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Pro basketball to adopt compliance programs: A case study

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Whether it was by design or happenstance, the Dallas Mavericks and the National Basketball Association (NBA) responded quickly earlier this year to an explosive story about the corrosive culture in the Mavericks' front office. The results are remarkable. Not only did the Mavs promptly engage an independent law firm to investigate all allegations of wrongdoing, but the NBA seized the opportunity to put its stamp of approval on the recommendations in the investigators' report. The NBA soon followed up by directing all of its league members to develop programs that have many of the essential elements of a model compliance and ethics program. Here's the story.

What happened

On February 20, 2018, *Sports Illustrated* (SI) published an article, "Exclusive: Inside the Corrosive Workplace Culture of the Dallas Mavericks." The article chronicled multiple allegations of sexual harassment and other workplace misconduct by current and former employees on the business side of the Mavericks.

In the article, allegations were made against the Mavs' former president and CEO, its then senior VP of Human Resources (who was subsequently suspended), its then beat writer (who was immediately terminated), its former VP of Marketing, and its former senior ticket sales employee.^[1]

The Mavs' response

Within days of the article's publication, the Mavericks retained an outside law firm to conduct an independent investigation into these allegations and any other allegations of serious workplace misconduct the firm might uncover. Ultimately, the investigation included a review of misconduct spanning the past 20 years.

In conducting the investigation, the law firm reported it had received the full cooperation of the Mavericks and its owner, Mark Cuban. Throughout the investigation, the law firm was in regular communication with the NBA and its outside counsel, which had been retained to lead the NBA's oversight function. Near the end of the investigation, investigators met with NBA Commissioner Adam Silver to review their findings.

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