

**Arizona State University
Office of University Audits
Coaches Camps and Clinics
April 29, 2022**

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Summary: The Coaches Camps and Clinics audit was included in the Arizona State University (ASU) FY 2022 audit plan approved by the Arizona Board of Regents (ABOR) Audit Committee and ASU senior leadership. The audit focused on NCAA compliance and third-party oversight of the use of ASU assets. This audit is in support of ASU's mission of effective management of financial resources and efficient operations at all levels of the university in addition to promoting safety and welfare of minors on ASU campuses.

Background: As part of the multi-year agreements with Sun Devil Athletics (SDA) Head Coaches, they are allowed to own and conduct camps so long as the coach complies with applicable university policies and procedures and NCAA and Conference legislation. Camps and clinics are conducted through the coach's established LLC. The camps and clinics are not affiliated with or sponsored by ASU; however, SDA coaches are authorized to use specific ASU marks through a camp trademark and license agreement they may enter into with ASU.

SDA Compliance is responsible for assessing and approving all sport camps and clinics owned by SDA coaches as it relates to NCAA rules and regulations. They have implemented defined workflows using the ARMS application which ensures they are aware of camp activities before they occur including implementing required approvals at key points through the camp lifecycle

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- Confirming if camp employees completed training related to minors and the required reporting obligations through inquiry with the SDA coach and validation of training documentation where performed
- Confirming if fingerprinting was performed within three years for each camp employee by inquiry with the SDA coach and validation of completed fingerprinting where performed
- Confirming camps required a parental release including indemnity and assumption of risk form through inquiry with the SDA coach

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apply directly to third party activities, it does state that contacts with third party organizations, such as these coach-owned camps and clinics, must include appropriate contract provisions related to wo

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- Third-party oversight is in place to ensure compliance with core provisions of the facility use agreements.

Significant
Opportuni

Audit Results, Recommendations, and Responses

1. SDA Operations and Facilities (AOF) has not implemented third-party oversight of the facility use agreements to ensure compliance to key provisions.

Condition: Third party oversight has not been implemented to ensure SDA coaches comply with requirements of the facility use agreement terms resulting in non-compliance in key provisions including personnel screenings and required insurance levels. In addition, requirements related to Minors on Campus have not been incorporated into the agreements as required by policy EHS 706.

Criteria: Policy EHS 706 requires that third-party agreements related to the use of ASU facilities involving minors contain equivalent requirements as EHS 706 regarding training and personnel screening.

Cause: AOF has not implemented monitoring processes to ensure compliance to facility use agreements nor have they incorporated required provisions in the agreement to ensure compliance with key provisions related to minors on campus.

Effect: SDA coach camps and clinics are not compliant with key provisions required when conducting activities at ASU facilities that involve minors.

- Five of the seven sports (involving 15 camps) reviewed, where this provision applied, did not require training for camp personnel related to working with minors and related reporting responsibilities
- None of the seven sports (involving 18 camps) reviewed, where this provision applied, performed fingerprint checks for camp personnel; however, two of the sports (involving four camps) were performing background checks
- None of the camps reviewed met all required insurance requirements; specific items missing included the waiver of subrogation and at times the endorsement for additional insured language

The current facility use agreement does not include provisions related to training or fingerprinting; although the agreement does currently require background checks for camp personnel. Testing indicated that background checks were also generally not being performed.

Inconsistent enforcement of key third-party requirements utilizing ASU's assets may increase ASU's liability exposure associated with the SDA coach owned camp and clinic activity.

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Criteria: A camp trademark license agreement must be executed for SDA coaches to be authorized to use ASU marks. As part of the agreement, it states that ASU email accounts cannot be utilized in conducting the camp, defines appropriate use of ASU marks, as well as requires a specific notice to be posted on all advertisements, publications, rosters, web pages and similar items stating that the camp is not affiliated with or sponsored by ASU.

Cause: SDA Administration has not implemented effective monitoring processes to ensure compliance to camp trademark license agreements.

Effect: SDA coach camps and clinics are not compliant with key provisions required when advertising and marketing camps that utilize ASU marks. Testing identified that each of the camps violated one or more of the defined provisions included in the agreement including using an ASU email address in conjunction with the camp, appropriate use of ASU marks, and including the Notice of License on camp materials which notifies participants that the camp is not affiliated with or sponsored by ASU.

Inconsistent enforcement of camp trademark license agreements may increase ASU's liability exposure associated with the SDA coach owned camp and clinic activity.

Recommendation: AOF should execute camp trademark and license agreements with the SDA coaches that are currently utilizing ASU marks without authorization. In addition, monitoring processes should be put in place to identify when SDA coaches do not comply including appropriate sanctions as needed such as, but not limited to being prohibited from using ASU marks. To help ensure awareness and compliance, the existing ARMS workflow related to camps and clinics should be enhanced to add addi

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email address

3. Request the URL for any camp promotion and/or registration, and all marketing materials be provided for review in advance to verify appropriate use of marks
4. Reiterate requirements to use a licensed vendor for any camp related materials bearing ASU marks
5. Call out the requirement to include this disclaimer in all promotional materials: <http://www.asu.edu/brand>

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