



2017 INFRACTIONS PROGRAM PRACTITIONERS' SUMMIT



WELCOME





ENFORCEMENT



DEVELOPMENT

- ▶ Mark Hicks, Managing Director of Development and Operations

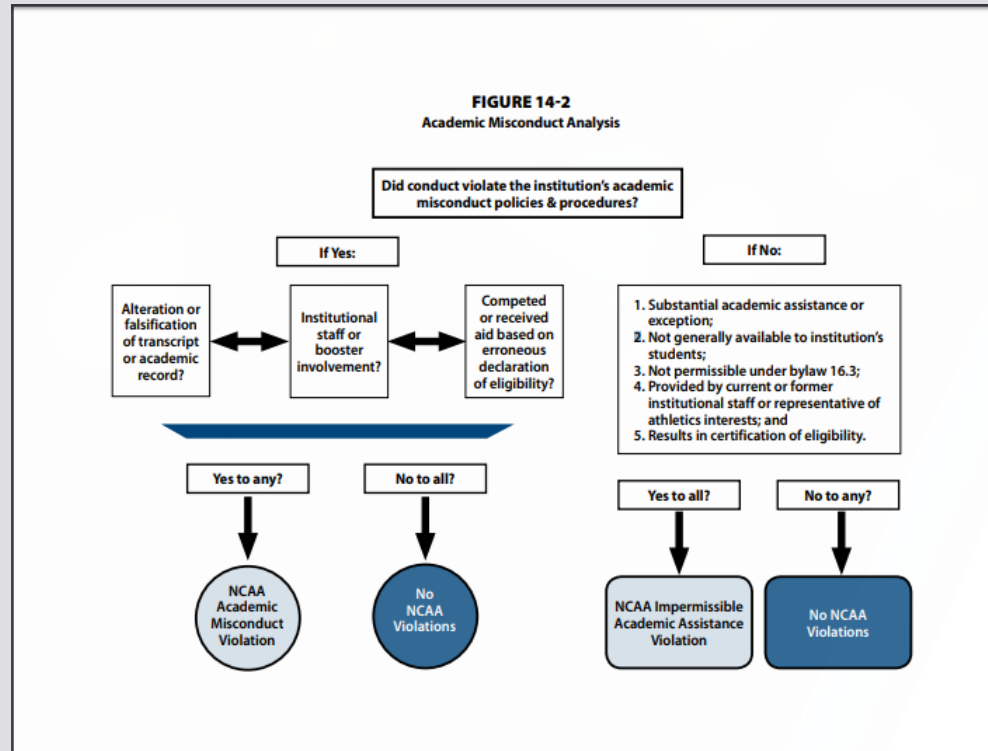
Questions?

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ACADEMIC INTEGRITY UNIT

- ▶ Cindi Merrill, Associate Director of Investigations and Processing
- ▶ Kathy Sulentic, Associate Director of Investigations and Processing

Current Legislation



Trends in Academic Misconduct

▶ Overzealous Coaches

- ▶ Coaches who become increasingly demanding of athletics academic advisors and do not feel the advisor is "doing enough." Coaches who go around the appropriate individuals and speak directly to campus personnel and/or professors.

▶ Friends of the Program

- ▶ Campus individuals (professors, administrators) who are particularly close to a sport program(s) and are interested in helping student-athletes. They take the assistance too far and engage in academic misconduct.

Trends, Cont'd.

▶ Proctoring

- ▶ Student-athletes who are traveling take an exam on the road and the proctor, often an athletics department staff person, allows the student-athlete to use outside materials for the exam, or worse, helps them complete the exam.

▶ Transfer Students (Mainly 2-4 Transfers)

- ▶ Transfer student-athletes who use an online course(s) at an institution other than the one they are attending, completed in the semester before their enrollment at the certifying institution and used to gain their NCAA academic eligibility. In several enforcement matters these cases have been both completed and paid for by coaching staff members.

