

# COACHES PERFORMANCE EVALUATIONS

by Martin J. Greenberg

## I. INTRODUCTION

Today, most business enterprises periodically evaluate an employee's job performance through an evaluation conducted by the employee's supervisor. Performance evaluations are used as a management tool and they are intended to provide an objective, consistent, and fair way to gage each employees' effectiveness on the job.<sup>1</sup> The purposes of performance evaluations include<sup>2</sup>:

- to recognize and document the employees' strengths and achievements;
- to reinforce positive performance;
- to identify areas where performance improvement is needed;
- to identify career and individual development needs;
- to document poor performance that may lead to corrective action;
- to facilitate employee accountability for their performance;
- to give the employee an opportunity to comment on his or her job performance;
- to help the employee assume accountability for the job and his or her performance; and
- for some jobs, to provide the basis for determining pay increases and/or a contract extension.<sup>3</sup>

Like in traditional businesses, universities also conduct performance evaluations for their various coaches employed by the university.<sup>4</sup> Performance evaluations can ultimately determine

---

<sup>1</sup> See generally Bo Hanson, *Top 7 Reasons for Coach Performance Reviews*, ATHLETE ASSESSMENTS, <http://www.athleteassessments.com/7-reasons-coach-performance-reviews/> (last visited June 13, 2016).

<sup>2</sup> For more examples of why performance evaluations are conducted in the sports industry, see *id.*

<sup>3</sup> IOWA DEPARTMENT OF ADMINISTRATIVE SERVICES, MANAGERS & SUPERVISORS MANUAL, THE PURPOSE OF PERFORMANCE EVALUATIONS § 8.10 (Oct. 2011).

whether or not the coach receives a package or pay increase, as well as a rollover or extension of his contract.<sup>5</sup> The purpose of this article is to review various contract provisions requiring performance evaluations by the coach's supervisor, to review the forms used for evaluating a coach, to review the forms used by a coach to evaluate himself, to review performance evaluation procedures, to analyze the *Wyatt v. Bethune-Cookman University* case, and, finally, to list the elements of a well-drafted performance evaluation provision in a coaching contract.

## II. PERFORMANCE EVALUATION CLAUSES IN COACHES' CONTRACTS

What follows are some examples of performance evaluation provisions in college coaching contracts:

### 1. Mike Riley, University of Nebraska, December 5, 2014

Section 12: Annual Evaluation of Coach's Performance: Extension or Renewal of Contract. The Director of Intercollegiate Athletics shall meet with Coach annually for the purpose of evaluating Coach's performance of duties and responsibilities pursuant to this Contract. Based upon such performance evaluation, the Director may at his or her discretion, and with the approval of the Chancellor, offer to Coach an extension or renewal of this Contract, extending the Term of this Contract one additional year beyond the then existing expiration date. Any such extension or renewal of this Contract shall be reduced to writing and duly executed by the University and Coach.<sup>6</sup>

### 2. Kevin Sumlin, Texas A&M University, January 1, 2013

1. The UNIVERSITY hereby employs SUMLIN and SUMLIN hereby accepts employment with the Athletic Department in the capacity of Head Football Coach of the University...SUMLIN shall be evaluated each year by the Athletic Director (hereinafter the "Director") who will report to the President as to the performance of SUMLIN and make such other recommendations as the Director shall deem appropriate as to contract terms. Such annual evaluations shall occur in the month of February of each year.<sup>7</sup>

---

<sup>4</sup> Hanson, *supra* note 1.

<sup>5</sup> *Id.*

<sup>6</sup> Employment Agreement between Univ. of Neb. and Kevin Sumlin (Dec. 5, 2014).

<sup>7</sup> Employment Agreement between Tex. A&M Univ. and Kevin Sumlin (Jan. 1, 2013).

**3. Urban F. Meyer, Ohio State University, November 28, 2011**

2.3 The Director shall evaluate Coach annually and will discuss the evaluation with Coach.<sup>8</sup>

**4. Gus Malzahn, Auburn University, December 4, 2012**

4. SALARY INCREASES AND TERM EXTENSION: Salary increases and terms for the extension of this Agreement will be determined at University's discretion by an evaluation of Coach's performance in four (4) primary areas: (1) academic success of his student-athletes as indicated in part by compliance with NCAA and SEC academic progress requirements; (2) competitive success; (3) compliance with University, SEC, NCAA, and other applicable rules and regulations; and (4) fiscal responsibility. Performance in other areas may be considered in this evaluation, but the four (4) areas outlined above will be the primary areas of interest and concern.<sup>9</sup>

**5. Daniel Hurley, University of Rhode Island, March 21, 2012**

4.2 The Coach will be evaluated annually in writing on the anniversary date of this Agreement by the Director of Athletics and be held directly accountable for the duties relating to the men's basketball program as set forth in this Agreement.<sup>10</sup>

**6. Bruce Weber, Kansas State University, April 2, 2012**

2.06 Annual Evaluation: The Athletic Director shall evaluate Coach annually prior to April 30<sup>th</sup> of each Contract Year, as defined herein, and will discuss the evaluation with Coach. Coach is primarily responsible for evaluation of all assistant coaches and men's basketball program staff, with such evaluations subject to review and approval by the Athletic Director or his designee.<sup>11</sup>

**7. Thomas Crean, Indiana University, April 2, 2008**

4.02 *Periodic Personnel Evaluations*: The Employee's performance of his job duties and responsibilities will be evaluated by the Director of Athletics periodically, but no less than annually, during the Term. These evaluations also will take into account prior evaluations and the expectations and goals set for the Employee in such prior evaluations.<sup>12</sup>

**8. Thomas Izzo, Michigan State University, December 12, 2008**

E. Performance Evaluation. The Coach's performance of his job duties and responsibilities will be evaluated by the Athletics Director not less frequently than annually, generally about

---

<sup>8</sup> Employment Agreement between Ohio St. Univ. and Urban F. Meyer (Nov. 28, 2011).

<sup>9</sup> Employment Agreement between Auburn Univ. and Gus Malzahn (Dec. 4, 2012).

<sup>10</sup> Employment Agreement between the Univ. of R.I. and Daniel Hurley (Mar. 21, 2012).

<sup>11</sup> Employment Agreement between Kan. State Univ. and Bruce Webber (Apr. 2, 2012).

<sup>12</sup> Employment Agreement between Ind. Univ. and Thomas Crean (Apr. 2, 2008).

thirty (30) days after the completion of the basketball season, including post-season competition, if any. These evaluations will take into account prior evaluations (including any evaluations under prior contracts) and the duties, expectations, and goals set for the Coach. The Coach shall be notified of any performance deficiencies.<sup>13</sup>

**9. Rob Jeter, University of Wisconsin-Milwaukee, April 1, 2012 (terminated March 2016)**

II. TERM, EXTENSION, AND ANNUAL REVIEW:

C. The AD shall, at an appropriate time, conduct an annual review of Employee's performance under this Agreement and the applicable evaluation criteria of the Department of Intercollegiate Athletics ("Department"), as set out in the Department's standard evaluation form for head coaches. The results of this review shall be taken into account in determining any increase in the Employee's Salary and/or any extension of the Term hereof. It is anticipated that so long as Employee's performance hereunder is satisfactory, the Term hereof may be extended annually by at least one (1) year, by an appropriate written amendment to this Agreement. Satisfactory performance will be judged, in part, by the following standards:

1. Attaining NCAA APR sufficient to avoid eligibility for sanctions.
2. Achieving Horizon League season-end ranking as a top 3 team, unless team wins 20 games in the season and received an invitation to the NCAA Men's Basketball Tournament.
3. No serious misconduct committed by men's basketball players. "Serious misconduct" includes but is not limited to sports wagering and bribery, academic misconduct, nonacademic misconduct, alcohol use by minors, tobacco use, NCAA violations, and/or any conduct for which a student-athlete is charged with a criminal misdemeanor or felony.
4. No misconduct committed by any member of the men's basketball coaching staff, including Employee, for which employer discipline is or may be issued.

