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## Introduction

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

These COI 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 II constitution and bylaws remain the controlling authority governing infractions cases.

Because the COI IOPs are derived from the Division II constitution and bylaws and address the practical processing requirements for an infractions case, the COI IOPs will be amended 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 II Management Council for approval. The membership shall be advised via the NCAA website when the COI's IOPs are amended. 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 a COI IOP and the referenced IOP, bylaw or constitutional provision is renumbered or amended without material effect, the COI IOP in question remains applicable. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

Paper copies of the current COI IOPs may be obtained from the OCOI. The COI IOPs are also available electronically on the NCAA's website at the following link: <http://www.ncaa.org/governance/committees/division-ii-committee-infractions>

## Chapter 1 – Office of the Committees on Infractions

- 1-1. Location.** The physical location of the Office of the Division II Committee on Infractions is on the 3rd floor of the Dempsey Building at the NCAA national office, 700 West Washington Street, Indianapolis, Indiana 46204. The mailing address is P.O. Box 6222, Indianapolis, Indiana 46206-6222. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 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: 7/16/2018, Adopted: 7/16/2018)*
- 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: 7/16/2018, Adopted: 7/16/2018)*



**1-4. Office Closings.**

**1-4-1. Closings.** If the national 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. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**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: 7/16/2018, Adopted: 7/16/2018)*

**1-5. Party Notification.** The COI's and OCOI's involvement in an infractions case typically begins with the issuance of the notice of allegations. Upon the issuance of the notice of allegations and notification from the enforcement staff to the OCOI that a case is ready to be scheduled for hearing, 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: 7/16/2018, Adopted: 7/16/2018)*

**1-5-1. Party Responsibility.** After issuance of the notice of allegations, 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: 7/16/2018, Adopted: 7/16/2018)*

**1-6. Document Submission.** All communications and documents directed to the COI must be submitted electronically to the OCOI, as instructed. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**Chapter 2 – Committee on Infractions**

**2-1. Committee on Infractions (COI) Defined.** The Division II Committee on Infractions is an independent administrative body charged with deciding infractions cases involving NCAA member institutions and their employees. The COI is comprised of individuals serving as volunteers from NCAA member institutions and conferences and individuals from the general public. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**2-1-1. COI Jurisdiction.** Per Bylaw 19.4.5, 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



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COI is also charged with hearing the appeals of individuals subject to a show-cause order for secondary violations, as well as other duties as authorized by the bylaws. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

- 2-2. Office of the Committees on Infractions (OCOI) Defined.** The OCOI supports the three divisional COIs by providing: administrative support; logistical coordination; research; analysis; training; drafting; strategic planning; and such other duties as assigned by the chair of the Division II COI. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 2-3. Appointment of COI Members.** Consistent with Bylaw 19.4.1, the Division II Management Council shall appoint a COI, which shall be responsible for the administration of the NCAA infractions program. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 2-4. Composition of COI.** In accordance with Bylaw 19.4.1, the COI membership shall include seven members with one member from the Division II Management Council and one member from the general public who is not associated with a collegiate institution, conference, professional or similar sports organization, or who represents coaches or athletes in any capacity. The identification in the bylaw of the above-mentioned composition for COI membership does not create a right, contractual or otherwise, to a given COI composition for hearing in any infractions case. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 2-4-1. Commitment to Diversity.** In accordance with 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: 7/16/2018, Adopted: 7/16/2018)*
- 2-5. Terms of Appointment.** Consistent with Bylaw 19.4.4, a COI member will begin service on September 1 following the member's appointment by the Division II Management Council. Pursuant to Bylaw 21.8.2.5, however, a council member's term of service shall commence in January after adjournment of the annual Convention. A COI member will serve a three-year term and shall be eligible for immediate re-election. A COI member shall not exceed nine years of service. A COI member may be removed prior to the expiration of his or her term by the Division II Management Council. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 2-6. Key Members.**
- 2-6-1. Committee Chair.** The chair of the COI is responsible for administering and monitoring the work of the COI (at large) 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





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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. Generally, the term of the chair is limited to two years; however, the length of the term can be set or extended upon the vote of the COI and appointment by the Division II Management Council. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

- 2-6-2. Vice Chair.** The vice chair of the COI is responsible for administering the work of the COI in the absence of the chair and assumes the chair's authority for those purposes. The term of the vice chair is limited to two years. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 2-6-3. Appeals Advocate.** Pursuant to Bylaw 19.4.6, the COI appeals advocate is a COI member designated by the chair 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 participates fully in the hearing and during deliberations. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 2-6-4. Public Members, Conflicts of Interest and Disclosure.** Pursuant to NCAA Bylaw 19.4.1, public members on the COI provide the infractions process with 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 means: (1) full-time employment at a member institution; (2) regularly reoccurring part-time employment or consulting with a member institution that rises to the level of qualifying as or appearing to be an association inconsistent with public membership; or (3) or board or other leadership positions at an 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 COI 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 the bylaw and this COI IOP. The COI shall not recommend to the Division II Management Council a public member candidate whose membership is inconsistent with the bylaw or this COI IOP. For those public members appointed to the COI prior to the effective date of this COI IOP, the 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 COI IOP. Ongoing activities inconsistent with the bylaw and this COI IOP may require a sitting member to step down from the COI. All other bylaws and COI IOPs relating to conflicts of interest also apply. *(Effective: 7/16/2018, Adopted: 7/16/2018)*





