

BOND

PLANNING FOR AND ADDRESSING NCAA-RELATED ISSUES

What to Expect When You're (not) Expecting... a Campus Visit by the NCAA

1. A phone call from the NCAA enforcement staff (NCAA) might be the only notice that your office or athletics director receives concerning a visit to campus to conduct interviews.
2. The NCAA probably will not provide you with detailed information about the purpose of the visit other than to meet with individuals on campus or conduct interviews.
3. The NCAA probably will not tell you the "source" for the information it received.
4. The NCAA may or may not tell you all of the "topics" being reviewed or the "scope" of its review.
5. You might, and likely will, receive explicit instruction not to tell certain athletics staff (e.g., coaches) in advance that the NCAA will be visiting.
6. The NCAA may very directly request that you only arrange interviews with certain individuals on your campus and do nothing more.
7. You might be requested to gather and submit relevant documentation prior to the NCAA's visit. If you are, expect explicit instruction limiting what you can tell others about the document request.
8. Concerning items 1 through 7, the NCAA will expect that you understand and agree to abide by the NCAA "cooperative principle," including any admonition not to "prep" a witness, or start your own investigation. [Note: The NCAA will have this expectation despite the fact that its own behavior may seem less than "cooperative" to those unfamiliar with the process.]
9. As counsel to the institution, you will be permitted to participate in NCAA interviews of student-athletes, coaches, athletics administrators, and other non-athletics employees of the institution.
10. You may or may not be invited to participate in interviews of other individuals who are not students or employees of the institution.

About Bond's Collegiate Sports Practice Group (CSPG)

The CSPG has been recognized as the leading provider of consulting services to National Collegiate Athletic Association (NCAA) member institutions in the areas of:

- enforcement investigations and infractions cases;
- compliance program reviews and audits;
- student-athlete eligibility reinstatement cases;
- rules interpretations and governance issues; and
- other NCAA-related matters.

These services are provided by our practice group members who have accumulated over a century of experience working as administrators with the NCAA and while in private practice, delivering a wide range of services to numerous colleges and universities. In addition to its investigative and compliance efforts on behalf of well over 100 higher education institutions, Bond's CSPG has been an innovator in the development of a number of monitoring programs to aid NCAA compliance as well as an educational resource for college and university athletics departments and administration officials.

For more information, visit bsk.com.

11. Student-athletes and institutional employees will be asked to review and sign an NCAA Interview Notice form before they are interviewed. You (or your compliance officer) should receive a copy of the form in advance of the NCAA's visit. It contains explicit warnings concerning the obligations to cooperate and provide truthful information.
12. Often, an interviewee will ask, "Do I need a lawyer?" Consider how best to respond as the institution's counsel, and be clear that you represent the institution, not the individual being interviewed.
13. NCAA interviews are voice-recorded, but less formal than depositions. You (and the interviewee) will be permitted to record so long as you agree not to share the recording or any transcript of the interview with "third parties."
14. At the outset of an interview, the NCAA investigator will recite, in short form, information contained in the Interview Notice form.
15. You will be permitted to ask questions on behalf of the institution.
16. At the conclusion of the interview, the NCAA will caution the interviewed individual to "protect the integrity of the investigation." This means that the interviewee may not discuss the content of the interview with anyone other than those present for the interview and his/her personal legal counsel, should counsel be retained.
17. On rare occasions, the NCAA will offer "limited immunity" to certain individuals.
18. The interview "schedule" may, and likely will, change.
19. The NCAA might request additional interviews with individuals who were not a part of the original schedule and expect that you arrange the interviews in short order.
20. The NCAA investigator may or may not have an immediate answer to your questions about "next steps," including who you can talk to, whether they intend to make another visit to campus, or when to expect completion of the review.
21. On very rare occasions – specifically, if individuals involved in the NCAA matter are members of the institution's senior administration or Board – your duty as counsel to the institution may require you to "create a wall" and/or step outside of your typical reporting procedures.
22. The interests of the institution and those of an involved party (e.g., a coach, student-athlete) may begin to take different paths.
23. Prepare for a long and involved process.

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