

**Statement of Lissa L. Broome
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May 12, 2020

I have been asked by Professor Joy Renner, Chair of the FAR Review Committee, to prepare a written summary of my activities, accomplishments, challenges, and concerns as the University's Faculty Athletics Representative (FAR), a role in which I have served since July 1, 2010. She also asked that the statement include my assessment of my performance as the FAR.

The Role of the FAR

The role of the FAR is prescribed by the NCAA, ACC, UNC Faculty Code, and by a position description that was approved by Chancellor Holden Thorp on September 14, 2011.

NCAA Constitution. The NCAA's Constitution 6.1.3 requires that each member institution designate an individual to serve as the faculty athletics representative (FAR). This individual "shall be a member of the institution's faculty or an administrator who holds faculty rank and shall not hold an administrative or other coaching position in the athletics department." This same provision states that the FAR's duties "shall be determined by the member institution."

ACC Constitution. The Atlantic Coast Conference (ACC) Constitution, Article V. provides that each institution's voting delegate to the ACC "shall be the representative of the member institution, appointed by the president, or by the duly constituted authority of the institution, and shall be a regular full-time member of the faculty at the time of appointment or an administrative officer in that institution. The voting delegate shall be one whose primary duty is not in athletics."

UNC Faculty Code. Section 3-4: The faculty athletics representative is appointed by the chancellor from among the voting faculty for an indefinite term, subject to formal review at least every five years. In making an appointment to this position or reviewing the incumbent, the chancellor follows a process established with the advice and consent of the Advisory Committee. The faculty athletics representative is the University's voting delegate to the Atlantic Coast Conference and the University's faculty representative within the National Collegiate Athletic Association. He or she makes an annual report to the Faculty Council and makes special reports to the Council from time to time as may be requested by the Agenda Committee.

Chancellor Thorp appointed me to the position of FAR beginning on July 1, 2010, after consultation with the Chancellor's Advisory Committee. The language involving the advice and consent of the Advisory Committee with respect to initial appointment and periodic reviews was

added during my predecessor's term. Pursuant to this provision, I was reviewed as FAR in the spring of 2015.

There was no position description for the FAR when I became FAR. I collected position descriptions for other ACC FARs and crafted a description based on those documents, the annual reports filed by my predecessor Dr. Jack Evans, and on discussions with him, the Athletic Director, and the Chancellor. Although the basics of this position description have not changed over time, some of the details have. This would probably be a good time to refresh this description after consultation with the Chancellor. The position description provides:

UNC-CH FAR Position Description. The general duties of the FAR are to serve as an advisor to the Chancellor and the Director of Athletics and as a liaison to the faculty, help ensure academic integrity and compliance with ACC and NCAA rules, and assist in promoting a positive student-athlete experience at the University. The FAR also represents the University within the ACC and participates in NCAA committees as requested.

There are other specific duties and activities listed in the job description. I will describe my activities in greater detail below in the context of the areas of emphasis – advisor to the Chancellor and the Director of Athletics, liaison to the faculty, academic integrity, compliance, student-athlete experience, NCAA representation, and ACC representation.

Advisor to the Chancellor and the Director of Athletics

I meet monthly with the Chancellor and monthly with the Director of Athletics. The Chancellor and the Director of Athletics also regularly attend the monthly meetings of the Faculty Athletics Committee on which I serve *ex officio* as FAR. This provides another monthly opportunity to interact. Since its creation in 2013, I have also served on the Student-Athlete Academic Initiative Working Group, initially co-chaired by Provost Jim Dean and Athletic Director Bubba Cunningham. That group's name has changed over time to the Process Review Group and now to the Executive Committee on Student-Athlete Academics and is co-chaired by Provost Bob Blouin and Bubba Cunningham. It meets two to three times per semester and during the summer months.

