



INDEPENDENT
ACCOUNTABILITY
RESOLUTION PROCESS

Independent Resolution Panel Procedures

(last updated July 20, 2021)

These procedures constitute the operating procedures adopted by the NCAA Division I Board of Directors for the Independent Resolution Panel (IRP) to adjudicate select infractions cases referred to the independent accountability resolution structure. The procedures serve as guidelines to assist institutions, involved individuals and practitioners in cases before the IRP. The Board of Directors may approve amendments to the procedures in consultation with the Independent Accountability Oversight Committee (Oversight Committee) without prior notice. Amendments are immediately effective when approved by the Board of Directors. The Oversight Committee will make editorial, formatting and/or typographical corrections as needed that do not rise to the level of an amendment.

The procedures do not constitute legal advice, do not have the force of law and do not confer any independent right, contractual or otherwise. The NCAA Division I Constitution and bylaws remain the controlling authority governing infractions cases. The procedures are available on the [Independent Accountability Resolution Process](#) website.

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Chapter 1 – Independent Resolution Panel

- 1-1. **Defined.** The IRP is the independent panel charged with deciding select infractions cases that the Infractions Referral Committee (IRC) refer to the independent accountability resolution structure through hearing panels. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 1-2. **Duties.** As authorized by the bylaws, the IRP shall perform all necessary duties related to hearing an infractions case referred to the IRP, including resolving prehearing matters, conducting a hearing, and preparing and issuing a decision. Once referred, the IRP will resolve the case through final disposition. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 1-3. **Reporting.** In accordance with NCAA Bylaw 19.11.2.3.5-(i), the IRP reports to the Oversight Committee. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 1-4. **Composition.** In accordance with Bylaw 19.11.2.3.1, the IRP consists of up to 15 members with legal, higher education and/or sport backgrounds who are not staff members at an NCAA member institution or conference. There is no contractual or other right to a given panel composition in any case. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 1-5. **Appointment.** The Board of Directors will appoint IRP members from individuals nominated by the Oversight Committee to serve full or partial terms. When a vacancy exists, the Board may select an individual to fill the vacancy or finish the unexpired term of another member from individuals nominated by the Oversight Committee. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
 - 1-5-1. **Honorarium.** IRP members will receive \$5,000 per case in which they serve as a panel member or alternate, and \$5,000 annually. This honorarium does not render IRP members employees of the NCAA. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
 - 1-5-2. **Orientation.** IRP members will receive specialized orientation in conjunction with the performance of their duties. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 1-6. **Terms of Appointment.** IRP members shall serve up to five-year terms and are not immediately eligible for reappointment. The terms commence on August 1 in the year in which the Board of Directors appointed the member. The terms may be staggered to ensure sufficient overlap and that significant numbers of IRP members do not rotate off the IRP simultaneously, thereby affecting the overall experience level of the IRP. Members who serve one-half or less of a term are not considered to have served a full term and are immediately eligible for reappointment. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

- 1-7. Removal.** On the recommendation of the Oversight Committee, the Board of Directors may remove an IRP member prior to the expiration of his or her term should it determine that the member is not properly discharging his or her duties. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

Chapter 2 – Hearing Panel Assignment

- 2-1. Panel Generation.** Unless otherwise directed by the Oversight Committee chair, the Oversight Committee shall oversee the use of a computer program to generate hearing panels to decide cases. The program will generate five panel members, including the chief panel member, and an alternate panel member based on calendar availability, lack of a conflict of interest and assignment on other panels. The committee may modify the panel due to availability and subsequently disclosed conflicts of interest, generate the same panel for more than one case, and/or reassign a case to a different panel. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 2-2. Chief Panel Member.** The chief panel member presides over a case. His or her duties include resolving procedural and other matters that arise prior to the hearing, scheduling deadlines for matters related to the case and conducting a hearing status conference with the parties. The chief panel member is the primary contact between the Oversight Committee and the panel, as well as the parties and the panel. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 2-3. Alternate Panel Member.** The alternate panel member will receive notice that he or she is an alternate member. The alternate will obtain access to pertinent case information at the chief panel member's discretion. The chief panel member will release the alternate prior to the commencement of the hearing at the chief panel member's discretion. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 2-4. Notification of Assignment.** The Oversight Committee will notify the parties and their conference(s) in writing of the assigned hearing panel when practicable after assignment. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 2-5. Conflict of Interest.** As set forth in Bylaw 19.11.2.3.6, no hearing panel member shall participate in a case if he or she is directly connected with an institution under investigation or if he or she has a personal, professional or institutional affiliation that may create the appearance of partiality. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 2-5-1. Disqualification by Recusal.** Hearing panel members are responsible for identifying conflicts of interest. A panel member will initially decide whether recusal is necessary. If a conflict exists, the panel member is expected to withdraw from the panel. If the panel member determines that only a potential conflict or appearance of a potential conflict exists, the panel member will inform the chief

panel member. The chief panel member will determine whether a conflict exists and the hearing panel member should be recused. If a panel member is recused, the Oversight Committee will appoint an alternate panel member in accordance with Procedure 2-6. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

- 2-5-2. Disqualification by Party Request.** A party may seek to disqualify a panel member based on a conflict of interest. A party seeking disqualification must submit in writing the basis for disqualification to the chief panel member through the secure filing and case management system no later than 15 days after receiving notice of assignment of the panel member unless otherwise specified by the chief panel member. The chief panel member may consult with the Oversight Committee chair regarding the party's request. The Oversight Committee has the final authority to determine whether a conflict of interest exists. If a panel member is disqualified, the Oversight Committee will appoint an alternate panel member in accordance with Procedure 2-6. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 2-6. Substitution.** If a panel member is unable to participate in the disposition of a case prior to the commencement of the hearing, the Oversight Committee will appoint the alternate panel member to replace the panel member. The committee may then use the computer program to generate another alternate panel member in accordance with Procedure 2-1. The chief panel member may adjust the hearing date, if necessary, to provide the alternate panel member sufficient time to prepare for the hearing. If a panel member is unable to participate in the disposition of a case after the chief panel member releases the alternate panel member, the panel may conduct a hearing and deliberate with a quorum of four members in accordance with Procedure 5-5. *(Effective: 8/1/2019, Adopted: 7/31/2019)*.
- 2-7. Expiration of Term During Review of a Case.** If a panel member's term expires during the review of a case, the Oversight Committee may request that the Board of Directors approve an extension of the panel member's term to permit the panel member to serve on the panel until release of the decision. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

Chapter 3 – Case Information

- 3-1. Case.** In hearing an infractions matter, case includes but is not limited to:
- a. The overall infractions case.
 - b. The case's overall processing level.
 - c. An individual party's violation level and penalty classification.
 - d. Sport-specific level and panel classification as determined appropriate by the hearing panel when an institution's violations include multiple sports.

