



# Division I Infractions 2019-20 Annual Report



# NCAA Division I Infractions 2019-20 Annual Report

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June 2020



## Peer-Review Snapshot | 2019-20

The commitment to fair competition, integrity and sportsmanship are core principles for NCAA member schools. These commitments are the foundation of the infractions process and why the NCAA membership creates the rules it covers, safeguarding integrity, accountability and fairness in the ever-changing world of college athletics. It is important that those institutions and student-athletes abiding by NCAA rules are not disadvantaged by their commitment to compliance.

The peer-review process (negotiated resolution, summary disposition, contested hearing and appeals) continues to be an effective way to decide infractions cases. Further, our committees remain committed to the mission and principles of the process that is predicated on self-regulation and cooperation. In addition, it's imperative to the process to maintain the fairness of procedures, the appropriate application of member-adopted bylaws and the timely resolution of infractions cases.

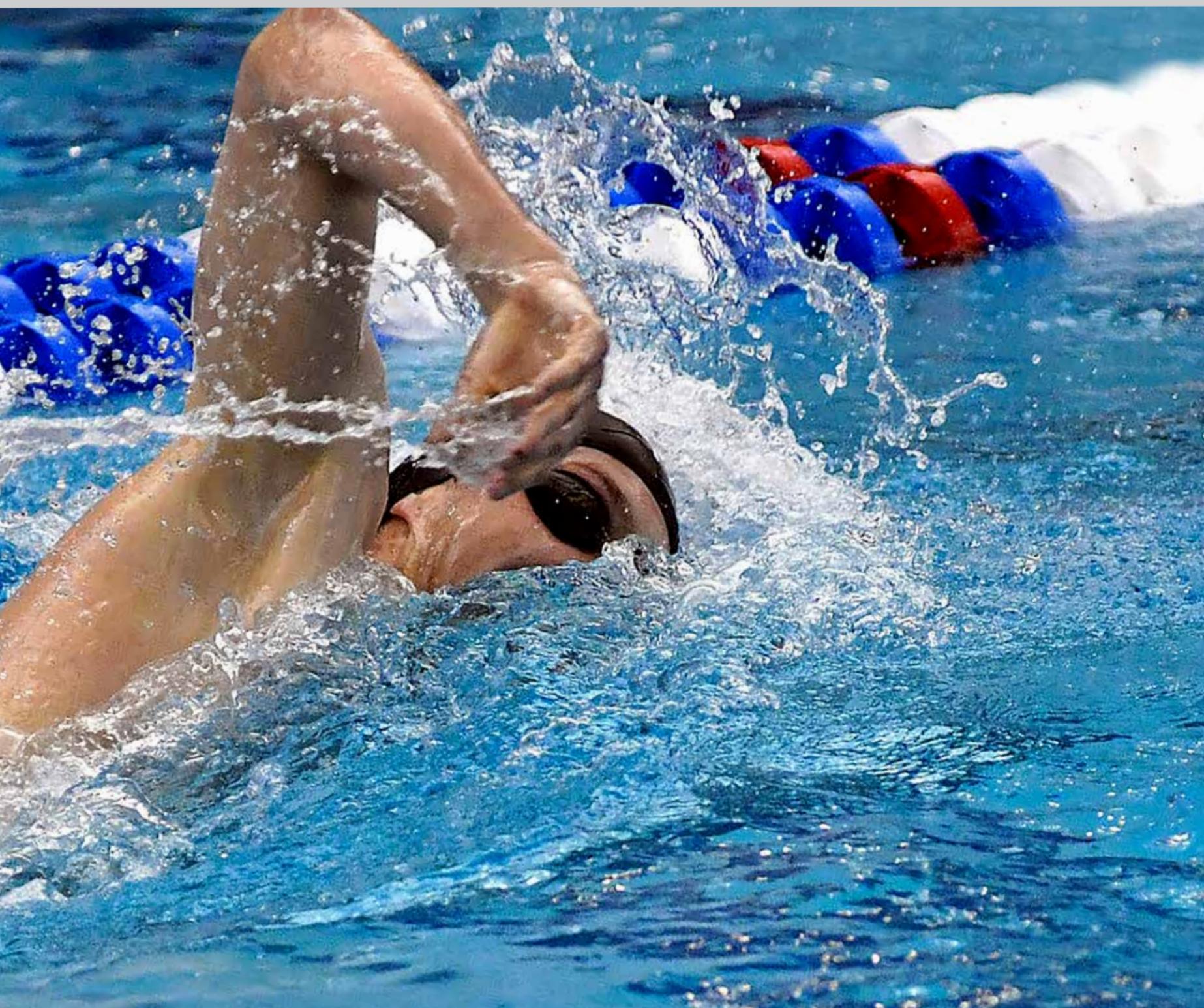
Recent changes to the infractions process, brought on in part by recommendations from the Commission on College Basketball, have enhanced the ability to effectively discourage wrongdoing and, when necessary, to investigate and hold those who have violated NCAA rules accountable for their misconduct with fair and appropriate penalties. The Commission also emphasized the need to increase penalties to further promote fairness throughout college athletics and deter future violations. The membership adopted an enhanced model of penalties, showing a commitment and desire for more severe punishments.

This annual snapshot provides more in-depth insights into how the changes to the infractions process have enhanced our ability to strive for the level of fairness and accountability the NCAA membership desires. It uses data to detail the areas proving to be effective and how enhancements to the process have played out when decisions have been released. It also further explains each part of the infractions process, and how they work together to produce fairness in an efficient manner. We believe the infractions process, with recent changes and additions, is now better equipped to maintain an environment in college sports in which everyone has a chance to succeed.

**Greg Christopher**  
Chair, Division I Committee  
on Infractions  
Director of athletics, Xavier

**W. Anthony Jenkins**  
Chair, Division I Infractions Appeals  
Committee  
Attorney, Dickinson Wright PLLC

# Division I Infractions Peer-Review Overview



The NCAA peer-review infractions process begins and ends with membership presidents, athletics directors, administrators and coaches. These decision-makers come mostly from campus and conference settings. As a result, they understand how their decisions in the infractions process play out on an institutional level. This underlines the distinct difference between the peer-review process and the Independent Accountability Resolution Process. While the peer-review process has incorporated independent thoughts through public members within its decision-making for more than 20 years, the Independent Resolution Panel within the new IARP is completely independent of the NCAA and its members. The IRP is led by relevant experts (investigative, legal, higher education, etc.) with no school or conference affiliations and offers no opportunity to appeal decisions.

## Framework

The peer-review process is made up of three stages (enforcement, Division I Committee on Infractions and Division I Infractions Appeals Committee) that work to produce fair, efficient and credible outcomes. Four different paths (negotiated resolution, summary disposition, hearing and oral argument) fall within these stages, one of which was introduced in 2019. All of these paths are explained in detail in this report.

## Member-Driven

The NCAA membership proposes and adopts regulatory rules that affect student-athletes' eligibility, recruiting, academic standards, playing and practice seasons, scholarship and benefits. Potential breaches of those rules are decided by representatives of NCAA members, who make up the Division I Committee on Infractions and Division I Infractions Appeals Committee. These bodies hear and decide specific infractions cases that are initially investigated by the NCAA's enforcement staff.

## Three Levels of Violations

In Division I, violations of NCAA rules fall into three categories (Levels I, II and III), with Level II and Level III providing minimal advantages or extra benefits. Guidelines agreed to by the NCAA's membership are considered and provide clarity around some of the most significant violations — lack of institutional control, failure to monitor, unethical conduct and head coach responsibility.

# Process Overview

## ENFORCEMENT

When the enforcement staff receives information about potential NCAA rules violations, it investigates. If the enforcement staff believes information substantiates violations, it alleges potential Level I or Level II violations and presents those allegations to the Committee on Infractions.

Average time spent with enforcement staff:

**12-20 months**

depending on case type

## DIVISION I COMMITTEE ON INFRINGEMENTS

The Committee on Infractions considers the facts of the case and positions of all the parties. The committee is structured around the peer-review model, an NCAA membership-led process in which representatives propose and adopt regulatory rules, as well as decide on potential violations. The Committee on Infractions is composed of as many as 24 qualified representatives from member schools, conferences and the public, who sit on panels to hear cases. Members of the committee deliberate, conclude if violations occurred, prescribe appropriate penalties, then issue a written decision. The committee also monitors schools on probation. For contested cases, there are roughly five months of legislated time during which parties are preparing to submit their positions related to a case.