D. If team achieves Horizon League season-end ranking as the number one team, or wins the Horizon League Conference Tournament Championship, or receives an invitation to the NCAA Tournament, and all other standards in paragraphs III(1), (3), and (4) are met, employee's contract shall be extended for a term of one (1) year.

E. If Employee's contract is not extended under paragraph III for two consecutive years, Employee shall meet with the AD to develop a written plan for Employee to improve his performance to satisfactory standards. Failure to meet the goals enumerated in such a plan will disqualify Employee from further extensions of this Agreement.

---

<sup>13</sup> Employment Agreement between Mich. St. Univ. and Thomas Izzo (Dec. 12, 2008).

F. If Employee's contract is not extended based on his annual performance review, any subsequent extension of this Agreement pursuant to paragraph III is limited to one (1) year per annual performance review.<sup>14</sup>

**10. Mark T. Stoops, University of Kentucky, November 26, 2012**

6(a) [P]erformance Evaluations will be conducted on an annual basis at the conclusion of each football season."<sup>15</sup>

**11. Roy A. Williams, University of North Carolina at Chapel Hill, October 31, 2011**

III.(a) [T]he salary will be reviewed at least annually as of each July 1, but shall not (i) be changed without mutual agreement of University and Coach, or (ii) be reduced below the amount set forth in the previous sentence. Each year, through this annual review process, Coach's base salary in this Section III(a) may be increased as determined by the Chancellor in a percentage approximately in line with the percentage salary increase received or expected to be received (if any) by University faculty member for such year.<sup>16</sup>

**12. Mark Richt, University of Georgia, June 12, 2012 (terminated November 2015)**

3. Richt acknowledges and agrees that his continued employment by the University as Coach, as well as his Base Salary, will be reviewed approximately annually by the University, with the recommendation of the Association. The Association's recommendation will be based on a number of performance factors, including but not limited to, the Team's regular season and post-season success, graduation rates of players on the Team, Richt's fundraising activities, fan attendance, season ticket sales, alumni financial support, Richt's demonstrated ability to ensure the Team maintains compliance with all applicable rules and regulations, Richt's efforts to bring favorable publicity to the Team and University; and Richt's demonstrated participation in the University Community.<sup>17</sup>

**13. Greg C. Kampe, Oakland University, July 1, 2010**

4. Performance Evaluations. The Athletics Director will evaluate the Head Basketball Coach's performance on an annual or more frequent basis. The Head Basketball Coach will evaluate the performance of the Program's coaching staff on an annual basis and will report these evaluations to the Athletics Director in accordance with procedures established by the Athletics Director.<sup>18</sup>

**14. Mark Montgomery, Northern Illinois University, April 1, 2011**

---

<sup>14</sup> Employment Agreement between the Univ. of Wis.-Milwaukee and Rob Jeter (Apr. 1, 2012).

<sup>15</sup> Employment Agreement between the Univ. of Kent. and Mark T. Stoops (Nov. 26, 2012).

<sup>16</sup> Employment Agreement between the Univ. of N. Car. at Chapel Hill and Roy A. Williams (Oct. 31, 2011).

<sup>17</sup> Employment Agreement between the Univ. of Ga. and Mark Richt (June 12, 2012).

<sup>18</sup> Employment Agreement between Oakland Univ. and Greg C. Kampe (July 1, 2010).

IV.C. Reporting and Evaluation. Employee shall report to the Associate Vice President/Director of Intercollegiate Athletics or to such other person who might be reasonably designated by the Associate Vice President/Director of Intercollegiate Athletics or the President of the University.

Prior to June 30 of each year, the Associate Vice President/Director of Intercollegiate Athletics will evaluate and discuss Employee's performance. This evaluation will be conducted in the approximate same manner as the evaluations of other Head Coaches in the Department of Intercollegiate Athletics. This annual evaluation will take into account prior evaluations and the expectations and goals set for the Employee.

In addition, for each year Employee serves as Men's Basketball Head Coach, Employee will be responsible for the evaluation of all assistant coaches in the program. The results of these shall be shared with the Associate Vice President/Director of Intercollegiate Athletics or designee. The results of the annual evaluation will have a direct bearing on salary increases."<sup>19</sup>

**15. Mark Gottfried, North Carolina State University, September 20, 2012**

I.C. In accordance with NC State policy, the Director of Athletics or designee shall evaluate Coach's performance on an annual basis. It is understood and agreed that the Director of Athletics shall fully discuss with Coach his performance evaluation each year.<sup>20</sup>

**16. Steve Prohm, Murray State University, June 1, 2014 (resigned June 2015)**

H. Coach's job performance will be assessed annually by the Athletics Director. Based upon such evaluation, or otherwise, this Revised Employment Agreement may be extended if such extension is acknowledged in a writing signed by the Athletics Director, University President and Coach and any needed approvals are received.<sup>21</sup>

**17. Tricia Bader-Binford, Montana State University – Bozeman, July 1, 2012**

7. Reassignment. The Coach's performance as head Women's Basketball coach will be subject to periodic review by the Athletic Director, and at the discretion of the Athletic Director, Coach may be removed from the duties and responsibilities as head Women's Basketball coach and reassigned to other duties and responsibilities within the Athletic Department for the remaining term of this Agreement. In the event of such reassignment, the compensation for the performance of such reassigned duties and responsibilities shall be the Annual Base Salary in effect at the date of reassignment.<sup>22</sup>

**18. Robert Ash, Montana State University – Bozeman, February 4, 2013 (terminated November 2015)**

---

<sup>19</sup> Employment Agreement between N. Ill. Univ. and Mark Montgomery (Apr. 1, 2011).

<sup>20</sup> Employment Agreement between N.C. St. Univ. and Mark Gottfried (Sept. 20, 2012).

<sup>21</sup> Employment Agreement between Murray St. Univ. and Steve Prohm (June 1, 2014).

<sup>22</sup> Employment Agreement between Mont. St. Univ.–Bozeman and Tricia Bader-Binford (July 1, 2012).

6. Annual Review. The Athletic Director will conduct an annual review of the Coach within thirty (30) days of the completion of the season.<sup>23</sup>

**19. Terry C. Allen, Missouri State University, February 1, 2007**

8. Extension Agreement. On or before December 31, 2007 and each year thereafter the University's Director of Athletics, in conjunction with the President, will conduct a performance review and evaluation of Coach and shall give Coach notice in writing stating the number of years, if any, it is willing to extend the agreement.<sup>24</sup>

**20. Bill Snyder, Kansas State University, February 1, 2013**

2.06 Annual Evaluation: The Athletic Director shall evaluate Coach annually prior to January 31<sup>st</sup> of each Contract Year, as defined herein, and will discuss the evaluation with Coach. Coach is primarily responsible for evaluation of all assistant coaches and football program staff, with such evaluations subject to review and approval by the Athletic Director or his designee.<sup>25</sup>

**21. Jimmy Lallathin, Kennesaw State University, June 26, 2014 (resigned April 2015)**

6. The Coach agrees to perform all duties normally associated with the noted position at a NCAA Division I Institution as assigned by the Director of Athletics and/or Program Administrator in a manner deemed satisfactory by the Director of Athletics and the Administration of KSU. Coach's performance as Head Coach for Men's Basketball will be subject to periodic review of the Director and, at the discretion of the Director, Coach may be removed from the duties and responsibilities as head Men's Basketball coach and reassigned to other duties and responsibilities within the Athletic Department for the remaining term of this Agreement. In the event of such reassignment, the compensation for the performance of such reassigned duties and responsibilities shall be the annual salary in effect at the date of reassignment.<sup>26</sup>

**22. Dean S. Hood, Eastern Kentucky University, January 22, 2008 (terminated November 2015)**

2.5.2 Employee's performance of his job duties and responsibilities, distinguished from his win-loss record, will be evaluated by the Director of Athletics on an annual basis. These evaluations also will take into account prior evaluations and the expectations and goals set for Employee in such prior evaluations. In addition, each year that Employee serves as Head Coach of the University's men's football program, Employee will be responsible for evaluation of assistant coaches, who will be evaluated as provided in the Athletic Department policies and procedures manual and such annual evaluations shall be forwarded annually to the Director of Athletics.<sup>27</sup>

---

<sup>23</sup> Employment Agreement between Mont. St. Univ.–Bozeman and Robert Ash (Feb. 4, 2013).