As it relates to penalty classification, pursuant to Bylaw 19.9.2, aggravating and mitigating factors are party specific. The same factors may apply to multiple parties based on the conduct. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

3-2. Confidentiality. In accordance with Bylaw 19.01.3, all infractions-related matters before the IRP are confidential. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

3-2-1. Confidential Information. Confidential information shall not be publicly disclosed in contravention of applicable bylaws and procedures. Confidential information includes but is not limited to identifying information related to the case, investigative information, case management plan, hearing status report, case record, institutional compliance reports, all other filings and other information submitted through the secure filing and case management system, and all other case-related information. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

3-3. Access to Pertinent Case Materials. All case documents, submissions and information that could reasonably affect an allegation or potential penalty against any party, or a potential defense for any party ("pertinent case materials") should be made accessible to all parties in a case through a secure website as soon as feasible after the issuance of the notice of allegations. Generally, the presumption is that all pertinent case materials will be made available to all parties. All parties shall be provided notice or alerted to all filings.

The Complex Case Unit (CCU) and a filing party shall ensure that all parties have notice and access to pertinent case materials. It is the responsibility of the CCU to provide the hearing panel access to factual information that the CCU may rely upon in presenting the case. If the CCU chooses not to provide all parties with pertinent case materials, then the CCU must provide written notice to the hearing panel and any impacted parties in the case. The written notice shall generally describe the nature of the undisclosed information.

In unique circumstances where there is confidential or otherwise protected information, a party may petition the chief panel member for an in-camera review to determine whether the information should be made available to all parties. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

3-4. Secure Filing and Case Management System. The IRP will identify a secure filing and case management system as the principle platform for parties to submit and access case information once a matter proceeds past investigation. Information in the system will constitute the electronic case file containing the record, submission history and official actions in a case before the hearing panel. The IRP expects all parties to use the system to submit information, make requests, provide notifications, access the case file and receive information from the hearing panel. Unless good cause is shown, the parties shall not otherwise submit information to the chief panel member or hearing panel via email, facsimile, other electronic medium or paper. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

- 3-4-1. Points of Contact.** If a case is referred to the independent accountability resolution structure before the enforcement staff issues a notice of allegations, the CCU shall be the principal point of contact for the system until it issues a notice of allegations. If a case is referred after the enforcement staff issues a notice of allegations, the CCU shall be the principal point of contact until it adopts, withdraws, supplements or amends allegations issued by the enforcement staff. After any of these events, the hearing panel shall be the principal point of contact until the release of the infractions decision and conclusion of any probation reporting. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 3-4-2. System Management.** The NCAA information technology staff may assist with operating and troubleshooting the system. Although the system captures login and access information, the CCU does not have the ability to view work product, strategies or mental impressions of a party or its representative. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 3-4-3. Hyperlinking to Record and Authority.** The secure filing and case management system facilitates the parties' ability to direct the hearing panel to the most pertinent factual information and guiding authority in an infractions case. Unless good cause is shown, the expectation is for parties to identify and hyperlink to the most relevant and material information and guiding authority in an infractions case. The hearing panel will reject party submissions that do not comply with the aforementioned requirements. The issue of resubmission will be addressed with the chief panel member. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 3-4-3-1. Hyperlinked Key Record List.** At the beginning of a written submission, the parties shall identify the most relevant and material factual information in a key record list. The key record list shall be comprised of a key factual information list (i.e., the most persuasive factual information relied upon by the submitting party) and index of authorities (i.e., past cases and interpretations) with hyperlinks to the secure filing and case management system and the Legislative Services Database (LSDBi). If a party intends to rely on supplemental factual information (i.e., information not identified by the CCU as factual information), that party shall identify such information in its key record list with a hyperlink. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 3-4-3-2. Hyperlinked Citations to Record and Authority.** Within the body of the written submission, the parties shall cite the most relevant and material factual information as identified in the key factual information list and index of authorities with hyperlinks to the secure filing and case management system and LSDBi. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

- 3-4-4. Cases with Record Segmented by Party.** The IRP encourages all parties to agree to sharing all information in an infractions case. Segmenting the record by party in a case may cause delay and impact technological efficiencies. Due to security protocols and technological constraints, in cases where the record is segmented by party, the hearing panel will be able to use the hyperlinks contained in respective submissions; however, the hyperlinks will be inactive to any other party. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 3-5. Party Responsibility to Provide Accurate Information Regarding Representatives.** Parties must ensure that the CCU and hearing panel have accurate information regarding their representatives, if any. Through the secure filing and case management system, the parties must inform and continually update the chief panel member and other parties of any changes to their representatives as soon as practicable. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 3-6 Deadlines Falling on a Federal Holiday or Weekend.** If any deadline established by the chief panel member or the hearing panel falls on a federal holiday or weekend day, the deadline will be extended to the next business day. *(Effective: 7/20/2021, Adopted: 7/20/2021)*

Chapter 4 – Prehearing Issues

- 4-1. Procedural Matters.** In accordance with Bylaw 19.11.5.6.1, the chief panel member shall resolve procedural and other matters that arise prior to the hearing. The chief panel member may entertain prehearing motions but will not accept dispositive motions. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 4-2. Scheduling Deadlines.**
- 4-2-1. Authority.** In accordance with Bylaw 19.11.5.6.2, the chief panel member shall schedule deadlines for matters related to the case. The chief panel member will memorialize his or her decisions regarding deadlines in a case management plan. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 4-2-2. Case Management Plan.** The case management plan shall be confidential. The case management plan may address the:
- a. Scheduling of any supplemental investigation by the CCU, including but not limited to deadlines for document and record production and interviews.
 - b. Case processing deadlines, including but not limited to deadlines for the:

- (1) CCU to issue the notice of allegations (if not issued by the enforcement staff before referral) or adopt, withdraw, supplement or amend the notice of allegations (if issued by the enforcement staff before referral).
 - (2) Responses to the notice of allegations (if not submitted before referral) or to any amended notice of allegations issued by the CCU after additional assessment or investigation.
 - (3) CCU's reply to the responses to the notice of allegations.
- c. Deadline for submission of information to be considered by the hearing panel.
 - d. Deadline for submission of any prehearing motions. (*Effective: 8/1/2019, Adopted: 7/31/2019*)

4-2-3. Timing for Submission of Deadlines by Parties. Pursuant to Operating Procedures 4-2-4 and 4-2-5, the parties shall submit proposed deadlines to the chief panel member. Timing of the submissions shall be as follows:

- a. For infractions cases referred to the Independent Accountability Resolution Process **prior** to the issuance of the notice of allegations by the enforcement staff:
 - (1) Within thirty-six (36) calendar days of the date of the Independent Accountability Oversight Committee's written notification of the assigned hearing panel following the referral of a case to the independent process,¹ the Complex Case Unit and the institution shall submit agreed-upon scheduling deadlines or, if unable to come to an agreement, the Complex Case Unit will submit its proposed scheduling deadlines. Following the Complex Case Unit's submission of its scheduling deadlines, the institution may submit in accordance with Operating Procedure 4-2-5.
 - (2) Within thirty-six (36) calendar days of the date of the Independent Accountability Oversight Committee's written notification of the assigned hearing panel to any subsequently identified involved individuals, he/she may submit proposed modifications to the existing case management plan for the infractions case.

