



## NCAA ON-CAMPUS INVESTIGATION GUIDE

INVESTIGATING AND REPORTING VIOLATIONS OF NCAA BYLAWS TO THE  
NCAA ENFORCEMENT STAFF



## OVERVIEW AND DISCLAIMER

This resource provides NCAA member institutions with general information and guidance on how to develop an institutional investigative policy, conduct on-campus investigations into potential NCAA violations and report Level I, II or major violations to the NCAA enforcement staff.

Upon receipt of information of potential violations, institutions should always refer to their own policies and procedures and consider consulting with institutional legal counsel. Further, institutions should contact the enforcement staff before beginning an on-campus investigation, particularly if the violations are potentially Level I, II or major in nature.

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## **I. Introduction.**

The mission of the NCAA infractions process is to uphold integrity and fair play among the NCAA membership. To affect this mission, it is imperative that the infractions process is a cooperative undertaking by NCAA member institutions, current and former institutional staff members, the enforcement staff, the NCAA Committees on Infractions and the NCAA Infraction Appeals Committees. This includes institutions affirmatively reporting instances of noncompliance to the NCAA national office in a timely matter and assisting in the development of full and complete information to determine whether violations occurred.<sup>1</sup>

An institution is often the first to learn of possible violations involving its athletics programs. In those instances, institutions should contact the enforcement staff as soon as possible about potential violations, particularly if those violations could be Level I, II or major in nature. The enforcement staff may ask the institution to conduct a preliminary inquiry and report its findings back to the staff, or the enforcement staff may engage in a collaborative investigation with the institution.

In other instances, the enforcement staff may be the first to learn about potential violations involving an institution. While the enforcement staff will typically lead an investigation, it may decide to first issue a letter of inquiry (LOI) to the institution. An LOI directs the institution to investigate the potential violation, determine whether a violation occurred and report its conclusions back to the enforcement staff.

Whether the on-campus investigation is initiated by the institution or requested by the enforcement staff, it is important for schools to have an institutional investigative policy in place, conduct a thorough investigation, document all findings and provide a detailed report to the enforcement staff. The following sections provide guidance on these areas and answers to frequently asked questions.

## **II. Institutional Investigative Policy.**

### **A. Purpose of an Investigative Policy.**

An investigative policy essentially serves as an institution's "game plan" for when potential violations occur. Having a plan in place allows for a timely and organized response to potential issues, promotes consistency and transparency during on-campus investigations and helps maintain the integrity of an investigation to ensure the institution obtains complete and untainted information.

While not a requirement of NCAA bylaws, the enforcement staff strongly encourages schools to develop an institutional investigative policy. A swift and organized response as well as a thorough review and efficient reporting of violations may result in additional mitigating factors in Division I and potentially avoid concerns about institutional monitoring and/or control in all three divisions.

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<sup>1</sup> See NCAA Division I Bylaw 19.2.1, NCAA Division II Bylaw 19.2.1 and NCAA Division III Bylaw 19.01.3.

## **B. Elements of an Investigative Policy.**

While an investigative policy should be unique to each institution and its campus, ideally an investigative policy will include:

- Guideline/criteria on when to initiate an investigation – Not all information about potential violations is created equal, specifically the credibility of the information or the severity of the violation (e.g., potential major versus secondary). Therefore, it is helpful to develop guidelines or criteria as to what circumstances might warrant a full, on-campus investigation.
- Designation of roles and responsibilities – An investigative policy should identify who makes up the institution's investigative team, who is responsible for what activities and how those individuals will work together during the investigation. It could also identify other individuals who should be involved (e.g., registrar, IT, faculty athletics representative) depending on the subject matter of the potential violations.
- Inventory of investigative resources – Prior to beginning an investigation, it is important for the investigative team to know what resources are at their disposal. This could include the ability to access relevant institutional documentation and data (e.g., emails, telephone records, academic records) and need for procedural forms (e.g., interview notice form, statement of confidentiality).
- Procedures for reporting findings and violations – The investigative policy should also outline the process for reporting violations, including the parties responsible for compiling and reviewing the information.

Again, while these are key areas to include an investigative policy, the enforcement staff encourages institutions to collaborate with their own legal counsel and campus administrators to develop an investigative policy that works best for their specific campuses.