## Chapter 3 – Secure Filing System

**3-1. Secure Filing System.** In accordance with Bylaw 19.6.4, 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: 7/16/2018, Adopted: 7/16/2018)*

**3-1-1. Points of Contact.** The enforcement staff shall be the principal point of contact for the system until the filing of a summary disposition report or notice of allegations. After either of those events, the OCOI is the principal point of contact until release of the infractions decision and conclusion of any probation reporting. 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: 7/16/2018, Adopted: 7/16/2018)*

**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: 7/16/2018, Adopted: 7/16/2018)*

**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, vice chair or designee. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**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 (the most persuasive factual



information relied upon by the submitting party) and index of authorities (past cases and interpretations) with hyperlinks to the secure filing system and the Legislative Services Database for the internet (LSDBi). *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**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 LSDBi. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**3-1-4 Cases with Record Segmented by Party.** In COI 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: 7/16/2018, Adopted: 7/16/2018)*

## 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: 7/16/2018, Adopted: 7/16/2018)*

**4-2. Notification of Hearing Date and Location.** In an appearance letter, for cases being decided by a hearing and on written submissions, the OCOI will notify the parties in writing of any COI member conflicts of interest or disclosures (see COI IOP 4-3), as well as the hearing date, time and location, when practicable after the response deadline. If involved parties or an institution have different response deadlines due to a granted extension, hearing notification will occur, when practicable after the final response deadline. For summary disposition cases, the OCOI will notify the parties of any COI member conflicts of interest or disclosures. If the summary disposition report is rejected or the case proceeds to an expedited hearing after the COI has proposed additional penalties, the OCOI will notify the parties in writing of the hearing date, time and location, when practicable. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**4-3. Conflicts of Interest.** Per Bylaw 19.4.3, 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: 7/16/2018, Adopted: 7/16/2018)*

**4-3-1. Disqualification of Member by Recusal.** COI members are responsible for identifying actual or potential conflicts of interest. A COI member will initially decide whether recusal is necessary. If an actual conflict exists, the COI member



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is expected to step down for the case. If the COI member determines that only a potential conflict or appearance of a potential conflict exists, the COI member shall inform the OCOI and consult with the chair. The chair has final authority to determine whether a conflict of interest exists and whether the COI member should be recused. If a COI member is recused, an alternate may be seated. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**4-3-2. Disqualification by Party Recusal.** A party may seek to disqualify a COI member based on a conflict of interest. A party requesting a disqualification must submit in writing the basis for disqualification no later than seven calendar days prior to the scheduled hearing. The chair shall determine whether a conflict of interest exists and whether the COI member shall be removed. The chair has the final authority to determine whether a conflict of interest exists. If a COI member is disqualified, an alternate may be seated. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**4-4. Case.** An infractions case presented to the COI is an institutional case. The highest violation classification within the case determines the case's overall processing classification as major or secondary. Case classification is distinct from violation classification. All parties to a violation are responsible for the violation at the same classification. *See* Bylaw 19.1.1. When a case involves multiple parties and/or multiple sport programs, the COI may, where the circumstances warrant, assign separate classifications and related penalties for the individual's case and/or the sport program. *(Effective: 7/16/2018, Adopted: 7/16/2018; Revised: 11/21/2024, Adopted: 2/3/2025)*

**4-4-1. 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 classification than the individual. In instances where the involved individual is alleged to have committed a major violation of Bylaw 10.3, and the institution is alleged to have committed a secondary violation, the involved individual's major violation shall not be a part of the institution's case, and the institution shall report the secondary violation to the enforcement staff. *(Effective: 11/21/2024, Adopted: 2/3/2025)*

**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 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 COI and all parties with pertinent information. If the enforcement staff chooses not to provide the COI and all parties with information that may reasonably affect an allegation, potential penalty



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against, or potential defense in favor of any party, then the enforcement staff must provide written notice to the COI 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 for a private review to determine whether the information should be made available to all parties. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

- 4-6. Committee Determination of Violation Designation Change.** Situations may arise where the chair determines that the case processing level in a case requires, or may require, a material change from the violation designation identified by the enforcement staff. Ultimately, the COI has the final authority to determine the appropriate designation. If prior to, during or after the consideration of an infractions case but prior to the issuance of an infractions decision, the COI believes an allegation(s) requires a higher designation (secondary to major) the COI will afford the parties an opportunity to address designation. If the COI determines that a lesser designation (major to secondary) is appropriate, it will include the lesser designation in its infractions decision, provided the case includes at least one major violation. If the COI determines the case only involves secondary violations, the COI will divest jurisdiction to the enforcement staff to be processed pursuant to Bylaw 19.14. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

### **4-7. Negotiated Resolution**

- 4-7-1. Negotiated Resolution Process.** The negotiated resolution process is detailed in Bylaw 19.10. An agreement of negotiated resolution is subject to approval by the Division II COI and must resolve all known violations for the parties included in the negotiated resolution. The COI will approve an agreement of 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 19.10.4. 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. *(Effective: 2/7/22, Adopted: 4/12/22)*

- 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 that the COI preliminarily assess whether the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.10.4. The assessment is not binding. *(Effective: 2/7/22, Adopted: 4/12/22)*

- 4-7-1-1-1. Review of Information.** The parties included in the negotiated resolution shall provide the COI in writing with all necessary information for the COI 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 COI may ask the parties included in the negotiated resolution to provide additional information or clarification if necessary. If the COI requests additional information or clarification, the enforcement staff shall coordinate the response on behalf of the parties included in the negotiated resolution. *(Effective: 2/7/22, Adopted: 4/12/22)*