<sup>24</sup> Employment Agreement between Mo. St. Univ. and Terry C. Allen (Feb. 1, 2007).

<sup>25</sup> Employment Agreement between Kan. St. Univ. and Bill Snyder (Feb. 1, 2013).

<sup>26</sup> Employment Agreement between Kennesaw St. Univ. and Jimmy Lallathin (June 26, 2014).

<sup>27</sup> Employment Agreement between E. Ky. Univ. and Dean S. Hood (Jan. 22, 2008).

**23. Audra Smith, Clemson University, May 1, 2013**

3.1 Reporting Relationship. Employee shall report directly to the Senior Women's Administrator of the Athletics Department and shall receive an annual employment review; provided, however, that nothing in this Agreement shall restrict Coach's right to raise issues of concern, or otherwise communicate directly, with the Athletic Director as reasonably necessary.<sup>28</sup>

**24. Keith Kim Anderson, University of Missouri, April 30, 2014**

10.C. Conduct of Men's Basketball Athletic Program.

(1) The Director of Intercollegiate Athletics, in consultation with the Chancellor and the Faculty Athletics Representative, shall establish each year, a goal or goals within the area of academic accomplishment and the social responsibility and conduct of the student-athletes in the Men's Basketball program, which goals shall include, but not be limited to, the following: improvement in the academic grade point average accomplished by the Men's Basketball Squad; student-athletes maintaining academic eligibility to participate in the Men's Basketball Program; graduation rate of student-athletes in the Men's Basketball Program; student-athletes' progress toward meeting graduation requirements and anticipated date of graduation; student-athletes' participation in University and community social and charitable activities; student-athletes' observance of University student conduct rules and regulations and those of the Employee's promotion of desirable conduct and prevention and handling of misconduct. The University will pay to the Employee, while serving in the capacity of Head Men's Basketball Coach, up to Two Hundred Thousand Dollars (\$200,000.00) for each year during the term of this Contract for Employment that the established goal or goals for academic accomplishment for that year are met and the established goal or goals for social responsibility and conduct for that year are met. The Employee will advise all staff members of the requirements of this paragraph and obtain each staff members' commitment to the goals and expectations set forth above.

(2) The Director of Intercollegiate Athletics, in consultation with the Chancellor and the Faculty Athletics Representative, shall establish separate aspirational goals within the area of academic accomplishment and the social responsibility and conduct of the student-athletes in the Men's Basketball Program. The University will pay to the Employee, while serving in the capacity of Head Men's Basketball Coach, up to Seventy Five Thousand Dollars (\$75,000.00) for each year during the term of this Contract for Employment that the established aspirational goals for academic accomplishment for that year are met and the established aspirational goals for social responsibility and conduct for that year are met. The Employee will advise all staff members of the requirements of this paragraph and obtain each staff members' commitment to the goals and expectations set forth above.

---

<sup>28</sup> Employment Agreement between Clemson Univ. and Audra Smith (May 1, 2013).



(3) Unless provided herein for payment on some other specified date, all payments required to be made pursuant to the subparagraphs of this Paragraph 10, shall be made on June 30 of each year during the term of this Contract for Employment provided that the Employee is then employed by the University as the Men's Head Basketball Coach, unless (i) this Contract for Employment has expired, or (ii) the University has terminated this Contract for Employment without cause, or (iii) Employee has announced his permanent retirement from serving as a basketball coach at any institution of higher learning or for any basketball team participating in any professional league (and is in fact not so serving), in which case such payment shall be made on June 30 of the year after such expiration, termination, or retirement.

10.D. On an annual basis while the Employee is serving in the capacity as Head Men's Basketball Coach, the Director of Intercollegiate Athletics and the Employee will meet to review the performance of the Employee and the accomplishments of the Men's Basketball Program during the preceding year including, without limitation, those outlined in Paragraph 10.C hereof. Such annual meeting will take place within thirty (3) days following the last basketball game of the season.<sup>29</sup>

### **III. PERFORMANCE EVALUATION CRITERIA**

After a review of several university performance evaluation forms, here are examples of rating systems and the criteria used to evaluate a college coach.

#### **1. Criteria Taken from The Ohio State University Evaluation Form:**

##### **A. Core Values**

1. Integrity
  - a. We will act with integrity and personal accountability.
2. Education
  - a. We will educate each student-athlete with quality academic, competitive, leadership and social experiences to build a sense of responsibility and foster an appreciation for life-long learning.
3. People
  - a. We will keep the well-being of our student-athletes, coaches and staff at the core of every decision.
4. Excellence
  - a. We will excel in performance, achievement and service.
5. Respect
  - a. We will celebrate a climate of mutual respect and diversity by recognizing each individual's contribution to the team.
6. Innovation

---

<sup>29</sup> Employment Agreement between the Univ. of Mo. and Keith Kim Anderson (Apr. 30, 2014).

- a. We will encourage innovation, develop a curious mindset and embrace change.
- 7. Community
  - a. We will enhance the lives of those in our university, city and state communities by helping and paying forward to others.
- 8. Tradition
  - a. We will build upon our traditions which have been developed throughout our proud history.
- B. Rating Scale
  - 1. Strength of this Person
    - a. Work is efficient, accurate, reliable and timely; is of superior quality and goes beyond the expectation of the performance object or core competency.
    - b. Work is a model for reflecting and supporting the values of the university.
  - 2. Meets Performance Standards
    - a. Work consistently meets the requirements of the performance objective or core competency.
    - b. Performance is of high quality; it is efficient, accurate, reliable, and timely.
    - c. Work is done in a manner that reflects the values of the university.
  - 3. Opportunity for Improvement
    - a. Performance may partially meet the requirements of the performance objective or core competency.
    - b. Performance warrants considerable improvement.
    - c. Specific recommendations should be discussed in order to facilitate improvement.
- C. Performance Criteria
  - 1. Academic Success of Program
    - a. Communicates academic success as a priority to student-athletes.
    - b. Cooperates and works well with academic staff.
    - c. Creates environment that encourages student-athletes to graduate/complete degrees.
    - d. Keeps track of student-athletes' progress (e.g. APR, quarterly grades, study table).
  - 2. Competitive Success of Program
    - a. Student-athletes earn conference, regional or national honors.
    - b. Commitment to continuous quality program improvement.
    - c. Displays knowledge and teaching ability of skills and techniques.
    - d. Stays informed of modern coaching trends, tactics and strategies.
    - e. Demonstrates preparation for opponents.
    - f. Implements appropriate conditioning program for all team members.
    - g. Recruits athletes capable of academic and athletic success at university.