¹ The Independent Accountability Oversight Committee's written notification is provided to the Complex Case Unit and the institution.

- b. For infractions cases referred to the Independent Accountability Resolution Process **after** the issuance of the notice of allegations by the enforcement staff:
- (1) Within thirty-six (36) calendar days of the date of the Independent Accountability Oversight Committee's written notification of the assigned hearing panel following the referral of a case to the independent process,² the Complex Case Unit, the institution and involved individuals shall submit agreed-upon scheduling deadlines or, if unable to come to an agreement, the Complex Case Unit will submit its proposed scheduling deadlines. Following the Complex Case Unit's submission of its scheduling deadlines, the institution may submit in accordance with Operating Procedure 4-2-5.
 - (2) Within thirty-six (36) calendar days of the date of the Independent Accountability Oversight Committee's written notification of the assigned hearing panel to any new involved individuals subsequently identified by the Complex Case Unit,³ the new involved individuals may submit proposed modifications to the existing case management plan for the infractions case. *(Effective: 7/20/2021, Adopted: 7/20/2021)*

4-2-4 Agreement on Deadlines. If the CCU, institution and any identified involved individuals agree to the deadlines for all matters related to the case, they may submit their agreed-upon deadlines to the chief panel member. The chief panel member may approve the deadlines and issue a case management plan. *(Effective: 8/1/2019, Adopted: 7/27/2021)*

4-2-5. No Agreement on Deadlines. If the CCU, institution and any identified involved individuals do not agree to the deadlines for all matters related to the case, they may submit their own proposed deadlines to the chief panel member. After the CCU submits its proposed deadlines, other parties may submit their own proposed deadlines within seven calendar days. The chief panel member may consider the proposed deadlines in preparing and issuing a case management plan. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-2-6. Amendments to Case Management Plan. The chief panel member may consider amendments to the case management plan as agreed to or requested by the CCU, institution and any identified involved individuals. If the chief panel member changes the deadlines, he or she shall issue an amended case management plan. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

² The Independent Accountability Oversight Committee's written notification is provided to the Complex Case Unit, institution and involved individuals who were named in the notice of allegations issued by the enforcement staff.

³ The new involved individuals are those who were not previously named in the notice of allegations issued by the enforcement staff.

4-2-7. Case Management Conference. The chief panel member may conduct case management conferences to address and schedule deadlines in the case. The conferences may be held by telephone or video at the chief panel member's discretion. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-2-8. Responsibility to Comply with Deadlines. Deadlines established by the chief panel member are binding on the CCU, institution and any identified involved individuals, who should make good-faith efforts to adhere to them. The chief panel member will hold parties responsible for complying with case deadlines. If an institution or individual fails to comply with scheduled deadlines, the IRP may prescribe immediate penalties in accordance with Bylaw 19.2.3.2.3 and Procedure 4-10. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-3. Notice of Allegations.

4-3-1. Notice of Allegations Issued After Referral. In accordance with Bylaw 19.11.5.1, if the IRC refers a case to the independent accountability resolution structure before the enforcement staff issues a notice of allegations, the CCU shall issue a notice of allegations as appropriate at the conclusion of its investigation. The CCU shall separately cite to the applicable bylaw and bylaw version (e.g., the NCAA Manual year) for each allegation. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-3-2. Notice of Allegations Issued Before Referral. In accordance with Bylaw 19.11.5.2, if the enforcement staff issues a notice of allegations before referral of the case, the CCU may withdraw, supplement or amend allegations pursuant to Procedures 4-3-4, 4-3-5 and 4-3-6, respectively, and the deadline established by the chief panel member. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-3-3. Interviews Conducted After Notice of Allegations. After the CCU issues a notice of allegations or adopts, withdraws, supplements or amends allegations issued by the enforcement staff, any party that desires to conduct interviews of individuals with information potentially germane to the case shall notify the chief panel member in writing through the secure filing and case management system of the intent to conduct and record an interview. Unless the party can demonstrate good cause in the notification for precluding other parties from the interview, the party shall afford all other parties notice and a reasonable opportunity to be present at the interview. The hearing panel may reject any information adduced from the interview if the interviewing party fails to comply with this procedure. Upon completion of the interview, it will be the responsibility of any party conducting additional interviews to transcribe the interviews in written format and request in writing through the secure filing and case management system that the chief panel member add the interviews to the record. The chief panel member has the final

authority to determine whether additional interviews will be added to the record. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-3-4. Withdrawal of Allegations. After the issuance of the notice of allegations, the CCU may withdraw allegations. Prior to withdrawing an allegation, the CCU may request the chief panel member to conduct a conference by telephone or video with all affected parties to discuss the impact on the case and the parties. The request shall be made in writing through the secure filing and case management system. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-3-5. Supplement to Allegations. After the issuance of the notice of allegations, the CCU may supplement allegations. If the CCU supplements allegations, it shall issue an amended notice of allegations. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-3-6. Amendment to Allegations. After the issuance of the notice of allegations, the CCU may amend allegations. If an amendment is immaterial to the allegation and agreed to by all parties affected by the allegation, the CCU shall submit an errata memorandum detailing the nature of the change and the amended pages from the notice of allegations to the chief panel member. If an amendment is a material change to the allegation or the parties do not agree on the materiality of the amendment, the CCU shall send a written request to the chief panel member to conduct a conference by telephone or video with the chief panel member and all affected parties. The request shall be in writing through the secure filing and case management system.

If the chief panel member determines that the amendment is material, the CCU shall issue an amended notice of allegations. If the chief panel member determines that the amendment is immaterial, the CCU shall issue the amended pages of the notice of allegations. The affected institution and/or involved individual may supplement their respective responses, if already submitted, in accordance with Bylaw 19.11.5.3. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-3-7. Reopening Investigation and New Allegations. If at any time the CCU determines that it needs to reopen the investigation, it shall file a notice outlining the additional inquiry. In this notice the CCU shall state whether it is possible to keep the hearing date, if scheduled, and that the CCU has notified all parties as soon as practicable without compromising the re-opened investigation. If further investigation results in new allegations, the CCU shall comply with the bylaws and procedures to issue an amended or new notice of allegations. If no new or amended allegations arise from reopening the investigation, the CCU shall promptly notify the parties and chief panel member. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-4. Response to Notice of Allegations. In accordance with Bylaw 19.11.5.3, institutions and involved individuals may submit a written response by the deadline established by the chief