NCAA

Academic Integrity Summit

- ▶ In June 2017 the Academic Integrity Unit hosted a summit to address the continued problems with academic misconduct and transfer student-athletes.
- ▶ Representatives from all facets of the membership were invited:
 - ▶ Coaches, FARs, N4A, NAAC, CCACA.
- ▶ The group recommended the enforcement staff develop educational materials surrounding academic misconduct.
- ▶ Those materials will be available early 2018.

Questions?

HEAD COACH RESPONSIBILITY

- ▶ Brynna Barnhart, Director of Investigations and Processing
- ▶ Todd Shumaker, Assistant Director of Investigations and Processing

Overview of Legislation

- ▶ NCAA Bylaw 11.1.1.1 (formerly 11.1.2.1)
 - ▶ Adopted in 2005. Most recently amended in 2014.
- ▶ Three key elements:
 1. An institution's head coach is **presumed to be responsible** for the actions of all institutional staff members who report, directly or indirectly, to the head coach.

Overview of Legislation, Cont'd.

2. Head coach shall promote an atmosphere of compliance within his or her program.
3. Head coach shall monitor the activities of all institutional staff members involved with the program who report, directly or indirectly, to the coach.

Enforcement Staff Analysis

- ▶ If there is a Level I or Level II violation, the enforcement staff will consider whether the head coach rebutted the presumption based on the information available.
- ▶ To make that determination, the staff considers:
 - ▶ The specific circumstances surrounding the underlying violations;
 - ▶ The head coach's overall communications with both staff and compliance;
 - ▶ The regular efforts taken to monitor staff; and
 - ▶ Other activities that demonstrate a commitment to compliance.

IAC Factors

- ▶ **Demonstrates that compliance is a shared responsibility** by establishing clear expectations for NCAA compliance, including immediately reporting actual and potential issues to the compliance staff and allowing an independent inquiry into those issues.
- ▶ **Shows an understanding** that ultimate responsibility for the integrity of the program rests with the head coach, including understanding that staff actions reflect on the head coach and violations will result in clearly articulated discipline.
- ▶ **Develops written policies** regarding potential elite athlete issues.
- ▶ **Frequently spot-checks** the program to uncover potential or existing compliance problems, including the head coach actively looking for and evaluating red flags, asking pointed questions, and regularly soliciting honest feedback to determine if monitoring systems are functioning properly.

IAC Factors, Cont'd.

- ▶ **Avoids potential conflicts** between creating a successful program and overall compliance efforts, and/or explicit oversight by individuals outside the program.
- ▶ **Takes quick and personal action** with respect to violations or potential violations, including an ongoing dialogue with staff to review any potential issues involving prospects or current student-athletes.
- ▶ **Protects any person who reports violations** or potential violations from any potential retribution.
- ▶ **Provides timely, consistent and continuing education** of all coaches, staff and student-athletes as to rules and regulations, including written agendas and evidence of subjects covered and issues discussed.
- ▶ **Consults with compliance staff** on a regular basis; asking compliance staff before acting, especially in any potential grey area.

Additional Suggestions

▶ Promoting Compliance.

- ▶ Understand the expectations of and meet with the president, athletics director and compliance.
- ▶ Meet regularly with staff and student-athletes to communicate expectations in regard to rules compliance.
- ▶ Ensure and participate in ongoing compliance training.
- ▶ Establish process and communication regarding reporting violations.

Additional Suggestions, Cont'd.

▶ **Monitoring staff.**

- ▶ Actively look for red flags and ask questions.
- ▶ Regularly consult with compliance and notify immediately of any issues.
- ▶ Solicit feedback from staff and compliance for ways to improve and understand grey areas.

Case Study No. 1

▶ Relevant facts:

- ▶ Women's basketball program recruited two elite junior college prospects who had significant academic deficiencies to make up in a five-week period in order to be eligible.
- ▶ Head coach had concerns about the prospects' academics. However, he delegated oversight to assistant coach and director of basketball operations (DOBO), who both had close ties to the prospects.
- ▶ During a five-week period, assistant coach and DOBO completed and/or paid for online coursework for the prospects in order to obtain eligibility.

Case Study No. 1, Cont'd.

