



NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION  
POLICY LIBRARY

## Whistleblower Policy

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### I. PURPOSE

This policy is intended to protect any National Collegiate Athletic Association (“NCAA”) employee (each, an “Individual”, and collectively, “Individuals”) who makes a protected disclosure of suspected wrongful conduct in accordance with the terms hereof. More specifically, the policy seeks to:

- a. Promote an atmosphere that encourages Individuals to disclose violations of law and/or breaches of conduct covered by NCAA policies and standards;
- b. Inform Individuals how allegations of wrongful conduct may be disclosed; and
- c. Protect Individuals from reprisal employment action taken within NCAA as a result of having disclosed wrongful conduct.

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### II. STATEMENT OF POLICY

As representatives of the NCAA, NCAA staff members shall conduct business in a lawful and ethical manner. The NCAA encourages employees, acting in good faith, to report suspected or actual wrongful conduct of NCAA staff.

The NCAA is committed to protecting Individuals from interference with making a protected disclosure and from retaliation for having made a protected disclosure. NCAA staff members may not retaliate against an Individual who has made a protected disclosure or who has refused to obey an illegal order.

The NCAA reserves the right to take any action deemed necessary or advisable, in its sole discretion, to administer and/or implement this policy.

#### I. Reporting Procedures:

- a. Individuals are encouraged to share their questions, concerns, suggestions, or complaints with their respective manager or other supervisor (“Managers”) in their department they feel comfortable talking with. If an Individual is not comfortable speaking with their Manager, or is not satisfied with the Manager’s response, Individuals are encouraged to take their allegations or concerns to the Whistleblower Coordinator. The Whistleblower Coordinator is the NCAA’s Vice President of Human Resources who can be contacted at 317.917.6661 or koren@ncaa.org.

Policy: Whistleblower Policy Number: AS-06 Responsible Executive: Kim Oren, VP of Human Resources	Responsible Office: HR Originally approved: August 5, 2004 Revised: October 24, 2023 Reviewed: November 1, 2023
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In cases where the Whistleblower Coordinator is the subject of, or otherwise involved in, an allegation, the NCAA's highest ranking legal executive or their designee will serve as the Whistleblower Coordinator.

- b. Anonymous Reporting – With the protections afforded by this policy, Individuals should feel comfortable reporting any concerns they may have. If an Individual, in doing so, does not feel comfortable disclosing their identity, the NCAA has anonymous whistleblower reporting methods through which an Individual may make an anonymous protected disclosure. An anonymous report can be made in either of the following two methods:
- Web Report by going to: [Whistleblower Web Reporting](#)
  - Hotline Report by dialing 1-855-257-4105 (Administered through a 3<sup>rd</sup> party service)

## II. Reporting Responsibilities and Authority

<b>Individuals</b>	NCAA Employees	<ol style="list-style-type: none"> <li>1. Be knowledgeable about this policy</li> <li>2. Should report wrongful conduct, or other violations or suspected violations, to the Individual's Manager, the Whistleblower Coordinator or the Anonymous Whistleblower Hotline/Website.</li> <li>3. Act in good faith when reporting violations.</li> </ol>
<b>Managers</b>	NCAA personnel who manage NCAA Staff	<ol style="list-style-type: none"> <li>1. Document oral protected disclosures made to them by their subordinates. Internal communications regarding allegations of improper Association activities normally should be in writing.</li> <li>2. Report or refer the allegation and supporting documentation, or consult with the Whistleblower Coordinator to make a determination, if the manager is not certain that an issue is appropriate for referral or reporting.</li> <li>3. Ensure that subordinate supervisors are aware of and comply with this policy.</li> </ol>

