

MUSINGS FROM AN OLD FAR

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I. BACKGROUND

I am a chaired professor of Constitutional Law at the University of Nebraska College of Law. In my life outside “FAR-ing,” I have prosecuted criminal cases and also have a fair amount of drafting experience.¹ My research focuses on process questions.

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¹ Among other things, I was project director and co-reporter for the Model Sentencing and Corrections Act of the National Conference of Commissioners on Uniform State Laws; the reporter for the Nebraska Pattern Jury Instructions for Criminal Cases; and the reporter for the search and seizure rules of the Nebraska Racing Commission.

My most recent scholarship deals with various aspects of the NCAA as an organization.²

With that background, then, why did I become the Nebraska FAR? It certainly was not in recognition of athletic prowess. Far from it. Although I am an avid watcher of sports, I have no athletics ability. You have heard the old adage – “Those who can, do; those who can’t teach.” That about sums me up – “Those who can, play; those who can’t oversee.” One example suffices. I took bowling one quarter in college. I found it impossible to walk forward toward the line and, at the same time, manage to get my right arm to move backward with the bowling ball. (I either tripped or flung the ball behind me.) Like one of the damned, my instructor ultimately abandoned all hope³ of teaching me the “skill” and, instead, simply placed me at the head of the lane and had me roll the ball. You have not experienced the inexorably interminable nature of time until you have watched a bowling ball with no force behind it slowly, oh so slowly, meander down a lane. Even perfect placement results in only a few pins going down.

What motivated me to become FAR was the prominence of varsity athletics in campus life at Nebraska and my conviction that faculty must have a central role in assuring that college athletics are conducted consistent with the academic mission. Prior to becoming FAR, I served on our faculty senate intercollegiate athletics committee and also on the site team for NCAA certification. I became FAR because I believed it was the

² E.g., *The NCAA State Actor Controversy: Much Ado About Nothing*, 23 MARQ. SPORTS L. REV. 1 (2012); *They Take Classes, Don't They?: Structuring A College Football Post Season*, 7 MD. J. BUS. & TECH.LAW 311 (2012); Josephine Potuto and Jerry Parkinson, *If it Ain't Broke, Don't Fix It: An Examination of the NCAA Division I Infractions Committee's Composition and Decision-Making Process*, 89 NEB. L. REV. 101 (2011); *The NCAA Rules Adoption, Interpretation, Enforcement, and Infractions Processes: The Laws That Regulate Them and the Nature of Court Review*, 12 VAND. J. ENT. & TECH. L. 257 (2010); James O'Hanlon and Josephine Puto, *National Study of Student-Athletes Regarding Their Experiences as College Students*, 41 COLLEGE STUDENT JOURNAL 947 (2007); *Academic Misconduct, Academic Support Services, and the NCAA*, 95 KY. L. J. 447 (2007). See also William Lyons and Josephine Potuto, *The Federal Income Tax and Reform of College Athletics: A Response to Professor Colombo and an Independent Critique*, 2 JOURNAL OF INTERCOLLEGIATE SPORT 233 (2009).

³ See DANTE ALIGHIERI, *INFERNO*, DIVINE COMEDY (c. 1310-1321) (“Abandon all hope, ye who enter here!” [*Lasciate ogni speranza, voi ch'entrate!*])).

most effective way for a member of the faculty to work to assure that her university maintains control over its athletics department. The Nebraska Chancellor appointed me FAR in 1997 after consultation with the faculty senate and on a recommendation by a search committee comprised of the faculty chair of the intercollegiate athletics committee, the outgoing FAR, and the athletic director. To be considered for appointment an individual had to be a tenured full professor with an established record of scholarship. An additional criterion, important but not required, was that the individual have university service related to athletics.