- ▶ Key factors in analysis:
 - ▶ Head coach rarely met with his staff and was often away from campus during the time period in which the violations occurred.
 - ▶ Head coach stated it was not his responsibility to monitor the prospects' academic issues and he trusted his staff to do the "right thing."
 - ▶ Head coach only asked for occasional, general updates from his staff regarding the prospects' academic status.
 - ▶ Head coach did not know any details about how, where or when the prospects were enrolled. Further, he never asked the prospects directly about their academic progress.

Case Study No. 2

▶ Relevant facts:

- ▶ Head coach instructed his brother, who was an assistant coach, to monitor two prospects who need to complete high school coursework in order to be eligible.
- ▶ Prospects received academic assistance from a tutor on their high school coursework.
- ▶ Prospects also received meal, transportation and housing benefits from head coach's brother/assistant coach.

Case Study No. 2, Cont'd.

- ▶ Key factors in analysis:
 - ▶ Head coach regularly asked staff pointed questions, including about the violations identified above.
 - ▶ Head coach held mandatory monthly meetings with his staff and compliance.
 - ▶ Head coach regularly discussed zero tolerance policy in weekly staff meetings and asked about red flags.
 - ▶ Head coach regularly monitored CARA logs and staff recruiting in JumpForward.

Key Suggestions

- ▶ The head coach's actions must be more than what compliance is doing.
- ▶ If the head coach delegates responsibility, he/she must regularly check in, look for red flags, and ask appropriate follow-up questions.
- ▶ Contemporaneous documentation is helpful.

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AGGRAVATING AND MITIGATING FACTORS

- ▶ Tom Hosty, Director of Investigations and Processing
- ▶ Clint Hangebrauck, Director of Quality Control

Aggravating and Mitigating Factors

- ▶ Introduction
- ▶ Aggravating Factors/Mitigating Factors
 - ▶ Definitions
 - ▶ Staff Analysis
 - ▶ Case Precedent
- ▶ Q & A

Aggravating and Mitigating Factors

▶ Introduction

- ▶ Staff responsibility – identify potential AMFs.
- ▶ Parties ability to self-identify.
- ▶ General guidance – case specific, common sense approach to analyzing AMFs.

Aggravating Factors

- ▶ Generally Straight Forward Analysis:
 - ▶ 19.9.3 (a, g) – Multiple Level I/Level II violations.
 - ▶ 19.9.3 (b) – History of Level I, Level II, Major violations.
 - ▶ 19.9.3 (c) – Lack of institutional control.
 - ▶ 19.9.3 (d) – Obstructing an investigation.
 - ▶ 19.9.3 (e) – Unethical conduct, compromising an investigation, failure to cooperate.

Aggravating Factors, Cont'd.

- ▶ 19.9.3 (f) – Violations were premeditated, deliberate or committed after substantial planning.
- ▶ 19.9.3 (k) – Pattern of noncompliance within the sport(s) program involved.
- ▶ 19.9.3 (l) – Conduct intended to generate pecuniary gain.
- ▶ 19.9.3 (m) – Intentional, willful or blatant disregard for the NCAA constitutions and bylaws.

Aggravating Factors, Cont'd.

- ▶ 19.9.3 (h) – *Persons of authority* condoned, participated in or negligently disregarded the violation or related wrongful conduct.
 - ▶ *Staff Analysis – Who is a person of authority?*
 - Athletics Director – Yes, Head Coach – Yes, Professor – Yes
 - Assistant/ Associate Coach/Ops Directors – Fact specific.

Aggravating Factors, Cont'd.

▶ COI Guidance

- Louisville – Director of Basketball Operations – Yes
 - COI: Because of the responsibilities the DOBO had for overseeing the student-athletes in a residence hall, the panel determined that the former operations director qualifies as a person of authority in this case during the two years he served as director of operations.
- Baylor - Football Assistant Coaches (Impermissible Evaluations/Contacts) – No

Aggravating Factors, Cont'd.