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<b>Whistleblower Coordinator</b>	Vice President of Human Resources (or, in the case of allegations involving the VP-HR, the NCAA's highest ranking legal executive or their designee.	<ol style="list-style-type: none"> <li>1. Responsible for receiving complaints directed to them and ensuring referral of the same, to the extent appropriate, to members of the Investigations Group (IG).</li> <li>2. If allegations name the VP-HR, the Chief Chief Legal officer shall serve as the Whistleblower Coordinator.</li> </ol>
<b>Investigations Group (IG)</b>	<p>As determined by Whistleblower Coordinator on a case by case basis. May include, without limitation:</p> <ul style="list-style-type: none"> <li>- Managing Director of Finance and Operations (fraud, financial matters)</li> <li>Managing Director of Enterprise Risk Management (fraud, financial matters, enterprise violations)</li> <li>-(Required) Managing Director of Legal Affairs (policy compliance matters, legal violations, legal matters)</li> <li>- Outside consultancies (as needed)</li> </ul>	<ol style="list-style-type: none"> <li>1. Inform appropriate NCAA officials of allegations depending on the scope of the allegation. This could include, but not limited to, NCAA general counsel or chief officers.</li> <li>2. Ensure proper reporting occurs as required by law and policy.</li> <li>3. Ensure proper resources are brought to bear to cause timely and thorough review of allegations.</li> <li>4. Ensure proper investigative channels are used.</li> <li>5. Ensure there are no conflicts of interest in connection with the review and investigation of specific investigations.</li> <li>6. Facilitate and coordinate communications across investigative channels.</li> <li>7. Monitor progress of investigations.</li> <li>8. Provide and coordinate advice on determinations and/or corrective or remedial actions, if any.</li> </ol>
<b>Board of Governors</b>	Consisting of Membership Representatives	<ol style="list-style-type: none"> <li>1. Where appropriate, considers, reviews and takes action on protected disclosures of the kind noted below and directed to it: <ol style="list-style-type: none"> <li>a. Represents a significant internal control or policy deficiency that is likely to exist at other units or across the Association.</li> <li>b. May receive media or other public attention.</li> <li>c. Involves the misuse of Association resources or creates exposure to a liability of at least \$25,000.</li> </ol> </li> </ol>

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		<ul style="list-style-type: none"> <li>d. Involves a significant threat to the health and safety of employees or the public.</li> <li>e. Is significant or sensitive for other reasons.</li> <li>f. Alleges an improper activity by the NCAA President, the Whistleblower Coordinator or other senior executives.</li> </ul>

### III. **Rights and Responsibilities of Individuals.**

A Whistleblower's right to protection from employment retaliation does not extend immunity for any complicity in the matters that are the subject of the allegations or ensuing investigation.

- a. Whistleblowers, generally, will be informed when there is an outcome of their complaint.
  - 1. Whistleblowers must accurately provide all relevant information known to them and have a reasonable belief that improper activity has occurred, in connection with their reporting.
  - 2. Intentional submission of a false report is, in itself, an improper NCAA activity upon which the NCAA has the right to act.
  - 3. Whistleblowers shall not obtain evidence for which they do not have a right of access.
  - 4. Whistleblowers should be prepared to be interviewed by internal or external investigators.
- b. Investigators Rights and Responsibilities.
  - 1. Whistleblower investigations should be conducted after preliminary consideration shows that (i) the allegation, if true, constitutes an improper activity, wrongful conduct, or misuse of NCAA resources, and (ii) the allegation is accompanied by information specific enough to be investigated or includes or directly points to corroborating evidence that can be pursued.
  - 2. Investigators will derive their authority and access rights from NCAA policy when acting within the course and scope of their responsibilities.
  - 3. Investigators will have competency in the area under investigation, to the extent practical.
  - 4. Investigators have a duty of fairness, objectivity, thoroughness, ethical behavior and observance of applicable legal and professional standards.
- c. Subjects of Investigations Rights and Responsibilities.
  - 1. Identification of subjects will be confidential to the extent possible given the legitimate needs of law and the investigation.

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2. Subjects will be informed of a formal investigation and have opportunities for input during the investigation.
  3. Subjects have a duty to cooperate that shall not infringe upon self-incrimination protections in criminal cases.
  4. Subjects have a right to consult with a person of their choice, including having legal representation.
  5. During investigations a staff member may be placed on an administrative leave or investigatory leave when it is determined that such a leave would serve the best interests of the staff member, the Association or both.
  6. Such a leave is not to be interpreted as a conclusion of guilt or innocence of any individual including the person on leave.
  7. Subjects will be informed of the outcome of the investigation and any penalties associated therewith.
- d. Investigation Participants Rights and Responsibilities.
1. NCAA staff members who are interviewed, asked to provide information or otherwise participate in an investigation have a duty to fully cooperate with the NCAA's authorized investigators.
  2. Participants shall refrain from discussing investigations or testimony with those not conducting the investigation.
  3. Confidentiality requests by participants will be honored to extent possible within the legitimate needs of law and the investigation.
  4. Participants are entitled to protection from employment retaliation for having participated in an investigation in accordance with the terms hereof.

#### **IV. Recommended Steps.**

All NCAA staff members must work together to ensure that the business of the NCAA is conducted with the highest professional and ethical standards. In situations where there is uncertainty:

- a. Make sure that you have all the facts.
- b. Ask yourself: What specifically am I being asked to do? Does it seem unethical or improper? This will enable you to focus on the specific question and provide responses. Use your judgment and common sense.
- c. Clarify your responsibility and role. In most situations, there is shared responsibility. Are your colleagues informed? It may help to get others involved and discuss the problem.

