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Introduction.

This document contains the Internal Operating Procedures (IOPs) of the NCAA enforcement department. The primary purpose of the IOPs is to provide member institutions and involved individuals with basic information regarding the enforcement staff's investigation and processing functions in connection with alleged violations of NCAA bylaws. The provisions are designed to reflect the obligations of all parties to cooperate during investigations in order to discover accurate facts in a timely manner. This document does not articulate all of the enforcement staff's activities, nor does it apply to Divisions II and III. The administrative procedures for Divisions II and III are contained in Articles 19 and/or 32 of their respective manuals and the enforcement and NCAA Committee on Infractions IOPs of their respective divisions.

These procedures are not contractual in nature, do not create any independent right, do not have the force of NCAA bylaws and may be amended without advanced notice in accordance with NCAA Bylaw 19.6.1.2. Current procedures are available on the NCAA website.

Chapter 1 – Investigations.

- 1-1. Information Gathering.** If the enforcement staff receives or develops information demonstrating a potential Level I and/or Level II violation, the staff has a responsibility to gather information regarding possible violations pursuant to Bylaw 19.6 and the procedures herein. In doing so, the staff or their contractors/vendors may employ the following investigative tools:
- a. Letter of inquiry to the institution;
 - b. Interviews with prospective student-athletes, enrolled student-athletes, current and former institutional staff members, third parties or other individuals who may have relevant knowledge;
 - c. Review (including machine assisted review) of requested documents, records, accounts, communication devices or other items or materials;
 - d. Review of publicly available information;
 - e. Observation of public places (on or off campus);
 - f. Research;
 - g. Communications between departments of the NCAA national office;
 - h. Communications with regulatory groups, sport governing bodies or other entities with potentially relevant information; and
 - i. Communications with sources.



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If the enforcement staff intends to use any other investigative tool, it shall first obtain written approval from the vice president of enforcement and the NCAA's general counsel, or their designees. *(Effective February 27, 2023; Revised May 8, 2024)*

- 1-2. **Misrepresentation of Identity.** In no case shall enforcement staff members misrepresent their identity or title to an individual who may provide information relevant to an investigation. *(Effective February 27, 2023)*
- 1-3. **Sharing Information.** There are instances when the enforcement staff has information that, if shared immediately, could compromise the integrity of the investigation, even without malicious intent. When those instances arise during a collaborative investigation between the enforcement staff and institution, the investigative team shall (a) inform an institution that it has information it will not immediately share and (b) share the information in a timely manner after determining that disclosure will not materially jeopardize the investigation. *(Effective February 27, 2023)*
- 1-4. **Request Deadlines.** When the enforcement staff requests information from a member institution, an individual who is subject to NCAA bylaws or third parties, the enforcement staff will identify a reasonable deadline for the submission of the requested materials. The enforcement staff may seek agreement of the parties when identifying response deadlines. Failure by an institution or individual subject to NCAA bylaws to adhere to an established deadline may result in the enforcement staff alleging a failure to cooperate pursuant to Bylaw 19.2.2 or seeking immediate penalties pursuant to Bylaw 19.2.3. It may also result in the enforcement staff identifying an aggravating factor or removing a mitigating factor. *(Effective February 27, 2023)*
- 1-5. **Interview Record and Attendance.**
 - 1-5-1. **Recorded Interviews.** Pursuant to Bylaw 19.6.3.3.4, the enforcement staff shall digitally record interviews whenever feasible. If an interviewee objects to being recorded, or if the enforcement staff believes the use of a recording device would inhibit the interviewee from sharing complete information, a summary of the information reported should be prepared pursuant to enforcement IOP 1-5-2. *(Effective February 27, 2023)*
 - 1-5-1-1. **Recording of an Interview by the Interviewee.** Interviewees may record their interviews subject to the conditions set forth in Bylaw 19.6.3.5, provided the interviewees give advanced notice of the intent to record the interview. Interviewees may request a copy of the recording and the interview transcript, if one has been completed, subject to the confidentiality provisions of Bylaw 19.6.3.5. Copies of interview summaries prepared by the enforcement staff are confidential and will only be provided to interviewees (and their institutions and/or representatives) in accordance with Bylaw 19 and the procedures set forth herein. *(Effective February 27, 2023)*