- ▶ 19.9.3 (i) – One or more violations caused *significant ineligibility* or other *substantial harm* to a student-athlete or prospective student-athlete.
 - ▶ *Staff Analysis – What is significant ineligibility or substantial harm?*
 - Common sense approach.
 - 1 Student-Athlete, Limited Contests – Likely No
 - Multiple Student-Athletes, Multiple Contests - Yes
 - SAR withholdings – (e.g. > quarter season) - Yes
 - Student Wellbeing Issue – Fact Specific (e.g. Drug Testing Case)

Aggravating Factors, Cont'd.

- ▶ COI Guidance

- Coastal Carolina – Determined factor applied to both the involved individual and institution, because the student-athlete competed for the institution.

Aggravating Factors, Cont'd.

- ▶ 19.9.3 (j) – Conduct or circumstances demonstrating an abuse of a *position of trust*.
 - ▶ *Staff Analysis – Who is in a position of trust?*
 - Institutional Staff Member Involving Student-Athlete(s) or Prospective Student-Athlete(s) in Violations - Yes
 - Head Coach Directing His Staff to Commit Violations - Yes
 - Assistant/Associate Coaches Engaging in Violations Together - No

Aggravating Factors, Cont'd.

▶ COI Guidance

- Southern Miss – Determined factor applied to the head coach due to the head coach directing staff to commit violations and involving student-athletes.

Aggravating Factors, Cont'd.

- ▶ How many instances have parties identified each factor?

Aggravator	Language	Instances Identified
19.9.3-(a)	Multiple level I violations	39
19.9.3-(b)	History of level I, II, major violations	50
19.9.3-(c)	Lack of institutional control	7
19.9.3-(d)	Obstructing an investigation	19
19.9.3-(e)	Unethical conduct, failing to cooperate	72
19.9.3-(f)	Violations were premeditated, deliberate	38
19.9.3-(g)	Multiple level II violations	46
19.9.3-(h)	Persons of authority condoned, participated in violations	87
19.9.3-(i)	Caused significant ineligibility or harm	46
19.9.3-(j)	Abuse of a position of trust	17
19.9.3-(k)	Pattern of noncompliance	14
19.9.3-(l)	Pecuniary game	0
19.9.3-(m)	Intentional, willful or blatant disregard	68
19.9.3 - (n)	Other facts warranting a higher penalty range	0

Mitigating Factors

- ▶ Generally straight forward analysis:
 - ▶ 19.9.4 (a) – Prompt self-detection and self-disclosure of the violation(s).
 - ▶ 19.9.4 (b) – Prompt acknowledgment of the violation(s), acceptance of responsibility and (for an institution) imposition of meaningful corrective measures and/or penalties.
 - ▶ 19.9.4 (c) – Affirmative steps to expedite final resolution of the matter.
 - ▶ 19.9.4 (d) – An established history of self-reporting level III or secondary violations.
 - ▶ 19.9.4 (g) – The violations were unintentional, limited in scope and represent a deviation from otherwise compliant practices by the institution or involved individual.
 - ▶ 19.9.4 (h) – The absence of Level I, Level II or major violations committed by the institution, sport program or involved individual.
 - ▶ 19.9.4 (i) – Other factors warranting a lower penalty range.

Mitigating Factors, Cont'd.

- ▶ 19.9.3 (e) – Implementation of a system of compliance methods designed to ensure rules compliance and satisfaction of institutional/coaches' control standards.
- ▶ Enforcement and infractions membership review group confirmed they did not want enforcement analyzing this mitigator.
 - ▶ Didn't want enforcement spending extra time doing an "audit" of compliance program.
 - ▶ Onus is on institution to self-identify and bring forward to COI.

Mitigating Factors, Cont'd.

- ▶ 19.9.3 (e)
- ▶ Areas to consider presenting on:
 - ▶ Compliance organization/structure.
 - ▶ Compliance systems.
 - ▶ NCAA rules education program.
 - ▶ Compliance monitoring program.
 - ▶ Violation reporting history.
 - ▶ Adoption of NAAC reasonableness standards.
 - ▶ Results from any third-party reviews.

Mitigating Factors, Cont'd.