panel member. A response shall be organized in clearly identifiable sections with corresponding headings. The response shall identify which factual assertions and allegations, if any, are contested and which are uncontested. Arguments for why there was no violation shall contain citation, quotation, and application of applicable NCAA Constitutional provisions or bylaws, and shall refer the hearing panel to any persuasive case authority. Reference to or quotation of transcripts or other documents shall include a corresponding citation, factual information number reference, hyperlink to the document in the secure filing and case management system and relevant page numbers. Pursuant to Procedure 3-4-3-1, these citations should refer to those identified in the party's key factual information list. The response shall state whether the party agrees or disagrees with aggravating and mitigating factors identified by the CCU and may provide context and rationale for each position. Positions of "partial agreement," "partial disagreement" or "no position" will not be considered. Quoted portions of transcripts or other documents shall include enough material to sufficiently portray context. Corrective actions and self-imposed penalties shall be set forth in a separate section at the conclusion of the response. The parties should include all arguments they intend to make at the hearing in the response. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-4-1. Response to Amended Notice of Allegations. If the amendment is immaterial and the parties agree, then a response is not needed if the institution or involved individuals submitted a response prior to case referral. If the amendment is material or the institution or involved individual did not submit a response prior to case referral, the institution or involved individuals may submit a written response in accordance with Bylaw 19.11.5.3 and the deadline established by the chief panel member. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-5. Reply to Response to Notice of Allegations. In accordance with Bylaw 19.11.5.4, the CCU shall file a written reply to the responses by the deadline established by the chief panel member. The CCU shall not include new allegations or a materially different factual basis underlying any allegation in its reply. The reply shall include a statement of the parties' positions on aggravating and mitigating factors at the time of the reply. The reply shall state whether the party agrees or disagrees with aggravating and mitigating factors identified by the CCU and may provide context and rationale for each position. In addressing aggravating and mitigating factors, the CCU shall take a position on any factor where the CCU's interaction with a party will help inform the panel. The CCU, however, may not take a position on the mitigating factor at Bylaw 19.9.4-(e). If the enforcement staff submitted a statement of the case prior to referral of the case, the hearing panel may use the statement of the case to focus the scope of the hearing. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-5-1. Enforcement Staff Reply Before Referral. If the enforcement staff filed a written reply to the responses before referral of the case, the CCU shall file its own written reply or adopt the reply of the enforcement staff as its own. If the CCU files its

own written reply, the enforcement staff's written reply becomes part of the record.
(*Effective: 8/1/2019, Adopted: 7/31/2019*)

- 4-6. Extensions to Submit Response or Reply.** The institution, involved individuals and the CCU may request extensions of time to submit their respective responses or reply. Extensions, however, are disfavored. The extension request shall be made in writing to the chief panel member through the secure filing and case management system. Prior to formally requesting an extension, the requesting party shall contact all other parties to determine if they object to the request and state those parties' positions in the request. Extensions may be granted for good cause shown. The chief panel member will provide his or her decision in writing to the parties. If an extension is granted, it shall apply to all parties. (*Effective: 8/1/2019, Adopted: 7/31/2019*)
- 4-7. Page Limitation.** A response to a notice of allegations or amended notice of allegations shall not exceed 50 pages, double-spaced, with no smaller than 11-point font and one-inch margins. The written reply shall not exceed 35 pages, double-spaced, with no smaller than 11-point font and one-inch margins. These page limits are exclusive of tables of contents, attachments, requested supplemental information in a notice of allegations, or appendices. Because the hearing panel already has access to all factual information in a case, the IRP cautions parties to not misuse attachments and relegate submissions to only the key documents supporting their position. (*Effective: 8/1/2019, Adopted: 7/31/2019*)
- 4-7-1. Page Limitation Exception.** The chief panel member may grant leave for a party to file a submission exceeding these limits for good cause shown. Any party seeking to exceed the page limitations shall represent in the request whether any other party objects to the request. The chief panel member will provide his or her decision to the parties in writing. (*Effective: 8/1/2019, Adopted: 7/31/2019*)
- 4-8. Hearing Status Conference.**
- 4-8-1. Purpose and Scope.** In accordance with Bylaw 19.11.5.6.3, the chief panel member shall conduct a hearing status conference with the parties after the CCU submits its reply. The conference may be held by telephone or video at the chief panel member's discretion. The chief panel member may direct the conference to address:
- a. Procedural matters to be resolved before the hearing, including the deadline for the submission of additional information, any allegations that the CCU intends to amend or withdraw, or the need for additional investigation.
 - b. Disputes between the parties, including regarding the submission of additional information and identification of individuals with information germane to the case.

- c. Scheduling and logistics of the hearing, including the location, date, time, mode and estimated length.
- d. Hearing attendees, including individuals with information germane to the case.
- e. Order and manner of presentation of information at the hearing.
- f. Issues to be discussed during the hearing.

The chief panel member has the authority to decide the matters addressed at the conference. The chief panel member may instruct the parties to brief issues not resolved at the conference. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-8-2. Hearing Status Report. The chief panel member shall issue a hearing status report memorializing decisions made by the chief panel member and agreements reached as a result of the hearing status conference. The hearing status report shall be confidential. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-8-3. Additional Hearing Status Conferences. The chief panel member may conduct additional hearing status conferences at the chief panel member's discretion. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-9. Limited Immunity.

4-9-1. Purpose. Limited immunity is an investigative tool utilized by the CCU and enforcement staff to elicit complete and truthful information from individuals concerning their potential involvement in or knowledge of NCAA violations. Hearing panels grant limited immunity to a current or former institutional staff member, student-athlete or prospective student-athlete related to potential NCAA violations. Limited immunity is specific to the identified individual in the request and is in exchange for that individual providing complete and truthful information regarding identified potential violations and fully cooperating with the CCU and/or enforcement staff. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-9-2. Scope. Limited immunity applies until the hearing panel revokes it. Limited immunity does not apply:

- a. When the grant of immunity has been to an individual's involvement in other past violations not reported to the CCU or enforcement staff.
- b. When the individual fails to report violations.
- c. To any future violations committed by the individual.

- d. To any action taken by the institution or any other entity. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-9-3. Effect of Limited Immunity. Provided that the individual does not violate the terms of his or her limited immunity agreement resulting in revocation of limited immunity in accordance with Procedures 4-9-6 and 4-9-7:

- a. Current or former institutional employees who have responsibilities within athletics will not be subject to disciplinary action under Bylaws 19.9.5.4 and 19.9.8-(i) for their involvement in violations related to disclosed conduct predating the grant of immunity.
- b. Student-athletes or prospective student-athletes will not lose NCAA eligibility for future competition because of their involvement in violations related to disclosed conduct predating the grant of immunity, provided the student-athlete(s) or prospective student-athlete(s) meet all other initial and continuing NCAA academic eligibility and certification criteria. Limited immunity, however, does not cure ineligible competition predating the grant of immunity. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-9-4. Request and Review. The chief panel member considers requests from the CCU for the hearing panel to grant limited immunity. If the chief panel member is unable to review the request, a designee on the panel may review the request. The CCU presents a memorandum request, which details the general circumstances surrounding the request. The chief panel member may either grant or deny the request. The chief panel member will provide the decision to the CCU in writing. If the chief panel member grants the request, the chief panel member will provide the CCU a memorandum, which constitutes the sole and complete expression of the grant of limited immunity and its terms and conditions. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-9-5. Limited Immunity Granted Before Referral. If the NCAA Division I Committee on Infractions grants limited immunity before referral of a case to the independent accountability resolution structure, limited immunity shall continue to apply subject to Procedure 4-9-6. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-9-6. Revocation of Limited Immunity. If the CCU has a reasonable belief that an individual granted limited immunity has not provided complete and truthful information during the investigation or at the hearing, or otherwise has violated the terms of his or her limited immunity agreement, the CCU may request that the chief panel member or designee revoke the limited immunity by filing a written petition with the chief panel member stating the basis for the revocation. The CCU shall provide the request to all involved parties. The chief panel member may also act to

