

What Universities Need To Know About Federal Criminal & NCAA Investigations Into Sports Gambling Activities

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Topics & Objectives

- Review of current Federal and NCAA investigations (CBB, NBA, MLB)
- DOJ legal theories and statutes; NCAA's relevant bylaws
- Distinguishing between Federal and NCAA investigations
- Institutional response if law enforcement and/or NCAA come to campus
- Rights and cooperation responsibilities of schools and individuals
- Preparing and planning today; best practices
- Miscellaneous (time permitting)
 - NIL deals and transfer recruitment considerations
 - Sports betting integrity services
 - Prediction markets seeking entry into college sports
- **SUBMIT QUESTIONS VIA Q&A FUNCTION**

Overview of What's Happening

Sports betting legal in 39 states + DC (NE, GA, AL, MN, SC, TX, and HI considering legalization)

Current DOJ Cases/Investigations

- EDPA CBB indictment, U.S. v. Jalen Smith et al. (mere allegations)
 - 2023-2024 CBB season: more than 39 players on more than 17 CBB teams fixed and attempted to fix more than 29 games
 - Indictment charges bribery in sporting contests, wire fraud conspiracy, and wire fraud
 - Players were recruited to fail to cover the spread for the game's first half or the entire game
 - Bribe payments usually ranged from \$10K to \$30K per game
 - Targeted teams were often underdogs; targeted athletes were paid bribes that were significant vis-à-vis their NIL payments
 - Players intentionally performed poorly and removed themselves from games
 - Cash payments delivered to players on or near campus

Overview of What's Happening

Current DOJ Cases/Investigations (continued)

- EDNY NBA indictment, U.S. v. Earnest et al. (mere allegations)
 - Terry Rozier is a defendant
 - Chauncey Billups is not a defendant but appears to be referenced in the indictment
- EDNY MLB indictments, U.S. v. De La Cruz et al. (mere allegations)
 - Cleveland Guardians pitchers

DOJ legal theories and related considerations (e.g., venue)

- Bribery in sporting contests, honest services fraud, money laundering - untested theories
- Establishing venue

NCAA investigations

- Relevant rules/bylaws; failed effort to de-regulate betting on pro sports
- “Integrity” vs. “prohibited bettor” cases
- Recent NCAA adjudicated cases
- Current investigations
 - Profile: smaller DI school, avg/losing season, 1st half “unders”
 - Use of another’s account
 - Sports betting operators tracking & alerting NCAA

Expect increased investigative activity in this space

Federal vs. NCAA Investigations

Federal

- Federal agents on-campus
- Notice requirement?
- No obligation to submit to questioning
- Search & arrest warrants; subpoenas
- Target letters
- Grand jury testimony
- Right to counsel
- Where do the Feds get their information?

NCAA

- NCAA investigators on-campus
- Notice to the Institution and/or individuals
- Responsibility to cooperate & penalties for failing to cooperation
- Expectation to withhold SAs from competition
- Requests for records and interviews
- Imaging of phones, social media accounts, email, etc.
- Right to counsel
- Where does the NCAA get its information?

Responding If An Investigation Comes to Campus

For the Institution

- Cooperative principle; preservation of records
- Institution viewed as a facilitator for NCAA investigators
- Confidentiality, open records requests (publics)

For Individuals (named people associated w/ Institution)

- Cooperative principle; preservation of records
- Student-athletes, coaches, institutional personnel subject to NCAA rules
- Others with relevant information
 - Support staff with frequent interaction with SAs (trainers, managers)
 - Fans, boosters

Preparing Now + Best Practices

- Establishing clear and well-known reporting channels
- Creating broad institutional awareness of suspicious activity
 - Responding if outsiders contact SAs (often via Instagram)
 - Process for notifying up the chain of command
- Institutional action plan – clear, simple, defined; Who's Your Team?
- Ensuring GC is among first to know
- Education and training
 - HR onboarding (personnel)
 - Beginning-of-year orientation/team meetings (SAs)
 - Others on-campus who should be educated (proximity to teams, easy access to non-public information)
- Why education and training is valuable to the institution
 - Institutional culpability limited to a Level III violation if can establish proper education and oversight (Bylaw 19.1.1.1; ENF IOP 2-1-4)

Miscellaneous Considerations + Q&A

SUBMIT QUESTIONS VIA Q&A FUNCTION

- Institution's obligation to withhold student-athletes from competition (Bylaw 12.11.1)
- Vetting of transfer recruits re: connection to gambling cases
- Building institutional protections into NIL/Rev-Share contracts ("Morals Clause")
- Role of "integrity services"
- Prediction markets seeking entry into college sports

Thank You For Attending!

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