I was part of multiple meetings with the Chancellor, Athletics Director, the University's General Counsel, and other senior administrators in discussing and preparing the University's response to the reopened NCAA investigation into academic issues related to "paper courses," providing my perspective as FAR (discussed further below). In addition, in June 2015 the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) placed the University on a one-year period of probation so the University could demonstrate the effectiveness of the initiatives that it had implemented in response to the academic issues it had previously uncovered. I participated in the preparation of the written response to SACSCOC delivered in March 2016 and the on-site visit in April 2016, which resulted in the University's removal from probation in June 2016.

In February 2019, Kevin Guskiewicz was appointed Interim Chancellor upon Chancellor Carol Folt's resignation and was named Chancellor in December 2019. I participated with

Athletics Director Bubba Cunningham and Faculty Athletics Committee Chair Daryhl Johnson in providing him a briefing paper on athletics and academics. This document is also used with new FAC members and new Chairs of the Faculty.

As the ACC begins implementing a revised governance structure that focuses more on presidential control through a Board of Directors (composed of the Presidents/Chancellors of the member schools) and an Executive Committee (composed of a smaller group of Presidents/Chancellors), I have helped to devise a process of regular meetings between the Chancellor, Athletics Director, FAR, Senior Woman Administrator, and General Counsel (where appropriate) to ensure that the Chancellor is briefed and prepared to discuss the relevant issues. This process is likely to increase my engagement with the Chancellor on substantive issues relating to the regulation and governance of intercollegiate athletics.

Another *ex officio* position I hold as FAR is as a non-voting member of the Educational Foundation Executive Board.

Liaison to the Faculty

As FAR, I also serve as a liaison to the faculty on issues related to athletics. One way I interact with faculty regarding athletic issues is through my service as FAR on a number of committees related to intercollegiate athletics and populated by other faculty members. These include:¹

- *Ex officio* member and secretary of the Faculty Athletics Committee (FAC);
- *Ex officio* member of the Faculty Advisory Committee to the Academic Support Program for Student-Athletes (ASPSA); and
- *Ex officio* member of the Committee on Special Talent of the Advisory Committee on Undergraduate Admissions.

I present an annual report to Faculty Council and stand ready to meet with the Faculty Executive Committee and provide additional reports to Faculty Council when requested. I also have a strong working relationship with the Chair and Vice-Chair of FAC, Daryhl Johnson and Melissa Geil. We also meet each month between FAC meetings to plan the agenda for the next FAC meeting.

Academic Integrity

As FAR, I review the academic progress of student-athletes by team, including the Academic Progress Rate (APR), Graduation Success Rate (GSR), and Federal Graduation Rate (FGR) of our student-athletes. I worked with Michelle Brown, the Director of ASPSA; Debbi Clarke, then-Consultant to the Provost and now Associate Provost for Strategy and Special

¹ I am also an *ex officio* member of the Licensing Labor Code Advisory Committee and the Athletic Council, a group composed of three faculty members, students, a staff representative, and alumni representatives. The Licensing Labor Code Committee has not met the last three years. The Athletics Council has not met in several years. I will speak with Athletic Director Bubba Cunningham and GAA President Doug Dibbert about the continuing role (if any) of the Athletic Council.

Projects; and others to create the Student-Athlete Academic Scorecard which is prepared each fall, posted on the ASPSA website, <https://aspsa.unc.edu/student-athlete-recognition/academic-scorecard/>, and included in my annual report to the Faculty Council. In addition, this year I met with the head of ASPSA, athletic department representatives, sport administrators, and the six recently hired new head coaches to discuss academic performance and the APR, GSR, FGR metrics. These meetings are also held on occasion when a team fails to meet our internal benchmarks for these measures.

Another review that I participate in occurs three times a year with the Registrar, the Senior Associate Dean for Undergraduate Education in the College of Arts and Sciences, and the two FAC members focusing on student-athlete academics to review enrollment and grade patterns. This data must now be annually reported to the Board of Governors.

