Proposal Number: 2018-11

Title: NCAA MEMBERSHIP AND CHAMPIONSHIPS AND POSTSEASON FOOTBALL -- CONDITIONS AND OBLIGATIONS OF MEMBERSHIP -- ELIGIBILITY FOR CHAMPIONSHIPS -- ATTESTATION OF COMPLIANCE OBLIGATIONS

Intent: To specify that an institution’s president or chancellor and all athletics department staff members (full time, part time, clerical, volunteer) shall attest that the obligations of Constitution 2.1 (Principle of Institutional Control and Responsibility) and Constitution 2.8 (Principle of Rules Compliance) have been met; further, to specify that an institution that fails to complete the annual institutional eligibility certification by September 15 shall be subject to removal from and/or ineligibility of individuals to serve on an NCAA board, council or committee.

A. Constitution: Amend 3.2, as follows:

3.2 Active Membership.

[3.2.1 through 3.2.3 unchanged.]

3.2.4 Conditions and Obligations of Membership.

3.2.4.1 General. The active members of this Association agree to administer their athletics programs in accordance with the constitution, bylaws and other legislation of the Association.

[3.2.4.2 through 3.2.4.13 unchanged.]

3.2.4.14 Compliance-Related Certification. A member institution shall not be eligible to enter a team or individual competitors in an NCAA championship and shall be subject to removal from and/or ineligibility of individuals to serve on an NCAA board, council or committee unless its president or chancellor makes an annual institutional eligibility certification [see Bylaw 18.4.2.1-(d)] attesting that the conditions specified have been satisfied.

[3.2.4.15 through 3.2.4.21 unchanged.]

[3.2.5 through 3.2.6 unchanged.]

B. Bylaws: Amend 18.4, as follows:

18.4 Eligibility for Championships.

[18.4.1 unchanged.]

18.4.2 Institutional Eligibility.

18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition, an institution shall:

[18.4.2.1-(a) through 18.4.2.1-(c) unchanged.]

(d) Certify, through its president or chancellor, the institution’s compliance with NCAA legislation (see Bylaw 18.4.2.1.1). The certification of compliance shall be completed not later than September 15 and shall be kept on file at the institution;

[18.4.2.1-(e) through 18.4.2.1-(h) unchanged.]

18.4.2.1 Certification of Compliance -- Requirements. The following conditions shall be satisfied.

18.4.2.1.1 NCAA Rules Review. The president or chancellor or a designated representative has reviewed with all athletics department staff members the rules and regulations of the NCAA as they apply to the administration and conduct of intercollegiate athletics.

18.4.2.1.2 Attestation of Compliance Obligations. The president or chancellor and all athletics department staff members (full time, part time, clerical, volunteer) shall attest that
the obligations of Constitution 2.1 (Principle of Institutional Control and Responsibility) and Constitution 2.8 (Principle of Rules Compliance) have been met. (See Constitution 3.2.4.14.)

18.4.2.1.1.23 Coaching Staff Disciplinary Actions. At the time of such certification, and as a result of involvement in a violation of the Association's legislation as determined by the Committee on Infractions or the Infractions Appeals Committee, no current member of the institution's coaching staff:

(a) Shall have been temporarily or permanently suspended from coaching duties by another member institution within the last two years;

(b) Shall have been prohibited within the last two years, as a result of violations occurring while employed by another member institution, from participating in identified coaching-related activities, unless the prohibition has been equally applied by the certifying institution with respect to the individual’s coaching-related activities on its behalf; or

(c) Shall have been permitted within the last two years to perform any coaching-related activities for the certifying institution that were prohibited after determination by the Committee on Infractions of an "appropriate disciplinary action" for the individual in accordance with the show-cause provision of Bylaw 19.9.9.

18.4.2.1.1.23.1 Period of Suspension or Prohibition. The period of suspension or prohibition established by the Committee on Infractions or the Infractions Appeals Committee must be in effect for the provisions set forth in Bylaw 18.4.2.1.1.2 to apply.

18.4.2.1.1.23.2 Due-Process Requirement. The affected coaching staff member must be given through the appropriate institution notice of an opportunity to be heard at both the NCAA hearing resulting in the finding of involvement in the violation and the institutional hearing resulting in suspension or prohibition.

18.4.2.1.1.34 Certification of Policies, Procedures and Practices. The policies, procedures and practices of the institution, its staff members and representatives of its athletics interests are in compliance at the present time with the Association's legislation insofar as the president or chancellor can determine.

18.4.2.1.1.45 Additional Requirements. An institution shall specifically affirm the following:

(a) It has published its regular entrance requirements, including any special-admission opportunities;

(b) It has published its requirements for progress toward a degree, in accordance with membership obligations set forth in Constitution 3.2; and

(c) Each student-athlete who represents the institution in intercollegiate athletics competition during the academic year has been certified to be in good academic standing and maintaining progress toward a degree as set forth in Bylaw 14.

[18.4.2.1.2 unchanged.]

[18.4.2.2 through 18.4.2.3 unchanged.]

Source: NCAA Division I Board of Directors (Commission on College Basketball Association-Wide Issues Topical Working Group)

Effective Date: August 1, 2019

Category: Amendment

Topical Area: NCAA Membership

Rationale: Current legislation requires that active members of the Association administer their athletics programs in accordance with the constitution, bylaws and other legislation of the Association, and certify, through its president or chancellor, the institution's compliance with NCAA legislation in order to be eligible
to enter a team or individual competitors in an NCAA championship. As part of the certification requirement, an institution’s president or chancellor and all athletics department staff members should also attest that they have met the fundamental obligations of the principle of institutional control and responsibility, and the principle of rules compliance. Specifically, this proposal will require attestation that the institution has control of its intercollegiate athletics program in compliance with the rules and regulations of the Association, that its programs are monitored to assure compliance and that instances in which compliance has not been achieved are identified and reported to the Association. In addition, the president or chancellor and athletics staff must attest that in instances of noncompliance, the institution will cooperate fully with the Association and take appropriate corrective actions. Moreover, enhanced penalties, including eliminating the opportunity for individuals to serve in the governance structure, highlight the importance of the annual certification.

**Budget Impact:** None.

**Time Impact:** None.

**History:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul 30, 2018</td>
<td>In Progress</td>
</tr>
<tr>
<td>Aug 8, 2018</td>
<td>Adopted Final</td>
</tr>
<tr>
<td></td>
<td>Adopted by the Board of Directors</td>
</tr>
</tbody>
</table>
Proposal Number: 2018-12

Title: INFRACTIONS PROGRAM -- INDEPENDENT ALTERNATIVE RESOLUTION PROGRAM

Intent: To establish an independent alternative resolution program to investigate and adjudicate select infractions cases.

A. Constitution: Amend 3.2, as follows:

3.2 Active Membership.

[3.2.1 through 3.2.5 unchanged.]

3.2.6 Discipline of Active Members. Disciplinary or corrective actions other than suspension or termination of membership may be effected during the period between annual Conventions for violation of NCAA rules (see Bylaw 19).

3.2.6.1 Restoration of Good Standing. Disciplined members shall resume good standing in accordance with the terms of the disciplinary action taken, or may be restored to good standing at any time by a majority vote of the members of the Committee on Infractions present and voting or by action by the Independent College Sports Adjudication Panel. If fewer than eight members of the Committee on Infractions are present, any committee action requires a favorable vote of at least four committee members. Disciplined members also may be restored to good standing at the annual Convention, by vote of a majority of the members present and voting.

B. Constitution: Amend 3.4, as follows:

3.4 Affiliated Membership.

[3.4.1 through 3.4.4 unchanged.]

3.4.5 Loss of Membership.

3.4.5.1 Termination or Suspension. The membership of any affiliated member failing to meet the conditions and obligations of membership or failing to support and adhere to the purposes and policies of the Association (see Constitution 1) may be suspended or terminated or the affiliated member otherwise disciplined through the following procedure:

[3.4.5.1-(a) unchanged.]

(b) The Committee on Infractions, by majority vote, or the Independent College Sports Adjudication Panel may recommend such action to the Board of Governors, which may adopt the recommendation by a two-thirds majority of its members present and voting; and

(c) The affiliated member shall be advised of the proposed action at least 30 days prior to any Committee on Infractions, Independent College Sports Adjudication Panel or Board of Governors meeting in which such action is considered and shall be provided the opportunity to appear at any such meeting.

[3.4.5.1.1 unchanged.]

