across the country, and, in particular, the publicized cuts to UNM and UNM Athletics, the addition of sports at this time is not advisable. Restructuring of sport offerings means the elimination of sports to meet Athletics' budget mandates.

- a. **Restructure Sport Offerings** – It appears that the only course of action is to eliminate sports with large squad sizes (i.e., football, baseball, soccer and men's track), minimal regional/NCAA competitive opportunities (i.e., men's and women's skiing and men's soccer) and those without adequate playing and practice facilities (beach volleyball). These sports have financial needs (travel budgets, facility construction) that UNM Athletics cannot meet because of the budgetary cuts mandated by UNM Administration. Additionally, UNM's goal is to provide a safe and quality, competitive experience for its student athletes which is difficult to fulfill due financial restraints and having twenty-two Division I sports. The National Average for Division I is sixteen.
- b. **RMP** - The plan will include roster sizes that are based on NCAA Division I National Averages and what is needed to provide optimal participation opportunities for women. Basically, the RMP will designate maximum roster sizes for men's teams and minimum roster sizes for women's teams. The RMP will not eliminate the difference, but it would significantly reduce it and make compliance with Test 1 achievable.

Recommended RMP:

SPORT	MEN RECOMMENDED	WOMEN RECOMMENDED
Baseball	35	NA
Basketball	15	15
Beach	NA	16
Football	110	NA
Golf	9	10
Skiing	10	15
Soccer	26	32
Softball	NA	22
Swim/diving	NA	35
Tennis	10	10
Track: XC	10	15
Indoor	35	45
Outdoor	35	45
Volleyball	NA	18
TOTAL	295	278

Fall 2016: Full-time Undergraduate Male Students: 8,765 (44.6%)
 Fall 2016: Full-time Undergraduate Female Students: 10,883 (55.4%)
 19,648

Recommended Male Participants 295 (51.5%)
 Recommended Female Participants 278 (48.5%)
 573

The difference would decrease to 6.9%, approximately 90 participation opportunities.

NOTE: The difference of 90 participation opportunities means that UNM would have to add 90 participation opportunities for women to comply with Test 1. This translates to the addition of sports like equestrian (60 participants) and/or rowing (75 participants) and one or two small roster teams. However, the elimination of sports, especially men's teams, would reduce that disparity. The overall elimination of men's and women's sports would reduce the Test 1 disparity and help UNM Athletics to meet new budget limitations.

2. **Test 2 Analysis/Findings** – AY 2017-2018, UNM meets the second test (history and continued practice of program expansion) because beach volleyball was added three years ago (2015).

NOTE: The OCR gives institutions, once a sport is added, a 4-year timeframe to develop the sport (establish recruiting area, competitive schedule, establish operation budgets and provide facilities). If the institution does not comply with Test 1 or Test 3, another sport for women should be added. Beach volleyball is in its fourth season of competition. Because UNM is not meeting Test 1-Proportionality (see No. 1 above) and cannot rely on Test 3 compliance (see No. 3 below), at the end of the AY 2017-2018 UNM will no longer comply with Test 2.

Other factors Not Met: With the current status of Beach volleyball (year four), UNM does not meet all of the remaining components of the Equal Opportunity and Equivalency Standard: The Remaining Components of Title IX (The Laundry List). This is why the OCR gives an institution a 4-year timeframe to establish all aspects of the sport to ensure compliance with all components of Title IX.

- Facility - The OCR requires that all sports are provided equal, and in most cases, on campus facilities. Currently an off-campus facility (Bowling Alley/Bar/Grill) is being used for a playing and practice venue for beach volleyball. The participants had several complaints about the quality and cleanliness (litter box, needles, beer caps) of the courts and their safety (public drinking beer and smoking watching) in the area surrounding the courts. There is no financial means to build the facility needed on campus. A beach volleyball facility should include at least 6 collegiate quality sand courts, a clubhouse (including, at the very least, a team locker room, visiting locker room, player area and a satellite training room), spectator restrooms, concessions and spectator seating. A facility of Division I beach volleyball quality (\$1 million plus) should be constructed to comply with this component.
 - Coaching Staff – Currently the head indoor volleyball coach serves as the head beach coach and one of the indoor assistants, and a volunteer is helping him. Most Division I beach volleyball programs have evolved to the point of having two head coaches and sharing one assistant. A head coach for beach should be added to comply with this component.
 - Operating Budgets – When beach volleyball was added, an additional \$20,000 was given to the Head Volleyball Coach to be used for the beach team budget. Fundraising is used to supplement both volleyball budgets. The two budgets should be considered separate budgets and the beach volleyball budget increased to support team travel and per diem costs and the costs for recruitment of student athletes.
3. **Test 3 Analysis/Findings** – If UNM chose to argue (to the OCR) that it meets the requirements for Test 3 compliance, they could do so. However, Test 3 compliance is difficult considering the NCAA Emerging Sports for Women and the growth of NCAA Championship sports for women. The NCAA Emerging Sports for Women that UNM should monitor their growth and popularity are equestrian, acrobatics and tumbling

(added in Fall 2018) and triathlon. Lacrosse is an established NCAA sport and can be found in UNM’s competitive playing area and recruiting region.

The requirements for Test 3 compliance, as stated above, are: Unmet interest in a particular sport (request, club, intramural, interest survey, etc.); Sufficient ability to sustain a team in the sport (high schools, clubs, recruiting area); and, A reasonable expectation of competition for the team. All three factors must be met. If all three factors are met, a team must be added or noncompliance results. *As indicated in the following table the expectation of competition and/or the recruitment of student athletes for several sports existed but was limited:*

UNMET INTEREST IN SPORT (NCAA Status/UNM Club)	EXPECTATION OF COMPETITION Geographical Competitive Region	SUFFICIENT/SUSTAIN RECRUITING Geographical Recruiting Area
Bowling (NCAA Sport/UNM club)	4 teams in Texas	Limited in New Mexico, Nevada, California (low) and Washington (low)
Competitive Cheer/ Acrobatics-Tumbling (proposed NCAA Emerging Sport/no club)	None	Competitive Cheer is a HS Sport (NFHS)-New Mexico, Texas (high) and Arizona
Field Hockey (NCAA Sport/no club)	4 teams in California	California only
Gymnastics (NCAA Sport/no club)	Arizona (2), California (6), Colorado (2) and Utah (1)	California only
Ice Hockey (NCAA Sport/UNM club)	None	California only (low)
Lacrosse (NCAA Sport/no club)	Arizona (1), California (6) and Colorado (3)	California only
Rugby (NCAA Sport/UNM Club)	None	None
Water Polo (NCAA Sport/UNM club)	None	None
Wrestling (NCAA Men’s Sport/no women’s club)	None	New Mexico, Arizona, California, Texas and Wyoming

Summary Opinion

UNM is mandated to and wants to comply with all Components of Title IX and University Policies and Procedures. It is this consultant’s opinion that to comply, UNM must consider the restructuring of its sport offerings (elimination of sports) and implementing a Roster Management Plan to maximize participation opportunities for women in the current sports. The restructuring/downsizing of NCAA Division I Athletics is the trend. There is data available

through the NCAA Resource Center and numerous media outlets that reports the institutions that have eliminated numerous sports throughout the NCAA membership in recent years.

II. ATHLETIC FINANCIAL ASSISTANCE (SCHOLARSHIPS)

A. Regulatory Requirement

Institutions must provide reasonable opportunities for awards of financial assistance for members of each sex in proportion to the number of students of each sex participating in athletics.
[34 C.R.F. Section 106.37(c)]

B. Policy Interpretation

The Policy Interpretation of 1979 clarifies that compliance will be determined by means of a financial comparison which considers whether proportionately equal amounts of financial assistance (scholarship aid) are available to the men's and women's program. Totaling the amounts awarded to each sex and comparing the ratio of men and women participating in the intercollegiate athletics program does this. Participants are counted only one time although some may compete in two and three sports; hence, the participation rate will differ for some sports from the participation opportunities rate found in the previous section. On July 23, 1998, OCR issued a letter to the General Counsel of Bowling Green University in response to a request concerning allowable differences between the rates of participation and the rates of the awards of athletic financial assistance. OCR took the position in this letter that a difference in excess of 1% must be justified by nondiscriminatory reasons or a violation of 34 C.F.R. Section 106.37(c) resulted.

C. Assistance Awarded to Each Team and Modified Participant Count

SPORT	MEN PARTICIPANTS	GRANT AMOUNTS	WOMEN PARTICIPANTS	GRANT AMOUNTS
Baseball	36	\$ 326,498.12	NA	NA
Basketball	15	456,885.82	17	\$ 445,118.92
Beach Volleyball	NA	NA	16	21,257.46
Football	110	2,931,081.80	NA	NA
Golf	12	146,152.18	9	177,291.40
Skiing	13	196,105.60	11	215,590.46
Soccer	25	245,132.29	36	340,639.19
Softball	NA	NA	22	320,121.25
Swimming & Diving	NA	NA	22	286,427.92
Tennis	9	123,671.70	8	261,107.94
Track/XC	43	311,756.04	36	466,821.02
Volleyball	NA	NA	17	299,146.42
Totals	263	\$4,737,283.55	194	\$2,833,521.98

E. Differences Between Participation and Award Ratios

Men - Amount of awards	\$ 4,737,283.55	(62.6%)
Women - Amount of awards	<u>\$ 2,833,521.98</u>	(37.4%)
	\$ 7,570,805.53	
Male participants receiving aid	263	(57.5%)
Female participants receiving aid	<u>194</u>	(42.5%)
	457	

There is a 5.1% difference, which is 4.1% above the 1% difference allowed by OCR policy. The difference is allowed to exceed the 1% if the reasons for the difference over the 1% are nondiscriminatory. Reasons that are considered to be nondiscriminatory would be issuing more out-of-state financial aid to one gender in a given year and awarding aid to participants who choose not to attend school.

AY 2016-2017 UNM provided approximately 111 out-of-state grants for female participants and 153 for male participants. Secondly, men’s teams were awarded 143 of the 147.5 (-4.31 difference) and women’s 93.08 of the 114 (-20.92 difference) maximum number of scholarships allowed by NCAA Financial Aid rules. It appears that the reasons for the 4.1% difference is not awarding all scholarships available to women’s teams and more male participants than female participants received full or at least 50% of a full out-of-state scholarship. The awarding of more out-of-state scholarship to men’s teams can be considered a nondiscriminatory reason because the recruitment of prospective, nonresident student-athletes is not restricted for women’s teams. However, women’s teams not awarding all grants available in not a nondiscriminatory reason and makes it difficult to argue that UNM complies with the financial aid component of Title IX.

Summer School Financial Assistance

Summer school athletic aid is not part of the above comparison of awarding athletic aid during the academic year but is considered under this section. The only requirement is that access to summer school should be equal. That does not mean the same number, or a specific proportion is to attend for each gender, but it does mean that the same opportunity to attend be granted both genders.

UNM summer school policy includes the following:

1. Men’s and women’s basketball, football, and volleyball participants receive summer school funding every summer, with no limitations on the number of hours, number of participants or amount.
2. Initial Full-time enrollees can attend and receive athletic aid.
3. Two-year college Transfers can attend and receive athletic aid.
4. Four-year college transfers can attend and receive athletic aid
5. Student-athletes needing to attend summer school to regain eligibility can attend and receive athletic aid.

6. Student-athletics wanting to ensure graduation in four years can elect to forgo fifth year aid and attend and receive athletic aid for two summer school sessions.

Summer 2016 the following student-athletes attend summer school and received athletic financial assistance:

SPORTS	MEN'S PARTICIPANTS	WOMEN'S PARTICIPANTS
Baseball	3	NA
Basketball	10	14
Beach Volleyball	NA	1
Football	82	NA
Golf	0	2
Skiing	1	1
Soccer	3	6
Softball	NA	2
Swim/Diving	NA	3
Tennis	2	1
Track/XC	0	3
Volleyball	NA	13
TOTAL	101	46

F. Conclusion

1. There is a 5.1% difference between the male and female participation rates and the awarding of athletic financial. This difference 4.1% above the 1% difference (favoring men) allowed by OCR policy. OCR considers this discrimination against women unless it can be proven the difference above 1% is based on nondiscriminatory factors.
2. It appears that the reasons for the 4.1% difference is not awarding all scholarships available to women's teams (-4.31) and more male participants (walk-ons) than female participants. **While the awarding of Athletic Financial Assistance does not appear to be based on discriminatory factors it would be difficult to argue that UNM complies with the financial aid component of Title IX.**
3. Even though more male participants attended summer school and received athletic financial assistance, most men's and women's teams had participants that attended and received summer school aid. In addition, two men's teams (basketball and football) and two women's teams (basketball and volleyball) have full access to summer school aid without limitations. It appears that access to summer school and Bridge Program (**summer prior to first year**) aid is equivalent and based on nondiscriminatory criteria.

III. EQUAL OPPORTUNITY AND THE EQUIVALENCE STANDARD: THE REMAINING COMPONENTS OF TITLE IX

A. Regulatory Requirement [34 C.F.R. Section 106.41(c)]

Institutions must provide equal athletic opportunities for members of both sexes. In determining whether an institution is providing equal opportunity, several factors must be considered.

B. Policy Interpretation

Compliance with each factor or component is assessed by comparing the availability, quality and kinds of benefits, opportunities and treatment of both sexes. If the components are found to be equivalent, then the institution will be in compliance. Equivalence means equal or equal in effect. Under the equivalence standard, identical benefits, budgets, opportunities, or treatment are not required, provided the overall effect of any difference does not have a disparate impact on one sex.

C. The Factors/Components

1. The Provision of Equipment and Supplies [34 C.F.R. Section 106.41(c)(2)]

Quality and Suitability

All equipment and apparel were suitable for the various sports offered and rated as excellent quality by coaches and participants interviewed.

Amount and Availability

Overall, the men's and women's teams except men's and women's skiing, receive the necessary items (apparel, footwear, outer gear and support gear) for practice, competition and weight room workouts. The men's and women's skiing participants stated that they did not receive the Nike standard issue items (shorts, t-shirts, running shoes and sweats) for weight room workouts and they provided their own skis, which is not uncommon.

The student athletes interviewed stated the following:

Men's and women's track - More running shoes to replace worn out shoes. Socks and tights had not been received at the time of the review.

Women's soccer, swimming/diving, women's golf and women's track – sports bras had not been provided for the participants on these teams at the time of the review. Women's golf participants stated that they are provided a sports bra their freshman year, but that was not sufficient.

Men’s golf and track – Men’s golf participants are not provided compressions shorts to wear during strength and conditioning workouts. Men’s track participants had not received tights (compression short) for training at the time of the review.

Maintenance and Replacement

The Head Equipment Manager oversees the program and he is assisted by four full-time equipment managers. The staff with employment status, certification and assigned sports are as follows:

STAFF	ASSIGNED SPORTS
Head Equipment Manager (Full-Time)	Works with all sports, oversees equipment and apparel ordering and laundry services
Assistant Equipment Manager (Full-Time)	Works with all sports
Assistant Equipment Manager (Full-Time)	Works with all sports
Head Football Equipment Manager (Full-Time)	Oversees Football equipment program and laundry service

Student equipment managers are hired by the coaches and receive a stipend.

MEN’S SPORT	TOTAL NUMBER	SCHOLARSHIP /VOLUNTEER
Baseball	2	2 vol.
Basketball	5	5 stipends
Football	6	6 stipends
TOTALS	13	11 stipend/2 vol.
WOMEN’S SPORT	TOTAL NUMBER	SCHOLARSHIP /VOLUNTEER
Basketball	2	2 stipends
Soccer	2	2 vol.
TOTALS	4	2 stipend/2 vol.

AY 2016-2017, men’s basketball (5) and football (6) had student equipment managers and they were paid a stipend ranging from \$1,400 to \$3,600. Baseball had two volunteer student equipment managers. No women’s team, in particular women’s basketball, had

student equipment managers (paid or volunteer). The Head Women's Basketball coach stated that there were no student managers because there was no money available to pay them.

Equipment and apparel is maintained by the equipment staff. The student-athletes interviewed stated that if equipment, apparel or shoes are worn out or damaged, the item is replaced immediately. The men's and women's track participants stated that there was a limit on the replacement of running shoes and that it was not sufficient for the wear on running shoes.

The main equipment room is located in the Maloof Administration Building and the football equipment room is located in Dreamstyle Stadium. Equipment and apparel is stored in the equipment rooms and in closets or designated areas at practice and competition facilities for some teams. There were no issues found with storage of equipment and apparel.

Laundry is available for practice and game apparel for all teams. Football laundry is done in the football equipment room. Volleyball laundry is done in the volleyball locker room. The laundry for all other teams that use the service is done in the General Equipment Room in the Maloof Building. The laundry of practice and game gear is done by the equipment staff and student managers. Some teams (men's and women's golf, men's and women's tennis, women's swimming/diving and men's and women's cross country/track) are offered laundry service but choose not to use it.

The Head Equipment Manager orders equipment for all sports. The Head Football Equipment Manager works with the Head Equipment Manager with the order for football. UNM has a contract with a major equipment manufacturer (Nike) that provides each men's and women's team with a financial allotment. The Head Baseball (Demirini/Wilson) and Softball (Easton) Coaches have individual arrangements with other manufacturers that result in equipment and apparel provided to these teams at no cost or discounted. The men's golf team excluded from the Nike contract because the team is a member of the Ping College Program.

Recommendations/Comments

1. Overall, the Equipment and Supply area is equivalent.
2. There are areas that need to be addressed to ensure continued compliance in this area:
 - a. The Nike contract provides a dollar amount to each team and use of those funds are at the discretion of the head coaches. UNM should review the distribution of funds to ensure equal access for the basic items (shorts, t-shirts, sweats, socks, running/training shoe, and support items) necessary for practice and

competition for all men’s and women’s teams.

Recommendation: The Head Equipment Manager should develop a standard player pack containing those items and monitor distribution to men’s and women’s teams at the start of each season.

- b. Student Equipment Managers – Two men’s teams (football and basketball) and no women’s teams were provided funding to pay student equipment managers. UNM should ensure that funding for stipends awarded to student equipment managers is available to men’s and women’s teams on an as needed and equitable basis.

Recommendation: Two women’s teams should receive funding for student equipment managers. Women’s basketball should be one of the two teams.