▶ 19.9.3 (f) – Exemplary Cooperation

▶ Further bylaw guidance:

- Identifying individuals (to be interviewed by the enforcement staff), documents and other information of which the enforcement staff was not aware.
- Expending substantial institutional resources to expedite a thorough and fair collection and disclosure of information; or
- Recognizing and bringing to the attention of the enforcement staff, in a timely manner, additional violations discovered in the investigation of which the enforcement staff was not aware.

Mitigating Factors, Cont'd.

▶ 19.9.3 (f) – Exemplary Cooperation

▶ Staff Analysis

- Institutions and involved individual have a duty to fully cooperate.
- High bar for the enforcement staff to identify.
- Affirmative steps to expedite resolution a lower bar.

Mitigating Factors, Cont'd.

▶ 19.9.3 (f) – Exemplary Cooperation

▶ Case Precedent:

- University of Louisiana at Lafayette (2016):

The panel commends the institution for its level of cooperation in this case. It expended substantial institutional resources to expedite a thorough and fair collection and disclosure of information in the case and the institution's president and athletics compliance director both personally invested substantial time and attention to the details of the investigation. In short, the institution's exemplary cooperation in this case was a model for the kind of relationship and cooperation member institutions should strive for in the infractions process.

Mitigating Factors, Cont'd.

- ▶ How many instances have parties identified each factor?

Aggravator	Language	Instances Identified
19.9.4-(a)	Prompt self-detection and self-disclosure of the violation(s)	28
19.9.4-(b)	Prompt acknowledgement of the violation	96
19.9.4-(c)	Affirmative steps to expedite final resolution of the matter	46
19.9.4-(d)	Established history of level III violations	59
19.9.4-(e)	Implementation of a system of compliance methods	30
19.9.4-(f)	Exemplary cooperation	57
19.9.4-(g)	Violations were unintentional, limited	26
19.9.4-(h)	Absence of prior Level I, Level II or major violations	24
19.9.4-(i)	Other facts warranting a lower penalty range	19

Aggravating and Mitigating Factors

► Which AMF's are generally attributable to what parties?

Aggravating and Mitigating Factors		Typically attributable to:			
		Only Inst.	Only Inv. Ind.	Both Inst. & Inv. Ind.	Fact-Specific Analysis
19.9.3-(c)	Lack of institutional control	X			
19.9.3-(d)	Obstructing investigation or concealing violation		X		
19.9.3-(e)	Unethical conduct		X		
19.9.3-(f)	Vios premeditated, deliberate or committed after substantial planning		X		
19.9.3-(h)	Persons of authority condoned, participated, negligently disregarded the vio or wrongful conduct			X	
19.9.3-(i)	Vios caused significant ineligibility or other substantial harm to SA or PSA			X	
19.9.3-(j)	Conduct or circumstances demonstrating an abuse of a position of trust			X	
19.9.3-(m)	Intentional, willful or blatant disregard for the NCAA constitution and bylaws		X		
Other	All other aggravating and mitigating factors				X

Questions?

LIMITED IMMUNITY

- ▶ Derrick Crawford, Managing Director of Investigations and Processing

Limited Immunity Frequently Asked Questions and Answers

http://www.ncaa.org/sites/default/files/DIENF_MembershipEnforcementResources_LimitedImmunityFAQs_20161220.pdf

Questions?

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15-MINUTE BREAK



Enforcement Internal Operating Procedures

- ▶ Derrick Crawford, Managing Director of Investigations and Processing
- ▶ Jackie Thurnes, Director of Investigations and Processing

IOP 1-3: Sharing Information

- ▶ Enforcement staff is not required to share information about possible NCAA violations with a member institution under certain circumstances.
 - ▶ I/P staff will inform the institution that it has information and will not immediately share.
 - ▶ I/P staff will timely share information when disclosure will not jeopardize investigation.

IOP 1-3: Sharing Information

- ▶ Does the development staff need to inform institutions when it has received information?
 - ▶ No, not immediately.
 - ▶ Development staff may share information when violation(s) is possibly Level III.
 - ▶ Development staff may share information to help institution maintain compliant culture.