Outside of the timing legislated for parties to submit a case to the COI, the average time spent with the Committee on Infractions:

**7 days to 4 months**

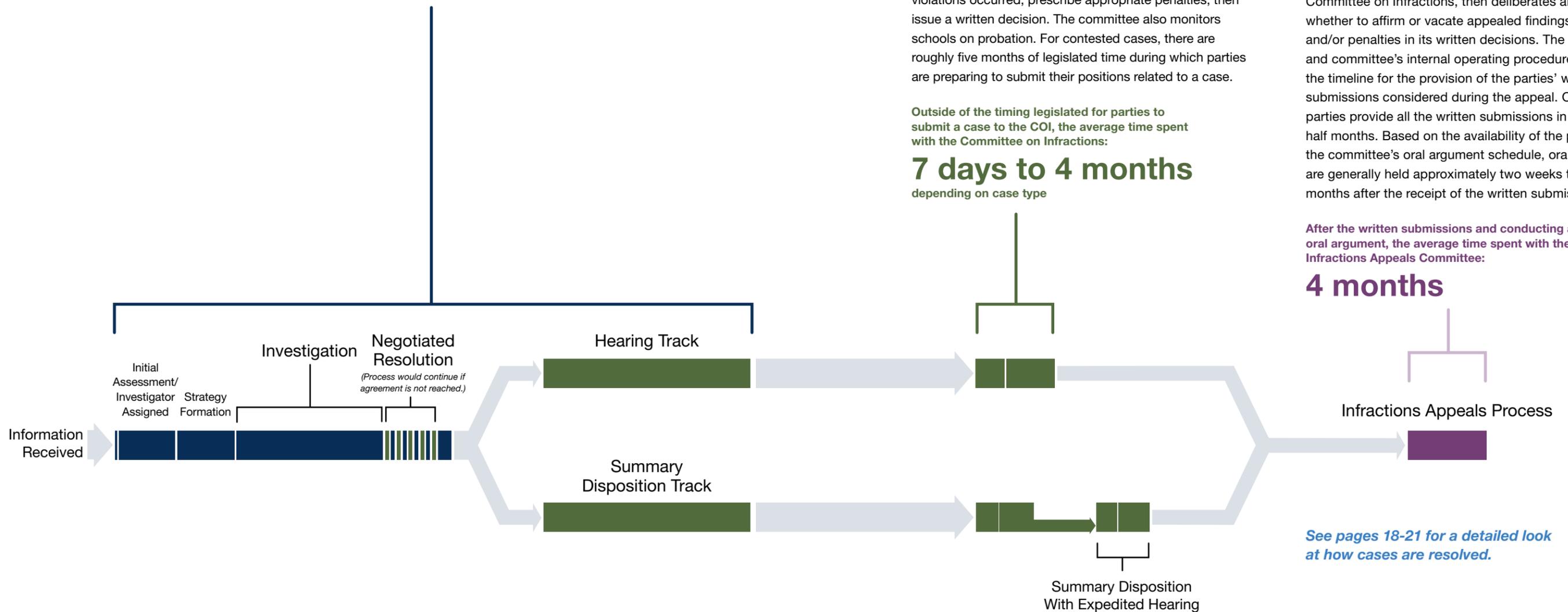
depending on case type

## DIVISION I INFRINGEMENTS APPEALS COMMITTEE

The Committee on Infractions' decision then can be reviewed by the five-member Infractions Appeals Committee if a school or involved individual does not agree with the original factual findings, conclusions, findings of violations and/or penalties. Any appealed penalty is stayed and does not apply through the appeal process. The Infractions Appeals Committee considers the arguments presented by the appealing party and the Committee on Infractions, then deliberates and concludes whether to affirm or vacate appealed findings, conclusions and/or penalties in its written decisions. The legislation and committee's internal operating procedures prescribe the timeline for the provision of the parties' written submissions considered during the appeal. On average, parties provide all the written submissions in three and a half months. Based on the availability of the parties and the committee's oral argument schedule, oral arguments are generally held approximately two weeks to two months after the receipt of the written submissions.

After the written submissions and conducting an oral argument, the average time spent with the Infractions Appeals Committee:

**4 months**



See pages 18-21 for a detailed look at how cases are resolved.

# Division I Enforcement Overview



Enforcement resides in the middle of the process that starts with member-adopted rules and ends with members prescribing penalties. The NCAA enforcement staff works to uphold integrity and fair play among member schools, ensures that compliant schools and student-athletes are not disadvantaged by their compliance, and provides fair procedures and timely resolution of cases.

Trust and collaboration between the enforcement staff, schools and conferences are vital to upholding that mission successfully. The NCAA's enforcement development staff works with member schools and their athletics departments to identify issues and concerns affecting college sports and to encourage the reporting of potential violations as early as possible. Information on possible violations is reported to the enforcement staff in several ways, such as self-reporting, sources, phone calls, public or member tips and social media.

Enforcement investigators charged with reviewing information about potential violations are committed to doing so in a fair, accurate, collaborative and timely manner. The enforcement staff works together with institutions and other parties to uncover the facts and assess whether violations may have occurred. Not all tips are substantiated, and not all reported behaviors are violations of NCAA rules.

At the completion of an investigation, the enforcement staff works collaboratively with institutions to prepare potential Levels I and II violations for presentation to the NCAA Committees on Infractions via legislated timelines, documents and processes. (For the most part, the enforcement staff and schools handle Level III violations.)

# Potential Resolution Tracks

## RULE CREATION

**WHO IS INVOLVED:**  
NCAA membership

NCAA rules are proposed, considered and adopted to uphold the NCAA's values and protect the integrity of college sports.

### Potential Violation

Information is received from self-reports, sources, public or member tips, social media and other relationships.

### Investigation

**INVOLVES**  
E I The enforcement staff reviews information about potential violations. If further investigation is needed, it issues a notice of inquiry and works together with the school to discover the facts.

If no violations are found  
**CASE CLOSED**

### Negotiated Resolution

**INVOLVES**  
E COI I

- Parties agree on the facts, violations, level and classification, and penalties.
- A COI panel reviews and approves a report compiled by the parties.
- There is no opportunity to appeal.

### Summary Disposition Track

**INVOLVES**  
E IP I

- Parties agree to the facts and level of the case and draft a report.
- The report is submitted to a COI panel, which issues penalties and a decision.
- An expedited hearing about penalties can be requested.
- Those penalties may be appealed.

### Hearing Track

**INVOLVES**  
E IP I COI

- Enforcement staff's allegations are challenged.
- All parties review the allegations with a COI panel.
- The COI decides violations and penalties.

### Independent Accountability Resolution Process

**INVOLVES**  
CCU IRP I

- Independent investigators and decision-makers are used to help resolve select cases deemed complex.
- There is no opportunity to appeal.

- E Enforcement Staff
- I School and/or Individuals
- COI Committee on Infractions
- IP Infractions Panel
- CCU Complex Case Unit
- IRP Independent Resolution Panel
- IAC Infractions Appeals Committee

### Appeals

**INVOLVES**  
I COI IAC

The Infractions Appeals Committee has the final say in a case appealed by a school or involved individual.

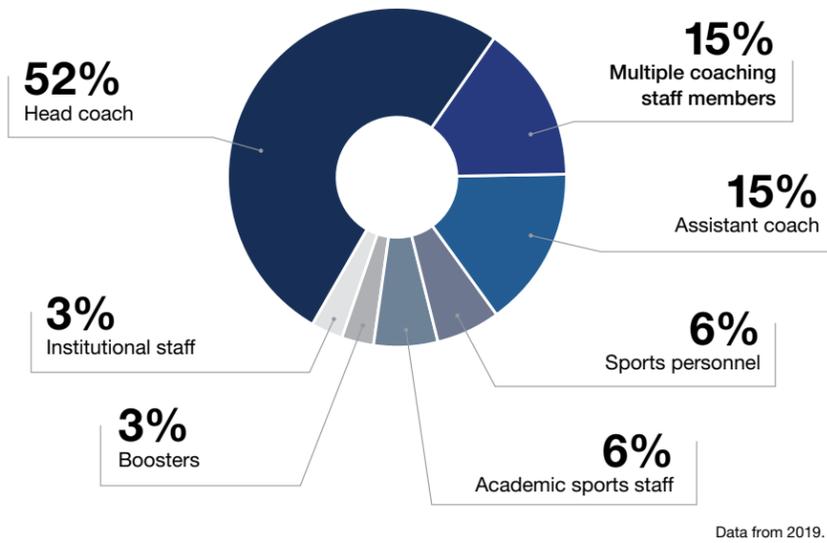
## ALLEGATIONS BY SPORT

SPORT	2017	2018	2019
Multiple Sports	23	21	27
Men's Basketball	28	11	23
Football	36	1	16
Women's Basketball	9	2	4
Women's Volleyball	0	4	4
Men's Tennis	8	5	0
Men's Golf	6	0	0
Baseball	1	4	0
Women's Tennis	6	0	6
Women's Swimming and Diving	0	6	2
Men's Swimming and Diving	2	0	0
Men's Soccer	1	2	4
Women's Cross Country	0	0	3
Men's Water Polo	0	0	3
Women's Outdoor Track and Field	0	1	0
Men's Fencing	0	0	2
Women's Lacrosse	0	1	0
Women's Fencing	0	0	1
Men's Cross Country	1	0	0
<b>GRAND TOTAL</b>	<b>121</b>	<b>58</b>	<b>95</b>

## ALLEGATIONS BY BYLAW — 2019

BYLAW	KEYWORDS	NUMBER OF ALLEGATIONS
11	Head Coach Responsibility	18
13	Offers and Inducements	13
19	Failure to Cooperate	11
16	Impermissible Extra Benefit	10
17	Countable Athletically Related	6
2	Failure to Monitor	5
6	Lack of Institutional Control	4
15	Financial Aid	4
13	Recruiting Contacts and Evaluations	4
14	Academic Certification	3
11	Noncoaching Duties	3
10	Furnishing False Information	3
14	Academic Misconduct	2
13	Other Recruiting Issues	2
10	Sports Wagering	2
10	Use of Banned Drugs	2
14	Other Academic Certification Issues	1
12	Other	1

