

# INVESTIGATING, DOCUMENTING AND REPORTING RULES VIOLATIONS

<b>Process for Conducting Inquiries into NCAA Violations</b>
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**1. For violations that appear clearly to be secondary.**

- a. Compliance staff will notify the FAR on discovery of a possible secondary violation. Ordinarily any inquiry involving a secondary violation may be made by compliance staff without the participation of the FAR.
- b. Ordinarily a self report of a secondary violation will be prepared by compliance staff. Copies of secondary self reports must be provided to the Director of Athletics, the Big 12 Conference Commissioner, and those staff members either named or with supervisory responsibilities in the area of the violation. The self report should clearly identify each individual receiving a copy of the self report. The Director of Athletics and Conference Commissioner will receive a complete copy of the self report, including attachments. The circumstances will dictate whether other staff receive attachments. The FAR will review a draft of a self report before it is submitted and ordinarily will co-sign the report. (Note. Big 12 policy requires the FAR to sign off on reports made directly to the Conference Office.) The FAR also will receive a complete copy of the self-report.
- c. Compliance staff will retain a copy of each secondary self report.
- d. At least annually the compliance staff will prepare a record listing each secondary violation, the involved sport, any involved staff member, the bylaw(s) that were breached, a brief rendition of the circumstances, and any corrective action or penalty. The report will be provided to the Chancellor, the Director of Athletics, and the FAR.
- e. If at any point information develops suggesting a violation may not be secondary, or otherwise presents circumstances out of the ordinary, the FAR will be notified and the process for major violations will be triggered. At that point the determination as to scope and direction of inquiry will be made by the FAR. Unless (s)he decides otherwise, the FAR will participate in all aspects of the investigation, including interviews.

## **2. For violations not clearly secondary.**

- a. Each individual interviewed will be read NCAA Bylaw 10.1 as it pertains to his/her responsibilities to report and cooperate and as it relates to risk of findings for failure to report and cooperate.
- b. Interviews will be taped unless the interview subject explicitly objects.
- c. Ordinarily at least two persons should conduct each interview.
- d. The investigation will be conducted in a confidential manner. For violations involving academic matters the associate athletics director for student-athlete academic services and appropriate staff may participate in the inquiry (see appendix #2). In no circumstance will a staff member with sports specific responsibilities participate in interviews.
- e. Unless the investigation will be jeopardized, the chancellor and director of athletics will be informed of the progress of the investigation.
- f. The FAR will prepare a self report of a major violation.
- g. At any point in the process of investigating a potential major violation the FAR may elect to convene the Intercollegiate Athletics Review Committee.

<b>NCAA Rules Violations Policy Statement</b>
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The University of Nebraska is committed to assuring institutional control of its athletics program and to assuring that its athletics program complies with NCAA bylaws, Big 12 Conference rules, and institutional policy. In particular, the University of Nebraska is committed to administering a fully operational compliance program and to assuring the prompt and thorough investigation of potential violations. The University has an unequivocal expectation that all staff members (full-time or part-time, paid or volunteer) will be rules compliant and will report promptly report any potential violations to the compliance staff.

## **REPORTING A VIOLATION**

### **1. Violations.**

***Committed By Whom.*** Violations for which the University of Nebraska has responsibility may be committed by staff members (full-time or part-time, paid or volunteer) of the University or its athletics department; by student-athletes and prospective student-athletes; and by individuals for whom the University is responsible under NCAA bylaws because of their relationship to the University or athletics department (boosters, employers of student-athletes, etc.).

***Source of Potential Violations.*** NCAA bylaws; Big 12 Conference rules; and University of Nebraska institutional and athletics department policy.

***Type.*** Violations may be major or secondary under NCAA bylaws.

### **2. Reporting Obligation.**

All potential violations must promptly be reported. The reporting obligation is absolute and admits of no exceptions. When in doubt, ask. When in doubt, report. Of athletics department staff, only the compliance staff has the authority to investigate and resolve questions as to the existence of violations.