[3.4.5.2 through 3.4.5.4 unchanged.]

[3.4.6 unchanged.]

C. Constitution: Amend 4.2, as follows:

4.2 Division I Board of Directors.

[4.2.1 unchanged.]
4.2.2 Duties and Responsibilities. The Board of Directors shall serve as the overall governing body for Division I, with responsibility for strategy, policy, legislative oversight and management oversight. Specifically, the Board shall:

4.2.2-(a) through 4.2.2-(g) unchanged.

(h) Appoint members of the Committee on Infractions, Infractions Appeals Committee, the Independent College Sports Adjudication Panel, Council and Committee on Academics;

4.2.2-(i) unchanged.

(j) Review and adopt operating procedures for the independent alternative resolution structure, and revise the operating procedures in consultation with the Independent Alternative Resolution Oversight Committee;

4.2.2-(j) through 4.2.2-(r) relettered as 4.2.2-(k) through 4.2.2-(s), unchanged.

4.2.3 through 4.2.6 unchanged.

D. Bylaws: Amend 13.1.1.3, as follows:

13.1.1.3 Four-Year College Prospective Student-Athletes. An athletics staff member or other representative of the institution’s athletics interests shall not make contact with the student-athlete of another NCAA or NAIA four-year collegiate institution, directly or indirectly, without first obtaining the written permission of the first institution’s athletics director (or an athletics administrator designated by the athletics director) to do so, regardless of who makes the initial contact. If permission is not granted, the second institution shall not encourage the transfer and the institution shall not provide athletically related financial assistance to the student-athlete until the student-athlete has attended the second institution for one academic year. If permission is granted to contact the student-athlete, all applicable NCAA recruiting rules apply. If an institution receives a written request from a student-athlete to permit another institution to contact the student-athlete about transferring, the institution shall grant or deny the request within seven business days (see Bylaw 13.02.1) of receipt of the request. If the institution fails to respond to the student-athlete’s written request within seven business days, permission shall be granted by default and the institution shall provide written permission to the student-athlete. [D]

13.1.1.3.1 through 13.1.1.3.3 unchanged.

13.1.1.3.4 Transfer From Institution Placed on Probation by Committee on Infractions or Independent College Sports Adjudication Panel. It is not necessary for an institution to obtain permission in writing to recruit a student-athlete at an institution that has been placed on probation with sanctions that preclude it from competing in postseason competition during the remaining seasons of the student-athlete’s eligibility. However, the student-athlete’s institution must be notified of the recruitment and may establish reasonable restrictions related to the contact (e.g., no visits during class time), provided such restrictions do not preclude the opportunity for the student-athlete to discuss transfer possibilities with the other institution [see Bylaw 14.7.2-(c)]. [D]

13.1.1.3.5 through 13.1.1.3.6 unchanged.

E. Bylaws: Amend 14.7.2, as follows:

14.7.2 Residence Requirement Waivers. The Committee for Legislative Relief may waive the one-year residence requirement for student-athletes under the following conditions or circumstances:

14.7.2-(a) through 14.7.2-(b) unchanged.

(c) On the recommendation of the Committee on Infractions or Independent College Sports Adjudication Panel, for a student-athlete who transfers to a member institution to continue the student-athlete’s opportunity for full participation in a sport because the student-athlete’s original institution was placed on probation by the NCAA with sanctions that would preclude the institution’s team in that sport from participating in postseason competition during all of the remaining seasons of the student-athlete’s eligibility (see also Bylaw 13.11.3.4); and

14.7.2-(d) unchanged.
F. **Bylaws:** Amend 18.4, as follows:

18.4.2 Institutional Eligibility.

18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition, an institution shall:

18.4.2.1-(a) through 18.4.2.1-(h) unchanged.

18.4.2.1.1 Certification of Compliance -- Requirements. The following conditions shall be satisfied.

18.4.2.1.1 unchanged.

18.4.2.1.2 Coaching Staff Disciplinary Actions. At the time of such certification, and as a result of involvement in a violation of the Association's legislation as determined by the Committee on Infractions, the Independent College Sports Adjudication Panel, or the Infractions Appeals Committee, no current member of the institution's coaching staff:

18.4.2.1.2-(a) through 18.4.2.1.2-(b) unchanged.

(c) Shall have been permitted within the last two years to perform any coaching-related activities for the certifying institution that were prohibited after determination by the Committee on Infractions or the Independent College Sports Adjudication Panel of an "appropriate disciplinary action" for the individual in accordance with the show-cause provision of Bylaw 19.9.9.

18.4.2.1.2.1 Period of Suspension or Prohibition. The period of suspension or prohibition established by the Committee on Infractions, the Independent College Sports Adjudication Panel, or the Infractions Appeals Committee must be in effect for the provisions set forth in Bylaw 18.4.2.1.2 to apply.

18.4.2.1.2.2 unchanged.

18.4.2.2 unchanged.

18.4.2.2 through 18.4.2.3 unchanged.

G. **Bylaws:** Amend 18.7, as follows:

18.7.2 Postseason Bowl Games. The conditions and requirements that must be met in order for an institution to participate in a postseason bowl game are set forth in the NCAA postseason football handbook.

18.7.2.1 Contest Status. A contest shall serve the purpose of providing a national contest between deserving teams. A "deserving team" shall be defined as one that has won a number of games against Football Bowl Subdivision opponents that is equal to or greater than the number of its overall losses. Tie games do not count in determining a team's won-lost record. Further, when forfeiture of a regular-season football victory is required by the Committee on Infractions, the Independent College Sports Adjudication Panel or a conference, or is self-imposed by an institution as a result of a violation of NCAA rules, neither of the competing institutions may count that contest in satisfying the definition of a "deserving team."

18.7.2.1.1 through 18.7.2.1.3 unchanged.

18.7.2.2 through 18.7.2.3 unchanged.

H. **Bylaws:** Amend 19, as follows:

19 Infractions Program.

19.01 through 19.1 unchanged.

19.2 Expectations and Shared Responsibility.
19.2.3 Responsibility to Cooperate. Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Complex Case Unit, the Committee on Infractions, the Independent College Sports Adjudication Panel, and the Infractions Appeals Committee to further the objectives of the Association, and its infractions program and its independent alternative resolution program. Full cooperation includes, but is not limited to:

19.2.3-(a) through 19.2.3-(f) unchanged.

19.2.3.1 unchanged.

19.2.3.2 Failure to Cooperate. Failing to satisfy the responsibility to cooperate may result in an independent allegation and/or be considered an aggravating factor for purposes of determining a penalty. Institutional representatives and the involved individual may be requested to appear before a hearing panel of the Committee on Infractions or the Independent College Sports Adjudication Panel at the time the allegation is considered.

19.2.3.3 unchanged.

19.3 through 19.10 unchanged.

19.11 Independent Alternative Resolution.

19.11.1 Independent Alternative Resolution Program. The independent alternative resolution program shares the mission, principles and commitments of the NCAA infractions program. The independent alternative resolution program ensures the Association’s interests are best served by resolving select infractions cases in an independent alternative resolution structure external to the Association.

19.11.1.1 Incorporation of NCAA Infractions Program Bylaws. The independent alternative resolution program incorporates Bylaws 19.01 (General Principles), 19.02 (Definitions and Applications), 19.1 (Violation Structure), 19.2 (Expectations and Shared Structure) and 19.9 (Penalties) as they apply to the independent alternative resolution structure.

19.11.2 Independent Alternative Resolution Structure. The independent alternative resolution structure shall consist of the following bodies:

(a) Independent Alternative Resolution Oversight Committee;

(b) Infractions Referral Committee;

(c) Independent College Sports Adjudication Panel; and

(d) Complex Case Unit.

19.11.2.1 Independent Alternative Resolution Oversight Committee.

19.11.2.1.1 Composition. The Independent Alternative Resolution Oversight Committee shall consist of five members, including three independent members of the Board of Governors, the chair of the Board of Directors and the vice chair of the Board of Directors.

19.11.2.1.2 Method of Selection. The Board of Governors shall appoint the independent members of the Board of Governors on the Independent Alternative Resolution Oversight Committee.

19.11.2.1.3 Term of Office. The term of office for Independent Alternative Resolution Oversight Committee members shall be as follows:

(a) An independent member of the Board of Governors shall serve a four-year term and is not immediately eligible for reappointment.