UPDATE: UNM Administration confirmed that women’s basketball has money in the budget to pay managers and the Head Women’s Basketball Coach chose to use the money in other areas. While he should use the money for student managers, like men’s basketball, it is his prerogative to use the money to better serve the team. However, for purposes of this review, UNM provides funding for student managers for two men’s teams and one women’s team. Consideration should be given to providing funding for one more women’s team. (4/26/18)

2. Scheduling of Games and Practice Times [34 C.F.R. Section 106.41(c)(3)]

The Number of Regular Season Competitive Events per Sport in 2016-2017:

SPORT	MEN	NCAA MAX.	WOMEN	NCAA MAX.
Baseball	55	56	NA	NA
Basketball	32	27 ² or 29	32	27 ³ or 29
Beach Volleyball	NA	NA	15	15
Golf	27 ⁴	24	23	24
Skiing	9	16	9	16
Soccer	20	20	20	20
Softball	NA	NA	50	56
SPORT	MEN	NCAA MAX.	WOMEN	NCAA MAX.

² Men’s basketball is allowed 27 dates with a qualifying event/tournament that exceeds 27.

³ Women’s basketball is allowed 27 dates with a qualifying event/tournament that exceeds 27.

⁴ Men’s golf played in an exempt event.

Swimming/Diving	NA	NA	8	20
Tennis	25	25	25	25
Track: XC	6	7	6	7
In & Outdoor	14	18	14	18
Volleyball	NA	NA	28	28

AY 2015-2016, all men’s and women’s teams, except softball, women’s swimming/diving, men’s and women’s skiing and men’s and women’s indoor and outdoor track scheduled and competed, in the maximum, or one less, number of regular season competitive events allowed by the NCAA for Division I standards. It is not unusual for swimming and track teams to compete in less than the maximum number of events allowed because they emphasize training and less competition. The Head Swimming/Diving and Track Coaches and participants in those sports stated that the amount of competition was sufficient. The participants stated that there was limited NCAA competition for men’s and women’s skiing and they felt they were competing as much as they could. The Head Softball Coach was new, and she stated that the previous coach did not schedule the Full 56 games, but she would for the 2019 and subsequent seasons.

The Number and Length of Practice Opportunities and the Time of Day Practice Opportunities Are Scheduled

The number of practice opportunities and the length (# of hours per week) are governed by NCAA rules. Teams are provided practice facilities (men’s and women’s basketball, football and soccer) and some sports practice at their competitive facilities (baseball, softball, women’s swimming/diving, men’s and women’s tennis, volleyball and men’s and women’s cross country/track). Practice is scheduled based on participant’s class times. For the teams that share facilities (men’s and women’s basketball, men’s and women’s golf and men’s and women’s tennis, and men’s and women’s track), practice is scheduled based on facility availability as determined by the head coaches of those sports, also. There were no complaints about these arrangements.

The Time of Day Competitive Opportunities Are Scheduled

Competition is scheduled seven days a week at various times of the day or evening depending on the sport. Days and times are controlled by Conference scheduling for most sports. Neither coaches nor participants had any complaints about the days of the week or the time of day competition times are scheduled.

The Opportunities to Engage in Pre-Season and Post-Season Competition

The following teams had the opportunity to compete in pre-season, “other” season, or nontraditional season competition:

SPORT	MEN # EVENTS	# ALLOWED BY NCAA	WOMEN # EVENTS	# ALLOWED BY NCAA
Baseball	0	No Limit	NA	NA
Basketball	2	2	2	2
Soccer	5	5	4	5
Softball	NA	NA	8	8
Volleyball	NA	NA	4	4

Men’s and women’s basketball are allowed to participate in a maximum of two scrimmages or exhibition games in the fall and both competed in the maximum number. The baseball team is allowed scrimmages/games in the fall but each game counts toward the maximum number of competitive events during the regular season (56). The Head Baseball Coach chose not to compete in the fall. The softball team is allowed a maximum number of eight games in the fall and those games do not count in the maximum number of competitive events during the regular season (56). The Head Softball Coach chose to compete in all eight games allowed. Men’s soccer (5), women’s soccer (4) and volleyball (4) had the maximum number, or one less, of nontraditional/spring games scheduled.

UNM has several teams that, on an annual basis, qualify for post-season play. All men’s and women’s teams compete in the MWC championships (or CUSA-men’s soccer), except volleyball and softball, and some will qualify for NCAA championship play. All men’s or women’s teams or individuals that qualify for post-season (MWC, CUSA and NCAA championship) are allowed to compete. The head coaches and participants stated there was no limitation on traveling to and competing in NCAA championship play. The volleyball and softball teams do not have conference championships.

Recommendations/Comments

The Scheduling of Games and Practice Times is equivalent.

3. Travel and Per Diem Allowances [34 C.F.R. Section 106.41(c)(4)]

Modes of Transportation

Because of UNM’s geographical location, most men’s and women’s teams at UNM travel to away competition by air (commercial and charter) and vans for smaller roster teams (cross country, golf and tennis). Charter buses are rented for travel to places where air travel is difficult or within 6 hours from campus.

Below is the total number of trips by mode of transportation in 2016-2017 for all men’s and women’s teams during the regular and nontraditional seasons except men’s and women’s cross country/track and men’s and women’s skiing. These teams are not included in this comparison because they are under the supervision of one coaching staff each and travel together to away

competition. The men’s and women’s skiing teams travelled together by van on four occasions and flew three times. The men’s and women’s cross-country teams travelled together by flight four times. The men’s and women’s indoor and outdoor track teams travelled together by bus once and flew ten times. The sources of the information are the travel data provided by UNM and interviews with coaches and participants.

MODE	MEN # OF TRIPS	WOMEN # OF TRIPS
Air	46	50.5
Bus	8	3
Van/Suburban’s	5	21.5

AY 2016-2017 football was the only team that travelled by charter flight to away competition. There were no complaints about the modes of travel by the coaches and participants interviewed.

Housing Furnished During Travel

When overnight travel is required, each team stays in good to excellent lodging establishments selected by a member of the coaching staff or Anthony Travel. Participants share rooms. Participants on most men’s and women’s teams were assigned two to a room, one per bed for overnight travel. Two men’s teams (soccer and skiing) and two women’s teams (skiing and swimming) assign 3 to a room on occasion. The beach volleyball participants stated that 3-4 participants were assigned per room. The participants had no complaints about these arrangements.

Length of Stay Before and After Competitive Events

Teams arrive either the day before or in sufficient time to warm up prior to a competitive event and leave immediately after the event in order to return to campus, except when commercial air travel is involved. In that case, participants may sometimes have to stay overnight and fly back the next day.

Dining Arrangements and Per Diem Allowances (Meal Costs) for Each Team

Teams eat as a group with one of the coaches or an administrator paying the full bill, or participants are given money for the meal. Baseball, men’s and women’s cross country/ track participants were provided per diem and all other teams received team meals or a combination of team and per diem. All men’s and women’s participants stated that meals or per diem provided was sufficient and rated quality of the food good to excellent except men’s and women’s track and beach volleyball. The male and female track participants interviewed stated that the per diem for California was \$20 plus one meal which was “a stretch” because of food cost in California.

Recommendations/Comments

1. Overall, the Provision of Travel and Per Diem Allowances is equivalent.

2. UNM should review housing and dining arrangements when teams are traveling.
 - a. Travel budgets should be reviewed and adjusted to ensure that the policy of two per room, one per bed can be adhered to for all teams.
 - b. The sport administrator for track should review, with student-athletes and coaches, the per diem and meal allowances for travel to high cost cities/areas and make adjustments to ensure participants receive sufficient per diem or meals.

4. Opportunity to Receive Coaching and the Assignment and Compensation of Coaches [34 C.F.R. Section 106.41(c) (5)-(6)]⁵

Availability of Coaching Personnel in 2016-2017

Below is a chart comparing the current full-time, part-time and graduate assistant coaches for men’s and women’s teams. The men’s and women’s skiing and men’s and women’s cross country/track teams are not compared. These teams are combined under one coaching staff for men and women. There are 2 full-time, one GA and one volunteer student coach for the skiing teams. There are five full-time (one less than NCAA maximum) and three volunteer coaches for men’s and women’s cross country/track. Some teams, both men’s and women’s, have volunteer coaches. While they are noted, they are not a part of the comparison below.

SPORT	MEN	WOMEN
Baseball	3 FT, 1 VOL.	NA
Basketball	4 FT	4 FT
Beach Volleyball	NA	1 FT
Football	10 FT, 4 GAs	NA
Golf	2 FT, 1 VOL	2 FT, 1 VOL
Soccer	3 FT, 1 VOL	3 FT, 1 VOL
Softball	NA	3 FT
Swimming/Diving	NA	3 FT
Tennis	2 FT	2 FT, 1 VOL
Volleyball	NA	2 FT

There are twenty-three full-time coaches and four (4) GAs for six men’s teams. The GAs are in football and cannot be full-time under NCAA rules. There are twenty full-time coaches for eight women’s teams. The Head Volleyball Coach currently serves as the Head Beach Volleyball Coach

⁵ While Opportunity to Receive Coaching and Academic Tutoring [34 C.F.R. Section 106.41(c)(5)] and the Assignment and Compensation of Coaches and Tutors [34 C.F.R. Section 106.41(c)(6)] are separate in both the Title IX regulation and the Policy Interpretation, the above combination significantly simplifies the review of each

and one assistant works with both teams. This means that for beach volleyball there are two 0.5 FTE coaches and indoor volleyball there are two 0.5 FTE and a 1 FTE coaches.

All men’s and women’s teams, except beach volleyball and volleyball, have the maximum number of coaches allowed under NCAA rules and fill those positions with full-time staff.

Assignment (Qualifications) and Compensation of Coaches

The men's and women's swimming/diving and men’s and women’s cross country/track teams are also excluded from this analysis. All coaches are qualified, most having participated at both the high school or club and college levels in the sport they coach. Some have competed on national teams and played and coached professionally. While some coaches also have coaching experience at the high school, club and professional level, **the average number of years of experience at the college level for coaches of men's sports is 17.48 years and the average for women's sports is 12.15 years. The difference is not significant.**

In order for there to be a violation of Title IX with respect to coaching salaries, there must be a difference in the availability of coaches or the qualifications of coaches, and the differences must be shown to have a disparate impact on women student-athletes. **There is not a problem in the availability or qualifications of coaches. If there is some problem with respect to the delivery of coaching services to the student-athletes, Title IX jurisdiction can be asserted in this area but there was no problem with the delivery of coaching services.** Otherwise, coaching salaries would fall under other federal laws: Equal Pay Act, the Fair Labor Standards Act and Title VII of the 1964 Civil Rights Act. **After reviewing base salaries provided by UNM and receiving no complaints or questions regarding head or assistant coaches, it appears coaching salaries are competitive with their peer coaches in their respective sports and not a Title IX problem.**

Recommendations/Comments

The Opportunity to Receive Coaching and the Assignment and Compensation of Coaches is equivalent.

**5. Opportunity to Receive Tutoring and the Assignment and Compensation of Tutors
[34 C.F.R. Section 106.41(c)(5) -(6)**

Academic support staff and assigned teams:

STAFF	ASSIGNED TEAMS	TRAVEL
Associate AD	Oversees the Lobo Center for Student-Athlete Success and Staff	None
Assistant Director/Learning	All teams	

Specialist		None
Senior Student Success Manager	Football (defense)	Football (not in 2017)
Senior Student Success Manager	Men's basketball, and softball	Men's basketball and occasional with softball
Senior Student Success Manager	Women's basketball, men's and women's cross country/track and volleyball (beach & indoor)	None
Student Success Manager	Swimming & diving, women's soccer and men's golf	None
Student Success Manager	Baseball, men's and women's skiing, men's and women's tennis, women's golf and men's soccer	None
Student Success Manager	Football	Football (not in 2017)

The staff is housed in the state-of-the-art the Lobo Center for Student-Athlete Success. The Center provides individual and small group tutor rooms, computer labs, offices and many more technologically advanced services for student-athletes. There is a lobby/lounge area for student-athletes to study or relax. Nutritional snacks and recovery drinks are provided in this area also.

Tutoring Program/Center: UNM has an extensive Tutoring Program in the Lobo Center. The primary goal of the tutorial program is to provide student-athletes with supplemental instruction. The Lobo Center staff has a budget to pay tutors (\$60,000). Most tutors are undergraduate students and are paid \$9.00 to \$15.00/hour. All male and female student-athletes may request a tutor for any subject with their assigned Student Success Manager. Tutor appointments may be scheduled during Lobo Center hours. UNM also pays (\$3,000/class) for student-athletes to enroll in the University 101 class which helps to acclimate students to college life (academics and social). **No teams receive priority in scheduling tutors and tutors were rated as good to excellent by all student-athletes interviewed.**

All student athletes indicated they were knowledgeable about the academic services available to them, including how to obtain tutors. All academic staff were rated as good to excellent by all coaches and participants interviewed with respect to their availability and the assistance they provide their assigned teams.

Recommendations/Comments

The Opportunity to Receive Tutoring and the Assignment and Compensation of Tutors is equivalent.

6. Provision of Locker Rooms, Practice and Competitive Facilities [34 C.F.R. Section

106.41(c)(7)

LOCKER ROOMS

SPORT	LOCATION	RATING
Baseball	RD & Joan Dale Hubbard Clubhouse	Excellent-New construction
Basketball Men and Women	Dreamstyle Arena/The Pit NBA locker room and players' lounge.	Student-Athletes: Excellent MBKB Head Coach-needs updating (been 10 yrs.), leaks and AC goes out.
Beach Volleyball	Johnson Center	Share with indoor volleyball
Football	Dreamstyle Stadium	Good-work in progress/restroom & shower area poor and not maintained
Golf Men and Women	Patty Howard Golf Complex/Excellent	Excellent-both student-athletes MGO Head Coach-Excellent WGO Head Coach-Good, needs some updates and a TV.
Men's Soccer	UNM Soccer Complex	Good – "beautiful"
Women's soccer	UNM Soccer Complex	Good
Softball	Lobo Softball Fieldhouse	Needs updating – too small (freshman share lockers), no team lounge, training room, no mud room, no Lobo logo and no TV. "not comparable to baseball"
Swimming/diving	Seidler Natatorium	Fair - Inside general locker room. Had break-ins. Missing name plates on lockers.
Tennis Men and Women	Linda Estes Tennis Complex	Excellent by both.
Cross Country/Track Men and Women	No locker room	NA
Volleyball & Beach Volleyball	Johnson Center	Needs renovation (been 12 yrs.) Not cleaned, roaches, rats, mold, showers do not work (no hot water) and drainage poor. No training room, no Lobo's logos and no TV.

UNM provides locker rooms that were rated as good to excellent for all men's and women's teams except beach/indoor volleyball, football, softball and swimming/diving.

Beach volleyball, because all but one participant is on both rosters, shares a locker room with the indoor team. Sharing a locker room at this time with indoor volleyball is not a Title IX problem. The football, swimming/diving and volleyball locker rooms are in need of updating, cleaning and

maintenance attention. There are significant differences (no players’ lounge, mud room, training room and a larger locker area) in the Hubbard Clubhouse for baseball and the softball clubhouse which has caused an inequity. Please note that in reviewing facilities with Title IX policy interpretations, like sports are not compared; however, in practice baseball and softball facilities are compared and have been the number one Title IX complaint to the OCR.

PRACTICE AND COMPETITIVE FACILITIES

SPORT	FACILITY/ QUALITY	AVAILABILITY/ EXCLUSIVE USE	MAINTENANCE & PREPARATION
Baseball	Santa Ana Star Field	Exclusive use of practice field.	Maintenance and Preparation by grounds crew/Good
Basketball Men & Women	Dreamstyle Arena/The Pit MBK-needs updating and new sound system (in-progress). WBK – Good Davalos Basketball Center	Used by men’s and women’s basketball and University.	Maintenance by contractor/Good Preparation by Game Operations/Good
Beach Volleyball	Beach Practice & Play-Lucky 66 Bowl/Good practice courts. Bowling alley and Bar/Grill. Indoor-Johnson Center/old building but make it work.	Off-campus facility used by the public but UNM gets priority in scheduling practice times and matches	Maintenance and Preparation by Beach: Lucky 66 staff/Good Indoor: Rec Sports and Event Staff/Good
Football	Dreamstyle Stadium-Turf Field/Good 2 Practice fields-natural/Good Indoor Turf/Good	Exclusive use of practice fields and stadium. Indoor shared with other teams.	Maintenance and Preparation by grounds crew Stadium staff/Good
Golf Men & Women	UNM South Championship Golf Course/Good Lobo Golf Practice Facility/Excellent	Share course with members of golf clubs.	Professional groundskeepers at all facilities/Fair
SPORT	FACILITY/ QUALITY	AVAILABILITY/ EXCLUSIVE USE	MAINTENANCE & PREPARATION
Skiing	Skiing Training Facilities-six ski areas /Excellent-“best in the world”.	Share with the public.	Maintenance and Preparation by ski area staff/Excellent.
Soccer Men & Women	UNM Soccer Complex/Good. 2 Practice Fields/Good.	Game field inside track. Practice fields-	Maintenance by Grounds crew/Good Preparation by Game

		Exclusive use of both for men and women.	Operations/Good
Softball	Lobo Softball Field/Good. Practice-indoor hitting facility/Good.	Exclusive use.	Maintenance and Preparation by grounds crew/Excellent
Swimming/ Diving	UNM Natatorium/Good for training but not competition.	Share with campus community but have priority	Maintenance -/Good as can be for older facility. Preparation- coaches /Good
Tennis Men & Women	Linda Estes tennis Complex/Excellent. McKinnon Family Tennis Stadium/Excellent.	Share with members but have priority.	Maintenance by UNM facility staff/Good Preparation by coaches and officials/Good
Track/XC Men & Women	GFO UNM Track Stadium/Good-need resurfacing soon. Albuquerque Convention Center/Good. Cross Country-UNM North Golf Course/Good.	Outdoor- Exclusive use. Indoor-community. Cross country-public	Maintenance of indoor and outdoor track facilities by facility staff/Good Maintenance of cross country by park staff/Good Preparation by Game Ops/Coaches
Volleyball	Johnson Center/Good-older building that has some issues (Asbestos) but make it work.	Share with Rec Sports but have priority	Maintenance by Univ. Facilities staff/Good Preparation by Game Operations/Good

Recommendations/Comments:

1. Overall, locker rooms are equivalent except for softball compared to baseball.
 - a. Softball Clubhouse – The differences in the newly constructed baseball clubhouse and the softball clubhouse need to be addressed as soon as possible.
 - b. Beach volleyball sharing a locker room with indoor volleyball does not appear to be a Title IX problem at this time because there is just one beach only player. All remaining participants play both.
 - c. Cleaning and Maintenance – The cleaning and maintenance of locker rooms affects one men’s team (football) and two women’s teams (swimming/diving and volleyball).