- h. Sets an example of positive professional behavior during competitions.
3. Commitment to Compliance
- a. Demonstrates proper knowledge, understanding and adherence to NCAA, Big Ten and university rules and regulations.
  - b. Creates a strong compliance environment through leadership and education to student athletes.
  - c. Cooperates with and is responsive to compliance staff; reports known violations.
  - d. Maintains timely, accurate, and complete reporting of required forms.
4. Student-Athlete Welfare
- a. Complete involvement in student-athletes' lives/available to discuss their concerns (e.g. academics, social, family, etc.)
  - b. Provides positive motivation and uses positive coaching techniques.
  - c. Holds student-athletes accountable to exhibit proper behavior and sports like conduct.
  - d. Disciplines student-athletes appropriately, effectively, and consistently.
  - e. Actions reflect a concern for student-athletes' health and safety at all times.
  - f. Helps student-athletes set personal goals and reach potential.
  - g. Effectively deals with parents and parental issues or concerns (parent management plan).
  - h. Develops positive team spirit and morale.
  - i. Effectively plans for the personal and professional development of student-athletes.
5. Leadership
- a. Presents a positive role model for student-athletes (e.g. appearance, language, and sportsmanship).
  - b. Exhibits organizational skills and performs assigned tasks in a timely and efficient manner.
  - c. Maintains appropriate coach/student-athlete relationship and exhibits proper behavior toward student-athletes.
  - d. Generates creative solutions to work situations.
  - e. Effectively manages assistants and staff; provides ongoing coaching & feedback.
  - f. Appropriately mentors assistant coaches and provides opportunities for development.
  - g. Is involved with NCAA, conference and other professional organizations.
  - h. Fosters positive relationships and coordination with support areas (medical services, equipment, business office, athletic communications, etc.).

6. Communication
  - a. Effectively communicates with coaching staff.
  - b. Effectively communicates with student-athletes (about team rules and expectations).
  - c. Effectively communicates with athletic administrators (keeps Sports AD informed of pertinent issues).
  - d. Effectively communicates with support staff.
  - e. Responds in a timely manner to student-athlete issues.
  - f. Responds in a timely manner to administrative requests.
7. Budget Management
  - a. Program stays within established budget.
  - b. Follows institutional purchasing procedures.
  - c. Follows institutional travel procedures and submits expense reports timely and accurately.
8. Public Relations/Donor Relations
  - a. Fosters successful relationships with donors and boosters.
  - b. Actively participates in development/donor activities and fundraising events.
  - c. Develops positive relationships with alumni.
  - d. Works to increase awareness and support of the sport and university (e.g. speaking engagements).
  - e. Represents university as a positive public figure.
  - f. Participates in community service events with team.<sup>30</sup>

Ohio State Head Football Coach Urban Meyer (“Meyer”) was evaluated by the Ohio State Athletic Director Gene Smith (“Smith”) on June 3, 2014.<sup>31</sup> The overall evaluation was positive.<sup>32</sup> In his evaluation, Smith noted that Meyer had exceeded expectations in four core competencies out of eight total.<sup>33</sup> Meyer exceeded expectations for commitment to compliance, student-athlete welfare, leadership, and public and donor relations.<sup>34</sup> On June 3, 2014, attached to the performance evaluation was a letter from Smith to Meyer where Smith told Meyer “to

---

<sup>30</sup> THE OHIO ST. UNIV. DEPT. OF ATHLETICS, THE OHIO ST. UNIV. DEPT. OF ATHLETICS HEAD COACH PERFORMANCE REVIEW (2013).

<sup>31</sup> Hayden Grove & Logan Hickman, *Urban Meyer Lauded in Performance Review, Gets \$330K Raise After 2013 Season*, THE LANTERN (Nov. 13, 2014), <http://thelantern.com/2014/11/urban-meyer-lauded-in-performance-review-gets-330k-raise-after-2013-season/>.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

‘continue to focus on the academic initiatives’ of the team.”<sup>35</sup> Smith urged Meyer to be more “engaged with his ‘national organization’ and the Big Ten Coaches group.”<sup>36</sup> Smith urged Meyer to be more involved “because of changes that have occurred in the [National Collegiate Athletic Association (NCAA)] governance structure,” specifically the NCAA giving more consideration “to adding benefits for student athletes, which potentially pays them outside of cost of attendance.”<sup>37</sup> As a result of the June 3, 2014 review, which was essentially for the 2013 season, Meyer’s base salary increased from \$758,000 to \$818,640, his media payment increased from \$1.9 million to \$2.05 million, and his Nike payment increased from \$1.45 million annually to \$1.57 million.<sup>38</sup> Smith stated that the evaluation process for Meyer “was part of the normal evaluation process we have each year.”<sup>39</sup>

## 2. Criteria Taken from the University of Washington Coaching Staff Performance

### Evaluation Form:

#### A. Ratings

1. Above Expectation: Indicates exceptional performance that consistently exceeds the requirements of the position.
2. At Expectation: Indicates performance that consistently meets the requirements of the position. This evaluation will normally be used to describe performance of high quality which meets and occasionally exceeds the standards of the profession, as well as the high quality standards of the Athletic Department. Performance “At Expectation” indicates the individual is adequately performing his/her job.
3. Below Expectation: Indicates performance that requires improvement. If this category is used, there must be written support and specific comments regarding how performance is to be improved.
4. No Basis: Used when the evaluator is unable to appraise the performance of the individual due to the nature of the individual’s responsibilities.

---

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

- B. Performance Criteria
1. Administrative Skills
    - a. Proper administration of budgets.
    - b. Timely completion of expense reports.
    - c. Has appropriate knowledge and understanding of NCAA rules and regulations.
    - d. Keeps administration informed of program activities.
    - e. Appropriately completes all eligibility forms and other PAC-10 and NCAA requirements in a timely manner.
    - f. Appropriately responds to administration requests.
  2. Academic Responsibilities
    - a. Works effectively with academic support staff and properly monitors admissions procedure.
    - b. Effectively communicates with Student-athlete Services.
    - c. Communicates the importance of academic success to student-athletes.
    - d. Team and individual GPAs appropriate representation of the department.
  3. Relationship with Student-Athletes
    - a. Team rules, philosophy and regulations are written and available to student-athletes and administration.
    - b. All team members are provided full access to the resources of the Student-athlete Services.
    - c. Disciplinary measures are appropriately handled on a consistent basis.
    - d. Student-athletes are provided with adequate opportunities for communication with the coaching staff.
    - e. Head coach is receptive to ideas and suggestions from team members.
    - f. Head coach emphasizes importance of NCAA rules.
    - g. Coach displays commitment to the Total Student-athlete Program.
    - h. The specific goals and objectives of the program are adequately defined and appropriately communicated to the team.
    - i. Decisions are based on a balance between welfare of program, team and student-athlete.
  4. Coaching Skills
    - a. Displays adequate knowledge and technical skill.
    - b. Stays informed of modern coaching trends, techniques and strategies.
    - c. Exercises appropriate behavior in all events.
    - d. Actions reflect a concern for player safety at all times.
    - e. Implements appropriate conditioning programs for all team members.
    - f. Prepares adequately for opponents.
  5. Recruiting
    - a. Recruiting system is well defined, focused and working.