## **III. How to Conduct an On-Campus Investigation.**

### **A. Developing a Case Strategy.**

After an institution has reviewed its investigative policy and consulted with the enforcement staff about moving forward, the institution should develop a case strategy. A case strategy is the institution's road map for conducting its investigation. Every good case strategy aims to protect the integrity of the investigation while developing full and complete information in an efficient and effective manner.

At a minimum, a case strategy should identify:

- Potential violations and applicable NCAA legislation;
- Documents and/or data to be promptly preserved, collected and reviewed;
- Potential interviewees and the order in which the individuals will be interviewed; and
- Estimated timeline for completing the investigation.

When developing an investigative strategy, the institution should pay particular attention to any potential violations that could impact a student-athlete's eligibility so it can prioritize those issues.

The institution may also want to consider whether to retain the services of outside legal or investigative consultants. This decision is solely up to the institution and would not negatively or favorably impact the enforcement staff's view of the case.

Finally, as noted above, the institution should notify the enforcement staff of the potential violations. While an institution can reach out to enforcement at any time, it should be done as soon as possible if the violations may be Level I, II or major. The enforcement staff may join in a collaborative investigation or allow the institution to conduct the inquiry on its own.

## **B. Confidentiality and Cooperation.**

In all three divisions, institutions and individuals subject to NCAA bylaws are required to protect the integrity of the investigation by maintaining confidentiality. This includes not speaking publicly and/or to other individuals, other than personal legal counsel, about matters under investigation. Failure to maintain confidentiality could result in failure to cooperate allegations and/or other consequences, such as the application of aggravating factors that could increase penalties.

The following individuals are subject to NCAA bylaws, which includes cooperating in an investigation of potential rule violations:

- Current and former institutional staff (e.g., professors, teaching assistants, academic counselors and tutors, etc.);
- Current and former athletics department staff (e.g., coaches, administrators, volunteer coaches, graduate assistants, student managers, etc.);
- Student-athletes; and
- Prospective student-athletes.

The most common requests for cooperation include interviewing and/or producing requested documentation. Should any of the above individuals fail to cooperate, they could be charged with a failure to cooperate for which the institution may be held responsible.<sup>2</sup> Other consequences may also attach, such as the application of aggravating factors that could increase penalties. Therefore, it is the best interest of the institution to secure the cooperation of these individuals.

Individuals who are not in the above categories (e.g., parents, high school coaches, former student-athletes, representatives of the institution's athletics interests, advisors, etc.) are not required to cooperate under NCAA bylaws. However, institutions should still request and encourage their cooperation in an investigation.<sup>3</sup> Securing meaningful cooperation of a third party may result in mitigation for the institution.<sup>4</sup>

### **C. Document and Data Preservation and Collection.**

Identifying, preserving and gathering relevant documents and data is a critical component of any successful investigation.

#### **1. Preserving data and documentation**

Institutions and individuals subject to NCAA bylaws are obligated to take every reasonable step to preserve all relevant documentation and data immediately upon becoming aware of a potential violation.<sup>5</sup> This includes suspending any document destruction practices that might otherwise automatically delete or destroy relevant information. Failure to preserve relevant information could be a stand-alone violation and/or subject a party to additional penalties.

#### **2. Requesting and collecting data and documentation**

Institutions should identify and collect the relevant documentation and data it can access (e.g., recruiting files, transcripts, institutional phone and email records) without notifying potential involved individuals. This not only helps maintain the integrity of the investigation, but it also provides the institution with initial information to help assess the scope and credibility of the potential violations and information to present to individuals during their interviews.

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<sup>2</sup> For former institutional and athletics staff, the institution would not be held responsible for failures to cooperate after their employment ended.

<sup>3</sup> Pursuant to Division I Bylaws 19.2.1-(i) and 19.2.1-(j), institutions have an affirmative obligation to instruct and encourage cooperation.

<sup>4</sup> See Division I Bylaw 19.12.4.1-(i).