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1-5-1-2. Recording of an Interview by an Institution – Access to Recordings and Transcripts. An institution may record any interview in which it participates provided the institution gives notice of its intent to record and agrees on the record to confidentiality provisions of Bylaw 19.6.3.5. If the institution is unable or chooses not to record such an interview, it may request a copy of the enforcement staff's interview recording and/or transcript, if one has been completed, subject to the confidentiality provisions of Bylaw 19.6.3.5. *(Effective February 27, 2023)*

1-5-1-3. Access to Recordings and Transcripts by Conference. With the consent of the institution, the institution's conference may request a copy of an interview recording and/or transcript, if one has been completed, subject to the confidentiality provisions of Bylaw 19.6.3.5. *(Effective February 27, 2023)*

1-5-2. Nonrecorded Interviews. When an interview is not recorded or if the recording device malfunctions, the enforcement staff shall prepare a written interview summary of the information.

The enforcement staff shall attempt to obtain a signed affirmation of the interview summary's accuracy from the interviewee by providing a copy to the interviewee or their counsel, provided the parties agree not to release the summary to a third party. The interviewee will be permitted to make nonsubstantive corrections to the memorandum before affirming its accuracy. If an interviewee wants to make additions or corrections that materially alter the substance of the memorandum, they may do so and the new information shall be treated as a separate interview. After the summary is signed, the interviewee and their counsel, upon request, may make or receive a signed copy.

The substance of an interview summary for which a signed affirmation was not obtained may be considered by the NCAA Committee on Infractions and the Infractions Appeals Committee to the extent the committees determine the information to be reliable. *(Effective February 27, 2023)*

1-5-3. Note-taking During Interviews. It is permissible for individuals participating in an interview to take notes of the proceedings. These shall be considered personal notes and not a part of the case file. *(Effective February 27, 2023)*

1-5-4. Presence of Parents, Legal Guardians or Institutionally Appointed Advisors during Interview. By request, a parent or legal guardian of a prospective student-athlete or current student-athlete who is under the age of 18 may be present (in-person or virtually) during the individual's interview with the enforcement staff. The enforcement staff reserves the ability to determine the order of interviews, including those of the parent or legal



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guardian, or decline the request in order to, among other things, protect the integrity of the investigation, simplify logistics, preserve confidentiality and/or minimize scheduling conflicts. If a student-athlete's parent or legal guardian is not reasonably available, the student-athlete's institution may provide legal counsel in accordance with Bylaw 16.3.2 or appoint from its staff an advisor to be present during the interview, regardless of the student- athlete's age. *(Effective February 27, 2023)*

- 1-5-5. Interview Notification.** If the enforcement staff conducts an interview with an enrolled student-athlete or institutional staff member and the subject matter to be discussed does not relate to their current institution, notification to their current institution's president or chancellor is not necessary. However, the enforcement staff shall contact the institution's compliance staff and/or athletics director to schedule the interview. At the request of the institution, the enforcement staff will discuss the procedures relating to the interview with the director of athletics (or their designee). *(Effective February 27, 2023)*
- 1-5-6. Interview Participation.** If the enforcement staff conducts an interview with an enrolled student-athlete or institutional staff member and the subject matter to be discussed does not relate to their current institution, the institution may designate a representative to be present during the interview, provided the representative is someone who would not compromise the integrity of the investigation and whose participation would not prejudice the subject institution or any involved individual. If at any point during such an interview the interviewee reports potential violations that relate to their current institution, the enforcement staff shall pause the interview to notify the institution's athletics director, president and/or chancellor and allow for appropriate institutional involvement in any interviews related to the new potential violations. *(Effective February 27, 2023)*
- 1-6. Enforcement Staff's Responsibility to Maintain Case File.** The enforcement staff is responsible for maintaining case materials obtained during its investigation, including recorded interviews, interview summaries, interview transcripts and other relevant information. Such materials will be retained consistent with the NCAA's document retention/destruction policy. Personal notes, impressions or communications of the enforcement staff do not become part of the case file. *(Effective February 27, 2023)*
- 1-7. Time-Sensitive Investigations.** All investigations shall be conducted as promptly and as efficiently as possible, without sacrificing fairness or accuracy. In instances where the institution has notified the enforcement staff that eligibility of a current student-athlete or a prospective student-athlete may be impacted, the enforcement staff shall work to complete as much of the investigation as reasonably possible prior to competition. If the staff cannot complete the investigation before competition, the enforcement staff shall communicate with the institution about the status of the investigation, the information still needed, and the potential impact, if any, on the student-athlete's eligibility. *(Effective February 27, 2023)*



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1-8. Communications.