(b) The terms of office of independent members of the Board of Governors may expire on a staggered basis to provide for continuity. A member may be appointed for less than a full term.
(c) An independent member of the Board of Governors who serves more than one-half of a term shall be considered to have served a full term.

(d) The terms of office of the chair and vice chair of the Board of Directors shall coincide with their terms as chair and vice-chair, respectively.

19.11.2.1.4 Chair. The Independent Alternative Resolution Oversight Committee shall elect a member of the committee who is an independent member of the Board of Governors to serve as chair. The chair shall serve for a period of not more than two years and is not immediately eligible for re-election to the position.

19.11.2.1.5 Duties and Authority. The Independent Alternative Resolution Oversight Committee administers the independent alternative resolution program. The Independent Alternative Resolution Oversight Committee shall:

(a) Oversee the Infractions Referral Committee, Independent College Sports Adjudication Panel and Complex Case Unit;
(b) Consult with the Board of Directors in revising operating procedures for the independent alternative resolution structure;
(c) Appoint the Independent College Sports Adjudication Panel, Committee on Infractions and Infractions Appeals Committee members on the Infractions Referral Committee, and the independent external investigators and advocates on the Complex Case Unit;
(d) Nominate individuals to serve on the Independent College Sports Adjudication Panel, subject to appointment by the Board of Directors;
(e) On request by the Independent College Sports Adjudication Panel, appoint a member of the general public (with formal legal training who is not associated with a collegiate institution, conference, or professional or similar sports organization and who does not represent coaches or athletes in any capacity) knowledgeable in the infractions process and with the NCAA constitution and bylaws to confer with the panel during its review of a particular case; and
(f) Carry out such other duties as assigned by the Board of Governors.

19.11.2.2 Infractions Referral Committee.

19.11.2.2.1 Composition. The Infractions Referral Committee shall consist of five members, including one Independent College Sports Adjudication Panel member, one Committee on Infractions member, one Infractions Appeals Committee member, the NCAA vice president of enforcement and the Council chair.

19.11.2.2.2 Method of Selection. The Independent Alternative Resolution Oversight Committee shall appoint the Independent College Sports Adjudication Panel, Committee on Infractions and Infractions Appeals Committee members on the Infractions Referral Committee.

19.11.2.2.3 Term of Office. The term of office for the Infractions Referral Committee members shall be as follows:

(a) The Independent College Sports Adjudication Panel, Committee on Infractions and Infractions Appeals Committee members shall serve four-year terms and are not immediately eligible for reappointment.

(b) The terms of office of the Independent College Sports Adjudication Panel, Committee on Infractions and Infractions Appeals Committee members may expire on a staggered basis to provide for continuity. Such a member may be appointed for less than a full term.

(c) The Independent College Sports Adjudication Panel, Committee on Infractions and Infractions Appeals Committee members who serve more than one-half of a term shall be considered to have served a full term.
(d) The term of office of the vice president of enforcement shall coincide with his or her employment as vice president of enforcement.

(e) The term of office of the Council chair shall coincide with his or her service as Council chair.

19.11.2.4 Chair. The Independent College Sports Adjudication Panel member of the Infractions Referral Committee shall be the chair.

19.11.2.5 Duties and Authority. The Infractions Referral Committee shall decide whether to refer cases to the independent alternative resolution structure pursuant to the standard and process for referral. The Infractions Referral Committee shall:

(a) Review and respond to requests by the involved institution, vice president of enforcement and Committee on Infractions chair for referral to the independent alternative resolution structure, and positions taken by parties and the Committee on Infractions chair in response to the requests;

(b) Prepare and approve decisions on the requests;

(c) Report to the Independent Alternative Resolution Oversight Committee; and

(d) Carry out such other duties as assigned by the Independent Alternative Resolution Oversight Committee.

19.11.2.6 Conflict of Interest. No Infractions Referral Committee member shall participate in a decision on whether to refer a case to the independent alternative resolution structure 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.

19.11.2.3 Independent College Sports Adjudication Panel

19.11.2.3.1 Composition. The Independent College Sports Adjudication Panel shall consist of 15 members with legal, higher education and/or sport backgrounds who are not eligible to serve on Division I committees or as Division I representatives on Association-wide or common committees.

19.11.2.3.2 Method of Nomination and Selection. The Board of Directors shall appoint the Independent College Sports Adjudication Panel members from individuals nominated by the Independent Alternative Resolution Oversight Committee.

19.11.2.3.3 Term of Office. The term of office for Independent College Sports Adjudication Panel members shall be as follows:

(a) A member shall serve a five-year term and is not immediately eligible for reappointment.

(b) The terms of office may expire on a staggered basis to provide for continuity. A member may be appointed for less than a full term.

(c) A member who serves more than one-half of a term shall be considered to have served a full term.

19.11.2.3.4 Hearing Panels. Referred cases shall be presented to and decided by hearing panels consisting of five members generated from the Independent College Sports Adjudication Panel. If a panel member is unable to participate in the disposition of a case after selection, the panel member shall be replaced. Decisions issued by hearing panels are made on behalf of the Independent College Sports Adjudication Panel.

19.11.2.3.5 Duties and Authority. The Independent College Sports Adjudication Panel hears and decides cases through hearing panels. Disciplinary or corrective actions other than suspension or termination of membership may be prescribed by panel members present and voting at any duly called hearing thereof, provided the call of such a hearing shall have contained notice of the situation presenting the disciplinary problem. The penalties prescribed by a panel are separate
and apart from any penalties prescribed as part of the Academic Performance Program by the Committee on Academics. The Independent College Sports Adjudication Panel shall:

(a) Find facts related to alleged NCAA constitution and bylaw violations;

(b) Conclude whether the facts constitute one or more violations of the NCAA constitution and bylaws;

(c) Upon concluding that one or more violations occurred, prescribe an appropriate penalty consistent with the provisions of this article;

(d) As approved by the Independent Alternative Resolution Oversight Committee at the request of the panel, confer with a member of the general public (with formal legal training who is not associated with a collegiate institution, conference, or professional or similar sports organization and who does not represent coaches or athletes in any capacity) knowledgeable in the infractions process and with the NCAA constitution and bylaws during the panel’s review of a particular case;

(e) Coordinate with the office of the Committees on Infractions as necessary for logistic, administrative or other support related to implementation of the Independent College Sports Adjudication Panel’s decisions;

(f) Coordinate with the Committee on Infractions, which will monitor compliance with prescribed penalties. In the event that the Committee on Infractions leadership team determines that an institution fails or refuses to implement prescribed penalties, the Independent College Sports Adjudication Panel may prescribe additional penalties, provided the institution is given the opportunity to appear before the panel;

(g) Prescribe penalties during the investigation if an institution or individual fails to satisfy the responsibility to cooperate (see Bylaw 19.2.3.2.3);

(h) Report to the Independent Alternative Resolution Oversight Committee; and

(i) Carry out such other duties as assigned by the Independent Alternative Resolution Oversight Committee.

19.11.2.3.6 Conflict of Interest. 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. It is the responsibility of the panel member to remove himself or herself if a conflict exists. Objections to the participation of a panel member shall be addressed pursuant to applicable operating procedures and decided by the Independent Alternative Resolution Oversight Committee chair.

19.11.2.3.7 Scope of Inquiry. When an institution and/or involved individual appears before a hearing panel to discuss a response to the notice of allegations, the hearing shall be directed toward the general scope of the notice of allegations but shall not preclude the panel from concluding that any violation occurred based on information developed or discussed during the hearing. In any case, the panel may make specific factual findings based on information presented by the parties or at a hearing even if different from the notice of allegations.

19.11.2.3.8 Basis of Decision. The hearing panel shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs.

19.11.2.3.8.1 Importation of Facts. Facts established by a decision or judgment of a court, agency, accrediting body, or other administrative tribunal of competent jurisdiction, which is not under appeal, or by a commission, or similar review of comparable independence, authorized by a member institution or the institution's university system's board of trustees and regardless of whether the facts are accepted by the institution or the institution's university system's board of trustees, may be accepted as true in the infractions process in concluding whether an institution or individual participating in the previous matter violated
NCAA legislation. Evidence submitted and positions taken in such a matter may be considered in the infractions process.

19.11.2.3.8.2 Materials Not Produced. The hearing panel may infer that materials requested during an investigation by the Complex Case Unit and/or enforcement staff but not produced by an institution or individual would support an alleged violation for which the party may be subject to a penalty pursuant to Bylaw 19.9.