**Note: A report of a potential violation must be made even if an individual believes that (s)he has acted in time to avoid commission of the violation or has interceded to rectify the violation.**

### **3. Reporting to Compliance Staff.**

Reports of violations must be made to Gary Barga (Associate Athletics Director for Compliance) or Laure Ragoss (Associate Director of Compliance). In extraordinary circumstances, and where good reason exists, such a report instead may be made to Professor Josephine (Jo) R. Potuto (Faculty Athletics Representative), or Tom Osborne (Director of Athletics).

**Note: Reporting a suspected or alleged violation to a supervisor, head coach, etc., does NOT in any circumstance satisfy this reporting obligation.**

### **4. Confidentiality.**

If requested, and if possible to do so, a report of a violation may be treated as confidential. However, the fact that a report may not be kept confidential provides no excuse for failing to report.

### **5. Other Institutions.**

If information suggests the commission of a violation at institutions other than the University of Nebraska, such information should be reported as described above.

## **INVESTIGATING A VIOLATION**

Compliance staff promptly will report all instances of potential violations to the faculty athletics representative. The faculty athletics representative will advise regarding what action should be taken to determine if there is sufficient credible information to believe that a violation has occurred (and what level violation), including participating in interviews and other aspects of an investigation or convening the Chancellor's Intercollegiate Athletics Review Committee (see appendix #1). In ordinary circumstances interviews will be tape recorded.

## **NOTIFICATION OF VIOLATION TO NCAA AND BIG 12 CONFERENCE**

If a determination is made that there is sufficient credible information that a violation has occurred, then the faculty athletics representative will assure that the violation is reported as required under NCAA bylaws, Big 12 Conference rules, and/or institutional policy. If the Chancellor's

Intercollegiate Athletics Review Committee has been convened, then that committee will determine if there is sufficient credible information to believe that a violation has occurred. Otherwise, the faculty athletics representative in consultation with the compliance staff will make the determination.

<b>STUDENT-ATHLETE VIOLATIONS OF NCAA, UNIVERSITY OR CONFERENCE RULES</b>
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Violations of the University's "Student Code of Conduct," (which is distributed to students each fall), are reported to the Vice Chancellor of Student Affairs. Violations of Big XII Conference or NCAA conduct rules are reported to the student-athletes' Head Coach, the Director of Compliance, Athletic Director, Senior Associate Athletic Director-Compliance and the Chancellor or his designee, the Big XII Conference Commissioner and the NCAA, as appropriate.

If a student-athlete is found to be in violation of University, Conference or NCAA policy, the penalty imposed is dependent upon the severity of the offense and may include the following:

1. Written warning;
2. Disciplinary probation;
3. Dismissal from the squad;
4. Behavioral Requirement;
5. Cancellation or gradation of financial aid; and/or
6. Suspension or expulsion from the University.

For additional information regarding actions which may result in the withdrawal of financial aid, please consult the University of Nebraska Athletics Policies and Procedures Manual.

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 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 Athletics 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 Athletics 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 Athletics Department and student-athletes are expected to cooperate with the Committee.

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

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Harvey Perlman  
Chancellor, University of Nebraska.

July 11, 2004



**Athletic Department Compliance  
University of Nebraska**

<b>Process for Academic Inquiries</b>
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Process for Handling Academic Issues

1. Academic Eligibility

- a. Initial Eligibility and Admissions. Every prospective student-athlete must meet UNL admissions standards as well as NCAA and any Big 12 Conference eligibility requirements. For both admissions and eligibility, the Athletics Certification Officer in conjunction with academic staff in athletics reviews transcripts, standardized test scores, and other materials in the admissions files of prospective student-athletes. This is a continuing process. Most prospective student-athletes meet “assured admissions” under UNL admissions criteria and also do not raise issues regarding NCAA and conference eligibility. The determination of whether a student is admitted to the University rests entirely with the Office of Admissions.

