NCAA Division I Infractions
Annual Report | 2018-19

Contents

Letter from the Chairs ......................................................... 3
DI Infractions Process .......................................................... 4
Enforcement ................................................................. 13
DI Committee on Infractions ................................................. 21
Independent Accountability Resolution ................................. 28
DI Infractions Appeals Committee ....................................... 31

NCAA is a trademark of the National Collegiate Athletic Association.
May 2019
Stemming from recommendations from the Commission on College Basketball, we’ve worked to preserve and enhance the parts that are working well and add another option to process those rare, complex cases that may require a different approach.
Infractions | 2018-19

The last year has been defined by change within college sports. The infractions process has been an integral part of those discussions.

It’s important to remember that the peer-review process used by NCAA members to investigate wrongful actions and prescribe appropriate penalties works for most cases. In fact, data shows that most cases end in a timely fashion and in a civil manner in which both sides agree on the infractions and the general classification. These cases accounted for about 90 percent of those processed in 2018, but they rarely make national headlines.

But there are cases that are unique — those involving multiple parties, complex circumstances, unique policy issues or schools that do not fully buy into the infractions model. They are challenging to resolve and end up in an extended review process. These cases can present a challenge to the infractions process. You’ve likely read about them in the media, even though they are so few. But they are exceptional enough that members recognize they may need to be handled differently than the majority of cases the NCAA’s investigators and the Committee on Infractions handled.

And that’s where change has come to a process that is vital to supporting the fairness and credibility of college sports. Stemming from recommendations from the Commission on College Basketball, we’ve worked to preserve and enhance the parts that are working well and add another option to process those rare, complex cases that may require a different approach. Penalties have also been strengthened to further promote fairness throughout college athletics.

As these changes take effect, this annual snapshot will give you insights into the areas that are proving to be effective, and will walk you through the forthcoming changes and how they will work. We are committed to fairness and efficiency, and we believe these changes will equip the infractions process with the tools needed to maintain an environment in college sports in which everyone has a fair chance to succeed.

Greg Christopher
Chair, Division I Committee on Infractions
Director of athletics, Xavier

W. Anthony Jenkins
Chair, Division I Infractions Appeals Committee
Attorney
Dickinson Wright PLLC
Division I Infractions Process

The NCAA infractions process both begins and ends with NCAA members, presidents, athletics directors, administrators and coaches at your NCAA member institution. You and your peers created the peer-review model and propose, consider and adopt the rules that affect student-athletes’ eligibility, recruiting, academic standards, playing and practice seasons, scholarships and extra benefits. In Division I, violations of those rules fall into three categories (Levels I, II and III), with Level I being the most serious and Level III providing minimal advantages or extra benefits.

In the next year, the leaders in each area of the infractions process will focus their efforts around four goals that are reflected throughout this report.
GOALS

1. **Enhancing the peer-review infractions process** by deterring noncooperation, providing tools to resolve factual questions, permitting negotiated resolution and increasing penalties.

2. **Implementing a new independent process** as a separate means of resolving infractions disputes.

3. **Using data** to provide operational insight and trend analysis.

4. **Monitoring complexities** presented in resolving infractions cases that involve outside investigations and policy-based questions.
Overview

The infractions process is designed to ensure fair play and integrity among NCAA schools, and the process itself is structured to be fair, efficient and credible. Here is a look at the three stages of the process and the paths that have been available to reach a fair resolution. Two new paths have been introduced to this process and are explained in detail in this report.

**Enforcement**

When information suggests a school or its representatives may have violated a rule, the nearly 60-member NCAA enforcement staff investigates, provides notice of potential violations to schools and involved individuals, and presents information about potential Level I and Level II violations to the Division I Committee on Infractions. (Generally, the enforcement staff and schools handle Level III violations.)

**Average time spent with enforcement staff:**

12-20 months depending on case type

*See more on page 15.*
Division I Committee on Infractions

The Committee on Infractions considers the facts of the case and the positions of all parties. The committee is structured around a peer-review model and is composed of as many as 24 qualified representatives from member schools, conferences and the public, who sit on panels to hear cases. Members of the committee deliberate, conclude if violations occurred, prescribe appropriate penalties, then issue a written decision. The committee also monitors schools on probation.