- 1-8-1. Communications with Chancellor or President.** Upon request, the enforcement staff will meet with the chancellor or president or a designated representative of the involved institution to discuss the investigation. *(Effective February 27, 2023)*
- 1-8-2. Expansion of an Investigation.** If, after commencing an investigation, the enforcement staff obtains information indicating possible additional types of violations or prompting a significant change in the focus of the investigation, it shall give written or oral notice to the institution that it has expanded the investigation pursuant to Bylaw 19.6.1 and enforcement IOP 1-3. Further, depending on the procedural status of the case, the enforcement staff shall determine whether to open a new investigation pursuant to Bylaw 19.6.1.3. *(Effective February 27, 2023)*
- 1-8-3. Communications Between the Enforcement Staff and Parties.** The enforcement staff will regularly communicate with institutions and, if appropriate, potential involved individuals about the status of an investigation. Similarly, institutions and potential involved individuals are encouraged to regularly communicate with the enforcement staff about the investigation. Institutions must also affirmatively notify the enforcement staff of additional potential violations that arise during the course of the investigation. Communications should first be directed to the lead investigator and/or the supervising director. Unresolved concerns or communications about matters not assigned to an investigative team may be presented to a managing director or the vice president of enforcement. *(Effective February 27, 2023)*

- 1-9. Projected Duration.** When the enforcement staff begins an investigation, it shall project the anticipated duration of the investigative and charging phases. The staff shall notify the institution and any known involved individual(s) of the projected duration, and all parties shall work to satisfy the proposed timeline.

Should the parties encounter difficulties in investigating and/or charging a case in a timely manner, one or more parties may request a status conference with the chair of the Committee on Infractions pursuant to Bylaw 19.4.7-(i) to discuss plans or strategies to keep the case moving expeditiously. The scheduling conference is not designed to address the merits of potential allegations and/or the leveling of a case, but it may include the development of a case management plan to expedite the investigation and resolution of a matter. *(Effective February 27, 2023)*



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1-10. Case Readiness Report. The enforcement staff will provide the committee a monthly report of investigations that may result in Level I and/or II allegations. For each investigation, the report will include, among other information, a summary of the potential infractions, the anticipated duration of the investigation and the anticipated processing level. *(Effective February 27, 2023)*

1-11. Limited Immunity. Limited immunity is an investigative tool that allows information to be elicited from a prospective, current or former student-athlete and a current or former institutional staff member ("individual") concerning his or her potential involvement in or knowledge of NCAA violations. *(Effective February 27, 2023)*

1-11-1. When to Request. The enforcement staff may request limited immunity for an individual at any time during the pendency of an investigation or during the processing of the case. *(Effective February 27, 2023)*

1-11-2. Protections. If an individual satisfies all conditions prescribed by the Committee on Infractions, limited immunity means that the enforcement staff will not allege bylaw violations against the individual for disclosed conduct predating the grant of immunity. Limited immunity does not prevent the enforcement staff from alleging identified violations of NCAA legislation when:

- a. The grant of immunity has been revoked by the Committee on Infractions;
- b. The individual fails to report violations; or
- c. The individual commits future violations (including the provision of false or misleading information).

Additionally, limited immunity does not protect the individual from action taken by the institution or any other entity. Finally, limited immunity does not render a student-athlete retroactively eligible for the purpose of assessing ineligible competition. *(Effective February 27, 2023)*

1-11-3. Representation by Legal Counsel. Recipients of or candidates for limited immunity may be represented by personal legal counsel or another advisor throughout the process. *(Effective February 27, 2023)*

1-11-3-1. Student-Athletes. For recipients of or candidates for limited immunity who are student-athletes, when feasible, the enforcement staff will communicate with the institution where the student-athlete is enrolled about securing personal legal counsel or other advisor unaffiliated with the institution's athletics department, for the student- athlete. *(Effective February 27, 2023)*