revoke the limited immunity independently after the issuance of the notice of allegations if it appears on the record that the individual has not complied with the terms or conditions of the limited immunity. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-9-7. Process. Upon the CCU's request to revoke an individual's limited immunity, the CCU shall provide notice of the request to that individual and the institution to ensure the individual has the opportunity to consult a representative if desired. Unless otherwise requested by the individual and granted by the chief panel member, any response by the individual to the request shall be submitted to the chief panel member within 14 days of the CCU's request to revoke limited immunity. When deemed necessary by the chief panel member, the chief panel member may conduct a conference with the CCU, the individual and the institution by telephone or video to discuss the request and response. The chief panel member will provide his or her decision in writing to the CCU, the individual and the institution. If limited immunity is revoked, the CCU may bring allegations previously subject to the grant of immunity and allegations related to not providing complete and truthful information. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-10. Immediate Penalties During Investigation for Failure to Cooperate.

4-10-1. Authority. An institution's or individual's failure to cooperate with the CCU staff during an investigation creates inefficiencies in and slows down the infractions process. In accordance with Bylaw 19.2.3.2.3, the IRP may prescribe immediate penalties during the investigation for failure to cooperate. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-10-2. Process.

4-10-2-1. Petition. The CCU shall submit a written petition through the secure filing and case management system asserting that an institution and/or individual failed to satisfy the responsibility to cooperate pursuant to Bylaw 19.2.3 and requesting immediate penalties. The petition shall include all necessary information to review the petition appropriately, including sufficient detail regarding the circumstances related to the asserted failure to cooperate and any materials on which the CCU staff may rely. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

4-10-2-2. Response. The institution and/or individual subject to the petition may respond to the petition in writing through the secure filing and case management system pursuant to a deadline established by the chief panel member. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

- 4-10-2-3. Reply.** The CCU may reply to the response in writing through the secure filing and case management system pursuant to a deadline established by the chief panel member. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 4-10-2-4. Page Limitations.** Unless good cause is shown, the petition and any response shall not exceed 20 pages, double-spaced, with no smaller than 11-point font and one-inch margins. Likewise, unless good cause is shown, the reply shall not exceed 10 pages, double-spaced, with no smaller than 11-point font and one-inch margins. The page limits are exclusive of any attachments or appendices. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 4-10-2-5. Review.** The chief panel member, or hearing panel if requested by the chief panel member, may ask the CCU staff and institution and/or individual subject to the petition to provide additional information or clarification. The chief panel member shall decide whether to resolve the petition on the basis of the written submissions or by teleconference, videoconference or other mode. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 4-10-2-5-1. Teleconference or Videoconference.** The chief panel member will manage the teleconference or videoconference to review the petition. Only the CCU and institution and/or individual subject to the petition and any other individual approved by the chief panel member may participate. The employing member institution of an individual subject to the petition may attend as a silent observer. The chief panel member will set the order of proceedings. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 4-10-2-6. Resolution.** The resolution of the petition will be communicated in writing to all parties. The written communication will identify conclusions and any prescribed penalties. Any penalties available under Bylaw 19.9 may be prescribed. The resolution is final and not subject to appeal. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 4-10-3. Review of Case's Merits.** In the ultimate review of the case's merits, a hearing panel may consider any conclusion that an institution or individual failed to cooperate in accordance with Bylaw 19.2.3.2.3 in concluding whether a failure to cooperate violation pursuant to Bylaw 19.2.3 occurred. Likewise, the panel may consider any conclusion that an institution or individual failed to cooperate in accordance with Bylaw 19.2.3.2.3 in determining whether the aggravating factor at Bylaw 19.9.3-(e) was present in a case and the weight to assign the factor. The panel may also account for any penalties prescribed in accordance with Bylaw

19.2.3.2.3 in prescribing penalties pursuant to Bylaw 19.9 in its review of the case. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

Chapter 5 - Hearing and Review Process

5-1 Conferral with Independent Resource During Review of Case. The chief panel member may request the Oversight Committee to appoint a member of the general public with formal legal training knowledgeable in the infractions process and with the NCAA Constitution and bylaws, nominated by the chief panel member, to confer with the hearing panel during the review of a case. The independent resource must not be associated with a collegiate institution, conference, or professional or similar sports organization, and not presently represent coaches or athletes in any capacity, or have a conflict of interest as defined in Procedure 5-1-5. The panel may confer with this individual throughout its review of a case. He or she, however, is not an IRP or hearing panel member. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-1-1. Duties of Independent Resource. The independent resource will support the hearing panel in the review of the case by providing background information related to the NCAA Constitution and bylaws, infractions process and prior infractions cases. The independent resource may provide support to the panel as requested by the panel at any stage of its review of a case. The independent resource shall not provide the panel with interpretations of the NCAA legislation. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-1-2. Access to Case Information. The independent resource will be informed of the names of the parties but will not have access to any other case information. In addition, the independent resource may not attend or participate in a case management conference, hearing status conference or hearing, or participate as a voting member during deliberations. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-1-3. Notification. The Oversight Committee will notify the parties and their conference(s) in writing of the appointed independent resource when practicable after appointment. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-1-4. Disclosure. The chief panel member shall disclose to the parties the general nature of the questions asked by the panel and the independent resource's responses. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-1-5. Conflict of Interest. The independent resource is responsible for identifying conflicts of interest. The independent resource will not confer with the hearing panel if he or she is directly connected with an institution under investigation or if he or she has a personal, professional or institutional affiliation that may create the appearance of partiality. If a conflict exists, the independent resource is expected

to withdraw from his or her appointment. The Oversight Committee has final authority to determine whether a conflict of interest exists and whether the independent resource should be recused. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

- 5-1-6. Substitution.** If an independent resource is unable to confer with the hearing panel after appointment by the Oversight Committee, the committee may appoint another independent resource if requested by the chief panel member. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 5-2. Hearing Location, Date, Time, Mode and Estimated Length.** The hearing will be held when practicable after the hearing status conference. The hearing will be held in person or by videoconference, except as authorized by the chief panel member in unique circumstances. The chief panel member will determine the location, date, time, mode and estimated length of the hearing. The chief panel member may change the location, date, time, mode and estimated length as necessary. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 5-2-1. Notification.** Unless otherwise approved by the chief panel member, the chief panel member will notify the parties of the location, date, time, mode and estimated length of the hearing in the written report of the hearing status conference. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 5-2-2. Continuance.** The chief panel member may continue a hearing upon agreement of the parties, request of a party or at the chief panel member's discretion. Continuances are discouraged and only granted in unique circumstances. If a party requests to continue a hearing, the request must be made in writing to the chief panel member and submitted through the secure filing and case management system. The request must indicate that the party has contacted all other parties and detail their positions on the request. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 5-3. Procedural Matters.** In conjunction with presiding over the hearing, the chief panel member shall resolve procedural and other matters that arise during a hearing. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 5-4. Hearing Attendance.** Infractions hearings are confidential, closed proceedings that are not open to the public. The chief panel member has the final authority to resolve questions of presence at the hearing. The chief panel member may exclude an individual and his or her representative from portions of the hearing concerning matters in which the individual is not involved. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 5-4-1. Parties' Representatives.** Parties' representatives may include legal counsel and other representatives. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 5-4-2. Conference Representatives.** A conference representative may attend a hearing involving a conference member; however, the conference representative is

expected to attend if the chief panel member specifically requests his or her attendance. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

