

Enforcement Self-Study

OPERATIONS AND COMPLIANCE

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Prepared for NCAA President

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ENFORCEMENT

NCAA ENFORCEMENT SELF-STUDY: OPERATIONS AND COMPLIANCE

Introduction

In August 2011, leaders from Division I NCAA member schools created a Working Group on the Collegiate Model — Enforcement to study infractions-related procedures. In addition to proposing significant legislative reforms, the working group recommended that the NCAA enforcement staff “conduct a self-study every three years to review their overall operations and compliance with procedural requirements.”¹

Pursuant to the working group’s charge, the enforcement staff conducted its initial three-year self-study and released its inaugural report in 2016. The [2016 report](#) highlighted procedural reforms in Division I tied to the working group’s recommendations and described internal changes in the way enforcement conducted business across all divisions. In 2019, the enforcement staff conducted its second self-study. The [2019 report](#) addressed the department’s priorities, output levels and performance. It also outlined reforms to the Division I infractions process proposed by the Commission on College Basketball.

After completing the self-study in 2019, enforcement established high-level Association-wide goals for the next three-year review period and began working toward those ends. Those goals included disrupting or reducing significant violative behaviors, improving the environment of rules compliance at NCAA schools, enhancing relationships with stakeholders and supporting broader membership initiatives. In light of environmental pressures and the constant reality of transformation in sport, enforcement also set a goal of “anticipating and adjusting to changes in intercollegiate athletics.” We knew change was coming, even if the particulars were unclear. We needed to be ready, and a goal dedicated to uncertainty proved to be extraordinarily important. When the goal was established, we had never heard of COVID-19, collectives or a non-fungible token.

Three eventful years have passed since enforcement released its last self-study and set the aforementioned goals. Enforcement always tries to be forward-looking, but nobody in 2019 could have projected the incredible stories of 2020, 2021 or 2022. Dramatic events impacting intercollegiate athletics during the three-year review period included a global pandemic, significant domestic unrest, state statutes permitting compensation of student-athletes, an interim NCAA policy regarding the same, a unanimous Supreme Court decision about antitrust review of operating bylaws, experience with the Independent Accountability Resolution Process, realignment of conferences, significant shifts in the media landscape, serious questions about gender equity in NCAA championships, adoption of a new NCAA constitution and divisional bodies charged with implementing transformational reforms.

¹ Final report of the working group, p. 14.

Although some of these specific developments were not foreseen, the enforcement department was prepared for change during the review period. These external challenges notwithstanding, the enforcement staff made significant strides during the three-year review period and is pleased to note the following general observations. Each representation below is supported by examples, data and/or member feedback discussed in the body of this report.

- Together with member schools, the department resolved most infractions cases with total or substantial agreement on material issues.
- The department supported flexibility for member schools in connection with COVID-19 needs, while enforcing regulations mandated by pandemic risks.
- The department supported interests of student-athletes and prospects, including those associated with name, image and likeness policies.
- The department continued education efforts to prevent violations, particularly around academic integrity, sports wagering and agent representation.
- The department investigated a high volume of cases with fewer staff members, while simultaneously implementing external reforms and supporting new calls for additional reform.
- The department exported talent to the membership.
- The department worked in strict compliance with all governing authorities, while also exercising common sense in working with parties and their representatives.
- The department stayed connected with member schools and stakeholders, even through quarantines and furloughs.

These and other accomplishments were specifically designed to advance the legislated mission of the infractions program. Some of our efforts were designed to support global policy changes, but the department dedicated its primary focus to conducting fair, accurate, collaborative and timely investigations on matters of greatest import to members.



These efforts notwithstanding, the enforcement department acknowledges many believe that our work is not collaborative or timely and that our priorities are not correct. This report will address those concerns candidly and objectively. As noted by the working group, this study also will include a discussion of department operations and compliance with authorities governing the infractions process.

Section I: Mission of the Infractions Process

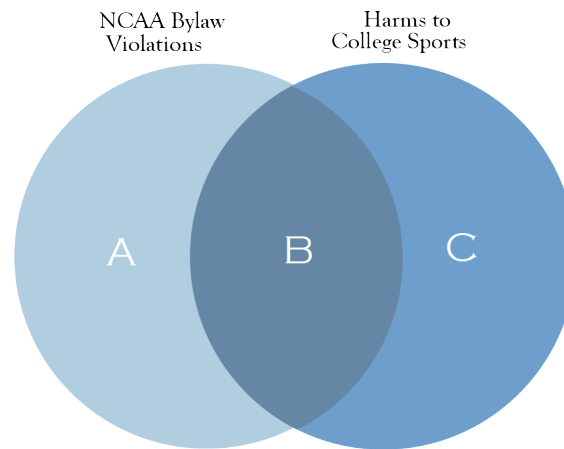
The mission of the infractions process in all divisions is it to make sure athletics programs that comply with NCAA bylaws are not disadvantaged by their commitment to compliance. See NCAA Bylaw 19.01.1 in Division I, II and III. Stated another way, enforcement wants to give every coach and every student-athlete a fair chance to win. However, the enforcement department is only one component of a broader process for handling potential violations of NCAA rules. That process is bookended by decisions and actions of NCAA member schools.



At the beginning of the infractions process, member schools adopt bylaws and agree to abide by them. At the end of the process, representatives from member schools determine whether violations occurred and, if so, what penalties are appropriate. The enforcement department lives between those ends of the spectrum. Our department's role is important but is also limited to stepping in when self-regulation fails, pursuing potential violations and bringing relevant information to adjudicative bodies populated by representatives from the membership (and the public). The infractions process is much bigger than our department, but we strive to do our part to protect fair play in all sports across all divisions.

It is important to note that this report uses “enforcement” as a noun to refer to a discrete department of staff members within the NCAA headquarters. Many in the membership and the public use “enforcement” as a verb to refer to all regulatory actions relating in any manner to NCAA rules. They often include things like interpreting rules, deciding individual eligibility issues and granting or denying waiver requests. However, those responsibilities live with other departments outside of enforcement. They are beyond the scope of our authority, and this report will only address activities of the enforcement department.

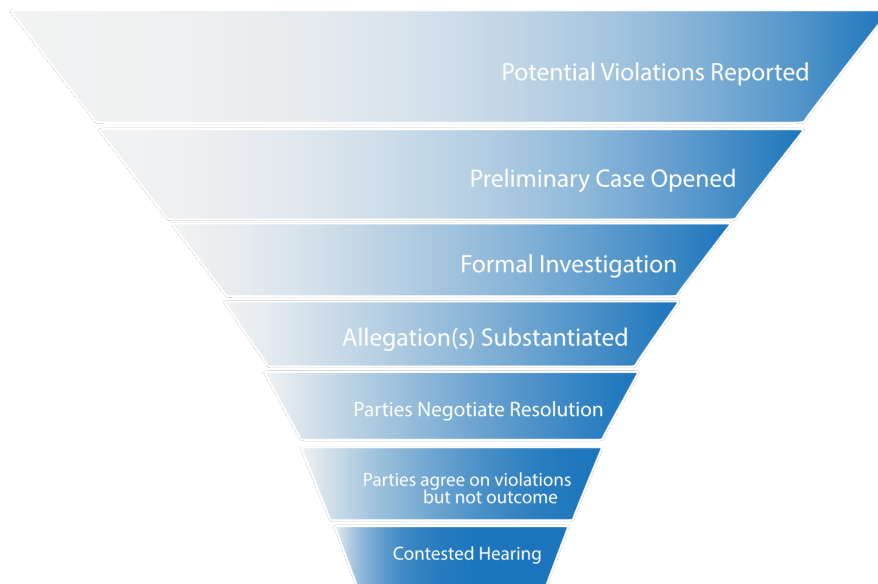
The enforcement department focuses on institutional behaviors that are violations of NCAA rules and harmful to intercollegiate athletics.



We live at the intersection of these categories. We minimize investment in regulated behaviors that are not particularly harmful to college sports, represented in Section A. We also minimize investment in harmful behaviors that are regulated only outside the Association, as represented in Section C. Our priorities, strategies and day-to-day operations flow from this vision, consistent with the overall mission of the infractions program.

To that end, the enforcement department strives to understand member schools' priorities and then dedicate investigative resources to behaviors of greatest harm. In broad classifications, the behaviors of greatest concern to most member schools are recruiting violations (connected to NIL or otherwise) and academic misconduct. Accordingly, enforcement efforts focus primarily on those identified areas. However, to focus on those behaviors does not mean ignoring others. Both the infractions process and our department are built to handle different degrees of violations and to discern the difference between behaviors posing greater threats and others posing lesser threats. We understand that critics disagree. Diverse opinions or inaccurate reporting may cause observers to question whether components of the infractions process are equipped to differentiate between violations of different severity. We hear and understand this concern, and we always invite candid dialogue with member schools about department decisions. Those conversations are helpful for us and informative, we are told, for campuses and conferences, as well.

Most of our work is invisible to member schools and the public. This is not because we enjoy keeping secrets (we much prefer transparency), but because our interactions are largely known only to involved parties in individual matters. Incoming information about potential violations may lead to an investigation and formal allegations being made public, but most matters are resolved otherwise. Our work is shaped like a funnel, with full visibility normally limited to the small number of contested cases at the narrow bottom.



In fact, for every infractions case adjudicated and generally known to the public, there are roughly 15 that are resolved another way. This can obviously lead to confusion, or even disillusionment, about the enforcement department's work. Accordingly, while maintaining required confidentiality, we welcome this opportunity to outline overall department operations for full member visibility.

Perhaps this brief overview is best illustrated through an image of a sporting contest. This photograph captures the environment around enforcement, and perhaps also the broader NCAA national office.