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- 1-11-3-2. Prospective Student-Athletes.** For recipients of or candidates for limited immunity who are prospective student-athletes, when feasible, the enforcement staff will communicate with the prospective student-athlete about the opportunity to secure personal legal counsel or other advisor. *(Effective February 27, 2023)*
- 1-11-4. Factors to Consider.** In determining whether to seek limited immunity, the enforcement staff may consider the following factors:
- a. Whether the individual is a prospective student-athlete, current or former student-athlete, or a current or former staff member.
 - b. Whether the individual received limited immunity in the past, and if so, the value of the information reported to the enforcement staff.
 - c. Whether the individual has information that will assist the investigation or otherwise support or refute allegations.
 - d. The likelihood of obtaining relevant information with or without the grant of limited immunity.
 - e. The nature of the potential allegations involved in the case.
 - f. The position of the individual's institution on the request for limited immunity.
 - g. The impact on the timeliness of an investigation.
 - h. Any other circumstances supporting or refuting a grant of limited immunity. *(Effective February 27, 2023)*
- 1-11-5. Process for Requesting.** Limited immunity may be requested only by the enforcement staff's vice president, managing director of enforcement for investigations and processing or the vice president's designee. The request for limited immunity shall be made in writing, addressed to the chair or vice chair of the Committee on Infractions and shall contain a brief summary of the relevant facts that support a grant of limited immunity. The request shall also identify the individual for whom limited immunity is being requested and whether they are represented by legal counsel or other advisor. *(Effective February 27, 2023)*
- 1-11-6. Acknowledgement.** If the Committee on Infractions grants a request for limited immunity, it will provide the enforcement staff with a letter outlining the terms and conditions of the limited immunity agreement. The enforcement



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staff shall prepare an acknowledgement to be signed by all parties subject to the limited immunity agreement. The parties will also be provided with a copy. *(Effective February 27, 2023)*

- 1-11-7. Record Keeping Pertaining to Limited Immunity.** The enforcement staff shall maintain copies of approvals and denials of applications for limited immunity in the case file and make those records available to the appropriate parties via the secure filing system. The presumption is that all parties will have access to all approvals and denials of applications for limited immunity. *(Effective February 27, 2023)*
- 1-11-8. Revocation.** The enforcement staff may seek revocation of limited immunity only when it determines there is credible and sufficient information that reasonably demonstrates an individual violated or will not satisfy the terms of his/her limited immunity agreement. *(Effective February 27, 2023)*
- 1-11-9. Revocation Process.** The enforcement staff may request that a grant of limited immunity be revoked by submitting a petition to the chair of the Committee on Infractions, or if the chair is unavailable, the petition shall be submitted to the vice chair. The petition shall state the basis for the revocation and shall be forwarded to all appropriate parties. *(Effective February 27, 2023)*
- 1-11-10. Process Following Revocation.** If the Committee on Infractions revokes a grant of limited immunity, the enforcement staff may name the individual in underlying allegation(s) pursuant to Bylaw 19.7 and, where appropriate, may also allege a failure to cooperate pursuant to Bylaw 19.2.2 and identify an aggravating factor pursuant to Bylaw 19.12.3. *(Effective February 27, 2023)*

Chapter 2 – Charging.

- 2-1. Guidelines for Charging Allegations.** When determining whether there is credible and sufficient information (direct or circumstantial) that reasonably demonstrates a violation of NCAA legislation occurred (Bylaw 19.7.1), the enforcement staff must (a) use only attributable information pursuant to Bylaw 19.7.6.5 and (b) evaluate relevant information in a fair and objective manner. Additionally, the enforcement staff shall presume violations occurred pursuant to Bylaw 19.7.3 and may infer support for or admissions to violations pursuant to Bylaw 19.7.5.

Decisions on whether to bring allegations are made on a case-by-case basis. In exercising its discretion to bring or not bring an allegation, the enforcement staff should also review relevant bylaw interpretations and prior similar cases as appropriate. Case-specific interpretations are addressed below in enforcement IOP 2-2.



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Finally, the following are general guidelines the enforcement staff will consider when determining whether to bring the identified allegations.¹ (*Effective February 27, 2023; Revised October 9, 2024*)

2-1-1. Failure to Cooperate. Failure to cooperate by a prospective or enrolled student-athlete or a current or former institutional staff member (e.g., coach, professor, tutor, teaching assistant, student manager, student trainer, etc.) may include, but is not limited to, the following:

- a. Refusal to furnish information. Unless there are extenuating circumstances that would prevent an individual's participation in an interview and/or provision of requested information, the enforcement staff will allege a violation of Bylaw 19.2.2-(b) when one or more of the following factors exist:
 - (1) There is a nexus between the information requested and the underlying alleged violation(s);
 - (2) An individual's agreement to interview or produce requested information is untimely; or
 - (3) The failure or refusal to interview or produce requested information hinders the ability to discover pertinent information, slows the timely progress of the matter or otherwise negatively impacts efforts to conduct a thorough investigation.
- b. Knowingly providing the NCAA or the individual's institution false or misleading information. Unless extenuating circumstances exist, the enforcement staff will allege a violation of Bylaw 19.2.2-(c) when an individual provides false or misleading information during an investigation and when one or more of the following factors exist:
 - (1) There is a nexus between the provision of false or misleading information and the underlying alleged violation;
 - (2) There is more than a minimal lapse in time between the provision of false or misleading information and any later corrected statement;
 - (3) Any later corrected statement was secured by the enforcement staff or the institution, rather than being volunteered by the interviewee; or

¹ For allegations of head coach responsibility involving behavior prior to January 1, 2023, the enforcement staff will consider former enforcement IOP 2-4-2 (head coach responsibility) when determining whether to bring the identified allegations.



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- (4) The alleged false or misleading information hinders the ability to discover pertinent information, slows the timely progress of the matter or otherwise negatively impacts efforts to conduct a thorough investigation.

Additionally, unless extenuating circumstances exist, the enforcement staff will allege a violation of Bylaw 19.2.2 when an individual attempts to influence others to refuse to provide information and/or to provide false or misleading information to the enforcement staff and/or institution, particularly when the individual exercises some degree of oversight or authority over the other individual (e.g., a coach influencing a student-athlete to report false or misleading information).

Pursuant to Bylaw 19.2.1, current and former institutional staff members have an affirmative obligation to cooperate with NCAA investigations. Where conduct giving rise to a Bylaw 19.2.2 allegation occurred while the involved individual was not employed at the institution where the underlying alleged violations occurred, the enforcement staff will not attach the failure to cooperate allegation to that institution. Instead, the enforcement staff will issue a separate, post-separation notice of allegations and any resulting show-cause order would apply to NCAA member institutions.²

Pursuant to Bylaw 19.1.2-(c), failing to cooperate is presumed to be a Level I violation. In rare situations based on individual facts of a case, the enforcement staff may exercise its discretion to allege a failure to cooperate as a Level II violation. (*Effective February 27, 2023*)

2-1-2. Lack of Institutional Control. The enforcement staff does not assume that an institution violated the NCAA Principle of Institutional Control when one or more Level I or II violations may have occurred. Instead, consistent with guidance from the membership, the enforcement staff takes a common-sense approach in considering the nature and scope of the violation(s) in a case, together with the institution's specific efforts to create and maintain a positive culture of compliance. Where the institution did not have a structure in place to create a culture of compliance, or where there was a breakdown in that structure, a lack of institutional control allegation may be appropriate.

Factors indicating institutional control include but are not limited to those outlined below. Generally, it is necessary to determine whether an institution's efforts to comply with all applicable rules and regulations of the Association were (a) in place at the time the alleged violation(s) occurred; (b) established to deter violations and not merely to discover their existence after they

² If the individual is employed at a subsequent institution when the Bylaw 19.2.2 violation occurred, the subsequent institution would be responsible for imposing any resulting penalties.



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occurred; and (c) adequately promoted, monitored and enforced. (*Effective February 27, 2023*)

- a. Promotion of a culture of compliance – The institution demonstrated by words and actions that compliance with NCAA legislation was an obligation shared by all athletics staff members, student-athletes and others who interact with the athletics program (including institutional staff members, representatives of athletics interests and third parties). This includes the institution clearly communicating that any individual involved in its intercollegiate athletics program (1) had an obligation to report perceived or potential violations of NCAA legislation and (2) could do so without fear of reprisal.
- b. Oversight – The leadership of the athletics programs at the institution (e.g., director of athletics, faculty athletics representative, senior athletics compliance administrator) was knowledgeable about the content and operation of the athletics department's compliance program and exercised oversight with respect to its implementation and/or effectiveness.
- c. Policies and procedures – The institution established reasonable written policies and procedures to effectively deter and prevent violations and detect in a timely manner any violations that occur.³ The institution communicated and evaluated the policies and procedures on a regular basis and made them readily available to all staff with athletics compliance responsibilities (e.g., athletics department staff, enrollment management staff and financial aid staff).
- d. Education and training – The institution took reasonable steps to provide regular and effective rules education by communicating applicable legislation, policies, procedures and other aspects of the athletics department compliance program to all student-athletes, institutional staff members and third parties who interact with the athletics department.
- e. Due diligence in delegating authority – The institution delegated authority to athletics compliance staff members who were appropriately supported and empowered to fulfill their obligation of administering an effective and ethical compliance program. The institution also ensured that the compliance staff was appropriately educated and trained to perform its obligations at a high level.⁴

