

NCAA CHAMPIONSHIPS

Failure to Adhere to Policies and Procedures Process Outline

Failure of an institution's representatives (staff members and/or student-athletes) to adhere to the policies and procedures governing championships administration.

STEP 1

The NCAA site representative, the tournament director or NCAA championships staff will determine, based on the applicable administrative policies of the respective sport, if an incident constitutes failure to adhere to policies and procedures. These policies and procedures are set forth in the pre-championships manual, the host operations manual and/or the participant manual (referenced in NCAA Bylaw 31).

EXAMPLES: Late submission of declarations for track and field, failure to attend/arriving late to mandatory administrative meetings, failure to adhere to published procedures for the submission of regular - season results.

STEP 2

If it is determined that failure to adhere to policies and procedures has occurred, the NCAA site representative, tournament director and NCAA championships staff, if not already involved, will complete the incident report for action after the championship and contact the NCAA championship administrator.

STEP 3

Once an incident report has been completed, the NCAA championship administrator, in consultation with the sport committee, will submit the initial letter to the applicable individual(s)/institution regarding the alleged failure to adhere to policies and procedures within 14 days of the completion of the championship. The NCAA championship administrator will notify the championships staff member with divisional oversight of the incident.

STEP 4

After receipt of notification, the institution will have 14 days to respond to the NCAA championship administrator concerning the incident.

STEP 5

The NCAA championship administrator, in consultation with the sport committee, will review all information and determine a ruling and, if applicable, a penalty based on a predetermined penalty structure (unless there was an immediate withdrawal or suspension from competition) within 14 days of receipt of the response or the last day for submitting the same. Written communication regarding the outcome will be sent by the NCAA championships manager to the institution's director of athletics copying the head coach and president (Division II), as well as the sport committee after reviewed by your director. Request an electronic acknowledgment of receipt from the institution and send a hard copy of the initial letter and electronic receipt to the institution's athletic director, head coach, president (Division II only) and sport committee.

As may be deemed necessary, the NCAA championship administrator will inform the championships staff leadership, legal, communications, designated NCAA staff and/or the divisional Championships Committee of the incident and subsequent outcome. The result will be logged in the national office database.

The NCAA shall have the right, in its sole discretion, to periodically review and/or amend/revise this policy.

NCAA CHAMPIONSHIPS

Misconduct Process Outline

For purposes of this policy, “misconduct” shall mean any act of dishonesty, unsportsmanlike conduct, unprofessional behavior or breach of law, occurring from the time the championship field is announced through the end of the championship that discredits the event or intercollegiate athletics (NCAA Bylaw 31.02.4).

STEP 1

The NCAA site representative/governing sport committee in conjunction with the NCAA championship administrator shall review NCAA Bylaw 31 to determine if an incident, behavior and/or action constitutes misconduct. The championships and alliances staff member with divisional oversight will be informed as soon as possible.

Misconduct, as defined herein, can occur prior to (e.g., comments related to seeding or bracket placement), during (e.g., unsportsmanlike conduct on the field) or after (e.g., negative comments in postgame press conference) the championship competition.

In considering whether or not an act of misconduct has occurred, the sport committee must consider only misconduct that is included within and defined by Bylaw 31. If the sport committee determines that misconduct has occurred, the sport committee will identify the specific act that constitutes misconduct and outline the facts surrounding the relevant behavior.

STEP 2

Identify the situation surrounding the misconduct and determine if an administrative hearing shall occur and the timing of the hearing (e.g. immediately on site or within 14 days after the championship).

- a. If the misconduct violates the principles of fair play and sportsmanship during the competition and is in violation of the playing rules, the game officials may immediately withdraw the applicable student-athletes(s), coach(es) and/or representative(s) of the institution from the competition.

ACTION: The sport committee must determine if additional penalties are warranted based on Bylaw 31.02.4.

- b. Under normal circumstances, if the misconduct occurs during the competition (and is not covered by playing rules), the sport committee will allow the individual(s) to complete the competition in which he or she is participating at the time of the incident (Bylaw 31). However, if the act is so egregious and violates the principles of fair play and sportsmanship, the penalty may result in nonparticipation in subsequent competitions (e.g. profanity and reaction to fan behavior).

ACTION:

Determine if the situation needs to be handled before the next competition (e.g. postgame damage of property).

If the situation requires immediate action, the NCAA championship administrator/site representative (in consultation with NCAA sports committee) shall do the following:

- o Provide the offending institution with specific information that outlines the facts surrounding the relevant behavior and how they constitute misconduct.
- o Provide an opportunity for an administrative hearing following the day's competition/round. (Refer to Attachment Misconduct Administrative Hearing Procedures – During Championship.) If requested, the administrative hearing will be held at the conclusion of the day's competition or between rounds of the championship, when no competition is being conducted or at the conclusion of the championship, as the sport committee determines at its sole discretion.