### WHO COMMITS LEVELS I AND II VIOLATIONS?



### LEVEL III VIOLATIONS

**3,666**

cases in 2019

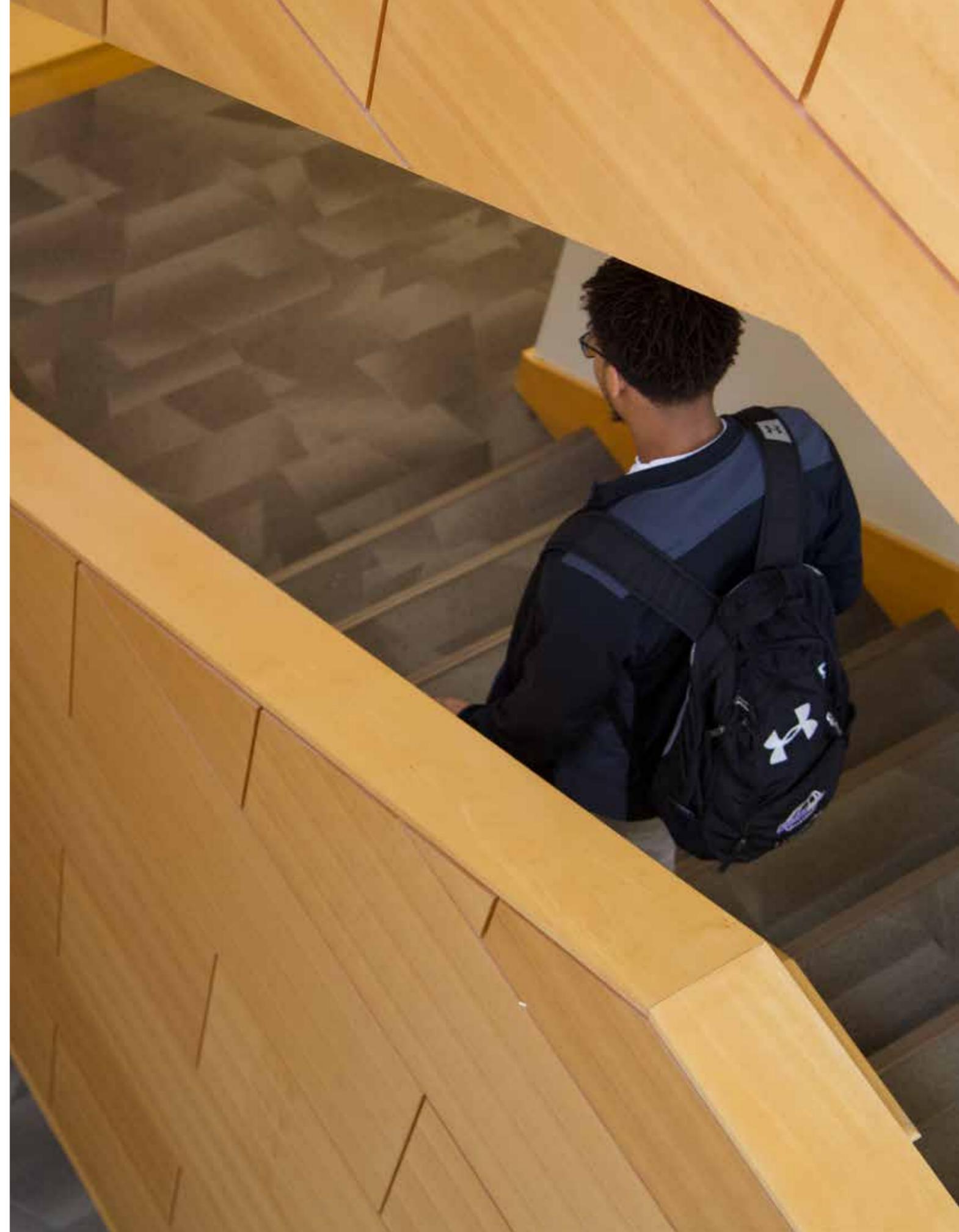
**52**

Division I head coach suspensions from Level III violations since 2013\*

\*The total number of head coach suspensions, for any level of violation, was approximately 200 during this time period.

### RESOLUTION APPROACHES COMPARED

CASE POSITIONING	CASE RESOLUTION PROCESS	CASE DISPOSITION	PERCENTAGES OF CASES IN EACH TRACK:
Enforcement and one or more involved parties agree to facts, level and penalty.	<b>Negotiated Resolution</b>	<ul style="list-style-type: none"> <li>• COI approves/rejects.</li> <li>• COI summary decision.</li> <li>• No appeal.</li> </ul>	<b>Negotiated Resolution</b> <b>37%</b> (7 cases)
Parties agree to facts and levels.	<b>Summary Disposition</b>	<ul style="list-style-type: none"> <li>• COI issues written report.</li> <li>• COI decision and penalties.</li> <li>• Penalty appeal opportunity.</li> </ul>	<b>Summary Disposition</b> <b>32%</b> (6 cases) <b>Summary Disposition With Expedited Hearing:</b> <b>16%</b> (3 cases)
Parties disagree on facts and/or level.	<b>COI Hearing</b>	<ul style="list-style-type: none"> <li>• COI hearing.</li> <li>• COI decision and penalties.</li> <li>• Appeal opportunity.</li> </ul>	<b>Hearing</b> <b>32%</b> (6 cases)
Meets legislated complex case standard.	<b>IARP</b>	<ul style="list-style-type: none"> <li>• Independent investigation/adjudication.</li> <li>• No appeal.</li> </ul>	<b>IARP*</b> <b>0%</b> *This process was introduced in August 2019.



# Division I Committee on Infractions Overview



The Division I Committee on Infractions forms the heart of the peer-review model that defines the NCAA's infractions process. Much like how NCAA membership proposes and adopts regulatory rules, the Committee on Infractions that decides on potential violations comprises representatives from NCAA member institutions and conferences, along with individuals from the general public who have legal training.

When cases are submitted to the Committee on Infractions, they are heard by randomly generated panels of either three or five-to-seven members. These panels can be formed as needed, depending on the caseload and conflicts of interest. Through these panels, the committee decides infractions cases that involve alleged rules violations developed during the enforcement staff's investigation. For contested cases, the Committee on Infractions holds a hearing and then decides what happened, concludes whether the actions violated NCAA rules and, if so, what the appropriate penalties should be. The Committee on Infractions also reviews summary disposition resolutions, when the parties agree to the violations and overall processing level of the case. In those cases, the Committee on Infractions reviews the parties' agreed-upon violations and, if appropriate, prescribes penalties. The Committee on Infractions will also review and approve negotiated resolutions agreed to by the enforcement staff and parties.

The Committee on Infractions, as a result of recent changes made by the NCAA membership, is better equipped to provide outcomes that are fair, transparent and hold institutions accountable in an efficient timeframe.

Importation allows for the Committee on Infractions — and other groups in the infractions process — to bring information presented in outside legal or similar proceedings, such as court cases, accrediting bodies or commissions, among others. The chair of the Division I Committee on Infractions can impose noncooperation penalties when schools or individuals do not cooperate (including loss of revenue or postseason opportunities) in the investigations and infractions process. Additionally, the negotiated resolution path allows parties in agreement to work together in an efficient, cost-effective way.

The Committee on Infractions also prescribes penalties that follow NCAA membership-legislated guidelines. In recent years, NCAA members moved toward a model of meeting more serious penalties with increased penalties. This push continues into 2020, as the Committee on Infractions has proposed legislation that would make vacation of records a core penalty in certain scenarios, as opposed to its current status of an additional penalty.