The referee is like other individuals in the photograph, but his role is unique. He has an issue before him, a crowd around him and a decision to make. That decision will be made based on the rules of soccer and his understanding of what happened on the field. Others in the photograph try to influence his decision, yet they consider additional factors. Interestingly, those additional factors lead different stakeholders to propose conflicting outcomes. Not surprisingly, members of the blue team gesture one way while members of the white team gesture another. Even a fan 30 yards away, with a limited view of what happened on the field (and probably a limited understanding of the rules), offers his firmly held opinion.

The referee hears these suggestions. He raises a respectful finger to acknowledge the input, but keeps his attention fixed on the issue before him. He knows that to appease one team would undermine the other team and the sport itself. He also knows that any effort to appease distant onlookers is ill-advised and futile. He will make the best decision he can make with the information available, and he will immediately hear disapproving remarks (or worse) from half the individuals pictured. To make a different call would only spark disapproving remarks (or worse) from the other half. He understands the impact of his decision. He knows it will be unpopular with many people, and he moves on with a clear conscience.

This image represents a typical day in enforcement, and it illustrates our approach to making important decisions. We have a unique role in intercollegiate athletics. Our decisions impact individuals and institutions, so we make them carefully by applying NCAA operating bylaws to the factual record before us. We hear the voices pushing one way or another. We acknowledge those stakeholders and listen for relevant information, and then we make the best decision possible. We know most decisions (and our team) will be criticized by others with local motives, but our only agenda is to be fair and accurate in all allegations. We understand the resulting disappointment, and we move forward with a clear conscience. It may not always feel welcomed by member schools, but this is the service that enforcement provides. It is one of many tools for protecting compliant programs and advancing the interests of the Association.

Section II: Association-wide Developments

Developments across the Association impact the services member schools need and expect from the enforcement department. Significant events in the environment led our department to examine closely how to deploy resources in furtherance of our mission.

COVID-19

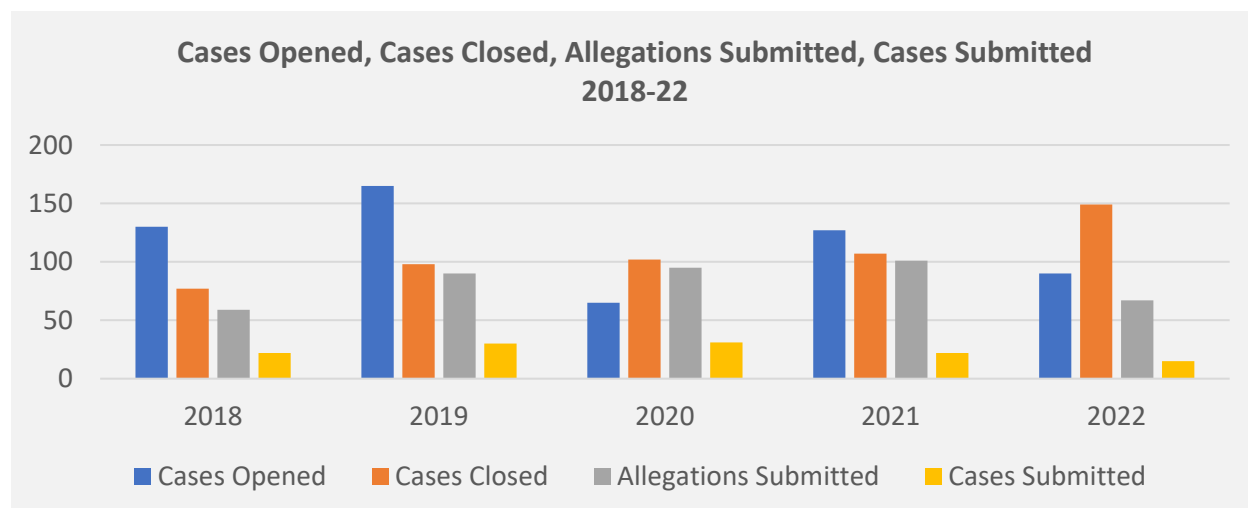
Less than three months into the review period, it became clear that a rapidly spreading virus would disrupt life on Earth. The disruption was profound, impacting every corner of the planet and every element of higher education. The enforcement staff is mindful of these wide-ranging effects, but this report will address the global pandemic only in the narrow context of how it impacted NCAA rules and compliance.

COVID-19 caused NCAA members to provide greater flexibility to care for student-athletes in select areas while increasing regulation in others. For example, schools were given more discretion in meeting needs of student-athletes during the height of COVID-19 lockdowns and quarantines. In addition, members relaxed rules regarding initial and continuing eligibility. In contrast, members amended the recruiting calendar and imposed a prolonged dead period on recruiting activities.

The NCAA governance structure reacted quickly to the pandemic, and the enforcement staff followed suit. In addition to slashing our budget, we provided guidance to members as appropriate about areas of flexibility, best practices to avoid academic mischief and national trends around recruiting-related communications. We did not investigate behaviors involving suspended rules and, instead, we dedicated resources to enforcing temporary requirements related to COVID-19. Although we prefer preventative measures, we investigated more than 75 reports of potential Level I/II or major violations involving COVID-19 rules about recruiting, contact or practice. These investigations resulted in 17 Division I cases.

The pandemic not only impacted rules applicable to member schools, it also brought both challenges and benefits for our department's operations. For example, all staff members were placed on unpaid furloughs during portions of 2020 or 2021. Staff members prepared for furloughs, planned their sequence/timing and returned to work in a manner that minimized the impact on pending matters. Another downside of the pandemic was our limited ability to interact with members on campus and at traditional gatherings of athletics personnel. Staying connected to member schools is vitally important to our work, and it was a struggle to maintain those meaningful relationships during extended periods of quarantine. Despite those challenges, our staff found ways to connect with roughly the same frequency as pre-pandemic levels (albeit through different means). For example, in the first 12 months of the pandemic alone, our staff participated in 6,543 Microsoft Teams meetings, spent 353,373 minutes on Teams calls and sent 51,288 Teams chat messages. These figures do not include meetings on other platforms (like Zoom) or traditional telephone calls.

On the positive side, and as noted in case-related data shared in this report, the work of enforcement continued with no interruption in service during the pandemic. In fact, we found that staff members were productive working remotely and that investigations proceeded effectively with little or no travel. Again, as in other environments, the enforcement department learned that many pandemic-related adaptations are workable even in "normal" conditions. Accordingly, we will continue applying those lessons learned to reduce costs, reduce the duration of cases and increase our effectiveness.



Legal and Policy Developments

The review period also brought questions about and answers to significant Association-wide legal considerations. Litigation challenging various components of the collegiate model worked through courts across the country. Other regulatory authorities scrutinized the relationship between member schools and student-athletes. A small number of single-plaintiff lawsuits challenged the investigation or resolution of specific infractions cases. Outside of litigation, the legal landscape of intercollegiate athletics also shifted when states began adopting statutes (or signing executive orders) allowing payment to student-athletes beyond scholarships, stipends or permissible expenses. Legislative developments continue across the country as states adopt, amend or repeal laws about student-athlete compensation. In other legislative news, more than 30 states have legalized sports wagering, and many of those allow online betting. Finally, late in the review period, the U.S. Supreme Court issued its decision in *NCAA v. Alston*.

Analysis of these legal developments is largely beyond the scope of this review. However, activity in state and federal courts, and in state and federal legislatures, directly impacted the work of enforcement during the review period. These developments brought department leaders into healthy discussions about matters of policy and practice. We continue efforts to operate in a manner that is effective, efficient, defensible, compliant and mindful of legal risk. We believe this is in the best interest of the whole Association.

NIL

In July 2021, the NCAA Board of Governors adopted an interim policy allowing student-athletes to benefit financially from name, image and likeness activities. Like other developments summarized above, the interim policy impacted enforcement operations during the review period.

Consistent with the interim policy, our department is not interested in chilling legitimate opportunities or holding young people accountable for violations committed by other actors. However, like many in the membership, the enforcement staff is concerned when payments and

related communications appear to be aimed at securing an individual's enrollment rather than promoting goods or services. Additionally, nearly simultaneous changes in transfer rules created a greater opportunity for mischief post-enrollment. Accordingly, our department was careful during the review period to balance diverse interests, while also keeping in mind legal and political realities associated with regulating recruitment, inducements and benefits.

After the membership adopted the interim policy in mid-2021, the enforcement staff monitored NIL activities closely. We also monitored so-called "NIL adjacent" activities, which included behaviors like impermissible contacts (tampering) or impermissible recruiters in a broader NIL environment. Information about reported NIL transactions or related conduct came into our office from traditional media, social media, confidential sources, direct communications with schools, and relationships with third parties. In instances where there were questions about potential violations, we sought additional facts from schools, student-athletes and others. In instances warranting an investigation, we commenced formal Article 19 proceedings.

As concerns about misuse of NIL arrangements spread, leaders in Division I created a working group to study potential remedies. Upon request, enforcement representatives shared experiences and ideas with the working group. Rather than attempting to influence NIL policy decisions, our aim was (and is) to equip membership groups to make informed decisions.

Enforcement also worked to keep member schools apprised of case activity involving NIL-related matters. Without breaching confidentiality, our department shared information about behaviors we prioritized and challenges we encountered. Our general messages were: (1) we understand the urgency and are working tirelessly to expose violations; (2) we are focused on adult actors rather than student-athletes or prospects; and (3) we need help from member schools in the form of access to individuals with information, documentary evidence and actionable details. We sent two formal memoranda to member schools in the summer of 2022 and shared similar information in informal member gatherings. Despite these efforts and calls for accountability, member schools largely resisted allegations involving their own campus and were reluctant to share information about potential violations elsewhere. To put it mildly, this made investigations challenging.

