

WHAT IS INSTITUTIONAL CONTROL?

By: Chuck Smrt

For an athletics director, the concept of institutional control still remains an intangible concept that is difficult to understand and accordingly, difficult to determine if the university is meeting the NCAA's expectations. Nevertheless, the NCAA Committee on Infractions routinely makes findings of a lack of institutional control against member institutions. The purpose of this short article is to provide "more meat on the bones" of this concept. Next month's newsletter will provide a system for an institution to evaluate its efforts in this area.

When I was the major case coordinator for the NCAA Enforcement Staff during the majority of the 1990s, one of my responsibilities was to review for consistency any allegation against an institution concerning a lack of institutional control. It was (is) important for the enforcement staff to make sure that the same standard was (is) applied to all universities.

In reviewing an institution's compliance efforts, the three areas listed below were examined:

- i) Administrative procedures – Does the institution have procedures in place both within and outside of the athletics department (e.g., did the registrar understand his or her role in the NCAA certification process)? Are these procedures being used?
- ii) Educational programs – Are individuals who have responsibilities in the NCAA compliance area knowledgeable of NCAA rules? This could include not only individuals on campus (e.g., student-athletes, coaches, athletics department personnel, and non-athletics department personnel) but also individuals outside the university (e.g., boosters, vendors, corporate sponsors, etc.).
- iii) Monitoring – Is the institution monitoring its compliance systems? Similar to above, this monitoring would include within and outside of the athletics department and within and outside of the university.

A minor failure in one of the areas usually does not result in an allegation of a lack of institutional control. Small failures in all three of these could reach the level of a lack of institutional control. Often, an allegation is made when there is a gross failure in one of these three areas.

An institution's compliance program is as strong as its weakest link. As a result, the university's institutional control is as strong as its compliance program's weakest link. Various groups within the university, such as coaches, athletic department staff members, university administrators, boosters, etc., can be considered links in the institutional control chain. The three areas listed above hold together the various links of this chain. Pressure is placed on this chain when a potential violation of NCAA rules arises. Can the links of that chain withstand the pressure at your institution? Will that pressure break the chain? At what link will the chain break? Are the three areas themselves strong enough to hold the chain together?

Unfortunately, in most athletics departments, pressure will be applied and the strength of those links will be tested. An effective compliance program will have sufficient administrative procedures and monitoring and educational programs in order to keep this chain of institutional control intact, regardless of the pressure that is imposed upon the various links (e.g., groups).