If the situation does not require immediate action, the NCAA championship administrator/site representative (in consultation with the NCAA sport committee) shall follow Attachment B – Misconduct Administrative Hearing Procedures – Post NCAA Championship. When the sport committee determines that the individual(s)/team should be permitted to complete the competition because immediate withdrawal is not warranted, the sport committee will consider the acts of misconduct within a reasonable time, but not later than 14 days after the completion of the championship.

(The NCAA championship administrator/site representative should notify the applicable institutional administrator on site that the student-athletes(s), coach(es) and/or representative(s) of the institution may be in violation of misconduct and the NCAA championship administrator will follow up at the conclusion of the championship).

- c. If misconduct that would prohibit further competition occurs outside of competition, the NCAA championship administrator/site representative (in consultation with NCAA sports committee) shall notify the offending institution's administrator and head coach of the misconduct and if a hearing will be necessary for continuation of play (e.g. during postgame handshake a fight occurs and/or breach of law).

ACTION:

Determine if the situation needs to be handled prior to the next competition (e.g. postgame damage of property).

If the situation requires immediate action, the NCAA championship administrator/site representative, in consultation with the sport committee shall do the following:

- o Provide the institution with specific information that outlines the facts surrounding the relevant behavior and how they constitute misconduct.
- o Provide an opportunity for an administrative hearing after the day's competition/round. If requested, the administrative hearing will be held at the conclusion of the day's competition or between rounds of the championship, when no competition is being conducted or at the conclusion of the championship, as the sport committee determines at its sole discretion. When the sport committee determines that the individuals/team should be permitted to complete the competition because immediate withdrawal is not warranted, the sport committee will consider the acts of misconduct within a reasonable time, but not later than 14 days after the completion of the championship. (Refer to Attachment A –Misconduct Administrative Hearing Procedures – During Championship)

STEP 3

Notification of findings and penalties (if applicable).

ACTION:

Written communication regarding the outcome will be sent by the NCAA championships manager to the institution's director of athletics copying the head coach and president (Division II), as well as the sport committee after reviewing by your director. Request an electronic acknowledgement of receipt from the institution and send a hard copy of the initial letter and electronic receipt to the institution's athletic director, head coach, president (Division II only) and sport committee.

The result will be logged in the national office database.

Officials can communicate with the sport committee on a missed call that would constitute misconduct. Officials could not eject anyone from the game if they did not witness the act, but the sport committee member can act on the situation at the appropriate time.

**Misconduct Administrative Hearing Procedures – During
Championship**

Administrative Hearing. To be held if there is reason to consider action to immediately ban or withdraw an individual(s) or team from competition PRIOR TO COMPLETION OF THE CHAMPIONSHIP.

The chair of the sport or games committee (in conjunction with NCAA championship administrator) will notify the applicable director of athletics in writing that his or her team, student-athlete(s), coach(es) and/or institutional representative(s) are being reviewed for alleged acts of misconduct that occurred during the championship. This notification also will include the commissioner of the respective conference. The notice will identify the specific act that is alleged to constitute misconduct and outline the facts surrounding the relevant behavior that could result in a finding of misconduct and an immediate ban or cause withdrawal of the individual/team from the championship competition. The sport or games committee shall determine whether the hearing will be in-person, by teleconference or another format.

Procedures for the Administrative Hearing

1. Except as otherwise expressly set forth herein, the sport or games committee shall be the final authority on all matters concerning the conduct of the administrative hearing.
2. If more than one individual is involved, each individual's circumstance will be considered independently.
3. Individuals participating in the hearing may include the director of athletics, and his or her designee, from the relevant institution, the individual(s) alleged to have committed misconduct, legal counsel for the institution and each individual, NCAA staff liaison(s) to the committee, the committee members (those employed at the institution, the institution's conference office or another such conference institution will not be a part of the hearing), NCAA legal counsel and additional NCAA staff if the chair of the sport committee so requests.
4. To begin the hearing, the chair of the sport or games committee will provide a summary of the alleged acts of misconduct under review and name those charged with each act of misconduct.
5. Unless otherwise determined by the sport or games committee, the relevant institutional representative(s) or impacted individual(s) will have a total of 20 minutes to provide a summary of the events from their perspective and offer alternative or mitigating information, if appropriate.
6. After the sport or games committee chair's introduction and the relevant institutional individuals or impacted individuals have presented, the on-site representative or tournament operations administrator who reported the incident will provide his or her summary. Members of the sport or games committee will have an opportunity to ask questions after the summaries from each party. The chair of the sport or games committee may stop the discussion at his or her discretion during the period of questions.
7. After the period for questions is complete or stopped, the committee will deliberate in private with non-voting NCAA staff members present.
8. Individuals participating in the hearing will be informed of the right to appeal the decision of the sport or games committee. All appeals will be heard by the respective divisional appeals subcommittees.
9. If the sport or games committee determines there was an act of misconduct, it will then determine penalties, if any are to be issued -- a range of which is set forth in NCAA Bylaw 31.1.10. In issuing penalties, the sport or games committee will take into account, among other factors, history of past findings of misconduct and/or associated penalties.
10. The chair of the sports committee shall notify the on-site administrator (if applicable) and/or the director of athletics of the findings and any penalties, within a reasonable time after the conclusion of the administrative hearing or other process provided for herein. A letter also will be sent to the director of athletics, president

