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## Introduction

These Internal Operating Procedures ("IOPs") are intended to memorialize the operational practices adopted by the NCAA Division I Committee on Infractions ("COI") and the Office of the Committees on Infractions ("OCOI") to move matters through the Division I Committee on Infractions efficiently and in conformity with the Division I constitution and bylaws. By describing in these IOPs how the COI processes cases, accepts submission of documents and conducts hearings, these IOPs function as guidelines to assist institutions, involved individuals and practitioners.

These IOPs do not constitute legal advice, do not have the force of law and do not confer any independent right, contractual or otherwise. The NCAA Division I constitution and bylaws remain the controlling authority governing infractions cases.

Because the IOPs are derived from the Division I constitution and bylaws and address the practical processing requirements for an infractions case, the IOPs will be amended from time to time, without prior notice, to accommodate changes to the constitution, the bylaws and the COI's and OCOI's evolving practices. An amendment is immediately effective. Any amendments will be presented to the NCAA Division I Board of Directors for approval. Editorial, formatting or typographical corrections that do not rise to the level of an amendment will be made as needed. To the extent that specific IOPs, bylaws or constitutional provisions are referenced in an IOP and the referenced IOP, bylaw or constitutional provision is renumbered or amended without material effect, the IOP in question remains applicable. *(Effective: 8/1/2013, Adopted: 8/8/2013, Revised: 2/7/2014, Adopted: 4/24/2014)*

Paper copies of the current IOPs may be obtained from the OCOI. The IOPs are also available electronically on the NCAA's website at:

<http://www.ncaa.org/division-i-committee-infractions-operating-procedures>

## Chapter 1 – Office of the Committees on Infractions

- 1-1. Location.** The physical location of the Office of the Division I Committee on Infractions is on the 3rd floor of the Dempsey Building at the NCAA national office, 700 West Washington St., Indianapolis, Indiana 46204. The mailing address is P.O. Box 6222, Indianapolis, Indiana 46206-6222. *(Effective: 8/1/2013, Adopted: 8/8/2013, Revised: 2/1/2017)*
- 1-2. Contact Information.** The telephone number is (317) 917-6222. The facsimile number is (317) 917-6464. The email address is [coi@ncaa.org](mailto:coi@ncaa.org). *(Effective: 8/1/2013, Adopted: 8/8/2013)*
- 1-3. Hours of Operation.** The OCOI's hours of operation are between 8 a.m. to 5 p.m. (Eastern Time), Monday through Friday, except on holidays. *(Effective: 8/1/2013, Adopted: 8/8/2013)*



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### 1-4. Office Closings.

**1-4-1. Closings.** If the office closes early or is closed, the national office's operations staff will activate a recording notifying anyone calling the NCAA's general number, (317) 917-6222, that the office is closed. Employees may dial (317) 917-6960 for updates on office closings. (*Effective: 8/1/2013, Adopted: 8/8/2013*)

**1-4-2. Case Submissions and Scheduled Hearings.** Regardless of whether the national office closes, submission of case material should be accomplished electronically and on time. If a hearing is scheduled at the national office and the office is closed, the OCOI staff will contact the parties regarding the status of the hearing. (*Effective: 8/1/2013, Adopted: 8/8/2013*)

**1-5. Party Notification.** The COI's and OCOI's involvement in an infractions case typically begins with the enforcement staff's submission of a case to the COI (i.e., the submission of a negotiated resolution agreement, summary disposition report, or notice of allegations). Upon the submission of the case, an appearance letter is generated from the OCOI to the institution and involved parties (if applicable). The appearance letter notifies all parties, as well as the conference(s), of the date, time and location of the hearing. (*Effective: 8/1/2013, Adopted: 8/8/2013; Amended: 1/1/2023, Adopted: 2/28/2023*)

**1-5-1. Party Responsibility.** After submission of a case to the COI, parties must ensure the OCOI has accurate information regarding current institutional or involved individual representatives and counsel, if any. Parties must inform and continually update the OCOI of any changes to counsel or representatives, including changes to contact information, as soon as practicable. (*Effective: 8/18/2016, Adopted: 9/29/2016; Revised: 1/1/2023, Adopted: 2/28/2023*)

**1-6. Document Submission and Computation of Time.** All communications, documents and requests directed to the COI must be submitted electronically via the secure filing system (SFS) as detailed in Chapter 3 of these IOPs. If the submission of a document triggers a deadline for another party, such deadline will not begin to run until the OCOI moves the document into the case record from the upload area within the SFS and parties receive notice and access through the SFS. In computing deadlines prescribed by the bylaws or these IOPs, any deadline falling on a weekend or legal holiday shall be extended to the next business day. (*Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 7/28/2020, Adopted: 9/30/2020*)

## Chapter 2 – Committee on Infractions

**2-1. Committee on Infractions (COI) Defined.** The Division I Committee on Infractions is an independent administrative body charged with deciding infractions cases involving NCAA member institutions and their employees. Each committee is comprised of individuals serving as volunteers from NCAA member institutions and conferences and





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individuals from the general public who have legal training. (*Effective: 8/1/2013, Adopted: 8/8/2013*)

- 2-1-1. COI Jurisdiction.** As authorized by the bylaws, the COI has authority to address prehearing procedural matters, set and conduct hearings or reviews, find facts, conclude violations of NCAA legislation, prescribe appropriate penalties and monitor institutions on probation to ensure compliance with penalties and terms of probation, as well as conduct follow-up proceedings as may be necessary. The committee is also charged with hearing the appeals of individuals subject to a show-cause order in Level III cases (previously appeals of secondary violations), as well as other duties as authorized by the bylaws. (*Effective: 8/1/2013, Adopted: 8/8/2013*)
- 2-2. Office of the Committees on Infractions (OCOI) Defined.** The OCOI supports the three divisional Committees on Infractions by providing: administrative support; logistical coordination; research; analysis; training; drafting; strategic planning; and such other duties as assigned from time to time by the chair of the Division I Committee on Infractions. (*Effective: 8/1/2013, Adopted: 8/8/2013*)
- 2-3. Composition of COI.** In accordance with NCAA Bylaw 19.4.1, the COI membership shall include, where reasonably possible: current or former presidents, chancellors, directors of athletics; former coaches; representatives from conference offices; faculty/staff; athletics administrators with compliance experience; and general public members who have formal legal training but who are not associated with a collegiate institution, conference, or professional or similar sports organization and who do not represent coaches or athletes in any way. The identification in the bylaw of the above-mentioned categories for COI membership do not create a right, contractual or otherwise, to a given panel composition for hearing in any infractions case. (*Effective: 8/1/2013, Adopted: 8/8/2013*)
- 2-3-1. Commitment to Diversity.** In accordance with Bylaw 19.4.1 and the Association's commitment, the composition of the COI will be diverse and inclusive. Members are expected to bring a variety of attributes, backgrounds, identities and ideas to the work of the committee. In addition to gender and ethnic diversity, members will represent different positions or job functions on NCAA campuses and in the general public. Similarities and differences are essential in the Association's pursuit of fairness and consistency in athletics and are an integral part of higher education. (*Effective: 8/1/2013, Adopted: 8/8/2013*)
- 2-4. Appointment of COI Members.** Members of the NCAA Division I Board of Directors will appoint committee members of the Division I Committee ("committee") pursuant to an approved governance process to serve full or partial terms. The committee shall have no more than 24 members. To the extent reasonably possible, the COI shall include members from categories identified in Bylaw 19.4.1. When a vacancy on the committee exists, the Board of Directors may select an individual to fill the vacancy or finish the unexpired term of another member. The COI may identify and recommend potential candidates to the Board of Directors. (*Effective: 8/1/2013, Adopted: 8/8/2013*)



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- 2-4-1. Member Qualifications.** An individual interested in serving on the COI should meet at least one of the categories set forth in Bylaw 19.4.1 and can carry out the duties and meet the expectations of a COI member. (*Effective: 8/1/2013, Adopted: 8/8/2013*)
- 2-5. Terms of Appointment.** An initial term of service for a COI member will commence on September 1 in the year in which the member was selected by the Board of Directors. Committee members may thereafter serve three-year terms, not to exceed nine years. Members are divided according to term schedules and those terms are staggered to ensure sufficient overlap and that significant numbers of committee members do not rotate off the committee simultaneously, thereby affecting the overall experience level of the COI. A COI member may be removed prior to the expiration of his or her term by the Board of Directors. (*Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/28/2023*)
- 2-6. Key Members.**
- 2-6-1. Committee Chair.** The chair of the COI is responsible for administering and monitoring the work of the committee (at large) and COI hearing panels to ensure compliance with the COI's role under NCAA bylaws, efficiencies and quality work product. The chair may resolve procedural and docket management matters arising prior to hearing an infractions case and may grant or deny requests for immunity. The chair also functions as the key point of contact between the COI and OCOI. The committee chair appoints the chief hearing officer for each hearing panel. The chair is appointed by the Board of Directors upon the recommendation of the committee members. Generally, the term of the chair is limited to three years; however, the length of the term can be set or extended upon the vote of the committee and appointment by the Board of Directors. (*Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 2/19/2016, Adopted: 3/21/2016*)
- 2-6-2. Vice Chair.** The vice chair of the COI is responsible for administering the work of the committee in the absence of the chair and assumes the chair's authority for those purposes. The vice chair is appointed by the Board of Directors upon the recommendation of the committee members. The term of the vice chair is limited to three years. (*Effective: 8/1/2013, Adopted: 8/8/2013*)
- 2-6-3. Chief Hearing Officer.** The chief hearing officer is responsible for the overall administration of hearing a Level I and Level II infractions case and an appeal from a Level III infractions matter. After assignment of an infractions case to a panel and designation as the chief hearing officer, the chief hearing officer may resolve procedural and docket management issues arising prior to hearing an infractions case, except as otherwise reserved by the chair. The chief hearing officer also functions as the key point of contact between the OCOI and the panel, except on issues otherwise reserved by the chair. The chief hearing officer selects a panel member to conduct a press call after the panel's decision is released. The chief



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hearing officer, in consultation with the chair, designates a panel member or other member of the committee to serve as an appeals advocate for any appeal arising from the panel's decision. *(Effective: 8/1/2013, Adopted: 8/8/2013)*

**2-6-4. Appeals Advocate.** The committee appeals advocate is typically a panel member selected by the chief hearing officer to represent the COI if a decision is appealed to the Infractions Appeals Committee (IAC). The appeals advocate is responsible for all matters raised on appeal and is assisted by the OCOI. The appeals advocate on a panel participates fully in the hearing and during deliberations. If necessary, the chief hearing officer may select and add an appeals advocate from outside of the selected panel to accommodate scheduling and experience considerations necessary for handling an appeal. An appeals advocate selected from outside of the panel does not sit on the panel if the addition would cause the panel to exceed seven members. *(Effective: 8/1/2013, Adopted: 8/8/2013, Revised: 10/3/2013, Adopted: 10/30/2013; Revised: 1/1/2023, Adopted: 2/28/2023)*

**2-6-5. Public Members, Conflicts of Interest and Disclosure.** Pursuant to Bylaw 19.4.1-(g), public members with formal legal training on the COI provide the infractions process with additional legitimacy, increase trust and offer different perspectives and experiences. The limitation that public members not be "associated with a collegiate institution" under Bylaw 19.4.1-(g) means (1) full-time employment at a specific member institution; (2) regularly reoccurring part-time employment or consulting with a specific member institution that rises to the level of qualifying as or appearing to be an association inconsistent with public membership; or (3) board or other leadership positions at a specific institution that impact that institution's campus or athletics department operations or policies.

The COI chair and vice chair shall review the scope, duration and nature of public member candidates' activities on a case-by-case basis to determine whether an association is consistent with the bylaw and this IOP. Although not an automatic disqualification to COI membership, a public member candidate's adjunct or visiting professorship, consulting or board or leadership position warrants focus to determine whether the activity is consistent with this IOP and the bylaw. All other bylaws and IOPs relating to conflicts of interest also apply. *(Effective: 2/19/2016, Adopted: 3/21/2016; Revised 1/1/2023, Adopted: 2/28/2023)*

**2-6-6. Appointment of Administrative Subcommittee.** The COI shall appoint an administrative subcommittee to approve operational policies and practices on behalf of the COI. The administrative subcommittee shall include the chair and vice chair and three other members of the COI. The chair and vice chair shall serve for the duration of their COI leadership roles. The three other members will serve staggered terms of no more than three years. When necessary to ensure balanced experience on the administrative subcommittee, COI members may be appointed to multiple terms. *(Effective: 2/17/2017, Adopted: 4/6/2017; Revised: 2/20/20, Adopted: 9/30/2020; Revised 1/1/2023, Adopted: 2/28/2023)*



## Chapter 3 – Secure Filing System

**3-1. Secure Filing System.** The secure filing system is the principal platform for parties to electronically submit and access case information once a matter proceeds past investigation. Information in the system will constitute the electronic case file containing the record, submission history and official actions in an infractions case before the COI. The COI's expectation is for parties to use the system to submit information, make requests, access the case file and receive information from the COI. Unless good cause is shown, the parties shall not otherwise submit information to the COI via email, facsimile, other electronic medium or paper. *(Effective: 11/28/2017, Adopted 1/5/2018)*

**3-1-1. Points of Contact.** The enforcement staff shall be the principal point of contact for the system until the submission of a case to the COI. After that event, the OCOI is the principal point of contact until release of the infractions decision and conclusion of any probation reporting. In the event jurisdiction reverts to the enforcement staff, the enforcement staff shall be the principle point of contact until resubmission of the case to the COI. If a case is appealed, staff supporting the appeals process are the principal point of contact until after conclusion of the appeal. The appeals process may use additional systems for file management. *(Effective: 11/28/2017, Adopted 1/5/2018; Revised 1/1/2023, Adopted: 2/28/2023)*