19.11.2.3.8.3 Failure to Participate in Interview. The hearing panel may view the failure or refusal to participate in an interview requested by the Complex Case Unit and/or enforcement staff as an admission that an alleged violation, for which the individual may be subject to a penalty pursuant to Bylaw 19.9, occurred.

19.11.2.3.8.4 Failure to Submit Timely Response to Notice of Allegations. The hearing panel may view the failure by an institution or individual to submit a timely response to a notice of allegations as an admission that an alleged violation, for which the party may be subject to penalty pursuant to Bylaw 19.9, occurred.

19.11.2.3.9 Calculation of Penalty. If a hearing panel concludes that a violation occurred, it shall prescribe an appropriate penalty pursuant to Bylaw 19.9 or recommend to the Board of Directors suspension or termination of membership in an appropriate case. Failure to fully implement the prescribed penalty may be considered a violation and/or may subject the institution and/or an institution employing an involved individual under a show-cause order, to further disciplinary action by the Independent College Sports Adjudication Panel.

19.11.2.3.10 Finality of Decision. Any decision by a hearing panel shall be final, binding and conclusive, and shall not be subject to further review by any governance body.

19.11.2.4 Complex Case Unit.

19.11.2.4.1 Composition. The Complex Case Unit shall consist of independent external investigators, one or more independent external advocates and select enforcement staff members.

19.11.2.4.2 Method of Selection. The Independent Alternative Resolution Oversight Committee shall appoint the independent external investigators and advocates on the Complex Case Unit from individuals nominated by the select enforcement staff members on the Complex Case Unit based on the needs associated with a particular case.

19.11.2.4.3 Duties and Authority. After a case is referred by the Infractions Referral Committee, information regarding an alleged failure to comply with the NCAA constitution and bylaws or to meet the conditions and obligations of membership shall be provided to the Complex Case Unit. The Complex Case Unit shall:

(a) Determine whether supplemental investigation of potential violations of the NCAA constitution and bylaws is warranted;

(b) If supplemental investigation is warranted, develop, to the extent reasonably possible pursuant to Bylaw 19.11 and/or applicable operating procedures, information about all potential violations;

(c) Process violations it believes to be substantiated through final resolution by the Independent College Sports Adjudication Panel, pursuant to Bylaw 19.11 and/or applicable operating procedures;

(d) Report to the Independent Alternative Resolution Oversight Committee; and

(e) Carry out such other duties as assigned by the Independent Alternative Resolution Oversight Committee.

19.11.2.4.4 Conflict of Interest. No Complex Case Unit 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.
19.11.3 Referral to Independent Alternative Resolution Structure. The Infractions Referral Committee refers cases to the independent alternative resolution structure pursuant to a standard and process for referral.

19.11.3.1 Standard for Referral. The Infractions Referral Committee shall refer select cases to the independent alternative resolution structure if it determines the Association's interests are best served by resolving the case under the independent alternative resolution structure, including when a case involves unique policy issues or factors that, when weighed in totality, could impede accurate and effective resolution of the case under the internal infractions structure.

19.11.3.1.1 Referral Factors. Factors pertinent to the Infractions Referral Committee’s determination may include but are not limited to the following:

(a) Cases involving major policy issues that may implicate NCAA core values and commitments to the collegiate model;
(b) Stale or incomplete facts;
(c) Lack of acceptance of the core principles of self-governance, such as adversarial posturing or refusal to cooperate;
(d) Actual or perceived misconduct by the involved parties;
(e) The scope, scale and duration of the case, and other factual complications;
(f) Breaches of confidentiality; and
(g) Increased stakes, including potential penalties, or other pressures driving institutional decision-making.

19.11.3.2 Referral Process.

19.11.3.2.1 Request. The involved institution, vice president of enforcement and Committee on Infractions chair may request the Infractions Referral Committee refer a case to the independent alternative resolution structure as follows:

(a) The involved institution may request referral at any time after issuance of the notice of inquiry and prior to filing the institution's response to the notice of allegations.
(b) The vice president of enforcement may request referral at any time after issuance of the notice of inquiry and prior to issuance of the notice of allegations.
(c) The Committee on Infractions chair may request referral at any time after issuance of the notice of allegations and within 60 days after the Committee on Infractions receives responses to the notice of allegations.
(d) Requests for referral shall consist of a written statement in support of the request.

19.11.3.2.2 Response to Request. All parties to a case and the Committee on Infractions chair may respond to requests for referral through a written statement to the Infractions Referral Committee.

19.11.3.2.3 Review of Request. The Infractions Referral Committee may request additional information from the parties and Committee on Infractions chair. Based on the request for referral and information obtained related to the request, the Infractions Referral Committee shall decide whether to grant or deny the request.

19.11.3.2.4 Referral Decision. After a request for referral, by majority vote, the Infractions Referral Committee shall prepare and approve a decision on the request. The decision shall state the rationale for or against referral.

19.11.3.2.4.1 Provision of Referral Decision. The referral decision shall be sent to the president or chancellor of the involved institution (or his or her designee), any involved individuals, the vice president of enforcement and the Committee on Infractions chair.
19.11.3.2.4.2 Finality of Referral Decision. The Infractions Referral Committee’s decision shall be final, binding and conclusive, and not subject to further review. Once referred, a case shall be resolved through final disposition pursuant to Bylaw 19.11.

19.11.4 Alternative Adjudication.

19.11.4.1 Notification of Independent College Sports Adjudication Panel Decision.

19.11.4.1.1 Infractions Decision. After a hearing, the hearing panel shall prepare and approve the final written infractions decision, which shall contain a statement of the findings of fact, conclusions of violations, penalties, corrective actions, requirements and (for institutions) any other conditions and obligations of membership.

19.11.4.1.1.1 Provision of Decision to the Parties. The decision shall be sent to the chancellor or president of the involved institution (or his or her designee), any involved individuals and the vice president of enforcement.

19.11.4.1.1.2 Public Infractions Decision. Once the decision has been provided to the parties, the hearing panel shall release a public infractions decision. The public infractions decision will not include names of individuals, but the panel may, at its discretion, identify the chancellor or president of the institution (in cases involving lack of institutional control); the director of athletics and/or any individual with direct responsibility and oversight of the athletics department (in cases involving lack of control or failure to monitor); the head coach(es) of the sport(s) involved; and, if appropriate, the chair or other members of the institution's governing body.

Source: NCAA Division I Board of Directors (Commission on College Basketball Enforcement and Infractions Working Group)

Effective Date: August 1, 2019

Category: Amendment

Topical Area: Infractions Program

Rationale: The Commission on College Basketball concluded that the NCAA’s shared governance and cooperative principles do not appropriately address the most complex cases. The Commission specifically recommended two tracks to address violations—one track for these cases and a second for all others. The independent alternative resolution program establishes an independent external alternative structure, featuring an independent oversight committee, referral committee, internal investigative unit with independent reporting lines and an independent adjudicative panel, for select cases. Cases will only be referred to the alternative structure if the Association’s interests are best served by the referral. Referral of cases to the alternative structure will allow the internal structure to better function under its collaborative, peer review model.

Budget Impact: $2,384,920 annually to operate the Independent Alternative Resolution Program.

Time Impact: None.

History:

<table>
<thead>
<tr>
<th>Date</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul 30, 2018</td>
<td>In Progress</td>
</tr>
<tr>
<td>Aug 8, 2018</td>
<td>Adopted Final</td>
</tr>
<tr>
<td></td>
<td>Adopted by the Board of Directors</td>
</tr>
</tbody>
</table>
Proposal Number: 2018-16

Title: ATHLETICS PERSONNEL AND INFRACTIONS PROGRAM -- CONTRACTUAL AGREEMENTS AND EXPECTATIONS AND SHARED RESPONSIBILITY -- RESPONSIBILITY TO COOPERATE

Intent: To: (a) Require that contractual agreements or appointments between an institution and a president or chancellor, director of athletics and any contracted or appointed athletics department staff member include a stipulation that the individual cooperate fully in the infractions process and be subject to investigation, adjudication and penalties, up to and including discharge; (b) Further define full cooperation in the infractions process; (c) Authorize the Committee on Infractions to prescribe penalties during the investigation for failure to cooperate; (d) Establish that a hearing panel may infer that failure or refusal to produce requested materials supports an alleged violation; (e) Establish that a hearing panel may view that failure or refusal to participate in an interview supports an alleged violation; (f) Protect a "whistleblower" who voluntarily reports information about a potential violation; (g) Expand the mitigating factor of affirmative steps to expedite final resolution of the matter to include the timely submission of a summary disposition report; and (h) Confirm that information upon which a hearing panel bases its decision could be information that both directly and circumstantially supports an alleged violation.

