

SPEAKER BARRETT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is a bill that grows out of a U.S. Supreme Court decision. What the...Oh, so that you'll understand what it deals with, it deals with the National Collegiate Athletic Association, or the NCAA. This is an association to which the University of Nebraska and all universities and colleges belong, if they want to participate in intercollegiate athletic programs. A recent Supreme Court decision indicated that the U.S. constitutional guarantee of due process that governs proceedings prior to the imposition of some punishment against an individual or deprivation of property would not touch the NCAA because it's a private association, and the U.S. Constitution touches only state action. Since the NCAA is deemed to be a private association, even when it acts in concert with a state university or college, the federal law will not touch its actions. The only way to do that is by state legislation. So what this bill would say is that whenever the NCAA is conducting proceedings that could result in the imposition of a punishment against any university or college in this state, those proceedings have to be conducted in accord with the principles of due process. That is all that the bill does. It does not change an NCAA rule, it does not change an NCAA punishment. It does not change anything about what the NCAA does, except it requires them to conduct hearings that are fair. There has never been an attempt by any court or legislature to define what due process means in every regard. But the general idea is that of a fair hearing, the presentation of evidence against the person accused, the opportunity of that accused one to face his or her accusers, present evidence and then make sure that the process by which a decision is reached is fair. Currently, under the NCAA system, if a person or a school is ruled against the only appeal is to the NCAA itself. The Supreme Court case that I mentioned involved a coach name Tarkanian, who coached basketball at the University of Nevada-Las Vegas. And I'm not going to go through all aspects of that case, but I'll mention this one thing. One of the lower courts found that the NCAA, in conducting its investigation, used an investigator who showed obvious bias against the coach. Due process would not allow a procedure like that to stand. So to bring it right here to Nebraska, if there happened to be an investigator on the staff of the NCAA who, for some reason or no reason, did not like the university, did not like coach Osborne, did not like Bob Devaney, or just didn't like Nebraska, and it was known that he