**3-1-2. System Management.** NCAA information technology staff may assist the national office staff involved in the infractions process in operating and troubleshooting the system. Although the system captures login and access information, enforcement investigators do not have the ability to view work product, strategies or mental impressions of a party or its counsel/representative. The COI does not have the ability to view access or login information. As the administrative office of the committee on infractions, the OCOI staff maintains the ability to view access and login information. Absent procedural issues requiring identification of that data, however, the OCOI will not review access or login information and will not provide such data to the COI. *(Effective: 11/28/2017, Adopted 1/5/2018)*

**3-1-3. Hyperlinking to Record and Authority.** The secure filing system facilitates the parties' ability to direct the COI to the most pertinent factual information and guiding authority in an infractions case. Unless good cause is shown, the COI's expectation is for parties to identify and hyperlink to the most relevant and material information and guiding authority in an infractions case. Without good cause shown, the COI will reject party submissions for failure to comply with the aforementioned requirements. The issue of resubmission will be addressed with the chair or chief hearing officer, if assigned. *(Effective: 11/28/2017, Adopted 1/5/2018)*

**3-1-3-1. Hyperlinked Key Record List.** At the beginning of a written submission, the parties shall identify the most relevant and material factual information in a key record list. The key record list shall be



comprised of a key factual information list (i.e., the most persuasive factual information relied upon by the submitting party) and index of authorities (i.e., past cases and interpretations) with hyperlinks to the secure filing system and the Legislative Services Database (LSDBi). If a party intends to rely on supplemental factual information (that is, information not identified by the enforcement staff as factual information), that party shall identify such information in its key record list with a hyperlink. *(Effective: 11/28/2017, Adopted 1/5/2018; Revised 1/22/2018, Adopted 2/6/2018)*

**3-1-3-2. Hyperlinked Citations to Record and Authority.** Within the body of the written submission, the parties shall cite the most relevant and material factual information as identified in the key factual information list and index of authorities with hyperlinks to the secure filing system and the Legislative Services Database (LSDBi). *(Effective: 11/28/2017, Adopted 1/5/2018)*

**3-1-4. Cases with Record Segmented by Party.** In IOP 4-5, the COI encourages all parties to agree to sharing all information in an infractions case. Segmenting the record by party in a case may cause delay and impact technological efficiencies. Due to security protocols and technological constraints, in cases where the record is segmented by party, the COI will be able to use the hyperlinks contained in respective submissions; however, the hyperlinks will be inactive to any other party. *(Effective: 11/28/2017, Adopted 1/5/2018)*

## **Chapter 4 – Pre-Hearing Procedures**

**4-1. Assignment and Hearings.** Logistical, efficiency, economy and fairness considerations require the COI and the OCOI to manage the docket of cases being heard by the COI. All parties should in good faith endeavor to facilitate meeting the goal of a fair and efficient hearing process. *(Effective: 8/1/2013, Adopted: 8/8/2013)*

**4-1-1. Member Assignment by Hearing Panel Generator.** Unless ordered otherwise by the chair, the OCOI will utilize a computer program to generate hearing panels consisting of not less than five and not more than seven members of the full Committee on Infractions, with alternates, to hear and review cases. When appropriate based upon the number and nature of allegations, the chair or vice chair may order that a panel of three members be generated. Committee members are selected based on their calendar availability, experience level and lack of a conflict of interest based on institutional or conference affiliations. Substitutes may also be added from a pool of former committee members. Panels may be modified due to availability and subsequently disclosed conflicts of interest. Cases may be rescheduled or reassigned to a different panel. All parties will be informed of the panel composition as soon as practicable after the submission of a case to the COI. *(Effective: 8/1/2013, Adopted: 8/8/2013, Revised: 2/7/2014,*



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*Adopted: 4/24/2014, Revised: 12/15/2016, Adopted: 2/1/2017; Revised 1/1/2023, Adopted: 2/28/2023)*

**4-1-1-1. Three-Member Panels.** When submitting a case for the COI's consideration, parties may identify whether they believe their case is suitable for a three-member panel and the reasons supporting their position. Parties will be notified of the size and composition of their panel. After notification in circumstances where the chair or vice chair has ordered a three-member panel, parties may submit a position when they disagree that a three-member panel is not appropriate within 14 days of receiving their panel notification letter. The final decision on panel size rests with the chair, vice chair or chief hearing officer, if assigned. *(Effective: 12/15/2016, Adopted: 2/1/2017)*

**4-1-1-2. Use of Same Panel for Related Cases.** In certain unique circumstances based on the nature and timing of the allegations, the COI chair may order that the same panel hear two separate or bifurcated cases in order to promote adjudicative efficiency while maintaining fair adjudication of the separate cases. These circumstances include, but are not limited to, the following: (a) when a case is bifurcated; (b) when an institution has more than one case appearing on the COI's projected docket and the cases are in close proximity to one another; and (c) when cases arising at separate institutions involve related actors or common plans or schemes. *See also* IOPs 4-4-2 and 4-4-3. *(Effective: 9/22/2020, Adopted: 2/12/2021)*

**4-1-1-3. Panel Member Substitution.** After generation of a panel, if it appears that one or more members of the panel will be unable to participate in the disposition of the case, alternates may be seated. If there are insufficient committee members available to form a panel, the chair may designate a former member or members of the COI to join a panel for purposes of consideration and disposition of that case. *(Effective: 8/1/2013, Adopted: 8/8/2013)*

**4-2. Notification of Panel Assignment, Hearing Date and Location for Contested Cases.** For cases being decided by a contested hearing, the OCOI will notify the parties in writing of the assigned panel and projected hearing date as soon as practicable after submission of the case to the COI. The parties shall respond to the hearing notice in writing and identify the following: (1) any significant, unavoidable conflicts with the projected hearing date; and (2) any potential conflicts of interest related to panel composition (*see* IOP 4-3 for conflict of interest procedures). If all parties agree to the hearing date, the OCOI will notify the parties in writing of the hearing location and time. However, if a party identifies a significant, unavoidable conflict with the hearing date, the OCOI will set a virtual scheduling conference with the chief hearing officer and a representative from each party. Prior to the scheduling conference, the party representatives shall coordinate the schedules of all individuals they represent who plan to attend the hearing. If the parties cannot agree





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to a hearing date during the virtual scheduling conference, the chief hearing officer will set the hearing date based on panel availability. After the hearing date is established, the OCOI will notify the parties in writing of the hearing location and time. Subsequent requests to change the hearing date are strongly disfavored and will be entertained only in extraordinary circumstances. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 5/28/2019, Adopted: 6/12/2019; Revised 1/1/2023, Adopted: 2/22/2023)*

**4-2-1. Notification in Cases Involving Negotiated Resolution.** For cases involving agreements of negotiated resolution submitted prior to issuance of the summary disposition report or notice of allegations, the OCOI will notify the parties in writing of the assigned panel and likely review date when practicable after the parties' submission of the agreement. For cases involving agreements of negotiated resolution submitted with a summary disposition report or notice of allegations, the hearing panel that resolves the case through hearing or summary disposition will include, where practicable, the same panel that reviews the negotiated resolution. *(Effective: 12/11/2018, Adopted: 2/20/2019; Revised 1/1/2023, Adopted: 2/22/2023)*

**4-2-2. Notification in Cases Involving Summary Disposition.** For cases involving summary disposition, the OCOI will notify the parties in writing of the assigned panel when practicable after the parties' submission of the summary disposition report. If a summary disposition case is rejected or the case proceeds to an expedited hearing after a panel has proposed additional penalties, the OCOI will notify the parties in writing of the assigned panel and hearing date. If a party has a significant, unavoidable conflict with the hearing date, the procedures set forth in IOP 4-2 shall apply. *(Effective: 5/28/2019, Adopted: 6/12/2019)*

**4-3. Conflicts of Interest.** The COI is committed to avoiding actual conflicts of interest or the appearance of a potential conflict of interest so that all parties remain confident of a fair and credible hearing process. *(Effective: 8/1/2013, Adopted: 8/8/2013)*

**4-3-1. Disqualification of Member by Recusal.** Panel members are responsible for identifying actual or potential conflicts of interest. A panel member will initially decide whether recusal is necessary. If an actual conflict exists, the panel member is expected to step down. If the panel member determines that only a potential conflict or appearance of a potential conflict exists, the panel member shall inform the OCOI and consult with the chief hearing officer and chair. The chair has final authority to determine whether a conflict of interest exists and whether the panel member should be recused. If a panel member is recused, an alternate may be seated pursuant to IOP 4-1-1-3. *(Effective: 8/1/2013, Adopted: 8/8/2013)*

**4-3-2. Disqualification by Party Recusal.** A party may seek to disqualify a panel member based on a conflict of interest. A party requesting a disqualification must submit in writing the basis for disqualification in accordance with the date established in the panel notification letter. The chair shall determine whether a conflict of interest exists and whether the panel member shall be removed. The



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chair has the final authority to determine whether a conflict of interest exists. If a panel member is disqualified, an alternate may be seated pursuant to IOP 4-1-1-3. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised 1/1/2023, Adopted: 2/22/2023)*

**4-4. Case.** An infractions case presented to the COI is an institutional case. The highest violation level within the case determines the overall case level. Case level is distinct from violation level. All parties to a violation are responsible for the violation at the same level. *See* Bylaw 19.1.1. When a case involves multiple parties and/or multiple sport programs with violations at different levels, the COI may assign separate level and penalty classifications for the individual's case and/or the sport program. *(Effective: 10/3/2013, Adopted: 10/30/2013; Revised: 2/19/2016, Adopted 3/21/2016; Revised 1/1/2023, Adopted: 2/22/2023)*

**4-4-1. Post-Separation Conduct.** A case may also involve individual conduct that occurred after the individual's separation from the institution. In those circumstances, the post-separation conduct is not part of the institution's case. *(Effective: 1/1/2023, Adopted: 2/22/2023)*

**4-4-2. Bifurcation of a Single Infractions Case.** The COI's preference is to hear all allegations related to an institution together as one case. A single case may be resolved via more than one resolution method as established by Bylaw 19.7.6. The COI disfavors bifurcating a single case into separate cases. In the rare event that bifurcation of a single case is appropriate, the COI chair may order, where practicable, that the same panel hear both cases. *(Effective: 9/22/2020, Adopted: 2/12/2021; Revised 1/1/2023, Adopted: 2/22/2023)*

**4-4-3. Separate Infractions Cases Involving the Same Institution.** There may be circumstances where the enforcement staff opens a separate investigation as it nears conclusion of an open investigation involving the same institution, or after it has submitted a case to the COI involving the same institution. In these circumstances where an institution has multiple infractions cases on the COI's projected docket at the same time, the COI chair may order that the same panel, where practicable, hear all cases. *See also* IOP 4-1-1-2. *(Effective: 9/22/2020, Adopted: 2/12/2021)*

**4-4-4. Sports Betting Violations.** Pursuant to Bylaw 19.1.1.1, the institution may be held responsible for violations of Bylaw 10.3 at a different level than the individual. In instances where the involved individual is alleged to have committed Level I or Level II violations of Bylaw 10.3, and the institution is alleged to have committed Level III violations, the involved individual's Level I or Level II violations shall not be a part of the institution's case, and the institution shall report the Level III violation to the enforcement staff. *(Effective: 10/18/2024, Adopted: 12/11/2024)*

**4-5. Access to Pertinent Case Information.** All pertinent documents, submissions and information for a case maintained in the secure website should be accessible to all parties in a case. *Pertinent* is defined as documents, submissions and information that could reasonably affect an allegation or potential penalty against any party, or a potential defense





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for any party. Generally, the presumption is that all case information and submissions will be made available to all parties. All parties shall be provided notice or alerted to all filings.

The enforcement staff and a filing party shall ensure that all parties have notice and access to documents and information for a case maintained in the secure website that could reasonably affect an allegation or potential penalty against any party, or potential defense for any party. It is the responsibility of the enforcement staff to provide the committee and all parties with pertinent information. If the enforcement staff chooses not to provide the committee and all parties with information that may reasonably affect an allegation, potential penalty against, or potential defense in favor of any party, then the enforcement staff must provide written notice to the committee and any impacted parties in the case. The written notice shall generally describe the nature of the undisclosed information.