A. Bylaws: Amend 11.2, as follows: (Immediate; for contracts or appointments executed on or after 8/8/18.)

11.2 Contractual Agreements.

11.2.1 Stipulation That NCAA Enforcement Provisions Apply. Contractual agreements or appointments between a coach, president or chancellor, director of athletics or any contracted or appointed athletics department staff member and an institution shall include the stipulation that:

(a) The individual has an affirmative obligation to cooperate fully in the infractions process, including the investigation and adjudication of a case (see Bylaw 19.2.3); and

(b) An individual who is found in violation of NCAA regulations shall be subject to disciplinary or corrective action as set forth in the provisions of the NCAA infractions process (see Bylaw 19), including suspension without pay or termination of employment for significant or repetitive violations.

B. Bylaws: Amend 19, as follows: (Immediate)

19 Infractions Program.

[19.01 through 19.1 unchanged.]

19.2 Expectations and Shared Responsibility.

[19.2.1 through 19.2.2 unchanged.]

19.2.3 Responsibility to Cooperate. Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Committee on Infractions and the Infractions Appeals Committee to further the objectives of the Association and its infractions program. The responsibility to cooperate requires institutions and individuals to protect the integrity of investigations and to make a full and complete disclosure of any relevant information, including any information requested by the enforcement staff or relevant committees. Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to report instances of noncompliance to the Association in a timely manner and assist in developing full information to determine whether a possible violation has occurred and the details thereof. Full cooperation includes, but is not limited to:

(a) Affirmatively reporting instances of noncompliance to the Association in a timely manner and assisting in developing full information to determine whether a possible violation has occurred and the details thereof;

(b) Timely participation in interviews and providing complete and truthful responses;
(c) Making a full and complete disclosure of relevant information, including timely production of materials or information requested, and in the format requested;

(d) Disclosing and providing access to all electronic devices used in any way for business purposes;

(e) Providing access to all social media, messaging and other applications that are or may be relevant to the investigation; and

(f) Preserving the integrity of an investigation and abiding by all applicable confidentiality rules and instructions.

[19.2.3 unchanged.]

19.2.3.1 Exemplary Cooperation. Exemplary cooperation by an institution or involved individual may constitute a mitigating factor for purposes of determining a penalty for a violation. Institutions or involved individuals may demonstrate exemplary cooperation while denying some or all of the alleged violations and otherwise acting in furtherance of their independent interests.

[19.2.3.2 unchanged.]

19.2.3.3 Protection for Cooperation. An institution shall not retaliate against a current or former institutional staff member or prospective or enrolled student-athlete who voluntarily reports information about potential violations to his or her conference, member institution and/or the Association.

[19.2.3.3 renumbered as 19.2.3.4, unchanged.]

[19.3 through 19.6 unchanged.]

19.7 Notice of Allegations and Opportunity to Respond.

[19.7.1 through 19.7.7 unchanged.]

19.7.8 Posthearing Committee Deliberations. After all presentations have been made and the hearing has been concluded, the hearing panel shall excuse the parties and deliberate in private.

[19.7.8.1 through 19.7.8.2 unchanged.]

19.7.8.3 Basis of Decision. The hearing panel shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs. The information upon which the panel bases its decision may be information that directly or circumstantially supports the alleged violation.

[19.7.8.3 through 19.7.8.4 unchanged.]

[19.8 unchanged.]

19.9 Penalties.

[19.9.1 through 19.9.3 unchanged.]

19.9.4 Mitigating Factors. Mitigating factors are circumstances that warrant a lower range of penalties for a particular party. A hearing panel of the Committee on Infractions determines whether mitigating factors are present in a case and the weight assigned to each factor. Examples of mitigating factors include, but are not limited to, the following:

[19.9.4-(a) through 19.9.4-(b) unchanged.]

(c) Affirmative steps to expedite final resolution of the matter, including timely submission of a summary disposition report pursuant to Bylaw 19.6.2.

[19.9.4-(d) through 19.9.4-(i) unchanged.]

[19.9.4 through 19.9.11 unchanged.]

[19.10 through 19.12 unchanged.]
C. **Bylaws:** Amend 19.2.3.2, as follows, *(February 1, 2019)*

> 19.2.3.2 Failure to Cooperate. Failing to satisfy the responsibility to cooperate may result in an independent allegation and/or be considered an aggravating factor for purposes of determining a penalty. Institutional representatives and the involved individual may be requested to appear before a hearing panel of the Committee on Infractions at the time the allegation is considered.

> **19.2.3.2.1 Failure or Refusal to Produce Materials.** If an institution or individual fails or refuses to produce materials requested by the enforcement staff during an investigation, the hearing panel may infer that the requested materials would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.9 (see Bylaw 19.7.8.3.1).

> **19.2.3.2.2 Failure or Refusal to Participate in Interview.** If an individual fails or refuses to participate in an interview requested by the enforcement staff, and he or she is later deemed to be an involved individual, the hearing panel may view the failure or refusal as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.9, occurred (see Bylaw 19.7.8.3.2).

> **19.2.3.2.3 Immediate Penalties for Failure to Cooperate.** The chair of the Committee on Infractions or the chief hearing officer, if assigned, shall have the authority to prescribe penalties during the investigation if an institution or individual fails to satisfy the responsibility to cooperate, including, when appropriate, loss of the right to participate in postseason competition and other NCAA events and loss of associated revenues.

D. **Bylaws:** Amend 19.3.6, as follows, *(February 1, 2019)*

> 19.3.6 Authority and Duties of Committee. Disciplinary or corrective actions other than suspension or termination of membership may be prescribed by members of hearing panels of the Committee on Infractions present and voting at any duly called hearing thereof, provided the call of such a hearing shall have contained notice of the situation presenting the disciplinary problem. Actions of panels in cases involving Level I or Level II violations, however, may be subject to review by the Infractions Appeals Committee. The penalties prescribed by a panel are separate and apart from any penalties prescribed as part of the Academic Performance Program by the Committee on Academics. The Committee on Infractions shall:

> 19.3.6-(a) through 19.3.6-(g) unchanged.

> (h) Review negotiated resolutions (see Bylaw 19.5.12); and

> (i) **Prescribe penalties during the investigation if an institution or individual fails to satisfy the responsibility to cooperate** (see Bylaw 19.2.3.2.3); and

> [19.3.6-(i) relettered as 19.3.6-(j), unchanged.]

E. **Bylaws:** Amend 19.7.8.3, as follows, *(February 1, 2019)*

> 19.7.8.3 Basis of Decision. The hearing panel shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs.

> [19.7.8.3.1 unchanged.]

> **19.7.8.3.2 Materials Not Produced.** The hearing panel may infer that materials requested during an investigation by the enforcement staff but not produced by an institution or individual would support an alleged violation for which the party may be subject to penalty pursuant to Bylaw 19.9.

> **19.7.8.3.3 Failure or Refusal to Participate in Interview.** The hearing panel may view the failure or refusal to participate in an interview requested by the enforcement staff as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.9, occurred.

> **19.7.8.3.4 Failure to Submit Timely Response to Notice of Allegations.** The hearing panel may view the failure by an institution or individual to submit a timely response to a notice of allegations as an
admission that an alleged violation, for which the party may be subject to penalty pursuant to Bylaw 19.9, occurred.

Source: NCAA Division I Board of Directors (Commission on College Basketball Enforcement and Infractions Working Group)

Effective Date:
Section A: Immediate; for contracts or appointments executed on or after 8/8/18.
Section B: Immediate
Section C, D, E: February 1, 2019

Category: Amendment

Topical Area: Athletics Personnel

Rationale: The Commission on College Basketball recommended that the NCAA require institutions to include in contracts with presidents or chancellors, athletics administrators and coaches the obligation to cooperate fully with the infractions process and submit to investigation, adjudication and penalties. Relatedly, the Commission recommended that the failure to promptly respond to investigators’ requests should have significant consequences and that “whistleblowers” be protected. The Commission further recommended that the infractions process be modified to provide investigators and adjudicators with the necessary tools and authority, respectively, to effectively investigate and adjudicate violations. Requiring institutions to include in contracts with presidents or chancellors and all athletics department staff members a stipulation to fully cooperate in the infractions process and submit to investigation, adjudication and penalties, giving hearing panels the authority to prescribe penalties during an investigation for failure to cooperate and protecting "whistleblowers" will significantly strengthen the infractions process. Likewise, enhancing the tools available to the enforcement staff and Complex Case Unit through further defining full cooperation, as well as extending the authority in decision-making available to hearing panels, will create efficiency in the investigation and adjudication of cases.