## MEET THE COMMITTEE



**Greg Christopher**  
(chair)  
Director of athletics, Xavier  
Term: 3 of 3



**David Roberts**  
(vice chair)  
Special assistant to the athletics director, Southern California  
Term: 2 of 3



**Michael Adams**  
President emeritus, Georgia  
Term: 3 of 3



**Norman C. Bay**  
Attorney; previous chair of the Federal Energy Regulatory Commission  
Term: 1 of 3



**Joe Novak**  
Former head football coach, Northern Illinois  
Term: 2 of 3



**Larry Parkinson**  
Director, Office of Enforcement for the Federal Energy Regulatory Commission  
Term: 2 of 3



**William Bock III**  
Attorney; general counsel for U.S. Anti-Doping Agency  
Term: 2 of 3



**Carol Cartwright**  
President emerita, Bowling Green and Kent State  
Term: 3 of 3



**Jody Conratt**  
Retired hall of fame women's basketball coach; special assistant to the women's athletics director, Texas  
Term: 1 of 3



**Bobby Cremins**  
Former men's basketball coach, Appalachian State, College of Charleston and Georgia Tech  
Term: 3 of 3



**Roderick Perry**  
Director of athletics, Indiana University-Purdue University Indianapolis  
Term: 1 of 3



**E. Thomas Sullivan**  
President emeritus, Vermont  
Term: 1 of 3



**Alberto Gonzales**  
Dean and Doyle Rogers Distinguished Professor of Law, Belmont; former U.S. attorney general  
Term: 2 of 3



**Thomas Hill**  
Emeritus vice president for student affairs, Iowa State  
Term: 3 of 3



**Jason Leonard**  
Executive director of athletics compliance, Oklahoma  
Term: 1 of 3



**Stephen A. Madva**  
Attorney; Chair emeritus of Montgomery, McCracken, Walker & Rhoads, LLP  
Term: 2 of 3



**Sankar Suryanarayan**  
University counsel, Princeton  
Term: 3 of 3



**Sarah Wake**  
Associate vice president for equity and associate general counsel, Northwestern  
Term: 1 of 3



**Joel Maturi**  
Former director of athletics, Minnesota  
Term: 3 of 3



**Gary Miller**  
President, Akron  
Term: 2 of 3



**Vince Nicastro**  
Deputy commissioner and chief operating officer, Big East Conference  
Term: 2 of 3



**Kay Norton**  
President emerita, Northern Colorado  
Term: 1 of 3

## THE COMMITTEE INCLUDES UP TO 24 MEMBERS

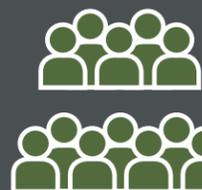
- Members of the Division I Board of Directors appoint committee members to serve full or partial terms.
  - A full term is three years, with members capped at three terms.
  - Terms are staggered to ensure enough overlap and that significant numbers of committee members do not rotate off the committee simultaneously, thereby affecting the overall experience of the Committee on Infractions.
  - 2019 term breakdown.
    - ◆ First term: 7.
    - ◆ Second term: 8.
    - ◆ Third term: 7.

### The committee members' professional profiles include:

- Current or former university presidents and chancellors.
- Current or former athletics directors.
- Conference commissioners and other representatives.
- Former NCAA coaches.
- Campus and conference compliance officials.
- Faculty athletics representatives.
- Other university staff or faculty.
- Members of the public with formal legal training.

### Division I Committee on Infractions Panels

Most cases are considered by panels of five to seven members.



A three-member panel may be assigned based on the number and/or nature of allegations and to review negotiated resolutions.



# How Cases Are Resolved

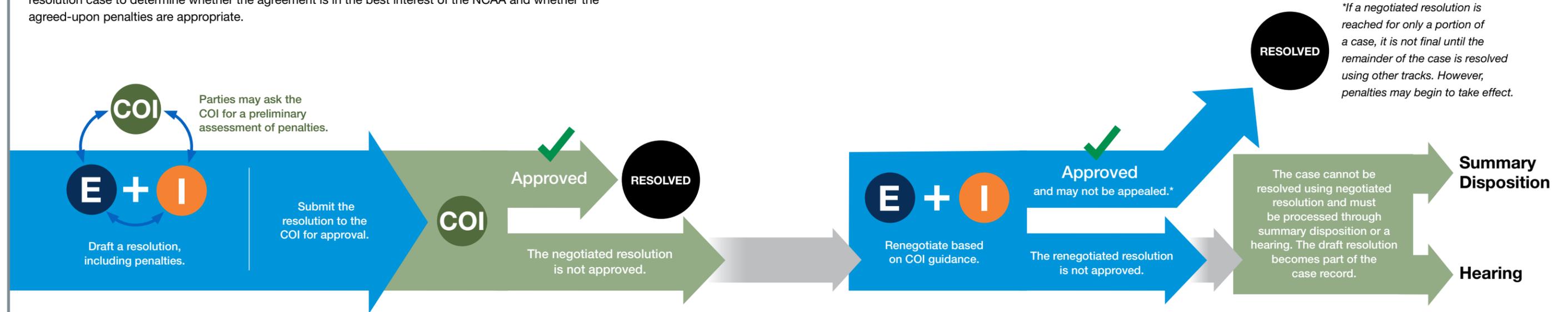
For Levels I and II violations, parties may resolve cases one of three ways through the Committee on Infractions — a negotiated resolution (shown below), summary disposition or a formal hearing (see pages 20-21).



<b>E</b> Enforcement Staff	<b>I</b> School and/or Individuals	<b>COI</b> Committee on Infractions	<b>IP</b> Infractions Panel
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## NEGOTIATED RESOLUTION

Negotiated resolution cases, implemented in 2019, typically take less than a week to be released after final review from the Committee on Infractions. To use this path, the enforcement staff, school or involved individuals must agree on the violations, the level of violations and penalties, the applicable aggravating and mitigating factors and the classification of the case. The committee reviews each negotiated resolution case to determine whether the agreement is in the best interest of the NCAA and whether the agreed-upon penalties are appropriate.



# How Cases Are Resolved Continued

E Enforcement Staff | 
 I School and/or Individuals | 
 COI Committee on Infractions | 
 IP Infractions Panel

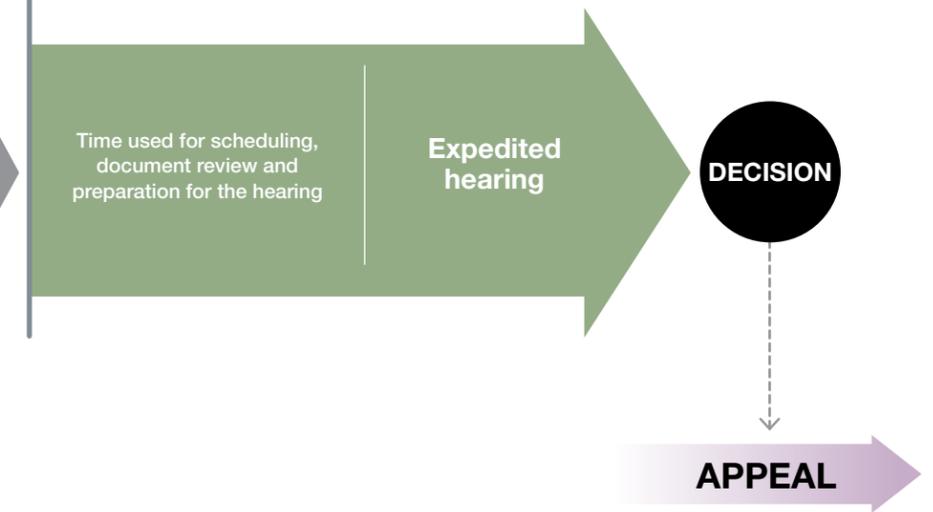
## SUMMARY DISPOSITION

This path is used if the enforcement staff, involved individuals (if participating) and the institution agree on the facts, violations and processing level. In the summary disposition path, the NCAA enforcement staff is not involved with penalties and does not make recommendations on the penalties. Instead, a hearing panel from the Committee on Infractions reviews the case report from the parties and issues a decision. This path avoids the need for an in-person hearing before the Committee on Infractions, eliminates the costs associated with such a hearing and reduces the amount of time needed to bring the case to closure.



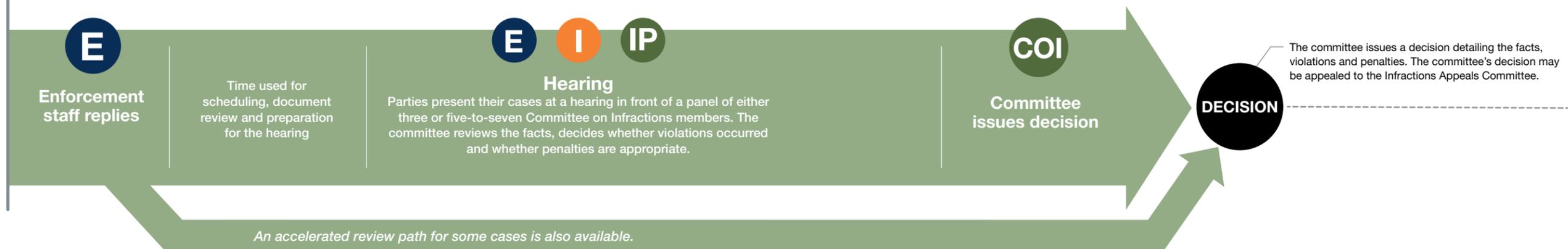
## SUMMARY DISPOSITION WITH AN EXPEDITED HEARING

In a summary disposition, a school or involved individual may accept the facts and violations, but challenge the penalties proposed by the panel members from the Committee on Infractions. In those instances, an expedited penalty hearing will be held, followed by deliberation and the panel's decision. Only information regarding the penalties is discussed at this hearing.



## FORMAL HEARING

In cases in which parties do not agree on some or all the facts, violations or violation levels, a panel of the Committee on Infractions holds a formal hearing.