In unique circumstances where there is confidential or otherwise protected information, a party may petition the chair, or the chief hearing officer if assigned, for an in-camera review to determine whether the information should be made available to all parties. (*Effective: 8/1/2013, Adopted: 8/8/2013, Revised: 10/3/2013, Adopted: 10/30/2013, Revised: 2/27/2015, Adopted: 4/30/2015*)

**4-6. Multiple Resolution Methods.** Pursuant to Bylaw 19.7.6, cases involving allegations of Level I and/or Level II violations will be presented to the COI and may be resolved through different resolution methods. Except in exceptional circumstances, a single case shall be limited to two resolution methods. (*Effective: 1/1/2023, Adopted: 2/22/2023*)

**4-6-1. Process.** At the conclusion of the enforcement staff's investigation, the enforcement staff shall coordinate with all participating parties to determine which resolution method is appropriate for each party. On behalf of the parties, the enforcement staff shall provide a written submission to the chair of the COI outlining a brief summary of the case, the preferred resolution method(s), and the parties' respective positions on the proposed resolution method(s). Any proposed adjustments to legislated timelines associated with contested cases (*see* Bylaw 19.8.4.6) should also be included within the written submission. The chair shall give deference to the parties' agreed-upon resolution method(s) unless the chair determines that the parties' choice is not in the best interests of the Association. (*Effective: 1/1/2023, Adopted: 2/22/2023*)

**4-6-2. Status Conference.** If the participating parties do not agree on a resolution method, or the chair determines the agreed-upon resolution method would not be in the best interests of the Association, the chair shall hold a status conference. During the status conference, parties will have the opportunity to verbally explain their position on the proposed resolution method, and the chair will have the opportunity to ask questions. Following the status conference, the chair shall issue a written decision on resolution methods for each party. The chair's decision is final and may not be appealed. Decisions regarding resolution methods are case specific and have no precedential value. (*Effective: 1/1/2023, Adopted: 2/22/2023*)



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**4-6-3. Abandoning an Approved Resolution Method.** The chair's decision on resolution methods is final. However, in rare instances where processing the case under the selected and approved resolution method(s) becomes unattainable, the parties shall notify the COI and request a status conference to determine the appropriate method of resolution. *(Effective: 1/1/2023, Adopted: 2/22/2023)*

**4-6-4. Case Submission.** Upon the chair's decision regarding resolution method, the enforcement staff shall submit the case pursuant to Bylaw 19.8, 19.9 and/or 19.10. The enforcement staff shall notify all parties of the possibility for differing outcomes when a case proceeds via more than one resolution method. When the enforcement staff submits the case to the COI, it shall include written confirmation of the participating parties' acknowledgement of the potential for differing outcomes. *(Effective: 1/1/2023, Adopted: 2/22/2023)*

**4-6-5. Finality of Decision.** The decision issued at the conclusion of each resolution method is final, subject to any applicable right to appeal pursuant to Bylaw 19.13. Penalties associated with earlier resolution methods shall not be revisited unless parties are able to satisfy the processes outlined in Bylaw 19.11.4. However, if new or different facts arise during a subsequent resolution method within the same case, and those facts could establish new or different violations, the enforcement staff shall not be precluded from conducting a subsequent investigation and bringing a new case to the COI. *(Effective: 1/1/2023, Adopted: 2/22/2023)*

### 4-7. Negotiated Resolution

**4-7-1. Negotiated Resolution Process.** The negotiated resolution process is detailed in Bylaw 19.10. A negotiated resolution is subject to approval by a hearing panel and must resolve all known violations for the parties included in the negotiated resolution. The panel will approve a negotiated resolution unless the resolution is not in the best interests of the Association, or the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.12 and Figure 19-1. The preference is that all parties participating in the case agree to the negotiated resolution and submit their agreement of negotiated resolution to the COI in a timely manner to expedite resolution and conserve resources. However, pursuant to Bylaw 19.10.2.2, the COI will consider negotiated resolutions where some but not all parties agree. *(Effective: 12/11/2018, Adopted: 2/20/2019; Revised: 1/1/2023, Adopted: 2/22/2023)*

**4-7-1-1. Preliminary Assessment of Negotiated Resolution.** In accordance with Bylaw 19.10.5, the parties included in the negotiated resolution may request a panel of three COI members to preliminarily assess whether the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.12 and Figure 19-1. The COI chair may appoint a chief hearing officer for the panel. The assessment is not binding. *(Effective: 12/11/2018, Adopted: 2/20/2019)*



**4-7-1-1-1. Review of Information.** The parties included in the negotiated resolution shall provide the panel in writing with all necessary information for the panel to evaluate potential penalties, including but not limited to a description of the case and sufficient detail regarding the agreed-upon violations (e.g., number, scope and duration of the violations, any dollar amounts related to the violations, impact of the violations on student-athletes). The panel may ask the parties included in the negotiated resolution to provide additional information or clarification if necessary. If the panel requests additional information or clarification, the enforcement staff shall coordinate the response on behalf of the parties included in the negotiated resolution. (*Effective: 12/11/2018, Adopted: 2/20/2019*)

**4-7-1-1-2. Response to the Parties.** Unless the panel approves the negotiated resolution in conjunction with its preliminary assessment in accordance with Bylaw 19.10.5.1, the panel will prepare and issue a written assessment to the parties included in the negotiated resolution. The assessment will identify any issues related to the agreed-upon penalties that would preclude approval of the negotiated resolution. (*Effective: 12/11/2018, Adopted: 2/20/2019*)

**4-7-1-2. Approval of Negotiated Resolution.** If the panel approves the negotiated resolution, the panel may not alter the substance of the agreement. The panel, however, may make non-substantive or editorial revisions to the agreement. If the panel believes the revisions may affect the substance of the agreement, the panel will seek further information or clarification from the parties included in the negotiated resolution in accordance with Bylaw 19.10.7 and IOP 4-7-1-4. In approving the negotiated resolution, the panel accepts the parties' agreed-upon facts, violations, violation levels, aggravating and mitigating factors, classification of violations and penalties, as presented. The approved agreement becomes the panel's decision. The panel will notify all parties in the case of the approval. Pursuant to Bylaw 19.10.6, the negotiated resolution, including the violations and penalties, has no precedential value and may not be appealed. (*Effective: 12/11/2018, Adopted: 2/20/2019*)

**4-7-1-2-1. Approval When Not All Participating Parties Agree on Resolution.** If some, but not all, parties in the case agree on negotiated resolution, the panel's approval of the negotiated resolution is final. If, during the course of a hearing involving contested portions of the case,



information arises that could establish additional violations or materially alter the approved negotiated resolution, the enforcement staff, at its discretion, may bring a subsequent case related to the new information. *(Effective: 12/11/2018, Adopted: 2/20/2019; Revised: 7/23/2019, Adopted: 8/29/2019; Revised: 1/1/2023, Adopted: 2/22/2023)*

**4-7-1-2-2. Approval When Not All Parties Participate in Resolution.** After appropriate notice from the enforcement staff, a party who knowingly chooses not to participate in the negotiated resolution process, and who does not contest or otherwise respond to the allegations, shall be in default and their non-participation shall be viewed as acceptance of the terms of the agreement. The panel may approve the negotiated resolution in the defaulting party's absence, and any penalties prescribed for that individual shall be final and binding. *(Effective: 6/20/2019, Adopted: 7/31/2019)*

**4-7-1-3. Rejection of Negotiated Resolution.** In accordance with Bylaw 19.10.7, a rejected negotiated resolution shall be processed pursuant to Bylaw 19.8 or Bylaw 19.9. The panel will not reject a negotiated resolution based solely on the fact that the panel might have reached a different reasonable conclusion than the parties. The panel will prepare and issue a written determination to all parties in the case that sets forth its rationale for rejection. A rejected negotiated resolution shall not be made part of the record in the case processed pursuant to Bylaws 19.8 or 19.9, and the panel hearing the case shall not consider positions taken by the parties during the negotiated resolution process. *(Effective: 12/11/2018, Adopted: 2/20/2019; Revised: 10/27/2020, Adopted: 2/12/2021)*

**4-7-1-3-1. Submission of Negotiated Resolution After Rejection.** Parties included in a rejected negotiated resolution may submit a different agreement of negotiated resolution after the rejection. *(Effective: 12/11/2018, Adopted: 2/20/2019)*

**4-7-1-4. Return of Negotiated Resolution to the Parties.** In accordance with Bylaw 19.10.7, the panel may return the negotiated resolution to the parties included in the negotiated resolution for additional information or clarification or to respond to issues that preclude approval of the negotiated resolution. If the requested additional information or clarification changes elements of the agreement, the parties shall submit an amended agreement to the panel. The enforcement staff shall coordinate the response on behalf of the parties included in the



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negotiated resolution. After receipt of the response or the amended agreement, the panel shall determine whether to approve or reject the negotiated resolution. (*Effective: 12/11/2018, Adopted: 2/20/2019*)

**4-7-2. Effective Date of Agreed-Upon Penalties.** Penalties will take effect upon the public release of the negotiated resolution approved by the COI. (*Effective: 12/11/2018, Adopted: 2/20/2019; Revised: 7/23/2019, Adopted: 8/29/2019; Revised: 1/1/2023, Adopted: 2/22/2023*)

### 4-8. Summary Disposition

**4-8-1. Summary Disposition Reports (SDR).** The summary disposition process is detailed in Bylaw 19.9.3. If the institution or an involved individual requests an expedited hearing to challenge additional penalties proposed by the panel, where practicable, the matter will be set for hearing before the panel that proposed the additional penalties. If a panel rejects the appropriateness of summary disposition and orders a hearing, where practicable, the hearing will be before the panel that rejected the summary disposition. (*Effective: 8/1/2013, Adopted: 8/8/2013, Revised: 12/15/2016, Adopted: 2/1/2017*)

**4-8-1-1. Parties' Agreements.** As fully set forth in Bylaw 19.9.3.1, the SDR shall state, among other things, the parties' agreed-upon facts, violations, case level, aggravating and mitigating factors, and a statement of any unresolved issues. Significant disagreement regarding facts—even when the parties agree that violations occurred—may be cause for a panel to reject the SDR. With respect to aggravating and mitigating factors, the SDR should state whether the institution and any involved individuals agree or disagree with the factors identified by the enforcement staff. Positions of "partial agreement," "partial disagreement" or "no position" will not be considered. Likewise, the enforcement staff shall take a position on any additional factors proposed by the institution or involved individual when the staff's interaction with the parties will help inform the panel. All parties may provide additional context and rationale for their positions on agreed-upon aggravating and mitigating factors and shall provide context and rationale for their positions on aggravating and mitigating factors that are not agreed upon. (*Effective: 3/26/2019, Adopted: 6/12/2019; Revised: 1/1/2023, Adopted: 2/22/2023*)

**4-8-1-2. Acceptance of the SDR.** If the panel accepts the SDR, the panel may not alter the substance of the agreement. The panel may make editorial changes to the agreement as it appears or is discussed in the infractions decision. Because violations established through the summary disposition process constitute the parties' agreement, future panels may view the decision as less instructive than a decision reached after a



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contested hearing. (*Effective: 12/15/2016, Adopted: 2/1/2017; Revised 9/10/2018, Adopted: 10/18/2018*)

**4-8-1-2-1. Additional Penalties and Expedited Hearing.** If the panel accepts the SDR, it may propose additional penalties. Pursuant to Bylaw 19.9.3.3.4, the institution or participating involved individuals may challenge their respective penalties at an expedited hearing, to be heard by the same panel where practicable. Parties requesting an expedited hearing must do so via correspondence uploaded to the secure filing system. The request must identify in writing the specific penalties being challenged, the party's preferred mode of hearing (e.g., in-person, videoconference, written submission) and a preliminary basis for the challenge. Upon receipt of the request, the chief hearing officer will set a hearing date and determine the mode of hearing. The chief hearing officer will also set a deadline for parties to provide required written submissions of no more than 15 pages setting forth any information, arguments and authority with respect to the challenged penalties. (*Effective: 9/10/2018, Adopted: 10/18/2018*)

**4-8-1-3. Request for Additional Information or Clarification Regarding the Parties' Agreements.** The agreed-upon facts and violations are presumed to be appropriate and shall be accepted by the hearing panel unless acceptance would not be in the best interests of the Association. The panel will afford the parties' agreements a high degree of deference, only requesting additional or clarifying information if there appears to be a material error in the agreed-upon violations, the submission lacks the requisite level of agreement, or the information is required to prescribe appropriate penalties. (*Effective: 1/1/2023, Adopted: 2/22/2023*)

**4-8-1-4. Request for Additional Information or Clarification Regarding Level and Penalties.** Consistent with the panel's role of prescribing penalties in an SDR, the panel retains the authority to request additional or clarifying information regarding level, aggravating and mitigating factors, and/or penalties. (*Effective: 1/1/2023, Adopted: 2/22/2023*)

**4-8-1-5. Rejection of the SDR.** A rejected SDR shall be processed pursuant to the panel's direction. The panel may reject an SDR if, among other reasons, the panel believes the agreement reached by the parties on the face of the SDR is clearly erroneous (or manifestly unreasonable) due to lack of the necessary level agreement, application of the facts to the cited bylaws, the absence of a violation or when divestment of jurisdiction and referral back the enforcement staff is appropriate





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because all of the violations are Level III. However, the panel shall not reject an SDR based solely on the fact that the panel might have reached a different reasonable conclusion than the parties. (*Effective: 12/15/2016, Adopted: 2/1/2017; Revised: 1/1/2023, Adopted: 2/22/2023*)

- 4-8-2. Reliance on Rejected Summary Disposition Report.** A panel may reject the summary disposition report and order a full hearing. Any party may rely on a summary disposition report and its attachments at the hearing and the report shall be made part of the record. If the enforcement staff believes its position has materially changed from the summary disposition report, it shall indicate that change in the notice of allegations and, where necessary, in its written reply. An institution or involved individual that believes its position has materially changed shall indicate how it has changed in its response. (*Effective: 8/1/2013, Adopted: 8/8/2013*)
- 4-8-3. Changes to the Parties' Agreed Upon Facts and Violations.** Pursuant to Bylaw 19.9.3.3.2, after the panel reviews the parties' SDR, the panel may make changes to those facts and violations that appear in the infractions decision, so long as any change is non-substantive or editorial because it does not substantially alter the agreed-upon facts or violations. If the panel believes there may be changes that would affect the substance of the findings, the panel will seek further information or clarification under Bylaw 19.9.3.3.4. (*Effective: 8/13/2015*)
- 4-9. Hearing Mode.** For cases resolved via a full hearing before the COI, the hearing will take place in-person or via videoconference, teleconference, or other modes of distance communication. To assist the chair or chief hearing officer in determining the appropriate mode of hearing, the chair or chief hearing officer may request that the parties identify their preferred mode of hearing and their rationale for choosing that mode. The final determination as to hearing mode rests with the chair or chief hearing officer. (*Effective: 8/1/2013, Adopted: 8/8/2013; Revised 5/10/2017, Adopted 7/11/2017; Revised: 1/1/2023, Adopted: 2/22/2023*)
- 4-10. Accelerated Hearing Procedures.** Parties are encouraged, where feasible, to consider utilization of the accelerated hearing process. The timing and process for requesting an accelerated hearing is detailed in Bylaw 19.8.4.6. (*Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023*)
- 4-11. Resolution of Pre-Hearing Procedural Matters.** Consistent with the bylaws, the chair and chief hearing officer have the authority to resolve procedural matters that may arise prior to a hearing. If a case has been assigned to a panel, the chief hearing officer will resolve procedural matters in consultation with the chair. (*Effective: 8/1/2013, Adopted: 8/8/2013*)
- 4-12. Notice of Allegations.** In appropriate cases, the enforcement staff shall draft and issue a notice of allegations consistent with the bylaws. At the time a notice of allegations is