Some of those investigations were closed without formal allegations. Others were substantiated and are in various stages of resolution. Finally, there are a good number of investigations continuing.

Constitution and Transformation

For many years, the NCAA was not governed by a single, concise constitution. Rather, divisions had separate constitutions containing at least three categories of provisions. In mid-2021, the Board of Governors began planning an effort to draft a new, single, concise and updated NCAA constitution for all divisions. The membership overwhelmingly supported the proposed constitution during the 2022 NCAA Convention, and it became effective Aug. 1, 2022.

In light of the August effective date, specific provisions of the new constitution did not have a significant impact on enforcement operations during the review period. However, one of the broader concepts in the new constitution allowed greater divisional autonomy in key areas

(including procedures for handling infractions). Accordingly, the divisions formed groups to address how they would organize themselves under broad parameters of the new constitution. The enforcement staff does not have legislative authority or decision-making power on policy issues, but we supported working group discussions. This support focused primarily, but not entirely, on potential infractions-related reforms.

Members in Division I and Division II adopted significant changes to how potential infractions are investigated and resolved. Especially in Division I, the changes are transformational. They include, for example, a new resolution method for cases, additional flexibility for parties, new penalty factors, enhanced cooperation expectations, a new standard for head coach responsibility, new appellate standards, elimination of the IARP and other changes. Most of them became effective Jan. 1, 2023. In all divisions, the work of membership bodies focused on transformation continues, and our department will assist as requested. Our department will also implement legislative changes to the infractions process, abide by member bylaws in all matters and measure the effectiveness of each change.

Other Developments

The changes outlined above are profound, but there were many others that also impacted the work of enforcement. For example, serious concerns about gender equity in championship events led us to ask hard questions about how enforcement conducts regulatory business. Social unrest during the review period led us to double-down on our internal culture and pay careful attention to challenges facing member schools we serve. Lower staffing levels with increased workloads required creative ideas for efficiency and prioritization. The announcement of a change in the

NCAA president added a layer of uncertainty to a department (and an Association) already experiencing great change. Membership discussions about transfers and other legislative changes forced us to be agile in stakeholder relations and disciplined in resource allocation. Potential government involvement in NCAA regulation sparked reflections about professional services for member schools. Conference realignment and select NIL activities raised questions about trust and accountability in intercollegiate athletics.

These and other developments during the review period are healthy reminders of the need to flex and adjust, while remaining true to department values and goals. Perpetual change can be exhausting, but it also cures any temptation to become complacent or stale. Accordingly, we took advantage of the opportunity to collaborate with colleagues across the Association and exercise our problem-solving skills.

Section III: Case-Related Operations

Against that backdrop, the day-to-day work of enforcement continued through the review period. This section of the self-study provides an overview of enforcement's case-related work in light of the developments noted above. It is designed to provide transparency and objective data in an area of great interest.

Level I, Level II and Major Cases

Summary Data Since the Working Group Reforms

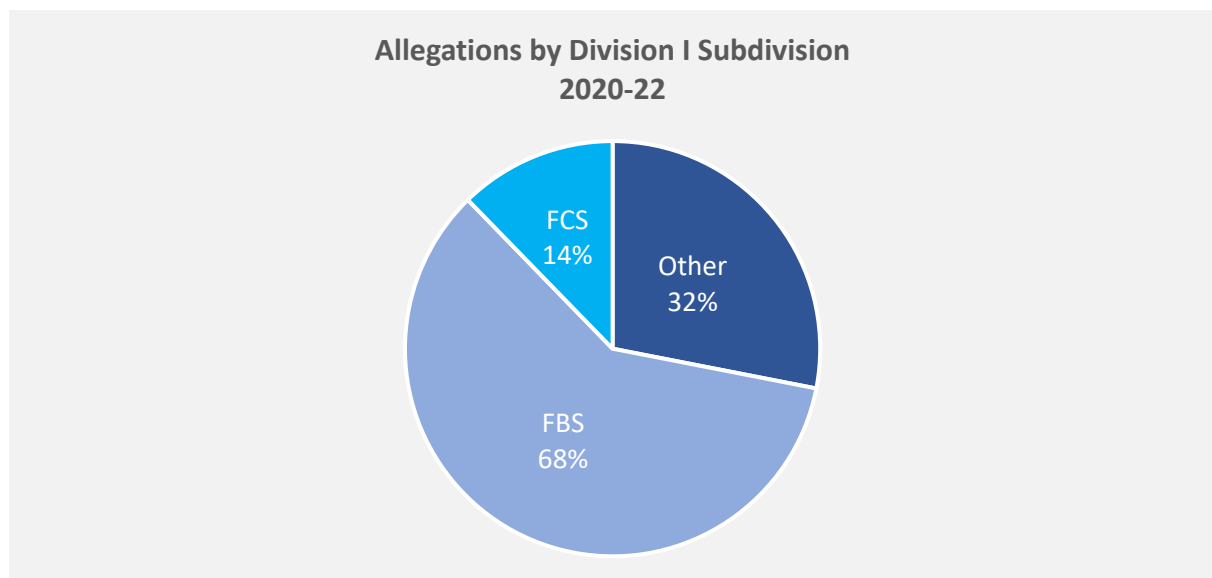
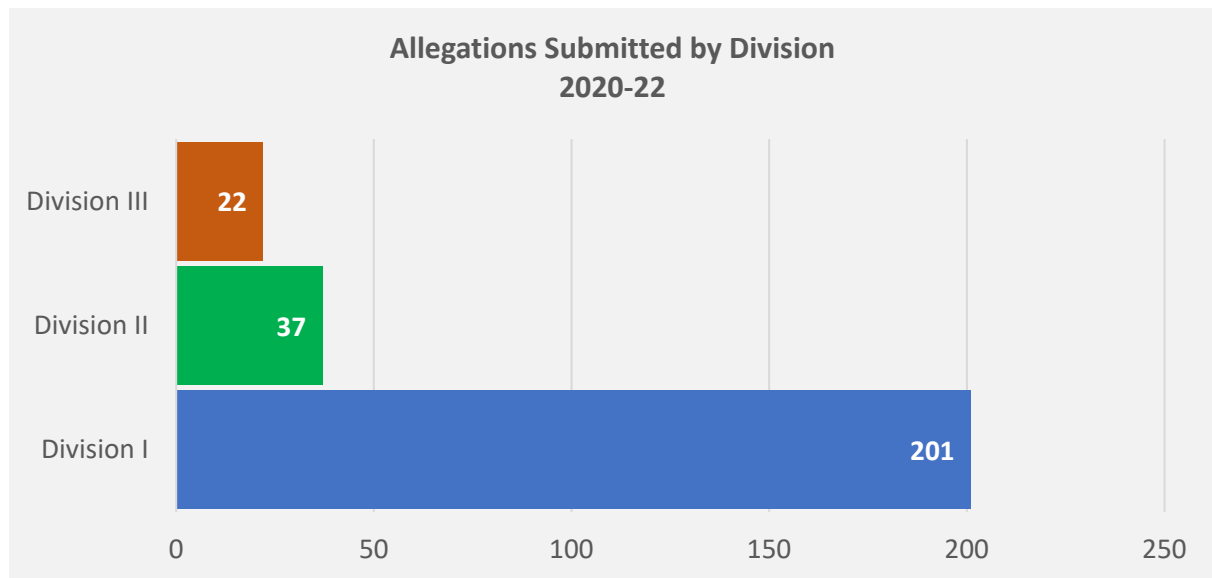
Since the effective date of the working group's reforms (Aug. 1, 2013), the enforcement staff submitted 678 Level I/II or major allegations across 200 cases. Those allegations generally cited operating bylaws from Articles 10-17 of the respective divisions' manuals. The enforcement staff investigated all allegations individually and vetted them through no less than six stages of quality control review to ensure thoroughness and consistency.

During that same time period, the enforcement staff received and processed over 38,000 Level III or secondary cases. While sometimes viewed as less significant, handling these cases and penalizing these behaviors fairly is of great import to compliant programs in all sports. For schools involved, penalties for Level III or secondary cases are impactful. Like Level I/II and major cases, all Level III and secondary violations received individualized, hands-on attention by the enforcement staff. All decisions were also subject to review by the division-specific NCAA Committees on Infractions.

Summary Data During the Review Period

During the shorter period presently under review (calendar years 2020 through 2022), the enforcement staff submitted 260 Level I/II or major allegations across 68 cases to the respective Committees on Infractions.² Of those cases, 77% involved Division I schools. Approximately 32% of schools in the autonomous conferences were involved in a Level I or II case, some of them in multiple cases.

² As noted above, this number represents the narrow bottom of a much larger funnel of cases that are mostly resolved through other means. For example, it does not include potential violations that were investigated and not substantiated, or violations that only involved the eligibility of a student-athlete or prospect. It also does not include reports of behaviors shared during an investigation and handled by the school.



Party Agreement

One data point that may be surprising is the level of agreement between the enforcement staff and parties in most cases. While collegial professionalism is reflected in the volume and tone of party communications throughout a case, those exchanges are mostly confidential. In public-facing data, the high level of party agreement is most clearly demonstrated in the selection of resolution paths. Specifically, there are currently three resolution paths in the peer-review model: traditional hearing, summary disposition and negotiated resolution.³

³ Negotiated resolution is not available in Division III and only became an option in Division II in 2022.

