In combination with applicable NCAA legislation and policies and procedures, this guide is intended to provide additional context to member institutions and involved individuals as to what the summary disposition process is and how it works when applicable.

**What is a summary disposition?**

When the requirements of NCAA Division I Bylaw 19.6 are met, the summary disposition process is intended to provide a more streamlined method of processing cases involving severe breaches of conduct (Level I) and significant breaches of conduct (Level II). Specifically, the institution, any involved individuals and the NCAA enforcement staff complete a report that is submitted for consideration by a hearing panel of the NCAA Division I Committee on Infractions without an in-person hearing. Ideally, the summary disposition process avoids the need for an in-person hearing before the hearing panel, eliminates the costs associated with such a hearing and reduces the amount of time needed to bring the case to closure.

**In order to use the summary disposition process, what is required?**

1. **Agreement to use the process.**

   The enforcement staff; involved individuals, if participating; and the institution must agree to use the summary disposition process.²

2. **A complete and thorough investigation.**

   The enforcement staff and/or the institution must conduct a complete and thorough investigation. The enforcement staff must make all appropriate inquiries to protect all relevant information to the hearing panel in order for it to conclude whether there are violations of NCAA legislation. If the institution submits a self-report of violations of NCAA rules, the enforcement staff shall make sufficient inquiries to determine its position on each alleged violation. When the investigation is complete, the enforcement staff shall certify that a thorough investigation was conducted.

3. **Substantial agreement concerning the facts and that the hearing panel of the Committee on Infractions could determine that the facts constitute Level I and/or II violations.**

4. **Agreement on the overall processing level of the case.**

   If violations from multiple levels are identified in the summary disposition report, the case shall be processed pursuant to procedures applicable to the most serious violation(s) agreed upon.

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¹ Pursuant to Bylaw 19.02.1, involved individuals are current or former institutional staff members and former student-athletes who have received notice of involvement in alleged violations. Please see Page No. 4 of this guide regarding current student-athletes.

² The institution, an involved individual or the enforcement staff may require, as a condition of agreement, that the parties jointly submit the proposed findings to the hearing panel's chief hearing officer or his or her designee for a preliminary assessment of the appropriateness of the use of the summary disposition process.
5. **A list of any agreed-upon aggravating and mitigating factors.**

In order to use the summary disposition process, there does not have to be agreement on all of the aggravating and/or mitigating factors. However, the intent of the summary disposition process is that there is substantial agreement on the main elements of the case. If there is considerable disagreement regarding the aggravating and/or mitigating factors, this may result in the enforcement staff, institution and involved individuals pursuing the hearing process. In addition to the list of agreed-upon aggravating and mitigating factors, the institution or involved individuals may bring forth additional aggravating and/or mitigating factors for a hearing panel's consideration. The enforcement staff will document its position on each additional factor brought forward.

6. **Institution's and involved individuals' proposed penalties and corrective actions.**

The institution and the involved individuals who are currently employed at the institution shall recommend corrective actions and penalties that are appropriate for the admitted violations. Penalties imposed by the institution prior to the submission of the summary disposition report shall be detailed in the report. If a conference has proposed or imposed penalties, these shall also be noted in the report.

7. **Summary disposition report final agreement.**

After the parties have reviewed all sections of the summary disposition report and agree that the facts are substantially correct, the parties will be required to sign a summary disposition agreement form. A copy of the agreement form is attached.

**How does the summary disposition process work?**

If the institution, involved individuals and enforcement staff agree to pursue the summary disposition process, the enforcement staff will provide the institution and the involved individuals with a proposed timeline for the report's completion and request that the institution begin completing specific sections of the report (e.g., corrective actions, penalties and background). The enforcement staff will complete an initial draft of the report, which will generally include the following information (see Outline for the Preparation of a Division I Summary Disposition Report for more details):

- Case chronology.
- Processing level of the case.
- Nature of the violations.
- Show-cause advisements.
- Proposed findings of fact and a summary of the information on which the facts are based.
- A list of any agreed-upon aggravating and mitigating factors.
- A summary of unresolved issues.

The enforcement staff will then submit an initial draft of the report to the institution and the involved individuals for the appropriate parties to review. The institution and the involved individuals will have the opportunity to provide feedback and make any necessary adjustments to the report.

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3 Pursuant to the Enforcement Internal Operating Procedures, the expected duration of the process shall not exceed 90 days from the day the parties reach agreement to pursue the process to the date the final report is submitted to a hearing panel of the Committee on Infractions. See the Enforcement Internal Operating Procedures for additional details.
opportunity to review the initial draft of the report for factual accuracy and to insert the information required to be completed by the institution and involved individuals (e.g., position statements). The enforcement staff, institution and involved individuals will finalize the report information, exhibits and agreement forms for submission to the hearing panel for consideration.

How may an institution and/or an involved individual determine what corrective actions and/or penalties are available and appropriate for the involved violations?

The summary disposition legislation requires that the institution and involved individuals submit proposed penalties for the hearing panel's consideration from the guidelines set forth in Bylaws 19.9.5, 19.9.6, 19.9.7 and Figure 19-1. The institution and involved individuals may review past cases as guidance for additional penalties or corrective actions. The enforcement staff shall not be involved in the determination of Level I and/or II penalties or corrective actions. Upon concluding that one or more violations occurred, the hearing panel has the authority to prescribe an appropriate penalty consistent with Bylaw 19.