Average time spent with Committee on Infractions: 2-4 months depending on case type

See more on page 26.

Division I Infractions Appeals Committee

The Committee on Infractions’ decision then may be reviewed if a school or involved individual does not agree with the original findings, conclusion or penalties. This review, or appeal, is completed by the Infractions Appeals Committee, which operates separately from the NCAA enforcement staff and Division I Committee on Infractions.

Average time spent with Infractions Appeals Committee: 8 months

See more on page 35.
WHAT HAS CHANGED:

New Paths for Some Cases

Independent Accountability Resolution
Per a recommendation from the Commission on College Basketball, the Division I Board of Directors created a new resolution track in August 2018 to bring in independent investigators and decision-makers for cases considered “complex.” Examples of complex cases may include alleged violations that intersect with NCAA values — such as prioritizing academics and the well-being of student-athletes — or adversarial behavior. School representatives, NCAA Division I Committee on Infractions chair or the NCAA vice president of enforcement can request a case be referred for independent resolution.

Negotiated Resolution
When the enforcement staff agrees with the school or involved individuals on the violations, level of violations and penalties, they can work together on a negotiated resolution. The process uses fewer resources and expedites review by the Division I Committee on Infractions, which reviews the case to determine whether the resolution is in the best interest of the NCAA and whether the agreed-upon penalties are appropriate.

While it is the preference for everyone to work toward a resolution together, a negotiated resolution may be reached with an individual or school while the remainder of the case is resolved through other tracks. The information contained in a negotiated resolution agreement may be used by the enforcement staff as it investigates the remainder of the case. While penalties in these types of agreements may begin to run upon approval of the agreement by the Committee, the agreement is not final until the entire case is resolved.
Resolution Approaches
A look at how changes to the model will affect how cases are processed.

### CURRENT MODEL

<table>
<thead>
<tr>
<th>Case Positioning</th>
<th>Case Resolution Process</th>
<th>Case Disposition</th>
<th>Current track percentages:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parties agree to facts and levels</td>
<td>COI reviews written report; COI decision; penalties; penalty appeal opportunity</td>
<td>COI hearing; COI decision; penalties; appeal opportunity</td>
<td>Summary Disposition 65%</td>
</tr>
<tr>
<td><strong>Summary Disposition</strong></td>
<td><strong>COI Hearings</strong></td>
<td></td>
<td>Hearing 35%</td>
</tr>
<tr>
<td><strong>35%</strong></td>
<td><strong>25%</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### THE NEW MODEL

<table>
<thead>
<tr>
<th>Case Positioning</th>
<th>Case Resolution Process</th>
<th>Case Disposition</th>
<th>Estimated proportion of cases with the new model:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enforcement and one or more involved parties agree to facts, level and penalty</td>
<td>Negotiated Resolution</td>
<td>COI approves / rejects; COI summary decision; no appeal</td>
<td>Negotiated Resolution 30%</td>
</tr>
<tr>
<td>Parties agree to facts and levels</td>
<td>Summary Disposition</td>
<td>COI issues written report; COI decision and penalties; penalty appeal opportunity</td>
<td>Summary Disposition 35%</td>
</tr>
<tr>
<td>Parties disagree on facts and/or level</td>
<td><strong>COI Hearings</strong></td>
<td></td>
<td>Hearing 25%</td>
</tr>
<tr>
<td><strong>35%</strong></td>
<td><strong>25%</strong></td>
<td></td>
<td>Alternative Resolution 10%</td>
</tr>
</tbody>
</table>

Current track percentages:
- Summary Disposition 65%
- Hearing 35%

Estimated proportion of cases with the new model:
- Negotiated Resolution 30%
- Summary Disposition 35%
- Hearing 25%
- Alternative Resolution 10%
OTHER IMPORTANT CHANGES:

Importation

The enforcement staff, Committee on Infractions or independent resolution panel can rely on decisions made by outside entities — such as courts and accrediting bodies — positions taken by parties in those proceedings, and import the evidence those groups used to reach those decisions into the NCAA infractions process.