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issued, the enforcement staff will notify and make it available to the OCOI. The OCOI will provide the notice of allegations to the assigned panel. The enforcement staff shall separately cite to the applicable bylaw and bylaw version, e.g., the NCAA Manual year, for each allegation. (*Effective: 8/1/2013, Adopted: 8/8/2013, Revised: 10/3/2013, Adopted: 10/30/2013*)

**4-12-1. Interviews Conducted After Notice of Allegations.** Following the issuance of the notice of allegations, any party that desires to conduct interviews potentially germane to the original allegations shall notify the chair, or the chief hearing officer if assigned, in writing of the need to conduct and record an interview. Unless the party can demonstrate good cause in the notification for precluding other parties from the interview, the party shall afford all other parties notice and a reasonable opportunity to be present at the interview. The committee may reject any information stemming from the interview if the interviewing party fails to comply with this procedure. Upon completion of the interview, it will be the responsibility of the interviewing party to transcribe the interviews in written format and request in writing that the chair, or the chief hearing officer, if assigned, add the interviews to the record. The chair, or chief hearing officer, if assigned, has the final authority to determine whether additional interviews will be added to the record. This operating procedure does not apply to enforcement interviews regarding new information not contained in the original notice of allegations. Investigation of new information is addressed in IOP 4-12-3-1. (*Effective: 8/1/2013, Adopted: 8/8/2013, Revised: 8/18/2016, Adopted: 9/29/2016; Revised: 1/1/2023, Adopted: 2/22/2023*)

**4-12-2. Withdrawal of Allegations.** After the issuance of the notice of allegations, the enforcement staff may withdraw an allegation consistent with Bylaw 19.8.4.3. Prior to withdrawal of an allegation from the notice of allegations, the enforcement staff shall inform the chair or chief hearing officer and all affected parties of its intent to withdraw and state whether it believes a conference call is necessary to discuss the changes. The decision whether a conference call is necessary rests with the chair or chief hearing officer. (*Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023*)

**4-12-3. Amendment to Notice of Allegations.** After the issuance of the notice of allegations, the enforcement staff may amend an allegation, consistent with Bylaw 19.8.4.3. If the amendment is immaterial to the allegation and agreed to by all parties affected by the allegation, the enforcement staff shall submit to the panel an errata memorandum detailing the nature of the change and the amended pages. If the proposed amendment reflects a material change to the allegation or the parties do not agree as to the materiality of the amendment, the enforcement staff shall make a written request to schedule a conference call with the chair or chief hearing officer and all affected parties.

If the chair or chief hearing officer determines that the proposed modification is material, an amended notice of allegations shall be filed and parties will have an





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opportunity to submit a response or amend a previously submitted response consistent with timelines outlined in Bylaw 19 or established by the chief hearing officer. If the chair or chief hearing officer determines that the proposed amendment is immaterial, the enforcement staff shall issue the amended pages of the notice of allegations, without change to the case processing timelines. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023)*

**4-12-3-1. Reopening Investigation and New Allegations.** If the enforcement staff reopens an investigation after filing a notice of allegations, the enforcement staff shall file a notice setting forth its need for re-opening the investigation, whether it is possible to keep the hearing date, if assigned, and a statement that the enforcement staff has notified all parties as soon as practicable without compromising the re-opened investigation. If the re-opened investigation concerns new information not previously investigated, the enforcement staff may, in its discretion, in good faith and pursuant to Bylaw 19.6.1, choose not to share information with the institution and any involved parties and may investigate independently. The enforcement staff will notify the institution of the existence of new information in accordance with enforcement staff IOPs. For purposes of case and docket management, the COI considers the case to be closed during reinvestigation. If further investigation leads to new allegations, the enforcement staff shall comply with the bylaws and IOPs that flow from an amended or new notice of allegations. If no new or amended allegations arise from reopening the investigation, the enforcement staff shall promptly file a notice requesting that the matter proceed to resolution. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023)*

**4-13. Response to Notice of Allegations.** Institutions and involved individuals may submit a written response within the timeframes established in the bylaws. A response shall be organized in clearly identifiable sections with corresponding headings. The response shall state which factual assertions and allegations included in the notice of allegations are contested and which are uncontested. Parties contesting allegations shall identify all appropriate case, bylaw and record authority supporting their arguments. Reference or quotation of transcripts or other documents shall include a corresponding citation, factual information number reference, hyperlink to the document in the secure filing system and relevant page numbers. Pursuant to IOP 3-1-3-1, these citations should refer to those identified in the party's key factual information list. The response shall state whether the party agrees or disagrees with aggravating and mitigating factors identified by the enforcement staff and may provide context and rationale for each position. Positions of "partial agreement," "partial disagreement" or "no position" will not be considered. Corrective actions and self-imposed penalties shall be set forth in a separate section at the conclusion of the response. All arguments that parties intend to make should be made in the response. Responses shall be made available in accordance with IOP 4-6. *(Effective:*



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*8/1/2013, Adopted: 8/8/2013; Revised: 10/3/2013, Adopted: 10/30/2013; Revised: 11/28/2017, Adopted: 1/5/2018; Revised 3/26/2019, Adopted: 6/12/2019; Revised: 1/1/2023, Adopted: 2/22/2023)*

**4-13-1. Extensions for Responses by Institutions and Involved Individuals.** Pursuant to Bylaw 19.8.4.5, extensions to any deadlines shall not be granted except in exceptional circumstances. Any extension requests shall be in writing and must detail the rationale supporting the request. In the event a party requests an extension, the requesting party shall contact all other parties to determine if they object to the request and state those parties' positions in the request. If an extension is granted, it shall apply to all parties. The denial of an extension request will not support an argument on appeal that the hearing panel erred. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023)*

**4-13-2. Enforcement Reply.** Consistent with the bylaws, the enforcement staff shall file a written reply to the responses and must produce a chart summarizing the parties' positions on each allegation and the aggravating and mitigating factors. The enforcement staff shall not include new allegations or a materially different factual basis underlying any allegation in its reply. In addressing aggravating and mitigating factors, the enforcement staff shall take a position on any factor where the staff's interaction with the party will help inform the panel. The enforcement staff's reply and the statement of the case shall be made available in accordance with IOP 4-5. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 10/3/2013, Adopted: 10/30/2013; Revised: 3/26/2019, Adopted: 6/12/2019; Revised: 1/1/2023, Adopted: 2/22/2023)*

**4-13-3. Page Limitation.** An institution's response or an involved individual's response to a Notice of Allegations under IOP 4-13 or Amended Notice of Allegations under IOP 4-12-3 shall not exceed 50 pages, double-spaced with 11-point font. The enforcement staff's written reply under IOP 4-13-2 shall not exceed 35 pages, double-spaced with no smaller than 11-point font and one-inch margins. These page limits are exclusive of tables of contents, attachments, requested information in an NOA, or appendices. Parties should be aware that the committee already has access to all of the factual information in a particular case. Parties are cautioned not to abuse the use of attachments and relegate such submissions to only the key documents supporting their position. This IOP should be read harmoniously with the committee's Pre-Hearing Procedures. *(Effective: 2/27/2015, Adopted: 4/30/2015, Revised: 7/20/2015)*

**4-13-3-1. Page Limitation Exception.** The chief hearing officer, or the committee chair if a chief hearing officer has not yet been assigned, may grant leave for a party to file a submission exceeding these limits for good cause shown. Any party seeking to exceed the page limits established by this rule shall represent in their request whether any other party objects to the request. *(Effective: 2/27/2015, Adopted: 4/30/2015, Revised: 7/20/2015)*



**4-14. Deadline for Submission of Supplemental Responses and Other Written Materials.**

In a case resolved via a full contested hearing, supplemental responses and other written material must be received by the hearing panel at least 30 days prior to the date the panel considers the case, unless good cause is shown for a later submission. Supplemental responses are generally disfavored and shall not be used as an opportunity to rebut the enforcement staff's reply. Supplemental responses are specifically limited to situations involving the following: (1) new information as defined by Bylaw 19.02.2; or (2) modifications to the positions or arguments set forth in the party's response to the NOA. The chief hearing officer shall reject any supplemental response that does not meet these standards. In the event a supplemental response is accepted, the enforcement staff will be permitted to submit a reply within a reasonable period of time as determined by the chief hearing officer. The chief hearing officer shall determine whether good cause has been shown for submissions within 30 days of the hearing. A party cannot demonstrate good cause upon restatement of previously made arguments. An interview conducted within the 30 days prior to a hearing may not demonstrate good cause, unless all parties are afforded a reasonable opportunity to participate. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 6/22/2021; Adopted: 7/20/2021; Revised: 1/1/2023, Adopted: 2/22/2023)*

**4-15. Written Record Hearing.** Pursuant to Bylaw 19.9.2, the COI may resolve cases on the written record in circumstances where a case is not appropriate for full hearing resolution under Bylaw 19.8.2 and the parties are unable to reach the agreement necessary to proceed via negotiated resolution or summary disposition. Cases heard on the written record will focus primarily on the contested portions of the case. To this end, the notice of allegations shall identify the parties' areas of agreement and the remaining issues to be resolved by the hearing panel. *(Effective: 1/1/2023, Adopted: 2/22/2023)*

**4-15-1. Written Submissions.** Deadlines for written submissions are established by Bylaw 19.9.2.2. Extensions to these deadlines will not be granted except in exceptional circumstances, and the denial of an extension request will not support an argument on appeal that the hearing panel erred. Any extension requests shall be in writing and must detail the rationale supporting the request. Additionally, the requesting party shall contact all other parties to determine if they object to the request and state those parties' positions in the request. The page limitation requirements of IOPs 4-13-3 and 4-13-3-1 apply to submissions in written record hearings. All written submissions shall be limited to the remaining contested issues identified in the notice of allegations and shall otherwise follow the requirements of IOP 4-13. Parties may not supplement their written submissions except with the express permission of and/or at the request of the chair or chief hearing officer. *(Effective: 1/1/2023, Adopted: 2/22/2023)*

**4-15-2. Deliberations.** After all written submissions have been received, the hearing panel shall convene to consider the case and deliberate in private. The panel may request additional, clarifying and/or new information in accordance with Bylaws 19.9.2.4.1 and 19.9.2.4.2. The panel may also request an interpretation from the



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NCAA academic and membership affairs staff in accordance with Bylaw 19.9.2.4.2 and IOP 5-9-4. (*Effective: 1/1/2023, Adopted: 2/22/2023*)

### **4-16. Immediate Penalties During Investigation for Failure to Cooperate**

**4-16-1. Authority.** An institution's or individual's failure to cooperate with the enforcement staff during an investigation creates inefficiencies in and slows down the infractions process. In accordance with Bylaw 19.2.3, the COI may prescribe immediate penalties during the investigation for failure to cooperate. Immediate penalties may be prescribed by any of the following: (1) the COI chair; (2) a hearing panel generated at the request of the chair to review the petition for immediate penalties; (3) the chief hearing officer of a hearing panel assigned to review the case (if appointed by the chair); or (4) the hearing panel (if requested by the chief hearing officer). (*Effective: 3/26/2019, Adopted: 6/12/2019; Revised: 1/1/2023, Adopted: 2/22/2023*)

### **4-16-2. Process.**

**4-16-2-1. Petition.** The enforcement staff shall submit a written petition through the secure filing system asserting that an institution and/or individual failed to satisfy the responsibility to cooperate pursuant to Bylaw 19.2.1 and requesting immediate penalties. The petition shall include sufficient detail regarding the circumstances related to the asserted failure to cooperate and any materials on which the enforcement staff may rely. (*Effective: 3/26/2019, Adopted: 6/12/2019*)

**4-16-2-2. Response.** The institution and/or individual subject to the petition may respond to the petition in writing through the secure filing system pursuant to a deadline established by the COI chair or chief hearing officer. (*Effective: 3/26/2019, Adopted: 6/12/2019*)

**4-16-2-3. Reply.** The enforcement staff may reply to the response in writing through the secure filing system pursuant to a deadline established by the COI chair or chief hearing officer. (*Effective: 3/26/2019, Adopted: 6/12/2019*)

**4-16-2-4. Page Limitations.** Unless good cause is shown, the petition and any response shall not exceed twenty pages, double-spaced, with no smaller than 11-point font and one-inch margins. Likewise, unless good cause is shown, the reply shall not exceed ten pages, double-spaced, with no smaller than 11-point font and one-inch margins. The page limits are exclusive of any attachments or appendices. (*Effective: 3/26/2019, Adopted: 6/12/2019*)



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**4-16-2-5. Review.** The chair, chief hearing officer or hearing panel that reviews the petition may ask the enforcement staff and institution and/or individual subject to the petition to provide additional information or clarification. The chair or the chief hearing officer shall decide whether to resolve the petition on the basis of the written submissions or by teleconference, videoconference or other mode. (*Effective: 3/26/2019, Adopted: 6/12/2019*)

**4-16-2-5-1. Teleconference or Videoconference.** The chair or the chief hearing officer will manage the teleconference or videoconference to review the petition. Only the enforcement staff, institution and/or individual subject to the petition, and any other individual approved by the chair or chief hearing officer, may participate. The employing member institution of an individual subject to the petition may attend as a silent observer. The chair or chief hearing officer will set the order of proceedings. (*Effective: 3/26/2019, Adopted: 6/12/2019*)