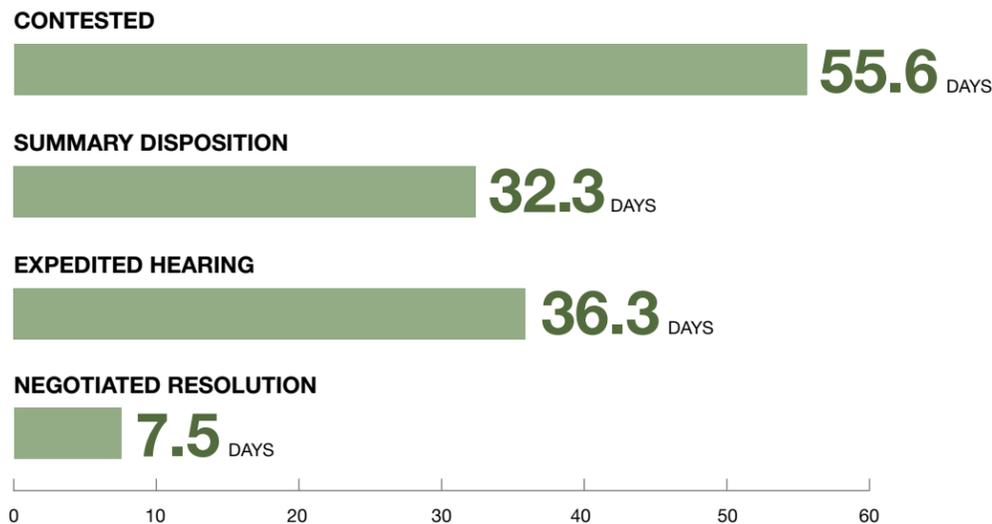
# Case Efficiency

Generally, once a case gets to the Committee on Infractions for review, decisions are released relatively quickly. The overall infractions process can be much longer, however. That’s because the time before the review period includes preparation work to ensure a fair outcome. This preparation includes panel members reviewing the entire case record in preparation for the case, and the Committee on Infractions staff members combing through the record, producing preparation materials, finalizing logistics, generating panels and resolving conflicts of interest.

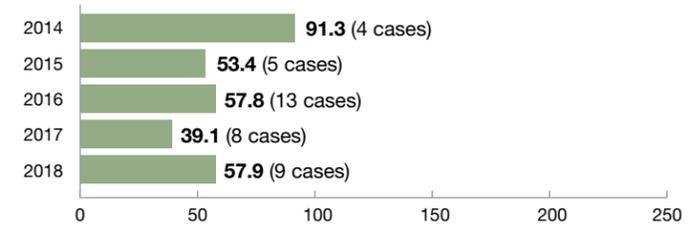
In negotiated resolution and summary disposition cases that are built on party agreement, the preparation time is shorter and panels are generated when the negotiated resolution or summary disposition is submitted. The nature and size of contested cases involve a longer timeline with multiple submissions (i.e., notice of allegations, responses, written reply). In those circumstances, panels are generated earlier in the process — roughly three months before the hearing — so panels have time to prepare for the case by reviewing the case record and party submissions.

When necessary in negotiated resolution cases, the Committee on Infractions may seek clarification or additional information regarding the parties’ initial submission. This process can take about a month and is aimed at ensuring that the agreement is in the best interest of the Association and that the penalties are reasonable. Once the Committee on Infractions receives the final submission, it takes a little more than a week to schedule the review and, once approved, the decision is released between two and 10 days.

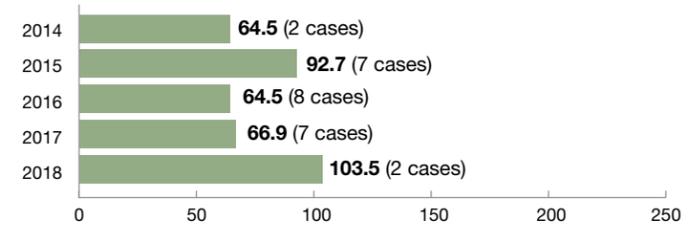
From the point a case was ready and all submissions were in, the Committee on Infractions reviewed cases/heard hearings in a matter of weeks in 2019. Each path’s specific timing was as follows:



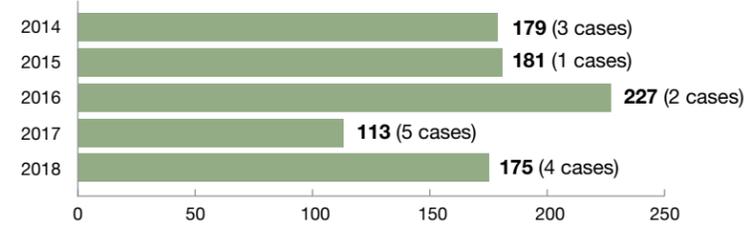
**AVERAGE NUMBER OF DAYS BETWEEN REVIEW AND DECISION/RELEASE IN SUMMARY DISPOSITION CASES:\***



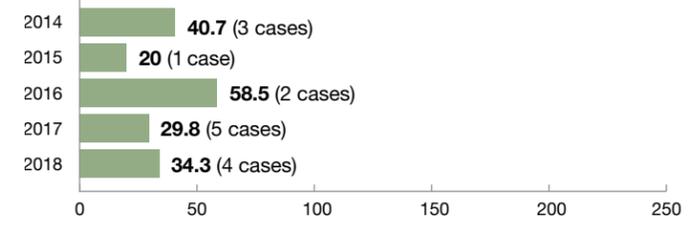
**AVERAGE NUMBER OF DAYS BETWEEN HEARING AND DECISION/RELEASE IN CONTESTED CASES:**



**AVERAGE NUMBER OF DAYS BETWEEN SUBMISSION AND DECISION/RELEASE IN SUMMARY DISPOSITION CASES WITH AN EXPEDITED HEARING:**



**AVERAGE NUMBER OF DAYS BETWEEN HEARING AND RELEASE IN SUMMARY DISPOSITION CASES WITH AN EXPEDITED HEARING:**



\*When taking into account processes and logistics outside the committee’s consideration, average processing time is shorter. During this time frame, the average case also includes about four weeks for the parties to respond to requests for clarification or for institutions or involved individuals to respond to proposed penalties.

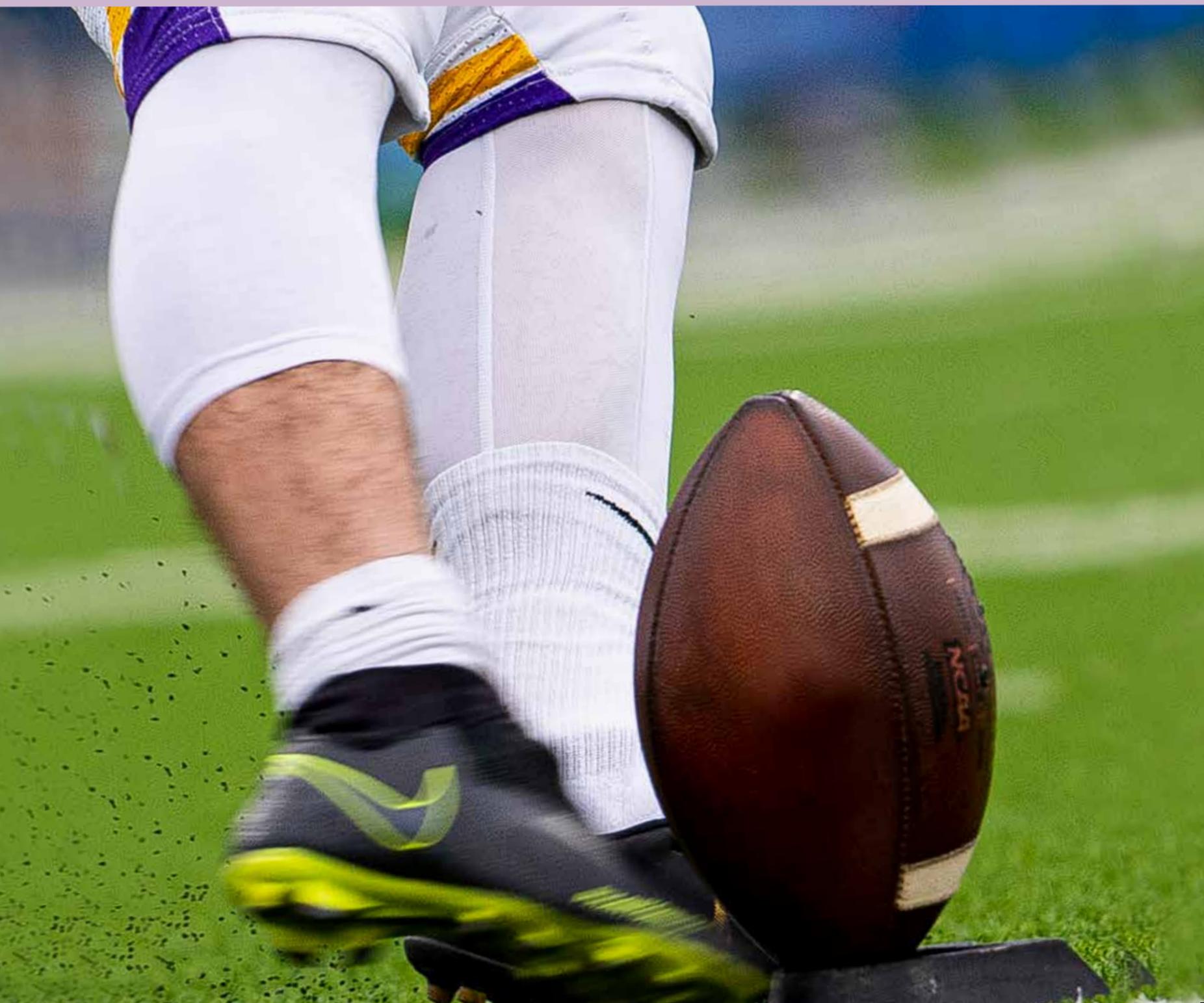
# Penalty Analysis

After the Commission on College Basketball recommendations, NCAA membership shared a desire for stronger penalties and legislated a new penalty construct to outline that desire. Data from 2019 shows that the Committee on Infractions answered the membership’s call for more egregious violations to be met with stronger consequences.