The chancellor/president decides the scope of the FAR job and provides the support to get the job done. I have done no formal survey, but my instinct is that, on the FAR continuum of job responsibilities, law faculty FARs handle the broadest range. Those at the major NCAA Division I Football Bowl Subdivision (FBS) institutions⁴ also have a budget and other support commensurate with those responsibilities.⁵

In my case, I have direct line oversight, jointly with the athletic director, for student-athlete academic matters, including eligibility, academic performance, and academic integrity. I also am the point person outside athletics for oversight of rules compliance. That latter responsibility includes the authority to conduct an inquiry independent from and external to athletics on any matter I believe warrants such inquiry.⁶ In addition to specific

⁴ Division I institutions that sponsor football are either in the Football Championship Subdivision (DI FCS) (until 2007 known as DI AA) and play in the NCAA football championship or are in the Football Bowl Subdivision (DI FBS) (until 2007 known as DI A) and play in bowl games. NCAA BYLAWS arts. 20.01.2, 20.1.1.2, 20.4.1.1. DI FBS institutions must sponsor at least sixteen sports, at least eight of which must be women's sports, NCAA BYLAWS art. 20.9.7.1, and, in general, their football teams must play at least 60 percent of their games against other FBS teams and average at least fifteen thousand in paid attendance computed every two years on a rolling basis, NCAA BYLAWS art. 20.9.7.2. Their other teams must be in sports for which the NCAA has a post-season championship, NCAA BYLAWS art. 20.9.4, and meet minimum contest requirements, NCAA BYLAWS art. 20.9.4.3.

⁵ A FAR who has responsibilities without the wherewithal to achieve them is an accident waiting to happen. In my case, I am relieved of half my annual teaching load and have a full-time secretary. I also have substantial support to attend meetings and receive a small stipend.

⁶ Such external reviews would be conducted through the Chancellor's Intercollegiate Athletic Review Committee, which I chair. Members include the Vice

responsibility regarding academic and compliance issues, my “brief” from the Chancellor includes responsibility to monitor student-athlete well-being and also a general responsibility to be an active presence in the athletics department.⁷ As one manifestation, I sit on the executive committee of the athletic department.

FARs not only have responsibility on campus, but they also serve in Conference governance and may be appointed to serve on NCAA councils and committees. I have served, among others, on the NCAA Division I Management Council,⁸ the Division I Infractions Committee (which I chaired), the Men’s Gymnastics Championship Committee, and two special committees appointed by the NCAA president to review operations of the enforcement/infractions arm of the NCAA. I also just completed a second term as the president of the 1A FAR (FARs in Division I FBS institutions).

The main thrust of this Article, set forth in Part II, is to highlight all the relationships that a FAR must maintain – and juggle, and explain why. This part of the job is the most fundamental and, in salient ways, the hardest to negotiate. Part III discusses the different way that coaches and lawyers understand the operation of rules, and what that means for FARs. Part IV looks briefly at compliance operations that are the source of the most frequent compliance problems and how a FAR should handle them.

II. THE FAR AND RELATIONSHIPS

We develop relationships of trust outside formal structures. As a general rule, we pick up important information from informal interaction, not in meetings or other formal settings. Establishing and maintaining any good relationship means frequent and

Chancellor for Student Affairs and the University General Counsel. See Appendix 1 for the full policy.

⁷ See Appendix 2 for my FAR position description.

⁸ At the time that I served on the Management Council (2003 to 2007), it was Division I’s legislative and policy-making body, subject to the Division I Board of Directors. It since has been replaced by the Division I Leadership and Legislative Councils.

regular interaction. Maintaining these relationships, certainly in the aggregate, entails a heavy time commitment.

A. The President/Chancellor⁹

This relationship is the most critical to a FAR effectively doing her job. The president/chancellor decides the scope of the job the FAR is expected to do. There should be a very clear understanding of those things for which the FAR is responsible and, equally important, those things for which she is not responsible. She also should be sure she has the support and resources to do the job she is assigned.

The FAR must be in direct and regular communication with the president/chancellor. Their interaction must be open and frank. She should be able to raise any issue and freely share her position. If she does not have the confidence of the president/chancellor she should not serve. She also must be willing to resign the position if she has fundamental disagreement with policy decisions. The FAR cannot be kept in the dark regarding important matters related to athletics. This obviously is true regarding matters for which she has explicit responsibility. But it also is true regarding general matters related to athletics.