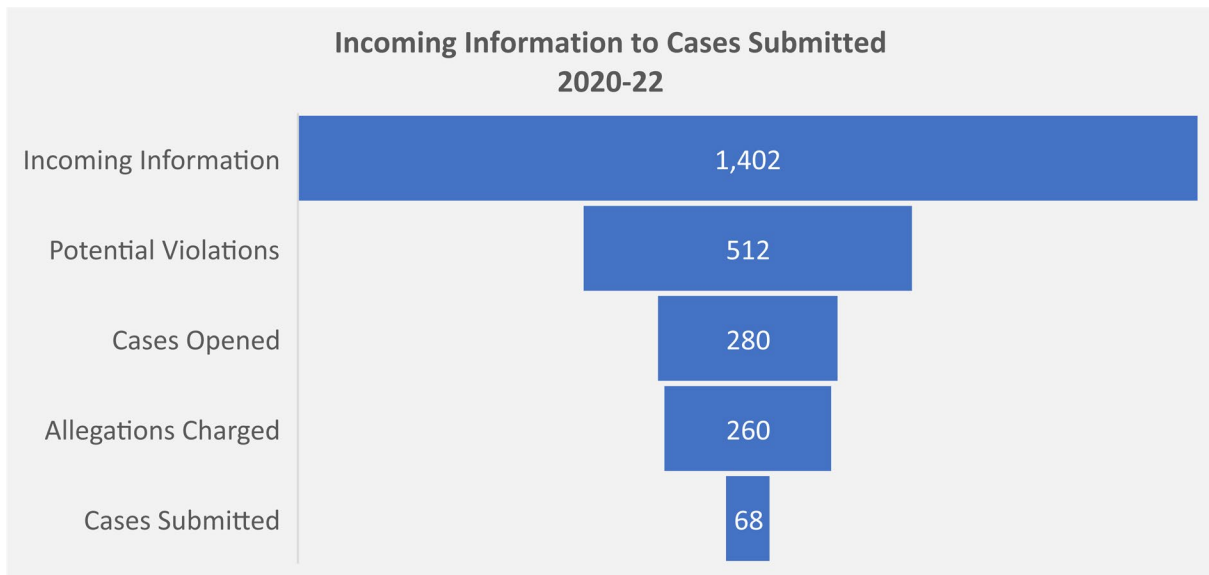
To use summary disposition, all parties must agree on the facts, the violations and the overall level of a case. For negotiated resolution, the parties must agree on those components plus aggravators, mitigators, specific classifications and all penalties. These requirements for extensive agreement notwithstanding, 69% of cases during the review period were resolved through either summary disposition or negotiated resolution. The enforcement staff submitted more than 30 negotiated resolutions, and each represented a substantial saving of time and resources for member schools and the national office alike.

The enforcement staff appreciates that the majority of cases in the peer-review model are resolved amicably with significant or total agreement. We appreciate relationships across the membership that foster cooperation, and we acknowledge our colleagues on campus, particularly compliance professionals. Cases that are hotly contested receive the most media attention, but they represent a small minority of activity in the infractions process.

Sources of Information

Another indication of agreement and cooperation is the high number of violations self-reported by member schools. During the review period, approximately 15% of Level I/II or major allegations were self-reported by the school. These included serious violations such as academic misconduct, sports wagering and ineligible competition. Nearly 100% of Level III or secondary allegations were self-reported.

Beyond self-reports, information came into enforcement during the review period from many other places. These included individuals from our network of sources, traditional or social media, accusations from uninvolved schools, conference offices, interested third parties and former institutional staff members. Knowing any source likely has an agenda (which may or may not impact their credibility), enforcement prides itself on being a discerning consumer of information. We sort accounts, test information, research backgrounds, corroborate through separate means and verify that some information is actionable and some is not. As a result, the number of cases opened is lower than the number of incoming calls. Because even actionable information can be difficult to substantiate, and because our allegation standard is high, the number of cases charged is lower than the number of cases opened.



Behaviors Involved

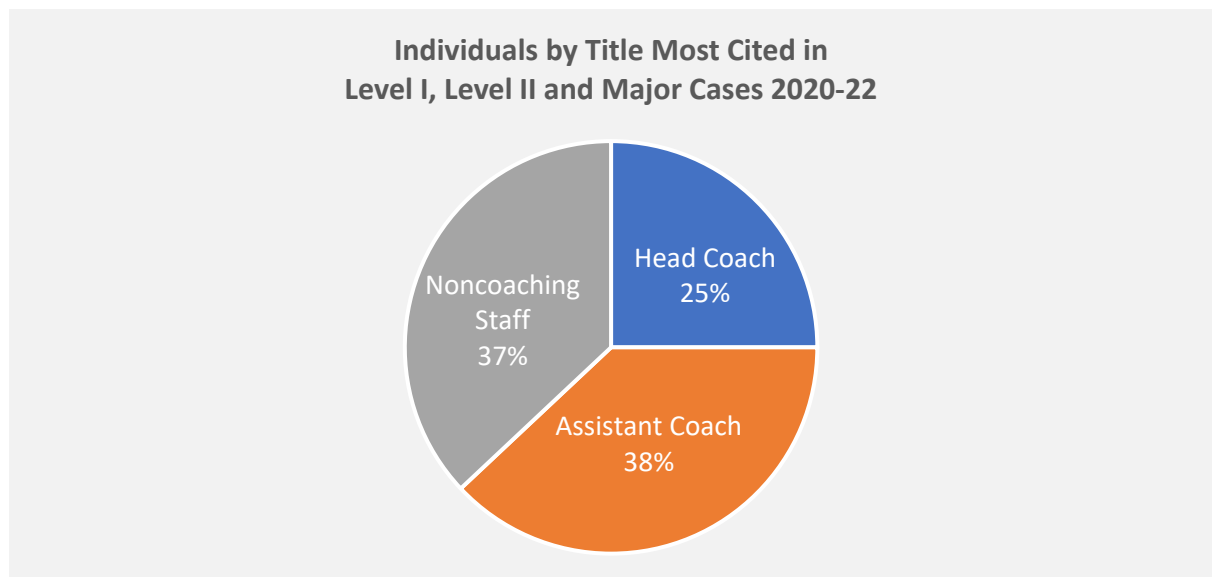
Behaviors most cited in Level I/II and major cases during the review period included recruiting inducements, impermissible benefits, academic misconduct, improper certification and impermissible recruiting contacts. One or more of these behaviors were found in 46% of cases submitted. As noted above, focusing on these violations aligns with member feedback about behaviors that most threaten fair play and the integrity of intercollegiate sport. Additional violations sometimes derive from these underlying behaviors, such as failure to monitor, lack of institutional control, unethical conduct and failure of head coach responsibility. In fact, 90% of cases during the review period included one or more allegations derived in part from other conduct.

Sports Involved

Sports producing the most Level I/II or major violations included men's basketball, football, women's basketball and men's tennis. We also saw significant case activity in swimming and diving, track and field, and women's volleyball. Cases of improper certification and financial aid errors often involved dozens (or hundreds) of student-athletes across multiple sports.

Positions Involved

It is also important to note the positions (i.e., titles) of individuals most often cited in Level I/II or major allegations. During the review period, the three positions or combination of positions most often involved in allegations included the following:



Noticeably absent from this chart are student-athletes and prospective student-athletes. They are not represented because the infractions process is focused primarily on conduct of member schools' adult representatives and our department frequently secures limited immunity for student-athletes and prospects. Limited immunity is an investigative tool that allows individuals to share information freely during an investigation without fear of compromising their eligibility. Although immunity is available for adults, 95% of enforcement's requests for immunity during the review period were made on behalf of current student-athletes or prospects.

Member Feedback

Case-related data is important, but it does not tell the whole story of schools' individualized experiences in the infractions process. We are attentive to the objective data, but we always test the numbers against real-life experiences. Accordingly, in addition to measuring cases and allegations, we sought formal feedback from member schools (and the Committees on Infractions) about their experience and our performance. The survey instrument was provided by NCAA research after each matter ended and asked respondents to rate the enforcement staff on a scale of 1 (most favorable) to 4 (least favorable). Our goal was for rating averages to be below 2.

Survey responses show that member schools (and the Committees on Infractions) felt they were treated fairly and with professionalism and cooperation by the enforcement staff. In all categories surveyed, responses were more favorable than our targeted goal. Specifically, the survey responses yielded the following averages:

- Fairness — 1.53 (member schools) and 1.60 (Committees on infractions).
- Professionalism — 1.64 (member schools) and 1.21 (Committees on infractions).
- Cooperation — 1.29 (member schools).

While enforcement appreciates this objective feedback, the surveys also included open-ended questions seeking input on areas where the enforcement staff (or the infractions process as a whole) can continue to improve. Survey responses suggested continued attention to the following areas, some of which are beyond the enforcement staff's authority:

Member School Responses

- More accessible document review via secure websites/Box.
- Quicker, timelier process.
- Improved communication to schools about case timelines and delays from other involved parties.
- Advanced notice of Committee on Infractions decision releases.
- Fewer accommodations to other involved parties evading and delaying responses.
- Allow schools to pursue negotiated resolution separate from involved individuals.
- More campus experience for better interview questioning.

Committee on Infractions Responses

- More discerning interview credibility assessments and allowing committee members to determine culpability.
- Additional probing questions during an interview based on an individual's response.
- More flexibility in opening a subsequent case for a school to resolve issues more quickly.
- More clarity regarding enforcement staff identification of aggravating and mitigating factors.

Reforms to the infractions process currently being implemented will address several of these concerns. Those changes are detailed in Section VII: Support and Implementation of Reforms.

In sum, the case-related data demonstrates a high volume of activity in enforcement. Indeed, 13% of all cases decided since the infractions process began in 1953 were decided in the last five years, and we have more cases open right now than ever before. This demonstrates a degree of increased action in recent years, and also makes clear that hard work of protecting the culture of intercollegiate athletics remains for member schools and the national office alike. Given recent policy changes and more regulatory changes coming, the enforcement staff is well aware that developing, investigating and resolving meaningful cases in a timely manner is of paramount importance to member schools.

