

***Institutional Control*****A. Violations do not result from a lack of institutional control if:**

1. Adequate compliance measures exist;
2. They are appropriately conveyed to those who need to be aware of them;
3. They are monitored to ensure that such measures are being followed; and
4. On learning that a violation has occurred, the institution takes swift action.

B. An institution may be found to demonstrate a “lack of institutional control” if:

1. A person with compliance responsibilities fails to establish a proper system to monitor adherence to a compliance program.
2. A person with compliance responsibilities does not take steps to alter the system of compliance when there are indications the system is not working.
3. A supervisor with overall responsibility for compliance, in assigning duties to subordinates, so divides responsibilities that, as a practical matter, no one is, or appears to be, directly in charge.
4. Compliance duties are assigned to a subordinate who lacks sufficient authority to have the confidence or respect of others.
5. The institution fails to make clear, by its words and its actions, that those personnel who willfully violate NCAA rules, or who are grossly negligent in applying those rules, will be disciplined and made subject to discharge.
6. The institution fails to make clear that all individuals involved in its intercollegiate athletics program have a duty to report any perceived violations of NCAA rules and can do so without fear of reprisals of any kind.
7. A director of athletics or any other individual with compliance responsibilities fails to investigate or direct an investigation of a possible significant violation of NCAA rules or fails to report a violation properly.
8. A head coach fails to create and maintain an atmosphere for compliance within the program. The coach supervises or fails to monitor the activities of assistant coaches regarding compliance.

C. Compliance measures in place at the time of a violation are a factor in determining whether or not there is a lack of institutional control. Some examples of the factors the NCAA would consider when determining whether an institution lacks institutional control are whether . . .

1. The NCAA rules applicable to each area of the athletics program are readily available to those persons involved in that area.
2. Appropriate forms are provided to persons involved in specific functions related to athletics to ensure that they will properly follow NCAA rules.
3. A procedure is established for timely communication among various university offices regarding determinations that affect compliance with NCAA rules.
4. Meaningful compliance education is provided for personnel involved in the athletics program.
5. Educational programs are established to inform athletics boosters of the limitations on their activities under NCAA rules and of the penalties that can arise if they are responsible for rule violations.
6. Educational programs are established for student-athletes regarding the rules that they must follow.
7. An internal monitoring system is in place to ensure compliance with NCAA rules.
8. An external audit of athletics compliance is undertaken at reasonable intervals.
9. The chief executive officer and other senior administrators make clear that they demand compliance with NCAA rules and that they will not deliberately violate the rules or do so through gross negligence.
10. The institution and its staff members have a long history of detecting, investigating and reporting all potential violations.

**Bylaw 10.1 Unethical Conduct**

Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member may include, but is not limited to, the following:

- a. Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;
- b. Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete;
- c. Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid;
- d. Knowingly furnishing the NCAA or the individual's institution false or misleading information concerning the individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation;
- e. Receipt of benefits by an institutional staff member for facilitating or arranging a meeting between a student-athlete and an agent, financial advisor or a representative of an agent or advisor (e.g., "runner");
- f. Knowing involvement in providing a banned substance or impermissible supplement to student-athletes, or knowingly providing medications to student-athletes contrary to medical licensure, commonly accepted standards of care in sports medicine practice, or state and federal law. This provision shall not apply to banned substances for which the student-athlete has received a medical exception per Bylaw 31.2.3.4; however, the substance must be provided in accordance with medical licensure, commonly accepted standards of care and state or federal law;
- g. Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or institution's admissions office regarding an individual's academic record (e.g., schools attended, completion of coursework, grades and test scores);
- h. Fraudulence or misconduct in connection with entrance or placement examinations;
- i. Engaging in any athletics competition under an assumed name or with intent to otherwise deceive; or
- j. Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or the institution's athletics department regarding an individual's amateur status.

Remember: Always Ask Before You Act!