THE BYLAW: 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.
Increased Penalties

Penalties for the most significant violations of the rules will grow tougher under the enhanced model.

<table>
<thead>
<tr>
<th></th>
<th>PREVIOUS PENALTY</th>
<th>NEW PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Postseason Ban</strong></td>
<td>1-4 years</td>
<td>1-5 years</td>
</tr>
<tr>
<td><strong>Financial Penalties</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Previously, penalties were limited to fines, negated revenue from sport program, reduced/eliminated NCAA distribution for sports sponsorship/grant-in-aid.</td>
<td>Available penalties now include loss of all revenue sharing in postseason competition, including NCAA tournament for entire period of postseason ban.</td>
<td></td>
</tr>
<tr>
<td><strong>Show Cause</strong></td>
<td>3-10 years</td>
<td>3+ years to a lifetime</td>
</tr>
<tr>
<td><strong>Recruiting Visit Penalties</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 to 50 percent visit restrictions, 14- to 26-week ban on unofficial visits, 25 to 50 percent cuts in official paid visits.</td>
<td>25 to 100 percent visit restrictions, 14- to 52-week ban on unofficial visits, 25 to 100 percent cuts in official paid visits.</td>
<td></td>
</tr>
<tr>
<td>Football</td>
<td>14-28 visits</td>
<td>14-56 visits</td>
</tr>
<tr>
<td>Basketball</td>
<td>3-6 visits</td>
<td>3-12 visits</td>
</tr>
<tr>
<td>Baseball</td>
<td>7-13 visits</td>
<td>7-25 visits</td>
</tr>
</tbody>
</table>
If a rule violation occurs on your campus, the NCAA’s enforcement staff will work with you to resolve the infractions issue. Enforcement plays a key role in the overarching mission to uphold integrity and fair play among schools and conferences while ensuring that playing by the rules does not place compliant schools and student-athletes at a disadvantage.

To succeed, an environment of trust and collaboration between your school, conference and the NCAA’s enforcement staff is vital. The NCAA’s enforcement development staff works with member schools, their athletics departments and others to identify issues and concerns affecting college sports and encourages them to report potential violations as early as possible.

The investigations group, which evaluates potential violations, is committed to investigating facts in a fair, accurate, collaborative and timely manner. When the staff contemplates bringing allegations for some of the most significant violations, it considers factors laid out in specific guidelines agreed to by the membership. The guidelines provide clarity around serious violations: lack of institutional control, failure to monitor, unethical conduct and head coach responsibility.

If an investigation on your campus concludes that violations likely occurred, parties will prepare relevant information for presentation to the Division I Committee on Infractions.
Resolution Paths for Violations

Information about potential rule violations is reported to the enforcement staff by many sources. Some of that information is not credible or specific enough to open an investigation, and other information suggests a violation may have occurred. When credible information is received either the enforcement staff begins investigating or it is handled outside the infractions process. Only a small proportion of them turn into full investigations, with staff serving as a vital filter that determines which are worth pursuing.

INFORMATION RECEIVED
Self-report, sources, phone call, public or member tips, social media, etc. Roughly 700 tips were received in 2018.

INFORMATION REVIEWED
Information is resolved using one or more of these paths. A total of 181 leads were developed in 2018.

INVESTIGATED AND NOT SUBSTANTIATED OR ACTIONABLE

OR

ELIGIBILITY-IMPACTING VIOLATION

OR

ENFORCEMENT STAFF RESOLUTION

OR

COMMITTEE ON INFRACTIONS RESOLUTION

OR

INDEPENDENT ACCOUNTABILITY RESOLUTION

Enforcement Staff Facts and Figures

- 58% hold law degrees
- 46% have backgrounds working in the membership
- More than 40% of enforcement staff are former student-athletes
- 25% are former coaches
Enforcement Case Volume and Processing Time

Of those hundreds of tips, some lead to substantive investigations, but only a handful of those yield a comprehensive case that is brought to the Committee on Infractions. Enforcement staff rely on other mechanisms to process the remainder of the investigations.

### AVERAGE TIMES FOR SUMMARY DISPOSITION

In Summary Disposition cases, these are the average number of months spent at each stage of the process.