- b. Overall evaluation of most recent recruiting class.
  - c. Displays a thorough understanding of the rules and regulations of the NCAA rules and the PAC-10 in all recruiting matters.
6. Other Characteristics
- a. Always neat and well groomed.
  - b. Effectively motivates, utilizes and supervises coaching staff.
  - c. Displays a positive and professional approach. (Enthusiasm, helpfulness, leadership.)
  - d. Maintains a positive response to suggestions and guidance.
  - e. Displays energy in developing or maintaining support/fundraising group.
  - f. Visible in the community and participates in community speaking engagements.
  - g. Attends social department functions.
  - h. Maintains and cultivates a positive relationship with alumni and friends of the university.
  - i. Interacts with other coaches/staff and is committed to team building within the department.
  - j. Follows chain of command and administrative procedures within Athletic Department and support areas.
  - k. Demonstrates adequate communication skills, both oral and written.<sup>40</sup>

The two examples provided above show the similarities in performance evaluation forms for collegiate coaches across the country, with one example from a Big Ten School—The Ohio State University, and the other example from a Pac-12 School, The University of Washington. In both examples, the form provides an explanation of the rating scale used by the university for evaluation. The form further provides categories under which the coach will be evaluated and what criteria the specific category encompasses.

#### **IV. SELF-EVALUATION**

In some instances, the coach will complete their own self-evaluation prior to the Athletic Director or athletic department personnel evaluation.

---

<sup>40</sup> UNIV. OF WASH. DEPT. OF ATHLETICS, UNIV. OF WASH. DEPT. OF ATHLETICS HEAD COACH PERFORMANCE REVIEW (2014).

Here are some of the self-evaluation questions that are used to assist the coach in his or her own self-evaluation:

1. What were your professional goals for this past year?
2. What were your team goals for this past year?
3. How successful were you at reaching both your professional and team goals? Give examples.
4. What was your biggest challenge and how did you handle this challenge?
5. What three work related accomplishments are you the most proud and why?
6. What did you do for yourself for professional development this past year?
7. What are your professional and team goals for next year? Please list at least three of each.
8. How can I be of assistance to you to help you reach these goals?<sup>41</sup>

What follows are criteria taken from the University of Wisconsin-Milwaukee Head Coach Self-Evaluation form:

## PERFORMANCE INDICATORS

### Coaching Success and Skills

- Displays adequate knowledge and technical skill
- Stays informed of modern coaching trends, techniques, and strategies
- Exercises appropriate behavior at all events and practices
- Encourages new ideas from staff
- Actions reflect concern for player safety at all times
- Implements appropriate conditioning programs for all team members
- Works well with staff and athletic department personnel
- Performance of experienced players
- Team performance in conference
- Team performance in postseason
- Team cohesiveness/Unity
- Other
- Overall rating for this area

---

<sup>41</sup> Examples taken from Lincoln Community High School, Head Coach Evaluation Form and experience in the coaching industry.



### Academics and Life Skills

Provides full access to the resources of student-athlete support services for all team members  
Represents the mission of UWM in promoting academic achievement  
Attends academic related meetings  
Displays a genuine interest in the academic well-being of student-athletes  
Maintains an established rapport with the assigned academic support personnel  
Consistently enforces adherence to academic rules and regulations  
Maintains an active role in supporting community service initiatives  
Encourages participation in functions supported by Life Skills  
Graduation rate at or above the general student body  
Overall team GPA and Academic Progress Rate (APR)  
Eligibility of team members  
Other  
Overall rating for this area

### Compliance

Demonstrates appropriate knowledge and understanding of NCAA rules and regulations  
Completes all necessary or required NCAA documents in a timely manner  
Attends compliance related meetings  
Commits to the strong adherence to NCAA and department rules and regulations  
Cooperates with Compliance personnel  
Alertness to potential problems or violations  
Initiative to prevent violations  
Complying with NCAA rules and regulations  
Other  
Overall rating in this area

### Recruiting

Works to establish a recruiting system consistent with the department's philosophy and resources  
Effectively defines role of assistant coaches in recruiting efforts  
Establishes positive relationships with high school and junior college coaches  
Establishes as official visit policy and environment which reflects the department's values  
Researches thoroughly the background of recruits  
Recruiting class for next season  
Other  
Overall rating in this area

### Fiscal & Administrative Responsibility

Remains within budget  
Completes and returns Business Office related documents in a timely manner  
Proper administration of resources  
Cooperative with Business Office personnel  
Adheres to Business Office policies and procedures

Other  
Overall rating in this area

Relationship with Student-Athletes

Team rules are written or expressed for the student-athletes to follow  
Disciplinary measures are handled on a consistent and urgent basis  
Provides adequate opportunities for communication with student-athletes  
Defines and communicates the program's overall purpose and philosophy  
Defines and communicates the program's specific goals and objectives  
Maintains awareness of team behavior and activities outside of practice and events  
Facilitates open communication between student-athletes and the coaching staff  
Presents as a positive role model to the student-athletes  
Works to achieve individual student-athlete goals  
Other  
Overall rating for this area

External Relations

Works closely with Sports Information, Development and Marketing to promote respective sport  
Cultivates positive relationships with alumni, parents of student-athletes, the community, and secondary school coaches  
Establishes working relationships within the university setting among faculty, staff and students  
Attends functions that promote the department or respective sport  
Participates in community affairs  
Builds positive relationships with the media  
Cooperates with department's External Relations personnel  
Willingness to participate in promotional events  
Appears at fundraising events  
Speaks at engagement off campus  
Continues relationships with former players  
Other  
Overall rating in this area

Management & Supervision of Staff

Provides appropriate supervision and leadership to staff  
Effectively motivates, utilizes and supervises staff  
Search & selection of qualified assistant coaching staff when applicable  
Conduct annual evaluations of staff  
Other  
Overall rating in this area

Other

Responds timely and appropriately to Administrative requests  
Establishes and maintains appropriate office hours  
Scheduling of facilities

Maintenance, care and concern for equipment  
Dresses and appears appropriately for all occasions  
Displays a positive and professional approach  
Participates in professional organizations  
Other<sup>42</sup>

The example provided above was taken from the University of Wisconsin-Milwaukee Department of Athletics Head Coach Performance Review. The Head Coach of the respective sport goes through each category and self-assesses his or her performance throughout the season prior to an evaluation conducted by the Athletic Director or athletic department.

## V. PERSONNEL EVALUATION PROCEDURES

In addition to contractual language in the coach's employment agreement, personnel evaluation procedures, evaluations, and forms may be spelled out in the university's regulations, collective bargaining agreement, policies and procedures manuals, or other human resources' guidelines.

1. What follows is the procedure for evaluation set forth by the University of Wisconsin System's "Academic Performance Standards in NCAA Division I and II UW Athletic Coaches' Contracts and Performance Evaluations" dated September 2006:

Annual Performance Reviews: Performance evaluations are the formal process used to review the extent to which employees meet their job expectations. Evaluations may be used to determine whether to renew a contract; terminate an employee; provide merit pay; assure that job expectations were met; or identify corrective action, where necessary, and to improve job performance. The University of Wisconsin system authorizes the procedure utilized in the evaluation process:

UW-Madison: At UW-Madison, the sports administrators are responsible for drafting a written evaluation of the head coaches, including a recommendation for renewal or non-renewal. The administrators discuss the evaluations with the head coaches and, along with the athletic director, sign the evaluation forms. The forms are then submitted to the human resources manager, who delivers them to

---

<sup>42</sup> UNIV. OF WISCONSIN-MILWAUKEE DEPT. OF ATHLETICS, UNIV. OF WISCONSIN-MILWAUKEE DEPT. OF ATHLETICS HEAD COACH PERFORMANCE REVIEW (Oct. 2012).

members of the Personnel Committee of the UW Athletic Board. The Personnel Committee considers the evaluations in closed session, as allowed by s.19.85(1)(c), Wis. Stats., and votes on the action recommended by the sports administrators. The Personnel Committee’s decisions are advisory to the full Athletic Board. The Personnel Committee may also amend evaluations, with any changes reported back to the coach and to the full board. The Athletic Board votes to accept or not accept the recommendation of the Personnel Committee.