<sup>5</sup> Pursuant to Division I Bylaw 19.2.1-(b), institutions and involved individuals have an affirmative obligation to preserve relevant materials, documentation and/or electronically stored information upon becoming aware, from any source of potential violations. Failure to do so could result in an allegation that an institution and/or involved individual failed to cooperate pursuant to Division I Bylaw 19.2.2. In Divisions II and III, an individual may be charged with failing to cooperate and/or protecting the integrity of the investigation for destroying relevant information.

For documents the institution cannot access on its own, the institution should (1) issue a preservation notice as soon as possible, (2) consider the timing of the request and whether the request will tip off the individual and/or others to the issue(s) under investigation, (3) determine who will request the documents, (4) decide in what format the documents should be produced (e.g., native format, Excel, etc.), (5) clearly identify deadlines for production and (6) notify individuals of the consequences for failing to produce the requested information.

Depending on the facts of the potential violation, relevant documents and data may include:

- Academic records (e.g., transcripts, tutoring records, admission records and applications, online courses, coursework like papers or tests)
- Computer records (e.g., emails, documents, hard drives, document properties, IP addresses)
- Document properties and/or other metadata (e.g., Word properties, IP addresses)
- Employment records (e.g., contracts, dates of employment)
- Financial records (e.g., bank statements, credit card statements, Venmo records, PayPal records, other cash app records)
- Phone and personal device records (e.g., office phone, cellular phone, text messages, other applications and data)
- Recruiting files (e.g., official visit records, unofficial visits records, itineraries, receipts)
- Social media records (e.g., direct messages, photographs, videos)
- Travel records (e.g., plane tickets, hotel folios, meal receipts)
- Vehicle information (e.g., registration, insurance, proof of purchase)
- Video files (e.g., practice film, campus security footage)

The above list is not exhaustive and the types of documents an institution may collect will depend on the potential violations. An institution should contact the enforcement staff if it has questions about the types of documentation or data that may be relevant to potential violations and the best process for securing the information.

#### **D. Interviews.**

Conducting effective and thorough interviews is a key tool for gathering information during an investigation. The institution should spend time developing an interview strategy and thinking through who should be interviewed, the order of interviews and interview logistics as these elements are critical to a successful investigation.

##### **1. Who should be interviewed.**

An institution should interview any individual with potential knowledge of and/or involvement in NCAA violations. This includes, but is not limited to, the source of information about alleged violations, current or former institutional staff members, current and former student-athletes, and individuals whose eligibility or athletically related duties as an institutional staff member may be at risk due to their possible involvement in violations.

As noted above, some individuals – like current and former institutional staff members, student-athletes and prospects – have an obligation to cooperate. Other individuals – like parents, boosters and other third parties – do not. However, even if someone does not have an obligation to cooperate, the institution should still request and encourage their cooperation in an interview if that individual may have relevant information related to a potential violation.

##### **2. Order of interviews.**

Once the institution identifies who to interview, the next step of an effective interview strategy is determining the order of interviews. Being strategic about interview sequence allows the institution to maintain the integrity of the investigation while gathering the most credible, untainted information.

Some considerations when determining interview order include:

- Who has foundational information that may inform on subsequent interviews or document requests?
- Who may have information about institutional compliance systems that is relevant to the potential violations (e.g., financial aid process, academic tutoring, etc.)?
- Who can corroborate and/or refute information about potential violations?
- Who is at risk for their involvement in potential rules violations?
- How can the institution best prevent/minimize a breach of confidentiality or leak of information that may taint subsequent interviews?

Typically, the most successful interview strategies work from the outside in, which means starting with individuals who have general or background information and working toward the most culpable parties. For example, if an institution receives information about potential impermissible inducement, the instinct may be to go directly to the member of the coaching staff alleged to have committed the violation. A better strategy may be to talk to the prospect, parents, student-athletes and/or others before interviewing the coach alleged to have provided the benefits. This allows the institution to develop sufficient information to confirm or refute the violation and identify which individual(s) may be involved.

There are occasions where it may be necessary or advisable to interview those directly involved in the potential violation first (e.g., pending graduation or transfer, change of employment, story breaking in the media). In those instances, the school should obtain as much information as possible from the individual while recognizing there may need to be a second interview later in the investigation.