**4-7-1-1-2. Response to the Parties.** Unless the COI approves the negotiated resolution in conjunction with its preliminary assessment in accordance with Bylaw 19.10.5, the COI 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: 2/7/22, Adopted: 4/12/22)*

**4-7-1-2. Approval of Negotiated Resolution.** If the COI approves the negotiated resolution, the COI may not alter the substance of the agreement. The COI, however, may make nonsubstantive or editorial revisions to the agreement. If the COI believes the revisions may affect the substance of the agreement, the COI will seek further information or clarification from the parties included in the negotiated resolution in accordance with Bylaw 19.10.7 and COI IOP 4-7-1-4. In approving the negotiated resolution, the COI accepts the parties' agreed-upon facts, violations, violation levels and penalties as presented. The approved agreement becomes the COI's decision. The COI 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: 2/7/22, Adopted: 4/12/22)*

**4-7-1-2-1. Approval When Not All Participating Parties Agree on Resolution.** The COI recognizes that parties not included in a negotiated resolution may present information at a hearing that materially impacts elements of a negotiated resolution agreed to by other parties in the case. In accordance with Bylaw 19.10.6.1, if some, but not all, parties in the case agree on negotiated resolution, the COI may preliminarily approve the negotiated resolution, and any agreed-upon penalties will take effect pursuant to COI IOP 4-7-2. However, any such approval will not be final until the COI resolves the remainder of the case. *(Effective: 2/7/22, Adopted: 4/12/22)*



**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 COI may approve the negotiated resolution in the defaulting party's absence, and any penalties prescribed for that individual shall be final and binding. *(Effective: 2/7/22, Adopted: 4/12/22)*

**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 COI will not reject a negotiated resolution based solely on the fact that the COI might have reached a different reasonable conclusion than the parties. The COI 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 32.8 or 32.9, and in hearing the case, the COI shall not consider positions taken by the parties during the negotiated resolution process. *(Effective: 2/7/22, Adopted: 4/12/22)*

**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 rejection. *(Effective: 2/7/22, Adopted: 4/12/22)*

**4-7-1-4. Return of Negotiated Resolution to the Parties.** In accordance with Bylaw 19.10.7, the COI 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 COI. The enforcement staff shall coordinate the response on behalf of the parties included in the negotiated resolution. After receipt of the response or the amended agreement, the COI shall determine whether to approve or reject the negotiated resolution. *(Effective: 2/7/22, Adopted: 4/12/22)*

**4-7-2. Effective Date of Agreed-Upon Penalties.** Where a negotiated resolution agreement includes all parties participating in the case, the agreed-upon penalties will take effect upon the public release of the negotiated resolution agreement approved by the COI. Where a negotiated resolution agreement includes some but not all parties participating in the case, the agreed-upon penalties will take effect upon the COI's preliminary approval of the





negotiated resolution agreement (*see* COI IOP 4-7-1-2-1). (*Effective: 2/7/22, Adopted: 4/12/22*)

#### **4-8. Summary Disposition**

**4-8-1. Summary Disposition Preliminary Assessment.** If required as a condition of the agreement, the chair, or his or her designee, will conduct a preliminary assessment for appropriateness of the summary disposition process. The ultimate assessment of whether summary disposition is the appropriate process shall be determined by the COI. (*Effective: 7/16/2018, Adopted: 7/16/2018*)

**4-8-2. Summary Disposition Reports (SDR).** The summary disposition process is detailed in Bylaw 19.9. If the participating parties agree to process a case via summary disposition, pursuant to Bylaw 19.9.2, the parties will submit a written report to the COI for consideration. (*Effective: 7/16/2018, Adopted: 7/16/2018*)

**4-8-2-1. Acceptance of the SDR.** In accordance with Bylaw 19.9.4.3, if the COI accepts the SDR, the COI may not alter the substance of the agreement. The COI may, however, 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, the COI may view the decision as less instructive than a decision reached after a contested hearing. (*Effective: 7/16/2018, Adopted: 7/16/2018; Amended: 3/25/22, Adopted: 4/12/22*)

**4-8-2-1-1. Additional Penalties and Expedited Hearing.** If the COI accepts the SDR, it may propose additional penalties. Pursuant to Bylaw 19.9.4.5, the institution or participating involved individuals may challenge their respective penalties at an expedited hearing. 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. Any penalties not identified in the hearing request will be deemed accepted and may not be challenged at the expedited hearing. Upon receipt of the request, the chair will set a hearing date and determine the mode of hearing. The chair will also set a deadline for the 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: 3/25/22, Adopted: 4/12/22*)