<table>
<thead>
<tr>
<th>Year</th>
<th>Average Investigation Time (Mo.)</th>
<th>Average Processing Time (Mo.)</th>
<th>Average Total Duration (Mo.)*</th>
<th>Total Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>10</td>
<td>2</td>
<td>12</td>
<td>6</td>
</tr>
<tr>
<td>2015</td>
<td>14</td>
<td>3</td>
<td>17</td>
<td>11</td>
</tr>
<tr>
<td>2016</td>
<td>12</td>
<td>3</td>
<td>15</td>
<td>19</td>
</tr>
<tr>
<td>2017</td>
<td>12</td>
<td>3</td>
<td>14</td>
<td>16</td>
</tr>
<tr>
<td>2018</td>
<td>11</td>
<td>3</td>
<td>14</td>
<td>17</td>
</tr>
</tbody>
</table>

* Average Total Duration may not equal the sum of Average Investigation Time and Average Processing Time due to rounding factors.

### AVERAGE TIMES FOR HEARING

In Hearing cases, these are the average number of months spent at each stage of the process.

<table>
<thead>
<tr>
<th>Year</th>
<th>Average Investigation Time (Mo.)</th>
<th>Average Processing Time (Mo.)</th>
<th>Average Total Duration (Mo.)*</th>
<th>Total Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>7</td>
<td>5</td>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td>2015</td>
<td>12</td>
<td>6</td>
<td>18</td>
<td>6</td>
</tr>
<tr>
<td>2016</td>
<td>13</td>
<td>6</td>
<td>20</td>
<td>7</td>
</tr>
<tr>
<td>2017</td>
<td>12</td>
<td>8</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>2018</td>
<td>10</td>
<td>7</td>
<td>18</td>
<td>5</td>
</tr>
</tbody>
</table>
Case Breakdown by Type

ALLEGATIONS BY SPORT

While high-profile sports often draw the attention when the enforcement staff makes formal allegations, potential violations are investigated in a wide range of Division I sports and often involve more than one sport. The following are violations investigated, substantiated and provided to the Committee on Infractions for adjudication.

Data from the last five years.

- **10%**
  - Women's basketball
  - 46 allegations

- **18%**
  - Football
  - 83 allegations

- **19%**
  - All other sports
  - 85 allegations

- **30%**
  - Multiple sports
  - 137 allegations

- **20%**
  - Men's basketball
  - 91 allegations

- **3%**
  - Men's tennis
  - 16 allegations

*Data from the last five years.*
MOST COMMON LEVEL I/II VIOLATIONS

Head coaches have been involved in violations more than any other position in the last five years, but allegations pertain to individuals from all areas of college athletics.

<table>
<thead>
<tr>
<th>BYLAW</th>
<th>KEYWORDS</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Head Coach Responsibility</td>
<td>10</td>
<td>4</td>
<td>10</td>
<td>21</td>
<td>10</td>
<td>55</td>
</tr>
<tr>
<td>2</td>
<td>Failure to Monitor</td>
<td>14</td>
<td>7</td>
<td>10</td>
<td>12</td>
<td>9</td>
<td>52</td>
</tr>
<tr>
<td>13</td>
<td>Offers and Inducements</td>
<td>12</td>
<td>7</td>
<td>7</td>
<td>17</td>
<td>5</td>
<td>48</td>
</tr>
<tr>
<td>16</td>
<td>Impermissible Extra Benefit</td>
<td>9</td>
<td>6</td>
<td>11</td>
<td>8</td>
<td>8</td>
<td>42</td>
</tr>
<tr>
<td>13</td>
<td>Recruiting Contacts and Evaluations</td>
<td>16</td>
<td>3</td>
<td>6</td>
<td>10</td>
<td>1</td>
<td>36</td>
</tr>
<tr>
<td>14</td>
<td>Academic Certification</td>
<td>8</td>
<td>7</td>
<td>6</td>
<td>4</td>
<td>5</td>
<td>30</td>
</tr>
<tr>
<td>19</td>
<td>Failure to Cooperate</td>
<td>1</td>
<td>8</td>
<td>8</td>
<td>10</td>
<td>1</td>
<td>28</td>
</tr>
<tr>
<td>15</td>
<td>Financial Aid</td>
<td>9</td>
<td>10</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>26</td>
</tr>
<tr>
<td>10</td>
<td>Academic Misconduct</td>
<td>3</td>
<td>4</td>
<td>6</td>
<td>8</td>
<td>3</td>
<td>24</td>
</tr>
</tbody>
</table>

WHO COMMITS VIOLATIONS?