³ By way of example, NAAC developed a number of reasonable standards. Adoption of and adherence to such reasonable standards may help demonstrate satisfaction of subparagraphs c, d and/or f.

⁴ Examples of training opportunities include regular attendance at rules education seminars, NCAA Convention workshops, conference meetings or other legislation education sessions.



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- f. Program monitoring and review – Pursuant to its established policies and procedures, the institution monitored its athletics program for compliance with NCAA legislation. The institution heightened its monitoring of individuals who were known to have engaged in prior noncompliant conduct.
- g. Enforcement, response and prevention of reoccurrence – The institution (1) consistently promoted, investigated (in consultation with the enforcement staff for potential Level I and/or II violations) and enforced NCAA legislation as well as conference, campus, department and other applicable policies; (2) took swift and appropriate corrective action when noncompliance occurred, including reporting to the NCAA (and when appropriate, to the institution's conference office) any instance of noncompliance with NCAA legislation; and (3) took reasonable steps to prevent further similar noncompliant conduct.
- h. Risk assessment and modification – The institution established a system and periodically conducted assessments to determine risks relating to NCAA compliance matters and then implemented controls to mitigate the identified risks. The institution also (1) used an entity outside the athletics department to conduct regular and periodic reviews of athletics operations and (2) reviewed and implemented reasonable recommendations of the outside entity and/or implemented other reasonable remedies or corrective action identified by the institution.

2-1-3. Failure to Monitor. An institution's obligation to monitor extends beyond its athletics compliance office. Even as a shared responsibility across an institution, the enforcement staff understands that universal monitoring of every NCAA rule presents a very practical or difficult challenge. Accordingly, the enforcement staff will not assume that an institution violated the NCAA Principle of Rules Compliance when one or more violations may have occurred. In fact, effective compliance and monitoring systems are expected to detect violations, and the enforcement staff will not consider a failure to monitor allegation based only on isolated Level III violations. Instead, consistent with guidance from the membership, the enforcement staff will take a common-sense approach in considering an institution's specific efforts to monitor individuals and operations consistent with the NCAA constitution and bylaws.

Factors indicating satisfactory monitoring include but are not limited to the following:



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- a. Policies and procedures – The institution established reasonable written policies and procedures to effectively deter and prevent violations and detect in a timely manner any violations that occur.⁵ The institution communicated and evaluated the policies and procedures on a regular basis and made them readily available to all staff with athletics compliance responsibilities (e.g., athletics department staff, enrollment management staff and financial aid staff).
- b. Education and training – The institution took reasonable steps to provide regular and effective rules education by communicating applicable legislation, policies, procedures and other aspects of the athletics department compliance program to all student-athletes, institutional staff members and third parties who interact with the athletics department.
- c. Program monitoring and review – Pursuant to its established policies and procedures, the institution monitored its athletics program for compliance with NCAA legislation. The institution heightened its monitoring of individuals who were known to have engaged in prior noncompliant conduct.
- d. Enforcement, response and prevention of reoccurrence – The institution (1) consistently promoted, investigated (in consultation with the enforcement staff for potential Level I and/or II violations) and enforced NCAA legislation as well as conference, campus, department and other applicable policies; (2) took swift and appropriate action when noncompliance occurred, including reporting to the NCAA (and when appropriate, to the institution's conference office) any instance of noncompliance with NCAA legislation; and (3) took reasonable steps to prevent further similar noncompliant conduct.

The enforcement staff will also consider decisions of the Committee on Infractions, legislation education materials, other related factors that may inform on an institution's monitoring efforts and applicable NAAC reasonable standards in determining whether it believes an institution satisfied its obligation to monitor. If the enforcement staff believes a failure to monitor allegation is appropriate, the allegation will identify the specific context of the types of behavior(s) it believes were monitored insufficiently. (*Effective February 27, 2023*)

⁵ By way of example, NAAC developed a number of reasonable standards. Adoption of and adherence to such reasonable standards may help demonstrate satisfaction of subparagraphs a and b.