- 4-8-2-2. Rejection of the SDR.** A rejected SDR shall be processed pursuant to Bylaw 19.9.4.4 when the COI 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 to the enforcement staff pursuant to COI IOP 4-6 is appropriate because all of the violations are secondary. However, the COI shall not reject an SDR based solely on the fact that the COI might have reached a different reasonable conclusion than the parties. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 4-8-2-3. Request for Additional Information or Clarification.** In circumstances where the COI needs more information or clarification of information in the SDR to better understand the parties' agreement or to address specific issues, the COI may request additional information or clarification. The enforcement staff shall coordinate submitting the additional information or clarification from the other participating parties relating to the information pertinent to them. In some circumstances, the COI may request the parties to clarify whether the participating parties are willing to amend the SDR, relating to issues identified by the COI. The parties shall respond within the time established by the COI. All participating parties must agree to amendments pertinent to them. If there is agreement, the enforcement staff shall submit an amended SDR to the COI. If a party objects to the amendment, they shall provide the objection as directed by the COI. After receipt of additional information or clarification, the COI shall decide whether to accept or reject the SDR. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 4-8-3. Reliance on Rejected SDR.** The COI may reject the SDR and order a full hearing. Any party may rely on the SDR 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 SDR, it shall indicate that change in the notice of allegations and, where necessary, in its reply brief. An institution or involved individual that believes its position has materially changed shall indicate how it has changed in its response. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 4-8-4. Changes to the Parties' Agreed-Upon Facts and Violations.** Pursuant to Bylaw 19.9.4.3, after the COI reviews the parties' SDR, the COI may make changes to those facts and violations that appear in the infractions decision, provided any change is nonsubstantive or editorial because it does not substantially alter the agreed-upon facts or violations. If the COI believes there may be changes that would affect the substance of the findings, the COI will seek further information or clarification under Bylaw 19.9.4.2. *(Effective: 7/16/2018, Adopted: 7/16/2018)*



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- 4-9. Hearing Method.** The following hearing modes are available: in-person, videoconference, teleconference, and other modes of distance communication or written submission. The COI presumes that a contested case will be conducted via an in-person hearing; however, parties may request that the hearing occur via an alternate mode. The parties should make their request as soon as practicable. A requesting party will be required to include the respective positions of all other parties in their request. Upon receipt of a request, the chair will determine the appropriate mode of the hearing (e.g., written submission, video, teleconference, other mode of distance communication) after the parties' responses. The chair may also determine that an in-person hearing is warranted. The chair will communicate the determination to all parties. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 4-9-1. Accelerated Hearing Procedures.** If the parties agree to process the case at an accelerated rate, the parties should submit a proposed accelerated timeline to the chair for consideration. The chair may agree to the proposed timeline, modify the timeline or require that the case be processed consistent with the timelines identified in Bylaw 32.7. If the chair modifies the proposed timeline, the chair will notify the parties and provide them with an opportunity to state their positions. The chair retains the final authority to set the procedural timeline. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 4-10. Resolution of Pre-Hearing Procedural Matters.** Consistent with Bylaw 32.7.9 and COI IOP 2-6-1, the chair has the authority to resolve procedural matters that may arise prior to a hearing. If the chair is unavailable the vice chair or designee may resolve pre-hearing procedural matters. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 4-10-1. Initial Determination.** The chair, at his or her discretion, may make initial determinations regarding the infractions process, including but not limited to: appropriateness of using the summary disposition, case processing, violation designation, procedural and docket management issues. The chair's decision will be preliminary only and the authority to make a final determination rests with the COI. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 4-11. 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 issued, the enforcement staff will notify and make it available to the OCOI. The OCOI will provide the notice of allegations to the COI. The enforcement staff shall separately cite to the applicable bylaw and bylaw version (the NCAA manual year) for each allegation. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 4-11-1. Interviews Conducted After Notice of Allegations.** Following the issuance of the notice of allegations, any party that desires to conduct interviews of potential witnesses in the case, or interviews regarding information potentially germane to the case shall notify the chair in writing of the need to conduct and record an interview(s). Unless the party can demonstrate good cause in the notification for precluding other parties from the interview(s), the party shall afford all other



parties notice and a reasonable opportunity to be present at the interview(s). The COI may reject any information adduced from the interview(s) if the interviewing party fails to comply with this procedure. Upon completion of the interview(s), it will be the responsibility of any party conducting additional interviews to transcribe the interviews in written format and request in writing that the chair add the interviews to the record. The chair has the final authority to determine whether additional interviews will be added to the record. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**4-11-2. Withdrawal of Allegations.** After the issuance of the notice of allegations, the enforcement staff may withdraw an allegation consistent with Bylaw 32.7.6. Prior to withdrawal of an allegation from the notice of allegations, the enforcement staff shall request in writing to schedule a teleconference with the chair and all affected parties to discuss the impact on the case and the parties. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**4-11-3. Amendment to Notice of Allegations.** After the issuance of the notice of allegations, the enforcement staff may amend an allegation, consistent with Bylaw 19.8.2.2. If the amendment is immaterial to the allegation and agreed to by all parties affected by the allegation, the enforcement staff shall submit a memorandum detailing the nature of the change and the amended pages from the notice of allegations to OCOI for submission to the COI. 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 send a written request to the OCOI to schedule a teleconference with the chair and all affected parties. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

If the chair determines that the proposed modification is material, an amended notice of allegations shall be filed. If the chair determines in writing 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. The affected involved individual and the institution may supplement their respective responses consistent with Bylaw 19.8.2.1. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**4-11-3-1. Response to Withdrawn or Amended Notice of Allegations.** An amended notice of allegations shall be issued containing any changes. If the amendment is immaterial and the parties agree, then a response is not needed. If the amendment is material, the institution or involved individuals may submit a response consistent with Bylaw 19.8.2.1. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**4-11-3-2. 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 to the chair setting forth its need for re-opening the investigation, whether it is possible to keep the