IOP 1-5-5 & Bylaw 19.5.6.1: Interview Participation

- ▶ I/P staff conducts interviews at subject institution and non-subject institution.
- ▶ Interviews at non-subject institutions may include former staff members, student-athletes and/or prospective student-athletes.

IOP 1-5-5 & Bylaw 19.5.6.1: Interview Participation

- ▶ Who may be present during interviews conducted at subject institution?
 - ▶ Outside counsel and any subject institutional representative(s) whose presence will not compromise the interview or jeopardize the integrity of the investigation.

IOP 1-5-5 & Bylaw 19.5.6.1: Interview Participation

- ▶ Who may be present during interviews conducted at non-subject institution?
 - ▶ Outside counsel and any subject institutional representative(s) whose presence will not jeopardize the integrity of the investigation.
 - ▶ Non-subject representative who would not compromise investigation or prejudice subject institution or involved individual.

IOP 1-9: Projected Duration and Scheduling Conference

- ▶ What is the projected end date (IOP end date)?
 - ▶ Date when I/P staff expects a NOA will be issued or SD process will be confirmed.

IOP 1-9: Projected Duration and Scheduling Conference

- ▶ When is the projected end date (IOP end date) set?
 - ▶ Start of active investigation.
 - I/P staff shares information with institution.
 - Issuance of NOI.

IOP 1-9: Projected Duration and Scheduling Conference

- ▶ What factors are considered to set the projected end date (IOP end date)?
 - ▶ Number of involved sports.
 - ▶ Number of potential allegations.
 - ▶ Number of potential involved individuals.
 - ▶ Other factors that inform on complexity of case.

IOP 1-9: Projected Duration and Scheduling Conference

- ▶ Why is a projected end date (IOP end date) necessary?
 - ▶ Ensure timeliness of investigations.
 - ▶ Accountability for all involved parties.

IOP 1-9: Projected Duration and Scheduling Conference

- ▶ What happens if the projected end date (IOP end date) is not met?
 - ▶ I/P staff notifies institution.
 - ▶ I/P staff notifies chair of DI COI.
 - ▶ Chair of DI COI will decide whether a scheduling call with all parties is necessary to discuss delay(s).

IOP 1-10: Case Readiness Report

- ▶ I/P staff provides monthly report to COI. Report includes:
 - ▶ List of all active investigations.
 - ▶ Summary of potential allegations.
 - ▶ Projected end date (IOP end date).
 - ▶ Anticipated processing level.

IOP 3-12-1: Interviews Conducted After NOA

- ▶ Interested party shall:
 - ▶ Notify all involved parties to determine whether parties object to interviews.
 - ▶ Notify chair of DI COI in writing about need to conduct interviews.
 - ▶ Afford all other parties reasonable opportunity to be present for interviews (unless good cause for precluding is present).

IOP 3-12-1: Interviews Conducted After NOA

- ▶ Interested party shall:
 - ▶ Transcribe all interviews in written format.
 - ▶ Request in writing that the chair of DI COI add interviews to the record of the case.
 - DI COI has final authority to supplement the record.

Questions?

OVERVIEW OF INTERNAL PROCESSES POST INVESTIGATION

- ▶ Stephanie Hannah, Director of Investigations and Processing

Allegation Review Board (ARB)

▶ Purpose

- ▶ Complete, fair, thorough investigation.
- ▶ Conform to procedures.
- ▶ NOA accurate and consistent.

▶ Membership

- ▶ 8 Standing members.
- ▶ 6 additional members.