- 5-4-3. Interested Institutions.** The IRP strongly encourages a representative from a member institution that is not the institution involved in the case but employs an involved individual at the time of the hearing to attend the hearing. The panel may prescribe a show-cause order related to the involved individual. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 5-4-4. Individuals with Information Germane to the Case.** Although the IRP generally prefers the parties to present information through representations made by their representatives and the factual information in the record, the chief panel member may permit individuals with information germane to the case to attend the hearing. These individuals may be accompanied by personal legal counsel. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 5-5. Quorum.** A quorum for a hearing panel to conduct a hearing and deliberate is four panel members. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 5-6. Order of Proceedings.** The chief panel member shall preside over the hearing. The chief panel member has the final authority to set the order that the panel will hear the allegations. When practicable, the chief panel member will notify the parties of the order of proceedings in the written report of the hearing status conference. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 5-6-1. Expeditious Hearing Management.** The chief panel member, exercising discretion, shall conduct the proceedings in a fair and efficient manner. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 5-6-2. Opening Statements.** Each party shall be entitled to present a concise opening statement prior to the presentation of information. The institution shall present its opening statement first, followed by any involved individuals and then the CCU. The chief panel member may permit the institution's conference to present a concise opening statement. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 5-6-3. Presenting Information.** The chief panel member shall permit the parties time to present information in support of or in opposition to the allegations, as determined by the chief panel member. The chief panel member will track the time used by each party and enforce any time limits. The IRP prefers the parties to present information through their representatives and the factual information in the record. The chief panel member may permit the parties, subject to prehearing determinations, to present documentary information and/or information through in-person statements of individuals with information germane to the case. The CCU

will present its information first followed by the other parties. The CCU will then present any rebuttal information. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-6-4. Questioning Parties and Individuals with Information Germane to the Case.

5-6-4-1. Parties. Only the hearing panel shall question the parties (i.e., CCU representatives, institutional representatives and any involved individuals). *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-6-4-2. Individuals with Information Germane to the Case. The hearing panel may question any individuals with information germane to the case permitted to attend the hearing by the chief panel member. The parties may also question individuals with information related to the case directly, provided that the chief panel member shall have the authority to limit questioning or lines of inquiry based on, without limitation, relevance, that the questioning is cumulative, or that the questioning has become harassing or abusive. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-6-5. Closing Statements. Each party may present a closing statement after the presentations on the allegations. The CCU will present its closing statement first, followed by the other parties. The chief panel member will permit the CCU time for a reply. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-6-6. Close of Hearing. The chief panel member will declare the hearing closed at the conclusion of the hearing. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-6-6-1. Post-hearing Briefing and/or Submission of Additional Information. The chief panel member may establish deadlines for the submission of additional information and/or briefing by the parties to be completed after the hearing. In unique circumstances, the chief panel member may accept additional information not requested by the panel after the hearing but submitted by a party into the record. The party wishing to submit such additional information into the record must provide the information to all other parties before submitting to the panel and indicate their positions on whether the submission should be accepted into the record. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-6-6-2. Amendment to Proposed or Self-Imposed Penalties. If an institution wishes to amend the penalties it proposed and/or self-imposed in its response to the notice of allegations, it must request the chief panel member for permission to do so in writing through the secure filing and case management system. An institution's verbal statement at the hearing

shall not constitute sufficient notice of its intent to amend its proposed and/or self-imposed penalties. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-7. Information Presented at Hearings. The parties or their representatives will present, to the extent reasonably possible, material, relevant information necessary for the hearing panel to reach an informed decision, including information that corroborates or refutes an allegation. The parties are encouraged to present all relevant information that should be considered in arriving at appropriate penalties. The panel shall determine the relevance and materiality of the information offered and may exclude information deemed by the panel to be cumulative, irrelevant or unreliable. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-7-1. Information by Hearsay. The hearing panel may consider hearsay information. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-7-2. Documentary Information. The hearing panel may consider documentary information presented by parties and shall give it such weight as the panel deems appropriate after considering any objection made to its admission. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-8. Deliberations. Following the hearing, the hearing panel will engage in private and confidential deliberations to find facts, conclude whether violations occurred and prescribe any penalties. Deliberations can occur in person or through teleconference or videoconference and remain open until the release of the infractions decision. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-8-1. Request for Additional Information. The hearing panel may request additional information from any party during deliberations. The panel will permit all parties the opportunity to respond at the time the information is provided. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-9. Interpretations of NCAA Legislation. During a hearing, the hearing panel may request to consult with a representative from NCAA Academic and Membership Affairs. Pursuant to Bylaw 19.11.5.8.2, the panel may also refer a question to AMA during deliberations. If the panel initiates a consultation, AMA shall reduce it to writing so that it shall be added to the record. If any party intends to refer to an AMA interpretation, whether formal or informal, the request to AMA and AMA's interpretation must be in writing and made part of the record. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-10. Determination of Level and Classification. The hearing panel has the authority to determine the level and classification of a violation. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-11. Additional Allegations and Findings by Panel. Pursuant to Bylaw 19.11.5.7.2, the hearing panel may make specific factual findings and conclude whether violations occurred

based on information presented by the parties or at a hearing even if different from the notice of allegations. Additional factual findings and conclusions of whether violations occurred is most appropriate in circumstances where new findings or conclusions directly relate to the subject matter contained in the record or in situations where the panel has placed the parties on reasonable notice prior to the hearing. If, however, the panel believes additional allegations unrelated to the subject matter in the record are warranted based on information developed at the hearing, then it may issue notice of the additional allegations to all parties. If the panel issues a subsequent notice, the panel shall afford and schedule an opportunity for all parties to respond to additional allegations. Following review of any responses, the panel shall determine whether a hearing is necessary to address the additional allegations. The decision of whether a subsequent hearing is necessary rests with the panel. The parties will be notified of the location, date, time, mode and estimated length of any subsequent hearing. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-12. The Record. For infractions cases, the materials comprising the record are those contained in the file identified as "[InstitutionName]_[CaseNumber]_SecureWeb_ CaseRecord" within the secure filing and case management system, any additional records produced at the hearing, any information submitted after the hearing at the request and/or approval of the chief panel member, the hearing transcript, and the institution's and involved individuals' previous infractions history. The panel's findings of fact, conclusions of violations and prescribed penalties shall be based on the record and information developed at the hearing. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-12-1. Agreement of Negotiated Resolution Before Referral. In accordance with Bylaw 19.5.12.6, if a case is referred to the independent accountability resolution structure after some or all parties agree on resolution of the case, the hearing panel does not have the authority to approve the written agreement of negotiated resolution. The information contained in the written agreement, however, shall be part of the record in the referred case and the panel may consider the information in its review of the case. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-12-2. Summary Disposition Report Before Referral. If a case is referred to the independent accountability resolution structure after the parties submit a summary disposition report to the Committee on Infractions, the hearing panel does not have the authority to accept the proposed findings of fact, violations and penalties. The information contained in the summary disposition report, however, shall be part of the record in the referred case and the panel may consider the information in its review of the case. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