There is a cacophony of voices criticizing the presence of big-time athletics on campus and arguing that student-athletes are not really students.¹⁰ The FAR is expected to be an outside-

⁹ My Chancellor and I have written about some of the requisites of the FAR/chancellor relationship. *Mission: Alignment*, NCAA NEWS (Apr. 11, 2005), http://www.ncaa.org/wps/wcm/connect/ncaa/NCAA/NCAA+News/NCAA+News+Online/2005/Editorial/Mission_+Alignment+-+4-11-05+NCAA+News?pageDesign=Printer+Friendly+NCAA+News+And+Updates.

¹⁰ *E.g.*, Frank G. Splitt, *Time for accountability in sports: corrupt collegiate athletics overshadow faltering academic mission*, NATIONAL CATHOLIC REPORTER (Nov. 14, 2008); *A Call to Action: Reconnecting College Sports and Higher Education*, KNIGHT COMM'N ON INTERCOLLEGIATE ATHLETICS (2001); MURRAY SPERBER, BEER AND CIRCUS: HOW BIG TIME SPORTS IS CORRUPTING HIGHER EDUCATION (2000). RICK TELANDER, THE HUNDRED YARD LIE: THE CORRUPTION OF COLLEGE FOOTBALL AND WHAT WE CAN DO TO STOP IT (1996); *A Framework for Intercollegiate Athletic Reform*, THE COALITION ON INTERCOLLEGIATE ATHLETICS (2003), <http://coia.comm.psu.edu/Framework.html>; *Framing the Future: Reforming Intercollegiate Athletics*, THE COALITION ON INTERCOLLEGIATE ATHLETICS (June 15, 2007), <http://coia.comm.psu.edu/FTF/FTFtext&appendix.pdf>; F. WILLIAM G. BOWEN ET. AL., RECLAIMING THE GAME: COLLEGE SPORTS AND EDUCATIONAL VALUES (2003); G.

athletics eye on inside-athletics activities, someone integral to assuring that varsity athletics are conducted consistent with the academic mission and campus ethos. A FAR's ignorance of major athletics activities means she cannot fulfill that responsibility.

The relationship with the president/chancellor not only is the most critical for a FAR, but it also should be the easiest for her to navigate. It is the president/chancellor, after all, who appoints the FAR. The president/chancellor should appoint someone (s)he knows well and with whom (s)he already has an ongoing relationship. The current Nebraska chancellor is a good friend. He is the former dean of the law college. Before he came to Nebraska as dean, we worked together for several years on a drafting project.¹¹ He did not appoint me as FAR, but our relationship is invaluable to how I do the job.

B. The Athletic Director

Another critical relationship for a FAR is the one with the athletic director. (S)he must feel that the FAR is a friend of athletics but (s)he also must recognize that the FAR has an independent, and overarching, responsibility to the president/chancellor and the requisites of the greater campus. I have managed the "two-hat" role by being up front about my obligations outside athletics. Understandably, an athletic director may not always like the fact that a FAR will report problems and issues to the president/chancellor. But what will be intolerable to an athletic director is a FAR who fails to be open and honest about these obligations.

When I first became FAR the athletic director invited me to attend an athletics department executive staff meeting. Afterwards I told him how helpful it was to sit in, both to get to know the athletic senior staff better and also to have a better

WALTER BYERS & CHARLES HAMMER, UNSPORTSMANLIKE CONDUCT: EXPLORING COLLEGE ATHLETICS (1995); H. JAMES J. DUDERSTADT, INTERCOLLEGIATE ATHLETICS AND THE AMERICAN UNIVERSITY: A UNIVERSITY PRESIDENT'S PERSPECTIVE (2000); JAMES LAWRENCE SHULMAN ET. AL., THE GAME OF LIFE: COLLEGE SPORTS AND EDUCATIONAL VALUES (2001). JOHN R.THELIN, GAMES COLLEGES PLAY: SCANDAL AND REFORM IN INTERCOLLEGIATE ATHLETICS (1994). The doubts that whether or not athletes can also be students has spanned centuries.

