

What good is an NCAA investigation of member misconduct?

EaglePost reported today:

[“NCAA investigators in town](#)

by [usmstud](#) » Tue Jan 27, 2015 6:28 pm

Apparently to interview Eason and Suarez who were both excused from today’s practice”

It seems instructive to review what an [NCAA investigation](#) of University of Southern Mississippi’s basketball team means.

Enforcement Process: Investigations

The enforcement staff receives information about possible violations from several different sources. Member institutions, media reports, confidential/anonymous sources and other individuals all can provide information.

In addition to unsolicited tips, the staff also cultivates sources that provide information about possible violations. For example, a number of staff members are assigned full time to basketball and also to agents, gambling and amateurism. Members who work in the area of major violations also develop reliable sources through their work in the membership.

Once the staff receives credible information that a potential major violation occurred, an investigation begins with interviews both on and off campus. A common misperception about enforcement staff interviews is that investigators try to intimidate subjects. That doesn’t happen.

The information provided to the enforcement staff dictates the strategy for investigations. Investigations can begin on-campus with an institution’s involvement or off-campus before an institution is aware.

Anyone who participates in an interview is permitted to have a lawyer present, and institutional representatives may participate in most on-campus interviews. Before an interview, individuals are told that the purpose is to determine whether they have knowledge of or involvement with (directly or indirectly) violations of NCAA legislation. Interviewees are provided with limited detail about the subject of the investigation to promote honest, candid responses and to protect the integrity of the process.

In addition to interviews, enforcement representatives obtain significant supporting documentation, such as recruiting logs, phone records, compliance files, academic records, e-mails, bank statements and credit card receipts.

Those records and interviews can be obtained from institutions, student-athletes, prospective student-athletes and those employed by institutions because of the NCAA's cooperative principle. However, the NCAA does not have subpoena power and cannot compel those outside of its jurisdiction (parents of student-athletes or prospects, agents, high school personnel) to cooperate in the investigative process. The NCAA cannot require individuals to turn over documents through discovery.

The average enforcement investigation takes less than 12 months, though some [more complicated cases can take longer](#) and others are closed more quickly. Expediency is important, but the development of accurate information and the administration of a fair process are higher priorities.

If the investigation uncovers no verifiable evidence of a major violation, the case is closed and no further action is taken. If evidence of a major violation is discovered, the case moves to the next phase, and a notice of allegations is sent to the institution.

Frequently Asked Questions

[What is the institution's role during an investigation?](#)

Institutional involvement can vary depending on the nature of the case, but typically institutions are asked to schedule interviews, gather documents, help locate witnesses, and assist the enforcement staff as necessary to develop complete and accurate information. Interviews often form the backbone of a case, but supporting documentation is also important. In many cases, the institution will receive significant document requests from the enforcement staff.

[Does the NCAA have powers similar to the legal system?](#)

No. The NCAA's cooperative principle and ethical-conduct legislation obligates institutions and individuals connected to institutions to cooperate fully during investigations. However, the enforcement staff cannot subpoena witnesses or wield the power of discovery. The staff also has no authority to charge witnesses with perjury if dishonesty is suspected. Although the enforcement staff can charge student-athletes, prospects, and current and former institutional employees with unethical conduct for providing false or misleading information or withholding information, that option is not available for individuals who fall outside the NCAA's jurisdiction.

[Does the NCAA have subpoena power?](#)

No. The NCAA constitution obligates schools to cooperate fully during investigations, but the lack of subpoena power normally associated with law enforcement agencies can present investigative challenges.

Individuals required to cooperate: Student-athletes, prospective student-athletes, coaches, athletics department staff, institutional personnel.

Individuals not required to cooperate: Parents, family and friends, high school coaches, some summer coaches, representatives of the institution's athletics

interests, such as boosters.

[How do member institutions fulfill their obligations under the cooperative principle?](#)

Member institutions fulfill their obligation by: fully cooperating with the enforcement staff, Committee on Infractions and Infractions Appeals Committee; disclosing to the enforcement staff all relevant information regarding potential violations; and protecting the integrity of the investigation (that is, limiting the disclosure of information relevant to the investigation).

[Is there a penalty for violating the cooperative principle?](#)

Yes. An individual or institution found to have violated the cooperative principle may be subject to sanction as determined by the Committee on Infractions.

[Does the NCAA investigate all allegations of rules violations that are made publicly against schools and former college athletes?](#)

The NCAA enforcement staff initiates an investigation only when it has reasonable cause to believe the school may have violated NCAA rules. When reasonably reliable information has been obtained indicating that intentional violations may have occurred, the enforcement staff will undertake a review of the information in to determine its credibility.

[Why don't members of the NCAA staff or the Committee on Infractions comment during investigations?](#)

NCAA rules, which are created by representatives of member colleges and universities, state that the NCAA cannot comment on a current, pending or potential investigation. The purpose of the investigative process is to gather all of the necessary information, which is then provided to the Committee on Infractions to determine if rules violations took place. It would be inappropriate and premature those involved to comment during an investigation.