3. Interview logistics.

It is important to consider the logistics of how the interview will be conducted. While interviews are never a fun experience for anyone, the goal is to make the interviewee as comfortable as possible so they will be more likely to be forthcoming and share truthful information. Some logistic considerations include:

- Location and method of the interview – Should the interview be in-person or via videoconference? Should it take place on campus or off campus?
- Interview attendees – Who should be present during the interview? How many people will be in the room? Will there be outside counsel?
- Interview recording – Will the interview be recorded with the interviewee's permission? If not, how will it be memorialized?

Typically, the enforcement staff conducts interviews of key individuals and/or interviews that involve a large number of documents in person. The enforcement staff also prefers to audio record interviews (with the interviewee's permission) noting the date, time and people participating so there is no dispute about who was present or what was asked and answered. If the interviewee refuses to allow a recording, the enforcement staff produces an interview summary and asks the interviewee to review and sign it for accuracy.

Some additional interview logistics include:

- Purpose of interview – Both prior to the interview and at the beginning of the recording, the institution should explain that the purpose of the interview is to determine whether the individual has any knowledge of or involvement in NCAA violations. To solicit candid and real-time responses, the enforcement

staff strongly suggests that the institution does not share the specific topic of the interview with the interviewee in advance. This is a difficult and awkward discipline, but very important.

- Legal counsel – Interviewees may have personal legal counsel present during an interview if they choose. However, the traditional legal defense approach is not appropriate in an NCAA investigation; therefore, legal objections and/or counsel interruptions during an interview should be kept to a minimum. If an interviewee chooses not to have personal legal counsel present, the institution should note it advised the interviewee of their ability to have legal counsel and that the interviewee is comfortable proceeding without. If an interviewee expresses a desire to obtain counsel mid-interview, the institution should pause the interview at that point and resume after the interviewee has secured representation.
- Obligation to provide truthful and complete information – Both before the interview and at the beginning of the recording, the institution should notify the interviewee of their obligation to provide truthful and complete information and explain the consequences for failing to cooperate fully.<sup>6</sup> The institution should have the interviewee sign a statement memorializing their understanding of the obligation under NCAA legislation to cooperate and provide truthful information and retain a copy in the investigative file.
- Confidentiality – Individuals subject to NCAA bylaws are obligated to keep the inquiry, including the subject matter discussed during the interview, confidential. Failure to do so could result in additional allegations or other consequences outlined in NCAA bylaws. While not subject to NCAA bylaws, institutions should also request that third parties maintain confidentiality.

4. Interview techniques.

Conducting effective interviews during an on-campus investigation takes time, planning and execution. Below are some interview techniques and strategies to keep in mind:

- Preparation – Conduct research and review all available documentation and data in advance of an interview. Prepare an interview outline to ensure the interviewer covers all relevant topics.

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<sup>6</sup> See Division I Bylaws 19.2.1-(d) and 19.2.2-(c); Division II Bylaws 19.2.1-(c) and 19.2.2; Division III Bylaws 10.1-(c), 32.1.3 and 32.3.11. The obligation applies to individuals who are required to cooperate in the infractions process (e.g., current and former institutional staff members, student-athletes, and prospective student-athletes).

- Open-ended questions – Ask open-ended questions (e.g., "Tell us about ...") to solicit as much information as possible, and avoid leading questions (e.g., "Isn't it true that ...?"). Avoid interrupting the interviewee and do not rush to fill a silence. When the interviewer allows for a pause, an interviewee will often share more information.
- Specific follow-up questions – After asking an open-ended question, follow up with specific questions to gather as many details as possible (e.g., dates, times, names, etc.). It is also important to distinguish between firsthand knowledge and secondhand information.
- Clarifying questions – If a response is confusing, ask clarifying questions (e.g., "Help me understand ..." or "Explain to me ..."). Do not assume what the interviewee meant. If the information is unclear during the interview, it will also be unclear in the record. Also make sure to clarify any information that may be clear to those familiar with the institution (e.g., nicknames, locations) but would not be clear for those not affiliated with the institution.
- Utilize the record – Use the investigative record (e.g., statements from previous interviewees, documents) to assist in subsequent interviews. For example, if the factual record already developed contradicts what is being reported during an interview, summarize what has already been reported and ask the interviewee to explain why their statements are inconsistent with other information.