¹¹ *Supra* note 1. The Chancellor and I were co-reporters on the Model Sentencing and Corrections Act.

sense of issues in the athletics department. He heard the unstated request, and invited me to sit in on all such meetings. The next year he phoned before scheduling the meetings, to be sure I could attend. Attending executive staff meetings allows me to have casual conversations before and after meetings. Other social interactions have developed. All these help me do my job.

Having a good relationship is nice. What cements the relationship is demonstrating that one can be helpful. I make a point of being available for questions 24/7. I also personally handle requests of waivers from the operation of NCAA bylaws when the request is one of particular importance to the athletics department. When I handle such a waiver, I treat it as though necessary to save the world from destruction.

C. Student-Athletes

No matter their academic discipline, all FARs have within their quiver of responsibilities the responsibility to oversee the well-being of student-athletes. To develop solid relationships with them is challenging for all FARs because new relationships must continually be developed as student-athletes graduate and new ones matriculate. For law faculty FARs, student-athletes are a particular challenge because we do not have them in our classes and have to create opportunities for interaction. I try to spend time in the athletics department so that I am visible to student-athletes. I try to attend Student-Athlete Advisory Committee meetings, arriving early and staying late, to provide opportunities to chat. My Chancellor has asked that I try to travel with each team over a two- or three-year cycle. I also try to attend practices, again to be visible to student-athletes (and also to observe coach/student-athlete interactions).

In addition to informal interactions and visibility, I monitor student-athlete well-being by personally conducting some exit interviews and by reviewing all exit interviews summaries. I use interviews for post-graduate scholarships as another opportunity for feedback. I have made it clear to academic services and compliance staffs that they must report to me any issues of which they are aware. I also have made it clear that I will attempt to treat in confidence information provided by student-athletes. All that said, I have yet to solve to my satisfaction the problem of

finding the appropriate role to play to monitor student-athlete well-being without interfering in the coach/student-athlete relationship or the responsibility of the athletic director over athletic department staff.

On no more than five occasions over my 15 years as FAR, I have had a student-athlete come to me in confidence to complain of unfair treatment by a coach. In each such case, the evidence was that (s)he had insufficient competition time compared to others (s)he believed to be less talented or conscientious. After each such complaint, I did some behind-the-scenes investigation and later looked with care at the exit interviews in the sport. On one occasion I asked direct questions, but without disclosing that a complaint had been made. In no case did I find that a coach acted in bad faith in assessing the talent level or dedication of a student-athlete, either alone or in comparison to other student-athletes on the team. But these cases leave me nonetheless with some unease as to what more I might do.

D. Coaches

Coaches are dedicated, hard-working individuals. They are expected to, and generally do, put student-athlete well-being first and actively support student-athlete academic progress. Nonetheless, they know that if their teams do not win they will not keep their jobs. Understandably, they seek whatever edge they can get.

A FAR must be able to say “No” to a coach and also support athletic academic and compliance staff in their interactions with coaches. This latter role includes willingness to “cover” for staff by being named as the one responsible for a “No” decision. I am not talking here about coaches pushing for staff members to cheat; that coach should be fired. I am talking about coaches seeking the admission of student-athletes who marginally meet institutional admissions standards when academic staff members see little likelihood they can do college-level work at the institution.¹² I am

¹² Athletic academic services staff also need the active support of the FAR when pressured by coaches to focus on keeping a student-athlete academically eligible even at the expense of the student-athlete’s academic interests and to support coach requests for academically at risk student-athletes to miss class for post-season

talking about coaches who push for waivers when there is no realistic possibility that a waiver will be granted.¹³

To maintain a good relationship even when saying “No” to a coach, a FAR also must demonstrate a willingness to help. I handle the campus legislative process and interact with coaches about legislation pertinent to them or issues they would like to see addressed by legislation. I regularly forward news stories and NCAA items that appear of interest to coaches. When I first became FAR, a waiver was sought for a football student-athlete. The NCAA denied the waiver. I wrote an appeal. The waiver was granted. From there on out, with that football staff, I could do no wrong. I wish I could devise a way to have this happen annually in each sport, or at least with each change in coaching staffs. But, alas

A FAR colleague told me that each year he takes each head coach to lunch, both to maintain channels of communication and also to hear from them anything they would like considered. It is a good idea but, again, very time intensive.

