



**REPORT OF THE  
NCAA DIVISION I BOARD OF DIRECTORS  
INFRACTIONS PROCESS COMMITTEE  
APRIL 29, 2021, VIDEOCONFERENCE**

- 1. Initial Status Update and Discussion.** The NCAA Division I Board of Directors Infractions Process Committee reviewed its progress to date and a draft initial status report. The committee had worked in advance of the NCAA Division I Board of Directors April 28 meeting to draft an initial status report to be provided to the Board, and due to the diverging viewpoints of committee members who provided comments, the initial status report was not provided to the Board for its April meeting. The committee recognized that more discussion was necessary before issuing an initial report in written form; therefore the update to the Board was limited to a verbal summary from Infractions Process Committee chair, Jim Harris.

At this meeting the committee reviewed a revised draft of the initial report that began to incorporate member suggestions and noted that it would serve to help frame a future status report that would be provided to the Division I membership in the future.
- 2. Feedback from the Board of Directors.** The committee chair reviewed his presentation provided to the Board during their April 28 meeting, after which many Board members expressed gratitude for this committee's commitment to tackle such critical issues related to the infractions process so promptly. The Board recognizes that the important work the committee is doing relates directly to the NCAA's long-term sustainability as an organization.
- 3. Recommendation to Add a Student-Athlete Representative.** The chair also noted that the Board approved the Infractions Process Committee's recommendation to appoint an NCAA Division I Student-Athlete Advisory Committee member to join the committee. NCAA staff will work expeditiously to identify and orient the Student-Athlete Advisory Committee member, once selected.
- 4. Committee Recommendations to Advance Its Work.** In order to facilitate an effective review process moving forward, committee members reflected on their engagement with key constituents over the last several meetings and discussed strategies to advance its efforts in future meetings and help the committee transition into developing solutions for the areas identified for review.
- 5. Referral to the NCAA Division I Legislation Committee – Modernization of the Rules Subcommittee.** The Infractions Process Committee reviewed initial interaction with constituent groups pertaining to the rules modernization priority area within its charge from the Board of Directors and voted to refer this item to the Division I Legislative Committee Modernization of the Rules Subcommittee to assist with this priority area moving forward.

The Infractions Process Committee urged the subcommittee to conduct its evaluation of rules by beginning with the fundamental question of whether the NCAA should be regulating this particular area, and operate with the overarching premise of building/maintaining rules that protect and/or assure fair competition. Specifically, the subcommittee is advised to:

- a. Identify rules that no longer serve the needs of the 21<sup>st</sup> century student-athlete/collegiate model.
  - 1) For example, identify existing rules that are exclusively, or nearly exclusively, processed as Level III violations. Consider what value/purpose continued maintenance of the identified rules serve in the current regulatory framework.
  - 2) Attempt to subcategorize rules that if removed, would represent a more significant change in status quo.
- b. Assess whether more rules should be added to where local interpretations philosophy is currently encouraged.
- c. Identify rules, that if violated, may not warrant NCAA interface (i.e., not reported to the enforcement staff).
- d. Conversely, identify rules that, despite sometimes resulting in lower-level violations based on the factual circumstances, remain integral to the maintenance of fair competition (e.g., NCAA Bylaw 13.1.1.3 – contact of four-year college prospective student-athletes).

The Infractions Process Committee requested the Modernization of the Rules Subcommittee provide regular reports with feedback and recommendations pertaining to this referral.

6. **Review of Committee Charge and Priorities.** The Infractions Process Committee reviewed its charge from the Division I Board of Directors and noted the following priority areas and items to be addressed moving forward:

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| <b>Process</b> | <ul style="list-style-type: none"><li>• Enhance expediency without sacrificing fairness.</li><li>• Review role of the appellate process.</li><li>• Ensure efficient use of available tools.</li><li>• Identify new tools to be used during investigation and adjudication.</li></ul> |
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| <b>Communication and Transparency</b> | <ul style="list-style-type: none"><li>• More effectively communicate and advocate for process/outcomes.</li><li>• Determine frequency/style of reports to the Infractions Process Committee and from the committee to the Board of Directors.</li><li>• Infractions Process Committee is the conduit for timely interaction between the NCAA Division I Committee on Infractions and the Board of Directors.</li></ul> |
| <b>Outcomes</b>                       | <ul style="list-style-type: none"><li>• Review mitigating and aggravating factors (potential credit for cooperation).</li><li>• Review penalty matrix (including vacation of records).</li></ul>   |
| <b>Rules Modernization</b>            | <ul style="list-style-type: none"><li>• Determine whether violation levels are categorized appropriately.</li><li>• Focus time and resources on rules that are integral to the division.</li></ul>   |

7. **Review of Previous Report.** The Infractions Process Committee approved the report from its April 17 videoconference as presented.
8. **Future Videoconferences.** The Infractions Process Committee will convene on the following dates:
  - a. 11 a.m. to 12:30 p.m. Eastern, Friday, May 14.
  - b. 4 to 5:30 p.m. Eastern, Tuesday, May 25.
  - c. 11:30 a.m. to 1 p.m. Eastern, Tuesday, June 8.
  - d. Noon to 1:30 p.m. Eastern, Saturday, June 19.
  - e. 3 to 4:30 p.m. Eastern, Tuesday, June 29.

*Infractions Process Committee chair: Jim Harris, University of San Diego*  
*Staff Liaisons:* *Emily Capehart, Academic and Membership Affairs*  
*Jenn Fraser, Law, Policy and Governance*  
*Alexandra Ingram, Law Policy and Governance*  
*Kevin Lennon, Law, Policy and Governance*  
*Marnae Mawdsley, Office of the Committees on Infractions*

| <b>Division I Board of Directors Infractions Process Committee<br/>April 29, 2021, Videoconference</b>  |  |
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| <b>Attendees:</b>   |  |
| David Diles, Virginia Military Institute.   |  |
| Ronnie Green, University of Nebraska, Lincoln.  |  |
| Jim Harris, University of San Diego.  |  |
| Maggie McKinley, University of Cincinnati.  |  |
| Geoff Mearns, Ball State University.  |  |
| Karen Paisley, University of Utah.  |  |
| Greg Sankey, Southeastern Conference.   |  |
| Adela de la Torre, San Diego State University.  |  |
| <b>Absentees:</b>   |  |
| Harlan Sands, Cleveland State University.   |  |
| <b>Guests in Attendance:</b>  |  |
| None.   |  |
| <b>NCAA Staff Liaisons in Attendance:</b>   |  |
| Emily Capehart, Jenn Fraser, Alexandra Ingram, Kevin Lennon and Marnae Mawdsley.  |  |
| <b>Other NCAA Staff Members in Attendance:</b>  |  |
| Gary Brown, Jon Duncan, Sarah Hebbard, Michelle Hosick, Karl Hicks, Scott McDonald, Matt Mikrut, Bridget Rigney, Jared Tidemann, Wendy Walters and Laura Wurtz. |  |