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graph LR; A[AMA audit] --> B[ARB review of NOA]; B --> C[ARB meeting]; C --> D[Team implements feedback]; D --> E[Final draft reviewed];
```

AMA audit

ARB review
of NOA

ARB
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RESOURCES FOR PRACTITIONERS

- ▶ Derrick Crawford, Managing Director of Investigations and Processing
- ▶ Janell Zimmer, Assistant Director of Quality Control

Practitioner Resources Website

<http://www.ncaa.org/enforcement/practitioner-resources>

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LUNCH GRANT BALLROOM A





OFFICE OF THE COMMITTEES ON INFRACTIONS (OCOI)*



*THE THREE DIVISIONAL COMMITTEES ON INFRACTIONS (COIS) DECIDE INFRACTIONS CASES AND THE DIVISION I COI PROMULGATES OPERATING PROCEDURES. THESE ARE OBSERVATIONS FROM THE OCOI BUT NOT NECESSARILY THE OFFICIAL POSITION OF THE COIS.

OCOI Staff

Supporting the Membership's Infractions Process

- ▶ **Joel McGormley**, managing director
- ▶ **Shep Cooper**, director
- ▶ **Jim Elworth**, associate director
- ▶ **Matt Mikrut**, associate director
- ▶ **Heather McVeigh**, associate director
- ▶ **Ken Kleppel**, associate director
- ▶ **Evelyn Gross**, assistant coordinator
- ▶ **Cindy McKinney**, assistant coordinator

Topics of Discussion

- ▶ Process Expectations
- ▶ Written & Oral Presentations
- ▶ Confidentiality
- ▶ Interview Practices
- ▶ Internal Operating Procedures (IOPs): Navigating the Process

Process Expectations

The Membership's Peer-review Infractions Process

- ▶ Cooperative
- ▶ Not Adversarial
- ▶ Thoughtful Development and Use of the Record
- ▶ Not Taxing the Process with Prehearing Procedural Submissions

Written & Oral Presentations

Directing the COI to Pertinent Information

- ▶ Develop & present focused positions.
- ▶ Thematic positions supporting the theory of the case.
- ▶ Direct panel to key issues and areas of dispute.
- ▶ Highlight most pertinent & persuasive record information.
 - ▶ Use exhibit list.
 - ▶ Hyperlink processing documents (i.e., responses).
 - ▶ Cite to pertinent FIs during oral presentations.

Confidentiality

Upholding the Membership's Confidential Infractions Process

- ▶ Bylaw 19.01.3 & IOP 4-1.
- ▶ Prohibit public comment & disclosure by institutions & individuals subject to NCAA constitution & bylaws (including any representatives or counsel) until release of the final decision.
- ▶ Confidentiality runs throughout the process.

Confidentiality, Cont'd.

Upholding The Membership's Confidential Infractions Process

- ▶ Pre-NOA breaches may be alleged by the enforcement staff.
- ▶ Post-NOA breaches may be noted by the parties, concluded to rise to violations by the COI, determined to be an aggravating factor and/or result in a penalty.

Conducting Interviews

Cooperatively Developing Pertinent Information

▶ Avoid Duplicative & Repetitious Interviews

- ▶ While respecting the integrity of the investigations, parties should:
 - Proactively identify interviewees with the best information as early as possible in the process; and
 - Where appropriate, collaboratively include all pertinent parties in interviews to limit the need for additional or duplicative interviews post-NOA.
 - The ordering and who is present can matter.

Conducting Interviews, Cont'd.

Cooperatively Developing Pertinent Information

- ▶ **Conduct timely post-NOA interviews.**
 - ▶ Extensions, delays and extensive supplemental briefing disfavored.
- ▶ **Pursuant to Bylaw 19.7.5 & IOP 3-15 set deadline for submission of written material at 30 days prior to hearing.**
 - ▶ Applies to late interviews.

IOPs

Navigating the Membership's Infractions Process

Important IOP Reminders

- ▶ **3-6 Access to Pertinent Information**

- ▶ All parties are presumed to have access to all case information.

- ▶ **3-13 Page Limitation**

- ▶ Responses to the NOA are limited to 50 pages; exceptions are disfavored.

- ▶ **3-15 Deadline to Submit Written Materials**

- ▶ All written materials must be received by the COI at least 30 days prior to the hearing.

IOPs, Cont'd.

Navigating the Membership's Infractions Process

