

AMOEBA COMPLIANCE PROGRAM

By: Chuck Smrt

Overview

Over the past 20 years, the compliance efforts of NCAA members have increased dramatically. Many universities have a two- to four-person compliance staff with a very detailed compliance program, including educational and monitoring efforts and a compliance manual. However, most compliance manuals and processes are “rigid” and have difficulty in adjusting to the changing environment that could occur by sport each year at an institution. A university needs to examine its compliance efforts to make sure it can adapt to the changing environment.

An amoeba is a single-celled organism that takes the shape of the environment that it is in. Similarly, an amoeba compliance program needs to change its shape or structure to the circumstances that present itself. It must be versatile and have the ability to adapt. Following are several examples:

- International prospects – If a basketball program begins to recruit international prospects, a compliance program needs to adapt to that changing recruiting arena and ensure that information is reviewed concerning possible professional competition by those prospects, involvement by “go betweens” who could be affiliated with the university, etc.
- Signing of prospects from graphic regions far from the institution – if an institution routinely does not recruit prospects from a great distance from campus, and the parents of the then student-athletes appear at the first few basketball games, the compliance program should adapt to review the air and hotel arrangements of these parents. The more involved the university vendors (travel agencies, hotels, etc.) are involved, the more scrutiny may be necessary by the institution.

Principles of Institutional Control

During the 1990s, the enforcement staff alleged a lack of institutional control in about 50 percent of all major infractions cases. Prior to alleging this allegation, the enforcement staff would review the following areas:

1. Administrative procedures – Do procedures exist within and outside of athletics department and are they engaged? Are procedures in place in the Registrar’s office, the business office, the training room, etc.? Are they in writing? Are they well understood by those individuals? Are they being utilized (as opposed to only being in writing)?
2. Monitoring programs – Does the institution monitor its athletics programs for NCAA compliance? Is it a broad-based program that addresses the various areas routinely associated with NCAA major case violations?
3. Educational programs – Are educational efforts being undertaken to educate athletics department staff members (coaches, administrators, support staff) and other university employees who have responsibility for NCAA compliance with the applicable legislation?

Amoeba Compliance Program And Institutional Control

In order to illustrate the necessity to adapt your compliance program to meet a changing environment, the following examples are given using the principles of institutional control:

1. Administrative procedures – An institution routinely monitors scholarshiped players for improper recruiting practices. However, the football program begins to undertake a recruited walk-on program. As a result, the institution needs to adapt its monitoring program to include recruited walk-ons.

2. Monitoring programs – Several booster groups undertake significant fundraising efforts during the academic year. Previously, the associate athletics director in charge of that sport signed off on all expenditures from the booster group, but did not monitor income as most of the income was originated from ticket sales and was handled by the athletics department. As a result, monitoring of the income-producing efforts of the booster group needs to be undertaken.
3. Educational programs – An institution has excellent educational programs for full-time staff members. These include Lunch and Learns, monthly morning staff meetings, etc. However, over the past two years, the institution has hired numerous part-time coaching staff members who are not present during the day. As a result, the institution needs to change its educational programs to ensure that part-time staff members are receiving comparable levels of education as full-time staff.

Four Questions To Examine Your Compliance Program

1. Is your compliance program adapting to the changing environment of its teams? – Utilize the amoeba concept to ensure that the program changes shape to the environment it is in.
2. Does your compliance program let the process and not the individual make the decision? – Allow the process and not individuals to make decisions, as it eliminates personal attacks on or other criticisms of the staff. For example, establish criteria in which all standardized entrance exam test scores will be reviewed. Inform coaching staff members of this policy and have all involved parties “buy into” this process. If an inquiry subsequently is necessary, the decision to review is made by the process and not by the athletics director or compliance coordinator and the relationship between those parties and the head coach of the sport is not strained.
3. Does your compliance program rely more on an individual’s integrity than the process? – Individuals will violate rules due to a lack of knowledge or a lack of integrity. For secondary violations, the reason is often a lack of knowledge. For major violations, it often is due to a lack of integrity. It is difficult to determine whether a person lacks integrity. As a result, to deter major violations it is necessary for the compliance program to incorporate monitoring efforts as opposed to relying only upon an individual’s integrity.
4. Do you undertake strategic planning for your compliance program? – Athletics administrators today undertake strategic planning in various areas of athletics management, such as development, marketing, sport administration, etc. However, few departments undertake strategic planning in the compliance area. Some view it as an oxymoron. Strategic planning should be undertaken in the compliance area to bolster those segments of the program where deficiencies exist.