**4-16-2-6. Resolution.** The resolution of the petition will be communicated in writing to all parties. The written communication will identify conclusions and any prescribed penalties. Any penalties available under Bylaw 19.12 may be prescribed. The resolution is final and not subject to appeal. The COI will make the final resolution publicly available. (*Effective: 3/26/2019, Adopted: 6/12/2019; Revised: 1/1/2023, Adopted: 2/22/2023*)

**4-16-3. Review of Case's Merits.** In the ultimate review of the case's merits, a hearing panel may consider any conclusion that an institution or individual failed to cooperate in accordance with Bylaw 19.2.3 in concluding whether a failure to cooperate violation pursuant to Bylaw 19.2.2 occurred. Likewise, the panel may consider any conclusion that an institution or individual failed to cooperate in accordance with Bylaw 19.2.3 in determining whether the aggravating factor at Bylaw 19.12.3.1-(c) and/or Bylaw 19.12.3.2-(b) is present in a case and the weight to assign the factor(s). The panel may also account for any penalties prescribed in accordance with Bylaw 19.2.3 in prescribing penalties pursuant to Bylaw 19.12 in its review of the case. (*Effective: 3/26/2019, Adopted: 6/12/2019*)

**4-16-4. No Case on the Merits.** If the enforcement staff's investigation does not result in the submission of a case on the merits, then any violations previously concluded or penalties previously prescribed pursuant to Bylaw 19.2.3 will be detailed in a written resolution provided to the parties and made available via public announcement. Pursuant to IOP 7-4, the OCOI will maintain Bylaw 19.2.3 written resolutions as historical infractions information and shall provide pertinent information to member institutions requesting individual infractions



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checks. *See IOP 7-4-2. (Effective: 6/20/2019, Adopted: 7/31/2019; Revised: 1/1/2023, Adopted: 2/22/2023).*

### 4-17. Limited Immunity

**4-17-1. Limited Immunity Purpose and Scope.** Limited immunity is an investigative tool utilized by the enforcement staff to elicit complete and truthful information from individuals concerning their potential involvement in or knowledge of NCAA violations. The COI grants limited immunity to a current or former institutional employee, student-athlete or prospective student-athlete related to potential NCAA violations being investigated by the NCAA enforcement staff. Limited immunity is specific to the identified individual in the request and is in exchange for that individual providing complete and truthful information regarding potential violations and fully cooperating with the enforcement staff. *(Effective: 2/19/2016, Adopted: 3/21/2016)*

### 4-17-2. Effect of Limited Immunity.

- (a) When the COI grants limited immunity, current or former institutional employees with responsibilities within athletics will not be subject to disciplinary action under Bylaws 19.12.6.4 and 19.12.9-(i).
- (b) Student-athletes or prospective student-athletes will not be declared ineligible for future competition by the NCAA because they violated NCAA legislation, as long as the student-athlete(s) or prospective student-athlete(s) meet all other initial and continuing NCAA academic eligibility and certification criteria. However, a grant of limited immunity does not apply to an individual's involvement in other past violations not reported to the enforcement staff, to any future violations of NCAA legislation committed by the individual or to any action taken by the institution.
- (c) The limited immunity applies until the COI informs the individual that the immunity no longer applies. An individual's grant of limited immunity does not apply to an institution or another individual and does not limit another individual's or the institution's potential violations or penalties. *(Effective: 2/19/2016, Adopted: 3/21/2016)*

**4-17-3. Request and Review.** Pursuant to Bylaws 19.4.7-(c) and -(d), the chair considers requests from the enforcement staff for the COI to grant limited immunity. If the chair is unable to review the request due to recusal or other conflict, the vice chair or other designee on the COI may review the request. The enforcement staff presents a memorandum request, which details the general circumstances surrounding the request. The chair may either grant or deny the request. If the chair grants the request, the enforcement staff is provided a memorandum, which constitutes the sole and complete expression of the grant of limited immunity. If





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the chair rejects the request, the enforcement staff is provided with a written denial. *(Effective: 2/19/2016, Adopted: 3/21/2016)*

**4-17-4. Revocation of Limited Immunity.** If the enforcement staff has a reasonable belief that an individual granted limited immunity has not provided complete and truthful information during the investigation or at the hearing or fails to fully cooperate with the enforcement staff, the vice president of enforcement may request that the chair, vice chair or designee revoke the limited immunity by filing a written petition with the chair stating the basis for the revocation and shall be submitted to all involved parties. The chair may also independently act to revoke the limited immunity after the issuance of the notice of allegations, summary disposition report or agreement of negotiated resolution, or at the hearing if it appears on the record that the individual has not complied with the grant of limited immunity. *(Effective: 2/19/2016, Adopted: 3/21/2016; Revised: 12/11/2018, Adopted: 2/20/2019)*

**4-17-4-1. Revocation Process.** Upon the enforcement's staff's request to revoke an individual's limited immunity the enforcement staff shall provide notice to that individual and the institution of the request to ensure the individual has the opportunity to consult a representative or counsel if desired. Unless otherwise requested by the individual and granted by the chair, if the individual desires to respond to the request, any response shall be received within 14 days. When deemed necessary by the chair, the chair may schedule a call with the enforcement staff, the individual and the institution to discuss the request and response. The chair's decision whether to revoke the limited immunity, will be provided in writing to the enforcement staff, the individual and the institution. If limited immunity is revoked, the enforcement staff may bring allegations previously subject to the grant of immunity and allegations related to not providing complete and truthful information. *(Effective: 2/19/2016, Adopted: 3/21/2016)*

**4-17-5. Recusal after Review.** The chair, vice chair or designee who has reviewed the limited immunity request is not recused from sitting on a panel to hear the infractions case unless that person believes that the request has included information that has compromised their ability to objectively decide the infractions case. *(Effective: 2/19/2016, Adopted: 3/21/2016)*

### **4-18. Prehearing Conference.**

**4-18-1. Scope.** To resolve prehearing matters in accordance with Bylaws 19.4.7-(i) and 19.4.8-(f) and IOP 4-11, the chief hearing officer or designee, or COI chair if a chief hearing officer is not assigned, may, at their discretion, conduct a prehearing conference with the parties. The scope of the conference shall be limited to address matters within the COI's jurisdiction after the submission of the notice of



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allegations but not including matters such as immediate penalties during the investigation and limited immunity whose processes are detailed in IOPs 4-16 and 4-17, respectively. Prehearing conferences may address matters such as:

- (a) Procedural matters, including the submission of written materials into the case record for review by the hearing panel, the need for additional interviews or inclusion of parties in these interviews, access to pertinent case information, confidentiality breaches and deadlines;
- (b) Confirming that interpretive issues related to the allegations, which the parties must identify in their respective written responses to the notice of allegations or reply, are identified and addressed in accordance with IOP 5-9;
- (c) Hearing attendees, including individuals with information germane to the case;
- (d) Logistics related to the hearing; and
- (e) Other matters identified by the chief hearing officer, designee or chair.  
(*Effective: 2/19/2020, Adopted: 3/10/2020; Revised: 1/1/2023, Adopted: 2/22/2023*)

**4-18-2. Convening a Prehearing Conference.** In a cooperative model, the COI expects parties to collaborate with each other in good faith to resolve issues. Thus, prehearing conferences are reserved for unique circumstances and are convened exclusively at the discretion of the chief hearing officer, designee or chair. In most circumstances, the default method for resolving prehearing issues will be resolution on written requests. (*Effective: 2/19/2020, Adopted: 3/10/2020; Revised: 1/1/2023, Adopted: 2/22/2023*)

**4-18-3. Timing and Mode.** The prehearing conference shall be held by telephone or video at the chief hearing officer's, designee's or chair's discretion. In addition, the conference shall be held after the submission of the parties' written responses to the notice of allegations but no later than 30 days prior to the hearing. If interpretive issues arise less than 30 days prior to the hearing, the chief hearing officer may schedule a date for the prehearing conference as soon as reasonably practicable prior to the hearing. (*Effective: 2/19/2020, Adopted: 3/10/2020; Revised: 1/1/2023, Adopted: 2/22/2023*)

**4-18-4. Participants.** Only parties and their representatives and other individuals whose participation is requested by the chief hearing officer, designee or chair may participate in the prehearing conference. (*Effective: 2/19/2020, Adopted: 3/10/2020*)





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- 4-18-5. Resolution of Prehearing Matters.** The chief hearing officer, designee or chair shall issue correspondence detailing their decisions to resolve prehearing matters and any agreements reached by the parties at the prehearing conference. The parties' positions and resolution of prehearing matters shall be made part of the case record and shall not be separately appealable outside established appeals processes and standards applicable after issuance of the COI's final decision. *(Effective: 2/19/2020, Adopted: 3/10/2020)*

### Chapter 5 - Hearing and Review Process

- 5-1. Confidentiality.** All infractions related matters before the COI are confidential. *(Effective: 8/1/2013, Adopted: 8/8/2013)*

- 5-1-1. Information.** Except as provided in Bylaw 19.3, confidential information in an infractions case shall not be disclosed to those outside of the infractions process in contravention of applicable bylaws and IOPs. Confidential information includes, but is not limited to, filings, transcripts, records, documents, identifying information and information obtained during an infractions pre-hearing or hearing. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023)*

- 5-1-2. Hearings.** Infractions hearings are confidential, closed proceedings not open to the public. Presence in the hearing room is limited to the hearing panel, select NCAA staff, the parties and their representatives, applicable conference representatives, a subsequent hiring institution of at-risk involved individual, the court reporter or recorder, NCAA-approved audio/visual support staff, and those otherwise approved by the chief hearing officer as necessary for conducting the hearing. The chief hearing officer has the final authority to resolve questions of presence in the hearing room. *(Effective: 8/1/2013, Adopted: 8/8/2013)*

- 5-1-3. Failure to Satisfy Public Disclosure and Confidentiality Requirements.** Pursuant to Bylaw 19.3.1, parties who fail to satisfy public disclosure and confidentiality requirements may be sanctioned by the COI. *(Effective: 1/1/2023, Adopted: 2/22/2023)*

- 5-2. Order of Proceedings.** The chief hearing officer has the final authority to set the order that the panel will hear the allegations and to address any other procedural issues that arise during the hearing. Where practicable, the OCOI staff will inform all parties in writing of the order of allegations in advance of the hearing. *(Effective: 8/1/2013, Adopted: 8/8/2013)*

- 5-3. Determination of Level and Classification.** The authority to determine the level of a violation and classification of a case rests with the panel hearing the case. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023)*

- 5-3-1. Committee Determination of Level Change.** Situations may arise where the chair, chief hearing officer or panel determines that the processing level of a case



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or individual violation levels may require a change from the level identified by the enforcement staff. These determinations may occur prior to, during or after the COI's consideration of the case. In any circumstance where the COI believes conduct in a case could be more severe than alleged, the COI will provide the affected parties with an opportunity to address the potential level change either in their pre-hearing written submissions, at the hearing or in a post-hearing supplemental written submission. *(Effective: 10/3/2013, Adopted: 10/30/2013; Revised: 1/1/2023, Adopted: 2/22/2023)*

- 5-4. The Record.** For infractions cases, the materials comprising the record are those contained in the file identified as "[InstitutionName]\_[CaseNumber]\_SecureWeb\_CaseRecord" within the secure filing system as well as the institution's and involved individuals' previous infractions history. For cases resolved through hearing, materials comprising the record also include any additional materials introduced at the hearing and the hearing transcript. For cases resolved through the negotiated resolution and summary disposition processes, the record is more limited. The panel does not receive the factual information developed during the investigation. Rather, the record is comprised of the parties' agreement with attachments or appendices and any supplemental information requested or accepted by the panel. In all cases, any AMA interpretation must be in writing and added to the record to be considered by the panel. For cases resolved through any mode, the panel's findings of fact, determinations of violations and assessment of penalties shall be based on the record and information developed at a hearing. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 5/22/2018, Adopted: 5/29/2018; Revised: 12/11/2-18, Adopted: 2/20/2019; Revised: 1/1/2023, Adopted: 2/22/2023)*
- 5-5. Ex Parte Communication to the COI.** Outside of the established process and procedure for hearing and deciding cases, parties shall not communicate directly with committee members regarding investigations and pending cases. After the issuance of the notice of inquiry, all communications shall be directed to the Office of the Committee on Infractions, attention: OCOI Managing Director. Committee members receiving communications from the enforcement staff, an institution or involved individuals (or their counsel) concerning a case or other matter before the committee should direct that communication to the Chair of the COI and the OCOI Managing Director for further action. Administrative or ministerial matters may be directed by the parties or their counsel to the OCOI. *(Effective: 8/1/2013, Adopted: 8/8/2013)*
- 5-6. Hearing Accommodations and Meeting Room Setup.** The hearing room will be arranged to best accommodate the proceeding. Participants will be sent details before the hearing regarding location and time. The OCOI staff coordinates reserving hotel room blocks. Rooms are individually billed to the parties. Other travel-related arrangements and expenses are the responsibility of the parties. *(Effective: 8/1/2013, Adopted: 8/8/2013)*
- 5-6-1. Special Accommodations.** Individuals with disabilities are to be given an equal opportunity to access, use and fully participate in the infractions process and the infractions hearing. Whenever reasonable, policies, practices or procedures will be modified to make the infractions processes and infractions hearing readily



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accessible to and useable by, individuals with disabilities. Neither the NCAA nor the COI is required to make modifications that would fundamentally alter the infractions process or hearing or cause undue financial or administrative burden. Requests for accommodations must be submitted in writing or by alternative method, if a disability prevents a written request, to the OCOI 30 days before the scheduled infractions hearing, or as soon as practicable if the situation arises within 30 days before the scheduled hearing. Additional information may be requested. The OCOI will respond to all requests on behalf of the committee. (*Effective: 8/1/2013, Adopted: 8/8/2013*)