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- d. Discuss the problem with your Manager, the Whistleblower Coordinator, or human resources representative. This is the basic guidance for all situations. In many cases, these individuals will be more knowledgeable about the issues and will appreciate being brought into the decision-making process. It is our joint responsibility to help solve problems.
- e. You may report wrongful conduct or ethical violations in confidence and without fear of employment retaliation. If your situation requires that your identity is kept secret, your anonymity will be protected to the extent possible. The NCAA does not permit employment retaliation of any kind against employees for good-faith reports of wrongful conduct or ethical violations.
- f. Ask first, act later: If you are unsure of what to do in any situation, always seek guidance before you act.

#### **V. Retaliation Protection.**

Individuals who make protected disclosures shall not be retaliated against in their employment and are protected from such acts. An NCAA staff member may not:

- a. Retaliate against another NCAA staff member or applicant for employment who has made a protected disclosure or who has refused to obey an illegal order.
- b. Directly or indirectly use or attempt to use the official authority or influence of their position or office for the purpose of interfering with the right of NCAA applicant or staff member to make a protected disclosure.

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### **III. WEB ADDRESS FOR THIS POLICY**

[http://daily.ncaa.org/policies/Policies/HR-02\\_Whistleblower\\_Policy.docx?Web=1](http://daily.ncaa.org/policies/Policies/HR-02_Whistleblower_Policy.docx?Web=1)

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### **IV. CONTACTS**

<b>Subject matter</b>	<b>Office name</b>	<b>Telephone number</b>
Reporting, Whistleblower Policy clarification, interpretation and procedures	Vice President of Human Resources	317.917.6661
Whistleblower Policy clarification, interpretation and procedures	Managing Director of Enterprise Risk Management	317.917.6928
Whistleblower Policy clarification,	Managing Director of Legal Affairs	317.917.6535

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interpretation and procedures		
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For any policy compliance concerns, it is most effective to raise questions or concerns regarding possible unethical, questionable, unsafe or illegal activity to your direct supervisor. If you do not feel comfortable speaking with your direct supervisor or if you are not satisfied with the supervisor's response, you are encouraged to speak with a member of human resources, any other supervisor or the whistleblower coordinator, who is the NCAA's Vice President of Human Resources. Additionally, while the NCAA hopes staff members feel comfortable coming forward with their concerns, it acknowledges that may not always be the case. Therefore, the NCAA has contracted with a separate, third party, Navex Global, to allow staff members to anonymously report such activity. To make an anonymous report with Navex Global, call 855/257-4105 at any time or [click here](#).

## V. DEFINITIONS

<b>Wrongful Conduct</b>	A violation of NCAA policy and/or standards; a violation of applicable local, state and/or federal laws; and/or the use of NCAA property, resources, or authority for personal gain or other non Association-related purpose except as provided under NCAA policy.  NCAA policies regarding ethical conduct may be found in the NCAA Employee Handbook. Key policies are outlined in <i>Section IVAppendix – related NCAA staff policies</i> .
<b>Protected Disclosure</b>	A good-faith communication by an Individual alleging wrongful conduct, an improper Association activity and/or a health or safety concern where the disclosure is made for the purpose of remedying that condition. A “protected disclosure” is a “whistleblower complaint” for which protection from later employment retaliation is sought to be provided under this policy.
<b>Illegal Order</b>	In connection with NCAA employment, any directive to violate or assist in violating a law, rule, or regulation or any order to work in conditions that would unreasonably threaten the health or safety of staff, committees or the public. An example of “illegal order” might be a manager directing an employee to process inappropriate and illegal payments.
<b>Whistleblower</b>	A person making a protected disclosure is commonly referred to as a whistleblower. Whistleblowers may be any NCAA full time, part time employee or intern.  The whistleblower's role is as a reporting party. They are not investigators or finders of fact, nor do they determine the veracity of the allegations or the appropriate corrective or remedial action, if any.

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## VI. APPENDIX (OPTIONAL)

### **Related NCAA Staff Policies**

The NCAA Employee Handbook contains policies related to the proper and improper actions of the NCAA staff, including but not limited to the following.

- a. Anti-Harassment/Non-Discrimination /Equal Opportunity.
- b. Conflict of Interest.
- c. Anti-Sports Wagering
- d. Staff Media
- e. Information Security.
- f. Congressional Gift Ban
- g. Delegation of Authority
- h. Open Door

### **Related Information**

Indiana Whistleblower Law <http://www.in.gov/legislative/ic/code/title5/ar11/ch5.5.html>

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