2. Overall, Practice and Competition facilities are equivalent with the exception of beach volleyball.
 - a. Beach volleyball is provided an off-campus facility for practice and competition. The addition of beach volleyball allows UNM to comply with Test 2 requirements. However, the OCR usually gives an institution 4-5 years to establish the sport which means, if an off-campus facility is being used, to provide a playing and practice facility equal to other athletic facilities on campus.
 - b. Softball Clubhouse – If UNM uses the current indoor hitting facility to expand the softball clubhouse, another indoor hitting should be provided, he same as baseball.

7. Provision of Medical and Training Facilities and Services [34 C.F.R. 106.41(c)(8)]

Health, Accident and Injury Insurance Coverage

Primary coverage on all student-athletes is through their parents' or student health insurance. At whatever point the primary coverage stops, the Athletic Department's secondary coverage begins. Walk-ons must provide proof of insurance and proof of a physical. If a participant has no coverage, the Athletic Department pays the entire cost through its own insurance.

Weight Room Facility - There are three weight room facilities: Tow Diehm-Football Weight Room, Olympic Weight Room (Tent) and The Pit. The football and The Pit weight room facilities were rated as good to excellent by the head coaches and student-athletes that use those facilities. The Olympic Weight Room/Tent was rated as fair to good, but coaches and student-athletes know that it is a temporary space.

Strength and Conditioning Staff: The services provided by the strength and conditioning staff was rated as good to excellent by all head coaches and student-athletes interviewed.

STAFF	EMPLOY STATUS/CERT.	SPORT ASSIGNMENTS
Director of Athletic Performance	FT/NASE, CSCS	Football and supervise all
STAFF	EMPLOY STATUS/CERT.	SPORT ASSIGNMENTS
Assistant Performance Coach	FT/CSCS, CSCCA	Football and baseball
Associate Athletic Performance Coach	FT/CSCS, USAW	Volleyball, ski, alpine and men's golf
Assistant Performance Coach	FT/CSCS	Track, men's and women's tennis and women's soccer

Assistant Performance Coach	FT/CSCS	Men's basketball (travels) and women's golf
Assistant Performance Coach	FT/CSCS	Women's basketball and softball
GA Performance Coach	GA/CSCS	Track and men's soccer

Nutrition: The primary fueling station is in the Lobo Center for Student Athlete Success. This area provides nutritional snacks (bagels, peanut butter, granola bars and etc.) and protein shakes. The three weight rooms have chocolate milk delivered (paid by weight room budget) that is provided to all male and female student athletes for recovery drinks after workouts. If recovery drinks and nutritional snacks are in locker rooms, it is paid for out of the sport's budget. UNM does not employ full-time Nutritionist but had hired a local dietician that will work with student-athletes identified as at-risk for nutritional and dietary issues.

Sports Medicine Training Room(s): The main training room is the Tow Diem Athletic Training Room and is used by football, men's golf, men's and women's track and men's and women's skiing. It was rated as excellent by all head coaches and student-athletes interviewed. There is a training room at The Pit and it is used by men's and women's basketball and women's golf. A third training room is at the Maloof Building-Complex and it is used by baseball, softball, men's and women's soccer and men's and women's tennis. The fourth training room is at the Johnson Center and it is used by volleyball, beach volleyball and swimming/diving. **All training rooms were rated as good to excellent by coaches and student-athletes interviewed. The main training room has an X-Ray machine on site. The training room at the Johnson Center was old and needed updates (new modalities) and not the cleanest.**

Medical Staff (Physicians): UNM Athletics has an agreement with a local hospital that provides the services of primary care physicians, orthopedist/orthopedic surgeons, primary care and ortho fellows and access to other specialist (dental, vision, gynecology, etc.). UNM also has access to and hires Chiropractors and Massage Therapist when needed. Doctors on the staff perform all pre-participation physicals for student-athletes. UNM has a full- and part-time nurse on staff and located in the Tow Diem training room. One of the Nurses is a licensed pharmacist and there is a Pharmacy in the training room also.

A primary care physician and orthopedist travels with football. A primary care physician or an orthopedist travels with men's or women's basketball to Conference and NCAA postseason competition. In addition, physicians are present at home football, men's and women's basketball and volleyball games. If UNM hosts any conference tournaments, they will cover them as well. Physicians are on call for all other home events. In the fall a primary care physician and orthopedist come to the training room to perform a clinic two times each week. A non-operative Orthopedist comes to the training room once a week to treat Triad issues and bone stress management. **The services and access to physicians was rated good to excellent by coaches and student-athletes interviewed.**

Mental Health: Currently UNM is using the Student Health and Counseling Center staff physicians for dealing with mental health issues.

Sports Medicine Staff (Athletic Trainers), Sport Assignments and Travel:

STAFF/EMPLOY STATUS/CERT.	SPORT ASSIGNMENTS	TRAVEL
Head Athletic Trainer/FT/LAT, ATC, NASM-CEs	Football and men's golf	Football
Assistant Athletic Trainer/FT/ATC, LAT	Football and men's and women's skiing	Football
Assistant Athletic Trainer/FT/ATC, LAT	Women's basketball and women's golf	Women's basketball
Assistant Athletic Trainer/FT/ATC, LAT, CSCS, NASM-CES	Men's basketball	Yes
Assistant Athletic Trainer/FT/ATC, LAT	Baseball	Yes
Assistant Athletic Trainer/FT/ATC, LAT	Volleyball and beach volleyball	Yes both
Graduate Assistant/ATC, LAT	Football and spirit.	Yes both
Graduate Assistant/ATC, LAT	Men's and women's track and football	Football and occasional with track
Graduate Assistant/ATC, LAT	Football, men's and women's track	Football
Graduate Assistant/ATC, LAT	Softball	Yes
Graduate Assistant/ATC, LAT	Men's and women's tennis	Both occasionally
Graduate Assistant/ATC, LAT	Swimming & Diving	Yes

The services provided by the athletic training staff was rated good to excellent by the coaches and student-athletes interviewed.

Recommendations/Comments

1. The Strength and Conditioning area is equivalent as it relates to quality of strength coaches, facility, and the scheduling of workout times for men's and women's teams. The volleyball and softball participants stated that the Olympic Sport Tent was crowded. After talking with the strength coach that oversees the Tent scheduling, it does not appear to be a significant problem and will be remedied when a new Olympic sport weight room is built.
2. The Sports Medicine/Athletic Training area is equivalent as it relates to quality of services provided by athletic trainers and medical staff and facilities (athletic training rooms)

provided for men's and women's teams.

UPDATE: UNM added two Assistant Athletic Trainers to the staff with start dates for those positions being 7/1/2018. These two positions will align UNM Sports Medicine staff with other comparable NCAA Division I FBS athletic programs in this area. (4/27/18)

3. Providing nutritional snacks and recovery drinks appears to be equivalent. As the area grows and coaches want to provide more nutritional items, UNM must monitor what is actually provided to the men's and women's teams.

Recommendation: UNM should consider allowing the Head Strength Coach coordinate purchasing and distribution of all snacks and drinks to the teams. The budget to purchase these items should be in the strength and conditioning program budget and under his control. Putting additional funds in each sport budget can cause inequities in the use of the funds between men's and women's teams.

8. Provision of Housing and Dining Facilities and Services [34 C.F.R. Section 106.41(c)(9)]

During periods of time when school is not in session (Fall Preseason, Winter Break, Spring Break, Summer Break) but teams are required to be on campus to practice and /or compete, the following is provided for housing and dining:

Housing During Break

Students-athletes live in dormitories or apartments on and off campus. The same housing is available for teams who must be on campus to practice and/or compete during vacation periods during the term or vacation periods outside the term (Christmas break, after spring term) when classes are not in session. The men's and women's soccer participants stated that they may have to stay with teammates who live in houses for a couple of days during preseasons. The baseball participants stated that if they participate in post season after school is out, the freshman (live on campus) stay in a hotel paid for by coaches. The men's and women's skiing and men's and women's cross country/track participants stated that they did not come early, or this situation had not occurred. The head coaches and participants interviewed had no complaints about these arrangements.

Dining During Breaks

During vacation periods and semester breaks participants are provided per diem or team meals or a combination of both. Again, men's and women's skiing, men's and women's tennis and men's and women's track participants stated that they did not come in early or this situation had not occurred. The head coaches and participants interviewed had no complaints about these arrangements.

Pre- and Post-Game Meals for Home Competition

Pre-Game Meals are provided or offered for men’s and women’s teams, except softball, men’s and women’s tennis and swimming and diving. men’s and women’s skiing did not have a home event.

Post-Game Meals/Snack/Money are provided or offered for men’s and women’s teams, except baseball, volleyball, men’s tennis, men’s and women’s track, swimming and diving.

Recommendations/Comments

1. Housing and Dining during Breaks is equivalent.
2. Comment: It appears that with the new Head Softball Coach a lot of things will change and improve from the 2016-2017 season. The CFO will review the budget with the coach to ensure sufficient funding to provide pre- and/or post game meals.

9. Publicity [34 C.F.R. Section 106.41(c) (10)]

Sports Information Department (SID)/Athletic Communications

The SID staff provides quality web sites with online media guides for all men’s and women’s teams. Social Media is used extensively to advertise games, promotions, updates on current stats and events and press releases for each team. Game programs or roster cards are provided for home competition for all teams. The SI staff also provides stat and game operations crews for home competition for all teams.

Sports Information/ Media Relations Staff and Assigned Teams

STAFF/EMPLOYMENT	SPORT ASSIGNMENTS	TRAVEL
Assistant AD-Communications/FT	Football, men’s and women’s skiing and women’s tennis	Football
STAFF/EMPLOYMENT	SPORT ASSIGNMENTS	TRAVEL
Associate Director Communications/FT	Men’s basketball and softball	Men’s basketball and softball (limited)
Assistant Director Communications /FT	Women’s basketball and men’s soccer	Women’s basketball
Assistant Director Communications /FT	Women’s soccer and baseball	Baseball (limited)
Assistant Director Communications /FT	Volleyball/Beach and men’s and women’s cross country/track/Social Media	Volleyball

	Graphic Design	
Student Workers	Men's and women's golf and swimming and diving	No travel

At the time of the review, there were two open positions on the SID staff. One open position had been recently vacated and the second position had been vacant for a while but not filled. The SID stated that the two open positions would be filled which would give the SID staff six full-time positions. Six full-time SID means three to four teams assigned to each staff which appears to be sufficient to maintain quality services to all men's and women's teams.

Overall, the services provided by the SID staff were rated as good to excellent by coaches and student-athletes interviewed. The Head Baseball Coach rated the SID assigned to the team as good but stated there is a lot of turnover. He also stated that he shares an SID with women's basketball and does not see him until basketball is over. The Head Men's Basketball Coach stated that he shares an SID with softball and feels that this area is understaffed. The Head Men's Golf Coach stated that the student intern assigned to the team in 2017-2018 was a freshman and not as good as past interns.

Marketing and Promotions

Football, men's and women's basketball, men's and women's soccer, volleyball, baseball and softball teams are the primary focus of all marketing and promotions efforts. However, all twenty-two athletic teams receive some form of promotions (schedule posters, digital media and Lobo radio show).

Marketing and Promotions Staff and Assigned Teams:

The Associate AD for Marketing (open position) oversees the Marketing and Revenue Generation area. The Associate AD position is assisted by the Director of Sales, Senior Marketing Manager and a Marketing Assistant. The staff works with all men's and women's teams and with the Athletic Communications staff in marketing and promoting teams. UNM also has a contract with an outside sports marketing firm, Learfield. Learfield manages Lobo Sports Properties that sells sponsorships and ticket packages.

Publications

Schedule Poster - All men's and women's teams receive a schedule poster. Men's and women's golf, softball, men's and women's track and men's and women's tennis had not received their poster at the time of the review. The Head Men's Soccer Coach stated that his poster was late, but he wants the poster published in June.

Schedule cards - Provided for football, men's and women's basketball, men's and women's soccer, baseball, softball and volleyball (4 men's and 4 women's teams).

Newspaper ads - Published for football and men’s and women’s basketball separately. Olympic sport (fall and spring season) newspaper ads are published for the group of sports competing in each season.

Game Programs/Roster Cards - All men’s and women’s teams that have home competition receive a game program or roster card. Football and men’s and women’s basketball receive souvenir yearbooks for fans to purchase. Men’s and women’s basketball receive full-color mini posters/roster card for purchase by fans also. The remaining sports receive a roster card that is produced by the Communications staff.

Digital Media - Social Media & Lobo TV (streaming)

Digital media content (graphics, blogs, video recaps TV show, etc.) is provided for game announcements and game promotions for all men’s and women’s sports via Social Media (Twitter, Instagram, Facebook, etc.) and Lobo TV.

Media Sponsorships for Radio and TV marketing are provided for football and men’s and women’s basketball home games. The same is provided occasionally for baseball, men’s and women’s soccer, softball and volleyball.

Game Promotions are also provided in various ways:

Cross promotions (i.e., volleyball at football game) and Social Media promotions are provided for all men’s and women’s teams. Lobo Sports Properties sells game-day promotions [in-game (i.e.t-shirt throws) and theme game (pink out, military night)], signage and PA announcements for football, men’s and women’s basketball, men’s and women’s soccer, baseball, softball and volleyball (4 men’s teams and 3 women’s teams). In-game promotions and theme game promotions (camp night, pink-out, etc.) were provided, to some extent, for all men’s and women’s teams.

The head coaches and/or participants of four men’s teams (golf, soccer, tennis and track) and six women’s teams (golf, tennis, soccer, swimming, track and volleyball) stated that they do their own game promotions or have no promotions at home events due to lack of staff and resources. Women’s basketball participants stated that the pink jerseys did not come in for their Breast Cancer Awareness games. The Assistant Football Coach and Head Softball Coach stated that this area is understaffed and deficient in providing services.

On campus promotions include signage and Social Media mostly.

2016-17 and 2017-18 Team Broadcast – Number of Games Streamed to Date

SPORT	MEN	WOMEN
Baseball	50 games/7 Facebook	NA

Basketball	2 Games/9 Coach's Show	28 games/9 Coach's Shows
Beach	NA	0
Football	0 games/2 NLI Signing Day/24 Coach's Shows/1 Spring Showcase/6 The Rush is On	NA
Golf	0	0
Skiing	0	0
Soccer	23 games/6 Fish Off the Pitch	16 games
Softball	NA	36 games/3 Facebook
Swimming/Diving	NA	0
Tennis	0	0
Volleyball	NA	30 games
TOTALS	75 games/55 Coach's Shows & Special Broadcast	110 games/12 Coach's Shows & Special Broadcast

Recommendations/Comments

1. The Sports Information (Media Relations) area appears to be equivalent. Once the vacant positions have been filled, services provided to all teams should be more consistent and improve.

UPDATE: in the near future, UNM will add/fill these positions: Associate Director of Communications, Assistant Director of Communications and Lobo TV Productions Director to the Athletic Communications.

2. Overall, the marketing and promotions of men's and women's teams appear to be limited, but equivalent. There are two issues that should be addressed by the Athletic Communication and Marketing & Promotions staffs:

UPDATE: At the time of the review the Director of Marketing position was vacant and remains vacant. When UNM fills that position it should provide the staff with guidance and better organization to ensure each head coach receives the attention necessary when marketing and promoting their teams.

- a. There were four men's teams (golf, soccer, tennis and track) and six women's teams (golf, tennis, soccer, swimming, track and volleyball) that had limited or no game promotions due to lack of staff and resources.

Recommendation: UNM Marketing & Promotions staff should meet with head coaches and discuss game-day promotions for each team. Lobo Sports Properties

should be involved to determine if corporate sponsorships could provide resources used for game-day and in-game promotions. A schedule or promotions plan should be developed and implemented for each team's scheduled home competition.

- b. Three men's teams (golf, tennis and track) and four women's teams (golf, softball, track and tennis) had not received their poster at the time of the review. Posters should be produced and distributed to teams in a timely manner.

Recommendation: The UNM Communications and Marketing & Promotions Staffs should include production timelines for publication of schedule posters in the marketing and promotions plans mentioned above. The production timelines (taking pictures, review of schedule, review of graphic design) should include deadlines for coaches to have each step of the process completed.

10. Recruitment of Student Athletes [34 C.F.R. Section 106.41 (c)]

The Opportunity to Recruit

The opportunity to recruit is virtually synonymous with the opportunity to receive coaching (i.e., availability of coaches). If there are problems in the opportunity to receive coaching due to a lack of coaches, either full and/or part-time, there will usually be a problem in the opportunity to recruit. **The availability of coaches is equivalent at UNM. The maximum number of coaches allowed by NCAA rules were provided for the men's and women's teams. The opportunity to recruit is also equivalent.**

Financial and Other Resources

This is a very difficult area of Title IX, one that is often misinterpreted because some formula for spending is sought in determining compliance. There is no such formula. The standard is whether the needs of the men's and women's programs overall are met on an equivalent basis. Exacerbating the difficulty is the fact that needs fluctuate annually, and each team has different needs.

After determining which items of a team's budget constituted recruitment expenditures, each head coach was asked to address the sufficiency of recruitment funds. The Men's and Women's Basketball Coaches stated that because of UNM's location, they had to fly everywhere to recruit but the recruiting budgets were low but sufficient to recruit where they need to. The Head Football Coach stated that the recruiting budget was adequate. **The head coaches stated that budgets were not sufficient to meet the needs of their recruiting efforts, but they supplement the recruiting budget with fundraised money when needed.**

"Other resources" for recruitment include such items as courtesy cars/car allowances and cell phones which fall under the jurisdiction of Title IX because these are used in recruitment.

Otherwise, both are a fringe benefit of employment, more appropriately addressed under Title VII.

Courtesy Cars/car Allowances: All head and assistant coaches for men’s and women’s basketball and football are provided courtesy cars to use in recruiting. Volleyball is provided a courtesy car for the head and one assistant coach. The head coaches of the remaining teams are provided courtesy cars for use in recruiting. This means that there were fourteen (14) cars provided for men’s teams and eleven (11) provided for women’s teams. Several head coaches stated that they would rather receive a car allowance/stipend and handle the purchase and maintenance of the car.