E. Boosters/Trustees

A FAR must be visible to boosters and trustees, as her very presence underscores that athletics competition is not independent from the greater campus and that university faculty have a role to play. On the formal side, I have made presentations to our Board of Regents on processes for institutional control in the athletics department. Time permitting, I attend athletic department functions when boosters or trustees will be present. I attend university pregames that boosters and trustees attend. I attend the football away game designated as the “Foundation” trip for major donors.

One good place to interact with boosters and trustees is on the bowl game trip (or championship competition in one of the more visible sports). On the plus side, bowl trips mean time for informal conversation and, particularly with donors, opportunity to observe how close they are to a program or coaches. On the

competition or when student-athletes compete as individuals in national and international competition.

¹³ Compliance staff also need a FAR’s active support when they conduct an inquiry and when they look to coaches timely to comply with compliance protocols.

minus side, bowl games come at the end of a semester. Either they interfere with end-of-semester classes and writing and grading exams or they interfere with a holiday break with family and friends. Sometimes they do both.

F. The FAR's Department and College

Often people see the FAR job as one replete with perks. Often they see neither the time demands nor the work. I have yet to talk to a FAR who believes that being FAR has helped his/her position in his/her own department or college. Most believe it has been a liability. My advice: be sure not to shirk committee and other faculty responsibilities and keep up your scholarship (in this regard, it helps to pick up a course such as Sports Law). FARs also should try to highlight why a perk isn't one. (I regularly, and with complete sincerity, complain about attending sports events where, because of my height, I cannot see a thing. I also describe a "memorable" trip I took with the cross country team).

G. The Academic Senate

The faculty on campus must have confidence that the FAR acts independently and is not co-opted by the athletic department. A big problem is that information that demonstrates vigilant oversight often is information that cannot be shared. Like the CIA, failures are obvious but successes necessarily are kept confidential. Serving on campus committees can help a FAR. Meeting annually with the president of the Senate can help. Providing information to the Senate Committee related to athletics, or serving on it, can help. If there is time and inclination, a FAR will be helped if she serves in the Academic Senate.

III. LAWYERS, COACHES, AND RULES

Lawyers well understand that rules do not operate perfectly and that finding fact distinctions whenever a rule is applied means you end by having no rule. Lawyers also understand that, even if a waiver process is available, some conduct is not waivable. Coaches, by contrast, have never met a rule that should not be waived in the particular circumstance.

Partly the difference between lawyers and coaches derives from what appears to be a coach's belief that a rule must operate perfectly in all situations or it is a bad rule. Partly the difference between lawyers and coaches derives from a different understanding of the function of a rule.

Lawyers understand that rules give notice of how things will work, and that fair process means abiding by the rule so announced so that similarly situated individuals are treated similarly. Coaches seem to believe that a rule can be changed whenever it is demonstrated that a different rule will work better for their student-athletes, no matter the potential distributive injustice of doing so.

I well remember my first experience with the NCAA Men's Gymnastics Championship Committee on which I served. I was not a coach. I was not an athletics administrator. I was a faculty member, and a woman. I prepared to be greeted with skepticism (in this I was wrong). I read the championship rulebook carefully in preparation for my first committee meeting, held at the NCAA Men's Gymnastics Championship. At that meeting, the committee members discussed how to handle a particular ranking issue should it arise at the final. How it was to be handled did not match what I read in the rulebook. I decided the tactful solution was to confess dismay that I had misread the rule and to ask for help.