Again, effective and thorough interviews are a key component of a successful investigation. The enforcement staff is available as a resource if the institution has questions about how to conduct interviews during an on-campus investigation.

#### **E. Analysis of Information.**

Throughout the investigation, the institution should regularly analyze the available information to determine if additional interviews or document requests are necessary, or whether it needs to revisit the scope of the inquiry. While no one should predetermine an outcome before the facts are fully developed, a good investigation requires frequent reevaluation and flexibility.

At the conclusion of the investigation, the institution should analyze all available information and consider the following:

- Are there any eligibility issues? If yes, the institution has an obligation to withhold ineligible student-athletes and should contact the NCAA student-athlete reinstatement (SAR) staff as soon as possible.<sup>7</sup>

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<sup>7</sup> For Divisions I and III, see Bylaw 14.01.1. For Division II, see Bylaw 14.01.4.

- Does the factual information on the record support that violations of NCAA bylaws occurred? For questions about appropriate bylaw citations, contact the conference or NCAA academic and membership affairs staff.
- What is the appropriate level of the violation? For Division I, violations can be Level I, II or III.<sup>8</sup> For Divisions II and III, violations can be major or secondary.<sup>9</sup> For additional assistance in analyzing the level, review applicable case precedent in Legislative Services Database for the Internet (LSDBi) and Requests/Self-Reports Online (RSRO) or contact the enforcement staff.
- Are there any derivative violations? In addition to the underlying violations (e.g., countable athletically related activities (CARA), impermissible contacts, etc.), the following derivative violations may be appropriate:
  - *Head Coach Responsibility* –
    - In Division I, for behaviors occurring after January 1, 2023, a head coach is responsible for any violations that occurred in his/her program.<sup>10</sup> For behaviors occurring prior to January 1, 2023, the head coach is presumed responsible for the violations unless they can demonstrate they promoted compliance and monitored their program.
    - In Divisions II and III, head coaches must promote an atmosphere of compliance and monitor direct or indirect reports. Failure to do so may result in a head coach responsibility violation.<sup>11</sup>
  - *Failure to Cooperate/Unethical Conduct* –
    - In Division I, an individual who fails to fulfill their obligations to cooperate pursuant to Bylaws 19.2.1 and 19.2.2 – including providing false or misleading information – may be charged with a failure to cooperate and may face additional consequences.
    - In Division II, an individual who fails to fulfill their obligations to cooperate pursuant to Bylaw 19.2.1 may be charged with a failure to cooperate. An individual who fails to provide truthful and complete information may also be charged with an unethical conduct violation pursuant to Bylaw 10.1.

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<sup>8</sup> See Division I Bylaw 19.1 for information about the violation structure and definition of each level.

<sup>9</sup> See Division II Bylaw 19.1 and Division III Bylaw 19.02.2 for definitions of major and secondary violations.

<sup>10</sup> See Division I Bylaw 11.1.1.1 and the [Head Coach Responsibility Educational Document](#).

<sup>11</sup> See Division II and III Bylaw 11.1.2.1.

- In Division III, an individual who fails to fulfill their obligations to cooperate pursuant to Bylaw 19.01.3 may be charged with a failure to cooperate. An individual who fails to provide truthful and complete information may also be charged with an unethical conduct violation pursuant to Bylaw 10.1.
- *Lack of Institutional Control/Failure to Monitor* – An institution should make an honest and candid assessment of the compliance systems and identify any breakdowns.

To assist the institution's assessment of derivative violations, please review the [NCAA Enforcement Charging Guidelines](#).<sup>12</sup> Also, the institution can contact the enforcement staff to assist with analysis of the information.

While these questions will ultimately be resolved by a combination of parties in the infractions process, a school's preliminary analysis is helpful to the NCAA staff and, if necessary, the Committees on Infractions.

The conclusion of the investigation is also a good time to implement meaningful corrective actions and, if necessary, revise and update relevant policies and procedures. Reviewing department compliance procedures with the athletics staff and implementing improvements on a regular basis helps prevent and/or mitigate future violations and is a sign that the institution takes compliance seriously.

