



**Buckner**

**NEW NCAA ENFORCEMENT PROCESS:  
INVESTIGATIVE RESOURCE NO. 1**

November 2013

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## **INTRODUCTION**

Buckner provides the “New NCAA Enforcement Process: Investigative Resource No. 1” to supplement the checklists, forms and resources included in the “NCAA Enforcement Investigations Toolkit”. This resource and the Toolkit, which are available for download on the law firm website ([www.bucknersportslaw.com](http://www.bucknersportslaw.com)), contains information and recommendations that are designed to assist campus and athletics administrators with preparing policies, procedures, strategies and protocols to address investigations of alleged NCAA rules-violations that are processed under the new enforcement process (revised Bylaw 19).

## **RESOURCES**

## **Minimal Elements of an Investigation Policy and Procedure**

1. Be in writing.
2. Be approved by the president or chancellor (after a review by the general-counsel and human resources offices).
3. Identify the investigator (or describe how an investigator is selected or appointed).
4. List the duties and responsibilities of pertinent institutional personnel during an investigation.
5. Require a timely review of all allegations.
6. Include a procedure to educate institutional personnel about the policy.
7. Address how allegations of alleged rules-violations are processed by the institution.
  - a. Level I and II cases.
  - b. Level III cases.
  - c. Level IV cases.
8. Satisfy due and fair process requirements, state law and, if relevant, collective bargaining agreements.
9. State how findings are reported to the president/chancellor and third-parties (e.g., law enforcement, government entities, NCAA, accrediting agencies).

## **Elements of an Effective Compliance Program**

An effective athletics compliance program should include seven core elements.

1. Designate a senior compliance officer.
2. Guided by written (and up-to-date) standards, policies, processes and procedures.
3. Conduct ongoing and comprehensive education and training (including, information tailored to specific groups).
4. Develop open communication.
5. Engage in internal and external monitoring and auditing.
6. Respond (appropriately and promptly) to detected allegations and misconduct, as well as develop appropriate corrective action.
7. Publicize and enforce consistent disciplinary policies and guidelines.

## **Investigation Plan**

A comprehensive internal investigation of alleged NCAA rules-violations begins with the preparation of an investigation plan. An investigation plan maps out the strategy and steps involved in an inquiry and includes, at a minimum, the following items:

1. Documentation of the conclusions reached during the preliminary determination of the allegations.
2. Issues, topics, and matters to be examined during the investigation.
3. Detailed investigative task list, including: a) identification of responsibilities for each investigation team member; and b) estimate of the timeline (i.e., anticipated start and completion dates) for each investigative task.
4. Plan and procedure for client-investigator communication.
5. Identification of staff, areas, offices, and departments that will be involved in the investigation.
6. Plan to develop the record for mitigating and aggravating factors, as well as extenuating circumstances.
7. Identification of additional expertise or logistical support required by the investigator.
8. Expected fees and costs.
9. Milestones and report dates.
10. Possible outcomes.

The investigation plan should be reviewed and approved by the institution's chief executive officer or the person at the institution to whom the investigator reports. After the plan has been approved, the internal investigator should review the plan periodically during the course of the inquiry. Most importantly, the plan should be flexible so that it can be revised if the internal investigator receives pertinent additional information or feedback, including: a) addition of tasks to address any oversights; b) adjustments to the investigation timeline; c) determination if additional documents need to be collected or persons interviewed; and d) identification of issues or allegations that require a separate investigation.