



**REPORT OF THE
NCAA DIVISION I BOARD OF DIRECTORS
INFRACTIONS PROCESS COMMITTEE
JULY 27, 2021, VIDEOCONFERENCE**

1. **Further Review of Identified Tension Points.** The NCAA Division I Board of Directors Infractions Process Committee continued its discussion of potential solutions to the existing tensions in the Division I infractions process. During its initial videoconferences and direct engagement with constituent groups, the committee has heard and discussed tensions within the existing Division I infractions process, and as a result, potential solutions to the identified tensions have been generated for further review and prioritization. Due to the number and breadth of the tensions identified, the committee prioritized the following for review during this meeting:
 - a. Lack of cooperation/degradation of the responsibility to cooperate;
 - b. Lack of access to relevant case information; and
 - c. Case duration.

Committee members agreed that addressing these three areas will be essential to the overall review and asked staff to develop specific recommendations that the group can consider during its next meeting in August.

2. **Guidance Regarding Noncontroversial Procedure Modification.** The Infractions Process Committee approved temporary guidance as to what are considered noncontroversial procedural modifications to their respective internal operating procedures. The guidance will ensure that the NCAA enforcement staff, NCAA Division I Committee on Infractions and Division I Infractions Appeals Committee continue to be able to efficiently manage their processes. Internal operating procedures and the process followed to update or modify internal operating procedures is one of the identified tensions within the infractions process that the committee identified for further review. After discussion the committee agreed to issue temporary guidance stating that any change to an internal operating procedure that meets the definition of noncontroversial should be processed according to policy as is currently done. As the committee resolves existing tensions regarding internal operating procedures it may choose to codify this temporary guidance as permanent. Specifically, an internal operating procedure shall be considered noncontroversial only if:
 - a. Broader consultation and debate are unlikely to improve the internal operating procedure in any substantial way;
 - b. Significant disagreement or alternative points of view will not be generated; and

- c. Such modifications do not have a significant impact (unanticipated consequences, undesirable precedent) on existing internal operating procedures or proposed internal operating procedures.

A noncontroversial internal operating procedure, at a minimum, should have the following factors present:

- 1) The modification should have minimal financial impact.
- 2) The modification must enjoy broad support from its primary stake holders.
- 3) The modification should not negatively impact student-athlete well-being.

In addition to approving the temporary guidance, the committee directed staff to prepare summary reports of noncontroversial internal operating procedure modifications for review by the committee as part of the regular meeting agenda. Controversial internal operating procedure modifications will be presented to the committee for discussion and feedback prior to working their way through the established process. Finally, the committee encouraged staff to broadly and thoughtfully consider the membership's perspective when determining whether a recommended modification to internal operating procedures should be considered noncontroversial.

- 3. Continued Review of Engagement with Stakeholders.** The Infractions Process Committee reviewed written remarks from the Division I Conference Commissioners Association in response to the committee's initial request for input and agreed to ask the Conference Commissioners Association to follow up with the top two or three issues the organization would consider as critical to improving the infractions process. Upon receipt of that correspondence, the committee will consider whether to invite Conference Commissioners Association representatives to present to the group in person at a future meeting.

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

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

- 5. Review of Previous Report.** The Infractions Process Committee approved the report from its June 8 videoconference as presented.
- 6. Future Videoconferences.** The Infractions Process Committee will convene on the following date(s):
 - Monday, August 23, 2:30 to 4 p.m. Eastern time.

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

Division I Board of Directors Infractions Process Committee July 27, 2021, Videoconference
Attendees:
Adela de la Torre, San Diego State University.
Ronnie Green, University of Nebraska, Lincoln.
Jim Harris, University of San Diego.
Maggie McKinley, University of Cincinnati.
Karen Paisley, University of Utah.
Natalie Robinson, University of Washington.
Harlan Sands, Cleveland State University.
Greg Sankey, Southeastern Conference.
Absentees:
Geoff Mearns, Ball State University.
Guests in Attendance:
None.
NCAA Staff Liaisons in Attendance:
Emily Capehart, Jenn Fraser, Alexandra Ingram, Kevin Lennon and Marnae Mawdsley.
Other NCAA Staff Members in Attendance:
Brynna Barnhart, Gary Brown, Derrick Crawford, Jon Duncan, Meghan Durham, Saquandra Heath, Scott McDonald, Heather McVeigh, Matt Mikrut, Bridget Rigney, Jared Tidemann, Wendy Walters, Bob Williams and Laura Wurtz.