	LEVEL I	LEVEL II
Total Cases	<b>5</b>	<b>14</b>
Aggravated	1	0
Standard	2	8
Mitigated	2	6
Average Probation	<b>3.6</b> years	<b>1.8</b> years
Show-Cause Average	<b>7.3</b> years	<b>1.7</b> years
Cases involving postseason ban(s)	<b>3</b>	<b>1</b>
Head coach suspensions	<b>0</b>	<b>6</b>
Cases involving scholarship reduction(s)	<b>4</b>	<b>6</b>
Percentage of cases	<b>80%</b>	<b>43%</b>
Cases involving recruiting restrictions	<b>4</b>	<b>9</b>
Percentage of cases	<b>80%</b>	<b>64%</b>
Cases involving vacation of records when ineligible competition occurred	<b>4</b>	<b>7</b>
Percentage of cases resulting in vacation of records when ineligible competition occurred	<b>100%</b>	<b>86%</b>



# Division I Infractions Appeals Committee Overview



If an institution or involved individual disagrees with the Committee on Infractions' determination of factual findings, conclusions, findings of violations and/or prescription of penalties, an appeal may be submitted for review by the NCAA Division I Infractions Appeals Committee.

Currently, the committee is composed of five volunteer members, one of whom is from the general public and is not affiliated with a collegiate institution, conference, or professional or similar sports organization, and does not represent coaches or athletes in any capacity. The committee's mission is to provide a meaningful, reliable and credible appeal opportunity that produces outcomes that have a positive impact on the infractions process and supports the NCAA's commitment to provide a fair and fulfilling competitive environment for student-athletes.

An appeal to the Infractions Appeals Committee is not a second opportunity to argue the full case. Instead, the committee is only reviewing the matters appealed by the parties. The committee may only overturn the determinations of the Committee on Infractions in limited circumstances when the institution or involved individual demonstrates one or more of the following:

- A factual finding is clearly contrary to the information presented to the Committee on Infractions.
- The facts found by the Committee on Infractions do not constitute a violation of the NCAA constitution and bylaws.
- There was a procedural error, and but for the error, the Committee on Infractions would not have made the finding or conclusion.
- In prescribing a penalty, the Committee on Infractions panel abused its discretion.

## MEET THE COMMITTEE



**W. Anthony Jenkins**  
(chair)  
Attorney, Dickinson Wright PLLC



**Ellen M. Ferris**  
(vice chair)  
Associate commissioner, American Athletic Conference



**Jonathan Alger**  
President, James Madison



**Allison Rich**  
Senior associate director of athletics and senior woman administrator, Princeton



**David Shipley**  
Georgia Athletic Association professor in law and faculty athletics representative

### Infractions Appeals Committees Office Staff:

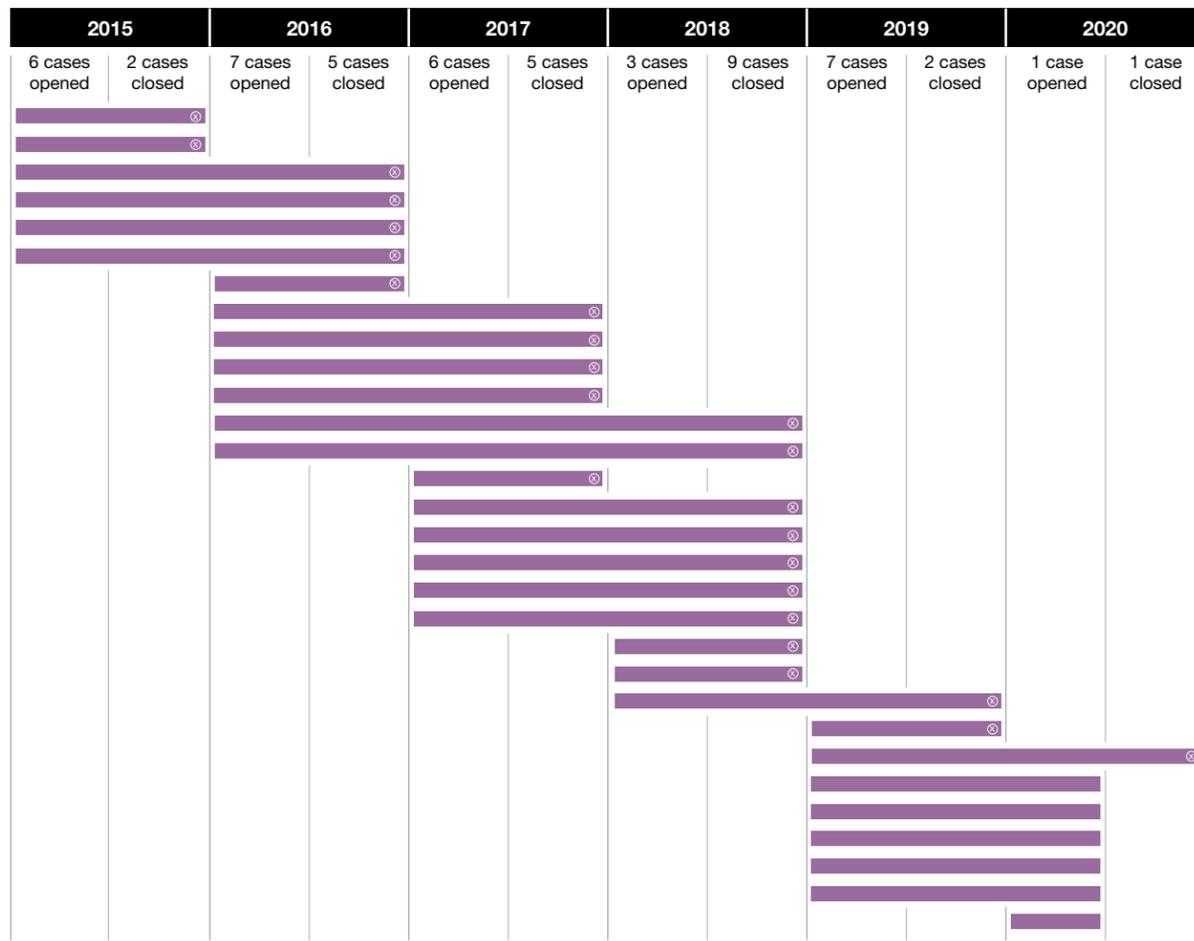
**Wendy Walters**  
Managing director

**Joyce Thompson-Mills**  
Director

**Kelley Sullivan**  
Assistant coordinator

## INFRUNCTIONS APPEALS COMMITTEE CASES BY YEAR

Cases opened and closed by calendar year. Each horizontal bar is an individual case.



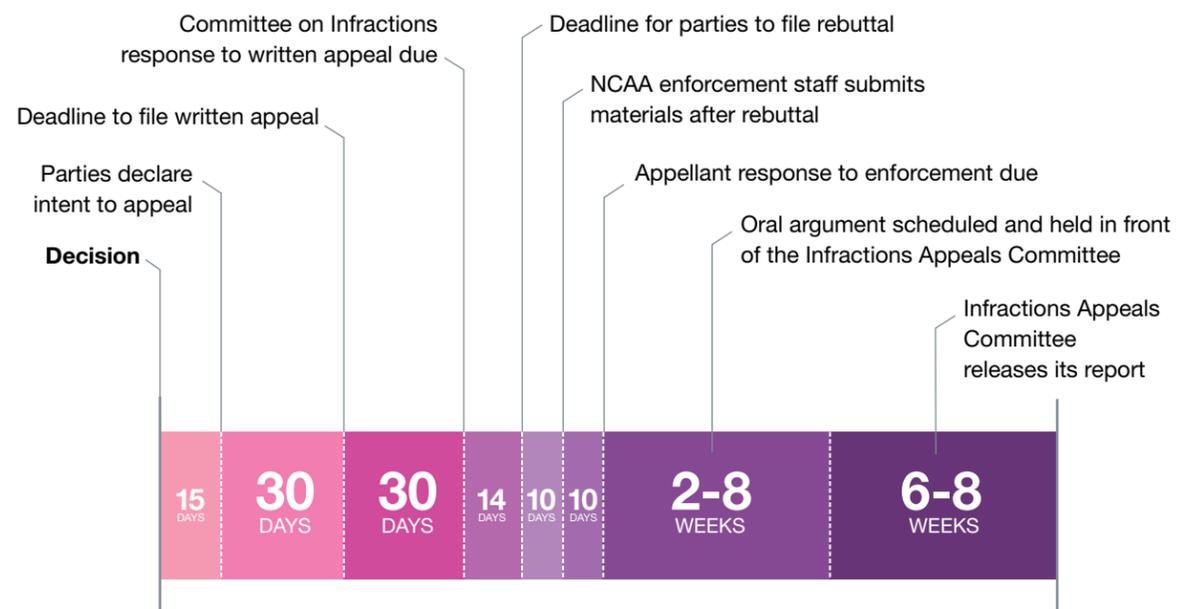
## VIOLATIONS AND PENALTIES

Over the last three years, 16 of 19 appealed findings of violations and 17 of 21 appealed penalties have been affirmed by the Infractions Appeals Committee.