I meet monthly, to the extent schedules allow, with the Director of the Academic Support Center for Student-Athletes, sometimes in conjunction with the Dean of Undergraduate Education in the College of Arts and Sciences. I also participate as a search committee member or member of the community invited to interview candidates for various ASPSA positions.

I have participated in NCAA and SACSCOC reviews described elsewhere in this report and related to academic integrity. I participate in the monthly academic year meetings of the CARE group (Compliance, Academics, Registrar, Engagement) which contains representatives from those functional areas to provide education and discuss issues and solve problems of mutual concern.

In 2018 and 2019, I participated in an invitation-only conference -- the Minnowbrook Summit for FARs and Academic Directors -- hosted by Syracuse University. The 2019 Summit produced a white paper on mental health and student-athletes.

Compliance

The FAR's normal compliance duties include reviewing and approving (in conjunction with the Director of Compliance) institutional requests for waivers of ACC and NCAA rules, administering the annual NCAA test on recruiting to all coaches and other athletics department personnel who interface with recruits, being advised of and reviewing secondary violations of NCAA rules, and generally supporting the compliance program regarding NCAA regulations.

In addition to these normal duties, several extraordinary NCAA inquiries into suspected rules violations have occurred during my tenure as FAR. The NCAA began an investigation into major NCAA violations related to recruiting in July 2010, shortly after I assumed the FAR role. When academic misconduct by an ASPSA tutor was discovered in the course of this investigation, I became immersed in the investigation, participating in multiple interviews of student-athletes, ASPSA personnel, and athletic department personnel. In the summer of 2011, we received the Notice of Allegations from the NCAA and I advised on the institution's response to that Notice. I was one of the five University representatives at the Committee on Infractions hearing in October 2011 (the Chancellor, Athletic Director, General Counsel, and Director of Compliance were the other four). The Committee on Infractions Report was released in March 2012.

In July 2014, the NCAA announced that it was reopening its 2010 investigation based on information provided by witnesses who participated in the Wainstein investigation but who had not cooperated previously with the NCAA. Following an investigation which included numerous interviews conducted by the NCAA Enforcement staff in which I participated as an institutional representative, the NCAA issued a Notice of Allegations on May 20, 2015. The University began preparing its written response and I was heavily involved with inside and outside counsel in reviewing and revising the response. While reviewing emails to respond to several public records requests, the University discovered some additional emails potentially pertinent to the NCAA investigation and those emails were shared with the NCAA which then conducted additional interviews.

On April 25, 2016, the University received the NCAA's Amended Notice of Allegations and again I was involved in the preparation of the University's response which was submitted on August 1, 2016. An initial hearing before the NCAA's Committee on Infractions (which I participated in) was held on October 28, 2016 to consider various jurisdictional issues that the University had raised in its response. In November 2016, the Committee on Infractions responded and directed the Enforcement staff to prepare a Second Amended Notice of Allegations, which was delivered on December 14, 2016. During the winter and spring of 2017, I participated in reviewing of the response prepared by the University's inside and outside counsel. The due date for the response was delayed when Deborah Crowder indicated for the first time her willingness to participate in the process. After a joint NCAA-UNC interview of Ms. Crowder in May 2017, the University submitted its response to the Second Amended NOA, followed by a supplementary response related to the Crowder interview on June 19, 2017. Preparation for the Committee on Infractions hearing began in earnest and included a mock hearing. The hearing occurred August 15-16, 2017, and again I participated as one of the University's representatives. The Committee on Infractions released its decision on October 13, 2017, finding no NCAA bylaw violations.