Reports That Do Not Become Level I, Level II or Major Cases

The sections above primarily discuss cases where enforcement substantiated and submitted institutional violations for formal adjudication. This is an important category of work, but it constitutes only a small portion of the enforcement department's much broader caseload. Indeed, our department satisfies its mission not only by bringing Level I/II and major allegations for adjudication, but also by analyzing and acting on many other matters — almost always behind the scenes.

Closed Cases

Even if the enforcement staff elects to investigate a potential violation, there is no guarantee the investigation will result in formal Level I/II or major allegations. A case may be closed when the facts initially reported are recanted or unsubstantiated. It may also occur when the facts are substantiated, but they do not constitute a violation of NCAA bylaws according to interpretive decisions rendered outside enforcement. Still others are processed as Level III (Division I) or secondary (Divisions II and III). In fact, 53% of opened cases are substantiated, and the violations are ultimately processed as Level III or secondary. While these closed cases are not reported publicly or known to most members, they are important interactions between member schools and the national office.

Eligibility Cases

Contrary to what many in the public believe, the infractions process does not address cases involving only a student-athlete's or a prospect's eligibility. Matters involving only eligibility questions are resolved through the Eligibility Center, the student-athlete reinstatement process or other regulatory bodies. However, in the early stages of developing information, the responsible parties are often unknown. More specifically, we cannot always determine from incoming information whether a member school is involved in violations, or to what degree. Accordingly, it is not uncommon to begin an investigation into potential institutional involvement and then conclude that any violative behavior was limited to a prospect or a student-athlete. In those instances, enforcement closes the infractions case and defers to other NCAA procedures. These cases add value for the Association and take enforcement time and resources but are not adjudicated through the infractions process.

Matters Referred to Schools

The enforcement staff dedicates investigative resources to incoming information that is most likely to uncover significant violations. We prioritize credible reports of behaviors that are most impactful. Other reports merit attention but may not warrant formal infractions proceedings. In those instances, the enforcement staff delegates initial inquiry to the involved school. This can take one of two forms.

First, the enforcement staff may simply notify a school and make administrators aware of concerns reported. Even if a full NCAA investigation is not merited, the director of athletics may want to know what sources are saying about the school, its coaches, boosters, staff or student-athletes. This is referred to plainly as an FYI, and it means exactly what the abbreviation suggests. Second, the enforcement staff may share a concern with a school and ask its administrators or legal counsel to investigate and submit a report of their findings. This is referred to as a letter of inquiry. We delivered 105 of these during the review period. After reviewing the school's report, the enforcement staff may (1) accept the school's findings and close the matter, (2) ask for additional information or documentation or (3) commence a formal Article 19 proceeding.

These options allow our department to expose potential violations by alerting relevant schools, while dedicating our limited resources elsewhere. These engagements do not make headlines and are not widely known, but they are important components of a broader strategy to work together with member schools, address suspected behaviors in a timely manner and reduce the universe of rules violations.

Level III and Secondary Cases

Most infractions-related focus is on Level I, II or major violations, but it would be a mistake to overlook the significance of Level III and secondary cases. Although widely viewed as less significant, these cases are important to athletics programs across the membership. Accordingly, we take all violations seriously and give individualized attention to every self-report submitted.

Our staff processes Level III and secondary cases by prescribing a preliminary penalty, which can be appealed to the divisional Committee on Infractions. Penalties may range from no additional consequences to personnel suspensions or significant fines. In fact, 174 head coaches and 162 other athletics personnel (336 total) were suspended during the review period as a result of involvement in Level III/secondary violations. Sports most frequently reporting Level III or secondary violations during the review period are football, men's basketball, women's basketball and women's volleyball.

Our staff works to resolve these issues in a timely manner, as well. During the review period, the average time to process a Level III or secondary violation was 23 days.

Case Management

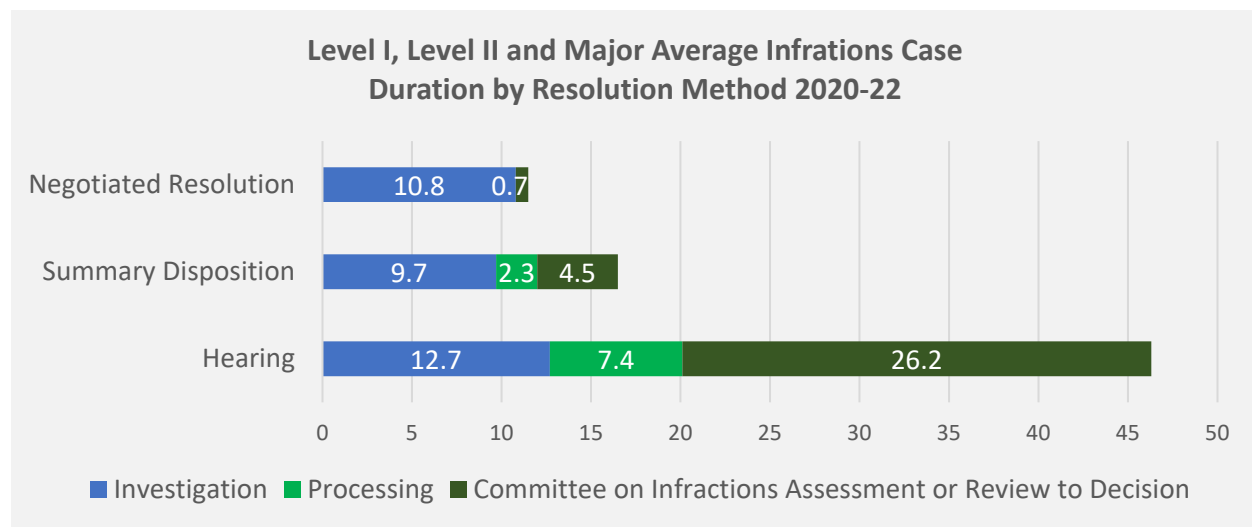
Tracking the enforcement department's activity accurately in all these matters can be complicated. It is even more difficult to track cases across the entire infractions process, including matters submitted to three divisional Committees on Infractions, three divisional appellate committees and independent resolution panels outside the NCAA. Accordingly, enforcement partnered with other departments and an external vendor during the review period to create an entirely new Unified Case Management System. The lift was significant, and the results are favorable. Having a unified system improves member experience during a case, ensures accurate data across separate components of the infractions process and positions the national office for additional reforms in coming years. The benefits may be invisible to many, but they will assist the whole Association (perhaps even beyond the infractions process).

Case Timeliness

Member schools and their representatives have long been concerned about the duration of infractions cases. The enforcement staff shares these concerns and is well aware of the many consequences that flow when matters are not resolved in a timely fashion. As noted many times, we are committed to investigating and resolving cases as quickly as possible, yet without sacrificing thoroughness or fairness to those involved.

Many factors contribute to the length of cases. Enforcement staff members are a key component of every investigation, and we certainly recognize the need to expedite our own work. We push investigators to move cases, and we talk every day about timeliness of resolution. In addition to staff responsibilities, other factors impacting the length of cases include, among others, procedural safeguards legislated for parties, interpretive remedies outside the infractions process, noncooperation of parties or third parties, discovery of additional violations in late stages of an investigation, party requests for extensions of time and good faith collaboration among parties regarding resolution options.

During the review period, the average duration of cases can be summarized as follows:



The data confirms that the degree of agreement among parties directly impacts the overall duration of cases. Specifically, concluding cases through summary disposition or negotiated resolution dramatically reduces the processing and review phases. The enforcement staff encourages these resolution paths and works hard to employ summary disposition or negotiated resolution whenever possible. As noted above, 69% of cases during the review period were resolved in this manner.

While many cases are resolved promptly with high levels of agreement, there are a series of high-profile matters that still cause concerns about timeliness. Specifically, these include cases derived from an investigation announced by the federal probe in New York, discussed immediately below.

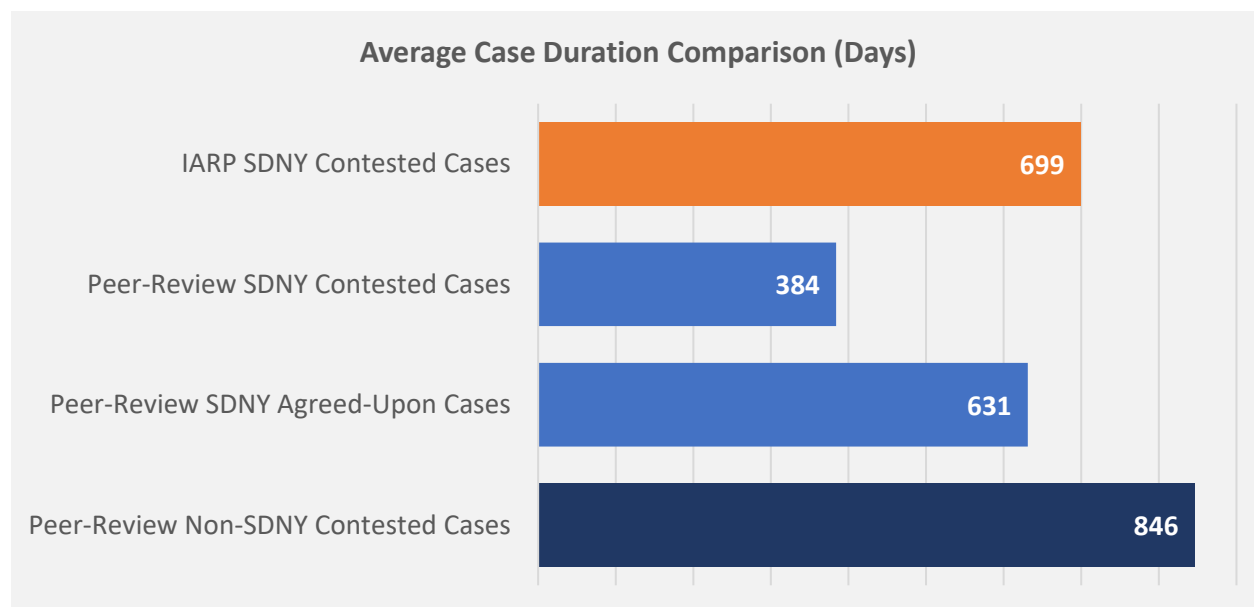
Cases Related to the Federal Probe in New York

The United States Attorney's Office for the Southern District of New York revealed a sweeping criminal investigation of behaviors in men's college basketball in September 2017. Pursuant to instructions from the government and to protect the integrity of criminal proceedings, the enforcement staff did not begin formal investigations at involved schools until the spring of 2019. Even then, our staff did not have full authority to interview all relevant individuals until much later, and we never received access to the FBI's investigative materials.

