



**REPORT OF THE
NCAA DIVISION I BOARD OF DIRECTORS
INFRACTIONS PROCESS COMMITTEE
MAY 14, 2021, VIDEOCONFERENCE**

1. **Review of Preliminary Inventory of Identified Tension Points.** The NCAA Division I Board of Directors Infractions Process Committee reviewed and provided feedback on an initial inventory of tension points with the existing infractions process. The inventory summarized feedback from the constituents who have had the opportunity to engage with the committee thus far, as well as options and additional information potentially needed for the committee to further assess and consider solutions to the identified tensions. The committee noted the inventory is a nonexhaustive, evergreen resource, the substance of which will continue to evolve as the committee progresses with its work.
2. **Background on the Use of Aggravating and Mitigating Factors in Prescribing Penalties.** The Infractions Process Committee received a comprehensive overview of how conduct and/or circumstances can be classified as aggravating and/or mitigating factors when recommending and prescribing penalties under the NCAA Division I Figure 19-1 (penalty guidelines). The committee discussed the historical basis for the codification of aggravating and mitigating factors as a byproduct of the 2012 NCAA Enforcement Working Group. The committee also reviewed how the application of aggravating and mitigating factors have become a central issues in many cases decided by the NCAA Division I Committee on Infractions, and those ultimately appealed to the NCAA Division I Infractions Appeals Committee.

The committee will continue to examine the use of aggravating and mitigating factors in the penalty process as it prepares to consider solutions to identified tensions in the existing infractions system.

3. **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.
Communication, Education 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.

4. **Review of Previous Report.** The Infractions Process Committee approved the report from its April 29 videoconference as presented.
5. **Future Videoconferences.** The Infractions Process Committee will convene on the following dates:
 - a. 4 to 5:30 p.m. Eastern, Tuesday, May 25.
 - b. 11:30 a.m. to 1 p.m. Eastern, Tuesday, June 8.
 - c. 3 to 4:30 p.m. Eastern, Tuesday, June 29.
 - d. 11 a.m. to 12:30 p.m. Eastern, Thursday, July 15.
 - e. 3 to 4:30 p.m. Eastern, Tuesday, July 27.

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 Committee on Infractions

Division I Board of Directors Infractions Process Committee May 14, 2021, Videoconference	
Attendees:	
Ryan Cassidy, Rutgers, The State University of New Jersey, Brunswick, NCAA Division I Student-Athlete Advisory Committee.	
Adela de la Torre, San Diego State University.	
Ronnie Green, University of Nebraska, Lincoln.	
Jim Harris, University of San Diego.	
Geoff Mearns, Ball State University.	
Karen Paisley, University of Utah.	
Harlan Sands, Cleveland State University.	
Absentees:	
David Diles, Virginia Military Institute.	
Maggie McKinley, University of Cincinnati.	
Greg Sankey, Southeastern Conference.	
NCAA Staff Liaisons in Attendance:	
Emily Capehart, Jenn Fraser, Alexandra Ingram, Kevin Lennon and Marnae Mawdsley.	
Other NCAA Staff Members in Attendance:	
Jon Duncan, Meghan Durham, Karl Hicks, Michelle Hosick, Scott McDonald, Matt Mikrut, Bridget Rigney, Jared Tidemann, Wendy Walters, Laura Wurtz	