(Division II)/chancellor, and the commissioner of the respective conference confirming the findings, actions and any penalties imposed.

11. If the reprimand or sanctions are to be made public, the director of athletics from the impacted institution will receive notice of the public reprimand in writing prior to distribution to the media outlets. Coordination and writing of any press releases will be made in collaboration between the NCAA office of communications, legal staff and the NCAA championship administrator.
12. After the issuance of the committee's decision, the following steps must be taken:
 - a. The action should be documented in the NCAA national office misconduct database.
 - b. The appropriate divisional Championships Committee governance staff shall be informed of the action taken and penalty levied.
 - c. Any press release regarding the matter should be prepared in collaboration with the NCAA legal, communications, and championships and alliances staffs.

**Misconduct Administrative Hearing Procedures – Post NCAA
Championship**

The following steps will be taken no later than 14 days after the championship event:

1. Request information from all parties with first-person knowledge who may provide an understanding of circumstances and events surrounding the incident. This might include requesting information from other teams, coaches, officials, committee members and event staff at the site. (ALLOW THE SAME 14 DAYS FOR A RESPONSE.)
 - a. Notify the director of athletics (in writing) that the institution's team, coach(es), student-athlete(s) and/or other institutional representative(s) may be in violation of the misconduct bylaw and request an institutional response as to the events surrounding the incident. (ALLOW 14 DAYS FOR A RESPONSE.)
 - b. It is appropriate to communicate with the institution's conference commissioner to provide background so he or she can assist the institution, if requested.
2. The sport committee will review NCAA Bylaws 31.02.4 and 31.1.10 and evaluate the information gathered about the possible act(s) of misconduct. The sport committee will provide the relevant individual(s)/institutional representative(s) with an opportunity to participate in the discussion.
3. If the institution or impacted individual(s) would like to participate in a teleconference, the chair of the sport committee will present the committee's position, the institution or impacted individuals will present their position(s), and finally the chair will provide the other committee members with an opportunity to ask questions.
4. Once the information and facts have been presented to the sport committee, it is responsible for determining if misconduct has occurred. The chair of the sport committee shall lead the committee's private deliberations on the matter and, in consultation with the full committee, render a final decision regarding whether or not misconduct occurred.
5. If a finding of misconduct is made, the sport committee in considering penalties will review, among other factors, the history of similar findings of misconduct occurred.
6. After the sport committee meeting and deliberations, the NCAA staff liaison shall inform the applicable director of athletics or his or her designee, and the commissioner of the respective conference of one of the following outcomes in writing:
 - a. The committee reviewed the information and found no grounds for a finding of misconduct;
 - b. The committee reviewed the information and found that the student-athlete(s), coach(es) and/or other institutional representative(s) were in violation of Bylaw 31.02.4. The committee will identify in writing the specific acts of misconduct that were found, the penalty(ies) associated with the finding and the appellate process; or
 - c. That no decision has been reached, the reasons why no decision has been reached and the anticipated timeline for when a decision will be reached.
7. If the sport committee finds that misconduct has occurred, the institution or impacted individual(s) will have 14 days to appeal in writing.
8. If the institution or impacted individual(s) notifies the NCAA that no appeal is forthcoming or if no response is received from the institution within 14 days, the findings and penalties, as indicated, will stand.

If there is an appeal, the information regarding the misconduct will be forwarded to the appropriate appellate body hearing the appeal (Division I Council; Division II - a committee comprising two Division II Management Council members and two Championships Committee members and the chair of the Championships Committee; and Division III - the Championships Committee).

9. The governing body hearing the appeal shall proceed in accordance with the procedures for appeal further set forth herein.

The NCAA shall have the right, in its sole discretion, to periodically review and/or amend/revise this policy.