**5-7. Hearing Decorum.** Hearing attendees will dress in business attire. The chief hearing officer presides over the hearing and will direct the conduct of the proceeding. Only members of the panel are allowed to ask questions unless there is a request from a party to do so. The chief hearing officer will rule on such requests. There shall be no opportunities for cross-examination of hearing attendees or participants. All parties will be allowed to fully address the issues in the case, but the chief hearing officer has the discretion to request brevity from the involved parties. (*Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023*)

**5-8. Hearing Attendance.** In the event of a hearing, all at-risk parties (i.e., the institution and any involved individuals as defined by Bylaw 19.02.1) must personally attend the infractions hearing unless otherwise approved by the chief hearing officer. The chief hearing officer has the discretion to request the attendance of other individuals, including conference representatives. (*Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023*)

**5-8-1. Conference Representatives' Attendance.** Conference representatives are always welcome to attend a hearing involving their member institutions, but, if their attendance is specifically requested by the chief hearing officer, conference representatives are expected to attend. (*Effective: 8/1/2013, Adopted: 8/8/2013*)

**5-8-2. Interested-Third-Party's-Institution's Attendance.** Institutions employing individuals at risk for at least one finding of a Level I or Level II violation in an infractions case involving a previous employer will, in a letter from the OCOI, be strongly encouraged to attend the infractions hearing involving the previous employer and the at-risk individual. (*Effective: 8/1/2013, Adopted: 8/8/2013*)

**5-8-3. Observation of Infractions Hearing.** To facilitate greater understanding of the infractions process and meet the challenges of the changing landscape of intercollegiate athletics, individuals serving in senior leadership roles within the NCAA national office and the NCAA governance structure may request leave to attend and observe infractions hearings. These individuals may include the NCAA President, members of the NCAA President's Cabinet and members of the Board of Governors, Board of Directors and any other committee, board or forum which reports directly to the Board of Governors or Board of Directors. All such requests shall be made only through the NCAA Office of the President or by the chair of an



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NCAA committee, board or forum. Requests shall be submitted in writing to the OCOI and addressed to the chief hearing officer or chair of the committee, who has the ultimate authority to grant or deny the request. The OCOI shall disseminate the request to all parties in the case through the secure filing system. The chief hearing officer or chair of the committee shall consider granting the request only where: (1) the OCOI has verified that all participating parties provided written consent to the individual's presence at the hearing through the secure filing system or stated good cause for any objection to the request; and (2) the individual's presence at the hearing will not impact the fairness and efficiency of the proceedings. A participating party's failure to respond to the request shall constitute waiver of any objections to the individual's presence at the hearing. If the chief hearing officer or chair grants the request, the individual shall attend as a silent observer and abide by all confidentiality requirements. The individual has no role in the hearing and will not attend or participate in deliberations. (*Effective: 5/28/2019, Adopted: 6/12/2019; Revised: 6/23/2020, Adopted: 9/30/2020; Revised: 1/1/2023, Adopted: 2/22/2023*)

### **5-9. Role of Interpretations in Infractions Cases.**

**5-9-1. Interpretation Defined.** For purposes of this IOP, the term "interpretation" shall refer to any of the following: Academic and Membership Affairs (AMA) staff interpretations, official interpretations, AMA case-specific decisions and related decisions by interpretive committees, educational columns, or any published legislative guidance. (*Effective: 2/19/2020, Adopted: 4/21/2020*)

**5-9-2. Development of Information.** Throughout an enforcement investigation and the processing of an infractions case, the information developed and the factual information identified in the record may evolve and expand consistent with the timeframes and processes established by Bylaw 19, NCAA enforcement staff IOPs and the Division I COI IOPs. Pursuant to Bylaw 19.4.6, the COI considers this information when finding facts and, based on those facts, concluding whether violations occurred. When the COI determines that the factual information in a case has evolved such that an interpretation does not apply directly to the facts as developed, the COI shall not be bound by the interpretation in concluding whether violations occurred. (*Effective: 2/19/2020, Adopted: 4/21/2020*)

**5-9-3. Application of an Existing Interpretation.** When an interpretation is pertinent to the COI's decision-making in concluding whether a violation occurred, but it does not expressly address the facts found by the COI, the COI may conclude that a violation occurred (or did not occur) when the COI determines that the conduct at issue falls within the reasonable scope of conduct contemplated by the interpretation or legislation. The COI shall explain the basis of for this decision within the published infractions decision. (*Effective: 2/19/2020, Adopted: 4/21/2020*)



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**5-9-4. Requesting an Interpretation Pursuant to Bylaw 19.8.8.2.** When an interpretation does not expressly address the facts found by the COI and the COI determines that its decision would fall outside the reasonable scope of any existing interpretation, result in a new application of an interpretation or depart from past application of the legislation, the COI will request an interpretation pursuant to Bylaw 19.8.8.2. This may occur as a consultation with an AMA representative during a scheduled hearing session, or as a written request following a hearing. All interpretation requests and resulting interpretations shall be in writing and made part of the record. Any interpretation issued under these circumstances shall be binding on the COI. (*Effective: 2/19/2020, Adopted: 4/21/2020*)

### **5-10. Hearing Procedural Matters.**

**5-10-1. Continuation of Hearing.** If an infractions hearing is not concluded in the time scheduled, the panel and involved parties will be reconvened at the earliest convenience of all parties. In the rare event that information arises during the hearing requiring the enforcement staff to reopen the investigation, the panel will set a reasonable time to conclude the additional inquiry and continue the hearing at a later date. (*Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023*)

**5-10-2. Postponement of Hearing.** Postponing a scheduled hearing is discouraged. If for any reason a party requests to postpone a scheduled hearing, the request must be made in writing to the panel and served on all parties. Any party requesting a postponement must indicate that the party has contacted all other parties and detail those parties' positions on the request. Reopening investigations may cause a delay in a scheduled hearing, although the need for reopened investigations should be minimized where possible. The chief hearing officer shall decide whether to grant or deny a postponement. (*Effective: 8/1/2013, Adopted: 8/8/2013*)

**5-10-3. Dispositive Motions.** The COI does not accept dispositive motions prior to a hearing. At the discretion of the chief hearing officer, a hearing panel may entertain a dispositive motion at the time the case is heard. (*Effective: 8/1/2013, Adopted: 8/8/2013*)

**5-10-4. Recordings of Proceedings.** Infractions hearings shall be recorded by a court reporter. The COI will maintain custody of all transcripts. In the event of an appeal, the transcript shall be submitted to the Infractions Appeals Committee and made available through the secure filing system. Audio and visual recordings of hearings will also be made by the COI, and the COI shall maintain custody of those recordings. No other recordings or transcriptions of the hearing are permitted. (*Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023*)



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- 5-11. Additional Allegations and Findings by Panel.** Pursuant to Bylaw 19.8.5.2, the panel may make specific factual findings and conclusions of whether violations occurred based on information presented by the parties or at a hearing even if different from the notice of allegations. Additional factual findings and conclusions of whether violations occurred is most appropriate in circumstances where new findings or conclusions directly relate to the subject matter contained in the record or in situations where the panel has placed the parties on reasonable notice prior to the hearing. If, however, the panel believes additional allegations unrelated to the subject matter in the record are warranted based on information developed at the hearing, then it may issue notice of the additional allegations to all parties. If the panel issues a subsequent notice, the panel shall afford and schedule an opportunity for all parties to respond to additional allegations. Following review of any responses, the panel shall determine whether a hearing is necessary to address the additional allegations. The decision of whether a subsequent hearing is necessary rests with the panel. The parties will be notified of the date, time and location of any subsequent hearing. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 5/10/2017, Adopted: 7/11/2017)*
- 5-12. Quorum.** At the commencement of a meeting or hearing of the COI, the presiding member (chair, chief hearing officer or designee) shall announce whether a quorum is present and a continued presence of a quorum is presumed, unless the presiding member makes a contrary announcement. A quorum for the whole COI to conduct general business is a majority of members present and voting on the COI. Four members shall constitute a quorum for a hearing panel consisting of five to seven members. For three-member hearing panels, all three members are required to establish a quorum. In cases with panels larger than seven members, the quorum will be a majority. The COI retains the flexibility to authorize a sub-group of COI members to perform other administrative functions. *(Effective: 8/1/2013, Adopted: 8/10/2013, Revised: 2/7/2014, Adopted: 4/24/2014; Revised: 1/1/2023, Adopted: 2/22/2023)*
- 5-13. Post Hearing Matters.**
- 5-13-1. Submissions Following Hearing of a Case.** The decision whether submissions following a hearing are accepted into the record for consideration by a panel rests with the chief hearing officer. Requests and submissions must be served on all parties. Any submission not requested by the panel shall indicate that the party has contacted all other parties and detail those parties' positions on the request. The panel may direct the parties to submit additional information to be added to the record and considered by the panel. Any post-hearing submissions shall be made in accordance with IOP 4-5. *(Effective: 8/1/2013, Adopted: 8/8/2013, Revised: 2/27/2015)*
- 5-13-1-1. Amendment to Proposed or Self-Imposed Penalties.** If an institution wishes to amend the penalties it proposed and/or self-imposed in its response to the notice of allegations, it must do so via written submission following the procedures set forth in IOP 5-13-1. An institution's verbal statement at the hearing shall not constitute





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sufficient notice of its intent to amend its proposed and/or self-imposed penalties. *(Effective: 5/22/2018, Adopted: 5/29/2018)*

**5-13-2. Deliberations.** Following the hearing of an infractions case, a panel engages in private and confidential deliberations to find facts, conclude whether violations occurred and to prescribe appropriate penalties. Deliberations can occur in person or through teleconference or video conference and remain open until the release of the infractions decision. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 2/19/2016, Adopted: 3/21/16)*

**5-13-3. Attendance.** Where practicable, each panel member present at the hearing will remain at the hearing site and participate in deliberations until they are concluded. At least one administrator from the OCOI will be present during deliberations. In the event the chief hearing officer (or chair) reconvenes the deliberations to a later date, each panel member will attempt to participate in the continued deliberations. In order to reconvene the panel for deliberations, a quorum must be present. *(Effective: 8/1/2013, Adopted: 8/8/2013)*

**5-13-4. Decisions.** A panel's infractions decision is the sole and final embodiment of the panel's decision as to findings of fact, conclusions whether violations occurred and prescribing of appropriate penalties based on the record and statements made at an infractions hearing or in a summary disposition report or agreement of negotiated resolution. *(Effective: 8/1/2013, Adopted: 8/8/2013, Revised: 12/15/2016, Adopted: 2/1/2017; Revised: 12/11/2018, Adopted 2/20/2019; Revised: 1/1/2023, Adopted: 2/22/2023)*

**5-13-4-1. Drafting Decision.** The OCOI will work with the chief hearing officer to draft the infractions decision. The initial draft will be reviewed, edited and approved by the full hearing panel. The final infractions decision is the consensus decision of the panel and the decision of the entire COI. There will be no dissenting opinions. In accordance with the bylaws, the panel shall issue a public and confidential infractions decision. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023)*

**5-13-4-2. Identification of Individuals in Decision.** In accordance with the bylaws, the COI shall issue an infractions decision that identifies by name all involved individuals and representatives of the institution's athletics interests who commit Level I or Level II violations. Consistent with Bylaw 19.11.1, when certain circumstances are present, the COI shall be authorized to identify by name the chancellor, president, director of athletics and/or any other individual with direct responsibility and oversight of the athletics department. *(Effective: 4/23/2024, Adopted: 5/8/2024)*



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**5-14. Precedent.** From the COI's perspective, each case is unique and must be viewed on its own facts. The COI may find previous cases decided via contested hearing to be instructive but not binding. Further, because violations established through the summary disposition process constitute the parties' agreement, future panels may view the decision as less instructive than a decision reached after a contested process. In addition, violations established through the negotiated resolution process and decisions of the Independent Resolution Panel have no precedential value. From a penalty perspective, cases decided before the penalty guidelines established in Figure 19-1 are of limited relevance. *(Effective: 1/1/2023, Adopted: 2/22/2023)*

**5-15. Penalties.** The panel shall apply the core penalties and applicable ranges after considering and assessing aggravating and mitigating factors by weight and number as set forth in the bylaws, except as it chooses to depart from the core penalty ranges due to extenuating circumstances. The panel may also prescribe terms of probation and other additional penalties as authorized by the bylaws, as well as other penalties specifically tailored to the violations in a case. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 3/26/2019, Adopted: 6/12/2019)*

**5-15-1. Application of Aggravating and Mitigating Factors.** Aggravating and mitigating factors are fact- and party-specific. Although the COI may assign a sport-specific level and classification, aggravating and mitigating factors are not sport-specific. The same operative facts may support multiple factors for multiple parties. In its infractions decision, the COI may not provide explanation in circumstances where agreed-upon factors are accepted by the panel. However, when agreed-upon factors are rejected by the panel, when the panel raises new factors, or when parties do not agree on applicable factors, the panel will provide an explanation for whether the factors apply. In circumstances where the panel applies more or less weight to a factor, the panel will provide explanation in the decision. When the panel does not provide an explanation regarding weight, the panel attributed normal weight to the factor. *(Effective: 1/1/2023, Adopted: 2/22/2023)*

**5-15-2. Repeat Violator.** An institution's or involved individual's past infractions record triggers repeat violator status pursuant to Bylaw 19.12.5. Circumstances where the enforcement staff brought an allegation, but the COI did not conclude that a violation occurred, will not establish an infractions record. Further, circumstances where an individual is referenced in a violation but was not an involved individual pursuant to Bylaw 19.02.1 will not establish an infractions record for the individual. Only past conclusions that an institution or involved individual committed a Level I, Level II or major violation will trigger repeat violator status. *(Effective: 1/1/2023, Adopted: 2/22/2023)*

**5-15-2-1. Considerations for Enhanced Penalties.** When an institution's or involved individual's past conduct triggers repeat violator status in a subsequent case pursuant to Bylaw 19.12.5, the presence of one or





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more of the following factors could support the COI's upward departure from the core penalties identified in Figure 19-1:

- (a) The presence of a Level I violation in either case;
- (b) The involvement of the same sport program in both cases;
- (c) The scope and nature of the violations involved in the cases;
- (d) Institutional efforts to address the underlying issues that led to the violations in the first case;
- (e) Changes in the institution's administration or leadership positions and the efforts of those individuals to establish a culture of compliance consistent with the expectations of NCAA membership; or
- (f) The presence of a failure to monitor or lack of institutional control violation.