I was deeply involved in this multi-year process, perhaps more so than some FARs since I am an attorney and because of my institutional memory and perspective, having participated in the original 2010 NCAA investigation with virtually everyone else – Chancellor, AD, head of ASPSA, University General Counsel -- having turned over in the interim.²

Beginning with the 2017-18 academic year, the NCAA required each team to have a time management plan for its student-athletes. At the end of each academic year the Athletics Director, FAR, coach, the head of Athletics Compliance, and a student-athlete meet to discuss whether the students were given their athletics schedules in advance so they could plan non-athletic activities, whether they received their required time off of athletics activities each week, and whether they received adequate notice of any changes to their schedules. We have twenty-one head coaches (covering twenty-eight sports) so this is a lot of meetings. There is also a requirement that the Chancellor be briefed on this series of meetings each year.

² As FAR, I have served under three Chancellors (Thorp, Folt, and Guskiewicz), two ADs (Baddour and Cunningham), three Senior Woman Administrators (Beth Miller, Nicki Moore, and Marielle vanGelder), and four General Counsels (Leslie Strohm, David Parker (interim), Mark Merritt, and Charles Marshall). I also participated in the interviews for the positions filled by Nicki Moore and Mark Merritt.

Student-Athlete Experience

I meet with the Student-Athlete Advisory Committee (SAAC) monthly during the academic year. I report on and solicit student input on proposed NCAA legislation. I also participate in the focus groups that FAC members conduct each fall and spring semester with SAAC members.

The Student Assistance Fund is provided to each member school by the NCAA. The amount received is based on the number of student-athletes and the number of student-athletes who receive Pell Grants. This fund is intended to assist students, especially those with the greatest need, with miscellaneous expenses not covered by their grants in aid, unexpected expenses (such as travel home for a family member's funeral), and other expenses that support student-athlete well-being. I am a member of the group that reviews the guidelines for use of the Student Assistance Fund and considers requests for assistance not covered by the guidelines.

I serve on the committee that annually reviews the Department of Athletics' Drug Testing Policy for Student-Athletes. I was also a member of the Title IX Committee that met from the spring of 2016 until it submitted its report to the Athletics Director in January 2018. In the rare event where a coach denies a student-athlete's request for a one-time transfer exception, I organize and chair the appeals committee.

I serve on a committee that coordinates the application process for NCAA and ACC postgraduate scholarship awards and assists in the selection of nominees for other academic and athletic awards. This group also plans the Student-Athlete Scholarship Luncheon which has been held annually (other than 2020) since 2014. I also attended a team GPA dinner that was held the past two academic years for the Women's and Men's Team with the highest GPAs. This dinner is funded by a donor.

In my regular meetings with the ASPSA Director, we identify and initiate discussion with the Senior Associate Dean for Undergraduate Education and the Director of Athletics Compliance on issues of concern. I participated in the fall of 2019 in discussions regarding ambiguities in the Honor Code regarding faculty duties in reporting academic misconduct with members of the Office of Student Conduct. We also discussed ways to improve faculty training regarding their responsibilities to report suspected academic misconduct.

I try to participate as much as I am able in various student-athlete events including student-athlete beginning of the year meetings, Leadership Academy Awards, the Student-Athlete Scholarship Luncheon, and the Rammy's student-athlete awards celebration. I also try to attend a variety of team competitions.

NCAA Representation

As FAR, I assist in the institution's evaluation of NCAA legislative proposals and work with the Chancellor, Athletic Director, Senior Women's Administrator from the Department of Athletics, and the Athletic Department's Compliance office in forming our institutional positions. Votes on NCAA legislation are cast by a President from an ACC institution who

represents the Conference on the NCAA Division I Board of Directors for non-Autonomy matters (Autonomy matters are described below) or a member representative for the ACC on the NCAA Division I Legislative Council. The ACC member institutions formulate the conference positions at various ACC meetings throughout the year.

Since January 2014, I have attended the NCAA Annual Convention in January. At the convention the Autonomy (or Power Five) Conferences (ACC, Big 12, Big 10, PAC 12, and SEC) meet to discuss and vote on legislation affecting those conferences in certain designated areas on a one-school-one-vote basis. This legislation also provided that three student-athletes from each of the five conferences would each have a vote at the NCAA autonomy portion of the Annual Convention. In April 2019, I was one of the ACC's two FAR representatives to an Autonomy Forum to discuss and shape the Autonomy legislative agenda for the upcoming year. In January 2020, no Autonomy votes were taken at the convention, but I attended to participate in the discussion of other important national issues, including name, image and likeness, and sports wagering.