#### **IV. Reporting Institutional Findings and Outline for an Institutional Self-Report.**

If, at the conclusion of the on-campus investigation, the institution believes violations occurred, it should report the violations to the enforcement staff as soon as reasonably possible.

If the institution believes the violations are Level III (Division I) or secondary (Divisions II and III) in nature, the violations may be reported through RSRO. Please note that the enforcement staff may request additional information or conduct follow-up inquiries.

If the institution believes that Level I, II or major violations might have occurred, it should notify the enforcement staff immediately and report the findings as soon as possible. The enforcement staff will review the self-report and follow up with the institution to discuss any questions and next steps.

The following outline identifies the type of information helpful to the enforcement staff in its analysis and serves as a guide for the institution's self-report.

- Introduction – Provide an overview of the types of violation(s) identified (e.g., recruiting, CARA) and the institution's opinion about the level of each violation (e.g., Level I, II, III, major, secondary).

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<sup>12</sup> While the charging guidelines are specific to Division I, they are relevant for the analysis in all three divisions.

- Background on institution – Provide an overview of the institution, its athletics department and the sports program(s) involved.
- Case chronology – Provide a detailed timeline of how the institution discovered and/or learned the initial information, significant dates in the institution's investigation (e.g., start date, interviews, contact with the NCAA or conference) and any other events that aid in the understanding of the violations.
- Specific findings and narrative – Provide a narrative for each violation, including the specific NCAA bylaws violated, and the information supporting those violations occurred. Include as many details as possible about the violation (e.g., date, time, location, amounts) and any additional information pertinent to understanding the violation. The narrative should also identify all individuals involved in the violation and their titles (e.g., head coach, student-athlete, prospect, parent, booster, high school coach, etc.).
- Student-athlete eligibility issues – Identify whether any of the violations impacted a student-athlete's eligibility and whether the institution has sought reinstatement from the SAR staff. If yes, provide the relevant RSRO case number.
- Other relevant context – Provide all other information that will assist the enforcement staff's understanding of the violations. This could include an explanation of any mitigating, aggravating or unique circumstances that led to the violations occurring.
- Unsubstantiated violations – Include information about potential violations investigated but not substantiated.
- Corrective actions and penalties – Include corrective actions (i.e., changes that correct, eliminate or strengthen a specific area within the institution or athletics department) and penalties (e.g., recruiting restrictions, coaching suspension) that have been or will be implemented by the institution as well as a rationale for each.<sup>13</sup> Also, if applicable, include any penalties imposed by the conference. Finally, identify whether the institution and/or any involved individuals are repeat violators and, if so, how that was taken into account with the institution's self-imposed penalties.<sup>14</sup>

The institution should also include an appendix providing all relevant supporting documentation, including:

- List of all individuals interviewed and contact information, if available;
- Interview recording, transcripts and/or summaries;

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<sup>13</sup> For more information on penalties, see Division I Bylaw 19.12 and Figure 19-1, Division II Bylaw 19.12 and Division III Bylaw 19.5.

<sup>14</sup> See Division I Bylaw 19.12.5, Division II Bylaw 19.12.4 and Division III Bylaw 19.5.2.3.

- All relevant documentation compiled during the course of the investigation that support or refute the violations (e.g., academic records, telephone and text message records, emails, receipts, financial records); and/or
- Any other documentation that will help the enforcement staff understand and analyze the violations.

The enforcement staff appreciates when institutions provide as much detailed information and documentation in its self-report as possible. Complete and detailed information provided by the institution to the enforcement staff on the front end may decrease the likelihood of the enforcement staff asking additional follow-up questions and/or conducting additional investigation with the institution on the back end.

## V. Frequently Asked Questions.

### 1. Should an institution contact the enforcement staff before commencing an on-campus investigation into potential Level I, II or major violations?

Yes. The institution should contact the vice president of enforcement and/or managing director of enforcement (Investigations and Processing) upon learning about potential violations. Early notification of the enforcement staff gives the institution and enforcement staff the opportunity to coordinate efforts, avoid duplicating investigative work and discuss next steps. The enforcement staff may lead the investigation or ask the institution to proceed with its on-campus investigation.

The institution may be asked to share its plans for conducting its investigation and the anticipated deadline for completion. Additionally, an enforcement staff member may also be assigned to the case as a point of contact during the investigation.

