

Almost a full year after ESPN published a report detailing an extensive history of racism, misogyny, and misconduct in the Phoenix Suns organization, the NBA released the results of an independent investigation into those allegations that reads as incredibly generous to team governor Robert Sarver in its interpretations and yet still completely damning in all its accounts.

The league's long-awaited response "after interviewing hundreds of current and former Suns employees" was to suspend Sarver from NBA activity for a year, fine him \$10 million (a fraction of his net worth), and require that he complete a training program on workplace behavior. "I am sorry for causing this pain, and these errors in judgment are not consistent with my personal philosophy or my values," Sarver said in a statement released by the team. The independent investigation says otherwise, laying out a clear pattern of inappropriate behavior over an 18-year term for anyone who cares to look at the sum of it.

A one-year suspension is nothing; a mandated course is less than that. If the goal of the NBA's cursory punishment is to change anything about what it means to work for Sarver as an employee of the Phoenix Suns, it does embarrassingly little against the years of hardened institutional practice, stemming from Sarver's own abuse and tracing all the way through an HR and legal apparatus that consistently protected him. The obvious answer was right there, and the precedent plain as day in the NBA's expulsion of former Clippers governor Donald Sterling "who was forced to sell the team in 2014 after his own racist comments were recorded and circulated, punctuating decades of similar remarks and behavior. Within days of those recordings coming to light, Sterling was banned from the league for life. By June, Sarver "whose repeated use of the N-word demanded an entire dedicated section in the league-initiated report" could be holding a championship trophy, even if he can't run the Suns in any official capacity.

Sarver's use of the N-word is clarifying, both of his behavior and the way even the report itself attempts to explain it away. The common thread with so many of Sarver's offenses is the way he attempts to hide behind poor attempts at jokes, quoting something that someone else said, or some big misunderstanding. The first of the investigated incidents came when Sarver used the N-word in a free-agent recruitment meeting in 2004. Four witnesses described it as "an uncomfortable moment." One of those witnesses told Sarver explicitly that he could never use that word again, even when quoting someone else. He was confirmed to have used it at least four more times in the presence of team employees, according to the investigation.

Sarver claimed he didn't remember most of them.

The muddled conclusion, per the report: "The investigation makes no finding that Sarver used this racially insensitive language with the intent to demean or denigrate."

What, exactly, is the burden of proof here? Sterling was caught on tape saying some version of what those in and around the NBA (including longtime ally David Stern) knew he had said for decades, and was almost immediately bounced from the league for it. Hundreds of people described all the ways that Sarver has denigrated, discriminated against, and mistreated his employees, and he takes a year hiatus and attends a seminar. The value in any punishment comes from either discouraging other people from doing the same terrible things, or preventing one perpetrator from doing those things ever again. The league has done neither. It commissioned an investigation, took in the stories of abuse at almost every level of the Suns organization, and sent the unmistakable message that it will protect Sarver and the league partners like him.

This is a man who attempted to bar a pregnant employee from doing her job, specifically on the grounds of her motherhood. When a witness attempted to address the incident with Sarver, the governor called the witness into a meeting—flanked by an attorney—to scold the witness for questioning him. This is a man who insisted on interrupting a 2021 business meeting to tell a room full of employees how he first learned about oral sex. He talked to and about Suns employees and their bodies in a sexual manner. He emailed pornography to people he worked with. He went into a shower he had no place in, and stripped nude to stand in front of a male employee. There are four pages in the report listing abusive or demeaning comments Sarver made to women who work for the Suns organization.

These are unambiguous facts, confirmed by the investigation and explained in detail—along with how uncomfortable Sarver’s actions made everyone around him. —The investigation finds that the Suns organization has been a difficult place for women to work, the report says, —particularly if they have young children, and that Suns executives have on occasion treated female employees differently because of their gender and/or pregnancy. — That finding should be the end of the discussion. Sarver hasn’t just overseen the Suns and the many women who work for that organization in all sorts of capacities, but its partner WNBA franchise in the Mercury. And in a year’s time, Sarver, a 60-year-old man with a decades-long record of workplace abuse, will be back in charge of both.

It took the league office the better part of a year to learn every awful detail it needed to bring about massive and necessary changes in one of its franchises. Instead, its officials chose to do almost nothing at all. A \$10 million fine—even if it is the largest allowed by the NBA Constitution—shouldn’t make anyone more comfortable about working for the Suns today, or about the prospect of taking a job with the team in the future. The root cause is still there; it just won’t be in the office for a while.