Budget Impact: None.

Time Impact: None.

History:

<table>
<thead>
<tr>
<th>Date</th>
<th>Status</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul 30, 2018</td>
<td>In Progress</td>
<td></td>
</tr>
<tr>
<td>Aug 8, 2018</td>
<td>Adopted Final</td>
<td>Adopted by the Board of Directors</td>
</tr>
</tbody>
</table>
Proposal Number: 2018-21

Title: NCAA MEMBERSHIP AND FINANCIAL AID -- DEGREE COMPLETION AID FOR FORMER STUDENT-ATHLETES -- BASKETBALL

Intent: To specify that, as a condition and obligation of membership, an institution that provides athletically related financial aid to basketball student-athletes shall provide, at a minimum, tuition and fees, and course-related books to a former basketball student-athlete who requests financial aid to complete his or her first baccalaureate degree, provided specified conditions are met.

A. Constitution: Amend 3.2.4, as follows:

3.2.4 Conditions and Obligations of Membership.

[3.2.4.1 through 3.2.4.21 unchanged.]

3.2.4.22 Degree Completion Program -- Basketball. An active member institution shall provide a former basketball student-athlete with financial aid to complete his or her first baccalaureate degree, pursuant to the requirements of Bylaw 15.01.5.2.1.

B. Bylaws: Amend 15.01, as follows:

15.01 General Principles.

[15.01.1 through 15.01.4 unchanged.]

15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid. A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance (was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see Bylaw 14.2.2.1.3 for final term exception, Bylaw 14.2.2.14 for final term before experiential learning requirement exception and Bylaw 15.2.8 for summer-term exception) under the following circumstances:

[15.01.5-(a) through 15.01.5-(b) unchanged.]

15.01.5.1 Exception -- Part-Time Enrollment After Exhausted Eligibility. An institution may provide financial aid to a student-athlete who has exhausted eligibility in his or her sport and is enrolled in less than a minimum full-time program of studies, provided:

[15.01.5.1-(a) through 15.01.5.1-(b) unchanged.]

15.01.5.2 Exception -- Former Student-Athletes. Institutional financial aid may be awarded to a former student-athlete for any term during which he or she is enrolled (full time or part time).

15.01.5.2.1 Degree-Completion Program -- Basketball. An institution that provides athletically related financial aid to basketball student-athletes shall provide, at a minimum, tuition and fees, and course-related books to a former basketball student-athlete who requests financial aid to complete his or her first baccalaureate degree, provided:

(a) The former student-athlete received athletically related financial aid while previously enrolled at the institution;

(b) Fewer than 10 years have elapsed since the former student-athlete's departure from the institution;

(c) The former student-athlete's most recent enrollment as a full-time student occurred at the institution;

(d) The former student-athlete was previously enrolled as a full-time student at the institution for a minimum of two academic years (four semesters or six quarters);

(e) The former student-athlete meets all institutional admissions and financial aid requirements.
The former student-athlete has exhausted other available degree completion funding options (e.g., funds from a professional league or contract); and

The former student-athlete is in good academic standing at the institution and meets NCAA and institutional progress-toward-degree requirements. This requirement applies to initial and continuing eligibility for degree completion funds.

[15.01.5.3 unchanged.]

[15.01.6 through 15.01.8 unchanged.]

**Source:** NCAA Division I Board of Directors (Commission on College Basketball Student-Athlete Support/ Degree Completion Topical Working Group)

**Effective Date:** August 1, 2019

**Category:** Amendment

**Topical Area:** NCAA Membership

**Rationale:** Research data indicates that a college degree raises lifetime earnings by an expected $1 million. In that regard, institutions should be committed to provide opportunity and support for student-athletes who desire to return to school to complete a baccalaureate degree and meet minimum criteria. Current legislation already permits an institution, at its discretion, to provide financial aid to former student-athletes. In fact, many Division I conferences and institutions already offer degree-completion programs. This proposal will further support degree completion by requiring all institutions, as a condition and obligation of membership, to offer a degree-completion program for former men’s and women’s basketball student-athletes who meet the specified criteria and desire to return to their original institutions to graduate. The required program would permit such a student-athlete to qualify for aid to cover a minimum of tuition and fees and books, provided he or she previously completed two years of academic work at the institution, is in good academic standing (as determined by the institution) and has exhausted other available funding options (e.g., funds from professional leagues and contracts), among other requirements. Further, it is anticipated that institutional and student-athlete accountability measures will be developed to ensure readiness and commitment to degree fulfillment. It should be noted that institutions will continue to have flexibility to establish discretionary degree-completion programs for former student-athletes who may not satisfy the legislated requirements.

**Budget Impact:** $1,200,000 - $2,300,000

**Time Impact:** None.

**History:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul 30, 2018</td>
<td>In Progress</td>
</tr>
<tr>
<td>Aug 8, 2018</td>
<td>Adopted Final</td>
</tr>
<tr>
<td></td>
<td>Adopted by the Board of Directors</td>
</tr>
</tbody>
</table>
Proposal Number: 2018-22

Title: RECRUITING -- MEN'S BASKETBALL EVENT CERTIFICATION -- POLICIES AND PROCEDURES

Intent: In men's basketball, to specify that in order for an event (e.g., camp, league, tournament or festival) to be certified, it must be approved and conducted in accordance with certification policies and procedures established and maintained by the Men's Basketball Oversight Committee; further, to specify that the Enforcement Certification and Approvals Group shall administer the certification process in accordance with the certification policies and procedures.

Bylaws: Amend 13.18, as follows:

13.18 Men's Basketball Event Certification. In men's basketball, in order for an event (e.g., camp, league, tournament or festival) to be certified, it must be reviewed and conducted in accordance with certification policies and procedures established and maintained by the Men's Basketball Oversight Committee. The Enforcement Certification and Approvals Group shall administer the certification process in accordance with the certification policies and procedures.

13.18.1 Women's Basketball Event Certification. In women's basketball, in order for an event (e.g., camp, league, tournament or festival) to be certified, a certification application form must be submitted each year to the NCAA national office 45 days before the start of the event. An event review form for each event also must be submitted to the national office by the deadline established by the Enforcement Certification and Approvals Group. The following criteria must be met by each event in order to be certified:

(a) through (j) renumbered as 13.19-(a) through 13.19-(j) unchanged.

(k) Participants on nonscholastic teams must reside in the state in which the team is located or a geographically adjoining state and, in men's basketball, not more than a total of three prospective student-athletes from adjoining states may participate on any one nonscholastic team.

(l) through (m) renumbered as 13.19-(l) through 13.19-(m) unchanged.

(n) Athletically related activities are precluded prior to 8 a.m. and the last athletically related activity may not begin later than 10 p.m. In men's basketball, for April events, activities involving prospective student-athletes may not begin before 6 p.m. on Friday and must conclude not later than 4 p.m. on Sunday.

(o) through (q) renumbered as 13.19-(o) through 13.19-(q) unchanged.

13.18.1 Residency Requirement Exceptions. The Enforcement Certification and Approvals Group may consider exceptions to the residency requirement (see Bylaw 13.18.1-(k)) pursuant to established policies and procedures. The policies and procedures shall be reviewed annually by the Men's and Women's Basketball Oversight Committees.

Source: NCAA Division I Board of Directors (Commission on College Basketball Nonscholastic Basketball Topical Working Group)

Effective Date: January 24, 2019

Category: Amendment

Topical Area: Recruiting

Rationale: The Commission on College Basketball has recommended the NCAA take short-term and long-term actions to reform nonscholastic basketball and disassociate itself and its member institutions from the aspects of nonscholastic basketball where transparency and ethical behavior cannot be assured. The issues addressed by the Commission on College Basketball have demonstrated the need for increased involvement by the basketball oversight committees in the details of the event certification process. By moving the certification criteria from legislation to policies and procedures, the Men's Basketball Oversight Committee will be empowered to efficiently and effectively make necessary changes to the event certification criteria and process, and provide timely guidance to the Enforcement Certification and Approvals Group, which administers the event certification program. A primary example of necessary
changes to the current certification process and criteria relates to apparel companies, agents and other third parties financing events or other elements of the environment without properly accounting for the expenditure or receipt of funds. Although the men’s basketball some nonscholastic evaluation periods appear to hold value for coaches evaluating prospective student-athletes, the money flowing from apparel companies and other third parties into nonscholastic basketball must be disclosed and accounted for in order to address issues of corruption. Consistent with the Commission’s intent, this proposal will allow the Men’s Basketball Oversight Committee to establish additional rigorous event certification requirements for nonscholastic events that are designed to ensure that owners, event operators, sponsors and nonscholastic coaches agree to financial transparency with all events they conduct, including those that are not certified by the NCAA. The policies will also provide the NCAA with unfettered access to any event, including physical access and the opportunity to inspect all financial documentation associated with an event.