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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. The notice shall be served on all parties and provided to the OCOI. For purposes of case and docket management, the COI considers the case as 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 the matter be scheduled for hearing or decision. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**4-12. Response to Notice of Allegations.** Institutions and involved individuals may submit a written response within the timeframes established in Bylaw 19.8.2.1. 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, if any, are contested and which are uncontested. Arguments for why there was no violation shall contain citation, quotation, and application of applicable bylaws or constitutional provisions and shall refer the COI to any persuasive case authority. 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 COI IOP 3-1-3-1, these citations should refer to those identified in the party's key factual information list. Quoted portions of transcripts or other documents shall include enough material to sufficiently portray context. 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 COI IOP 4-5. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**4-12-1. Extensions for Responses by Institutions and Involved Individuals.** The parties may request an extension of time to exceed the timeline established for responses in the bylaws to file a written submission; however, extensions are disfavored. The request shall be made in writing to the chair. Extensions to the time limits for filing responses may be granted for good cause shown. Prior to formally requesting 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. The positions of all parties shall be taken into consideration prior to determining whether to grant the request. If an extension is granted, it shall apply to all parties. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**4-12-2. Enforcement Case Summary.** Consistent with Bylaw 19.8.2.3, the enforcement staff shall file a case summary. The enforcement staff shall not include new allegations or a materially different factual basis underlying any allegation in its case summary. The enforcement staff's case summary shall be made available in accordance with COI IOP 4-5. *(Effective: 7/16/2018, Adopted: 7/16/2018)*



**4-12-3. Page Limitation.** An institution's response or an involved individual's response to a notice of allegations under COI IOP 4-12 or amended notice of allegations under COI IOP 4-11-3-1 shall not exceed 50 pages, double-spaced with 11-point font. The enforcement staff's case summary 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 a notice of allegations, or appendices. Parties should be aware that the COI 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. (See COI IOP Chapter 4 regarding pre-hearing procedures. *(Effective: 7/16/2018, Adopted: 7/16/2018)*)

**4-12-3-1. Page Limitation Exception.** The chair 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: 7/16/2018, Adopted: 7/16/2018)*

**4-13. Deadline for Submission of Written Materials.** Consistent with Bylaw 19.8.2.4, supplemental responses and other written material must be received by the COI at least 30 calendar days prior to the date the COI considers the case, unless good cause is shown for a later submission. The chair shall determine whether good cause has been shown for submissions within 30 calendar days of the hearing. A party cannot demonstrate good cause upon restatement of previously made arguments. An interview conducted within the 30 calendar days prior to a hearing may not demonstrate good cause, unless all parties are afforded a reasonable opportunity to participate. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

#### **4-14. Limited Immunity**

**4-14-1. 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. Per Bylaw 19.4.6, the COI may grant limited immunity to a current or former institutional employee, student-athlete or prospective student-athlete related to potential NCAA violations being investigated by the 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 identified potential violations and fully cooperating with the enforcement staff. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

##### **4-14-1-1. Effect of Limited Immunity.**

(a) When the COI grants limited immunity, current or former institutional employees with responsibilities within athletics, will not



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be subject to disciplinary action under Bylaws 19.12.3-(i) and 19.12.4.1;

(b) Student-athletes or prospective student-athletes will not be declared ineligible for future competition by the NCAA because they violated NCAA legislation, provided the student-athlete(s) or prospective student-athlete(s) meet all other initial and continuing NCAA academic eligibility and certification criteria;

(c) 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; and

(d) 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: 7/16/2018, Adopted: 7/16/2018)*

**4-14-1-2. Request and Review.** Pursuant to Bylaw 19.4.6, 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 the chair rejects the request, the enforcement staff is provided with a written denial. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**4-14-1-3. 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 or summary disposition report or at the hearing if it appears on the record that the individual has not complied with the grant of limited immunity. *(Effective: 7/16/2018, Adopted: 7/16/2018)*





**4-14-1-3-1. 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 calendar 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: 7/16/2018, Adopted: 7/16/2018)*

**4-14-1-4. Recusal after Review.** The chair, vice chair or designee who has reviewed the limited immunity request is not recused from sitting on the COI 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: 7/16/2018, Adopted: 7/16/2018)*

## **Chapter 5: Hearing and Review Process**

**5-1. Confidentiality.** All infractions related matters before the COI are confidential. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**5-1-1. Information.** 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: 7/16/2018, Adopted: 7/16/2018)*

**5-1-2. Hearings.** Infractions hearings are confidential, closed proceedings not open to the public. Presence in the hearing room is limited to the COI, select NCAA staff, the parties and their representatives, applicable conference representatives, a subsequent hiring institution of an at-risk involved individual, the court reporter or recorder, NCAA-approved audio/visual support staff, and those otherwise approved by the chair as necessary for conducting the hearing. The chair has the





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final authority to resolve questions of presence in the hearing room. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

- 5-2. Order of Proceedings.** The chair has the final authority to set the order that the COI 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: 7/16/2018, Adopted: 7/16/2018)*
- 5-3. Determination of Violation Designation.** The authority to determine the designation (major or secondary) of a violation rests with the COI hearing the case. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 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, any additional materials introduced at the hearing, the hearing transcript and the institution's and involved individuals' previous infractions history. For cases resolved through the summary disposition process, the materials comprising the record are the summary disposition report with attachments or appendices, any supplemental information requested or accepted by the COI, and the institution's and the involved individuals' previous infractions history. For cases resolved on written submissions, the materials comprising the record are the notice of allegations, the institution's and involved individuals' written submissions and attachments or appendices, the enforcement case summary with attachments or appendices, any supplemental information requested or accepted by the COI and the institution's and involved individuals' previous infractions history. In all cases, any AMA interpretation must be in writing and added to the record to be considered by the COI. For cases resolved through any mode, the COI's findings of fact, determinations of violations and assessment of penalties shall be based on the record and information developed at a hearing. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 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 COI members regarding investigations and pending cases. After the issuance of the notice of inquiry, all communications shall be directed to the OCOI, attention: OCOI Managing Director. COI members receiving communications from the enforcement staff, an institution or involved individuals (or their counsel) concerning a case or other matter before the COI should direct that communication to the chair and the OCOI Managing Director for further action. Administrative matters may be directed by the parties or their counsel to the OCOI. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 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: 7/16/2018, Adopted: 7/16/2018)*