In addition to these factors, the COI expects the enforcement staff to take a formal position as to whether a party's status as a repeat violator should be subject to enhanced penalties. That position should be memorialized in an NR, SDR or written reply. (*Effective: 4/23/2024, Adopted: 5/8/2024*)

**5-15-3. Identification of Proposed and Self-Imposed Penalties.** Consistent with Bylaw 19.9.3.2, parties to an SDR shall identify proposed and/or self-imposed penalties with the submission of the SDR. Further, pursuant to Bylaws 19.9.2.2.1 and 19.8.4.1, the COI requires parties to submit as an exhibit to their NOA responses any proposed or self-imposed penalties consistent with Bylaw 19.12, Figure 19-1 and past COI decisions. (*Effective: 1/1/2023, Adopted: 2/22/2023*)

**5-15-4. Sport-Specific Penalties.** Pursuant to Bylaw 19.12.6 and IOP 4-4, hearing panels prescribe appropriate penalties for the institution's involved sport programs to address violations committed within those programs. (*Effective: 3/26/2019, Adopted: 6/12/2019*)

**5-15-4-1. Involvement of Sport Program in Violations.** Panels may consider the extent of a sport program's involvement in the violation(s) in prescribing penalties for that program. (*Effective: 3/26/2019, Adopted: 6/12/2019*)

**5-15-4-2. Level and Classification of Violations Committed within Program.** Panels may, where the circumstances warrant, identify a



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sport-specific level and penalty classification and prescribe penalties within the range of the level and classification of violations committed within that program. *(Effective: 3/26/2019, Adopted: 6/12/2019)*

**5-15-5. Show-Cause Orders.** Show-cause orders may be general in nature or have specific conditions attached to them. Show-cause orders run to an individual's conduct that violated NCAA legislation while on staff with a member institution. *(Effective: 8/1/2013, Adopted: 8/8/2013)*

**5-15-5-1. General Show-Cause Orders.** Consistent with Bylaws 19.12.6.4 and 19.12.10, general show-cause orders will, for a prescribed period of time, restrict the individual from all athletically related duties. Show-cause orders that are general in nature may be prescribed for involved individuals who are current or former employees of NCAA member institutions and are often prescribed for individuals based on the number and seriousness of the violations. Show-cause orders of a general nature will usually encompass a period of several years, consistent with the ranges identified in Figure 19-1. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 5/22/2018, Adopted: 5/29/2018; Revised: 1/1/2023, Adopted: 2/22/2023)*

**5-15-5-2. Specific Show-Cause Orders.** Bylaw 19.12.6.4 and Figure 19-1 contemplate show-cause orders with specific conditions. Such show-cause orders may be prescribed for involved individuals who are current or former employees of NCAA member institutions. Specific show-cause orders are prescribed consistent with the ranges and restrictions identified in Figure 19-1. Restrictions may include, but are not limited to, recruiting activity, practice and game suspensions. Conditions of a specific show-cause order may also include individual education and training requirements. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 5/22/2018, Adopted: 5/29/2018; Revised: 1/1/2023, Adopted: 2/22/2023)*

**5-15-5-3. Show-Cause Hearings.** A member institution employing or seeking to employ, in an athletically related capacity, an individual who is subject to a show-cause order may accept the conditions of the show-cause order. If the institution chooses not to accept those conditions, it shall be required to appear before a panel of the COI to show cause why restrictions on the individual's athletically related duties should not apply. The panel may wish to discuss with the individual and a potential employer at a show-cause hearing a wide range of restrictions that could be prescribed. Should the member institution fail to abide by restrictions determined by a panel as a result of a show-cause hearing, the institution may be subject to penalties. *(Effective: 1/1/2023, Adopted: 2/22/2023)*



**5-15-6. Financial Penalty.** Financial penalties are outlined in Bylaw 19.12.6.2 and Figure 19-1. If those financial penalties include an additional percentage of the sport program's budget, that percentage will be applied to the average of the sport program's actual expenditures over the previous three fiscal years as defined in IOP 5-15-6-1. Based on the financial penalty prescribed, an institution shall be required to calculate and identify its total financial penalty in its preliminary compliance report. The OCOI will provide that total to the NCAA accounting office, which will provide the institution with an invoice. Institutions shall be required to pay the invoice within 30 days of receipt of the invoice. COI practice does not permit an institution to retain any portion of its financial penalty in lieu of paying the invoice. *(Effective: 2/27/2015, Adopted: 4/30/2015; Revised: 2/19/2016, Adopted: 3/21/2016; Revised: 3/26/2019, Adopted: 6/12/2019; Revised: 1/1/2023, Adopted: 2/22/2023)*

**5-15-6-1. Total Expenditures for Sport Program.** At a minimum, a sport program's total expenditures shall include (1) all contractual compensation including salaries, benefits and all bonuses paid by the institution or related entities for coaching, operations, administrative and support staff tied to the sport program; (2) all recruiting expenses; (3) all team travel, (4) all entertainment and meal expenses connected to and separate from team travel; (5) all expenses associated with equipment, uniforms and supplies; (6) game expenses; and (7) any guarantees paid associated with the sport program. The calculation shall be based on the average of the sport program's actual expenditures for the three fiscal years prior to the submission of the case to the COI. The total expenditure calculation shall not include any severance payments associated with a sport program's former coaching staff member. *(Effective: 2/27/2015, Adopted: 4/30/2015; Revised: 6/23/2020, Adopted: 9/30/2020; Revised: 1/1/2023, Adopted: 2/22/2023; Revised: 4/23/2024, Adopted: 5/8/2024)*

**5-15-6-2. Submission of Total Expenditures for Sport Program.** Institutions are required to submit the three previous fiscal years' total budgets for all involved sport programs with their response to the notice of allegations, or as an attachment to an SDR or negotiated resolution agreement. *(Effective: 2/27/2015, Adopted: 4/30/2015; Revised: 7/23/2019, Adopted: 8/29/2019; Revised: 1/1/2023, Adopted: 2/22/2023)*

**5-15-6-3. Fine for Participation in NCAA Championship and Other Postseason Contests in Which an Ineligible Student-Athlete Competed.** Bylaws 19.12.6.2 and 19.12.6.2.1 and Figure 19-1 establish the COI's authority to prescribe a fine based on a methodology when ineligible student-athletes have participated in postseason competition, including NCAA championships. As an example of a fine based on a methodology, if an ineligible student-athlete participates in the NCAA



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Division I Men's Basketball Championship, an institution may be required to pay up to the full value of any unit(s) awarded based on that institution's participation. The fine will also account for all future units to be paid on a rolling distribution schedule for the institution's participation in the involved tournament year(s). Similarly, the COI has the authority to prescribe a fine based on similar distributions awarded for an institution's participation in other NCAA championship or postseason contests (e.g., bowl games, playoffs, etc.) in which ineligible student-athletes participated. In such circumstances, the COI will specifically identify the methodology associated with the fine. Fine monies will be distributed to the Student-Athlete Opportunity Fund. *(Effective: 11/28/2017, Adopted 1/5/2018; Revised 5/28/2019, Adopted: 6/12/2019; Revised 11/26/2019, Adopted: 12/18/2019; Revised: 1/1/2023, Adopted: 2/22/2023)*

**5-15-6-4. Loss of Revenue Sharing in Postseason Competition.** Bylaw 19.12.6.2.1 and Figure 19-1 establish the authority for hearing panels to prescribe for Level I-Aggravated violations the loss of all revenue sharing in postseason competition (including the NCAA Division I Men's Basketball Championship) for the entire period of a postseason ban. In prescribing the penalty, hearing panels may prohibit institutions from sharing in revenue from postseason competition for only the sport programs serving the postseason ban for the duration of the ban. *(Effective: 3/26/2019, Adopted: 6/12/2019)*

### **5-15-7. Scholarship Reductions.**

**5-15-7-1. Institutional Compliance with Scholarship Reduction Penalty.** The committee expects that all scholarship reduction penalties will be met through normal attrition, graduation and the institution's offers of financial aid awards. The committee does not support institutions subject to scholarship reduction penalties meeting those penalties by engaging in the practice of not renewing previous scholarship student-athletes to make room for the prescribed scholarship limitation and newly offered financial aid awards. *(Effective: 2/27/2015, Adopted: 4/30/2015)*

**5-15-7-2. Scholarships Awarded Prior to Penalty.** Hearing panels prescribe penalties for past conduct. In situations where the panel prescribes scholarship reductions after an institution in good faith already has offered, and prospective student-athletes have accepted, a written offer of financial aid, then upon the institution's written request or presentation at an infractions hearing, the panel retains the authority to defer scholarship reduction penalties so as not to adversely impact prospective student-athletes who were not involved in violations



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*(Effective: 2/27/2015, Adopted: 4/30/2015; Revised: 1/1/2023, Adopted: 2/22/2023)*

**5-15-7-3. Yearly Reductions.** Pursuant to Bylaw 19.12.6.3, hearing panels will prescribe scholarship reductions as yearly reductions in financial aid. The yearly reductions will typically align with the prescribed probationary period. For example, Figure 19-1 provides that, for Level I-Aggravated violations, a core penalty is a scholarship reduction by 10 to 25 percent. If, for example, a panel determines that a 10 percent reduction is warranted for a period of four years then the 10 percent reduction will be prescribed in each of the four years. Recognizing that some programs do not fully allocate the number of scholarships available under NCAA bylaws, the yearly reduction will be based on the average number of scholarships awarded by the program during the previous four academic years. However, when a panel deems it appropriate, it may prescribe that scholarship reductions be aggregated over the period of probation or another specified period of time. For example, the panel could prescribe a reduction of ten scholarships over a four-year period, deferring to the institution to decide which academic years to take those scholarship reductions. In the event a panel departs from yearly reductions, the panel will specifically state its rationale for doing so in the infractions decision. *(Effective: 2/27/2015, Adopted: 4/30/2015; Revised: 3/26/2019, Adopted: 6/12/2019; Revised: 4/23/2024, Adopted: 5/8/2024)*

**5-15-8. Suspensions.** Suspensions shall be prescribed for involved individuals pursuant to Bylaw 19.12.6.5 and Figure 19-1. Suspensions shall be designated for a period of time and, unless otherwise stated, shall apply to all athletically related duties. Exhibition contests and scrimmages shall not count toward satisfying the required ranges for the suspensions identified in Figure 19-1. *(Effective: 1/28/2020, Adopted: 3/10/2020; Revised: 1/1/2023, Adopted: 2/22/2023; Revised: 4/23/2024, Adopted: 5/8/2024)*

**5-15-9. Vacation of Wins and Records.** Pursuant to Bylaw 19.12.8-(g), and consistent with COI practice, hearing panels will prescribe vacations of wins and records when violations result in ineligible competition or competition while not certified. The vacation of records shall apply to all wins and ties in which ineligible or uncertified student-athletes competed from the time they became ineligible or were not certified until they were reinstated or properly certified. Unless extenuating circumstances exist pursuant to COI IOP 5-15-9-1, the vacation shall also apply to the individual records of ineligible or uncertified student-athletes. The individual finishes and awards of eligible and properly certified student-athletes shall be retained. *(Effective: 2/19/2016, Adopted: 3/21/2016; Revised: 7/23/2019, Adopted: 8/29/2019; Revised: 1/1/2023, Adopted: 2/22/2023; Revised: 4/23/2024, Adopted 5/8/2024)*



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**5-15-9-1. Extenuating Circumstances for Individual Records.** The COI may decline to prescribe vacation of individual student-athlete records when extenuating circumstances exist. When evaluating whether extenuating circumstances exist, the COI shall consider whether:

- (a) The prospect or student-athlete was involved in or had knowledge of the violation(s);
- (b) The violation was administrative in nature or resulted from a good faith misunderstanding of certification or financial aid legislation and the student-athlete would have otherwise been eligible;
- (c) The violations that resulted in ineligible competition resulted in (or were intended to result in) more than a limited benefit or competitive advantage; or
- (d) The violations as they related to the prospect or student-athlete were Level III.

The COI will evaluate individual records on a case-by-case basis and shall explain any decision not to vacate individual records. (*Effective: 4/23/2024, Adopted: 5/8/2024*)

**5-15-10. Disassociation.** Pursuant to Bylaw 19.12.8-(i), the COI is authorized to prescribe a disassociation of relations with a representative of the institution's athletics interests. The COI limits the application of prescribed disassociation penalties, present and past, to not exceed 10 years from publication of the COI's infractions decision. This provision, however, does not prohibit institutions from self-imposing longer periods of disassociation, including a lifetime disassociation. The COI will consider those restrictions to be institutional decisions, separate and apart from the COI's penalty. In those circumstances, the COI will neither monitor nor enforce disassociations exceeding 10 years. (*Effective: 9/26/2017; Adopted: 10/5/2017; Revised: 1/1/2023, Adopted: 2/22/2023*)

**5-15-11. Penalties for Head Coach Responsibility Violations.** Pursuant to Bylaw 11.1.1.1, the enforcement staff shall allege a violation of Bylaw 11.1.1.1 if a case involves a Level I or Level II allegation in a sport program. The enforcement staff will gather information regarding whether the head coach promoted an atmosphere of compliance and monitored the activities of their staff to assist the COI hearing panel in its penalty deliberations. This includes, but is not limited to, whether the head coach:

- (a) Established clear expectations that compliance is a shared responsibility and that all coaches, staff and student-athletes will comply with NCAA legislation;





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- (b) Actively participated in and/or ensured timely and consistent education of all coaches, staff members and student-athletes;
- (c) Monitored the program by conducting frequent spot checks, actively looking for and evaluating red flags and asking pointed questions about potential issues or areas of concern;
- (d) Had a history of consulting with the compliance staff on a regular basis and asking before acting;
- (e) Reported actual and potential issues to the compliance staff in a timely manner, allowed for an independent inquiry into those issues, and protected from retribution any person who reported potential or actual violations; and
- (f) Was directly or indirectly involved in the underlying violation(s) in the case.