**Appeal Process
Procedures for an Appeal Decision after a Finding of Misconduct**

A misconduct determination by a sport or games committee may be appealed by the member institution (on its own or on behalf of its student-athlete) within 14 days of receiving written notice thereof in the following instances:

1. It is asserted that the misconduct determination by the sport or games committee is clearly contrary to the evidence presented.
2. It is asserted that the actions in question do not constitute misconduct as defined in NCAA Bylaw 31.02.4.
3. It is asserted that the sport or games committee did not follow its policies and procedures in reaching its determination and that procedural error significantly impacted the outcome of the original hearing.

The director of athletics must submit a written notice of appeal to the governing championship committee. The appeal must include which of the above three instances the institution believes exists to support the appeal. In addition, the appeal should explain the circumstances and in particular provide information to support the appeal.

In considering an appeal, the divisional appeals subcommittee shall determine in its sole discretion whether to convene a teleconference, an in-person meeting, or meeting in another format for the institution to present its appeal or whether the matter will be judged based on the written submission. The subcommittee shall consider only the evidence presented to the sport or games committee during the original hearing and other submissions expressly provided for herein. If it is asserted that new information exists that would have materially impacted the original finding, the divisional appeals subcommittee will determine whether the new information was reasonably obtainable at the time of the original hearing. If the new material information was not readily available, the divisional appeals subcommittee will send the case back to the sport or games committee for reconsideration.

If more than one individual is involved, each individual's circumstances shall be considered independently. In instances that involve a team that has committed an act of misconduct, the issue will take the team as a whole into account, not each individual. This is at the discretion of the sport or games committee in finding the misconduct charge.

Those in attendance in person or via teleconference at the hearing may include the director of athletics from the relevant institution (or his/her designee), the individual(s) alleged to have committed misconduct, legal counsel for the institution and each individual, staff liaison(s) to the committee, the committee chair or designated committee representative (speaking on behalf of the committee), NCAA legal counsel, and additional NCAA staff if the chair of divisional appeals subcommittee so requests.

The names of all to be involved in the meeting/teleconference will be shared with all parties participating in the appeal.

The sport or games committee/NCAA staff and the appealing institution/impacted individuals shall have the right to submit materials to the divisional appeals subcommittee for consideration in connection with the appeal, no later than seven business days before the scheduled appeal. Appeals may include some or all of the following information:

- Statements from game officials – when, what, where (emphasize the importance of the summary on the misconduct report);
- Statements from those alleged to have committed misconduct – when, what, where and why or why not;
- Statements from individuals who are responsible for supervising those alleged to have conducted misconduct – corrective action if any;
- Statements from event management – when, what, where additional context;

- Statements from on-site administrators in charge for both teams – when, what, where, additional context;
- Any video, still photographs or audio evidence that clearly depict the relevant circumstances.
All such materials will be distributed at least three days before the hearing to all relevant parties.

Conduct of the Appeal Proceedings

1. The chair of the divisional appeals subcommittee will open the hearing by identifying all individuals participating in the appeal and will summarize the findings and penalties that are being appealed.
2. The chair also shall inform the institution and/or individual(s) appealing that once a decision regarding the appeal is made by the divisional appeals subcommittee, that decision is final and that no additional avenues for appeal exist within the governance process.
3. The institution or individual(s) appealing will have 20 minutes to present their case.
4. There will be a period at the end of the hearing for members of the divisional appeals subcommittee to ask questions. The chair of the divisional appeals subcommittee may stop the discussion at his or her discretion once an appropriate amount of time has lapsed for questions from the committee.
5. After the period for questions has concluded, the governing championships committee will deliberate in private with non-voting NCAA staff members present, if requested by the committee chair.
6. If the divisional appeals subcommittee upholds the finding of misconduct, then it also must consider the appropriateness of the penalties related thereto. The divisional appeals subcommittee may uphold or reduce the penalties, but it may not increase the penalties. If the governing championships committee rejects the finding of misconduct, then the finding will be overturned along with the penalties.
7. As soon as possible, the chair of the divisional appeals subcommittee will send a letter to the involved parties specifying the divisional appeals subcommittee's ruling and changes in penalties, if any.
8. If the reprimand or sanctions are to be made public, involved institutions will receive notice of the public reprimand in writing prior to distribution to the media outlets. Coordination and writing of any press releases will be made in collaboration with the NCAA communications, legal, and championships and alliances staffs if deemed necessary.
9. After a final decision by the committee, the following steps must be taken:
 - a. The action should be documented in the NCAA national office misconduct database.
 - b. Inform the appropriate Council/Championships Committee of the final action and penalty levied.
 - c. Any press release regarding the matter should be prepared in collaboration with the NCAA legal and communications staff. This press release will also be distributed to the championships staff member with divisional oversight, the divisional governance vice president and any other NCAA staff member who should be informed prior to release to the public.
 - d. Before any such press release is distributed (if applicable), forward a copy to the director of athletics at the involved institution and the chair of the sport or games committee.