Cell Phones: UNM does not provide cell phones or cell phone stipends to any head or assistant coach. This is unusual for a Division I Athletic program. There are internet-based recruiting programs for recruiting services and NCAA recruitment monitoring that are used extensively by Division I coaches. The Head Volleyball Coach stated that UNM Compliance had asked the coaches to use the NCAA program Jump Forward on their personal phones, but they may not have data plans to support the program. It is noted that most athletic programs (I work with) provide cell phone stipends instead of providing cell phones and data plans.

UPDATE: UNM is looking into providing cell phones for coaches to use in recruiting.

Benefits, Opportunities and Treatment of Prospective Student-Athletes

The following number of prospects made official visits:

SPORT	2016-2017 MEN	2016-2017 WOMEN	2017-2018 MEN	2017-2018 WOMEN
Baseball	18	NA	18	NA
Basketball	12	11	9	7
Beach	NA	0	NA	0
Football	49	NA	37	NA
Golf	4	2	5	2
Skiing	0	0	0	0
Soccer	16	13	8	7
Softball	NA	8	NA	8
Swimming/Diving	NA	20	NA	29
Tennis	2	5	1	2
Track/Cross Country	11	25	8	14
Volleyball	NA	7	NA	2
TOTALS	112	91	84	71

Official Visits: Prospective student-athletes are both flown in and driven by automobile. They are lodged on campus (with student-athletes) or in local hotels and provided meals and entertainment on and off campus within NCAA rules. Men's soccer and men's and women's cross country/track do not provide/reimburse mileage and men's soccer did not provide host money. The Head Women's Soccer Coach stated that prospective student-athletes are asked to pay for their official visit expenses and the Head Men's Tennis Coach stated that he rarely does paid official visits due to budget restraints. **The funding for recruiting is limited which means that funding for paid official visits is limited also but appears to be equally limited for men's and women's teams.**

Recommendations/Comments

Recruitment of Student Athletes is equivalent.

Recommendation: Because recruitment of prospective student-athletes is so competitive at the Division I level UNM should consider reviewing the tools provided to coaches for recruiting. As stated above, cell phones/stipends and courtesy car stipends are an integral part of recruiting at most all Division I schools. Because it has become increasingly more difficult to get, maintain and expensive to pay taxes on courtesy cars, car allowances or monthly stipends are provided to head and assistant coaches (especially for sports other than football and basketball).

11. Support Services [34 C.F.R. Section 106.41(c)]

Coaches' primary duty is to teach skills and strategy to student-athletes. Teaching skills and strategy relates to the planning and conduct of practice sessions and competition.

Coaches' secondary (administrative) duties relate to the administration of the overall sport program and include developing competitive schedules, ordering and equipment, planning for away competition (travel, meal and lodging accommodations), planning and conducting recruiting, completing required documents related to sport and governing body policies and procedures, marketing and promotions for the sport program and monitoring student-athlete academic success/eligibility.

The administrative and clerical support provided to an athletic program can affect the overall provision of opportunity to male and female athletes, particularly to the extent that the provided services enable coaches to perform better their coaching functions.

In the provisions of support services, compliance will be assessed by examining, among other factors, the equivalence of:

1. The amount of administrative assistance provided to men's and women's programs;
2. The amount of secretarial and clerical assistance provided to men's and women's

- programs”; and
3. Office space, equipment and supplies. (OCR’s 1990 Title IX Athletics Investigator’s Manual clarifies that this is the third factor that is also part of the support series review.)

Administrative Assistance

Administrative support is difficult to quantify, but difference between the men’s and women’s programs are likely to be revealed in coaches’ availability to athletes; in effect, the number of hours’ coaches must spend on secondary duties. In this area it is important to note that the athletic department is organized in such a way that the number of hours performing secondary duties (administrative/clerical) does not limit availability of the coaches to perform primary duties (teach skills and strategy to student-athletes).

The Director of Athletics (AD) oversees the entire intercollegiate athletics program for men and women and reports to the President of UNM.

Reporting to the AD:

- The Deputy AD for Internal Operations/SWA – Oversees athletic performance areas, training room, equipment room, compliance, facilities and sport oversight for men’s and women’s basketball and women’s golf.
- The Deputy AD FOR External Operations – Oversees marketing, communications, ticket office, LoboTV, Learfield Sports, concessions, UNM's trademarks and licensing program, and UNM's Nike contract and sport oversight for baseball, cross country, football, men's golf and track and field.
- Senior Associate AD – Chief Financial Officer - Oversees all fiscal operations and budget management for UNM Athletics, including the development and administration of capital and operating budgets, strategic financial planning and the establishment and management of financial control systems.
- Senior Associate AD – Facilities - Oversees all athletic facilities, facilities master plan, project management, construction, Lobo Energy, UNM's security plan and the Alumni Letterman's Association.
- Senior Associate AD – Administration - Oversees human resources, equity and diversity, Title IX, Cleary Act and staff development and training and sport oversight for men’s and women’s skiing and swimming/diving.
- Associate AD – Sports Administration – Oversees Lobo Courtesy Car Program and sport oversight for men's and women's tennis, men's and women's soccer, softball, volleyball and beach volleyball.

Directors of Operations – Two men’s teams (basketball and football) and three women’s teams (basketball, soccer, and volleyball) stated that they have a Director of Operations to assist the coaching staffs. The women’s soccer DOPs is a volunteer and the volleyball DOPs is paid out of the volleyball fundraising account. Since secretarial/clerical assistance

is not provided (see next section), the head coaches several head coaches stated that having a Director of Operations (shared DOPs for like sports) would be beneficial.

Secretarial and Clerical Assistance

Clerical staff can be categorized as administrative assistants, secretaries or clericals. Clericals are professional staff or undergraduate students or even team managers. It is not required that there be the same number of equally qualified staff for men's and women's teams, even in like sports (men's and women's basketball). Compliance with this component means that men's and women's coaches spend similar amounts of time (hours/week) performing tasks that could be defined as clerical tasks.

Secretarial/Clerical assistance is provided for the men's basketball and women's basketball staffs. The football staff has two student workers that serve in this capacity. The coaches of the remaining sports handle all secretarial/clerical work. There were no complaints about the lack of secretarial/clerical assistance.

Office Equipment and Supplies

Office space, equipment and supplies are evaluated to ensure that there are no negative or limiting effect on the coaches' ability to efficiently perform their primary duties.

Office equipment and supplies are equivalent – computers, printers, phones, faxes and other office equipment are available for all men's and women's coaching staffs and located in or close to their offices. Office supplies are also provided as needed.

Office Space is equivalent - All men's and women's coaching staffs are provided private offices except men's and women's tennis. The head tennis head coaches have a private office but the assistant coaches for each share one office.

Recommendations/Comments

Support Services is equivalent.

University of New Mexico Department of Athletics
Analysis and Review

Overview

The University of New Mexico has a proud history of intercollegiate athletics, including three NCAA national championships and 30 conference championships. The University currently sponsors 22 varsity sports, with all but four competing in the Mountain West Conference.

Like many of its peers within the Mountain West Conference and around the country, UNM is faced with multiple challenges in maintaining a healthy and competitive athletics program. Foremost among these are the rapidly escalating costs associated with intercollegiate athletics. Over the past 12 months, it has become clear to University leadership that changes must be made to ensure the long-term financial viability of the Athletics Department. This took on more urgency as the scope of our financial challenges became apparent and University officials began to consider solutions. In March 2018, the UNM President established the UNM Athletics Budget Task Force to address the significant financial concerns and to make recommendations regarding FY 2018 and FY 2019, as well as to address the long-term financial health of UNM Athletics. In April 2018, the UNM Board of Regents approved a deficit-reduction plan for FY 2020-2029 that included \$1.9 million in cost-savings per year from the reduction in sport offerings as part of an overall plan to address the need for \$3.4 million in annual cost reductions and reallocation of resources.

In addition to the financial challenges facing UNM Athletics, a recent independent report commissioned by the University determined that UNM Athletics has potential issues with federal Title IX laws regarding gender equity. These two significant challenges require urgent action.

The University engaged a long-time respected college athletics administrator to review all aspects of the Athletics Department and analyze what changes ought to be made. While this review is ongoing, immediate action must be taken to address these issues. The Director of Athletics launched a comprehensive review and analysis to provide recommendations to the President regarding revenue opportunities, expenses reductions and cost containments, including what, if any, sports offerings would need to be eliminated. More than two dozen universities have eliminated varsity sports programs in the last five years to address financial, gender equity or other concerns, and despite the significant impact on student-athletes, this option must be considered.

The financial audit reports, the Title IX audit, and the large accumulating deficit have given the process urgency and left UNM with few good options. The recommendations provided within this report are truly the last, best options to ensure the long-term success of UNM Athletics.

This report provides the background of the challenges and recommendations for moving forward.

Current Financial Status

Due to specific, widely reported events regarding financial management, the Athletics Department, the University and the State of New Mexico conducted numerous financial audits of the Department, with the most recent of which was completed by UNM's Office of Internal Audit in May 2018. These audits found fault with many financial reporting, accounting and auditing processes and procedures

within the Athletics Department. Since then, the Athletics Department has taken significant action to address these issues. Systemic faults revealed by the audits and internal budget reviews intensified an ongoing financial deficit. Prior to the infusion of institutional funds and land-sale proceeds, the Athletics Department's projected deficit for FY18 stood at approximately \$2.1 million. If the Department continues down its current path, the projections in future years will only increase the annual deficit. In addition, these annual deficits do not consider a cumulative deficit over the past 10 years of approximately \$4.7 million, which Athletics is tasked to pay back at a \$500,000 annual cost beginning in FY21, as outlined in the New Mexico Higher Education Department financial master plan approved by the UNM Board of Regents. It is simply not sustainable to operate an organization with escalating costs, declining revenues and deficit spending.

Over the past decade, expenses have continued to increase, revenues have decreased and the operating budgets for each sport program have been incrementally reduced. While there is guaranteed revenue from conference distributions and multimedia rights deals, as well as an apparel agreement (Nike), the fluctuations in all other areas have a significant impact on the Athletic Department's bottom line from year to year. Significant shortfalls in budgeted ticket sales and fundraising efforts over the past two years, as well as expense budgets that were not properly adjusted to reflect the decline in revenue, have put the Athletics Department in deeper peril.

These financial challenges are significant and potential solutions are limited, having been further reduced by the findings in May 2018 of the Title IX audit.

Current Title IX Status

Title IX of the Education Amendments of 1972 "protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance." Compliance and enforcement of Title IX falls on the U.S. Department of Education's Office of Civil Rights (OCR). As it relates to college athletics, Title IX commonly refers to gender equity in athletics departments, ensuring that men and women have equal opportunities and resources to compete.

The need to assess UNM's compliance with Title IX in the near future resulted in the retention Helen Grant Consulting, national experts in Title IX assessments. They were and charged with conducting a comprehensive, independent review of the Athletics Department's Title IX practices.

In May 2018, the consultants presented their final report to the University, which was made public days later. Refer to the following link to access the UNM Athletics Title IX assessment:

http://golobos.com/documents/2018/5/30/UNM_TITLE_IX_2016_2017_SUMMARY_FINAL.pdf

Exhibit A – Title IX Report

UNM seeks to comply with all Title IX obligations, as well as University policies and procedures.

In UNM’s situation, reaching substantial proportionality is the only viable means for complying with the Accommodation of Interest and Abilities component of Title IX. As of July 1, 2018, UNM compliance with proportionality can only be achieved with the addition of women’s sports or the elimination of men’s and women’s sports, coupled with strict roster management.

Full-time undergraduate male students currently comprise 44.6% of UNM enrollment, with women comprising 55.4%. However, in athletics, 56.2% of student-athletes are male compared to 43.8% female.

AY 2016-2017 Undergraduate Enrollment & Participation Rate Analysis

Full-time Undergraduate Male Students:	8,765 (44.6%)
Full-time Undergraduate Female Students:	<u>10,883</u> (55.4%)
	19,648
Male Participants	317 (56.2%)
Female Participants	<u>247</u> (43.8%)
	564

There is a minus 11.6% difference, favoring men, between the male and female participation rates and the male and female full-time, undergraduate enrollment rates, which is equivalent to approximately 145 participation opportunities—a significant number. The University has determined that the inequity and proportionality issue must be addressed immediately, or risk possible administrative action by OCR.

The Title IX report goes into detail regarding the awarding of financial aid, the adequacy of facilities, financial support for sports and many other related areas. It is the consultants’ recommendation that to comply with Title IX, UNM must consider implementation of Roster Management Plans and must consider the restructuring of its sports offerings (elimination of sports) to maximize participation opportunities for women in the current sports. The restructuring and “downsizing” of NCAA Division I athletics departments to address Title IX and financial concerns continues to increase across the country.

To simply reduce the number of men’s scholarships or add women’s sports could harm the competitive balance of UNM teams and would not align with the MWC sports offerings. In the short and long- term, UNM Athletics must achieve financial stability and gender equality. Unfortunately, in many cases, those goals are not congruent. Reducing costs would further exacerbate the Title IX concerns, whereas addressing gender equity issues will result in further deficits. The equation is complicated. The recommendations detailed below will address both concerns and include revenue enhancement, expense reductions, costs containment and debt/deficit service.

Revenues

Conference Distribution and Media Rights

Currently, the University each year receives approximately \$1.1 million from the Mountain West Conference as part of conference-wide media deals with ESPN, CBS Sports Network and other partners. The media deals expire in 2020, and no one is confident that future media deals, whether with traditional broadcast outlets or through new entities in the game (Twitter, Amazon, Facebook, etc.), will result in an increase in per-school revenues. In fact, it is possible that future media deals may result in *less* revenue to schools.

Individual schools also receive revenue from selling their multimedia rights to third-party entities, and UNM is currently in the final year of a multi-year agreement with Learfield, valued for FY 2018-19 at \$4,456,500 guaranteed. Our current agreement with Learfield, a UNM partner since 2007, is one of the most valuable in the Mountain West Conference and one of the most valuable in the Group of Five conferences. However, it is unlikely that future multimedia rights deals for UNM will result in a significant new influx of revenue, but can provide opportunities to increase support for the Athletics Department through marketing, graphics creation and video production support.

Corporate Sponsorships and Partnerships

Currently, UNM Athletics generates approximately \$1 million from annual corporate partnerships, including the naming rights for The Pit and Dreamstyle Stadium. There are multiple opportunities to increase revenue through sponsorships and naming rights, such as the field in the football stadium, club and suite levels and other athletics facilities. Most of the revenue obtained from naming rights agreements goes directly to offset The Pit debt, as well as debt on the baseball stadium. Future revenue opportunities need to be developed to assist with Department operations and, more importantly, to help grow support for student-athletes. Corporate sponsorships play an important role that extends beyond the financial benefits. For example, UNM can enhance the fan experience by engaging corporate sponsors to create exciting fan zones to improve the game day experience.

Ticket Sales

Like most athletics departments, ticket sales from UNM men's basketball, football and women's basketball help drive the annual fiscal picture for the Athletics Department. Season ticket sales and individual game sales for football have been declining, and 2018 is projected to follow that trend. Fans have more options than ever before to watch games, as many other institutions are facing similar challenges and are realizing that even with a successful product on the field, ticket sales remain stagnant or in decline. Unfortunately, in past years, administrators did not decrease the budgeted revenue nor adjust expenses accordingly, which only added to the deficit. One thing is clear: our Lobo men's basketball program is a source of pride for our state and the community, and fan support is strong. Regardless of the decline in ticket sales over the last couple of years, we are excited and hopeful for an upward trajectory in basketball ticket sales.

Efforts are underway to reorganize our ticket operations and to improve the customer experience, including implementation of new software and new platforms to provide better service to our fans. This new ticketing software system will modernize our current ticketing system by targeting new opportunities to grow ticket sales for all our sports. We are committed to providing fans with a better, more efficient ticket-buying experience, which then can translate into additional funds. Increasing the number of online ticket sales reduces the expense of traditional ticket sales conducted over the phone or in person.

Lobo Club/Donations

For FY18, the Lobo Club raised \$2.2 million for the Lobo scholarship fund. Based on our history, the size of the potential donor base and continuing capital campaign payments, it is anticipated that UNM will see a modest year-over-year increase in donations. Over the past six months, Athletics and the Lobo Club staff have jointly focused on addressing the internal and external audit findings, as well as reviewing operations. The emphasis on establishing better policies and procedures has helped us to address all the consultant's findings. In addition, a payment process was established that led The Lobo Club to sell 100% of suites and club seats for FY18. This has helped to establish trust with donors, which in turn has also led to FY19 increases in most fundraising categories, compared to FY18 at this time last year.

The focus moving forward is on fully restructuring the Lobo Club and growing the number of donors, increasing the amounts of donations and expanding offerings through endowments to support our coaches and student-athletes.

Game Guarantees

The college football game guarantee market continues to increase and UNM remains a coveted match-up for Power 5 schools that are willing to pay UNM fees of upwards of \$1 million for scheduled games. While the guarantee amount has risen, it has become more difficult to schedule, with many teams' slates filled up to eight to 10 years in advance. If UNM can secure future opponents for large guarantees, that might translate into an influx of monies, but these revenues are not guaranteed reoccurring commitments. In addition, there are competitive and safety concerns for our football student-athletes in scheduling multiple guarantee games in one season.

Facility Revenues

While the priority use for each of the UNM Athletics facilities is for its student-athletes and events, new revenue can potentially be generated through rental fees. The Pit currently is home to the PBR Rodeo, exhibition tennis matches, high school state basketball tournament games, high school state cheer competitions, several spirit competitions and the Harlem Globetrotters, in addition to University events such as graduation. UNM could seek out new revenue from hosting professional basketball exhibition games, promoters hosting tennis matches, concert promoters and by hosting the APS Metro Championship. Of course, UNM Athletics events and teams would continue to have priority, but UNM will place a higher priority on growing revenues from outside events.

Dreamstyle Stadium hosts events such as Nitro Circus, Sunrise Celebration, the state band competition, a UNM Cancer Center cycling fundraiser and some high school football games, in addition to the home slate of UNM football games. Potential revenue opportunities at Dreamstyle Stadium include concerts, monster truck shows, professional sporting events and the state high school football championship.