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- 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 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 calendar days before the scheduled infractions hearing, or as soon as practicable if the situation arises within 30 calendar days before the scheduled hearing. Additional information may be requested. The OCOI will respond to all requests on behalf of the COI. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 5-7. Hearing Decorum.** Hearing attendees will dress in business attire (coat and tie for men, business attire for women). The chair presides over the hearing and will direct the conduct of the proceeding. Only members of the COI are allowed to ask questions, unless there is a request from a party to do so. The chair will rule on such requests. All parties will be allowed to fully address the issues in the case, but the chair has the discretion to request brevity from the involved parties. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 5-8. Hearing Attendance.** In the event of an in-person hearing, all parties at risk of penalties pursuant to Bylaw 19.8 ("at-risk parties") must personally attend the infractions hearing, unless otherwise approved by the chair. Similarly, hearings conducted through video and telephone conference must include all at-risk parties. Letters will be sent to all parties, as well as the conference(s), notifying them of the date, time and location of the hearing. The chair has the discretion to request the attendance of other individuals, including conference representatives. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 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 chair, conference representatives are expected to attend. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 5-8-2. Interested-Third-Party's-Institution's Attendance.** Institutions employing individuals at risk for at least one finding of a major 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: 7/16/2018, Adopted: 7/16/2018)*
- 5-9. Hearing Procedures.**
- 5-9-1. Notification of Hearing Procedures.** Prior to an appearance before the COI, institutions and involved individuals shall be advised in writing of the general



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procedures to be followed during the hearing. *(Effective: 9/12/2022, Adopted: 10/17/2022)*

- 5-9-2. Designation of Presentation Coordinators.** The chair will ask that each party appearing before the COI designate one representative to present the party's position on the allegations and coordinate its responses to the COI's questions. *(Effective: 9/12/2022, Adopted: 10/17/2022)*
- 5-9-3. Opening and Closing Statements.** At the outset of the hearing, the chair will ask a representative from the institution to provide an opening statement, followed by each involved individual, a representative from the conference office, and a representative from the enforcement staff. At the end of the hearing, following discussion of all allegations, the chair will ask the parties to provide closing statements in the same order. Opening and closing statements should be brief and general overviews of the case, not recitations of specific information relevant to particular allegations. *(Effective: 9/12/2022, Adopted: 10/17/2022)*
- 5-9-4. Party Presentations.** Following opening statements, the COI will begin its review of the allegations. For each allegation, the enforcement staff will present a general description of the allegation and the information developed during its investigation that it believes supports the conclusion of a violation. The institution and involved individual(s) shall then be provided an opportunity to respond to the allegations in which they are involved. *(Effective: 9/12/2022, Adopted: 10/17/2022)*
- 5-9-5. COI Questioning.** COI members may ask questions at any time during the discussion of an allegation. Any institutional representative or involved party may be questioned on any relevant issue. *(Effective: 9/12/2022, Adopted: 10/17/2022)*
- 5-9-6. Types of Information.** Any oral or documentary information may be received, but the COI may exclude information that it determines to be irrelevant, immaterial or unduly repetitious. *(Effective: 9/12/2022, Adopted: 10/17/2022)*
- 5-10. Requested Academic & Membership Affairs (AMA) Interpretation.** During scheduled hearing sessions, the COI may request to consult with a representative from AMA. The COI may also refer a question to AMA after a hearing per Bylaw 19.8.6.2. If the COI initiates a consultation, AMA shall provide a written interpretation, so that it shall be added to the record. If the enforcement staff or any party intends to refer to an AMA interpretation, whether formal or informal, the request to AMA and AMA's interpretation must be in writing and made part of the record. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 5-11. Hearing Procedural Matters.** Procedural matters may arise during the course of a hearing. Those issues shall be addressed and resolved by the chair. *(Effective: 7/16/2018, Adopted: 7/16/2018)*



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- 5-11-1. Continuation of Hearing.** If an infractions hearing is not concluded in the time scheduled, the COI and involved parties will be reconvened at the earliest convenience of all parties. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 5-11-2. 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 COI 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 chair shall decide whether to grant or deny a postponement. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 5-11-3. Dispositive Motions.** The COI does not accept dispositive motions prior to a hearing. At the discretion of the chair, the COI may entertain a dispositive motion at the time the case is heard. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 5-12. Recordings of Proceedings.** The proceedings of an infractions hearing shall be recorded by a court reporter. The COI will maintain custody of all transcripts. No other recording or transmittal of an infractions hearing is permitted. In the event of an appeal, the transcripts of hearing proceedings shall be reproduced and submitted to the IAC and made available for review through a secured website. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 5-13. Audio Recordings of Hearings.** Audio and any visual recording of hearings will take place by the COI. No additional recordings of the proceedings will be permitted by the COI. The COI will maintain custody of all audio and video recordings. Because the transcript is the official record of the infractions hearing, audio or video recording of hearings are not provided. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 5-14. Additional Allegations and Findings by COI.** Pursuant to Bylaw 19.8.3.4, the COI 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 COI has placed the parties on reasonable notice prior to the hearing. If, however, the COI 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 COI issues a subsequent notice, the COI shall afford and schedule an opportunity for all parties to respond to additional allegations. Following review of any responses, the COI shall determine whether a hearing is necessary to address the additional allegations. The decision of whether a subsequent hearing is necessary rests with the COI. The parties will be notified of the date, time and location of any subsequent hearing. *(Effective: 7/16/2018, Adopted: 7/16/2018)*