**Budget Impact:** $468,000 to develop information systems for team certification and financial disclosure. $500,000 annually for event/team certification audit process.

**Time Impact:** None.

**History:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul 30, 2018</td>
<td>In Progress</td>
</tr>
<tr>
<td>Aug 8, 2018</td>
<td>Adopted Final</td>
</tr>
</tbody>
</table>
Proposal Number: 2018-23

Title: RECRUITING -- MEN’S BASKETBALL RECRUITING CALENDAR

Intent: In men’s basketball, to establish additional recruiting periods in April, evaluation periods in June and one six-day evaluation period in July for NCAA Youth Developmental Camps, as specified.

A. Bylaws: Amend 12.1.2.4, as follows:

12.1.2.4 Exceptions to Amateurism Rule.

12.1.2.4.10 Exception for NCAA Youth Development Camp. A prospective student-athlete and one individual accompanying the prospective student athlete may receive actual and necessary expenses to attend an NCAA youth development camp per the policies and procedures of the NCAA youth development camp program.

B. Bylaws: Amend 13.02.9, as follows:

13.02.9 Recruiting-Person Days -- Men’s Basketball. In men’s basketball, a recruiting-person day is defined as one coach engaged in an off-campus recruiting activity of a men’s basketball prospective student-athlete on one day (12:01 a.m. to midnight); two coaches engaged in recruiting activities on the same day shall use two recruiting-person days. Men’s basketball staff members shall not exceed 130 recruiting-person days during the academic year September 1 through May 31.

C. Bylaws: Amend 13.11, as follows:

13.11 Contactable Individuals.

13.1.1 Time Period for Off-Campus Contacts -- General Rule. Off-campus recruiting contacts shall not be made with an individual (or his or her family members) before July 1 following the completion of his or her junior year in high school (July 7 after the junior year in high school in women’s ice hockey and July 15 after the junior year in high school in women’s gymnastics), or the opening day of classes of his or her senior year in high school (as designated by the high school), whichever is earlier. U.S. service academy exceptions to this provision are set forth in Bylaw 13.16.1. [D]

13.1.1.1 Exception -- Men’s Basketball. In men’s basketball, off-campus recruiting contacts shall not be made with an individual (or his family members) before the opening day of his junior year in high school. Contacts that occur during a prospective student-athlete’s junior year during recruiting periods other than the April recruiting period may occur only at the prospective student-athlete’s educational institution. During the April recruiting period of a prospective student-athlete’s junior year, contacts may occur at either the prospective student-athlete’s educational institution or residence. [D]

D. Bylaws: Amend 13.15, as follows:

13.15 Contacts.

13.1.5.3 Men’s Basketball. In men’s basketball, each institution shall be limited to seven recruiting opportunities (contacts and evaluations combined) per prospective student-athlete per year (see Bylaw
A contact made during an official visit per Bylaw 13.6 or an unofficial visit per Bylaw 13.75 does not count as a recruiting opportunity. Men's basketball staff members shall not exceed 130 recruiting-person days during the academic year September 1 through May 31. [D]

[13.1.5.3.1 unchanged.]

[13.1.4 through 13.1.5.10 unchanged.]

E. Bylaws: Amend 13.1.7.5, as follows:

13.1.7.5 Evaluations -- Men's Basketball. In men's basketball, each institution shall be limited to seven recruiting opportunities (contacts and evaluations combined) during the academic year per prospective student-athlete (see Bylaws 13.1.5.3, 13.1.5.3.1, 13.1.5.7 and 13.1.5.10). Men's basketball coaching staff members shall not exceed 130 recruiting-person days during the academic year September 1 through May 31. [D]

13.1.7.5.1 Academic Year Recruiting Periods. Evaluations of live athletics activities during the academic year recruiting periods shall be limited to: [D]

(a) Regularly scheduled high school, preparatory school and two-year college contests/tournaments and practices; and

(b) Regular scholastic activities involving prospective student-athletes enrolled only at the institution where the regular scholastic activities occur.

13.1.7.5.2 April Evaluation Periods. Evaluations of live athletics activities during the April evaluation periods shall be limited to nonscholastic events that are certified per Bylaw 13.18. [D]

13.1.7.5.3 June Evaluation Periods. During the June evaluation periods, evaluations of live athletics activities are limited to: [D]

(a) Scholastic events that:

(1) Are approved by the National Federation of State High School Associations;

(2) Are organized and conducted exclusively by the applicable state high school athletics association and/or state high school basketball coaches associations, or if there is no state high school basketball coaches association, the state high school coaches association; and

(3) Occur at an educational institution (e.g., middle school, high school, two-year or four-year collegiate institution) other than an NCAA Division I institution.

(b) Two days of the National Basketball Players Association Top 100 Camp.

13.1.7.5.4 Summer July Evaluation Periods. During the summer July evaluation periods, a member of an institution's basketball coaching staff may attend institutional basketball camps per Bylaw 13.12.11, noninstitutional organized events (e.g., camps, leagues, tournaments and festivals) that are certified per Bylaw 13.18, and noninstitutional organized events that are approved, sponsored or conducted by an applicable state, national or international governing body and are not organized and conducted primarily for a recruiting purpose (e.g., intrastate and interstate high school basketball games, state high school all-star games, international competitions and practices associated with such contests) and NCAA Youth Development Camps. [D]

[13.1.7.5.3.1 through 13.1.7.5.3.2 renumbered as 13.1.7.5.4.1 through 13.1.7.5.4.2, unchanged.]

13.1.7.5.5 NBA Draft Combine. Evaluations conducted at the National Basketball Association (NBA) Draft Combine are not included in the 130 recruiting-person days.

13.1.7.5.6 National Team Activities. A coaching staff member may attend a live organized athletic activity (e.g., training camps, mini-camps, tryouts, competition) involving a national team, including junior level teams (e.g., U18 national team), outside an evaluation or recruiting period, provided the team is coached by a Division I institution's coach (head or assistant) and the activity is approved, sponsored or conducted by the applicable national governing body (e.g., USA Basketball). [D]
Regional Championships Approved, Sponsored or Conducted by FIBA. A coaching staff member may attend regional championships (e.g., FIBA U18 European Championship, FIBA Americas U18 Championship, etc.) that are approved, sponsored or conducted by the International Basketball Federation (FIBA) outside permissible recruiting and evaluation periods. A coaching staff member may attend organized practices associated with such events, provided the practice time has been designated as part of the event by the event organizer. [D]

F. Bylaws: Amend 13.17.2, as follows:

13.17.2 Men's Basketball. The following periods of recruiting shall apply to men's basketball:

13.17.2-(a) through 13.17.2-(f) unchanged.

(g) The eighth day after the initial date for the spring signing of the National Letter of Intent through July 5 (except for (1) and (2) through (5) below): Quiet Period

(1) Up to two weekends in April (Friday through Sunday) other than Easter weekend and a weekend during which the PSAT, SAT or ACT national standardized tests are administered: Evaluation Periods (for certified events only)

(2) The four days immediately following each evaluation period: Recruiting Periods

(3) The day after the conclusion of the spring National Letter of Intent signing period through the Friday before the first permissible day to conduct institutional basketball camps (except for (i) below): Dead Period

(i) National Basketball Association Draft Combine: Evaluation Period

(4) Two days of the National Basketball Players Association Top 100 Camp: Evaluation Period

(5) The final two Friday (6 p.m.) through Sunday (4 p.m.) periods in June: Evaluation Periods

(h) July 6 through July 31 (except for (1) and (2) below): Dead Period

(1) The first three Wednesday (5 p.m.) through Thursday-Sunday (5 p.m.) periods period in July beginning on or after July 6: Evaluation Periods Period

(2) The final Tuesday-Sunday period in July: Evaluation Period (for NCAA Youth Development Camps only)

[13.17.2-(i) unchanged.]

