

Executive Summary

The NCAA's enforcement and hearing operation staffs, along with the Division I Committee on Infractions and Division I Infractions Appeals Committee, are committed to preserving fairness and credibility within college sports. The peer-review process has benefited from the addition of tools such as importation and noncooperation penalties, as well as the negotiated resolution path. The Independent Accountability Resolution Process was created to review the most complex infractions cases in Division I athletics to further increase accountability, operating alongside the existing peer-review infractions process and allowing it to function more efficiently. After a vote by the Division I Board of Directors in August 2022, the independent process will dissolve once the remaining cases are adjudicated.



Snapshots of 2021-22

565 **Division I reports of information received**
Information reported to the NCAA enforcement staff from self-reports, the call center, social media, public submissions and/or source development.

118 **Division I cases opened**
Reports of information that were credible and specific enough to warrant NCAA enforcement to open a case and assign an investigator, which resulted in a formal investigation.

43 **Division I allegations**
Number of allegations the enforcement staff submitted to the Committee on Infractions. Other reports were either not substantiated, did not constitute violations, were handled through other NCAA procedures or were included in the 2,410 cases processed as Level III violations.

15 **Division I decisions**
Number of cases processed by the Division I Committee on Infractions.

7 **Negotiated resolutions,**
average processing time: 10.5 days

8 **Contested,**
average processing time: 103 days

5 **Division I appeals decisions**
Number of cases processed by the Division I Infractions Appeals Committee. The committee also conducted four oral arguments and considered one case on the written record.

10 **Division II and III decisions**
Number of cases processed by the Division II and III Committees on Infractions (five decisions from each).



Executive Summary continued...

Infractions Process Committee changes adopted

The Division I Infractions Process Committee has been intimately involved in reforming the infractions process and making recommendations to the Division I Transformation Committee. Many of its recommendations were adopted by the Division I Board of Directors in August, including the elimination of the Independent Accountability Resolution Process and several other significant changes (see pages 32-33 for more detail). The Infractions Process Committee will continue its work with a key focus on reforms that promote timely adjudication and application of penalties to parties involved in infractions cases.

The Infractions Process Committee has 10 members: five presidents or chancellors, one conference commissioner, one director of athletics, one senior woman administrator, one faculty athletics representative and one student-athlete. The board created the Infractions Process Committee due to several factors, including a request from the Committee on Infractions and the need to facilitate meaningful engagement on important issues.

Resolutions of cases stemming from federal indictments

All the cases that stemmed from the Southern District of New York's indictments in 2017 and stayed in the peer-review process have been resolved. It's worth noting that enforcement could not begin investigating the cases until 2019, when the government concluded most of its related proceedings. Once given permission to proceed, even with some minor delays related to the COVID-19 pandemic, the peer-review model efficiently resolved the majority of the infractions cases related to the indictments.

From February 2020 through November 2021, the Committee on Infractions heard, decided and released seven of the cases. Two were processed via summary disposition and five via contested hearing. The average processing time for these cases was 59.8 days, or about two months. For comparison, the average processing time for all contested cases in the past five academic years was 66.6 days. Stated simply, once cases were ready for review, the COI completed its work quickly.

Contacts

Have questions, concerns or feedback? Or would you simply like to connect with the NCAA staff that helps oversee this member-driven process?

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Infractions Process Committee Recommendations Adopted

Formed in 2021, the Division I Board of Directors Infractions Process Committee has continued to review challenges and tension points in the membership's infractions process. Many of the Infractions Process Committee's recommendations were adopted by the Division I Board of Directors in August and include the following changes:

Enforcement and Committee on Infractions

- More incentives for schools to self-report violations and cooperate throughout an investigation by revising factors that are considered when the Committee on Infractions prescribes penalties.
- Creation of an additional resolution method, allowing greater flexibility for involved parties and prohibiting deadline extensions except in exceptional circumstances. Members will be encouraged to pursue the more timely, cooperative methods of resolving cases, reserving Committee on Infractions full hearings for the most serious cases.
- More clearly defined violation charging standards for enforcement staff, including for name, image and likeness violations.
- Clarification and enhancements to the responsibility to cooperate for schools, student-athletes and staff.
- A new standard for head coach responsibility requirements.
- The creation of a public-facing dashboard of existing infractions cases.

**Enforcement and Committee on Infractions changes were effective Jan. 1, 2023.*

“Since its January 2021 formation, the Infractions Process Committee has made tremendous strides in transforming the Division I infractions process. The committee’s commitment to collaborating with membership leaders to enact unprecedented change is setting the new standard for the timely identification and resolution of infractions cases important to our membership. Because of our unique position as a standing committee, the Infractions Process Committee can evaluate the impact of the changes as they are executed, making ongoing adjustments to ensure alignment with the membership’s priorities.”

— James T. Harris III

Chair, Infractions Process Committee; Vice Chair, Division I Board of Directors; and President, University of San Diego

Appeals process

- Removing the automatic stay for penalties and requiring the appealing party to direct the application of a stay.
- Limiting appeals of penalties to only those that fall outside legislated penalty guidelines.
- Overturning Committee on Infractions decisions only when the appealing party demonstrates that there is no information in the case record that supports the decision and no reasonable person could have made that decision.
- Resolving the majority of appealed cases through a written record rather than conducting hearings, which can prolong the length of the appeal process.
- As with the peer-review proposal, prohibiting extensions to timelines except in exceptional circumstances.
- Authorizing the Infractions Appeals Committee to issue summary affirmations of COI decisions without further comment.

**Appeals process changes were effective Jan. 1, 2023.*

Independent Accountability Resolution Process

- Discontinuing the Independent Accountability Resolution Process, which was created in 2019 at the recommendation of the Commission on College Basketball, after the remaining two cases in that process are adjudicated.

What’s next?

The Infractions Process Committee will continue to discuss the following concepts in more detail before recommending further action.

Among the items the Infractions Process Committee will consider:

- Requiring increased documentation of recruiting efforts.
- Adjusting the size and composition of the Committee on Infractions.
- Identifying appropriate types of penalties and modifying current penalty ranges, including identifying potential alternative penalties to postseason bans.
- Amending confidentiality rules that apply to involved parties and the NCAA national office during an investigation.



“These changes to the overall infractions process will accelerate the timelines for infractions cases. With the adoption of the new constitution in January (of 2022), NCAA members committed to resolving cases fairly and in a timely fashion, thus holding those responsible for violations accountable and avoiding penalizing those who were not involved in rule breaking.”

— Jere Morehead

President at the University of Georgia and Chair, Division I Board of Directors