	2017	2018	2019
Total violations appealed	7	12	0
Violations affirmed	6	10	0
Violations vacated	1	2	0
Total penalties appealed	5	12	4
Penalties affirmed	4	9	4
Penalties vacated	1	2	0
Penalties remanded	0	1	0

## INFRUNCTIONS APPEALS TIMELINE

The average Infractions Appeals Committee case takes eight months from the time of appeal until a resolution is reached. These time frames represent legislated benchmarks:



# What's Next

## EXPANSION OF COMMITTEE

With the increase in the number of appeals over the last few years, it has been fairly common for the Infractions Appeals Committee members to be recused from cases due to previous connection or employment at institutions, institutions from the same conference appearing before them or other reasons. Therefore, in January 2020, legislation was approved that changes the composition of the Infractions Appeals Committee and increases its number to seven.

This change will increase the opportunity to maintain the diversity of perspective, experience and background that occurs when the full committee participates in an appeal. One of the new members will be a public member, an individual not connected with a collegiate institution, conference or professional or similar sports organization. Currently, the committee has one public member. By adding a second public member, the committee expands a unique perspective that it has found very beneficial in the review, analysis and decision drafting related to an appeal.

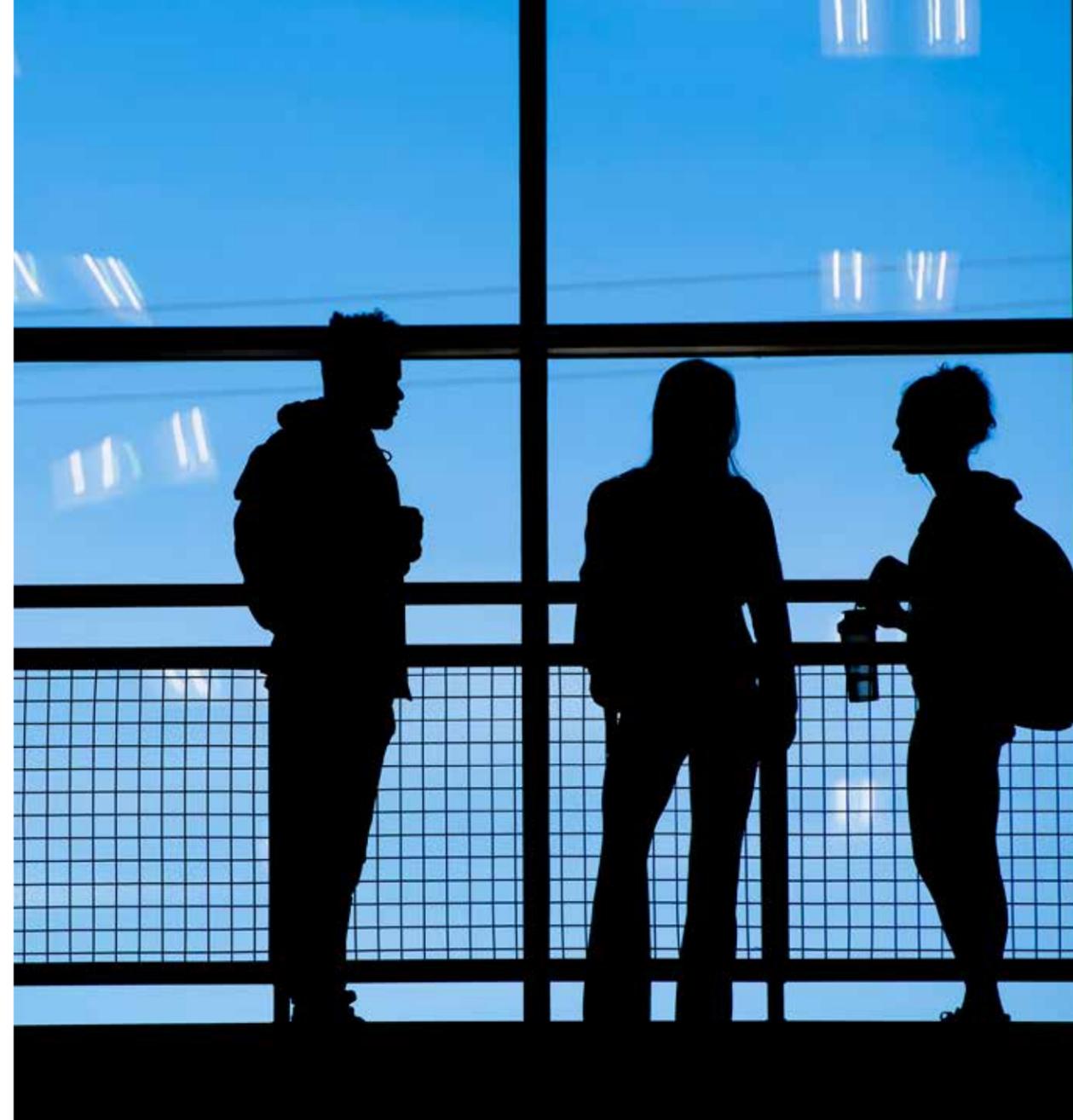
The other new member will be someone from the Division I membership. This individual will be someone with regulatory or legal experience and several years of experience in senior-level athletics administration, or senior university administration with interest and experience in intercollegiate athletics (e.g., president, provost, dean, etc.). The committee expects to have the two new members in place by the end of the 2019-20 academic year.

It is important to note that the Infractions Appeals Committee will not hear appeals using panels. If no members of the seven-member Infractions Appeals Committee have a conflict, the full committee of seven will hear an appeal. However, if there are conflicts, a minimum of five members of the committee must be present to consider an infractions appeals case.

## CHANGES TO THE INTERNAL OPERATING PROCEDURES

The committee has made the following modifications to its internal operating procedures:

- Established a deadline for a party to object to a committee member's participation in an appeal. Such an objection must be made at least one week in advance of the committee's review of the appeal.
- Changed the information required to be included in the Committee on Infractions' response to the appellant's written appeal. Previously, the legislation required the inclusion of information already in the appeal case record in the Committee on Infractions' response. This requirement of submitting duplicate information has been removed.
- Established that if an institution or involved individual fails to appear for a scheduled oral argument, the committee does not review the written appeal submissions and affirms any appealed factual findings, conclusions and findings of violations and penalties.



## ENGAGEMENT WITH THE MEMBERSHIP

One of the goals for the Infractions Appeals Committee is to have greater engagement with the membership and those involved in the infractions appeals process. To that end, committee members participated in panel discussions regarding the infractions process during the 2019 Collegiate Commissioners Association Compliance Administrators meeting, 2019 Practitioners Summit and the 2020 NCAA Convention.

## REVIEW OF THE INFRACTIONS APPEALS PROCESS

The committee is continuing to review the infractions appeals process to ensure the process is as efficient and effective as possible.



# Independent Accountability Resolution Process Overview

In response to recommendations issued by the Commission on College Basketball, chaired by former U.S. Secretary of State Condoleezza Rice, the Division I membership adopted legislation authorizing the Independent Accountability Resolution Process in 2018.

The IARP is designed to:

- Reinforce the mission, principles and commitments of the NCAA infractions program.
- Serve the Association's interests by resolving select complex infractions cases before a hearing panel comprising members external to the Association.

Cases are referred to the Independent Accountability Resolution Process through a request by institutions, the Committee on Infractions chair or the NCAA vice president of enforcement. Referred cases are complex cases that may include alleged violations of core Association values, such as failing to prioritize academics or the well-being of student-athletes; the possibility of significant penalties; or conduct that is contrary to the cooperative principles of the existing infractions process.

