

**PROCEDURES FOLLOWED DURING HEARINGS
BEFORE THE NCAA COMMITTEE ON INFRACTIONS**
(revised July 28, 2007)

The purpose of this document is to provide institutions, involved individuals and the NCAA enforcement staff with advance written information regarding the procedures that will be followed during a hearing before the committee.

INDIVIDUALS IN ATTENDANCE

- Committees on Infractions: In Division I, a minimum of four committee members will constitute a quorum, although the Committee rarely convenes with less than six members. Also required for attendance is at least one coordinator of appeals. In Divisions II and III, a quorum consists of three members.
- Institution: At a minimum, the following individuals from the involved institution should be in attendance: Chief executive officer, director of athletics, compliance director, faculty athletics representative, head coach of the involved sport(s), currently employed coaches or other officials “at risk.”
- NCAA Staff: At a minimum the following NCAA staff members should be in attendance: Vice president for enforcement services, director/enforcement who supervised the case, the assistant or associate director/enforcement who did the investigative work, the director of secondary cases, assistant general counsel, director/committees on infractions, assistant director/committees on infractions, assistant coordinator/committees on infractions.
- Individuals at Risk: Individuals at risk are highly encouraged to attend and could be found for a failure to cooperate by the committee if they do not attend.
- Other Individuals: The committee has the discretion to allow other individuals to attend hearings on a case-by-case basis, including those individuals who may have information relevant to the case and who may have been granted limited immunity to appear before the committee.

DOCUMENTS REVIEWED BY THE COMMITTEE

- The committee does not review all of the information the institution, involved individuals and enforcement staff have collected during the course of the investigation. Generally, the committee will have received and reviewed **only** the notice of allegations, the case summary and responses submitted by the institution and other involved parties.
- Any additional documentary evidence that the institution, involved individuals or the enforcement staff would like the committee to review must be received by the committee and all other parties, including the enforcement staff, at least **10 days** prior to the hearing. It is

the responsibility of the institution, individual and enforcement staff to provide the committee and all parties copies of any documents which will be relied on during the discussion of the alleged violations.

- Prior to the hearing, the Committee on Infractions will distribute to the institution, involved individuals and enforcement staff a list of the specific documents that comprise the record the committee will review.
- Subject to the approval of the committee for good cause shown, additional documents may be submitted at the hearing, provided copies (at least 15) are available for all in attendance.
- If there are any concerns regarding the processing of this case and/or conduct of the enforcement staff, then such concerns must be addressed in a written submission to the committee. This submission must address both the contours of any such procedural claim **and** what the involved party believes to be the consequent prejudice in its ability to provide a complete response. The committee also will provide an opportunity for response from the [university and/or] enforcement staff. Failure to raise such claims in a written submission may constitute a waiver of any such claim. Among other things, such a waiver precludes raising these issues on appeal.
- The committee may also request additional documentary evidence during the hearing or the committee's deliberations, with copies provided to all parties.

INTRODUCTIONS

- The committee chair will call the meeting to order and introduce the members of the committee and its support staff.
- Following introduction of the committee, the institution will introduce its party, followed by any conference representatives who are present and involved coaches and/or student-athletes who are in attendance.
- The vice-president for enforcement services will then introduce the enforcement staff. After introductions, the committee chair will make several announcements, followed by opening statements by the institution, other involved individual and then the enforcement staff.

OPENING STATEMENTS

- The institution, any involved individuals and a representative from the NCAA enforcement staff are each provided an opportunity to make a **brief** opening statement to the committee.

- An opening statement should be limited to no more than 15 minutes providing only general information regarding the nature of case and the position of each party and generally should not include any specific information that will be reviewed during the consideration of the individual allegations. The opening statement should not be used to introduce evidence that will be discussed in the allegations.
- A representative from the institution will first provide an opening statement, followed by each involved individual and a representative from the enforcement staff.