Several other UNM Athletics facilities, such as track, baseball, softball and our tennis facility, can be used as host venue for outside entities, thereby creating additional facility revenue.

Other Revenues

Other revenue streams include licensing, apparel, e-commerce/team store, parking, concession sales and health care reimbursements.

UNM Athletics currently has a shoe and apparel agreement with Nike through July 2020. The University may negotiate a new partnership with Nike at any time but may not contact any third-party vendors prior to February 2020. The partnership with Nike provides UNM with \$1,050,000 in product, along with performance incentives. UNM's Nike agreement is one of the best apparel deals in the Mountain West Conference. As in any renegotiation, there may be opportunities to increase the amount of Nike shoe and apparel product, as well as the possibility of cash and/or additional performance incentives and, of course, an agreement with a different apparel provider might also enhance revenues.

Concessions sales at UNM have been challenging over the last several years. Shrinking attendance at athletic events has led to an expected drop in concession revenues. UNM Athletics is working aggressively with our concessions partner, Levy, to increase revenue by gathering feedback from fans, by providing more options through creative offerings, and by engaging locally known vendors to build on New Mexico's traditionally rich food culture. Initiatives such as the student-priced menus at basketball games have proven to be successful and the Department must continue to be creative in the concessions space. UNM has had an agreement with Pepsi for concession stand "pouring rights" for more than 10 years and is currently in the process of finalizing a new agreement with Pepsi. The previous pouring rights agreement was tops in the Mountain West Conference, and our expectation is that we will remain at the top of the Mountain West Conference in this category with the new agreement.

UNM Athletics works with the UNM Bookstore for e-commerce (internet merchandise sales) and event sales. Gross sales for FY15 were \$22,241.97, \$17,151.41 in FY16 and \$13,240.35 in FY17 – clearly a downward trend. To help reduce expenses and increase revenue, all online traffic is now directed to the UNM Bookstore website, as the Lobo Den Store website has been discontinued. For team store and event sales, Athletics continues to work with the UNM Bookstore and has an agreement in place until June 2019, after which Athletics may remain in the partnership or engage with an industry leader. This will provide an opportunity starting in 2020 to leverage resources to combine e-commerce and the Team Store to better serve UNM constituents. These sale opportunities can be enhanced to generate additional revenue.

EXPENSE REDUCTIONS

Assuming revenues remain steady, if not on the decline, attention turns to expenses, where the rapidly escalating costs of sponsoring 22 sports does not look to slow anytime soon. The rising costs of providing financial aid through scholarships, head and assistant coaches' salaries, health benefits and staff salaries, recruiting budgets, travel costs, student welfare, mental health support and operations are among just some of the areas that have imposed an enormous financial burden on the Athletics Department. In sponsoring sports, UNM must provide sufficient resources for the programs to be competitive and to ensure that we are providing our student-athletes with an excellent experience during their time at UNM.

UNM Athletics has already taken many steps to reduce expenses and has a plan in place to initiate further reductions.

Organizational Structure of the Athletic Department

A full review of the administrative structure, as well as an examination of staff responsibilities, is currently underway. Decisions on a reorganization of our Athletics Department will be made over the next several months. Understanding our Department's direction moving forward is a critical piece in the implementation of an organizational plan. The reorganizational structure may include adding or eliminating positions. This will allow the Department to maximize resources and potentially lower expenses while protecting the support of our student-athletes.

In FY16, the Athletics Department had more than 137 full-time employees, a number that did not include tutors, graduate assistants and several other part time employees. To reduce expenses, the Department, like many other areas on campus, has continued to make significant sacrifices to its staff by eliminating positions or imposing a hiring freeze on vacant positions. Over the past four years, the Department has used staffing adjustments to help address financial challenges.

The Athletics Department now has 126 full-time employees, including coaches and staff members, who support our student-athletes through internal operations, including facilities, compliance, the athletic training room, finance, academic support, strength and conditioning. Those in external operations provide services that include development, marketing, video production, ticketing and communications. These employees—and these positions—are vital to maintaining operations and providing the best opportunity for success.

Since July 2016, Athletics has saved more than \$700,000 between unfilled vacant positions or positions put on hold for cost savings. For FY 2019, to further assist with the budget shortfall, the already-reduced Athletics Department placed three additional positions on hold, for a savings of \$96,000.

The Athletics Department is understaffed when measured against peers in the Mountain West Conference and similar-sized universities. In addition to not having enough personnel in key areas,

some UNM coach and staff salaries have fallen below the mean for the MWC. While a reduction in personnel may seem like an option to remedy the current financial challenge, UNM Athletics cannot do so without jeopardizing the health and safety of student-athletes, and compromising chances for competitive success and hampering efforts to increase revenue.

Operational Expenses

While a large share of UNM Athletics expenses is in salary and benefits for the 126 employees, the second-largest expense is the operation of the Department. Currently, the FY 2018 UNM Athletics budget is approximately \$33.5 million, which ranks eighth out of the 12 Mountain West Conference schools.

As with reducing staff, any reduction in operational expenses can continue to jeopardize our student-athletes, staff and fans. Reductions in external areas such as marketing could result in less revenue.

The growing costs of maintaining facilities, providing medical and mental health assistance, equipment, uniforms, computers, insurance, travel, recruiting expenses and so many other areas, necessitated a comprehensive review of all expenses. For example, starting in the fall of 2018, the football team will not stay at a local hotel the night before home games, for a savings of approximately \$35,000. This change to their routine will be re-evaluated after the season to assess the benefits of the savings toward the well-being of our student-athletes. Athletics is also looking at its event management practices and staffing services for all events to continue to reduce overall costs.

UNM Athletics is also exploring the potential for reimbursements from health insurance companies for student-athlete services rendered by Athletics trainers under the supervision of the team physicians.

Cost Containment and University Investment in Athletics

UNM Athletics must also take on cost containment strategies for long-term viability. These containment measures include the sharing or transferring of redundant services to University oversight and responsibility, a decrease in the number of scholarships provided to student-athletes and a reduction in the number of UNM Athletics sport offerings.

Shared Services

In the past six months, the Athletics Department has started to implement cost containment strategies by sharing some operational services with the Main Campus, a practice followed by many other departments on campus. The Athletics Business Department and the Athletics Human Resources Unit now report to Main Campus, with a dotted line to the Director of Athletics. The

University has assumed the financial costs of those units, saving the Department approximately \$250,000 each year.

Consideration should also be given to the merging of the following areas, with employees in these units reporting to University officials but with a dotted reporting line to the Director of Athletics. Given that recent changes in NCAA rules have made the task of management much greater, this shared approach would strengthen communication and collaboration between Athletics and the University and ensure compliance and integrity in all endeavors.

Athletics Compliance - The unit could become a part of the Main Campus Compliance Office. While Athletics Compliance would still be managed day-to-day by the Director of Athletics, it would also be fully integrated with the Main Campus Compliance Office. The annual savings to Athletics would be approximately \$150,000.

Academic Services - The Department's Academic Support Services unit does tremendous work in supporting student-athletes' progress towards graduation. Currently, there are seven staffers, along with 19 part-time tutors per semester who provide academic support. As its mission is directly tied to the University and is aligned with the Office of the Provost, consideration should be given to having the Office of the Provost assume financial and day-to-day oversight of Academic Support. It would more closely tie the academic areas to the University and would allow for a significant cost reduction for Athletics – approximately \$250,000 annually.

Athletics Communications -- The unit would become a part of University Communications and Marketing, while day-to-day management would still reside in Athletics. This would lead to better continuity of messaging and daily collaboration, and Athletics would realize savings of approximately \$200,000 a year.

Institutional Support

The Department must continue to work closely and in collaboration with the University in all its initiatives. UNM ranks eighth of 12 Mountain West Conference members in institutional support (Air Force not included), with the average athletics department receiving \$9.31 million in institutional support in 2017. In 2017-18, the UNM provided Athletics with \$6,477,683 in support. Of this total, \$4,363,683 million was in direct funding, while \$2,114,000 was a one-time transfer to support the current year budget deficit. As an institution, UNM must look at the opportunity to increase support of Athletics on a recurring basis.

Student Support

The University—especially Athletics—is keenly aware of the financial burdens placed on all students through tuition, room and board, fees and books. However, as UNM continues to study possible opportunities to help stabilize Athletics, a modest increase in student fees can be of substantial benefit to athletics.

In FY 2017-18, Athletics received \$3,851,603 in total revenue was received from student fees. In preparing the Athletics' budget for the 2018-19 academic year, the directive from the institution was that the student fee revenues to Athletics will drop to \$3,681,708. By comparison, the average student fee-generated athletics revenue for Mountain West Conference departments was \$4.98 million, ranking UNM sixth of 12 and below the average of other Group of Five conferences.

Athletics will continue to have open dialogue with UNM student leaders and university administration to see if opportunities to enhance revenues might arise in the future.

Scholarship Opportunities

A full scholarship for a UNM student-athlete is approximately \$18,000, not including a Cost of Attendance supplement of \$3,572. On the surface, reducing scholarships might seem to be a viable option to cut costs, but too many cuts can impede success for the entire Department, not to mention the individual sports affected. To truly begin to have a financial impact, UNM would need to eliminate almost 40 full scholarships, and those cuts would drastically impact the competitiveness of our teams, as coaches would have fewer available scholarships to offer high level student-athletes. Also, to help achieve compliance with Title IX, nearly all scholarship cuts would have to come in the men's sports, which would severely limit their prospects for competitive success.

However, strategic and limited reductions in the number of scholarships in a sport that can save money, assist in balancing gender equity and not hamper the chances for success must be considered, to limit the number of sport programs that would need to be discontinued.

Debt/Deficit Obligations

The final area to be addressed for long-term stability in the Department of Athletics is the significant debt for The Pit renovation, as well as the \$4.7 million accumulated deficit from the past 10 years. Alleviating these significant expenses from Athletics will go a long way to ensuring competitive success.

The Pit renovation was completed in 2010 at a cost of \$60,600,000, funded by \$18.6 million in state bonds and \$42 million in UNM bonds. UNM relied on private philanthropy and suite sales to cover the costs of the renovation. The current annual debt payment on The Pit fluctuates yearly, but average annual payments going forward will be approximately \$1,760,570. Suite sales revenues and facility naming rights revenues help address the annual debt payment. It is recommended that the University assume the annual debt payment from Athletics for the duration of the obligation, freeing up much-needed resources for student-athletes.

As noted previously, financial audits have identified a \$4.7 million accumulated deficit, outlined in the Higher Education Department financial plan, which has been approved by the Board of Regents. As part of Athletics responsibility in this plan, they are scheduled to begin making an annual payment of more than \$480,000 toward reducing that deficit starting in FY 2021. The University and Athletics need to seek alternative options for reducing the annual payments. These savings

would result in a significant annual savings for the Department, allowing it to infuse funds back into supporting the well-being of our student-athletes.

State of New Mexico Support

The State of New Mexico provided The University of New Mexico with \$2,617,380 in funding for FY 2018. As part of UNM's continued dialogue with state leaders, a concerted effort must be made to increase that state support, as it is a critical piece in sustaining a viable budget to support our student-athletes. In the past, the two Division I universities in the state have received an equal level of state funding, but in recent years it has not always been distributed evenly, and an emphasis should be placed on ensuring equal funding moving forward.

Sport Programs

Current budget realities and future financial projections, as well as the necessity of complying with federal gender equity guidelines, mean it simply unviable to sponsor 22 varsity sports. The financial and gender equity issues present a unique challenge for the University, and addressing an issue in isolation might exacerbate the other. Simply eliminating a sport to save money might not aid in Title IX compliance, while eliminating a sport for Title IX compliance might not save enough money. Similarly, adding a sport to move toward Title IX compliance would only deepen the financial challenge.

The decision to discontinue a sport is one of the most agonizing decisions that an institution can make. Since 1988, there has been a net loss of nearly 1,000 Division I men's programs. In the past five years alone, more than 60 Division I men's teams and more than 40 Division I women's teams have been dropped around the country, and more eliminations are expected.

Eliminating a sports program does not result in an immediate savings, as the University would honor the financial aid for all current student-athletes in the affected sports through graduation. The immediate cost savings comes in the elimination of operations for the sport, including travel, equipment, salaries, etc.

In evaluating whether a sports offering should continue, some of the factors taken into consideration include, in no order:

Impact: Number of student-athletes, coaches and staff affected by elimination

Title IX: Compliance with federal equity laws and the need to try to continue sponsoring women's sports with large participation numbers

Finances: Impact on Department finances including costs, revenues and associated costs to support the program (Strength & Conditioning, Athletic Training, Academic Advisors, etc.)

Conference Affiliation: To continue to compete at the Division I level, UNM must sponsor a minimum of 16 varsity sports. To remain a member of the Mountain West Conference, it must sponsor at least four MWC-sponsored sports (these currently consist of UNM football, men's and women's basketball and volleyball); the ability for UNM to be competitive in a conference; costs associated with conference travel and the number of programs sponsored in the NCAA

Facilities: Financial resources needed to build or to maintain competitive facilities; costs of facility maintenance and opportunity for success in recruiting and competition

Program History: Recent and long-term on-field success of a program, as well as the number and impact of alumni from program

Impact/Support: Fan and community interest in the program; its impact on local and state communities and throughout the region

Private Support: Donor support for the program and the number of endowments, if any

Scheduling: Conference scheduling; travel partners; levels of competition and ability for post-season competition

Academics: Academic performance, including APR and GSR of a program; impact on Department academics

There is no formula or matrix used to determine which programs should or should not be eliminated. Rather, these factors serve as data points in the analysis.

The Director of Athletics, senior athletics staff and the outside consultant gathered all relevant data and began a thorough and deliberate analysis.

The Director of Athletics recommends that a Roster Management Plan be implemented for all sports, with significant roster changes to Men's Cross Country and Men's Indoor and Outdoor Track & Field. It is also recommended that the Women's Swimming and Diving team discontinue its diving program, and that several other UNM women's teams increase the number of non-scholarship participation opportunities.

Based on the Foundational tenets: Finances, Title IX impact and Alignment with the Mountain West Conference, the Director of Athletics recommends to the President that UNM no longer sponsor the following varsity sports programs, effective July 1, 2019:

Men's Skiing

Women's Skiing

Men's Soccer

Women's Beach Volleyball

The data and rationale behind these sports programs can be found in Exhibit B.

Together, the reduction of sports and roster modifications of these sports offerings will save an estimated \$1.148 million annually. This is expected to result in participation rates for FY 2019-20 of 57.22% for females and 42.78% for males once the reductions and RMPs are implemented. The elimination of these programs (and the roster modifications of others), will allow for the more effective use of available resources, including support staff in the training room, academics and media relations, etc.

The University will honor all scholarships through a student-athlete's graduation from UNM, as per NCAA eligibility requirements. The University will also make all efforts to support those student-athletes who wish to continue their academic and athletic careers at another institution. Student-athletes who choose not to remain at UNM will forfeit their funding to complete their degrees at UNM.

CONCLUSION

Therefore, it is the recommendation of the Director of Athletics that the President ask the UNM Board of Regents to approve the following actions:

- Effective July 1, 2019, UNM Athletics will no longer sponsor men's and women's skiing, beach volleyball and men's soccer as varsity sports;
- UNM will honor the scholarships of all current student-athletes in the four affected sports through their graduations, as long as they remain in good academic standing;
- The Department of Athletics will also discontinue the diving program and immediately institute a Roster Management Plan for men's cross country, as well as outdoor and indoor track & field and many of our other sports.

In addition to these steps, the University and UNM Athletics will undertake the following actions over the next 12 months:

- The Department of Athletics will continue to examine its organizational structure, operational budgets and long-term expenses and make necessary and prudent changes to reduce expenses prior to the start of FY 2020;
- The Department of Athletics will aggressively pursue new and additional revenue streams prior to the start of FY 2020;
- The Department of Athletics will ensure that it continues to work toward Title IX compliance and make all necessary changes and adjustments to ensure compliance;

- The Department of Athletics will further engage with constituents, including students, faculty, alumni, donors, Regents, local and state officials and community members to strengthen the Department by ensuring the long-term financial stability and competitiveness of our sports programs;

These recommendations address the challenges identified by the numerous financial audits of the Department of Athletics, the conclusions of the Title IX assessment and the administrative direction set forth in April 2018 by the Board of Regents regarding the accumulated deficit. There is no perfect solution to the significant challenges that the Department faces. These recommendations come after months of intensive analysis, discussion and deliberation and with the input of outside experts.

The reduction in the number of sports offerings and scholarship opportunities recommended above are not taken lightly. The impact on student-athletes – both past and present – on the coaches and staff leading those programs and on the greater New Mexico community, is recognized and understood. These are recommendations no university or administrator would ever want to propose or consider, but the current situation demands extreme measures and difficult decisions.

These recommendations are painful for all of us. Our students are at the core of all that we do and we understand that, if approved, these changes will forever impact the lives of many outstanding young men and women. We have pledged our full support to them, we will honor their scholarships through graduation and we will do all that we can to support them should they seek to continue their education and athletic careers at another institution.



