



# Regional Rules

# **Welcome to the World of Rules and Enforcement: How to Conduct an Investigation Part 2 of 2**

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# Session Overview

- Recap of on-campus investigation.
- Additional interview considerations.
- Analyzing information.
- Collaborative investigation.
- Processing Level I or Level II cases.
- Available resources.
- Questions.



# On Campus Investigation

- Institutional investigative policy.
- Developing a case strategy.
- Document requests.
- Interviews.



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# Interviews

## Sequence Considerations

- How do you protect the integrity of the investigation (e.g., prevent/minimize leaks or collusion)?
- Who has the information?
- Who could corroborate and/or refute the information?
- Who has eligibility issues (student-athletes)?
- Who could be at risk (institutional employee)?

**Generally, work from the outside in.**



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# Effective Interviewing Techniques

## Prior to the interview:

- Perform research on the individual (e.g., social media posts).
- Gather and organize relevant documentation (e.g., academic records, emails).
- Prepare an interview outline but go where the interview takes you. Always get the who, what, when, where, why and how.



# Effective Interviewing Techniques

## During the interview:

- Ask open ended questions. The interviewee should do the majority of the talking.
- Use the pregnant pause to elicit more information. Silence is okay.
- Avoid interrupting.
- Use follow-up questions to elicit details, confirm sequence or point out inconsistencies. If something does not make sense, ask it again.



# Analysis of Information

- Any additional interviews or document requests necessary?
- Any eligibility issues?
  - Institution has an obligation to withhold ineligible student-athletes. [Bylaw 14.01.1]
  - If immediate issues, contact student-athlete reinstatement as soon as possible.
- What are the potential violations?
  - For appropriate bylaw citations, contact your conference or academic and membership affairs.
- What is the appropriate level?
  - Review Bylaws 19.1.1 through 19.1.3.
  - Also review applicable case precedent in LSDBi and RSRO.





# **Collaborative Investigations: Working with the Enforcement Staff**



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# Responsibility to Cooperate

## Bylaw 19.2.3

- Applies to current/former institutional staff members, prospective student-athletes and enrolled student-athletes.
- Affirmative obligation to cooperate fully with and assist in the infractions process.
- As of August 2018, enhancements as a result of the Commission on College Basketball.



# Bylaw 19.2.3 Requirements

- Reporting instances of noncompliance.
- Assisting in developing full information.
- Timely participation in interviews and providing truthful and complete responses.
- Making a full and complete disclosure of relevant information.
- Disclosing and providing access to all electronic devices used for business purposes.
- Providing access to all social media, messaging and other applications.
- Preserving the integrity of an investigation.



# Potential Derivative Violations

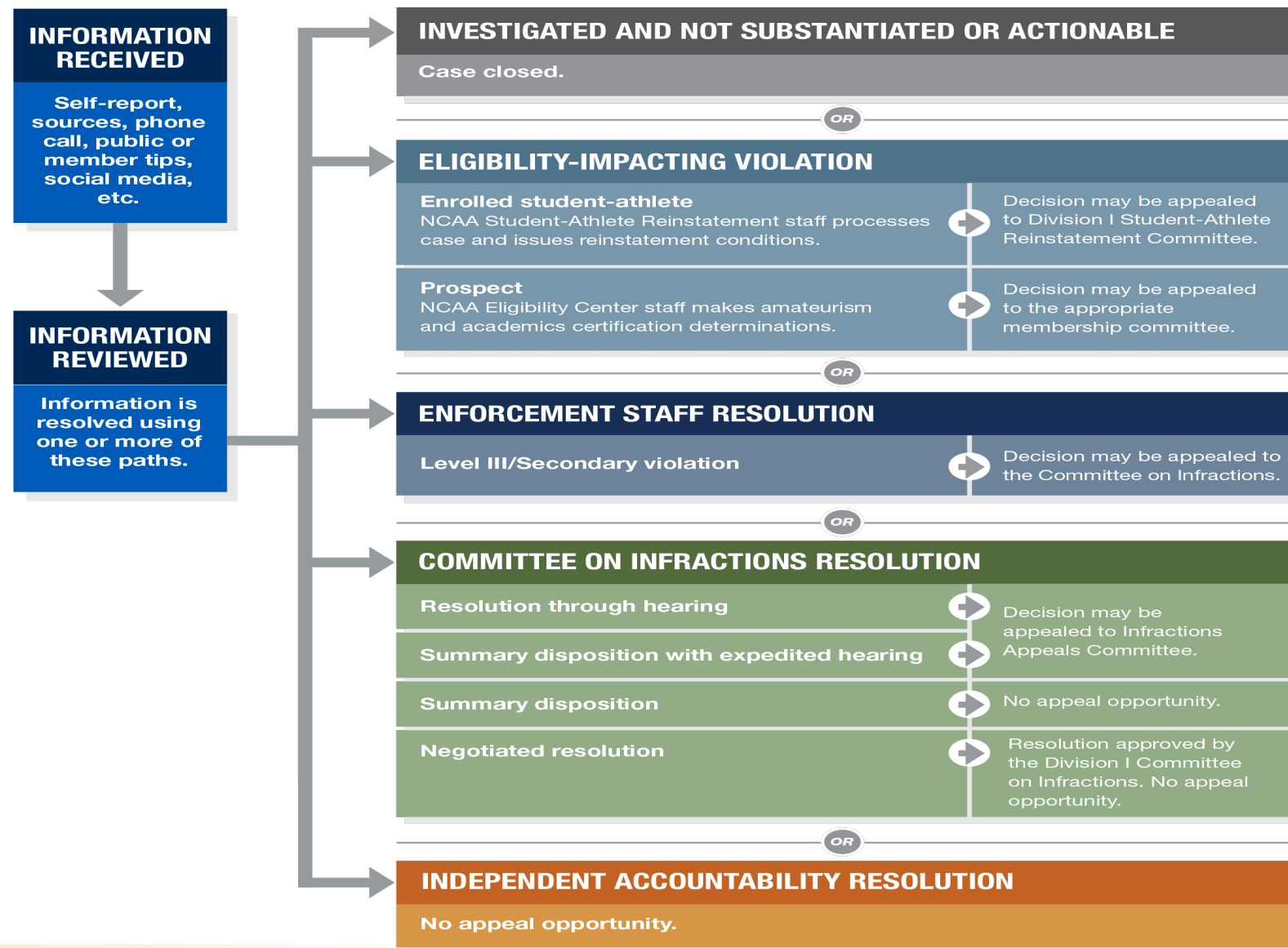
- Head Coach Responsibility [Bylaw 11.1.1.1]
  - Head coaches are presumed responsible for violations that occur in their program and must rebut the presumption.
  - How did the head coach promote compliance? How did the head coach monitor direct/indirect reports?
- Unethical Conduct [Bylaw 10.1]
  - Did a coach provide false or misleading information?
  - Did a coach provide significant impermissible benefits/inducements?
- Failure to Monitor/Lack of Institutional Control [Constitution 2.8.1]
  - Make honest, candid assessments of the compliance systems and identify any breakdowns.

***Review Enforcement Division I [Charging Guidelines](#) for assistance.***



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# Level I and/or Level II violations



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# Available Resources on NCAA.org

- [Enforcement Internal Operating Procedures](#).
- [Enforcement Charging Guidelines](#).
- [Membership Resource Guide](#).
- [Head Coach Responsibility Guide](#).
- Additional resources on [academics](#), sports wagering, and the [general infractions process](#).



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# Questions?

Enforcement staff will be available following this presentation to answer questions via telephone, email or Microsoft Teams.



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# Thank You



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