"No," said the coaches. "You read the rulebook correctly. Although we wrote the rule, we now conclude that we cannot do what the rule says." I told them I trusted their expertise and suggested that we rewrite the rule the way we now sought to apply it and get the acquiescence of the coaches prior to the competition.¹⁴ On the final night of the championship, the ranking issue arose. At that point the committee decided that they also could not do what the revised rule said we would do! Thus was I introduced to the fact that, except for rules of play, coaches do not see rules as operationally conclusive.

In addition to seeing rules differently, coaches approach waivers from the perspective of an interested party. They neither see that a practice of regularly submitting frivolous waiver

¹⁴ Or discover if the coaches objected to a change.

requests undermines the credibility of a FAR or compliance staff when submitting other waivers nor do they worry about the time it will take for a FAR or compliance staff to handle a waiver submission. They also always believe a waiver has a chance.

We FARs all have heard coaches argue for a waiver because the problem occurred inadvertently or because the student-athlete who committed a violation is “a good kid” who deserves another chance. I suggest the following. Try asking a football coach if he believes he could persuade a referee that the team should have five downs to make ten yards because there was an unfortunate and inadvertent miscommunication on the fourth down play. Try asking a basketball coach if he believes he could persuade a referee that a player who fouled out should be given a “bonus” foul opportunity because he is “a good kid.”

IV. COMPLIANCE HOT SPOTS

Compliance staffs typically know and understand the application of NCAA rules. They typically do a good job educating on the rules. They typically have forms designed to acquire needed compliance information. They typically are vigilant in reporting violations when they uncover them. What I describe here are areas where compliance breakdowns most typically occur.

A. Monitoring and Investigating

Compliance staffs have a lot to do. Often they allocate insufficient time and effort to monitoring to assure that what is reported on forms is what actually occurred. One hot spot, then, for FAR vigilance is to assure that compliance staffs do actual monitoring as, for example, spot checking forms against other records, by occasionally attending practices, and by talking to student-athletes.

Compliance staff also sometimes fail to do a full and adequate investigation when they learn of possible rules-violate conduct. Faculty members are natural skeptics; we seek evidence to support hypotheses. Law faculty not only are skeptical, but we are trained to ask questions and to expect that there will be more than one version of a story. Another hot spot for FAR vigilance, then, is either to participate in investigations or a least to review

self reports, reinstatement requests, and waivers to assure that adequate investigation was made and conclusions reasonably are supported by the available evidence.

B. Compliance Means Reporting Suspicions

Adequate compliance cannot occur if relevant information is not reported. Sometimes a failure to report is an affirmative decision to conceal violations. No compliance system can convert a bad actor into a good one. But the reason for other failures to report can be mediated. Individuals are disinclined to report information that might cause difficulty for someone we know or with whom we work. In consequence, we talk ourselves out of believing what we saw or heard and we also seek ironclad information before we report. Compliance manuals and instructions need to be clear that a report must be made if there is a tingle in the back of the neck, and that it is not up to the person reporting to be convinced before making a report.

C. Reporting Means Telling Compliance Staff or the FAR

When matters affect a particular sport, individuals always report to the head coach.¹⁵ Compliance manuals and instructions need to be clear that the obligation to report is satisfied ONLY if a report is made to a compliance official or the FAR. Compliance protocol also must be clear that there must be one individual who is the ultimate conduit of all reports. (At Nebraska, that individual is the FAR). If not, you risk having several people each with a part of a puzzle but no one in a position to put the pieces together and see the full picture.

IV. CONCLUSION

By their very existence, FARs are a visible statement that the athletics department is part of a college campus, not an independent satellite. By their involvement with athletics, they are a visible statement that varsity athletics competition is an important component of campus life, and one so recognized by the

¹⁵ Whatever else is true, or not, about Penn State and the Jerry Sandusky episode, it followed the universal reporting path: the graduate assistant reported what he saw to the head coach.

faculty. By their work, they are an important line of defense to assure that athletics maintains its appropriate place on a college campus, that student-athletes are treated appropriately, and that the athletic enterprise follows campus protocols and NCAA rules. The work is time-consuming, and it can be stressful. But it also is challenging and rewarding. If it were not, I would not do it.