FY18, FY19 and FY20 Budget and FY18 Projected Actuals by Exhibit P21

Revenue/Expense Description	FY18 Original Budget	FY18 Revised Budget	FY18 Projected Actuals (1) (2)	FY19 Budget	FY20 Proposed Budget
Pooled Revenues (1)					
NCAA/Mountain West Conference	5,200,000	4,638,299	4,766,295	4,750,000	4,750,000
Media Rights/Sponsorship/Licensing/Commissions/Naming Rights	5,965,500	5,865,500	5,808,500	6,625,000	6,625,000
Student Fees	4,000,000	3,851,603	3,851,603	3,681,708	3,681,708
Fundraising	3,100,000	2,200,000	2,200,000	2,400,000	2,400,000
State Appropriation	2,617,300	2,617,300	2,617,300	2,641,500	2,641,500
Facility Rental/Merchandise/GIK	2,681,626	2,540,077	2,498,032	2,400,000	2,400,000
Special Events and Other Revenues	2,450,000	2,199,000	2,958,294	2,035,000	2,035,000
Transfers to/from Campus	(146,043)	1,504,033	1,588,784	974,000	
Land Proceed Transfer	-	814,207	814,207	789,039	
Sub-total	25,868,383	26,230,019	27,103,016	26,296,247	24,533,208
Directed Revenues (by Sports)					
Men's Basketball Tickets	4,200,000	3,653,733	3,653,733	3,800,000	3,800,000
Football Tickets	1,900,000	1,539,833	1,539,833	1,200,000	1,200,000
Women's Basketball Tickets	330,000	398,630	398,630	375,000	375,000
Other Sports Tickets (3)	115,000	194,362	144,832	115,000	115,000
Football Game Guarantees	1,100,000	1,543,624	1,600,000	1,100,000	1,100,000
Sub-total	7,645,000	7,330,182	7,337,028	6,590,000	6,590,000
Total	33,513,383	33,560,201	34,440,043	32,886,247	31,123,208
Expenses (2)					
Salaries	10,717,382	10,986,161	10,959,073	11,272,844	11,340,576
Payroll Benefits	3,461,574	3,461,574	3,118,080	3,271,643	3,291,307
Communication Charges	60,949	60,899	84,338	110,268	110,268
Other Expense	4,150,256	3,336,718	2,961,851	782,164	782,164
Patient Care Costs	58,550	53,550	149,079	98,300	98,300
Plant Maintenance	123,750	272,827	270,803	250,457	250,457
Services	3,757,852	3,193,323	4,314,887	4,967,038	4,967,038
Student Costs	577,077	1,525,559	1,240,404	894,190	1,144,190
Grant-in-Aid	5,024,660	4,876,981	4,876,981	4,800,000	5,300,000
Supplies	1,477,057	968,343	1,507,598	2,055,696	2,055,696
Travel	3,552,976	4,272,966	3,914,361	3,809,977	3,809,977
Utilities	551,300	551,300	441,724	573,670	573,670
Total	33,513,383	33,560,201	33,839,180	32,886,247	33,723,643
Net	-	-	600,863	-	(2,600,435)

(1) Revenues based on projected actuals through fiscal year-end 6/30/18

(2) Expenses based on fiscal year to date on non-salary expenses through 5/31/18, however projects salaries and fringes through 6/30/18

(3) Other sports tickets include men's and women's soccer and track, baseball, softball, and volleyball

Exhibit A

Title IX Report

[http://golobos.com/documents/2018/5/30/UNM TITLE IX 2016 2017 SUMMARY FINAL.pdf](http://golobos.com/documents/2018/5/30/UNM%20TITLE%20IX%202016%202017%20SUMMARY%20FINAL.pdf)

Exhibit B

Sport Reductions and Roster Management Plans

Recommended for Elimination

Men's Skiing

Multi-Year APR:	987, 972, 971, 971 ('14- '17) ('17 lowest among UNM men's sports)
2017 APR:	1000
GSR	86, 75, 80, 82 ('14- '17)
Competitive Success:	3 out of last 4 years finished in bottom half of conference; 7 th in NCAA's last season; NCAA only sponsors 11 Division I teams on the men's side
Cost Savings:	\$315,694.00*
Endowments:	3 (both men and women)
Conference Affiliation:	Rocky Mountain Intercollegiate Ski Association
Facilities:	No True Athletic Facility
Impact:	12 student-athletes, 2 coaches (Between Men's and Women's Ski Program)
Support:	There is donor support of the men's ski program from individuals as well as from the State of New Mexico through tourism initiatives.

Men's skiing is sponsored at the varsity sport level by just 11 institutions in Division I. While the sport is popular in select regions around the country, it simply does not have the sustainability and interest levels among college athletes on a broad scale. In addition, despite some ski opportunities within the state, there are very few Division I caliber New Mexico high school students who have been recruited to UNM and who ultimately choose to attend. Over the last four years, just one New Mexico men's skiing prospective student-athlete enrolled at UNM. Not being affiliated with the Mountain West Conference and receiving no revenue from its affiliation with the Rocky Mountain Intercollegiate Ski Association is also a concern. The ski teams travel is very costly to UNM Athletics compared to other sports and the current team must travel a great distance to practice.

Women's Skiing

Multi-Year APR:	984, 992, 986, 967 ('14-'17) ('17 ranks last of all women's sports)
2017 APR:	950 (ranks last of all UNM women sports)
GSR	71, 75, 78, 71 ('14-'17)
Competitive Success:	3 out of last 4 years finished in bottom half of conference; Last season finished 7 th in NCAA; NCAA only sponsors 12 Division I teams on the women's side
Cost Savings:	\$315,694*
Endowments:	3 (both men and women)
Conference Affiliation:	Rocky Mountain Intercollegiate Ski Association
Facilities:	No True Athletic Facility
Impact:	8 student-athletes, 0 coaches** (women's ski coaches also coach men's skiing so total staff loss with both programs eliminated is 2)
Support:	There is donor support of the women's ski program from individuals as well as from the State of New Mexico through tourism initiatives.

Women's skiing is sponsored at the varsity sport level by just 12 institutions in Division I. While the sport is popular in select regions around the country, it simply does not have the sustainability and interest levels among college athletes on a broad scale. In addition, despite some ski opportunities within the state, there are very few Division I caliber New Mexico high school students who can or have been recruited to UNM and who ultimately choose to attend. Not being affiliated with the Mountain West Conference and receiving no revenue from its affiliation with the Rocky Mountain Intercollegiate Ski Association is also a concern. The ski teams travel is very costly to UNM Athletics compared to other sports and the team must travel a great distance to practice.

Men's Soccer

Multi-Year APR:	967, 969, 980, 982 ('14 - '17)
2017 APR:	988
GSR	78, 80, 76, 53 ('14-'17)
Competitive Success:	8-6-4 ('17-'18) 5 th , 6 th , 5 th , 4 th (9 teams in the conference); won CUSA Tournament in 2016; reached NCAA Final Four in 2013
Cost Savings:	\$605,630
Endowments:	0
Conference Affiliation:	Conference USA
Facilities:	UNM Soccer / Track Complex – Adequate
Impact:	29 student-athletes, 3 coaches, 1 Director of Operations
Support:	There is strong support in Albuquerque and other areas of the state

UNM men's soccer has a proud history in a state that has shown its support for the game. Not affiliated with the Mountain West Conference, the soccer team is affiliated with Conference USA which is good in men's soccer but whose teams are located across the country, which creates a costly travel expense. In fact, men's soccer has the second highest cost per participant than any other Lobo sport. Men's soccer also has a large roster size (29) and reducing the roster size to save money and to assist in Title IX compliance would compromise the opportunity for competitive success.

Beach Volleyball

Multi-Year APR:	1000 ('17)
2017 APR:	1000
GSR	No score yet
Competitive Success:	3-11 ('14-'15); 17-9 ('15-'16); 17-10 ('16-'17); 9-14 ('16-'17)
Cost Savings:	\$9,621 (would cost \$342,707 to build new facility)
Endowments:	0
Conference Affiliation:	Independent
Facilities:	No facilities approximately \$342,707 to build
Impact:	5 student-athletes, 0 coaches* (17 participants but all but 5 participate in indoor volleyball)
Support:	Minimal support due to limited history

The UNM beach volleyball program is just four years old and is one of only 55 beach volleyball programs in the country. The program is not affiliated with a conference which presents scheduling challenges. More importantly, the program does not have adequate training or competition facilities. Building a training/competition facility would cost at least \$340,000. In addition, to build a truly competitive program, UNM would need to invest in hiring a stand-alone head coach, create a stand-alone budget for beach volleyball separate from indoor volleyball and increase support staff in the department to better serve the student-athletes.

Women's Diving

The UNM women's swimming and diving program trains and competes in a facility that has had limited improvements and there simply is no funding to enhance the area or to construct a new one. Our facility also lacks a tower for platform diving which make it challenging for our student-athlete divers to train or compete. The program has struggled in recent years, with an average conference finish of seventh. There are few in-state prospective student-athletes. The swimming team members and the program would continue in its present form with more of an emphasis on strengthening their opportunity for success.

Men's Cross Country and Track & Field

The recommendation is to modify the men's track & field roster due to the high number of participants. To comply with Title IX, UNM must reduce the overall number of male student-athletes as the costs of increasing the number of female student-athletes is prohibitive. The reduction in grants-in-aid and the elimination of one coaching position will save approximately \$100,000 annually. The Department is aware that there is a significant economic impact on the local community through home track meets (MLK Invitational, UNM Invitational, UNM Classic, UNM Don Kirby Elite & Invitational, and MWC Indoor Championship).

**Eliminating Four (4) Sports - Men's Skiing, Men's Soccer, Women's Skiing, Women's Beach Volleyball (Drop 2 Men's Sports/2 women's Sports)
Modification of Sports - Swimming and Diving (phasing out Diving): Significant Roster Management Men's Cross Country and Track and Field**

	2017-2018	2018-2019	2019-2020	2018-2019	2019-2020
Men's Sports					
Baseball	37	37	35		
Basketball	16	16	16		
Football	116	116	113		
Golf (13)	13	12	11		
Skiing	12	12			
Soccer	29	29			
Tennis	9	9	9		
Track:XC (5)	16	10	10		
Indoor (14)	31	20	20		
outdoor (14)	32	20	20		
Total	311	281	234		
Women's Sports					
Basketball	14			16	16
Golf	7			9	9
Beach Volleyball	17			18	
Skiing	8			8	
Soccer	36			34	35
Softball	25			23	25
Swim/Diving	21			27	32
Tennis	9			10	10
Track:XC (5)	20			32	39
Indoor (14)	43			55	65
outdoor (14)	43			55	65
Volleyball	16			17	17
Total	259			304	313

2017 - 2018 Participation Figures

UNM Full-Time Undergraduate Males	8,264	43.69%
UNM Full-Time Undergraduate Females	<u>10,649</u>	56.31%
TOTAL	18,913	

2017 - 2018

Athletic Male Participants	311	0.00%
Athletic Female Participants	<u>259</u>	45.44%
TOTAL	570	

2018 - 2019

Athletic Male Participants	281	48.03%
Athletic Female Participants	<u>304</u>	51.97%
TOTAL	585	

2019 - 2020

Athletic Male Participants	234	42.78%
Athletic Female Participants	<u>313</u>	57.22%
TOTAL	547	

M. Soccer	\$ 743,574.32					
M. Skiing	\$ 360,911.00					
W. Skiing	\$ 147,834.00					
Beach	\$ 62,327.00					
Diving	\$ 76,572.00					
Reduce Men's Track Scholarships	\$ 70,000.00					
Elimination of Track Coach	\$ 50,560.00					
Reduce Sch. Men's except FB&MBB	\$ 20,000.00					
Savings	\$ 1,531,778.32					
NCAA sport Sponsoring Funding						
Reduction NCAA GIA	\$ 357,697.68					
Reduction of Ticket Revenue	\$ 26,006.00					
Total Savings	\$ 1,148,074.64					

UNM Full-Time Undergraduate Male/Female Enrollment (approximate .3 yr. Avg. / 250 Males & -149 Females)					
Estimate 2018 - 2019					Difference
Male	-250	8,014.00		43.29%	
Female	-149	<u>10,500.00</u>		56.71%	
		18,514.00		4.75%	
Estimate 2019 - 2020					
Male	-250	7,764.00		42.86%	
Female	-149	<u>10,351.00</u>		57.14%	
		18,115.00		0.08%	
Estimate 2020 - 2021					
Male	-250	7,514.00		42.41%	
Female	-149	<u>10,202.00</u>		57.59%	
		17,716.00		0.37%	
Estimate 2021 - 2022					
Male	-250	7,264.00		41.95%	
Female	-149	<u>10,053.00</u>		58.05%	
		17,317.00		0.83%	

Sports	Employee/end of contract	Salaries & Benefits(+28)	Health Insurance Foreign SA	Course Fees	GIA	Operating Budget	Game Expenses	Total	Less Ticket Revenue 17-18	Less of NCAA GIA and Sports Sponsorship
Men's sports										
Skiing	Head Coach (6/30/19)	\$ 102,912.00								
	Assistant Coach (6/30/19)	\$ 66,255.00								
	Grad Student	\$ 20,597.00								
	Total Salaries (M&W)	\$ 179,764.00	\$ 13,352.00	\$ 2,197.00	\$ 82,432.00	\$ 83,166.00		\$ 360,911.00		\$ 94,223.88
	Benefits									
Men's Soccer										
	Head Coach (6/30/19)	\$ 144,600.32								
	Head Coach Media	\$ 32,000.00								
	Head Coach Deferred Comp	\$ 60,000.00								
	Assistant Coach (6/30/19)	\$ 54,400.00								
	Assistant Coach (6/30/19)	\$ 58,240.00								
	Total Salaries & Benefits	\$ 349,240.32	\$ 11,013.00	\$ 6,538.00	\$ 216,332.00	\$ 150,766.00	\$ 9,685.00	\$ 743,574.32	\$ 26,006.00	\$ 111,938.96
Track										
	Track Coach	\$ 50,560.00			\$ 70,000.00			\$ 120,560.00		
Reduce Sch Men's Except FB&MBB					\$ 20,000.00			\$ 20,000.00		
Women's Sports										
Skiing			\$ 6,626.00	\$ 1,223.00	\$ 56,819.00	\$ 83,166.00		\$ 147,834.00		\$ 98,828.24
Swimming	Diving Coach (6/30/18)	\$ 52,480.00			\$ 24,092.00			\$ 76,572.00		
Beach Volleyball				\$ 425.00	\$ 41,902.00	\$ 20,000.00		\$ 62,327.00		\$ 52,706.60
Totals								\$ 1,531,778.32	\$ 26,006.00	\$ 357,697.68

Total Savings \$ 1,531,778.32
 Loss Rev. GIA/NCAA Sponsorship \$ 357,697.68
 Loss Ticket Revenue \$ 26,006.00
Total Savings \$ 1,148,074.64

Based on 2017-2018 Participation Numbers

Sport	Scholarship	Walk-On	Athletes on Roster	Athletes Affected	Equivalencies	Coaches Affected
Men's Skiing	8	4	12	12	5.16	2*
Men's Soccer	26	3	29	29	9.83	4
Reduce MTR to 9.1	8			8	3.5	
Total Men Affected	42	7	41	49	18.49	
Women's Beach Volleyball	2	15	17	5	1.1	2*
Women's Skiing	6	2	8	8	3.34	2*
Women's Dive	5	0	5	5	1.18	1
Total Women Affected	13	17	30	18	5.62	
Total Coaches Affected	7					

Ski GA is not in total coach allotment; Should Grad SP19

Same Coaches Coach WSKI; GA Should Grad SP19
Includes Director of Ops

12 Women Play Indoor and Beach; Coaches would remain employed at UNM as they coach Indoor as well

Same Coaches Coach MSKI; GA Should Grad SP19



UAP 7000 CATEGORIZATION OF RESERVES

TUESDAY, OCT 10 AND OCT 17, 2017

Components of University Reserves

- Hospital Operations
- Hospital Capital Initiatives
- Campus Plant Funds
- Campus Operations

**Each Component has Committed, Dedicated or Discretionary Reserves*

The Importance of University Reserves

- University Reserves provide liquidity which is a foundational element of the University Bond Rating.
- The University uses reserves to mitigate unplanned budget reductions, adapt to changes and challenges such as health care reform or enrollment reductions, and to invest in mission critical initiatives.
- Reserves are non-recurring resources used as a bridge to avoid actions that damage our mission, such as un-planned layoffs, cuts in student or community services, or lapses in infrastructure maintenance.
- Cash reserves are necessary because research and clinical care are cost reimbursable and universities do not have access to unsecured commercial lines of credit to bridge timing gaps between collecting revenues and operating expenditures.

University Administrative Policy (UAP) 7000: Reserves Requirements

- Applies to budget management and use of reserves for current unrestricted funds with special emphasis on Instruction & General funds
- Authorized by UNM Regents Policy 7.20 “Budgets and Fund Balances” and requires all departments responsible for current unrestricted funds to categorize and report their reserves at the end of each fiscal year
 - UAP 7000 requires three categories of reserves: Committed (a formal written commitment, gifts, contracts, or appropriations), Dedicated (a clear, focused purpose, approved by Dean or above), Discretionary (the remaining reserves after accounting for Committed and Dedicated)
- Report of Fund Balances is presented to the Board of Regents each year
- Reviewed and approved by corresponding Executive Vice President

Frequently Asked Questions

1. What are Reserves?
 - They are unspent funds from previous years
2. Can we spend reserves on salary increases?
 - No, pay increases are continuing expenses while reserves are one-time funding
3. Are all reserves available for spending?
 - No, portions are committed and dedicated for specific purposes
4. Can we spend Hospital or Branch reserves on Campus operations?
 - No, Per legal agreements those reserves must be spent on respective operations

UNM Hospital Operating and Capital Initiatives Reserves

UNM Hospital Operating Reserves: \$221,572,887

UNM Hospital Capital Initiatives Reserves: \$202,538,207

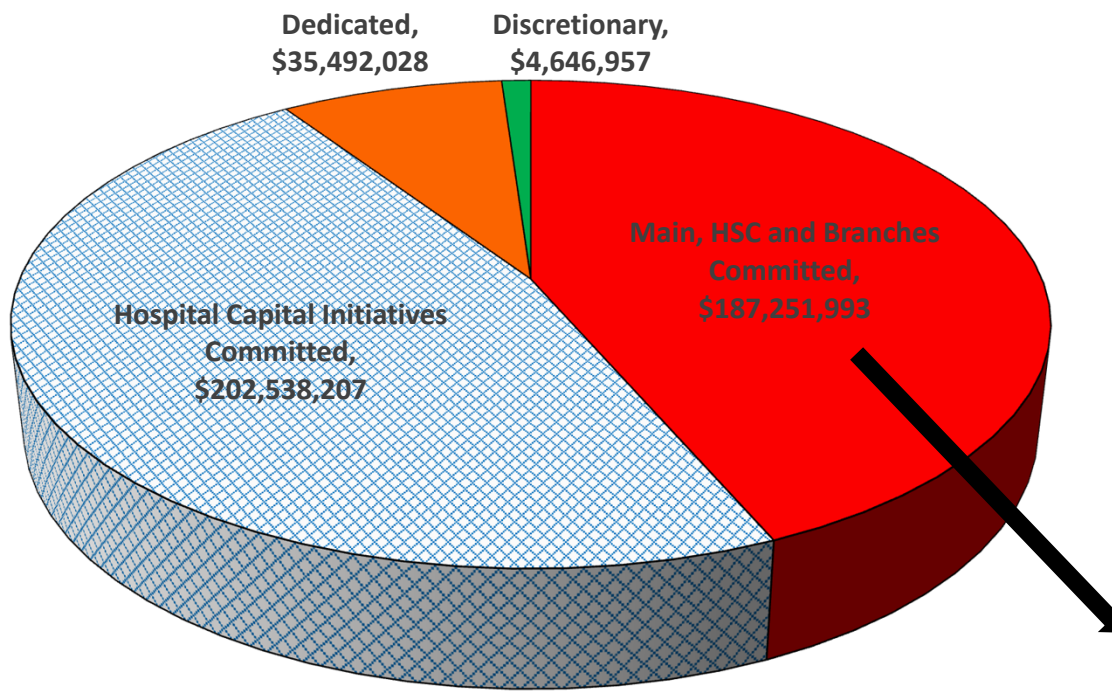
- UNM Hospital Reserves (whether operating or capital initiatives) are committed under the HUD Mortgage contract and the Bernalillo County lease agreement:
 - Under the UNMH Pavilion Mortgage, and the separate Security Agreement, UNMH Board of Trustees and UNM Regents granted a security interest in “all of UNMH’s cash, accounts receivable, and contract rights to the Mortgagee (HUD).” ¹
 - In addition, under the Lease Agreement with the Bernalillo County Commission, “UNMH will not use or pledge the reserves of the Hospital/Mental Health Center for any purpose which is not in the ordinary course of the operations of the Hospital/Mental Health Center...” ¹

¹Mortgage Agreement Section (4)(a) and (b), Security Agreement section (g). 1999 County Lease agreement Section III, (m) page 9.