Efficient Hearing Processing

- ▶ ***3-1-2-1 Three Member Panel***

- ▶ Parties may identify when they believe their case is suitable for a three-member panel.

- ▶ ***3-10 Hearing Method***

- ▶ Level I or Level II cases may be heard via in-person hearing, videoconference, teleconference or on written submission.

IOPs, Cont'd.

Navigating the Membership's Infractions Process

Efficient Hearing Processing

▶ **3-10-1 Written Submission Procedures**

- ▶ For Level I or Level II cases parties may petition chair (or chief hearing officer) to process case on written submission.

▶ **3-10-2 Accelerated Hearing Track**

- ▶ Pursuant to Bylaw 19.7.7.2, within 14 days of issuance of the NOA, the parties may petition the chair for their case to be processed on an accelerated hearing track.

IOPs, Cont'd.

Navigating the Membership's Infractions Process

Hearing IOPs

- ▶ **4-8 Hearing Attendance**

- ▶ The chief hearing officer has the discretion to request attendance of other individuals, which can be identified by the parties most familiar with the investigation.

- ▶ **4-9 Request for an AMA Interpretation**

- ▶ Parties should identify all pertinent AMA interpretations relied upon by the parties.

IOPs, Cont'd.

Navigating the Membership's Infractions Process

Hearing IOPs

- ▶ ***4-12 Additional Allegations and Findings by the Panel***
 - ▶ The COI may make findings and conclusions based on information presented at the hearing.
 - ▶ Additional factual findings and conclusions are most appropriate when they relate directly to the subject matter in the record or when the parties are on reasonable notice.
 - ▶ If additional allegations are unrelated or the parties are not on reasonable notice, the COI may issue additional allegations and afford the parties an opportunity to respond.

Questions?

SECURE FILING SYSTEM

▶ Ken Kleppel, Associate Director

What is Secure Filing System (SFS)?

- ▶ New electronic filing system in Box.com.
- ▶ Developed to enhance collaborative and efficient review of record and better use technology.
- ▶ Enforcement staff initially administers then turns over to OCOI to manage after NOA or SDR issued.
 - ▶ If case appealed, IAC staff manages after appeal.
- ▶ Benefits both the adjudicator and parties.
- ▶ **Must** be used by parties.

What is New?

- ▶ One location for filing.
- ▶ Tool to directly upload responses, correspondence, supplemental information and other documentation.
- ▶ Updated folder structure.
- ▶ Entire case record in one location.
- ▶ Hyperlinked factual information chart.
 - ▶ Required to hyperlink factual information in responses.
 - ▶ "One click" from response/reply to record.
- ▶ Identification of "hot documents" (key information for case theory).

File Structure – Single Case

Name ▾



Test_00000_SecureWeb_Upload Area



Test_00000_SecureWeb_Other Information











Test_00000_SecureWeb_Case Record_Record Documents



Test_00000_SecureWeb_Case Record_Information

File Structure – Multiple Case

Name
 Test_00000_SecureWeb_Upload Area
 Test_00000_SecureWeb_Other Information
 Test_00000_SecureWeb_Case Record_Record Documents
 Test_00000_SecureWeb_Case Record_Information
 Test2_00002_SecureWeb_Upload Area
 Test2_00002_SecureWeb_Other Information
 Test2_00002_SecureWeb_Case Record_Record Documents
 Test2_00002_SecureWeb_Case Record_Information

What are the Next Steps?

- ▶ Roll out for Division I cases in late fall/early winter with test case.
 - ▶ Anticipated roll out for Division II and III cases later in 2018.
- ▶ Required use by parties.
- ▶ User guide as resource.
- ▶ Webinar/additional education?

Questions?

A piece of white lined paper is tilted at an angle. The word "Questions?" is written in a large, black, cursive font. A black marker is positioned at the end of a long, thin, horizontal line drawn across the paper. The marker has the word "CARTER" and "PERMANENT" visible on its side.



INFRACTIONS APPEALS COMMITTEE (IAC)





15-MINUTE BREAK





PANEL DISCUSSION

**NCAA Division I
Committee on Infractions and
Infractions Appeals Committee**



**TEST DRIVE
CMS AND SFS -
AVAILABLE IN THE
LOBBY UNTIL 5 P.M.**