

GUIDELINES FOR SUBMITTING INFORMATION IN SECURE FILING SYSTEM DURING PROCESSING OF CONTESTED CASES BEFORE NCAA DIVISION I COMMITTEE ON INFRACTIONS

(May 3, 2023)

The purpose of this document is to provide information to institutions and involved individuals regarding the submission of information through the secure filing system (SFS) after a contested case is submitted to the NCAA Division I Committee on Infractions (COI). The parties must ensure that their submissions conform with COI Internal Operating Procedures (IOPs). Compliance with the IOPs will avoid delay in moving information into the case record. These guidelines do not address all the submissions requirements in the COI IOPs. Please refer to the IOPs, which are available [here](#), for all submissions requirements. The SFS External Guide, which is available [here](#), provides additional information regarding the SFS. Please direct any questions to the Office of the Committees on Infractions (OCOI) at (317) 917-6014 or (317) 917-6313.

EXPECTATIONS FOR USE OF SECURE FILING SYSTEM

The SFS is the principal platform for parties to electronically submit and access case information once a case proceeds past investigation. The COI becomes the principal point of contact for the SFS when the enforcement staff files a notice of allegations, summary disposition report or negotiated resolution. The COI remains the principal point of contact until the release of the infractions decision and conclusion of any probation reporting. If the COI decision is appealed, NCAA staff supporting the appeals process will be the principal point of contact until the conclusion of the appeal.

The COI expects all parties to use the upload folder in the SFS to submit information and make requests. Unless good cause is shown, parties should not submit information to the COI via email or other electronic medium. Without good cause shown, the COI will reject party submissions for failure to comply and the COI chair or chief hearing officer of a case, if assigned, will address the issue of resubmission.

When a party uploads information into its upload folder in the SFS, the OCOI staff has access to the information. All parties will not receive access until the OCOI staff moves the information into the record. If a case is bifurcated, parties will only have access to information in their portion of the case. Information is deemed filed when it is uploaded by the party.

SUBMISSION OF RESPONSES TO ALLEGATIONS

COI IOPs 4-13 and 4-13-3 provide guidelines pertaining to responses to allegations. As set forth in COI IOP 4-13, all arguments that parties intend to make should be made in their response. In presenting arguments, parties should cite to factual and supplemental information, applicable bylaws or constitutional provisions, and any persuasive case authority. Citations to factual and supplemental information should concisely identify the information cited and include factual information number references (if applicable), relevant page numbers and hyperlinks. In accordance with COI IOPs 3-1-3-1 and 3-1-3-2, the key record list should contain the most

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persuasive factual information, any supplemental information submitted by the party and an index of authorities relied upon by the party, with hyperlinks.

Pursuant to COI IOP 4-13-3, responses must not exceed 50 pages, double-spaced with 11-point font. The page limit is exclusive of the key record list, table of contents, responses to information requested in the notice of allegations, and attachments or appendices. As described below, attachments or appendices should be designated as supplemental information and uploaded separately through the SFS.

The OCOI staff will review the responses to ensure that they comply with the submission requirements in the IOPs before moving the responses into the case record. If the responses do not comply with the submission requirements, the OCOI staff will notify the chair or assigned chief hearing officer, who may reject the submissions or instruct the parties to resubmit them. If there is a delay between the time when a party uploads a response into the SFS and when the OCOI staff moves that response into the record, as set forth in COI IOP 1-6, the enforcement staff's deadline to reply does not begin to run until the OCOI moves the response into the record and notifies the parties.

SUBMISSION OF SUPPLEMENTAL INFORMATION

In accordance with the IOPs, pertinent information that parties rely upon but is not in the factual information folder in the SFS must be designated as supplemental information. COI IOP 4-5 defines pertinent information as information that could reasonably affect an allegation or potential penalty against any party, or a potential defense for any party. In unique circumstances where there is confidential or otherwise protected information, a party may petition the chair or assigned chief hearing officer for an in-camera review to determine whether the information should be made available to all parties.

When uploading supplemental information into the SFS, parties should provide correspondence identifying the supplemental information that they are submitting into the case record as supplemental information. Parties may also submit supplemental information with their responses to allegations but should upload the information separately. In addition, if parties identify information contained in the shared "other information" folder with the enforcement staff as supplemental information, the parties should notify the OCOI staff of its request to make this information part of the case record. In accordance with COI IOP 3-1-3-1, parties should provide hyperlinks to supplemental information in their responses and key record lists. If a party submits supplemental information into the record after filing its response to the allegations, the party should update its key record list with a hyperlink to this information.

If parties identify the information as pertinent in accordance with COI IOP 4-5, the OCOI staff will move information uploaded by the parties or ask the enforcement staff to move information from the shared "other information" folder, into the case record as supplemental information. However, as set forth in COI IOP 4-14, if a party submits information within 30 days prior to the date that the panel considers the case, the party must show good cause for the late submission before the information becomes part of the record.

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CONFIDENTIALITY

Bylaw 19.01.3 and COI IOP 5-1 require that all infractions-related information remain confidential throughout the infractions process. This includes the substance of the case, the involved parties and information in the case record. No statements should be made to the media regarding infractions cases prior to the release of the infractions decision. Inquiries from the media should be referred to the NCAA's Communications staff.