APPENDIX I

Chancellor's Policy Memorandum 2004-02

Establishment of the Intercollegiate Athletics Review Committee

The University of Nebraska-Lincoln's intercollegiate athletics program has an excellent history and tradition of rules compliance. With very few exceptions, student-athletes at UNL have been good representatives of the University and have comported themselves as good citizens within and without the University. The Athletic Department and its personnel have established high standards for behavior and have a tradition of self-reporting and self-investigation of compliance issues. Fans and other athletic department supporters and donors have not sought to interfere with the operation of the department or with student athletes. However, issues may arise with respect to rules compliance or student-athlete behavior that are best addressed by an external review, to assure both the perception and the reality of a thorough and fair investigation.

After consultation with the Athletic Director and the Faculty Athletic Representative, and with their full concurrence, I am hereby forming a special committee to be known as the Intercollegiate Athletics Review Committee. The Committee shall consist of the Faculty Athletic Representative as chair, the Vice-Chancellor for Student Affairs, a lawyer designated by the General Counsel of the University, and one other member to be designated from time to time by the Chancellor. The Chancellor may determine in particular instances to expand the membership where appropriate.

The role of the Committee is to investigate and report to the Chancellor on any matter relating to Intercollegiate Athletics determined by the Faculty Athletic Representative or the Chancellor as requiring an external review. In conducting an investigation, the Committee may proceed in any manner it determines to be both effective and fair to individuals involved.

Members of the Athletic Department and student-athletes are expected to cooperate with the Committee.

The Committee shall conduct its review in private and report to the Chancellor shall be confidential. The Chancellor may determine if a part or all of the report should be made public.

Harvey Perlman, Chancellor
University of Nebraska-Lincoln
Dated July 11, 2004

APPENDIX II

FAR JOB DESCRIPTION

The Nebraska FAR is charged by the chancellor to provide active and close oversight of athletics. Particular areas of emphasis are academic integrity, NCAA and Big Ten rules compliance, student-athlete well-being, and matters of a sensitive nature as they occur. The FAR has dotted line oversight of compliance and, with the athletics director, solid line oversight of athletics academic services which, at Nebraska, include academic standards and integrity, and admissions and eligibility matters. One clear responsibility is to provide the Chancellor and the Athletic Director with the faculty viewpoint on matters relating to the Athletic Department. The FAR is authorized and expected to bring to the Chancellor any issue related to these matters, and others as the FAR identifies them, and to provide appropriate advice thereon.

The FAR chairs the UNL Chancellor's Intercollegiate Athletics Review Committee (other members are the University General Counsel and the Vice Chancellor for Academic Affairs), which, if needed, would handle exclusively external (to athletics) the investigation and processing of an NCAA major infractions case or other major athletics issue. The FAR is to be informed by athletics staff with information at the first stage of all matters that might be a major violation, those that affect a high profile sport or athlete, and others that are identified as raising sensitive issues.

The FAR has lead responsibility for investigations of possible NCAA violations and academic integrity issues. She participates in decisions as to the direction and scope of investigations and decides the extent of her active involvement, including whether to participate in interviews. She also signs off on Nebraska self-reports of secondary violations to the Conference and to the NCAA as well as requests for waivers of the application of a Conference rule or NCAA bylaw and formal requests for bylaw interpretation. Among other responsibilities, the FAR monitors prospect initial eligibility and participates in decisions regarding recruitment of "high risk" prospects; reviews student-athlete academic progress and classes with a high percentage of student-athletes; approves

student-athlete outside competition requests; and monitors academic tutoring services.

The FAR is a standing member of the Academic Senate's Intercollegiate Athletic Committee and serves on subcommittees to audit athletic academic services and to hear appeals from denials of transfer requests and failures to renew scholarships. She also is the point person for NCAA legislation.