*UW-Milwaukee:* At UW-Milwaukee, each coach is expected to prepare an initial assessment of his or her own performance, which is then reviewed by the athletic director, who prepares a response. The athletic department uses the evaluation form that is standard for all UW-Milwaukee employees and also has a form specifically for athletic coaches. Coaches are awarded up to 30 points for each of ten “objective responsibilities,” one of which is “effectively monitored academic progress of student-athletes.” Employees may receive a total of 300 points for these objective responsibilities, plus an additional 100 points for their conference record and placement, and another 100 for their overall record. Total possible points equal 500, with scores used to determine the extent to which the coach meets expectations. In addition, administrators at UW-Milwaukee report that the evaluation of the athletic director includes a review of academic data with the Vice Chancellor for Student Affairs.<sup>43</sup>

2. What follows is California State University – San Marcos’ Procedure for Evaluation for Athletic Coaches:

<b>Definition:</b>	This document sets forth the procedures for periodic performance review of coaches. The provisions of this document are intended to be implemented in conformity with University-wide policy on Periodic Evaluation of Temporary Faculty.
<b>Authority:</b>	The Collective Bargaining Agreement between California State University and the California Faculty Association.
<b>Scope:</b>	Coaching faculty within the Department of Athletics.
<b>Responsible Division:</b>	Academic Affairs
<b>Approval Date:</b>	09/08/2008
<b>Implementation</b>	09/08/2008

<sup>43</sup> UNIV. WIS. SYSTEM, OFFICE OF OPERATIONS REVIEW AND AUDIT, ACADEMIC PERFORMANCE STANDARDS IN NCAA DIVISION I AND II UW ATHLETIC COACHES’ CONTRACTS AND PERFORMANCE EVALUATIONS (Sept. 2006).

<b>Date:</b>	
<b>Originally Implemented:</b>	09/08/2008
<b>Signature Page/PDF:</b>	<a href="#">View Signatures for Evaluation for Athletic Coaches Policy</a>

Procedure

I. GENERAL ELEMENTS

The purpose of this policy is to provide procedures for periodic performance review of coaching faculty. The policy follows the procedures for periodic evaluation in accordance with the Collective Bargaining Agreement (CBA). Within 14 days of appointment, the Director of Athletics will provide coaching faculty Unit 3 employees with a copy of this policy on Evaluation of Coaching Faculty Unit 3 Employees.

The custodian of the Personnel Action File shall be the Associate Vice President for Planning and Academic Resources.

II. EVALUATION PROCESS FOR HEAD COACHES

A. The Working Personnel Action File: The coach will submit the components below as part of the Working Personnel Action File (WPAF).

1. Form A1 with the pre-season goals section completed.
2. A personal post-season assessment. This assessment may include a simple outline of which goals were met and which were not or a more detailed discussion of how or why goals were or were not met. Supporting materials may be included as well.
3. Student-athlete evaluations.
4. Peer input (optional).

The WPAF shall be submitted to the AD by Jan. 2 for Fall sports.

The WPAF shall be submitted to the AD by Jun. 1 for Spring sports.

B. Goal-setting and follow-up meetings: Prior to each season of competition, the head coach and the Director of Athletics (AD) will meet to set goals for the upcoming season. Goals will be set in the areas of team athletic performance, team academic performance, fundraising, and recruiting; an "other" category will also be available for any program-specific goals that may apply. It is expected that the goals will be challenging but realistic -- not unreasonable or unattainable.

At the conclusion of each season, after the WPAF is submitted or after the applicable WPAF deadline if no WPAF is submitted, the head coach and AD will meet to assess whether or not the goals set were met. If the goals were not met, they will discuss the reasons.

The goals set and the follow-up assessment will be documented on Form A1, "CSUSM Intercollegiate Athletics: Season Goals."

Timeline:

- Pre-season meetings held before first official contest.
- Post-season meetings held as soon after conclusion of season as possible with Jan. 9 deadline for Fall Sports and a Jun. 8 deadline for Spring sports.

C. Student-athlete evaluations: Head coaches will be evaluated by their student-athletes using Form B1, "Student-Athlete Evaluation of CSUSM Intercollegiate Athletics (Head Coach)." The Office of Institutional Research will administer the evaluations electronically to each team near the conclusion of the season. The evaluation results will be sent to the coach and to the AD. Timeline: The forms will be administered during the same time span as the course evaluations for the instructional faculty. Fall sports student-athlete evaluations will be administered in the same period as fall semester course evaluations, and spring sports student-athlete evaluations will be administered in the same period as spring semester course evaluations.

D. Peer input (optional): Coaches have the option of submitting letters or other forms of documentation of their coaching from their peers. It is understood that input from persons not familiar with the daily operation of the teams will carry less weight than input from informed persons. Peer input will be submitted as part of the Working Personnel Action File (WPAF). All deadlines applying to the WPAF in this document apply to peer input, also.

E. Performance Appraisal: The information from the WPAF, including documentation of goal-setting and follow-up meetings, student evaluations, and peer input (if any) will be part of the informational basis for a coach performance appraisal to be done by the AD. The AD will use Form C1, "Cal State San Marcos Athletics Performance Appraisal for Head Coaches." The AD will then meet with each coach to review the performance appraisal. The AD and coach will both sign the performance appraisal form; the coach's signature will indicate that she/he has reviewed the form and had an opportunity to discuss it with the AD, not necessarily that she/he agrees with the appraisal. Copies of the performance appraisal form will be given to the coach and placed in the coach's Personnel Action File (PAF).

Timeline:

- For Fall sports: performance appraisal forms must be completed by Jan 16.
- For Spring sports: performance appraisal forms must be completed by June 15.

#### IV. COACHING FACULTY REBUTTAL/RESPONSE PROCESS

Per section 15.5 of the Collective Bargaining Agreement between the CFA and the CSU, the head coach or assistant coach may submit a rebuttal statement or response in writing and/or

request a meeting be held to discuss the evaluation within ten (10) days following receipt of the evaluation. A copy of the response or rebuttal statement shall be placed in the PAF.<sup>44</sup>

3. What follows is the University of Kansas Athletics' Policies and Procedures, 601C: Coaching Performance Evaluations, Updated July 2005:

#### KUAC STAFF: COACHING PERFORMANCE EVALUATIONS

The evaluation of coaching performance is an on-going process, conducted by the sport supervisor throughout the year and not just during the season of the coach's sport. The evaluation process is designed to assist the coach in identifying his/her strengths and weaknesses, and as such, is an effective communication tool between the Director of Athletics and the coach.

All formal evaluations to be used in recommending salary increases, continuing a probationary employee or invoking disciplinary action must be documented in writing. See Policies 401B, Budget: Salaries and Wages and 603A, Coaches and Administrators: Employment Contracts for additional information. Each Head Coach is responsible for assisting with the evaluation of the sport's assistant coaches.

#### Evaluation Conferences

Evaluation conferences are scheduled annually by the Sport Supervisor to review the head coach's progress relative to achieving the agreed-upon goals for the year. As a follow-up to each conference, the Sport Supervisor summarizes the meeting in a letter to the head coach. The text of the letter may also include recommendations for performance improvement, a restatement of set goals and a timetable for achieving improved performance and/or goals. A copy of the letter is retained for the coach's personnel file. Additional conferences may be scheduled as needed during the year to identify any existing problems and to make any modifications warranted in the identified goals.