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**5-15. Quorum.** Per Bylaw 19.4.1, a quorum of the Division II COI is four members. At the commencement of a meeting or hearing of the COI, the presiding member (chair, vice chair 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. The COI retains the flexibility to authorize a sub-group of COI members to perform other administrative functions. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

### **5-16. Post-Hearing Matters.**

**5-16-1. Submissions Following Hearing of a Case.** The decision whether submissions following a hearing are accepted into the record for consideration by the COI rests with the chair. Such requests and submissions must be served on all parties. Any submission not requested by the COI shall indicate that the party has contacted all other parties and detail those parties' positions on the request. The COI may direct the parties to submit additional information to be added to the record and considered by the COI in accordance with Bylaw 19.8.6.1. Any post-hearing submissions shall be made in accordance with COI IOP 4-5. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**5-16-2. Deliberations.** Following the hearing of an infractions case, the COI 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: 7/16/2018, Adopted: 7/16/2018)*

**5-16-3. Attendance.** Where practicable, each COI 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 chair reconvenes the deliberations to a later date, each COI member will attempt to participate in the continued deliberations. In order to reconvene the COI for deliberations, a quorum must be present. *(See Bylaw 19.4.1 and COI IOP 5-15) (Effective: 7/16/2018, Adopted: 7/16/2018)*

**5-16-4. Decisions.** The COI's infractions decision is the sole and final embodiment of a COI'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 an SDR. From the COI's perspective, each case is unique and must be viewed on its own facts. The COI may find previous cases instructive but not binding. Because violations established through the summary disposition process constitute the parties' agreement, the COI may view the decision as less instructive than a decision reached after a contested process. The final infractions decision is the consensus decision of the COI. There will be no dissenting opinions. In accordance with the bylaws, the COI shall issue a public and confidential infractions decision. *(Effective: 7/16/2018, Adopted: 7/16/2018)*



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**5-16-4-1. Drafting Decision.** The OCOI assists with drafting the infractions decision based on the COI's findings and conclusions in deliberations. The initial draft will be reviewed, edited and approved by the COI. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**5-17. Penalties.** Pursuant to Bylaws 19.4.5-(c) and 19.12, the COI has the authority to determine appropriate penalties to address conclusions of violations of NCAA legislation. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**5-17-1. Show-Cause Orders.** Consistent with Bylaw 19.12.4.1, 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: 7/16/2018, Adopted: 7/16/2018)*

**5-17-1-1. General Show-Cause Orders.** General show-cause orders will, for a specified period of time, require the individual subject to the show cause, and any member institution retaining the individual in an athletically related capacity or any member institution seeking to subsequently employ the individual, to appear before the COI to show cause why restrictions in the individual's duties should not be prescribed if the individual is hired by the institution. Show-cause orders that are general in nature are typically prescribed regarding individuals who are no longer employed at a member institution and are often prescribed for individuals based on the number and seriousness of the violations. In an effort to hold the individual accountable over time, show-cause orders of a general nature will usually encompass a period of several years, although no set duration is required. The COI 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 the COI as the result of a show-cause hearing, the institution may be subject to penalties. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**5-17-1-2. Specific Show-Cause Orders.** Show-cause orders with specific conditions are usually prescribed regarding individuals who either remain at the institution where the individual committed the violations or are already employed at another member institution. Show-cause orders with specific conditions are typically prescribed for shorter periods of time, often one academic year, because the individual is usually at a member institution and thus is certain to be affected by the show-cause order. However, show-cause orders with specific conditions may be prescribed for multiple years. Restrictions include, but are not limited to, recruiting activity, practice and game suspensions. Specific show-cause orders function similarly to a traditional penalty. If there is non-





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compliance with a specific show-cause penalty, additional penalties may be prescribed. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

- 5-18. Release of Decisions.** Release of an infractions decision will be in accordance with Bylaw 19.11, internal review processes and a release schedule coordinated by the NCAA Communications staff. The chair shall appoint a member of the COI to conduct any media call in conjunction with a decision's release. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**5-18-1. 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: 7/16/2018, Adopted: 7/16/2018)*

- 5-19. 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 detailing their request for reconsideration in a manner consistent with COI IOP 5-19-1.

