Approved by the Board of Trustees

May 19, 2022

**3**

 Board Meeting

 May 19, 2022

## AMEND MULTIYEAR CONTRACT WITH

## DIRECTOR, DIVISION OF INTERCOLLEGIATE ATHLETICS, URBANA

**Action**: Amend Multiyear Contract with Director, Division of Intercollegiate

 Athletics

**Funding**: Non-Appropriated Institutional Funds in the Division of Intercollegiate

 Athletics Operating Budget

 On February 29, 2016, the Board of Trustees approved the appointment of Joshua H. Whitman as Director, Division of Intercollegiate Athletics, Urbana-Champaign. This was a non-tenured appointment, effective March 5, 2016. The Board approved an initial appointment for a five-year term, beginning on March 5, 2016, and ending on March 4, 2021. The Board also approved Mr. Whitman’s anticipated total annual compensation for each year of the term. Mr. Whitman’s initial base salary was $600,000, with provisions for annual review for salary increases. His current base salary is $800,000. The Board also approved supplemental compensation up to $200,000, annually for achieving specific academic and athletic performance goals as determined in advance by the Chancellor. Full standard benefits on the same terms as provided by the University to all professional employees, with contributions and benefit amount based upon the base salary where relevant, were provided to Mr. Whitman. In November 2019, the Board of Trustees approved an amendment to Mr. Whitman’s employment contract, extending the term through June 30, 2024.

 The Chancellor, University of Illinois Urbana-Champaign, and Vice President, University of Illinois System now recommends amending Mr. Whitman’s employment agreement to extend the term by four years, through June 30, 2028, in accordance with the compensation schedule below.

|  |  |  |
| --- | --- | --- |
| **Year** | **Base Salary** | **Maximum IncentiveCompensation.** |
| 5/20/2022--6/30/2023 | $975,000 | $300,000 |
| 7/01/2023--6/30/2024 | $1,025,000 | $300,000 |
| 7/01/2024--6/30/2025 | $1,075,000 | $300,000 |
| 7/01/2025--6/30/2026 | $1,125,000 | $300,000 |
| 7/01/2026--6/30/2027 | $1,175,000 | $300,000 |
| 7/01/2027--6/30/2028 | $1,225,000 | $300,000 |

 Other significant terms and conditions of Mr. Whitman’s original employment agreement remain in effect or will be appropriately amended to reflect the extension of the term. These include setting forth instances in which he may be terminated for cause. Mr. Whitman’s amended employment agreement will provide for additional retention incentive compensation payments of $200,000, vesting on June 30 in 2024, 2026, and 2028, respectively, if he remains continuously employed as Director of Athletics as of those dates.

 The amended employment agreement will also continue to provide for the payment to Mr. Whitman of liquidated damages in the event Mr. Whitman is terminated without cause, subject to mitigation if he obtains other employment following termination. Liquidated damages payable to Mr. Whitman in the event of his termination without cause will be an amount equal to 100 percent of base salary, subject to a cap of $4,500,000. Similarly, Mr. Whitman will pay to the University liquidated damages in the event he resigns his employment. Liquidated damages payable to the University by Mr. Whitman shall initially be in the amount of $1,800,000, and will be reduced annually by $300,000.

 Funding is provided from non-appropriated institutional funds in the Division of Intercollegiate Athletics operating budget.

 The Board action recommended in this item complies in all material respects with applicable State and federal laws, University of Illinois *Statutes, the General Rules Concerning University Organization and Procedure* and Board of Trustees policies and directives.

 The President of the University of Illinois System concurs.