- **Head coach**: 27%
- **Assistant coach**: 22%
- **Multiple coaching staff members**: 14%
- **Athletics administration**: 12%
- **Other sports personnel**: 10%
- **Boosters**: 10%
- **Institutional staff**: 5%
WHAT’S NEW:

How a Negotiated Resolution Will Work

When the enforcement staff agrees with the school or involved individuals on the violations, level of violations and penalties, they can work together on a negotiated resolution. The process uses fewer resources and expedites review by the Division I Committee on Infractions.

While it is the preference for everyone to work toward a resolution together, a negotiated resolution may be reached with an individual or school while the remainder of the case is resolved through summary disposition or a hearing. The information contained in a negotiated resolution may be used by the enforcement staff as it investigates the remainder of the case, and any resolutions reached as part of wider cases are considered tentative until the entire case is complete.

The Division I Committee on Infractions reviews the case to determine whether the resolution is in the best interest of the NCAA and whether the agreed-upon penalties are appropriate.

Negotiated Resolution

Enforcement + School and/or individuals
Draft a resolution, including penalties.

Committee on Infractions
Parties may ask the COI for a preliminary assessment of penalties.

Committee on Infractions
Submit the resolution to the COI for approval.

The negotiated resolution is approved.

The negotiated resolution is not approved.

RESOLVED
Negotiated Resolution vs. Summary Disposition

Negotiated resolution differs from the summary disposition process in that all violations, level of those violations and penalties in a negotiated resolution must be settled before the COI reviews the case. In a summary disposition case, the school and involved individuals agree to the facts and overall level of the case, then the COI reviews the case, accepts the violations and proposes penalties.

*If a negotiated resolution is reached for only a portion of a case, it is not final until the remainder of the case is resolved using other tracks. However, penalties may begin to take effect.

The renegotiated resolution is approved and may not be appealed.*

The case cannot be resolved using negotiated resolution and must be processed through summary disposition or a hearing. Draft resolution becomes part of the case record.

Summary Disposition

Hearing

Enforcement + School and/or individuals
Renegotiate based on COI guidance.

The renegotiated resolution is not approved.
Division I Committee on Infractions

When a case is submitted to the Division I Committee on Infractions, the allegations will be considered by a panel of peers much like yourself. They are individuals from NCAA schools, conferences and the general public. They are college administrators or former coaches, attorneys or university professors. Together, they form the heart of the peer-review process that defines the NCAA’s infractions system.

Cases are heard by randomly generated panels of either three or five-to-seven members, which can be formed as needed, depending on the caseload. Through these panels, the committee decides infractions cases that involve alleged rules violations developed during the enforcement staff’s investigative process. It then decides what happened, whether the actions violated NCAA rules, and what penalties should be prescribed.

The committee has refined its processes in recent years to promote outcomes that are fair, transparent and accountable, and completed in an efficient time frame. Though each case presents unique facts, violation and penalty trends demonstrate the review process is consistent.
Meet the Committee

Greg Christopher
(chair)
Director of athletics, Xavier

David Roberts
(vice chair)
Senior administrator, Southern California

Michael Adams
President emeritus, Georgia; Chancellor emeritus, Pepperdine

Norman C. Bay
Attorney, previous chairman of the Federal Energy Regulatory Commission

William Bock III
Attorney; general counsel, U.S. Anti-Doping Agency

Carol Cartwright
President emerita, Bowling Green and Kent State

Jody Conradt
Retired hall-of-fame women’s basketball coach; special assistant to the women’s athletics director, Texas

Bobby Cremins
Former men’s basketball coach, College of Charleston, Appalachian State and Georgia Tech