University Plant Funds

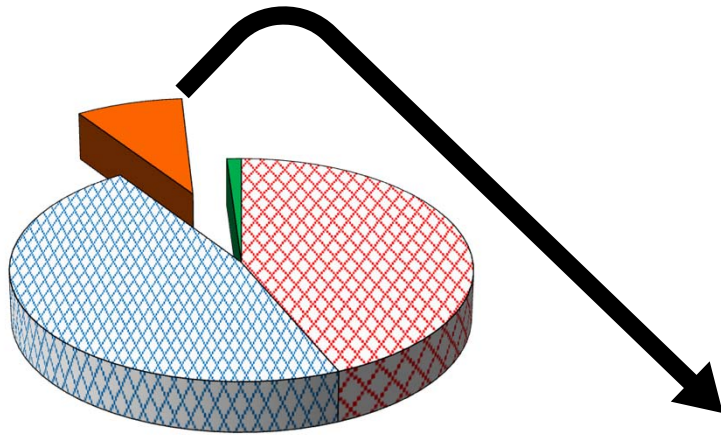
- Plant Funds are used for the non-recurring acquisition, construction, improvement or expansion of the physical facilities or infrastructure of UNM. Expenditures may be for land or building acquisition; construction of new facilities; rehabilitation, renovation, remodeling, and alteration of existing facilities; equipment purchases or tangible items with a useful life of at least three years.
- Committed Funds – Those in which there is a formal or contractual obligation for a project, a project that is underway or other legally binding obligation.(example UNM bonds).
- Dedicated – a clear, focused purpose, project, or equipment expenditure, approved by a Dean or above.
- Discretionary – The remaining reserves after accounting for Committed and Dedicated

FY 17 Plant Funds Ending Reserves total \$429,929,185



Main, HSC and Branch Plant Committed	
Bond Proceeds	\$ 106,905,487
Startups & Cost Share	34,476,573
Retirement of Indebtedness	27,182,203
Auxiliaries	9,232,869
Building Renewal and Replacement	5,454,061
Other - Committed Plant	3,796,245
Total	\$ 187,251,993

FY17 Plant Funds Dedicated Reserves



VP Unit	Dedicated
President	422,284
Academic/Student Affairs	1,935,474
EVP Admin	20,921,143
HSC	3,453,537
Branches*	8,759,590
Total Dedicated Plant	\$ 35,492,028

* Branch campus reserves designated to cover Branch related operations and strategic initiatives. Per Branch Campus Operating Agreement between the Board of Regents and Local Branch Campus Boards, funding between campuses shall not be reallocated, except for the payment of the administrative services fee defined in the agreement.

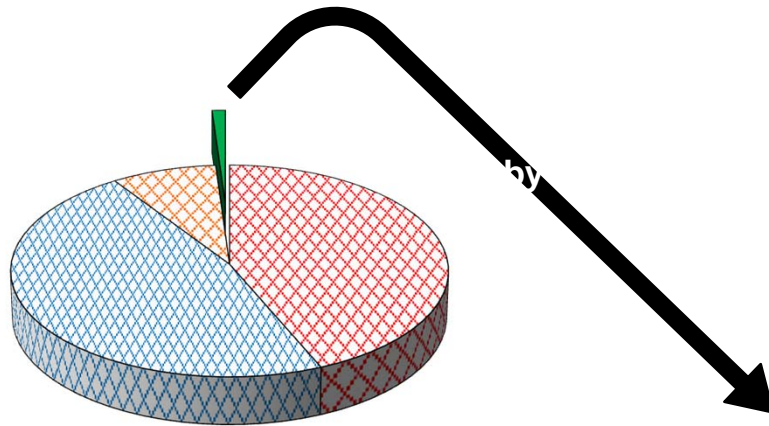
Summary of Dedicated Plant Funds by College/School/Division FY17

College/School/Division	Dedicated
Anderson Schools of Management	9,461
Associate VP for Facilities Mgmt	1,325,415
Associate VP Student Life	159,928
Associate VP Student Services	654
Budget Office	69,686
College of Arts Sciences	540,039
College of Education COE	236,000
EVP of Administration Office	161,169
Extended University	20,000
Information Technologies	167,653
Intercollegiate Athletics	115,906
International Programs Studies	3,382
KUNM	10,000
Office of Equal Opportunity	17,346
Police Department	546,631
President's Office	145,938
Provost Office Staff	31,657
Risk Management	65,000

College/School/Division	Dedicated
School of Architecture Planning	36,324
School of Engineering	131,354
School of Law	85,000
University Counsel Office	259,000
University Libraries	70,922
VP Division of Enrollment Mgmt	80,000
VP Institutional Support Services	13,595,505
VP Research & Economic Development	500,752
VP Student Affairs Independent Depts.	20,000
Building Renewal and Replacement	4,874,178
HSC Administration	2,922,925
College of Nursing	240,784
College of Pharmacy	289,828
Gallup Branch	2,040,874
Los Alamos Branch	338,632
Taos Branch	190,000
Valencia County Branch	6,190,084
Total Plant Funds	\$ 35,492,028



FY17 Plant Funds Discretionary Reserves

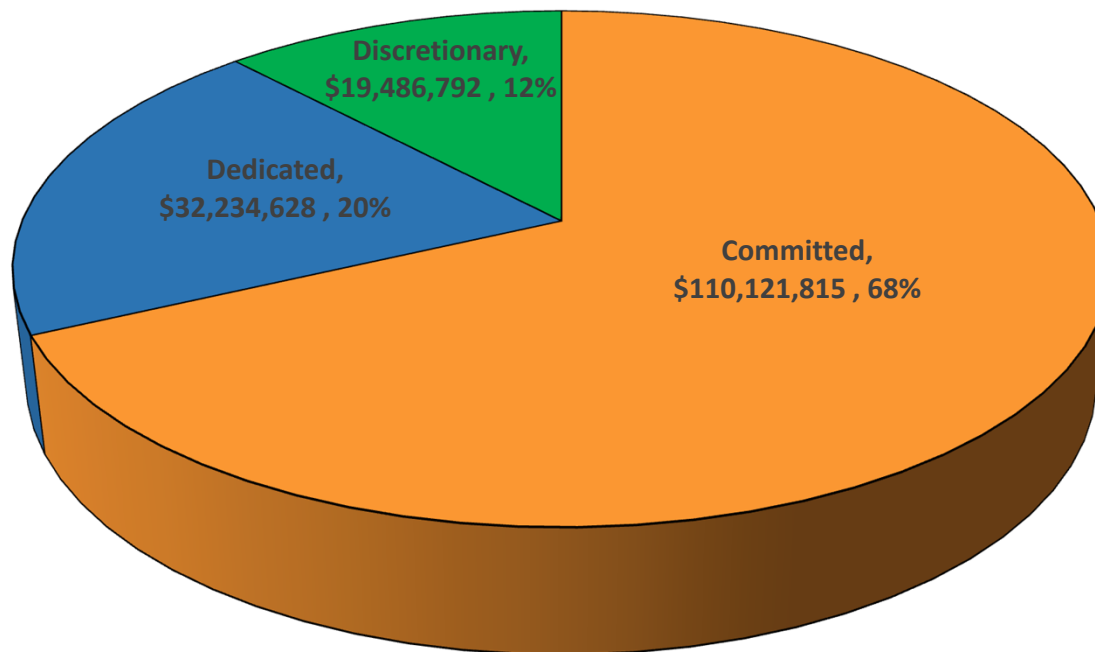


VP Unit	Discretionary
President	26,652
Academic/Student Affairs	993,381
EVP Admin	2,962,548
Main Subtotal	\$ 3,982,581
HSC	41,773
Branches*	622,603
Total Discretionary Plant	\$ 4,646,957

* Branch campus reserves designated to cover Branch related operations and strategic initiatives. Per Branch Campus Operating Agreement between the Board of Regents and Local Branch Campus Boards, funding between campuses shall not be reallocated, except for the payment of the administrative services fee defined in the agreement.

Detail by Department - reference Attachment XI of e-book

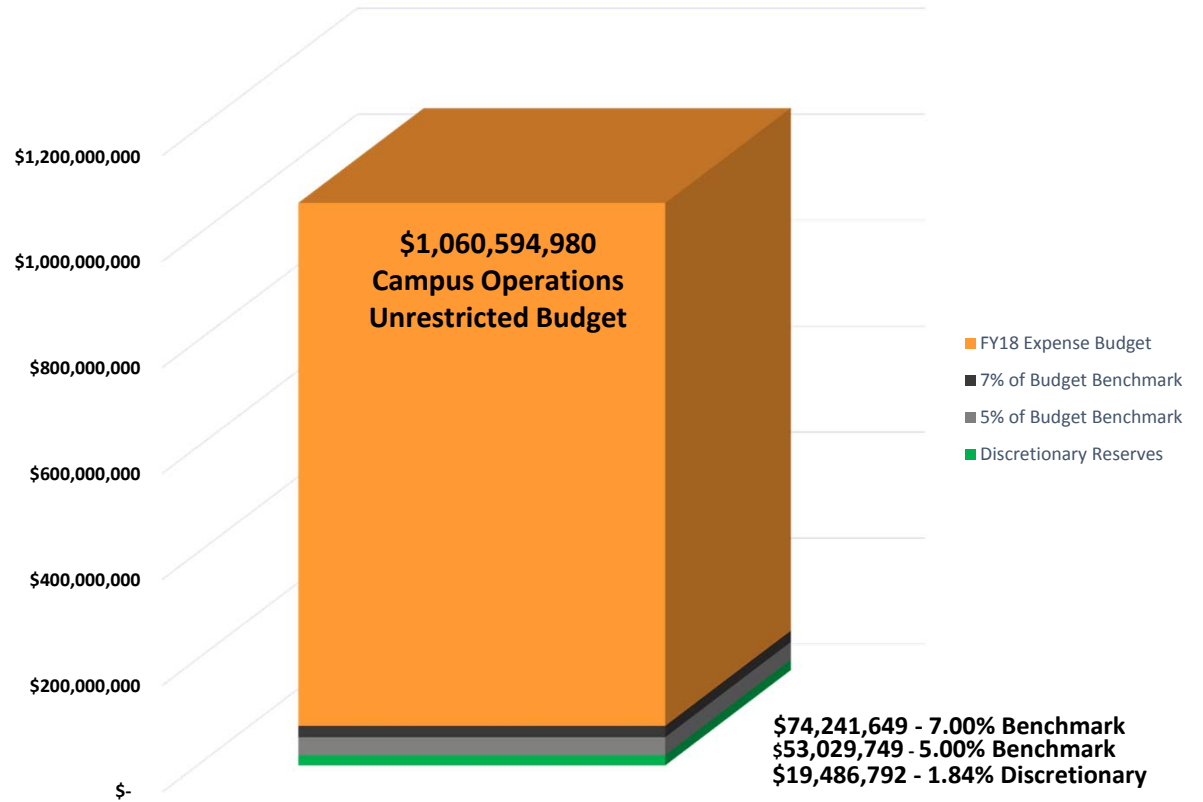
UNM FY 17 Campus Operations Ending Reserves



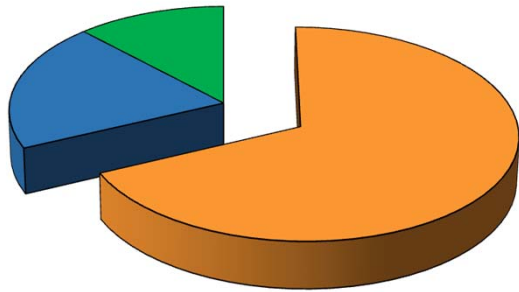
Total: \$161,843,235

Campus Operations Discretionary Reserves as a % of Unrestricted Budget

Discretionary Reserves
as % of FY18 Unrestricted Budget



UNM FY 17 Campus Operations Committed Reserves

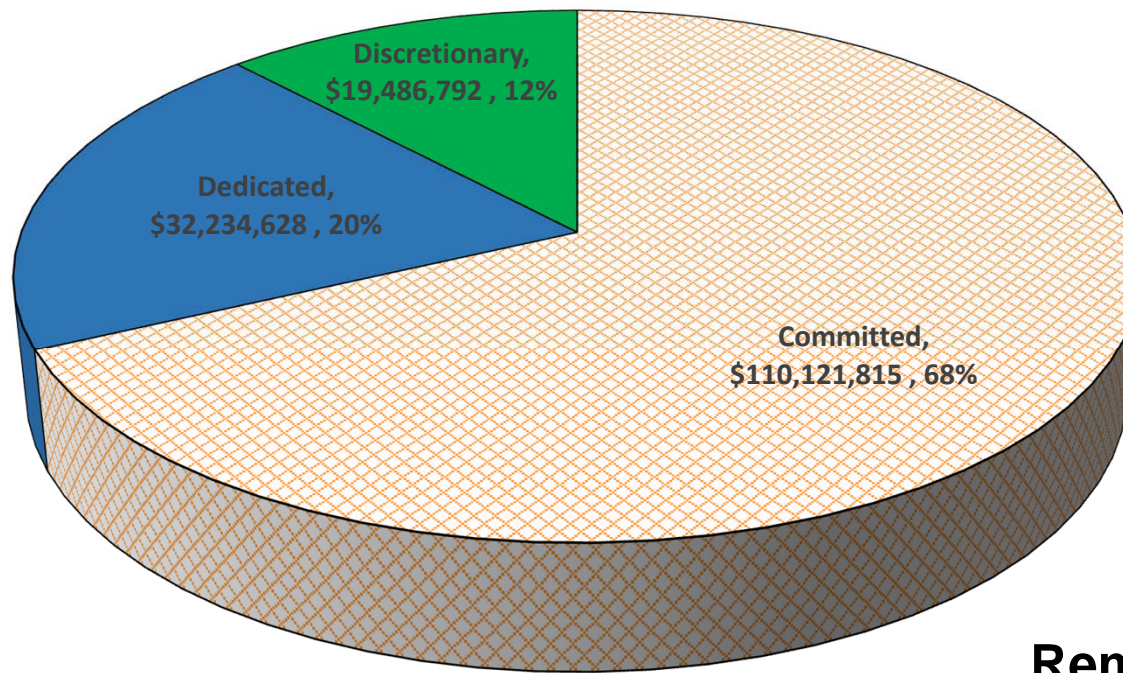


Category	Total
Donor Designated	43,428,757
Faculty Contracts/ Chair & Dean Packages	10,624,161
Faculty Startup	10,476,100
Other ¹	10,109,292
HED 3% Reserve	9,579,822
Scholarships	6,977,982
Purchase Orders & Service Contracts	4,373,493
Equipment	4,090,881
Miscellaneous Fringe Benefit Reserves	3,500,000
Partial Projected MC FY18 Tuition shortfall of \$2.4M	2,000,000
Course Fees	1,640,155
Mandatory Student Fees	1,200,000
Cost Share & Research Awards	1,121,170
Internal Service Center Reserves	1,000,000
Total Department Commitments	\$110,121,815

I&G Central Reserve-
reference Attachment IV of e-book

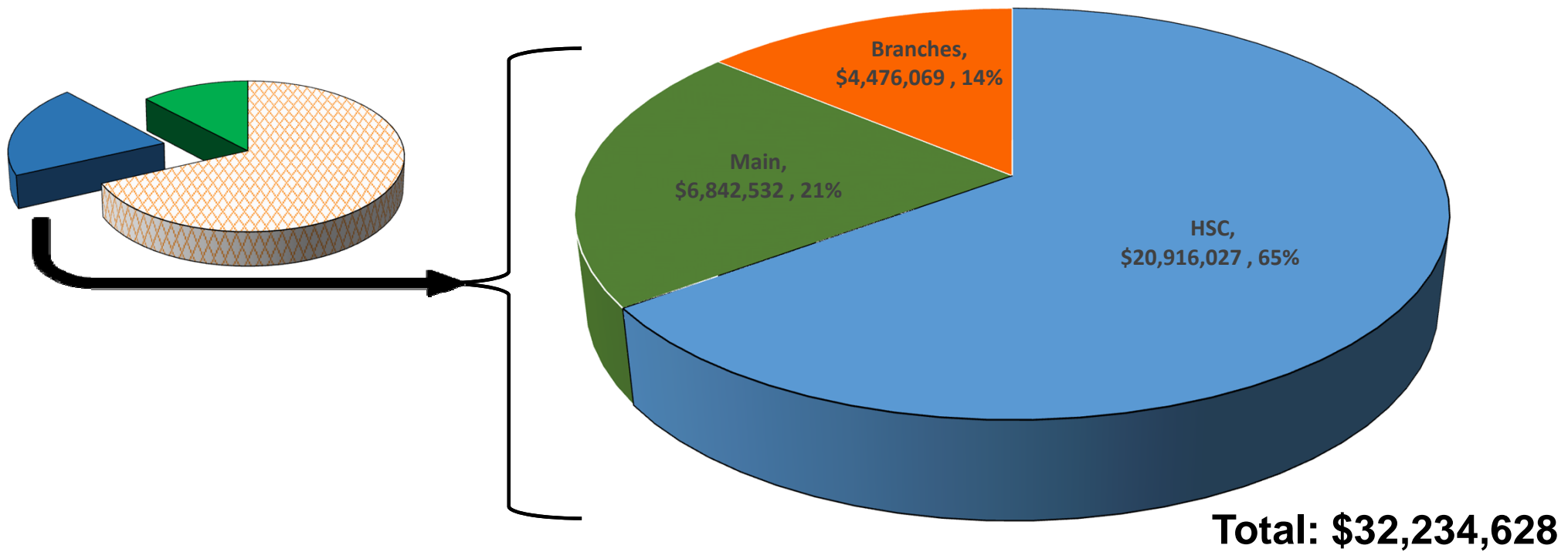
1. Other includes commitments such as: Main Campus RPSPs, faculty hiring plans, professional development, financial aid and graduate assistantships.