Since January 2019, I have been a member of the NCAA's Postgraduate Scholarship Committee. This committee meets three times a year for several days each meeting (now virtual meetings instead of in-person) to select student-athletes from all three divisions who have completed their eligibility and plan to attend graduate or professional school for \$10,000 postgraduate scholarships. At the first meeting of the year, we review applications from fall sport student-athletes, at the second meeting winter sports, and at the third meeting spring sports. At the conclusion of each meeting we award 21 men and 21 women a \$10,000 postgraduate scholarship. This is time consuming, but rewarding, service. Reading the applications of these amazing students -- who are judged on academics, athletic performance, and contributions to the community -- is very uplifting.

I also try to attend the annual Division I-A FAR Conference held in the fall. This conference provides a good opportunity to discuss issues with FARs around the country from similarly situated schools and learn from panels of experts on various issues.

ACC Representation

Within the ACC, the chancellor/president, the director of athletics, the senior women's administrator (SWA), and the faculty athletics representative of each member school have the primary governance and operating responsibility. Conference by-laws direct that unless the chief executive officer is present, the faculty athletics representative shall be the voting delegate for the institution. The ACC Presidents/Chancellors have undertaken a review of the governance structure this year and will vote this summer on changes to the governance structure to become effective on July 1, 2020. The Council of Presidents will be renamed the Board of Directors and will be the primary governance body of the ACC. It will rely on the FARs, ADs, and SWAs to provide advice on conference issues and each of these groups will maintain its current structure. As discussed earlier, I anticipate that as a result of the Chancellor's additional responsibilities in the new structure, there will be more frequent meetings with him to discuss the details of the underlying work of the FARs, ADs, and SWAs, so that the Board of Directors may make the best and most informed decisions.

As FAR, I participate in regular conference meetings in October (two days), December (one day), January/February (two days), April (one day), and May (three days), and in various committees through other in-person meetings and conference calls throughout the year. I currently serve on the ACC Finance Committee and the Legislation Committee. I served as Vice President of the ACC for the 2015-16 academic year and as its President in 2016-17 (leading the meetings of the FAR Committee as well as the joint meetings of the ADs, SWAs, and FARs). During my tenure as President and during the last five years I have contributed to the ACC in various ways, including by preparing an Officers' Manual, helping to create a Nominating Committee (to ensure that representatives of the member institutions participate in the selection of the ACC's nominees to NCAA committees), streamlining the approval process for candidates for ACC postgraduate scholarships, and providing detailed review of the proposed revisions to the ACC Constitution and Bylaws. During this period, I also served at various times on the Investment Committee, the Audit Committee, the Nominating Committee, the Awards Committee, and the Constitution and By-Laws Committee. I have also worked with the AD and SWA in advising the Chancellor prior to the ACC Council of Presidents' meetings that occur two times a year.

Challenges

Participation in the NCAA enforcement process took a great deal of my time. Fortunately, that process ended in the fall of 2017. The new challenge facing this University and all others is the COVID-19 pandemic. In addition to the public health crisis, there are also challenges to intercollegiate athletics. By discussing these challenges, I do not mean to minimize the much more important health crisis, but to highlight for you how this is affecting intercollegiate athletics. As you know, our world turned upside down almost overnight as we all began to shelter in place. In the college sports world, for instance, the first two rounds of the ACC Men's Basketball tournament took place in Greensboro on March 10 and 11. Before the night was over on March 11, only players, families, and essential personnel were invited to return to the March 12 sessions. Minutes before tipoff on March 12, the tournament was cancelled. The NCAA cancelled its remaining Winter and all Spring NCAA Championships, including the signature men's and women's basketball tournaments the same day. Also on March 12, the ACC suspended all sports activities, and cancelled them outright through the end of the 2019-20 academic year, on March 17.