5-13. Ex Parte Communication. Outside of the established process and procedure for hearing and deciding cases, parties shall not communicate directly with the hearing panel or other IRP members regarding investigations and pending cases. After case referral, all communications with the panel shall be directed to the chief panel member. IRP members receiving communications from a party concerning a case or other matter before the IRP

should direct that communication to the chief panel member of the particular case.
(*Effective: 8/1/2019, Adopted: 7/31/2019*)

5-14. Hearing Administration.

5-14-1. Logistics. The chief panel member will oversee logistics related to the hearing. NCAA staff will coordinate logistics on behalf of the chief panel member. The staff will confer with the chief panel member regarding logistics as necessary.
(*Effective: 8/1/2019, Adopted: 7/31/2019*)

5-14-2. Accommodations. NCAA staff will reserve hotel room blocks for all hearing attendees. The staff will also make travel accommodations for some hearing attendees, including panel members, NCAA staff representatives, and technical and support staff approved by the chief panel member. Rooms will be individually billed to the parties, their representatives, any conference representatives, any representatives from institutions employing an involved individual at the time of the hearing, and individuals with information germane to the case. Other travel-related arrangements and expenses are the responsibility of the parties and their representatives. (*Effective: 8/1/2019, Adopted: 7/31/2019*)

5-14-3. Hearing Support. NCAA staff will arrange for services by the court reporter and technical and support staff, subject to chief panel member approval. (*Effective: 8/1/2019, Adopted: 7/31/2019*)

5-14-4. Hearing Room Setup. NCAA staff will arrange the hearing room to best accommodate the proceeding. (*Effective: 8/1/2019, Adopted: 7/31/2019*)

5-14-5. Recordings. A court reporter shall record the proceedings and produce a transcript and audio recording of the proceedings. NCAA staff will maintain custody of the transcript and audio recording. Unless otherwise authorized by the chief panel member, the panel will not permit any additional recordings. Transcripts will not be provided to anyone outside the infractions process and, unless the chief panel member authorizes otherwise, to the parties in a case. NCAA staff will coordinate receipt of the transcript and audio recording.
(*Effective: 8/1/2019, Adopted: 7/31/2019*)

5-14-6. Special Accommodations. Individuals with disabilities are to be given an equal opportunity to access, use and fully participate in the infractions process and the infractions hearing. Whenever reasonable, policies, practices or procedures will be modified to make the infractions processes and infractions hearing readily accessible to and useable by individuals with disabilities. Neither the NCAA nor the IRP is required to make modifications that would fundamentally alter the infractions process or hearing or cause undue financial or administrative burden.

Requests for accommodations must be submitted in writing via the secure filing and case management system or by alternative method, if a disability prevents a written request, to the chief panel member by the hearing status conference, or as soon as practicable if the situation arises after the hearing status conference. The chief panel member may request additional information. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

- 5-15. Hearing Decorum.** The chief panel member shall act to enforce proper decorum. Hearing attendees will conduct themselves with civility and in a professional manner before and during the hearing. Attendees will also dress in business attire. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

Chapter 6 – Decisions and Penalties

- 6-1. Decisions.** A hearing panel's written decision is the panel's unanimous decision on behalf of the IRP. There shall be no dissenting opinions. The panel may find prior cases instructive but not binding. In accordance with Bylaw 19.11.5.8.4.1, penalties prescribed by the Committee on Infractions or IRP in prior cases shall have no precedential value. The panel shall issue two versions of the decision: a decision to the public that does not contain the names of involved individuals and a confidential decision to the institution containing the names of involved individuals. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 6-1-2. Timing.** The decision shall be drafted when practicable by the panel after the hearing. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 6-1-3. Drafting.** Unless otherwise determined by the chief panel member, the chief panel member will assign a panel member or members the initial draft of the opinion based upon the decisions made during deliberations. The initial draft will be reviewed and edited by panel members and approved by the panel. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 6-2. Penalties.** The IRP incorporates Committee on Infractions' Internal Operating Procedure (IOP) 5-15 regarding the application of penalties. The Committee on Infractions' IOPs are available at this [link](#). *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 6-3. Release of Decisions.** The hearing panel shall release infractions decisions in accordance with the bylaws and procedures. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 6-4. Correction of Clerical, Typographical or Computational Errors.** Within seven days after receipt of the infractions decision, a party may request the hearing panel to correct any clerical, typographical or computational errors in the decision. The other parties shall be given five days to respond to the request. If the panel corrects the errors in the decision,

the panel will identify the corrections at the top of the first page of the decision. (*Effective: 8/1/2019, Adopted: 7/31/2019*)

Chapter 7 – Post-Decision Matters

- 7-1. Coordination with the NCAA Office of the Committees on Infractions.** As set forth in Bylaw 19.11.2.3.5-(e), the panel may coordinate with the Office of the Committee on Infractions as necessary for logistic, administrative or other support related to implementation of decisions. (*Effective: 8/1/2019, Adopted: 7/31/2019*)
- 7-2. Review of Compliance Reports.**
- 7-2-1. Coordination with the Committee on Infractions.** Pursuant to Bylaw 19.11.2.3.5-(f), the IRP shall coordinate with the Committee on Infractions, which will monitor compliance with prescribed penalties. If the Committee on Infractions leadership team (i.e., the Committee on Infractions chair and vice chair) determines that an institution fails or refuses to implement penalties prescribed by a hearing panel, the IRP hearing panel may prescribe additional penalties. (*Effective: 8/1/2019, Adopted: 7/31/2019*)
- 7-2-2. General Purpose and Organization of Compliance Reports.** As part of probation, the institution shall file periodic written reports detailing compliance with penalties and terms of probation set forth in the infractions decision. Reports shall conform to the Guidelines for Completing Preliminary and Annual Compliance Reports, available at this [link](#), so as to succinctly and thoroughly convey the institution's actions. (*Effective: 8/1/2019, Adopted: 7/31/2019*)
- 7-2-3. Preliminary Reports.** Within approximately 45 days after the release of the infractions decision, the institution shall file a preliminary compliance report consistent with Procedure 7-2-2 that details the preliminary steps the institution has taken and the future actions that the institution will take to comply. (*Effective: 8/1/2019, Adopted: 7/31/2019*)
- 7-2-4. Annual Reports.** Each year of the probationary period, the institution shall provide an annual report consistent with Procedure 7-2-2. Annual reports are typically due the same time each year, beginning approximately 11 months after release of the infractions decision. The reports shall detail the institution's compliance with the penalties adopted and prescribed by the panel, terms of probation and corrective actions. Annual reports shall contain a written certification from the athletics director that confirms review of the institution's annual report and attachments. The institution's final report, submitted in anticipation of the institution completing the term of probation, shall also include a letter from the athletics director and the institution's chief executive officer that

certifies that the current athletics policies and procedures conform to all requirements of NCAA legislation. The institution shall not be restored to full rights and privileges of membership until the certifying letters are received and the final report is approved. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