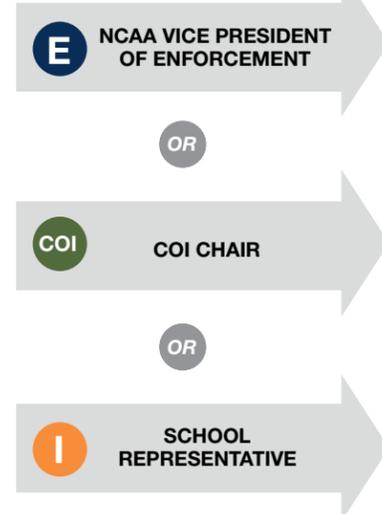
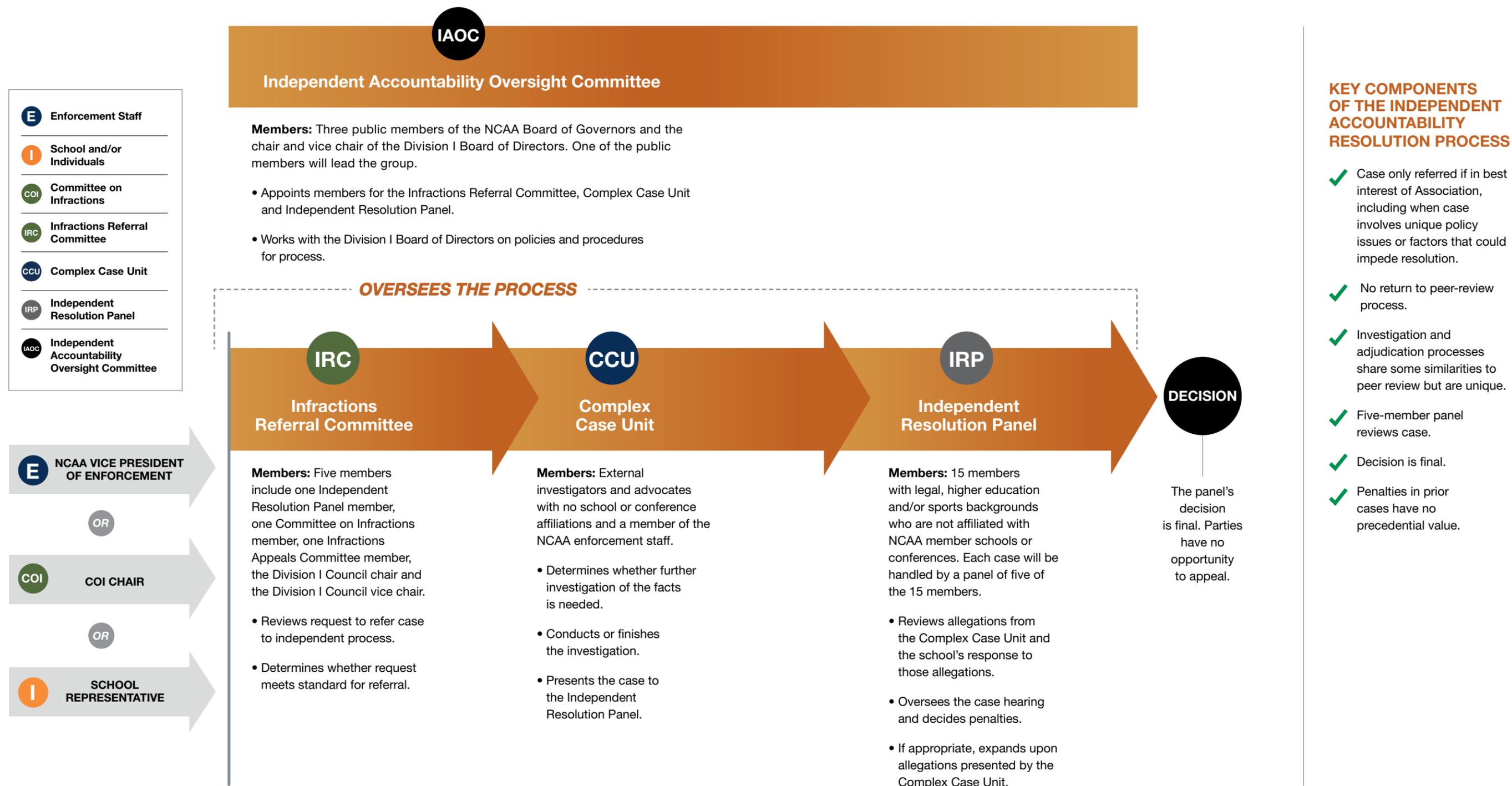
The IARP comprises four different groups:

- Independent Accountability Oversight Committee.
- Infractions Referral Committee.
- Complex Case Unit.
- Independent Resolution Panel.



# Independent Accountability Resolution Process

Independent review requested by a school, the NCAA vice president of enforcement or the Committee on Infractions chair.



**Members:** Five members include one Independent Resolution Panel member, one Committee on Infractions Appeals Committee member, one Infractions Appeals Committee member, the Division I Council chair and the Division I Council vice chair.

- Reviews request to refer case to independent process.
- Determines whether request meets standard for referral.

**Members:** External investigators and advocates with no school or conference affiliations and a member of the NCAA enforcement staff.

- Determines whether further investigation of the facts is needed.
- Conducts or finishes the investigation.
- Presents the case to the Independent Resolution Panel.

**Members:** 15 members with legal, higher education and/or sports backgrounds who are not affiliated with NCAA member schools or conferences. Each case will be handled by a panel of five of the 15 members.

- Reviews allegations from the Complex Case Unit and the school's response to those allegations.
- Oversees the case hearing and decides penalties.
- If appropriate, expands upon allegations presented by the Complex Case Unit.

## ROLE OF THE INDEPENDENT ACCOUNTABILITY OVERSIGHT COMMITTEE

The Independent Accountability Oversight Committee oversees the independent process. It consists of the chair and vice chair of the Division I Board of Directors and three of the newly appointed independent members of the Board of Governors. In addition to overseeing all operational matters, the committee appoints independent external investigators and advocates on the Complex Case Unit, appoints members of the Infractions Referral Committee, and nominates members of the Independent Resolution Panel.



**Denis McDonough**  
(chair)  
Former White House chief of staff; member, NCAA Board of Governors



**Eli Capilouto**  
President, Kentucky; chair, Division I Board of Directors



**Grant Hill**  
Former All-American, NBA All-Star; Co-owner, Atlanta Hawks; member, NCAA Board of Governors



**Vivek Murthy**  
19th surgeon general of the United States; member, NCAA Board of Governors



**Denise Trauth**  
President, Texas State; vice chair, Division I Board of Directors

## ROLE OF THE INFRACTIONS REFERRAL COMMITTEE

The Infractions Referral Committee decides whether to approve or reject requests to refer complex infractions cases to the Independent Accountability Resolution Process. The committee consists of a member of the Independent Resolution Panel (serves as chair), a member of the Division I Committee on Infractions, a member of the Division I Infractions Appeals Committee, and the chair and vice chair of the Division I Council. The committee's decision in response to a request to refer is final, binding, conclusive and not subject to further review.



**Jeffrey Benz**  
(chair)  
Attorney at JAMS Inc.



**David Shipley**  
(vice chair)  
Georgia Athletic Association professor in law and faculty athletics representative



**M. Grace Calhoun**  
Director of athletics, Pennsylvania



**Alberto Gonzales**  
Dean and Doyle Rogers Distinguished Professor of Law, Belmont; former U.S. attorney general



**Jon Steinbrecher**  
Commissioner, Mid-American Conference

## ROLE OF THE COMPLEX CASE UNIT

The Complex Case Unit includes both independent external investigators and advocates with no school or conference affiliations as well as one member of the enforcement staff. When a case is referred to the independent structure, the Complex Case Unit will assess whether supplemental investigation is warranted; develop, to the extent reasonably possible, all relevant information about potential violations; and shepherd the case through its review by the Independent Resolution Panel. The firms appointed as independent investigators and advocates are:

Brown Law Group, advocate  
Krieg DeVault LLP, advocate  
Mars Law Firm, advocate

Berryman Prime LLC, investigator  
Freeh Group International Solutions, investigator  
Kroll, investigator

## ROLE OF THE INDEPENDENT RESOLUTION PANEL

The Independent Resolution Panel reviews the allegations issued by the Complex Case Unit and the parties' response to those allegations. It then conducts a hearing, deliberates to decide whether violations occurred and prescribes penalties. The panel consists of 15 members with legal, higher education and/or sports backgrounds who are not staff members at any NCAA institution or conference. Once a case is referred to the IARP, a hearing panel consisting of five Independent Resolution Panel members plus an alternate is generated using a computer program and appointed by the Independent Accountability Oversight Committee. Decisions issued by the Independent Resolution Panel are final and are not subject to appeal or further review.



**Hugh Fraser**  
(administrative officer)  
JAMS Inc.



**Jodi Balsam**  
Brooklyn Law School



**David Benck**  
American Arbitration Association



**Jeffrey Benz**  
JAMS Inc.



**Mary Braza**  
Foley & Lardner LLP



**Bernetta Bush**  
JAMS Inc.



**Joan Cronan**  
University of Tennessee, Knoxville (retired)



**Javier Flores**  
Dinsmore & Shohl LLP



**Corey Jackson**  
Chief human resources officer, University of California, San Francisco



**Bruce E. Meyerson**  
Bruce Meyerson PLLC



**Tracy Porter**  
Premiere Solutions



**Michelle Pujals**  
Tautemo Consulting LLC



**Christina Guerola Sarchio**  
Dechert LLP



**Patricia Timmons-Goodson**  
Justice, Supreme Court of North Carolina (retired)



**Dana Welch**  
Welch ADR

## WHAT'S NEXT FOR THE IARP

The legislation governing the IARP became effective Aug. 1, 2019. The first case was introduced into the process in March 2020. A second case was introduced in May 2020. For further information, including group composition, operating procedures, referred cases, etc., please go to the Independent Accountability Resolution Process webpage at [iarpc.org](http://iarpc.org).



NCAA Division I Infractions  
2019-20 Annual Report