REVIEW OF THE ALLEGATIONS

- The Committee on Infractions will review each allegation separately, usually in the order contained in the notice of allegations.
- It is possible that allegations will be considered in a different order if certain individuals present at the hearing are not named in all of the allegations and will be excused from the hearing room when the allegations in which they are not named are discussed.
- Because it is easier to consider similar allegations together even though they may not appear together in the notice of allegations, the institution, any involved individual or the enforcement staff may request that the committee review the allegations in an order different from that contained in the notice of allegations.
- The Committee on Infractions allows all parties to present any information relevant to the allegation and does not set time limits on the discussion of an allegation. The purpose of the hearing is to provide each party an opportunity to present all information that it deems important for the committee to review in the consideration of the alleged violations.
- For each allegation, the enforcement staff presents a general description of the allegation and the information it believes supports a finding of violation.
- The institution is then provided an opportunity to respond to the allegation. The involved individuals who are named in allegations are also permitted to respond to those allegations.
- Committee 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. It is possible that the parties will be requested to respond to questions prior to their formal presentations.
- If the institution, any involved individual or the enforcement staff wishes to ask a question of another party, that question should be directed to the committee, which will then decide if the question is appropriate and will direct it to the appropriate individual.

- The committee may make additional findings, which were not contained in the notice of allegations or case summary, based on the evidence presented during the hearing. If the committee determines additional findings may be appropriate, it will provide the university and involved individuals an opportunity to respond in writing and present the new information at another hearing if requested.
- Any issues the institution or involved parties may have with regard to procedural concerns in the processing of this case, or issues of enforcement staff conduct, should, in addition to being addressed via a written submission, be raised during the course of the hearing. The committee will expect to be provided information both as to the specifics of any such claims **and** what any party believes to be the consequent prejudice resulting from them. As appropriate, the committee also will provide an opportunity for a response from the other parties and enforcement staff. Even if the parties have raised these claims in written submissions, they must again be raised at the hearing. Failure to bring forward such claims during the course of the hearing constitutes a waiver of any such claim. Among other things, such a waiver precludes raising these issues on appeal.

CLOSING STATEMENTS

- After the discussion of all allegations contained in the notice of allegations and any additional allegations or admitted violations contained in the case summary, the Committee on Infractions hears **brief** closing statements from all parties.
- The institution makes its closing statement first, followed by each involved individual that wishes to make a closing statement and then the enforcement staff.
- Similar to opening statements, closing statements are not intended to discuss the details of the alleged violations. Do not use the closing statement to review evidence. The closing statement provides an opportunity for each party to summarize the discussions that occurred during the hearing and to provide a brief statement regarding the case, adding any thoughts participants may have that were not discussed during the hearing.

TIME FRAME FOR A HEARING

- When setting the date and time for the hearing, the committee attempts to accommodate the schedule of university representatives and involved individuals. Any conflicts with the hearing should be communicated as soon as possible to the administrator for the NCAA Committee on Infractions.
- Although it is difficult to predict the exact length of a hearing, the committee generally schedules hearings in either half-day or full-day blocks.
- It is important that the committee have an opportunity to hear all of the information the institution, each involved individual and the enforcement staff wish to present at the hearing. Should the hearing continue beyond its anticipated ending time, the committee will make every effort to finish hearing the case that day.
- Breaks throughout the hearing will occur as needed, usually lasting 10 to 15 minutes, except for lunch, which will last approximately one hour.
- Any individual present at the hearing may leave the room at any time or request the chair for a break.

RECORD OF THE PROCEEDINGS

- A certified court reporter is present at all Committee on Infractions hearings to transcribe a record of the proceedings.
- The committee also records all hearings via digital media.

ROOM SET UP

- Please refer to the attached sample room diagram.
- The exact specifications will be modified depending on the number of individuals present at the hearing.
- During the hearing, the committee uses microphones to ensure that all parties can be heard and that an accurate tape recording is produced. (Please note: The chair will provide specific instructions on the use of these microphones at the beginning of the hearing.)
- Light refreshments and beverages will be provided throughout the hearing at the back of the room.

Sample Room Diagram