Students who do not meet UNL’s “assured admissions” criteria typically are referred to an individual review committee chaired by the Associate Director of Operations in Admissions and comprised of professional staff in Admissions. (Students with minor deficiencies that routinely are approved by the committee may be approved without committee review. Students with extreme deficiencies may be denied admission without resort to the committee.) This process is the same whether or not the student is a student-athlete.

The Faculty Athletics Representative (FAR) is consulted on any file suggesting admissions or initial eligibility concerns. These concerns include but are not limited to NCAA initial eligibility requirements; transcript issues; standardized test scores issues; late-arriving material; “prep” school issues; etc.. These files are jointly reviewed by the FAR and the Compliance Staff. Such review and consultation occurs at the earliest stage at which issues are detected. The FAR takes the lead in directing what further steps need to be taken to “vet” a file.

- b. Continuing Eligibility. Continuing eligibility is monitored by the Athletic Certification Officer and academic staff in athletics. Whenever a file appears to raise issues under NCAA bylaws or Big 12 Conference rules, the FAR is informed and is involved as (s)he believes warranted.
- c. Academic Progress Report (APR) and Graduation Success Rate (GSR) Procedures. APR and GSR data are reviewed by the Athletics Certification Officer and academic staff in Athletics. APR and GSR reports are prepared by the Athletics Certification Officer. These are reviewed and discussed with academic staff in Athletics and the FAR. The Senior Associate Athletics Director for Academics and Associate Director of Academics meet with each head coach to review these reports. The Athletics Certification Officer is available for a meeting as needed. When reports for particular teams show issues regarding academic performance, the FAR and Director of Athletics participate in the meeting with the head coach and reviews the plans for improvement.

2. Academic Misconduct. The following policy was developed in consultation with the intercollegiate athletics committee and FAR.

Academic dishonesty implicates both institutional and NCAA policy. Upon receipt of information regarding suspected academic misconduct, the Senior Associate Athletics Director for Academics will inform the individual reporting that the handling and disposition of an incident involving suspected student-athlete academic misconduct must be the same as that for students not student-athletes. The FAR will follow up as necessary to assure that there was no extra benefit violation in the treatment of a suspected incident of academic misconduct.

Individual associated with athletics. Anyone associated with the Nebraska Athletic Department (i.e., student-athlete, academic counselor, coach, student worker, etc.) with information concerning suspected academic dishonesty (whether acquired directly or through information reported by another) must report this information to the Senior Associate Athletics Director for Academics (unless the original charge of academic dishonesty was reported to the FAR), who in turn will report the information to the FAR. The Senior Associate Athletics Director and FAR will review the information and determine whether the incident, if proved, would be an NCAA violation (see NCAA Official Interpretation of Unethical Conduct/Academic Fraud; Column No. 7 #3, March 26, 2001). The FAR will take the lead role in any investigation of potential NCAA violations and also will write any self-report to the NCAA.

**A report of suspected academic dishonesty must be made even if an individual believes that (s)he has acted in time to avoid commission of a violation or has interceded to rectify the violation.**

**Reporting a suspected or alleged incident of academic dishonesty to a supervisor, head coach, etc., does NOT in any circumstances satisfy this reporting obligation.**

Faculty. The Senior Associate Athletics Director for Academics will inform the faculty member (1) that suspected academic misconduct of a student-athlete should be handled in the same fashion that it would be handled for any student, and (2) there is a specified procedure for handling and reporting such matters to the Office of Student Judicial Affairs (the procedure is set forth in the Student Code of Conduct and Disciplinary Procedures, found in the Undergraduate Bulletin). Ordinarily, the FAR will handle any follow-up with faculty to assure that student-athletes do not receive treatment different from other students.

Investigation. An investigation of an incident of suspected academic misconduct that constitutes an NCAA violation will follow the procedures for investigation of violations not clearly secondary.