### 2. What are some common errors in an on-campus investigation?

Assuming the institution has an investigative policy, the most common error is not following it. The following are other common errors that may occur either during the institution's investigation or in the preparation of the report to the NCAA:

- Ineffective interviews. While it is understandable, most institutions go straight to the individual who may be involved in the violations without first thinking through an investigative strategy and approach. Before speaking with anyone potentially involved in the violations, consider the investigative strategy suggestions detailed above (e.g., interview sequence, securing of documentation, proper notification). Additionally, interviews should always be thorough and ensure they cover the "who, what, when, where, why and how" of potential violations.
- Failure to preserve documentation. The preservation of relevant documentation and data before its destruction (either intentionally or during the normal course of business) is one of the first and most important parts of an effective investigation. Once it becomes aware of potential violations, an institution should immediately

identify relevant documentation and data so it can determine how to best preserve the information (e.g., working with institutional IT staff, issuing preservation notices to athletics department staff).

- Failure to provide proper notice. Before conducting a formal interview of a student-athlete or institutional staff member, the institution should notify the individual of their ability to have counsel as well as obligations and consequences pursuant to NCAA bylaws (e.g., Division I Bylaw 19.2.1 and 19.2.2; Divisions II and III Bylaw 10.1). Ideally, these notices would be provided orally and in writing before any interview.
- Failure to identify eligibility issues. If information arises that could impact a current student-athlete's eligibility, the institution should take immediate steps to determine the student-athlete's eligibility status and seek reinstatement if necessary. Even if all the facts are not established at that time, the institution should make a good-faith decision based on the available information if there is pending competition. Document the reasons for the institution's position in the event new facts or questions arise later in the investigation or the institution's position changes in the future based on the development of additional information.
- Failure to submit the necessary information. An outline for the type of information needed in a self-report is contained within this guide. Generally, the type of information needed for a description of a possible Level I, II or major violation is similar to the information needed for a Level III or secondary violation (e.g., the identities of involved student-athletes and staff members, the time period involved). Background information included in a self-report for a possible Level I, II or major violation is more encompassing.
- Failure to specifically identify the violation and its details. The institution's report should state in specific terms the bylaws violated and the information supporting the violation. This includes the date and/or time of the violation, name and titles of individuals involved in the violation, and the specific details of the violation.
- Failure to identify and/or attach all relevant documentation. In addition to a detailed self-report, make sure to attach all relevant documentation (e.g., financial records, academic records, communications, etc.).
- Failure to include information that refutes violations and/or violations not substantiated. Even if the institution believes a violation occurred, it should identify information that both supports and refutes the violation. Additionally, the institution should include a summary of potential violations it investigated but were unsubstantiated.

**3. Why should an institution self-report violations?**

Pursuant to The Responsibility to Monitor and Report, member institutions have a responsibility to comply with all rules and regulations of the Association and monitor their athletics programs to ensure compliance.<sup>15</sup> This legislation specifically addresses an institution's responsibility to identify and report to the Association "instances in which compliance has not been achieved" and to take appropriate corrective actions.

**4. Does an institution receive "credit" for self-reporting?**

Because institutions have an affirmative obligation to identify and report violations in a timely manner, self-reporting violations is an expectation and condition of the membership. However, self-reporting of violations can be a factor in fashioning penalties. The Division I, II and III Committees on Infractions, who prescribe and/or approve penalties, may consider an institution's prompt self-disclosure, self-report, history of reporting Level III/secondary violations and the institution's level of cooperation in an investigation when prescribing penalties.

**5. Is an institution obligated to report to the NCAA if it cannot determine whether a violation occurred or believes a Level I, II or major violation did not occur?**

If an institution previously notified the enforcement staff of its on-campus investigation or received a notice of inquiry from the enforcement staff, it should update the staff if the institution's investigation failed to substantiate Level I, II or major violation(s) or if the institution affirmatively concludes that no violations occurred. The institution is also encouraged to maintain the investigative file documenting its investigation and the results of the inquiry in case similar issues should arise in the future.

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<sup>15</sup> See Division I Bylaw 8.01.3, Division II Bylaw 7.01.10 and Division III Bylaw 20.15.2.