These challenges notwithstanding, the enforcement staff completed investigations and lodged formal allegations involving five member schools involved in the SDNY probe before the close of 2019. We completed three more cases in the early months of 2020. Two cases took additional time given the scope of issues and additional sports involved, which were much broader than the original facts uncovered by the FBI.

Five of the 12 SDNY cases were ultimately referred to the IARP. That process stands wholly separate from the traditional peer-review infractions process. Four of those five cases were referred after the enforcement staff completed its investigation and lodged formal allegations. As of this writing, two of those cases are still pending. These and other concerns about the IARP led the NCAA Division I Board of Directors to terminate the program in August 2022.

The average timeline for SDNY cases resolved by the IARP and the peer-review process are set forth below. In addition, contested SDNY cases in the peer-review model were resolved more quickly than non-SDNY cases in the same model. And finally, not surprisingly, SDNY cases resolved in the peer-review model with substantial party agreement were resolved much more quickly than contested cases. The data for each of these comparisons is as follows:



Unrelated to the IARP, the enforcement department's work on SDNY-related cases can be summarized by the following data:

- Division I schools investigated over three years — 18.
- Division I schools who received formal allegations — 13.
- Potential NCAA violations investigated — 83.
- Allegations formally charged — 56.
- Interviews conducted — 454.
- Cases alleged as Level I — 11.
- Cases resolved through Committee on Infractions hearings — 7.
- Cases resolved through summary disposition — 2.
- All SDNY cases adjudicated through the peer-review model were decided and/or closed by December 2021.

Impact of Enforcement Operations

The enforcement staff is not satisfied to count cases annually and assume the environment of athletics compliance is improving. On the contrary, we know member schools and coaches who violate NCAA rules continue to have unfair advantages over those who do not. We know behaviors occur that undermine the Association's commitment to fair play and integrity. We know there are conscious opponents working against expectations of self-regulation and regulatory cooperation. We know these and other harms befall the games we love and those who participate in them. Accordingly, our staff does not work for purposes of padding numbers to be printed in a periodic self-study. Instead, we work from our unique perspective to improve intercollegiate athletics. We aim to prevent misconduct, if possible, deter noncompliant actors, expose threats to the collegiate model and reduce the overall universe of meaningful violations. Stated simply, we want to make a sizable and favorable impact in the environment. We want to protect member schools' vision for college sports. Although unlikely, our goal is to moot the need for enforcement and ultimately work ourselves out of jobs.

These efforts are easier to articulate than to measure. We have objective indicators for quality and timeliness of investigations, but not for knowing how many violations were concealed or deterred. Candidly, it was virtually impossible during the review period to quantify compliance trends accurately or calculate the number of unreported violations. As a result, our understanding of enforcement's effectiveness is largely based on anecdotal feedback from member schools.

Oftentimes that feedback relates more to underlying rules (adopted by members), waiver applications (decided by another department) or case penalties (rendered by committees) over which we have no control. Although enforcement does not write rules, issue interpretations, decide waivers or prescribe penalties, those are all components of the infractions process. Our department is not outcome-oriented, but we are outcome-impacted. Outcomes in those areas absolutely inform on overall effectiveness of the program and public perception of the NCAA. For example, opinions about violation consequences directly impact our network of sources and their interest in providing actionable information. Accordingly, our department works to be a good colleague to other

relevant departments, but we do not conspire together to advance particular results. We disagree with interpretive or penalty decisions on occasion, and decision-makers in those environments no doubt disagree with our actions on occasion, as well. Reasonable minds can differ, but we try to communicate how the various individual components impact the whole. We also listen to and learn from the analysis of those other bodies. In the end, we defer to the authority of experts making decisions in other stages of the infractions process.

It should be no surprise that the feedback we receive from member schools is wide-ranging and occasionally contradictory. Nevertheless, the enforcement department generally believes most programs and most coaches are committed to fair play, compliance with NCAA operating bylaws and improving the lives of young people. Unfortunately, we also know there is great pressure placed on those programs from other forces who are not similarly motivated. Accordingly, we will continue working with all our energy and all available resources to protect the former and disincentivize the latter. We will gladly partner with all who share our mission.

Section IV: Department Work Beyond Cases

The bulk of this self-study relates to traditional enforcement functions around detecting and resolving rule violations. Those are important roles, but our department also invests considerable resources supporting other national office or Association-wide initiatives.

Enforcement Certification and Approvals Group

Many do not know that the enforcement department has extensive certification and approval responsibilities. These fall into the three categories summarized below. Midway through the review period, each function began generating revenue for its services. While the proceeds are not significant compared with other revenue sources, our enforcement certification and approvals group colleagues generated more than \$1.5 million in the last two years.

ECAG spends much of its time dealing with entities that impact intercollegiate athletics (specifically recruiting) but are not NCAA members. These third parties were a critical component of reforms recommended by the NCAA Commission on College Basketball before the review period. Moving forward, the role of agents, grassroots basketball and scouting services is likely to increase. Accordingly, NCAA members will continue policy discussions about proper regulation in this environment.

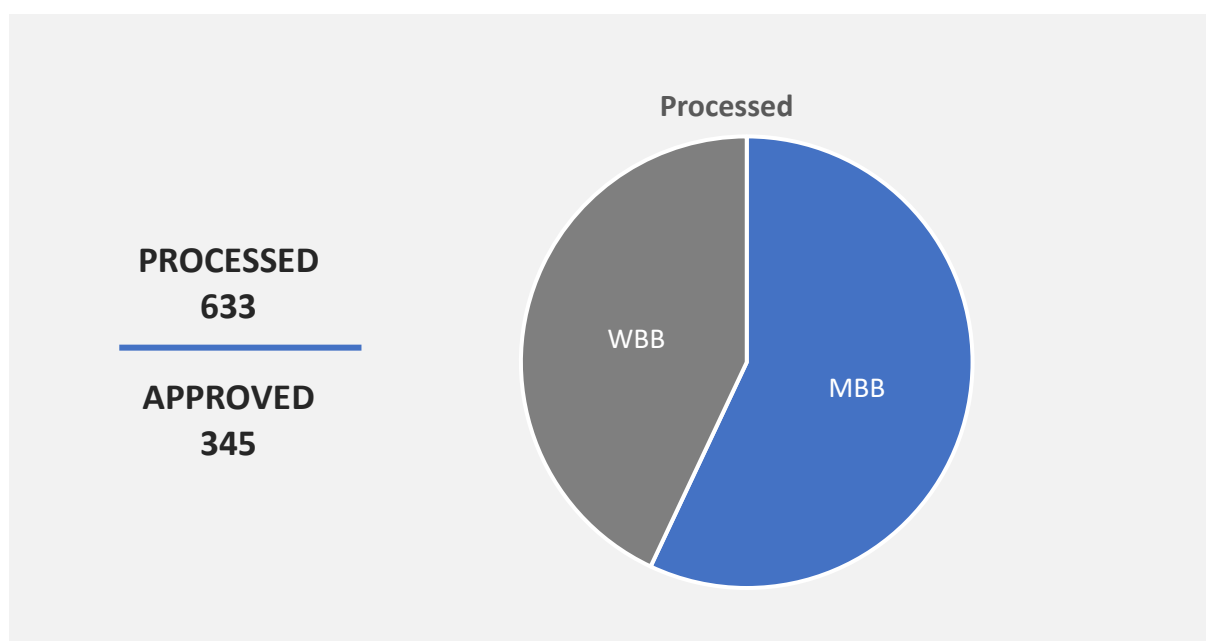
Agent Certification

Following recommendations from the Commission on College Basketball, the national office began regulating agents for select men's basketball student-athletes. To the extent possible, the agent certification process helps student-athletes who are considering a professional career obtain the assistance of a qualified agent without compromising collegiate eligibility. Members of the ECAG staff within enforcement built the program (in collaboration with the NCAA Strategic Vision and Planning Committee) and began recruiting agents for training and certification.

The certification program provides an excellent opportunity to work directly with the agent community, as well as the NBA, the National Basketball Players Association and other interested groups. Though there were early growing pains with the process, NCAA-certified agents have [spoken favorably](#) about the program, and applications have grown each year since its creation. During the review period, we reviewed 175 applications and certified 89 agents. The program continues to evolve, and we will follow future instructions from Division I leaders about the scope and nature of agent regulation.

Basketball Event Certification

This program provides event/league operators who agree to operate their activities in accordance with applicable NCAA legislation and ECAG requirements the opportunity to allow specific involvement with individuals at NCAA Division I schools. The basketball certification program includes nonscholastic events for prospective student-athletes during the spring and summer evaluation periods, scholastic events for prospective student-athletes in men's basketball and summer leagues for student-athletes. During the review period, restrictions due to the COVID-19 pandemic limited events to 2022. The one-year figures are as follows:



Scouting Service Approvals

This program allows entities who operate their scouting services in accordance with applicable NCAA requirements to market their services to Division I coaches as a resource for the recruiting process. The program is limited to the sports of basketball and football and provides consistency among member schools as they navigate a complicated scouting environment.