At the completion of the evaluation review, all parties involved attest to the proceeding by signing a statement signifying that the review has been completed. Signatures do not denote approval of all comments within the document, but only that the evaluation form has been reviewed by all concerned parties. If the coach wishes to record agreement or disagreement with the written evaluation, he/she may submit a written statement, which is placed in his/her permanent file along with the evaluation.

#### Grievance Procedure

Should non-renewal of a coaching contract be recommended, the coach may request a review (within his/her contract guidelines) in order to present his/her views. Moreover, he/she must

---

<sup>44</sup> CAL. ST. UNIV. – SAN MARCOS, CAL. ST. UNIV. – SAN MARCOS' PROCEDURE FOR EVALUATION FOR ATHLETIC COACHES (Sept. 8 2008).

receive the appropriate termination notice, as required by his/her employment status. Also see Policy 601G, Kansas Athletics Staff: Termination in this Manual.<sup>45</sup>

4. What follows is the Louisiana State University, Departmental Staff: Performance Evaluations, 510B:1, March 2010:

The Department of Athletics adheres to the University's policies and procedures for conducting performance evaluations for its staff members. Each evaluation should be administered in a fair and equitable manner. The Human Resources Manager for Athletics coordinates performance evaluations for the Department.

#### Performance Evaluation Guidelines

The Department of Athletics believes that performance evaluations can be a valuable tool in the assessment of an employee's job-related skills, and encourages each supervisor to conduct the evaluation in a professional and informative manner. The evaluation should accomplish the following:

- Establish objectives for the coming year;
- Clarify the employee's role within the Department;
- Review past job performance;
- Identify areas in which the employee excels;
- Provide an opportunity for the exchange of information between the employee and the supervisor; and
- Provide encouragement to the employee to develop and increase his/her job skills.

Each supervisor is encouraged to maintain an informal account of any significant events related to each employee's performance and progress within his/her area of responsibility. Supervisors should refer to these records when completing the evaluation form to ensure a fair evaluation and provide accurate commentary for each designated rating.

#### Classified Staff

The Office of Human Resources Management sends a report each month when classified payroll is printed with the list of employees whose anniversary date is that month. The Human Resources Manager for Athletics sends the performance evaluation form for classified employees (PS-39). (See appendix 510B:2) The Human Resources Manager for Athletics is responsible for monitoring the review process and consulting with a supervisor and/or an employee, when appropriate.

Each supervisor completes the evaluation forms for their employees, to include all ratings and additional comments. The supervisor meets with each employee and discusses the employee's performance during the period covered by the form. The employee then signs and dates the form.

---

<sup>45</sup> UNIV. OF KAN. ATHLETIC DEPT., UNIV. OF KAN. ATHLETICS' POLICIES AND PROCEDURES § 601C: COACHING PERFORMANCE EVALUATIONS (July 2005).



(The signature of the employee does not indicate concurrence with the report, but acknowledges that the employee has seen the report.)

The supervisor submits the completed form to the Human Resources Manager for Athletics, who submits the completed forms to the Office of Human Resource Management and retains copies of each form for the individual's personnel file.

#### Unclassified Staff

The University requires the Department to conduct annual performance evaluations for all unclassified (i.e., administrative and coaching) staff members, in the late Spring. The Performance Planning Worksheet for Professional Employees form (PS-35) (see Appendix 510B-3) is used for this purpose. The forms are completed by each employee and immediate supervisor when a meeting is scheduled. The employee initials and dates the form, acknowledging that he/she has seen the report.

The evaluations are reviewed and signed by the next higher authority, who may provide additional comments. The completed forms are submitted to the Human Resources Manager for Athletics, who forwards them to the Office of Personnel Services and retains copies of each form for the individual's personnel file.<sup>46</sup>

## VI. STUDY – FACTORS INVOLVED IN JOB PERFORMANCE EVALUATION

There has not been much written on the factors involved in job performance evaluations of NCAA head coaches. However, James E. McClowry (“McClowry”) submitted a Master of Science thesis project encompassing the area entitled “The Factors Involved in the Job Performance Evaluation of NCAA Division I-A and Division III Head Football Coaches: A Comparative Study.”<sup>47</sup> The purpose of McClowry’s thesis was to examine the criteria that Athletic Directors at NCAA Division I-A and Division III colleges use to evaluate their head football coaches and to determine what factors they identify as the most and least important in evaluating their head football coaches for job retention.<sup>48</sup> So, in May of 1996, McClowry sent to 212 Division I-A and Division III Athletic Directors a survey entitled *Evaluation of Head*

---

<sup>46</sup> LA. ST. UNIV., DEPARTMENTAL STAFF: PERFORMANCE EVALUATIONS (Mar. 2010).

<sup>47</sup> James E. McClowry, *The Factors Involved in the Job Performance Evaluation of NCAA Division I-A and Division III Head Football Coaches: A Comparative Study* (Dec. 1996) (unpublished M.S. thesis, Ball State Univ.) (on file with author).

<sup>48</sup> *Id.* at ii.

*Coaches for Job Retention.*<sup>49</sup> Out of the 212 Athletic Directors who received the survey for the study, 151 or 71.2% responded.<sup>50</sup> The survey requested that the Athletic Directors rank ten items in order of importance.<sup>51</sup> The items surveyed were as follows:

- Compliance with NCAA Rules and Regulations – Ethics and Honesty;
- Goals of Football Program – Sets realistic goals for football program and sets planned course of action to accomplishing goals;
- Graduation Rate of Student-Athletes - Demonstrates a genuine interest in each student-athlete's academic progress;
- Knowledge of Sport – Expert in skill and teaching technique of specialty;
- Loyalty to Institution – Complies with the philosophy of the university, faculty, academic and athletic programs;
- Organizational Ability – Prompt completion of paper work, organization of staff, practices, games, contests, and events;
- Public Relations – Relates well with other head coaches, assistant coaches, administrative staff, faculty, and athletes as well as the community;
- Recruiting Ability – Implements effective recruiting plan and puts in appropriate time and effort necessary for good results;
- Role Model – Sets a good example for the athletes and represents the college in a positive way; and
- Win/Loss Record – Team performance in conference play, overall record, post-season play, and strength of schedule.<sup>52</sup>

---

<sup>49</sup> *Id.*

<sup>50</sup> *Id.* at 22.

<sup>51</sup> *Id.* at ii.

<sup>52</sup> *Id.* at Appendix A, Table 1.

McClowry's study concluded that of the ten factors, NCAA Division I-A athletic directors identified win/loss and compliance as their primary evaluation factors for their head football coaches.<sup>53</sup> Recruiting and graduation were also found to be important factors in evaluating the head football coaches by Division I-A athletic directors.<sup>54</sup> Of the ten factors, Division I-A athletic directors identified organization, loyalty, and public relations as being the least important in the evaluation process.<sup>55</sup>

For Division III Athletic Directors, the study found that "the primary factors of evaluation for their head football coaches were knowledge of the sport, loyalty to the institution, and serving as a role model for student athletes."<sup>56</sup> As opposed to Division I-A Athletic Directors, Division III Athletic Directors were least concerned with win/loss percentage.<sup>57</sup>

## VII. WYATT V. BETHUNE-COOKMAN UNIVERSITY

There are few cases that deal with performance evaluations in college coaching. Alvin Wyatt ("Wyatt") was the winningest football coach in Bethune-Cookman University ("B-CU") history.<sup>58</sup> On November 23, 2009, just two days after the Florida Classic where the Wildcats were defeated by their rival Florida A&M University 42-6, B-CU fired Wyatt.<sup>59</sup> B-CU replaced Wyatt on December 21, 2009 with Brian Jenkins.<sup>60</sup> B-CU continued to pay Wyatt his \$95,000 salary until June 30, 2010, but under the terms of his contract with B-CU, B-CU was obligated to

---

<sup>53</sup> *Id.* at ii.