The NCAA provided spring sport student-athletes (baseball, softball, lacrosse, outdoor track & field) with an additional season of competition and for the 2020-21 academic year will allow a school to exceed financial aid limits. At the same time the NCAA authorized more students to be on athletics scholarships, it reduced its spring distribution to its members from \$600 million to \$225 million as the result of the cancellation of the basketball tournament. The financial impacts of COVID-19 will be significant and deep. If football (which generates most of the revenue that supports intercollegiate athletics) does not return in the fall or returns without fans in the stands, the economics of college sports will be significantly challenged. Decisions that must be made at the school, conference, and national level on whether and how to return to practice and play will be agonizing.

In the mix of all this, the NCAA is responding to state legislative efforts to permit student-athletes to profit from their name, image and likeness (NIL) with consideration by each

Division of its own NIL legislation, coupled with efforts to lobby Congress to preempt state law and/or to protect the NCAA from antitrust litigation. This is a significant shift in the intercollegiate athletic model that needs everyone's full time and attention. At the ACC, the new governance structure relying more on the Presidents/Chancellors as final decision makers will go into effect with still a fair amount of uncertainty about how it may impact the day-to-day work of the conference and its member institutions.

As others have said, challenges create opportunities and I view these challenges as opportunities for our University to lead in helping to come to the best decisions possible under difficult circumstances. I hope to be able to contribute to these conversations and these decisions.

In the report issued by the 2015 FAR Review Committee there was a recommendation that the FAR receive release time and/or administrative support. In the summer of 2017, Chancellor Folt provided an annualized administrative supplement of \$20,000 and administrative support for the FAR position and these supports continue today. Anna Rose Medley, Emily Summers, and as of June 1 Emily Blackburn have provided this administrative support. This assistance has been invaluable in managing the time demands of the FAR position and I am very grateful to the Chancellor's Office for providing these talented individuals to help. Travel costs associated with the FAR role are covered by the NCAA, ACC, or the Chancellor's Office.

Accomplishments

I believe I have provided sound advice and counsel to the Chancellor and the Athletics Director. Many people worked many hours over the course of the years involved in our NCAA investigation. I was able to offer my training as a lawyer and my institutional memory to help us through this difficult time. In more recent years, I worked with Michelle Brown and others to develop the Academic Scorecard for Student-Athletes. In the spring of 2019, former Chancellor Folt (now President Folt of the University of Southern California) sent her FAR to Chapel Hill for a two-day visit that she asked me to organize so he could meet with all of the people that I work with as a FAR – from the Chancellor, Athletics Director, two other ACC FARs, the head of ASPSA, and so on. I was proud that we had a model that she wanted to emulate at USC.

I have enjoyed the opportunity in recent years to focus more on doing what I can to improve our student-athletes' experiences. I am often struck that our focus on a small group of students – student-athletes – often allows us to identify problems that face other students and that we can begin advocacy for change that helps all. A great example of this is the creation of the University Approved Absence Office which benefits all students, but whose origins lie at least in part in the experience of student-athletes presenting travel letters to their professors regarding University approved absences.

Self-Assessment

I believe I have provided important service to the University in my role as FAR since 2010. I continue to enjoy this position because it presents new challenges each and every day. My experience in the role helps me to provide counsel on a variety of issues in a variety of settings. I value my working relationships with people inside and outside of athletics and

continue to regard my relationship with the Faculty Athletics Committee and its chair, Daryhl Johnson, as integral to providing faculty involvement in the lives of student-athletes. Our system of intercollegiate athletics is unique in the world and we attract many foreign students because of the opportunity to compete at the highest level while getting a degree from a world class university. I want to continue to work to ensure that while responding to the pressing issues of the day we do not lose the unique qualities of college athletics that make it so special.