Source: NCAA Division I Board of Directors (Commission on College Basketball Nonscholastic Basketball Topical Working Group)

Effective Date: April 1, 2019

Category: Amendment

Topical Area: Recruiting

Rationale: The Commission on College Basketball recommended, and the Board of Directors endorsed, that the NCAA take short and long-term actions to disassociate its members from the objectionable aspects of nonscholastic basketball. Consistent with that goal, the National Association of Men's Basketball Coaches (NABC) recommended this recruiting model, which is designed to both increase scholastic influence and minimize the involvement of outside third parties in the recruiting process. The proposed model will provide more opportunities during the summer months for coaches to interact with and observe prospective student-athletes in a scholastic environment. Further, the NCAA will partner with other basketball governing bodies (USA Basketball, National Basketball Association, National Basketball Players Association) to create and administer new resources and programs for youth basketball with the centerpiece being NCAA-organized events in July. Such events would involve prospective student-athletes from various skill levels and would expand development to include academic, health, wellness and life skills with continuing online education and mentoring throughout the year. The Commission believes that the recruiting process for both
prospective student-athletes and coaches is more fair and equitable during the summer months if recruitment occurs primarily at events operated by the basketball governing bodies identified in the Commission’s report.

**Budget Impact:** Approximately $9,358,750 to establish and operate NCAA Youth Development Camps.

**Time Impact:** None.

**History:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Status</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul 30, 2018</td>
<td>In Progress</td>
<td></td>
</tr>
<tr>
<td>Aug 8, 2018</td>
<td>Adopted Final</td>
<td>Adopted by the Board of Directors</td>
</tr>
</tbody>
</table>
Proposal Number: 2018-25

Title: RECRUITING -- OFFICIAL (PAID) AND UNOFFICIAL (UNPAID) VISITS -- LIMITATIONS ON OFFICIAL AND UNOFFICIAL VISITS -- MEN'S BASKETBALL

Intent: In men's basketball, to permit an institution to provide an expense-paid visit to a prospective student-athlete as of August 1 at the beginning of his junior year, to provide an additional visit during his senior year and to permit an institution to be involved with an unofficial visit with a prospective student-athlete as of August 1 at the beginning of his sophomore year in high school, as specified.

D. Bylaws: Amend 13.6.2, as follows:

13.6.2 Limitations on Official Visits.

13.6.2.1 First Opportunity to Visit.

[13.6.2.1.1 unchanged.]

13.6.2.1.2 Men's Basketball. In men's basketball, a prospective student-athlete may not be provided an expense-paid visit earlier than January 1 August 1 at the beginning of his junior year in high school. [D]

[13.6.2.1.3 through 13.6.2.1.4 unchanged.]

13.6.2.2 Number of Official Visits -- Prospective Student-Athlete Limitation. [D]

13.6.2.2.1 Sports Other Than Men's Basketball. In sports other than men's basketball, a prospective student-athlete may take a maximum of five expense-paid visits to Division I institutions before October 15 following his or her completion of high school and five beginning October 15 following his or her completion of high school, including visits related to a possible transfer. These restrictions apply regardless of the number of sports in which the prospective student-athlete is involved. A prospective student-athlete is not required to graduate from high school in order to receive a permissible post-high school visit. [D]

13.6.2.2.2 Men's Basketball. In men's basketball a prospective student-athlete may take a maximum of five expense-paid visits to Division I institutions before October 15 following his or her completion of high school, five additional visits before October 15 following his completion of high school and five visits beginning October 15 following his or her completion of high school, including visits related to a possible transfer. These restrictions apply regardless of the number of sports in which the prospective student-athlete is involved. A prospective student-athlete is not required to graduate from high school in order to receive a permissible post-high school visit. [D]

[13.6.2.2.1 renumbered as 13.6.2.2.3, unchanged.]

13.6.2.3 Number of Official Visits -- Institutional Limitations. An institution may finance one visit to its campus for a prospective student-athlete before October 15 following his or her completion of high school and one visit beginning October 15 following his or her completion of high school, including a visit related to a possible transfer. [D]

[13.6.2.3.1 through 13.6.2.3.2 unchanged.]

13.6.2.3.3 Men's Basketball. In men's basketball, an institution may finance one visit to its campus for a prospective student-athlete before the completion of his junior year of high school, one visit before October 15 following his completion of high school and one visit beginning October 15 following his completion of high school, including a visit related to a possible transfer. An institution may provide up to 28 official visits to up to 24 prospective student-athletes in a rolling two-year period. A national service academy may provide up to 34 official visits to up to 30 prospective student-athletes in a rolling two-year period; however, the institution shall not exceed 24 28 official visits prior to the initial National Letter of Intent signing date of the first year in each rolling two-year period. The institution must maintain a written record of the visits provided. [D]

[13.6.2.3.3 unchanged.]
13.6.2.3.4 Women's Basketball. In women's basketball, an institution may provide official visits to up to 24 prospective student-athletes in a rolling two-year period. A national service academy may provide official visits to up to 30 prospective student-athletes in a rolling two-year period; however, the institution shall not exceed 24 official visits prior to the initial National Letter of Intent signing date of the first year in each rolling two-year period. The institution must maintain a written record of the visits provided. [D]

[13.6.2.3.4 through 13.6.2.3.6 renumbered as 13.6.2.3.5 through 13.6.2.3.7, unchanged.]

[13.6.2.4 through 13.6.2.5 unchanged.]

E. Bylaws: Amend 13.7, as follows:

13.7 Unofficial (Nonpaid) Visit.

13.7.1 First Opportunity to Visit — Sports Other Than Basketball and Football. In sports other than basketball and football, an unofficial visit with athletics department involvement (e.g., contact with athletics department staff, athletics-specific tour, complimentary admission) shall not occur with an individual (or his or her family members) before September 1 at the beginning of his or her junior year in high school.

13.7.1.1 Sports Other Than Basketball and Football. In sports other than basketball and football, an unofficial visit with athletics department involvement (e.g., contact with athletics department staff, athletics-specific tour, complimentary admission) shall not occur with an individual (or his or her family members) before September 1 at the beginning of his or her junior year in high school.

13.7.1.2 Men's Basketball. In men's basketball, an unofficial visit with athletics department involvement (e.g., contact with athletics department staff, athletics-specific tour, complimentary admission) shall not occur with an individual (or his family members) before August 1 at the beginning of his sophomore year in high school.

[13.7.2 through 13.7.5 unchanged.]

Source: NCAA Division I Board of Directors (Commission on College Basketball National Association of Basketball Coaches/Men's Basketball Oversight Committee Topical Working Group)

Effective Date: August 15, 2018

Category: Amendment

Topical Area: Recruiting

Rationale: The emphasis on unofficial visits and the ability of prospective student-athletes and their family to afford unofficial visits during the recruitment process is a concern. Data from the October 2017 student-athlete survey on early recruiting show that more than half of men's basketball student-athletes believe a prospective student-athlete should be permitted to take earlier official visits. The average number of official visits taken by men's basketball prospective student-athletes is only 1.5 visits, while almost half of the student-athletes surveyed took between one and three unofficial visits. Additionally, more than 25 percent of those unofficial visits occurred in the ninth grade or earlier. Moreover, many official and unofficial visits occur immediately after the summer recruiting period; thus, an August 1 date will accommodate such visits and also allow visits in conjunction with home football games that occur in August. By reducing the time frame for unofficial visits and allowing institutions to offer additional official visits earlier in the recruitment process, this proposal lessens the importance of unofficial visits and limits the concern that third parties are funding trips to institutions when official visits are otherwise not permissible. Also, the opportunity for multiple official visits should assist institutions and prospective student-athletes and their families in making more informed recruiting decisions, which may result in fewer transfers. This proposal was recommended by the National Association of Basketball Coaches and supported by the Commission on College Basketball.

Budget Impact: Costs associated with up to four additional official visits over a rolling two-year period.

Time Impact: None.
History:

<table>
<thead>
<tr>
<th>Date</th>
<th>Status</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul 30, 2018</td>
<td>In Progress</td>
<td></td>
</tr>
<tr>
<td>Aug 8, 2018</td>
<td>Adopted Final</td>
<td>Adopted by the Board of Directors</td>
</tr>
</tbody>
</table>