Alberto Gonzales
Dean and Doyle Rogers Distinguished Professor of Law, Belmont; Former U.S. attorney general

Thomas Hill
Emeritus vice president for student affairs, Iowa State

Joyce McConnell
President, Colorado State

Jody Conradt
Retired hall-of-fame women’s basketball coach; special assistant to the women’s athletics director, Texas

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Alberto Gonzales
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Thomas Hill
Emeritus vice president for student affairs, Iowa State

Jason Leonard
Executive director of athletics compliance, Oklahoma

Stephen A. Madva
Attorney; Chairman emeritus of Montgomery, McCracken, Walker & Rhoads, LLP

Joel Maturi
Former director of athletics, Minnesota

Joyce McConnell
President, Colorado State

Gary Miller
Chancellor, Green Bay

Vince Nicastro
Deputy commissioner and chief operating officer, Big East Conference
The committee includes up to 24 members

Their professional profiles include:

- Current or former university presidents and chancellors
- Current or former athletics directors
- Conference commissioners and other representatives
- Former NCAA coaches
- Campus and conference compliance officials
- Faculty athletics representatives
- Other university staff or faculty
- Members of the public with formal legal training

Professional backgrounds of current and former COI members include:

- Former United States attorney general
- Southeastern Conference commissioner
- Former head of the Federal Energy Regulatory Commission
- Member of the Naismith Memorial Basketball Hall of Fame
- Former general counsel to the FBI
- General counsel to U.S. Anti-Doping Agency

Division I Committee on Infractions Panels

Most cases are considered by panels of five to seven members.

A three-member panel may be assigned based on the number and/or nature of allegations.
How Cases are Resolved

In 2012, NCAA members approved an updated structure in hopes of improving accountability and efficiency. It was formally implemented in 2013 and allowed infractions cases to be resolved in a few ways. For Level I and Level II violations that are not resolved via a negotiated resolution, parties may have a formal hearing or attempt to reach a summary disposition.

Summary Disposition

If the parties agree on the facts and violations, the Committee on Infractions can decide the case through an expedited process called summary disposition. Any participating parties and the NCAA enforcement staff complete a report and submit it to a hearing panel of the committee. The process avoids the need for an in-person hearing, eliminates costs associated with a hearing and reduces the amount of time needed to bring the case to closure.

Formal Hearing

Cases in which the school or one or more individuals do not agree to the facts, violations or violation levels may be processed through a hearing with a panel of Division I Committee on Infractions members.

Enforcement staff replies

Time used for scheduling, document review and preparation for the hearing

Hearing

Parties present their cases at a hearing in front of a panel of either three or five-to-seven Committee on Infractions members. The committee reviews the facts, decides whether violations occurred and whether penalties are appropriate.

An accelerated review path for some cases is also available
Summary Disposition with an Expedited Hearing

In a summary disposition, a school or involved individual may accept the facts and violations, but challenge the penalties proposed by the panel. In those instances, the timeline extends to allow for an expedited hearing to be scheduled and held, followed by deliberation and the panel’s decision. Asking for an expedited hearing will slow the overall process down due to the extra step, but once the hearing is held the Committee on Infractions renders its final decision quickly.

The committee issues a decision detailing the facts, violations and penalties. The committee’s decision may be appealed to the Infractions Appeals Committee.
Case Efficiency

Changes to the infractions process in recent years have sought to make the process more efficient.

Average days between review and decision/release in summary disposition cases:

<table>
<thead>
<tr>
<th>Year</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days</td>
<td>91.3</td>
<td>53.4</td>
<td>57.8</td>
<td>39.1</td>
<td>57.9</td>
</tr>
</tbody>
</table>

Average days between hearing and decision/release in contested cases:

<table>
<thead>
<tr>
<th>Year</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days</td>
<td>64.5</td>
<td>92.7</td>
<td>64.5</td>
<td>66.9</td>
<td>103.5</td>
</tr>
</tbody>
</table>

Average days between submission and decision/release in summary disposition cases with an expedited hearing:

<table>
<thead>
<tr>
<th>Year</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days</td>
<td>179</td>
<td>181</td>
<td>227.5</td>
<td>113.2</td>
<td>175</td>
</tr>
</tbody>
</table>

Average days between hearing and release in summary disposition cases with an expedited hearing:

<table>
<thead>
<tr>
<th>Year</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days</td>
<td>40.7</td>
<td>20</td>
<td>58.5</td>
<td>29.8</td>
<td>34.3</td>
</tr>
</tbody>
</table>

*When taking into account processes and logistics outside the committee’s consideration, actual processing time was 44 days.