- 7-2-5. Submission, Receipt and Preliminary Assessment.** After an institution submits a compliance report consistent with Procedure 7-2-1, the Office of the Committee on Infractions will acknowledge receipt. Pursuant to Bylaw 19.9.5.7, the Office of the Committee on Infractions will review the athletics policies and practices of the institution and may contact the institution to clarify or seek additional information. If the Office of the Committee on Infractions does not identify any significant issues with the institution's report and determines that the report complies with the infractions decision's penalties and probationary requirements, the Office of the Committee on Infractions will approve the report and notify the institution. If the Office of the Committee on Infractions determines that there are potential substantive issues with the submission, the Office of the Committee on Infractions will provide its assessment and the institution's submission to the Committee on Infractions leadership team for consideration. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 7-2-6. Committee on Infractions Leadership Review.** In situations where the Office of the Committee on Infractions does not initially approve the compliance report, the Committee on Infractions leadership team will review the Office of the Committee on Infractions' assessment and have the opportunity to access the compliance report. When necessary to complete its review, the leadership team may request additional information from an institution regarding its compliance report. Based on demonstration of compliance, the Committee on Infractions leadership team may approve the report. If, however, the Committee on Infractions leadership team determines that the institution has not complied with the terms of probation, the Committee on Infractions leadership team will communicate its determination to the Oversight Committee. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 7-2-7. Panel Review of Committee on Infractions Determination.** If the Committee on Infractions leadership team determines that the institution has not complied with the terms of probation, the Oversight Committee will appoint the same hearing panel that adjudicated the case, if feasible, to consider the Committee on Infractions determination. If not all members of the same panel are able to serve, the committee will generate other panel members in accordance with Procedure 2-1 to complete the panel. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 7-2-8. Additional Penalties Proposed by Panel.** The hearing panel may propose further action to the institution. Those proposals may include modifying existing penalties, proposing additional penalties, modifying the terms of probation or

referring the matter to the CCU for investigation and processing. The panel shall provide an institution with written notice of the panel's decision regarding the compliance report. If, pursuant to Bylaws 19.9.5.7 or 19.11.2.3.5-(f), the decision includes a proposed modification to an existing penalty, an additional penalty or modification to the terms of probation, the institution may accept the proposal or request a hearing pursuant to Bylaw 19.11.2.3.5-(f) and Procedure 7-2-9 within the time established in the final decision. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

- 7-2-9. Institution's Compliance Hearing.** If an institution requests a hearing, the chief panel member may direct the institution to file a further response prior to the hearing by an established deadline. The panel conducting the compliance hearing shall issue a supplemental infractions decision detailing the compliance hearing and any panel action. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 7-2-10. Individual's Noncompliance with Prescribed Penalties.** An individual and hiring institution must comply with that individual's prescribed penalties and reporting obligations as set forth in that individual's show-cause order. In circumstances where the Office of the Committee on Infractions has reason to believe that the individual or hiring institution has not complied with the penalties or reporting obligations, the Office of the Committee on Infractions will refer the matter to the Committee on Infractions leadership team for review pursuant to Procedure 7-2-6. Any subsequent action will follow Procedures 7-2-7, 7-2-8 and 7-2-9. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 7-3. Show-Cause Hearing.** Pursuant to Bylaw 19.9.5.4, if a hearing panel determines that an institution has not taken appropriate disciplinary or corrective action regarding an individual found in violation of the NCAA Constitution and bylaws, the panel may issue an order that the institution take additional disciplinary or corrective action unless the institution appears before the panel to show cause why the additional penalties should not be applied. If an institution requests to show cause why additional penalties should not be applied, the Oversight Committee will appoint the same hearing panel that adjudicated the case, if feasible, to consider the institution's position on additional penalties. If not all members of the same panel are able to serve, the committee will generate other panel members in accordance with Procedure 2-1 to complete the panel. *(Effective: 8/1/2019, Adopted: 7/31/2019)*
- 7-4. Recommendations Related to Resident Requirement Waivers.** Pursuant to Bylaw 14.7.2, the NCAA Division I Committee for Legislative Relief may ask a hearing panel whether it recommends that the Committee for Legislative Relief waive the one-year residence requirement for student-athletes who transfer because the panel placed the student-athlete's original institution on probation with sanctions that would preclude the institution's team in that sport from participating in postseason competition during all remaining seasons of the student-athlete's eligibility. If asked by the Committee for

Legislative Relief for a recommendation regarding a waiver, the Oversight Committee will appoint the same hearing panel that adjudicated the case, if feasible, to consider the request. If not all members of the same panel are able to serve, the committee will generate other panel members in accordance with Procedure 2-1 to complete the panel. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

7-5. Maintenance of Infractions History Information. The Office of the Committee on Infractions maintains historical information contained in infractions decisions and written resolutions of immediate penalties for failing to cooperate during an investigation. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

7-5-1. Infractions History for Involved Individuals. The Office of the Committee on Infractions maintains an individual infractions history for involved individuals who committed Level I and/or Level II violations, regardless of whether the IRP prescribed a penalty because of the violation. A hearing panel, however, may determine that the Office of the Committee on Infractions will not maintain an individual history due to the circumstances of the case. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

7-5-2. Individual Infractions History Checks. A member institution may contact the Office of the Committee on Infractions regarding whether an individual has a previous infractions history. The Office of the Committee on Infractions shall provide the institution the pertinent information regarding findings of fact, violations and penalties contained in any infractions decision or written resolution of immediate penalties for failing to cooperate during an investigation for the identified individual. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

7-6. Record Retention. Hearing panels do not maintain notes related to a case or preliminary drafts of decisions after finalizing an infractions decision. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

Chapter 8 – Miscellaneous Provisions

8-1. Waiver of Rules. Any party who proceeds with adjudication of the case after knowledge that any provision or requirement of Bylaw 19 or the procedures has not been complied with and who fails to promptly state an objection in writing shall be deemed to have waived the right to object. *(Effective: 8/1/2019, Adopted: 7/31/2019)*

8-2. Conformity with Procedures. All parties must abide by the procedures in the processing of infractions cases. Hearing panels may exclude information that does not conform with the procedures. *(Effective: 8/1/2019, Adopted: 7/31/2019)*