During the review period, our ECAG staff reviewed 563 applications from recruiting and scouting services and approved 469. Direct communication between the national office and these services provides a real benefit to individual member schools spread across the country.

Other Enforcement Contributions

Enforcement staff members are called upon to lend expertise or share insight in many contexts. These are normally mutually beneficial engagements where good collaboration helps student-athletes, other stakeholders and our department. During the review period, these engagements included the following:

- Educating student-athletes, prospects and others about sports wagering.
- Completing 90 formal sports wagering consults, which are inquiries from members, sports wagering entities or other NCAA departments.
- Managing an interdepartmental national office team dedicated to sport integrity.
- Growing relationships with sport integrity organizations to monitor and address challenges with sports wagering as legalization and regulation grow rapidly.
- Supporting efforts to help members address COVID-19, including strategies to minimize the risk of academic misconduct during periods of remote learning. These and other helpful resources from our academic integrity unit can be found [here](#).
- Supporting governance or membership discussions about transfers, tampering, student-athlete safety, amateurism, accountability for presidents, accountability for directors of athletics and other policy-related matters.
- Contributing to general internal conversations about legislative reform, bylaw interpretations, eligibility consequences, communication strategies, relationship management, regulatory enhancements and building-wide operations.
- Assisting as appropriate with public or political engagement around NIL policies or regulatory responses.
- Collaborating with NCAA bodies such as sport oversight committees, the Committee on Academics, Constitution Committee, Transformation Committee, Committees on Infractions, NIL working group, Strategic Vision & Planning Committee and the Infractions Process Committee.
- Collaborating with organizations outside the NCAA governance structure, such as Student-Athlete Advisory Committees (for all divisions), LEAD1, the National Association of Athletics Compliance, National Association of Collegiate Directors of Athletics, NAACDA, National Association of Academic and Student-Athlete Development Professionals, Conference Commissioners Association, National Association of Basketball Coaches, Women's Basketball Coaches Association, American Football Coaches Association, NBA, NFL, MLB, players associations, National Federation of State High School Associations and other interested groups.
- Collaborating with stakeholders and the NCAA's leadership development staff to develop coaches, administrators and student-athletes for future success within intercollegiate or professional athletics. Examples included working with the Champion Forum and Pathway Program, leading the Division I Men's Basketball Ethics Coalition (in collaboration with NABC), and participating in symposiums for elite basketball and football student-athletes.

- Supporting diversity and inclusion efforts in the national office and beyond, including service on groups celebrating the anniversary of Title IX.

Department staff appreciate the opportunity to share their observations and expertise with members and individuals studying these challenging issues. We do not fashion policy in these areas, but we welcome the opportunity to stand alongside representatives from member schools while they tackle tough questions. We also value opportunities to develop emerging leaders who will carry intercollegiate athletics into the future with integrity.

Section V: Internal Department Operations

This section of the self-study will look behind the scenes at operations that make the enforcement department tick. While less visible, these functions are key to serving member schools and advancing the interests of the broader Association.

Personnel

The work of enforcement is not completed by buildings or machines or software. Our only assets are people who dedicate their talents to the difficult work of exposing NCAA rule violations. Subjectively, members of the enforcement staff are loyal, trustworthy, diverse and passionate. Objectively, they are former student-athletes, coaches, administrators, compliance professionals, lawyers and investigators. More specifically, staff backgrounds include the following:

- 51% have campus experience.
- 49% have law degrees.
- 39% were NCAA student-athletes.
- 22% were NCAA coaches.
- 69% have worked at the NCAA for more than five years.
- 34% have a professional investigative background.

Like our colleagues on campus, the review period brought difficult challenges for members of the enforcement staff. Uncertainty, workloads and case activity increased while staffing levels fell. Several staff members dealt with serious health concerns during the review period, and another staff member died unexpectedly. As a result, the enforcement staff was and remains spread thin.

Notwithstanding these challenges, there are positive outcomes to report. First, the staff endured the fiscal and environmental challenges remarkably. They should be commended for working well through difficult circumstances. Second, relief and reinforcements are on the way. The department requested and received authority to backfill select vacancies and is presently working to bring experienced talent onto the team. Third, staff members who departed for new positions secured attractive jobs across intercollegiate athletics. Others secured promotions within the national office or transitioned to legal positions outside the NCAA. Three staff members (with 100 years of combined service) retired. Many of these departing staff members were women and/or ethnic minorities, which negatively impacted our demographic diversity for a season. We miss the

contributions of all former staff members, but we are happy for their career moves and proud to export talent to the membership. We are confident our inclusive culture will endure, and we look forward to adding diverse talent.

Department leaders worked hard during the review period to ensure the well-being of staff members and provide much-needed support. The entire staff worked together to maintain a healthy, professional and inclusive environment. To that end, the department conducts an annual culture survey, which yields helpful information about experiences in the workplace. Based on input from our team, we celebrate areas of strength and concentrate on areas where staff indicate frustration. Although most staff members report positive experiences in the office, we will continue working to create an attractive and supportive culture.

We also work hard to make sure all staff members have appropriate training for their responsibilities. Onboarding and new hire training for all new enforcement staff members consists of 40 session hours covering department structure and culture, governing authorities, philosophy and stakeholder services. We also provide continuing education sessions on changes to the governing authorities, technology and internal resources, stakeholder perspectives, interpersonal communication skills and inclusion initiatives. Attendance at department training sessions is normally mandatory.

Business and Structure

To support the staff members described above, the department continued exploring business and structural enhancements during the review period. Again, like many other workplaces, our department is always trying to improve the proverbial machinery that enables our work and helps us accomplish our mission. There were many changes of this nature during the review period, but a few examples include the following:

- Launching and using the Unified Case Management System described above.
- Combining our quality control and business operations groups into a single unit providing services to the whole department.
- Creating an inventory of operations arguably impacting boys'/girls' or men's/women's sports differently and considering equitable responses.
- Continuing review of all departmental templates, policies, guidelines and forms.
- Finding ways to do more work with fewer resources.
- Revisiting vendor relationships to maximize cutting-edge support while controlling costs.
- Revisiting departmentwide research functions to ensure proper support for all units.
- Soliciting member input and feedback through in-person events, surveys and other connections.
- Enhancing our access to digital information through technology and strategic partnerships.
- Dedicating resources to stay current in fluid areas like NIL behaviors, data analysis and student-athlete representation.
- Encouraging appropriate interdepartmental communication and collaboration for overall effectiveness.
- Exploring new ways to keep member schools informed of our work.

These and other adjustments will position the department to address continued changes in college sports. Operational efforts to stay streamlined and modern, and ultimately effective for member schools, will remain a priority.

Section VI: Compliance With Procedural Requirements

One of the working group's goals was to ensure the enforcement department's compliance with authorities governing the infractions process. We share the working group's interest in procedural excellence. Because our work is dedicated to encouraging compliance with NCAA rules and detecting instances of noncompliance, it is imperative that we model compliant behavior. Therefore, we have department goals about adherence to applicable bylaws and operating procedures. Separate and apart from this review, we emphasize procedural excellence with all staff members before, during and after a case. A commitment to operating consistent with member direction is built into how we do business and study our performance.

Department initiatives and related outcomes are reported below, but first it is important to describe the various regulations governing or guiding our work. In descending order of authority, these are bylaws, internal operating procedures and internal guidelines.

Bylaws — Bylaws are formal rules adopted by the members of each division through the legislative cycle and codified in their respective manuals. Unlike operating bylaws governing recruiting, playing seasons and eligibility, bylaws governing infractions matters are more procedural in nature and inform on how cases are investigated and adjudicated. They are binding on parties involved in cases, the enforcement staff and divisional adjudicative committees. Depending on the division, these rules are contained in Articles 19 and/or 32. Bylaws governing infractions matters differ significantly across divisions.

Internal Operating Procedures — [Divisions I](#) and [II](#) adopted Internal Operating Procedures, which are detailed provisions memorialized outside the manuals. IOPs add texture to bylaws and provide markers for various stages of an infractions case. They are approved by the divisional presidential bodies, so they have the formality of member-approved guidance, but they also have the flexibility to adjust in practice and without exhausting the full legislative cycle. There are IOPs for the enforcement department, the Division I and II Committees on Infractions and the Division I and II Infractions Appeals Committees.

Internal Guidelines — In addition to the formal authorities outlined above, our staff also developed informal guidelines to inform purely internal decision-making. We consult these materials to ensure consistency across cases and quality in our final products.

As noted above and in light of these various authorities, the enforcement department takes steps before, during and after cases to achieve the goals of zero material departures from operative authorities and producing consistent and quality output. These efforts include the following:

Proactive measures

Similar to the legislated obligation of head coaches, the vice president and other enforcement leaders promote an atmosphere of compliance in the department. The commitment is shared with all staff in writing and through regular communication. And because supervisors are responsible for the conduct of others, department leaders are careful to monitor their direct and indirect reports. Like head coaches, supervisors look for “red flags” and know to alert leaders of any questions or concerns about staff conduct.

Underlying NCAA legislation is complicated, and procedural rules governing the infractions process are unique to intercollegiate athletics. Accordingly, new hires and veteran staff members receive periodic training on operating bylaws and applicable procedural requirements. This allows staff members to either find answers to tricky case-related questions or at least recognize a potential problem in real time and elevate it for supervisor assistance.

The enforcement department is careful not to create incentives for staff members to depart from established procedures for any reason. Staff members understand our responsibility is to gather relevant information, whether exculpatory or incriminating, and then make objective decisions about potential allegations and, in some instances, consequences. There is no other agenda, and department opportunities for progress are not based on numbers of substantiated allegations or ultimate outcomes.