During this time frame, the average case also includes about four weeks for the parties to respond to requests for clarification or for institutions or involved individuals to respond to proposed penalties.

This time frame includes the panel’s review of the submitted summary disposition report, proposal of additional penalties, the time to contest certain penalties, setting up the hearing and settling on any changes to the penalties after the hearing.

This time frame includes a small window between hearing and release.
Penalty Analysis

When the Committee on Infractions evaluates appropriate penalties, it looks to ensure the penalty is consistent with the level of violations. Data from 2018 shows that more egregious violations were met with stronger consequences.

<table>
<thead>
<tr>
<th>LEVEL I</th>
<th>Total Cases: 15</th>
<th>LEVEL II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level I – Aggravated: 0</td>
<td></td>
<td>Level II – Aggravated: 0</td>
</tr>
<tr>
<td>Level I – Standard: 2</td>
<td></td>
<td>Level II – Standard: 10</td>
</tr>
<tr>
<td>Level I – Mitigated: 1</td>
<td></td>
<td>Level II – Mitigated: 2</td>
</tr>
</tbody>
</table>

3 cases

12 cases

Average Probation

3.33 years

1.92 years

Show-Cause Average

5.33 years

1.88 years

Cases Involving Postseason Ban(s)

2

0

Head Coach Suspensions

2

7

Percentage of cases involving scholarship reduction(s)

67%

50%

Percentage of cases involving recruiting restrictions

67%

50%

Percentage of cases involving vacation of records

67%

75%
What’s New

School representatives, the NCAA Division I Committee on Infractions chair or the NCAA vice president of enforcement can request that a case be referred for independent resolution. In January, NCAA members voted to add five independent members to its Board of Governors. Some of those new members will have oversight responsibilities for the independent accountability resolution path, ensuring true independence in the process while maintaining a tether to the NCAA.

Cases that follow the independent accountability resolution path will have unique characteristics or circumstances that NCAA members feel would be best resolved by an independent body.

Independent Accountability Resolution
Independent review requested by a school, the NCAA vice president of enforcement or the COI chair.

Infractions Referral Committee
Members: Five members include one Independent Resolution Panel member, one DI Committee on Infractions member, one DI Infractions Appeals Committee member, the DI Council chair and the DI Council vice chair.

- Reviews request to refer case to independent process.
- Determines whether request meets standard for referral.

Complex Case Unit
Members: External investigators and advocates with no school or conference affiliations and select NCAA enforcement staff.

- Determines whether further investigation of the facts is needed.
- Conducts or finishes the investigation.
- Shepherds the case through its review by the Independent Resolution Panel.
INDEPENDENT ACCOUNTABILITY OVERSIGHT COMMITTEE

Members: Three independent members of the NCAA Board of Governors and the chair and vice chair of the Division I Board of Directors. One of the independent members will lead the group.

• Appoint members of the Independent Resolution Panel, independent investigators and advocates on the Complex Case Unit and select members of the Infractions Referral Committee.

• Works with the Division I Board of Directors on operating procedures for process.

Independent Resolution Panel

Members: 15 members with legal, higher education and/or sports backgrounds who are not affiliated with NCAA member schools or conferences. Each case will be handled by a panel of five of the 15 members.

• Reviews allegations from the Complex Case Unit and the school’s response to those allegations.

• Oversees the case hearing and decides penalties.

• If appropriate, expands upon allegations presented by the Complex Case Unit.
Division I Infractions Appeals Committee

If a Committee on Infractions panel concludes that your school, or an individual at your school, violated the NCAA constitution or bylaws and prescribed penalties, the next step may be to decide whether to appeal the decision to the Infractions Appeals Committee.