While these considerations do not negate a violation of Bylaw 11.1.1.1 as the head coach is responsible for all violations that occur within their program, they may be relevant to the application of penalties. (*Effective: 1/1/2023, Adopted: 2/22/2023*)

**5-16. Release of Decisions.** Release of an infractions decision will be in accordance with the bylaws, internal review processes and a release schedule coordinated by the NCAA's Communications staff. The chief hearing officer shall appoint a member of the panel to conduct any media call in conjunction with a decision's release. (*Effective: 8/1/2013, Adopted: 8/8/2013*)

**5-16-1. Public Announcement.** Consistent with Bylaw 19.11.3, once a full infractions decision has been released publicly, the COI may hold a press conference related to the case. All parties shall refrain from making any public disclosure about the decision until after the conclusion of the NCAA's press conference. In circumstances where a case involves multiple resolution methods, the NCAA shall release a public statement at the conclusion of each resolution method. A party whose portion of the case was resolved may issue a statement limited to a confirmation of the resolution. The COI may sanction any party who fails to satisfy the confidentiality and public disclosure requirements established by Bylaws 19.3 and 19.11.2.1. (*Effective: 1/1/2023, Adopted: 2/22/2023*)

**5-16-2. Public Decision to Full COI.** Approximately 24 hours prior to the public release of the infractions decision, the full COI will have access to the final public infractions decision. Only COI members who **do not** have a conflict of interest will be provided access to the final public infractions decision. COI members who are recused from the case due to a conflict of interest will not be provided access to the public infractions decision until the decision is made available to the public. (*Effective: 6/26/2017, Adopted 7/11/2017*)



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**5-16-3. Amendment, Correction or Supplemental Decision.** If it is necessary to correct or amend an infractions decision, all parties will be notified of the amendment or correction and be given an opportunity to object to the change. If the changes are not extensive, the corrections/amendments will be made in the electronic versions of the decision and so noted at the top of the first page of the report. Any paper files will be updated with the amended decision. If the amendments and/or corrections are extensive and substantive a supplemental infractions decision will be produced. *(Effective: 8/1/2013, Adopted: 8/8/2013)*

**5-17. Reconsideration of a Decision.** Once the decision has been publicly announced and the time for appeal has expired, there shall be no reconsideration of the decision except as defined in Bylaw 19.11.4. Parties seeking reconsideration must submit a written request to the chair/chief hearing officer detailing their request for reconsideration in a manner consistent with IOP 5-17-1.

At the discretion of the chair or a designee, either the administrative subcommittee or the same panel will review and decide the reconsideration request. The subcommittee or panel will determine whether the written request demonstrates/shows new evidence that is directly related to the decision or shows that there was prejudicial error, as defined in Bylaw 19.11.4.1. Upon a determination that a party has met the requirements in Bylaw 19.11.4.1, the subcommittee or panel will make a recommendation as to whether a party's request for reconsideration will be reviewed by paper submission or heard at a meeting (conducted in-person, via video or another mode of communication). *(Effective: 2/7/2014, Adopted: 4/24/2014; Revised: 1/1/2023, Adopted: 2/22/2023)*

**5-17-1. Parties' Written Request for Reconsideration.** A written request for reconsideration must (a) demonstrate the existence of new evidence (as defined by Bylaw 19.02.2) that is directly related to the decision or (b) show that there was prejudicial error in the procedure. Additionally, the request must state all relief sought. *(Effective: 2/7/2014, Adopted: 4/24/2014; Revised: 1/1/2023, Adopted: 2/22/2023)*

**5-17-2. Granted Relief.** The panel may reduce or eliminate a penalty but may not prescribe any new penalty. *(Effective: 2/7/2014, Adopted: 4/24/2014)*

## Chapter 6 - Appeals

**6-1. Appeals Advocate.** The appeals advocate represents the COI before the IAC when a party appeals a panel's infractions decision. With the assistance of the OCOI staff, the appeals advocate is principally responsible for framing the arguments and drafting the COI's written appeal response that is filed with the IAC. In cases where oral argument has been granted, the appeals advocate argues the COI's position before the IAC. *(Effective: 8/1/2013, Adopted: 8/8/2013)*



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- 6-2. New Evidence Brought During Appeal.** If new evidence, as defined by Bylaw 19.02.2, arises during an appeal and the IAC remands the matter to the panel, the panel shall determine whether the new information affects its decision. The OCOI staff shall coordinate with the IAC staff to facilitate the resolution of all issues and to ensure the decision of the panel is conveyed to the IAC. *(Effective: 8/1/2013, Adopted: 8/8/2013)*
- 6-3. Remanding Case Back to the COI.** If a panel's infractions decision is reversed in part and remanded by the IAC with instructions, a quorum of the same panel, where practicable, will reconvene to review the IAC's remand and issue an amended infractions decision. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023)*
- 6-4. Appeals to COI in Level III Case.** If an institution subject to penalty or an involved individual subject to a show-cause order disputes an action by the enforcement staff regarding a Level III violation, the institution or involved individual may appeal by submitting a written notice of appeal to the COI within 15 days after receipt of the enforcement staff's decision. An institution that self-reports a violation may appeal a penalty prescribed by the enforcement staff, but not the violation. An institution or involved individual subject to a show-cause order may request the opportunity to appear in person or by video or telephone conference. If no such request is made, or if the request is denied, a hearing panel of the committee will review the appeal on the basis of the written record. *(Effective: 8/1/2013, Adopted: 8/8/2013; Revised: 1/1/2023, Adopted: 2/22/2023)*

## Chapter 7 - Additional Matters

### 7-1. Compliance Reports.

- 7-1-1. General Purpose and Organization.** As part of probation, the institution shall file periodic written reports detailing compliance with penalties and terms of probation set forth in the infractions decision. Reports shall conform to the Guidelines for Completing Preliminary and Annual Compliance Reports, available at <http://www.ncaa.org/governance/committees/division-i-committee-infractions> so as to succinctly and thoroughly convey the institution's actions to the COI. *(Effective: 2/19/2016, Adopted: 3/21/2016)*
- 7-1-2. Preliminary Reports.** Within 45 days after the release of the infractions decision, the institution shall file a preliminary compliance report consistent with IOP 7-1-1 that details the preliminary steps that the institution has taken and the future actions that the institution will take to comply. *(Effective: 2/19/2016, Adopted: 3/21/2016)*
- 7-1-3. Annual Reports.** Each year of the probationary period, the institution shall provide an annual report consistent with IOP 7-1-1. Annual reports are typically due the same time each year, beginning approximately 11 months after release of the infractions decision. The reports shall detail the institution's compliance with the penalties adopted and prescribed by the panel, terms of probation and corrective actions. Annual reports shall contain a written certification from the director of



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athletics, confirming review of the institution's annual report and attachments. The institution's final report, submitted in anticipation of the institution completing the term of probation, shall also include a letter from the director of athletics and the institution's chief executive officer, certifying that the current athletics policies and procedures conform to all the requirements of NCAA legislation. The institution shall not be restored to full rights and privileges of membership until the certifying letters are received and the final report is approved. *(Effective: 2/19/2016, Adopted: 3/21/2016)*

### 7-2. Compliance Review.

**7-2-1. Submission, Receipt and Preliminary Assessment.** After an institution submits a compliance report consistent with IOP 7-1 and the Guidelines for Completing Preliminary and Annual Compliance Reports, the OCOI will acknowledge receipt. Pursuant to Bylaw 19.12.6.7, the OCOI will review the athletics policies and practices of the institution and may contact the institution to clarify or seek additional information. If the OCOI does not identify any significant issues with the institution's report and determines that the report complies with the infractions decision's penalties and probationary requirements, the OCOI will approve of the report and notify the institution. If the OCOI determines there are potential substantive issues with the submission, the OCOI will provide its assessment and the institution's submission to the COI chair and vice chair (COI leadership team) for consideration. *(Effective: 2/19/2016, Adopted: 3/21/2016)*

**7-2-2. COI Leadership Review.** In situations where the OCOI does not initially approve the compliance report, the COI leadership team will review the OCOI's assessment and have the opportunity to access the compliance report. When necessary to complete its review, the leadership team may request additional information from an institution regarding its compliance report. Based on demonstration of compliance, the COI leadership team may approve the compliance report. If, however, the COI leadership team determines that the institution has not complied with the terms of probation, the COI leadership team may propose further action to the institution. Those proposals may include: modifying an existing penalty, proposing an additional penalty, modifying the terms of probation or referring the matter to the enforcement staff for investigation and processing. The OCOI shall provide an institution with written notice of the COI leadership team's decision regarding the compliance report. If, pursuant to Bylaw 19.4.6-(e) or 19.12.6.7, the COI leadership team's proposal includes a modification to an existing penalty, an additional penalty or modifying the terms of probation, the institution may accept the proposal or request a hearing pursuant to Bylaw 19.4.6-(e) and IOP 7-2-3 within the time established in the final decision. *(Effective: 2/19/2016, Adopted: 3/21/2016)*

**7-2-3. Institution's Compliance Hearing.** If an institution requests a hearing under IOP 7-2-2, the chair may direct the institution to file a further response prior to the hearing by an established deadline. The chair may assign the matter, where



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practicable, to the original panel or to another panel. Consistent with Bylaw 19, the panel conducting the noncompliance hearing shall issue a supplemental infractions decision detailing the compliance hearing and any COI action. *(Effective: 2/19/2016, Adopted: 3/21/2016)*

**7-2-4. Individual's Noncompliance with Prescribed Penalties.** Based on the penalties authorized under the bylaws, prescribed in the infractions decision and IOPs 5-15-3-1 and 5-15-3-2, an individual and hiring institution must comply with that individual's prescribed penalties and reporting obligations as set forth in that individual's show cause order. In circumstances where the OCOI has reason to believe that the individual or hiring institution has not complied with the penalties or reporting obligations, the OCOI will refer the matter to the COI leadership team for review under IOP 7-2-1. Any subsequent action will follow the general procedures set forth in IOPs 7-2-2 and 7-2-3. *(Effective: 2/19/2016, Adopted: 3/21/2016)*

**7-3. Drug Testing in Championship Events.** Under Bylaw 19, the COI has the sole authority to vacate championship events. In the event a student-athlete is rendered ineligible in a championship event as a result of a positive drug test, the positive drug test case is brought to the COI by the Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS) for a decision regarding the vacation of team and individual records as specified in Bylaw 19. In the event of a positive drug test, the COI may vacate individual records and performances, vacate team records and performances and require the return of individual and team awards to the Association. *(Effective: 8/1/2013, Adopted: 8/8/2013)*

**7-4. Maintenance of Infractions History Information.** Infractions decisions contain findings of fact, conclusions of violations, penalties, corrective actions and other requirements and conditions. Additionally, the OCOI maintains historical information contained in infractions decisions and written resolutions of immediate penalties for failing to cooperate during an investigation. *(Effective: 2/7/2014, Adopted: 4/24/2014; Revised: 6/20/2019, Adopted: 7/31/2019)*

**7-4-1. Infractions History for Individuals.** The standard procedure for the OCOI is to maintain an individual infractions history for individuals for who the committee has concluded violated NCAA legislation in a Level I or Level II (formerly major) infractions case, regardless of whether a penalty was prescribed as a result of that violation. However, a panel may determine in its discretion that an individual will not have an individual history maintained due to the circumstances of the case. *(Effective: 2/7/2014, Adopted: 4/24/2014)*

**7-4-2. Individual Infractions History Checks.** As a service to the NCAA membership, a member institution may contact the OCOI regarding whether an individual has a previous infractions history. The OCOI shall provide the member institution the pertinent infractions information regarding findings of fact, violations and penalties contained in any infractions decision or written resolution of immediate penalties for failing to cooperate during an investigation for the identified individual.



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*(Effective: 2/7/2014, Adopted: 4/24/2014; Revised: 6/20/2019, Adopted: 7/31/2019)*

- 7-5. Document Retention.** As a matter of business practice, the COI, its individual members and the OCOI do not maintain notes and preliminary drafts that arise from an infractions case, after finalizing an infractions decisions or other memorandum. The COI and OCOI maintain other records consistent with the NCAA records retention schedule. *(Effective: 8/1/2013, Adopted: 8/8/2013)*
- 7-6. Creating IOPs and Policies.** The COI shall formulate and revise IOPs pursuant to its authority in Bylaw 19.4.6-(f). The IOPs shall include information necessary to guide institutions, the enforcement staff, involved individuals and practitioners regarding the processing of an infractions case. *(Effective: 8/1/2013, Adopted: 8/8/2013)*
- 7-7. Conformity with IOPs.** To ensure an orderly and fair hearing and decision process, all parties to infractions cases shall abide by these IOPs in the processing of NCAA infractions cases. The COI may exclude information submitted in violation of the IOPs. *(Effective: 8/1/2013, Adopted: 8/8/2013)*