



**REPORT OF THE
NCAA DIVISION I BOARD OF DIRECTORS
INFRACTIONS PROCESS COMMITTEE
OCTOBER 12, 2021, VIDEOCONFERENCE**

- 1. Review of Solution-Development Approach within Guiding Principles.** The NCAA Division I Board of Directors Infractions Process Committee reviewed its progress to date, noting that its engagement over the past several months with constituents and stakeholders who have familiarity, expertise, and direct experience with the existing Division I infractions process produced a number of findings that have been shown to contribute to tensions. Accordingly, the committee has identified a corresponding set of principles to guide the development of specific solutions to enhance or improve the process moving forward. The purpose of the principles is to assure the process holds the proper individuals accountable and cultivates membership trust in the fairness of the process. The committee plans to use this principled approach as its roadmap in the coming months as it works to develop recommendations.
- 2. Engagement with the NCAA Constitution Committee.** The Infractions Process Committee received an update on the Constitution Committee's progress and noted the correspondence from NCAA Board of Governors Chair Jack DeGioia, president of Georgetown University, who wrote that while ratification of a new constitution in January remains the essential first step in the process of transforming the governance of the NCAA, it has become apparent that there also must be a second step, which will require each division to review its rules to assure that changes are consistent with the principles agreed upon in the new constitution. The NCAA Division I Board of Directors will oversee the rewriting of rules governing Division I, which will need to be completed by August 1, 2022. The Infractions Process Committee noted how it can be of assistance in this regard, particularly since its charge reflects one aspect of the Constitution Committee's charge, which is to identify the types of rules that should be maintained at the national level versus those that could be overseen at the conference or institutional level. The Infractions Process Committee will connect with the Constitution Committee regarding its willingness to assist, particularly as the second step of the rules-making process begins.
- 3. Evaluation of the Independent Review Process.** In relation to the Infractions Process Committee's desire to assist both the Constitution Committee and the committee subsequently formed to begin rewriting the rules for Division I and determining how and at what level they should be enforced, the committee agreed to conduct an evaluation of the Independent Accountability Resolution Process as a first step. The Independent Accountability Resolution Process, which was established as a result of recommendations made by the Commission on College Basketball in 2018, is responsible for reviewing select complex infractions cases in Division I. Now that the Independent Accountability Resolution Process has had a chance to be engaged, membership reaction has been mixed, with many noting that the process has under-delivered on one of its desired outcomes, which was to shorten case length. The Infractions Process Committee believes the time is right, particularly given the intensive review of the collegiate model, for the Independent Accountability Resolution Process to be evaluated and will work with the hearing operations staff to conduct this review.

4. **Further Engagement with the Infractions Process.** The Infractions Process Committee continued discussing opportunities to observe aspects of the infractions process to better assess and inform solution development, including potential access to a Committee on Infractions hearing. The Infractions Process Committee provided feedback to staff regarding how such a request could be stated to balance providing an educational opportunity with protecting the interests of the institution involved. The committee will revisit this issue during a future meeting.
5. **Discussion of Internal Operating Procedures.** The Infractions Process Committee provided feedback regarding the NCAA enforcement staff's internal operating procedures related to investigations and interviews that may occur after a notice of allegations is issued.
6. **Update on NCAA Division I Council Action Regarding Rules Modernization Referral.** The Infractions Process Committee noted that the Division I Council during its September 15 videoconference approved the modernization legislative track that had been recommended by the NCAA Division I Legislative Committee Modernization of the Rules Subcommittee. The modernization legislative track was formally enacted during the Council's October 5-6 quarterly meeting when the Council introduced six proposals from the NCAA Division I Legislative Committee for a potential vote in November.
7. **Committee Roster Update.** The Infractions Process Committee welcomed its newest member during this videoconference – Bryant University Athletics Director William Smith – and noted that Maggie McKinley, deputy director of athletics and senior woman administrator at the University of Cincinnati, will no longer be able to serve on the committee due to her institution having begun its transition to a different conference. Staff will update the committee as the nomination process plays out to fill Ms. McKinley's vacancy.
8. **Review of Committee Charge and Priorities.** As is customary during every meeting, 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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| 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 NCAA Division I 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. |

9. **Review of Previous Report.** The Infractions Process Committee approved the report from its August 23 videoconference as presented.
10. **Future Videoconferences.** The Infractions Process Committee will convene on the following date(s):
 - 11 a.m. – 12:30 p.m. Eastern, Thursday, November 11.

Infractions Process Committee chair: Jim Harris, University of San Diego
Staff Liaisons: Emily Capehart, Academic and Membership Affairs
Derrick Crawford, Law, Policy and Governance
Jenn Fraser, Law, Policy and Governance
Kevin Lennon, Law, Policy and Governance

| Division I Board of Directors Infractions Process Committee October 12, 2021, Videoconference |
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| Attendees: |
| Adela de la Torre, San Diego State University. |
| Ronnie Green, University of Nebraska, Lincoln. |
| Jim Harris, University of San Diego. |
| Karen Paisley, University of Utah. |
| Harlan Sands, Cleveland State University. |
| Greg Sankey, Southeastern Conference. |
| William Smith, Bryant University. |
| Absentees: |
| Geoff Mearns, Ball State University. |
| Natalie Robinson, University of Washington. |
| Guests in Attendance: |
| None. |
| NCAA Staff Liaisons in Attendance: |
| Emily Capehart, Derrick Crawford, Jenn Fraser, and Kevin Lennon. |
| Other NCAA Staff Members in Attendance: |
| Brynna Barnhart, Gary Brown, Jon Duncan, Meghan Durham, Saquandra Heath, Alexandra Ingram, Marnae Mawdsley, Scott McDonald, Matt Mikrut, Bridget Rigney, Jared Tidemann, Wendy Walters and Laura Wurtz. |