The COI will review and decide the reconsideration request. The COI 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 COI 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) to determine whether relief is warranted. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

**5-19-1. Parties' Written Request for Reconsideration.** Consistent with Bylaw 19.11.4.1, a written request for reconsideration must: (a) demonstrate the existence of new evidence 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: 7/16/2018, Adopted: 7/16/2018)*

**5-19-2. Granted Relief.** Per Bylaw 19.11.4.1.2, the COI may reduce or eliminate a penalty but may not prescribe any new penalty. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

## Chapter 6: Appeals





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- 6-1. Appeals Advocate.** The appeals advocate represents the COI before the IAC when a party appeals the COI's infractions decision. (See Bylaw 19.4.6 and COI IOP 2-6-3) 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: 7/16/2018, Adopted: 7/16/2018)*
- 6-2. New Information Brought During Appeal.** In accordance with Bylaw 19.13.4, if new information, as defined by Bylaw 19.02.2, arises during an appeal and the IAC remands the matter to the COI, the COI 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 COI is conveyed to the IAC. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 6-3. Remanding Case Back to the COI.** If the COI's infractions decision is reversed in part and remanded by the IAC with instructions, a quorum of the COI will reconvene to implement the IAC's remand and issue an amended infractions decision. Whether the infractions decision is treated as the same appeal depends on whether the IAC has retained jurisdiction. If the IAC has not retained jurisdiction, the COI would treat any disagreement by an appealing party as a new appeal. If the COI infractions decision is reversed in part without a remand, the COI's infractions decision shall be amended to note and implement the reversal. The COI treats a vacation as a voiding of the COI's infractions decision for reasons other than the merits but allows the COI to take further action consistent with the IAC's comments, usually related to whether an issue was framed or addressed. The OCOI staff shall coordinate with the IAC staff to facilitate a resolution of all issues and to ensure the decision of the COI is conveyed to the IAC. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 6-4. Appeals to COI in Secondary Case.** If an institution or involved individual subject to a show-cause order disputes an action by the enforcement staff regarding a secondary violation, the institution or involved individual may appeal by submitting a written notice of appeal to the COI within 15 calendar 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, the COI will review the appeal on the basis of the written record. The COI shall not deny an involved individual's request to appear in person if a show-cause order was prescribed. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

## Chapter 7: Additional Matters

### 7-1. Compliance Reports.

- 7-1-1. General Purpose and Organization.** As part of probation and in accordance with Bylaw 19.12.4.4, the institution shall file periodic written reports detailing



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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-ii-committee-infractions> so as to succinctly and thoroughly convey the institution's actions to the COI. *(Effective: 7/16/2018, Adopted: 7/16/2018)*

- 7-1-2. Preliminary Reports.** Pursuant to Bylaw 19.12.4.4.1, within 45 calendar days after the release of the infractions decision, the institution shall file a preliminary compliance report consistent with COI 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: 7/16/2018, Adopted: 7/16/2018)*
- 7-1-3. Annual Reports.** Each year of the probationary period, the institution shall provide an annual report in accordance with Bylaw 19.12.4-(b)(2) and consistent with COI 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 COI, terms of probation and corrective actions. Annual reports shall contain a written certification from the director of 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 president or chancellor, 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: 7/16/2018, Adopted: 7/16/2018)*

### **7-2. Compliance Review.**

- 7-2-1. Submission, Receipt and Preliminary Assessment.** After an institution submits a compliance report consistent with COI IOP 7-1-1 and the Guidelines for Completing Preliminary and Annual Compliance Reports, the OCOI will acknowledge receipt. Pursuant to Bylaw 19.12.4.4, 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 chair and vice chair (COI leadership team) for consideration. *(Effective: 7/16/2018, Adopted: 7/16/2018)*



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- 7-2-2. COI Leadership Review.** In situations where the OCOI does not initially approve the compliance report, the COI leadership team of the chair and vice chair shall 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 NCAA Bylaw 19.12.4.4.1, 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 COI IOP 7-2-3 within the time established in the final decision. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 7-2-3. Institution's Compliance Hearing.** If an institution requests a hearing under COI IOP 7-2-2, the chair may direct the institution to file a further response prior to the hearing by an established deadline. Consistent with Bylaw 19.12.4.4.1, the COI shall issue a supplemental infractions decision after the noncompliance hearing detailing the compliance hearing and any COI action. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 7-2-4. Individual's Noncompliance with Prescribed Penalties.** Based on the penalties authorized under Bylaw 19.12.4.1, COI IOPs 5-17-1-1 and 5-17-1-2, and prescribed in the infractions decision, 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 shall refer the matter to the COI leadership team for review under COI IOP 7-2-1. Any subsequent action will follow the general procedures set forth in COI IOPs 7-2-2 and 7-2-3. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 7-3. Drug Testing in Championship Events.** Under Bylaw 19.12.3, the COI has the 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: 7/16/2018, Adopted: 7/16/2018)*



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- 7-4. Maintenance of Infractions History Information.** Pursuant to Bylaw 19.11.1, infractions decisions contain findings of fact, conclusions of violations, penalties, corrective actions and other requirements and conditions. Additionally, pursuant to Bylaw 19.4.5-(c) and historical practice, the OCOI maintains historical information contained in infractions decisions. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 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 COI has concluded violated NCAA legislation in a major infractions case, regardless of whether a penalty was prescribed as a result of that violation. However, a COI may determine in its discretion that an individual will not have an individual history maintained due to the circumstances of the case. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 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 for the identified individual. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 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: 7/16/2018, Adopted: 7/16/2018)*
- 7-6. Creating IOPs and Policies.** The COI shall formulate and revise COI IOPs pursuant to its authority in Bylaw 19.4.5-(f). The CO IOPs shall include information necessary to guide institutions, the enforcement staff, involved individuals and practitioners regarding the processing of an infractions case. *(Effective: 7/16/2018, Adopted: 7/16/2018)*
- 7-7. Conformity with IOPs.** To ensure an orderly and fair hearing and decision process, all parties to infractions cases shall abide by these COI IOPs in the processing of NCAA infractions cases. The COI may exclude information submitted in violation of the IOPs. *(Effective: 7/16/2018, Adopted: 7/16/2018)*