<sup>54</sup> *Id.* at 23.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.* at ii–iii.

<sup>57</sup> *Id.* at iii, 24.

<sup>58</sup> Mark Harper, *Former B-CU Football Coach Alvin Wyatt Awarded \$771K*, NEWS-JOURNALONLINE.COM, <http://www.news-journalonline.com/article/20130522/SPORTS/305229984/0/search> (last updated May 28, 2013, 11:56 AM).

<sup>59</sup> *Id.*

<sup>60</sup> Harper, *supra* notes 58; *Brian Jenkins Profile*, B-CU Athletics, <http://www.bcuathletics.com/ViewArticle.dbml?ATCLID=205433412> (last visited June 13, 2016).

pay Wyatt for another four years.<sup>61</sup> When B-CU stopped payments early, Wyatt then sued B-CU for breach of contract.<sup>62</sup>

Circuit Judge Terence R. Perkins ruled that “[B-CU] must pay Wyatt \$561,924 for four years of salary and benefits, \$180,000 in guaranteed income and retirement match of \$28,753.”<sup>63</sup> In his ruling, the court considered the provisions of Wyatt’s employment contract.<sup>64</sup> First, the court considered the language in paragraph 5 of the employment contract,<sup>65</sup> noting “that the contract was to automatically renew and roll over annually for an additional year if the coach ‘receive[d] a satisfactory evaluation of his job performance.’”<sup>66</sup> Wyatt argued that his employment contract had been extended four separate times for one year in each instance.<sup>67</sup> “Although [Wyatt] produced a written satisfactory evaluation from only one year, [Wyatt] testified that he received satisfactory evaluations every year, including an oral evaluation in the most recent year.”<sup>68</sup> No evidence of an unsatisfactory evaluation was produced by B-CU.<sup>69</sup> B-CU maintained “that the coach's contract was not extended during the years for which written satisfactory evaluations could not be produced,” as paragraph 29 of the employment contract required that any contract extension was to be in writing.<sup>70</sup>

---

<sup>61</sup> Harper, *supra* note 58.

<sup>62</sup> *Id.*; *Former B-CU Football Coach Alvin Wyatt Awarded \$771,000.00*, MEAC/SWAC SPORTS MAIN STREET (May 22, 2013), <http://meacswacsports.blogspot.com/2013/05/former-b-cu-football-coach-alvin-wyatt.html>.

<sup>63</sup> See Harper, *supra* note 58; *Former B-CU Football Coach Alvin Wyatt Awarded \$771,000.00*, *supra* note 62.

<sup>64</sup> Harper, *supra* note 58.

<sup>65</sup> *Recent Judicial Rulings Regarding Language in Coaches’ Employment Contracts*, ICE MILLER (Nov. 14, 2013), <http://www.icemiller.com/ice-on-fire-insights/publications/recent-judicial-rulings-regarding-language-in-coac/>

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*; Harper, *supra* note 58.

<sup>70</sup> *Recent Judicial Rulings*, *supra* note 65.

Even though “only one written satisfactory evaluation” was produced and there was an “absence of any written and signed contract amendment, the court rejected [B-CU]’s argument and ruled in [Wyatt]’s favor.”<sup>71</sup>

“The court stated that the language of paragraph 5 ‘was specifically spelled out’ without any reference to a written evaluation and that the ‘specific directives of paragraph 5 control over the more general requirements of paragraph 29.’”<sup>72</sup>

Judge Perkins held that Wyatt’s employment contract automatically renewed annually if the coach “receives a satisfactory evaluation of his job performance and/or coaches the football team to nine victories.”<sup>73</sup> He continued, “A written evaluation of the coach’s performance was introduced into evidence containing a glowing performance evaluation as of June 30, 2008.”<sup>74</sup> Furthermore, Judge Perkins noted that “the coach also testified that the athletic director (Lynn Thompson) verbally gave him a satisfactory evaluation after the successful fall 2008 season and promised to put it in writing but never got around to it.”<sup>75</sup> Judge Perkins ultimately ruled that “B-CU did not provide any evidence that it had given the coach any unsatisfactory evaluations, so when [Wyatt] started the 2009 season, Wyatt should have still had five years remaining on the contract.”<sup>76</sup>

Ice Miller’s Collegiate Sports Group observed that “[t]his ruling provides reminders about (i) recognizing that a requirement for all contract extensions to be in writing and signed by the parties is superseded by the occurrence of contract-extension benchmarks set forth elsewhere

---

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> Harper, *supra* note 58.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

in the contract and (ii) specifying that only written satisfactory evaluations trigger contract extensions.”<sup>77</sup>

### **VIII. A WELL-DRAFTED PERFORMANCE EVALUATION PROVISION**

A well-drafted performance evaluation provision in a coaches’ contract will contain some or all of the following elements:

A. A requirement that the coach be evaluated annually, either at the conclusion of a season or on a certain date.

B. An identification as to who will evaluate the coach’s performance, which in most instances will be his reporting superior, i.e. the athletic director of the university.

C. The possibility that prior to the evaluation the coach will be required to submit his or her own self-evaluation.

D. That the performance evaluation will take into account prior evaluations as well as expectations and goals of the coach.

E. An identification of the areas the evaluation will cover, including academic success, competitive success, compliance, fiscal responsibility, fund raising, participation in university community, and favorable publicity.

F. The evaluation will be in writing and will be an in-person, face-to-face discussion and communication between the athletic director and coach.

G. The coach will be given an opportunity in writing to disagree or object to any of the conclusions or assessments as made by the athletic director.

H. The evaluation could affect contract extension, rollover, or salary increases.

---

<sup>77</sup> *Recent Judicial Rulings, supra* note 65.

I. That the head coach would likewise be responsible for the evaluations of his or her assistant coaches.<sup>78</sup>

## IX. CONCLUSION

A university's "most important asset, and scarcest resource, is its [employees]."<sup>79</sup> It is necessary to look after them, assist them in developing, and provide them feedback on their performance.<sup>80</sup> "Performance Reviews are about drawing a line in the sand to set plans for continued future success. Importantly, they are an opportunity to review and reward what is going well, as well as what can be improved on."<sup>81</sup>

Evaluations are not only about increased compensation, getting a contract extended, or a win-loss record, they are about understanding performance and goals.<sup>82</sup> Performance evaluations are extremely important to the continued employment process of a college coach. Procedures must be in place and followed. Performance criteria must be identified, and performance criteria as identified must be communicated between the coach and the athletic director. There must be a means to measure performance and to review in writing the performance as measured. There must be a way in order for the athletic director and coach to communicate, to understand performance and measurement, and to agree on an action plan for improvement. Open communication as to results is extraordinarily important. These procedures should be written down and followed on an annual basis as they are the bedrock of a good relationship between the employee and employer.

---

<sup>78</sup> These examples are from the author based on experience negotiating and drafting coaching contracts.

<sup>79</sup> *Performance Reviews for Sport*, ATHLETE ASSESSMENT, <http://www.athleteassessments.com/performance-reviews-for-sport-2/> (last visited June 15, 2016).

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

A special thank you to Lori Shaw for her assistance in footnoting and finalizing this article. Lori Shaw is a graduate of Marquette University Law School where she focused on Intellectual Property and Sports Law. Shaw was also the Managing Editor for the Marquette Intellectual Property Law Review and member of the Alternative Dispute Resolution Society and Labor and Employment Law Society at Marquette. Shaw was also a double-major in History and Political Science, with a Psychology minor, at Indiana University in Bloomington, Indiana.