An appeal is not a new hearing that provides a second chance to argue the case. The Infractions Appeals Committee acts based on the record in the case. It will not consider evidence that was not presented to the Committee on Infractions panel, except in limited circumstances. The Infractions Appeals Committee will reverse the Committee on Infractions’ decisions involving Level I or Level II violations only if the individual or institution can show one or more of the following:

- A factual finding is clearly contrary to the information presented to the Committee on Infractions panel.
- The facts found by the Committee on Infractions panel do not constitute a violation of the NCAA constitution and bylaws.
- There was a procedural error, and but for the error, the Committee on Infractions panel would not have made the finding or conclusion.
- Or, in prescribing a penalty, the Committee on Infractions panel abused its discretion.
Meet the Committee

W. Anthony Jenkins  
Attorney, Dickinson Wright PLLC (chair)

Ellen M. Ferris  
Associate commissioner, American Athletic Conference (vice chair)

Jonathan Alger  
President, James Madison

Allison Rich  
Senior associate director of athletics and senior woman administrator, Princeton

David Shipley  
Georgia Athletic Association professor in law and faculty athletics representative

MISSION STATEMENT:

Provide a meaningful, reliable and credible appeal opportunity that produces outcomes which have a positive impact on the infractions process and support the NCAA’s commitment to provide a fair and fulfilling competitive environment for student-athletes.

CORE VALUES INCLUDE:

Fairness
Appeal process should be meaningful and respectful for all constituents.

Integrity
Fulfilling duties and responsibilities with honesty, fairness and accuracy, and adhering to established procedures and NCAA legislation.

Neutrality
Making decisions without bias, and placing an emphasis on the process rather than the outcome.

Reliability
Consistency in application of procedures and consistency of outcomes.

Clarity
Clear communication of standards, procedures, outcomes and decisions.
Committee Caseload

<table>
<thead>
<tr>
<th>INFRACTIONS APPEALS COMMITTEE TOTAL CASES BY YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
</tr>
<tr>
<td>0</td>
</tr>
</tbody>
</table>

VIOLATIONS AND PENALTIES: TWO-YEAR SNAPSHOT

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total violations appealed</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>Violations affirmed</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>Violations vacated</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Total penalties appealed</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>Penalties affirmed</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>Penalties vacated</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Penalties remanded</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>
What’s Next

After naming Wendy Walters as the first managing director of the Infractions Appeals Committees Office in April 2018, the office has expanded to include two more full-time staff members — Joyce Thompson, now director and formerly a longtime member of the NCAA’s enforcement staff, and Kelley Sullivan, an assistant coordinator — to better serve the committee.

Over the past 10 months, the Infractions Appeals Committees office staff and the Division I Infractions Appeals Committee have created a mission, identified the core values, set goals and begun a complete review of the infractions appeals process.

GOALS INCLUDE:

- Ensuring efficient and effective administration of the infractions appeals process.
- Increasing the expertise and knowledge base of committee members and staff.
- Increasing the membership, national office and public’s understanding of the infractions appeals process.
### INFRACTIONS APPEALS COMMITTEE TIMELINE

The average Infractions Appeals Committee case takes eight months from the time of appeal until a resolution is reached. These time frames represent legislated benchmarks:

<table>
<thead>
<tr>
<th>Event</th>
<th>Time Frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parties declare intent to appeal</td>
<td>15 days</td>
</tr>
<tr>
<td>Deadline to file written appeal</td>
<td>30 days</td>
</tr>
<tr>
<td>Committee on Infractions response to written appeal due</td>
<td>30 days</td>
</tr>
<tr>
<td>NCAA enforcement staff submits materials after rebuttal</td>
<td>1-2 months</td>
</tr>
<tr>
<td>Appellant response to enforcement due</td>
<td>6-8 weeks</td>
</tr>
<tr>
<td>Oral argument held in front of the Infractions Appeals Committee</td>
<td></td>
</tr>
<tr>
<td>Infractions Appeals Committee releases its report</td>
<td></td>
</tr>
</tbody>
</table>

The average Infractions Appeals Committee case takes eight months from the time of appeal until a resolution is reached. These time frames represent legislated benchmarks:
Consistency + Efficiency + Fairness = Credibility