In drafting the report, the institution and involved individuals should detail the reasons the proposed or self-imposed penalties included in the report are appropriate. The institution and involved individuals should also include general background information that would be helpful to the hearing panel in assessing the impact of any proposed penalties. The summary disposition report should also contain a section that contains any corrective actions the institution has taken to prevent the recurrence of violation of NCAA rules. Actions taken by the institution that do not fall within Bylaw 19.9 should be included as corrective actions. Involved individuals no longer employed at the institution are encouraged to submit proposed limitations on their athletically related duties in the event the hearing panel prescribes a show-cause order. If the involved individual is employed at another NCAA member institution at the time of the summary disposition, the second institution may submit proposed penalties and/or corrective actions for the hearing panel's consideration.

What if the institution, an involved individual or the enforcement staff do not agree to use the summary disposition process?

All parties must agree to the requirements of the summary disposition process in order to proceed.

If an involved individual refuses to participate in investigating and/or processing an alleged violation, all other parties may continue with the summary disposition process. Nonparticipation is distinguishable from disagreement over the facts or that violations occurred. Nonparticipation includes, but is not limited to, refusing to participate in interviews, declining to review the proposed summary disposition report or not responding to requests for information. If an involved individual indicates that he or she does not want to participate in the process, the enforcement staff is responsible for advising that individual in writing of the summary disposition process, applicable procedures and notice that the opportunity to be involved in the process is being waived through nonparticipation.

Student-athletes currently enrolled at the institution who are involved in violations are not regarded as involved individuals or participants in the summary disposition process. Such student-athletes are not treated as participants because the institution is required to take one of three positions with regard to violations involving those student-athletes. The institution may (1) acknowledge the violation and, if applicable, take the required action of declaring the student-athlete ineligible; (2) take no position on the violation; or (3) contest the violation. In the first instance, by declaring the student-athlete ineligible or by
seeking redress through the NCAA reinstatement process, the institution has already acknowledged and established the student-athlete's involvement in a violation. In the last two instances, where the institution takes no position or contests the violation, the summary disposition process is not available because there is not agreement by the institution that violations occurred.

**What happens after the summary disposition report is submitted to the hearing panel?**

Once the enforcement staff, the institution and any involved individuals who are participating in the process have reviewed and agreed with the summary disposition report, the institution and enforcement staff jointly submit the report and exhibits to the hearing panel. Each involved individual participating in the process will be provided the applicable portions of the report that pertain to the violations in which they are specifically involved or at risk.

After the report has been submitted, the hearing panel will schedule a meeting for deliberation on the case. If any additional information is needed, the hearing panel will communicate the request to all parties (i.e., the institution, the enforcement staff and any involved individuals).

**What happens after the hearing panel makes its decision?**

After reviewing the summary disposition report, the hearing panel of the Committee on Infractions may take one of the following actions:

1. If the hearing panel accepts the proposed findings of fact, violation levels, violations and the penalties in the summary disposition report, it drafts the infractions decision. Bylaw 19.8 sets out the procedure for releasing an infractions decision.

2. If the hearing panel does not accept the proposed findings of fact, violation levels or violations as written, it may notify the institution, involved individuals and enforcement staff of its decision and its proposed changes or questions. The institution and involved individuals (who participated in the process) shall have an opportunity to answer the panel's questions or review the recommended changes. If the institution and involved individuals accept the changes and the hearing panel accepts the proposed penalties, the infractions decision is released per Bylaw 19.8. By accepting the changes, the institution and involved individuals waive the opportunity to appeal.

3. If the hearing panel does not accept the proposed findings of facts, violation levels or violations as written, it may notify the institution, involved individuals and enforcement staff of its decision and the case shall be processed pursuant to Bylaw 19.7.

4. If the hearing panel accepts the proposed findings, violation levels and violations but does not accept the penalties, the hearing panel may propose penalties different than those set forth in the parties' written report.

   a. If the institution and involved individuals accept the hearing panel's penalties, they waive the opportunity to appeal.
b. If the hearing panel's penalties are not accepted, the parties may request an expedited hearing on the penalties before the hearing panel. The institution and/or involved individuals may appear before the panel in person, by videoconference or other mode of distance communication, as the panel deems appropriate, to discuss the proposed additional penalties. The institution and/or involved individuals also may provide a written submission in lieu of a hearing. The panel shall only consider information relevant to prescribing penalties during the expedited hearing, or if no hearing is requested, on the written record. Details regarding the procedures followed during expedited hearings may be obtained through the NCAA office of the Committees on Infractions. At the conclusion of the expedited hearing or the review of the record, the panel shall prepare a written report and provide notification of its decision. The institution and/or involved individuals may appeal additional penalties to the NCAA Division I Infractions Appeals Committee (but the involved individuals may appeal only those penalties that apply to them). Subsequent to the receipt of the infractions decision, the institution or any involved party who participated in the process has 15 calendar days to notify the Infractions Appeals Committee of the decision to appeal the penalties.

**How is the hearing panel's decision shared?**

After the review of the summary disposition report, including any proposed changes from the hearing panel agreed upon by the participating parties, the hearing panel will release its infractions decision as stated in Bylaw 19.8. If the case proceeds to a hearing (Bylaw 19.7) or an expedited hearing (Bylaw 19.6.4.5), the hearing panel will release the infractions decision as stated in Bylaw 19.8.