Real-Time Monitoring

No infractions case begins without first going through a sophisticated intake process led by our quality control team. Department procedures during this important phase ensure proper handling of sensitive information and sorting of incoming materials.

Throughout the lifecycle of a case, staff members have access to a variety of supportive resources. Within the department, these include experienced colleagues, layers of supervision, databases of information, libraries of guidance and the vice president’s open door. Extra departmental resources include other regulatory staffs, legal advice, informal member input and third-party experts as needed.

Before finalizing any Level I, Level II or major allegation, the department exhausts multiple real-time quality control measures summarized below. Among other steps, these are completed with candid communication among parties and their counsel.

- Bylaw experts in academic and membership affairs review draft allegations prepared by the investigative team to ensure proper citation and application of bylaws.
- The investigative team presents its findings and proposed allegations to a review board, which consists of enforcement staff members who were not involved in the investigation. The review board also considers any information submitted by an involved school, individual or counsel.

The review board provides feedback to the investigative team about potential allegations, aggravators and mitigators, additional investigation needed, related pending cases, interpretive developments or other insights.

- After allegations are audited by AMA and vetted by the review board, the managing director for investigations and processing, the director of quality control and the vice president of enforcement review draft allegations. The office of legal affairs also reviews allegations before they are finalized.

For cases resolved without a contested hearing, all participating parties are involved in preparing either a summary disposition report or a negotiated resolution. These resolution methods involve extensive communication and collaboration between the enforcement staff and participating parties. As noted above, these involve significant (or complete) agreement among the parties, and most cases are resolved in this manner.

For cases resolved through a formal hearing, all parties have an opportunity to respond in writing to a notice of allegations. The investigative team considers all written responses and holds individual prehearing conferences with each party. The prehearing conference is another opportunity for dialogue about the allegations, supporting or refuting information, procedural questions or other outstanding matters. After the prehearing conferences are complete and after all processing documents are submitted to the Committee on Infractions, the investigative team presents its case in a mock hearing to a mock panel of enforcement staff members. Although issues in a case are largely fixed by this stage, the team may make adjustments as needed for accuracy or fairness.

Regardless of resolution method, the quality control staff monitors case files in real time to identify red flags for the department's leaders to investigate and correct. The red flags could range from potential procedural errors to routine data integrity checks, which help ensure the enforcement staff has high-quality information to monitor our activities.

Perhaps the greatest quality assurance step in the infractions process is the detailed review and scrutiny provided by the divisional Committee on Infractions and Infractions Appeals Committee. Among other things, committee members may review staff compliance with procedural rules. Any concerns may be raised by parties or committee members and addressed during the pendency of a case. Based on the efforts outlined above, these are exceptionally rare.

Post-Case Reviews

Not all staff members are involved in every case. To make sure uninvolved staff members have the benefit of lessons learned, the investigative team presents a debriefing session to the department after a case concludes. This opportunity to compare notes and ask questions is a helpful way to share information across different staff functions.

The quality control team maintains information about violations alleged and other case details (such as aggravators and mitigators included, which allegations were not concluded by the Committee on Infractions, guidance about leveling decisions, etc.). This historical data is available to investigative teams and informs future case-related decisions. We also use the information when making strategic plans, considering internal reforms or supporting external reviews.

The quality control team also conducts an exhaustive review of select cases after all appeal opportunities are ended. The enforcement staff created this quality review process without any legislative directive and recently expanded it to include additional matters. During the review period, the quality control team conducted 27 case reviews. The objective instrument revealed a satisfaction rating over 90% for the full body of procedural guidelines. Consistent with our perennial department goal, there were zero material departures from procedural requirements.

Rather than exposing procedural departures by the enforcement staff, the case reviews highlighted areas ripe for improvement or modification. During the review period, these included the following:

- Eliminating six- and 12-month formal updates in response to feedback from schools and ongoing communication with parties in all cases.
- Instituting an annual process for frequent practitioners to reaffirm and sign confidentiality agreements rather than requiring the same in every case.
- Leveraging system capabilities to capture and update relevant case contacts and data.
- Implementing stronger system access controls.
- Modernizing notice of inquiry language and reevaluating timing considerations.
- Enhancing case closing procedures and documentation.
- Increasing the frequency, scope and timeliness of the quality review process.

Summary of Case Quality Initiatives

Thanks to these measures and staff dedication, the enforcement department had zero material departures from governing authorities during the entire review period. The enforcement department is proud of its efforts to ensure procedural compliance and of the results those efforts yielded. However, we know deviations are possible, and consequences for poor decisions are substantial. We also know a single poor decision can erase years of goodwill and trust. Accordingly, we will continue current practices aimed at satisfying both the letter and the intent of all governing authorities. We will also look for additional ways to make sure our practices are consistent with applicable rules and member expectations.

Section VII: Support and Implementation of Reforms

External reforms played a prominent role in each of the last two self-studies, and this review period is no different. As a result, the enforcement staff spent considerable time supporting reform efforts and implementing member decisions regarding the infractions process.

In Division II, presidents noted concerning trends in the number and nature of violations among member schools. They began studying potential changes to the Division II infractions process in 2019 and thereafter recommended a series of reforms. One significant change was adoption of the negotiated resolution process, whereby parties could agree with the enforcement staff on violations and penalties without the need for formal adjudication by the Committee on Infractions. Efforts to improve the infractions process in Division II continue and our staff will provide input as requested.

In Division I, frustration with SDNY cases and other matters led members of the NCAA Division I Council and the Board of Directors to form a group charged with considering reforms to the infractions process and overseeing the process as a standing committee. The NCAA Infractions Process Committee began meeting in early 2021 and studied every phase of an infractions case from multiple perspectives, including the enforcement staff, the adjudicative bodies, member schools, involved individuals and party representatives. The NCAA Division I Transformation Committee formed shortly thereafter and tasked the IPC with proposing transformative changes by mid-2022. The IPC considered multiple alternatives to the infractions process and ultimately decided to invest in the peer-review model. Specifically, they committed to making recommendations about timely application of penalties, commitment to cooperation and a new and proactive communications strategy.

In furtherance of the Transformation Committee's instruction, the IPC accelerated its work, fashioned a series of concepts, sought member feedback on those concepts and presented them to various governing bodies in Division I. Members supported most of the specific concepts and recommended further work on others. Supported concepts were drafted into legislative format and approved by the Division I Council and the Board of Directors in the early fall of 2022. Those changes became effective Jan. 1, 2023, and include the following:

- New resolution method for cases.
- Greater flexibility for parties to pursue separate resolution methods.
- New, clearer standards for charging decisions and committee conclusions.
- New, clearer standards for party cooperation, including responsibility to preserve relevant information.
- Access to the Committee on Infractions during the course of an investigation to resolve significant disputes.
- New lists of aggravating and mitigating factors (separated between schools and involved individuals).
- Creation of a public dashboard showing progress of cases after submission of formal allegations.
- New, clearer standards for appeals.
- Other appellate changes to expedite review (i.e., cases decided on written record, reduced extensions of time, availability of summary affirmations, etc.).
- New standard for head coach responsibility.
- Termination of the IARP.

These are substantial changes to the infractions process, and they are expected to make a material difference in how cases are resolved. The enforcement staff, in collaboration with other departments at the national office, is working to implement these new bylaws in furtherance of the Board of Director's directive.

In addition to these generally applicable reforms, a subcommittee of the Council recommended and the Board of Directors approved a significant change for cases involving NIL (or NIL-related) activities. Specifically, when circumstantial information suggests that behaviors are contrary to the interim policy on NIL or related guardrails, each component of the infractions process will presume that a violation occurred. In those instances, the burden will shift to the member school or other parties to demonstrate that the activities were not impermissible. Like other reforms adopted during the review period, this presumption became effective Jan. 1, 2023.

Other concepts advanced by the IPC required additional study and additional time to measure member support. Those included subjects such as available penalties, ranges of penalties, treatment of disappearing message applications, confidential source information and bylaws about case confidentiality. The IPC will consider these outstanding issues and submit recommendations to the appropriate NCAA governance bodies. Again, the enforcement staff will support the IPC as requested.

Section VIII: Priorities Moving Forward

This self-study is not designed to provide a road map for future enforcement activities. However, in the spirit of full transparency, our department takes this opportunity to look forward briefly and share our priorities. These are subject to change in light of the rapid rate of evolution in college sports. Nevertheless, the enforcement staff will stand ready to serve and adjust as needed. Unless instructed otherwise by member schools or a new president, the enforcement staff will strive to:

- Implement all reforms related to the infractions process adopted by Divisions I and II.
- Support additional changes to infractions procedures and underlying operating bylaws.
- Identify threatening trends and collaborate with member schools to prevent violations before they occur.
- Improve the skills necessary to detect and resolve impactful NCAA rule violations as efficiently as possible.
- Listen, build relationships and communicate with member schools through outreach efforts.
- Commit to internal compliance and overall departmental excellence.
- Collaborate, as appropriate, with other national office departments involved directly or indirectly with the infractions process.
- Ensure that enforcement remains well positioned to protect the integrity of intercollegiate sports.
- Advance Association-wide initiatives.

To remain aligned with member expectations, we will test these priorities regularly and adjust them as needed. We also will articulate specific goals and execute strategies to advance these big-picture objectives. Finally, we look forward to sharing the outcomes of our work with member schools and Association leaders.

Conclusion

Taking a hard look at enforcement operations and compliance is an exceptionally helpful exercise. Beyond assisting our department, we hope this report provides valuable insights to anyone interested in the infractions process. Enforcement leaders welcome questions or innovative ideas this report may have sparked.



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