UNM FY 17 Campus Operations Ending Reserves

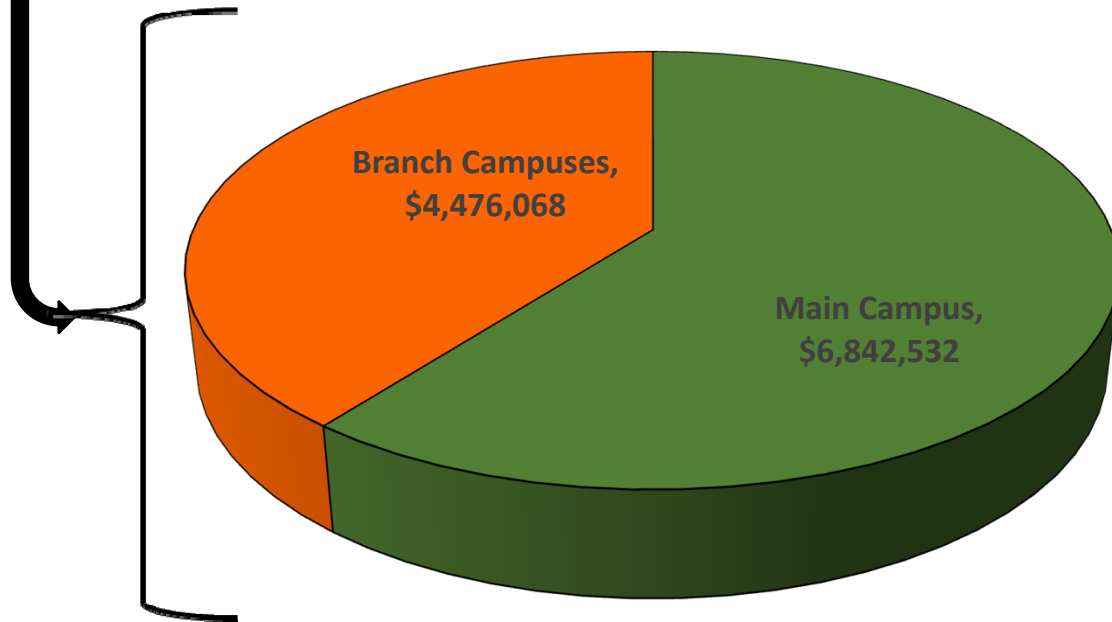
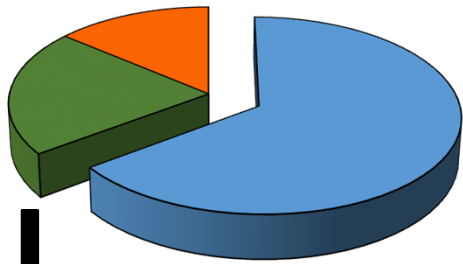


Total: \$161,843,235
Less: (110,121,815)
Remaining: **\$51,721,420**

UNM FY 17 Campus Operations Dedicated Reserves



Main and Branch Campus Academic Enterprise FY 17 Dedicated Reserves



Main and Branches	Dedicated
President/Development	554,233
Academic/Student Affairs	6,990,693
Administration/Other	(702,394)
Main Campus Subtotal	\$ 6,842,532
Branches*	4,476,068
Total	\$ 11,318,600

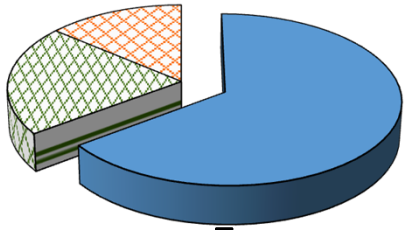
* Branch campus reserves designated to cover Branch related operations and strategic initiatives. Per Branch Campus Operating Agreement between the Board of Regents and Local Branch Campus Boards, funding between campuses shall not be reallocated, except for the payment of the administrative services fee defined in the agreement.

FY17 Main and Branch Academic Enterprise Ending Reserves

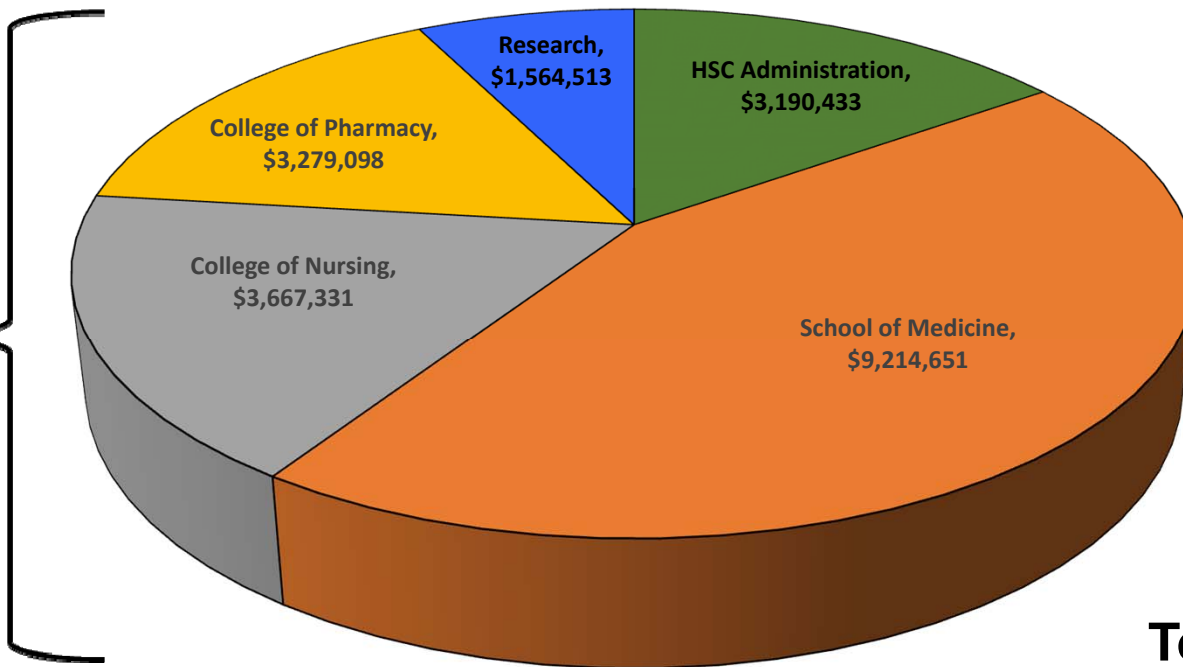
Summary of Dedicated Reserves by Category Type

Category	Total
Deficit Reduction Plan ¹	(12,839,612)
Other ²	8,644,201
Research Bridge Funding	6,784,368
Equipment	3,637,675
Startup for Researchers and Chair Initiatives	3,226,880
Professional Service Contracts	1,235,134
Academic Professional Development	629,954
Total Department Dedications	\$ 11,318,600

1. Deficit Reduction Plan is comprised of departmental deficits that will be covered from future year operating budgets.
2. Other includes dedications such as: undesignated scholarships, part-time instruction, and operating initiatives



FY17 HSC Academic Enterprise Dedicated Reserves



Total: \$20,916,027

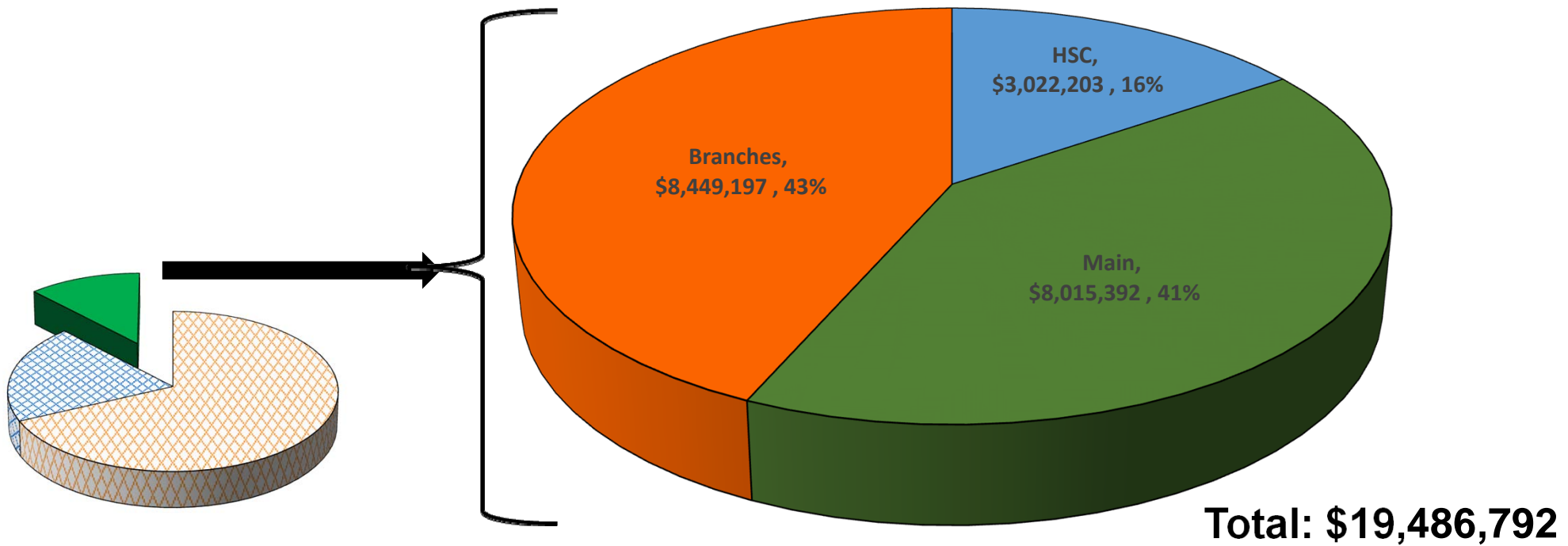
FY17 HSC Academic Enterprise Ending Reserves

Summary of Dedicated Reserves by Category Type

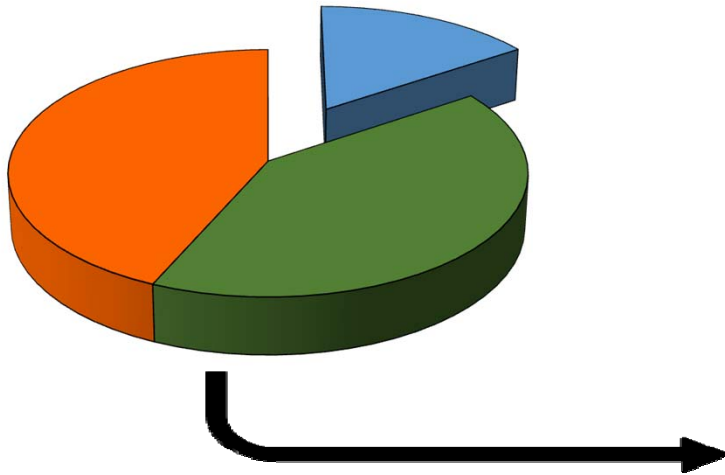
Category	Total
Deficit Reduction Plan ¹	(13,943,576)
Startup for Researchers and Chair Initiatives	10,131,602
Research Bridge Funding	8,093,914
Continuing Healthcare Professional Development	6,492,791
Other ²	5,713,827
Capital Equipment	2,525,737
Professional Service Contracts	1,901,733
Total Department Dedications	\$ 20,916,027

1. Deficit Reduction Plan is comprised of departmental deficits that will be covered from future year operating budgets.
2. Other includes dedications such as: Part-time Instruction, Donor Designated, Undesignated Scholarships and Department Initiatives.

UNM FY 17 Operations Discretionary Reserves



FY17 Main and Branch Campus Discretionary Reserves

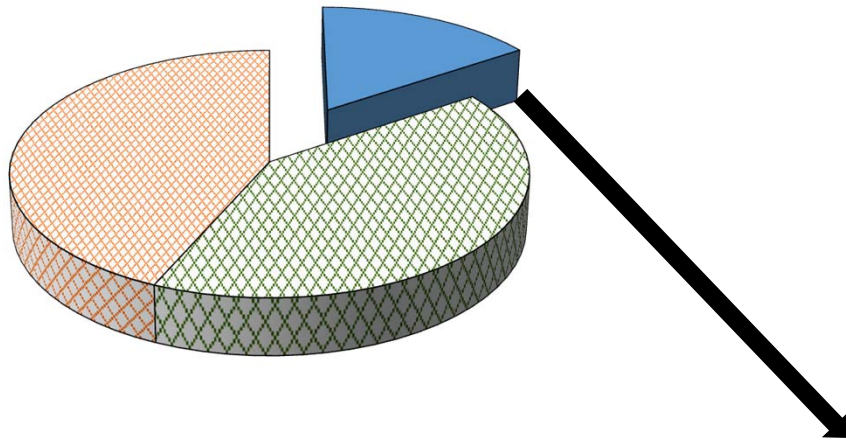


Main and Branches	Discretionary
President/Development	126,051
Academic/Student Affairs	4,933,267
Administration/Other	1,441,131
Undesignated Central Reserve	1,514,943
Main Campus Subtotal	\$ 8,015,392
Branches*	8,449,197
Total	\$ 16,464,589

* Branch campus reserves designated to cover Branch related operations and strategic initiatives. Per Branch Campus Operating Agreement between the Board of Regents and Local Branch Campus Boards, funding between campuses shall not be reallocated, except for the payment of the administrative services fee defined in the agreement.

Detail by Dept.-
reference Attachment IX of e-book

FY17 HSC Academic Enterprise Discretionary Reserves



HSC Divisions	Total
HSC Administration	589,146
School of Medicine	1,626,077
College of Nursing	0
College of Pharmacy	102,621
College of Population Health	163,627
Research	540,733
Total Department Discretionary	\$ 3,022,203

FY18 Main Campus Budget Pressure Points

- Academic Affairs FY18 Shortfall - \$900k
- Innovate ABQ Funding - \$520k
- PIT sound system upgrade - \$500k
- FY18 Tuition and Fee Estimated Shortfall - \$400k

Main Campus-DRAFT PROPOSAL		FY 2018
<i>Beginning Discretionary Reserves (Operating and Plant)</i>		\$11,997,973
Unfunded Initiatives:/Expenses/Activities:		
Academic Affairs FY 18 Shortfall (1)		900,000
Innovate ABQ Funding		520,000
PIT Sound System upgrade		500,000
FY 18 Tuition and Fee Estimated Shortfall (2)		400,000
Total		2,320,000
Ending Discretionary Reserves		\$9,677,973
(1) Of \$1.9m, in FY 18 \$1m will come from attrition and \$900K reserves		
(2) FY18 Tuition Fee Estimated Shortfall		
Tuition Shortfall		2,400,000
Mandatory Student Fees Shortfall		1,100,000
Subtotal		3,500,000
Less Tuition Amount included FY 18 operational committed		2,000,000
Less Fee Amount included FY 18 operational committed (Est. \$1.2m)		527,752
Less Fee Amount included FY 18 plant committed		572,248
Total		400,000

Thank you!

Questions?

Sports Reduction Analysis: Cost Savings vs. Lost Revenues

1. There is an assumption made that costs associated to educate a student at UNM would be far less than amount of tuition collected, thus UNM didn't account for lost tuition revenues in overall net savings for the reduction in sports.
 - a. The cost to educate a UNM student ranges from \$15K-\$23K per year depending on what would be included in direct student costs. UNM is subsidized by state appropriation. Therefore, the amount of tuition collected by students is less than half of what it costs to educate the student (i.e. in-state tuition and fees \$7,322 per year). The analysis equates the cost to educate a student to the same amount of tuition collected per student, which is not an accurate assessment of UNM's tuition revenues and costs.
 - b. UNM is not at capacity as a whole, however, capacity varies by college/school/department/program/year and it fluctuates.
 - c. Costs for grant-in-aid (referred to as scholarships) were only accounted for in the external analysis, however, the grant-in-aid savings represents less than 25% of the total cost savings realized by the reduction of sports.
2. The financial evaluation does not account for the roster management plan (37 additional female athletes).
 - a. Increasing women's rosters by 37 student athletes minimizes the overall tuition/fee impact to the university as a whole. For example, looking only at the walk-ons and/or students that pay their own tuition/fees, the net change for men was (14). However, the net change for women with increased rosters amounts to 30, a total increase of 16 students.
3. The primary basis of rationale is that existing student athletes would no longer attend UNM if their sport was eliminated.
 - a. UNM's tuition/fees are low compared to peers and the actual amount many in-state students pay is subsidized by state and federal gift aid. Assuming students participating in an eliminated sport would no longer attend UNM versus another institution is highly speculative, especially since a majority of these students are in-state/local residents.
4. Walk-ons and students paying their own tuition and room/board do not represent conditional revenues.
 - a. 21 of the 62 (34%) impacted students were either walk-ons or paying their own tuition/fees. Eight of these students were receiving internal scholarships/discounts (i.e. tuition waivers, assistantships, and institutional scholarships), and these resources could be offered to others to attract additional new students
 - b. The majority of walk-ons are in-state students and do not live on campus (only 2 of the 21 walk-ons lived on campus).
5. The context of the analysis is very small scale compared to the institutional level.
 - a. The analysis assumes a large impact to the overall university in the same context as the Athletics Department. The overall net change impact is (25) students, which amounts to less than .01% of the total university student population. The materiality of this change, especially given the variables such as tuition discounting, types of scholarships, type of student (resident/non-resident), associated costs, etc. is minimal to the overall scope of the university. However, the impact to the Athletics Department budget and the ability to improve Title IX compliance is significant.