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- 2-1-4. Sports Betting Violations.** As outlined in Bylaw 19.1.1.1, limited violations of Bylaw 10.3 may be processed at different levels for the involved individual and the institution. When determining whether to allege sports betting violations at a lower level for the institution, the enforcement staff may consider the following: *(Effective October 9, 2024)*
- a. Whether the violations involve integrity concerns, including point shaving, sharing of information and/or the individual placing bets on their own team or institution; and/or
 - b. Whether there was institutional oversight of sports betting, including the institution providing education, taking action when learning about potential concerns and/or timely reporting violations.
- 2-2. Interpretation Requests.** If an institution and the enforcement staff cannot reach agreement on whether facts and circumstances constitute a violation of NCAA legislation, the institution and enforcement staff may submit a joint statement of agreed-upon facts to the NCAA academic and membership affairs (AMA) staff for a formal interpretation. If the institution and the enforcement staff are unable to reach agreement on the facts, or if there is an unreasonable delay in reaching agreement on the facts, the institution or enforcement staff may submit an individual request for an interpretation. In either case, the AMA staff will render a decision based on the facts submitted and notify participating parties of the outcome. Participating parties may appeal a staff interpretation to a committee of representatives from member institutions as allowed by applicable legislation and AMA procedures. *(Effective February 27, 2023)*
- 2-2-1. Changes to Underlying Facts.** If the enforcement staff determines that the information in a case has evolved such that an interpretation no longer applies directly to the facts as developed, the enforcement staff shall not be bound by the interpretation in alleging whether violations occurred. *(Effective February 27, 2023)*
- 2-3. AMA Audit.** When the enforcement staff substantially completes a draft notice of allegations (NOA), the investigative team will submit the draft to the AMA staff for an audit of the cited bylaws to determine whether (1) the allegations, as drafted, support that a violation occurred; (2) the cited bylaws are appropriate; (3) the appropriate versions of the bylaws are cited; and (4) additional bylaws should be cited. While the audit is not binding, the enforcement staff will consider AMA's recommendations when determining allegations and related citations. *(Effective February 27, 2023)*
- 2-4. Allegation Review Board.** Before finalizing an NOA, the investigative team shall submit the draft NOA to an internal allegation review board, which consists of members of the enforcement staff and, if appropriate, other members of the national office. The investigative team will advise the institution of the date of the review board in advance.



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The investigative team will also notify any participating involved party of the date of the review board, provided that the involved party's status has been determined by the enforcement staff at the time the review board is scheduled. The review board shall analyze the following: *(Effective February 27, 2023)*

- a. Information relied upon to support the allegation(s).
- b. Information refuting the allegation(s).
- c. Aggravating and mitigating information.
- d. Proper level and bylaw citation(s) for each allegation.
- e. Appropriateness of any matters not alleged to be violations.
- f. Potential resolution options for processing the matter and, if appropriate, appropriate penalties for negotiated resolutions.
- g. Other issues unique to the case.

2-4-1. Submission of Information to the Review Board. Institutions and involved individuals may submit information for consideration by the review board. However, the submission shall not exceed 10 pages and must be submitted to the investigative team by 5 p.m. (Eastern time) no less than three business days prior to the review board. The enforcement staff may use its discretion to move forward with a review board without a party's submission and/or without considering a party's submission if the submission is untimely. *(Effective February 27, 2023)*

2-5. Pre-Resolution Submission or Conference. An institution or involved individual may request one or both of the following after the review board and prior to the enforcement staff selecting a resolution method pursuant to Bylaw 19.7.6. The enforcement staff may use its discretion in responding to such requests but shall not allow such requests to unnecessarily delay resolution of the case. *(Effective February 27, 2023)*

- a. Written Submission. A party may provide the enforcement staff with a written submission outlining its position on the draft allegations, potential resolution methods and/or any additional information it would like the enforcement staff to consider. The pre-resolution written submission should not include positions and/or information previously provided to the enforcement staff. The enforcement staff may use its discretion to continue processing a case without a pre-resolution written submission should the party's request result in significant delays.
- b. Pre-Resolution Conference. A party may request an in-person or virtual conference with the enforcement staff to discuss its position on the draft allegations, potential resolution methods and/or any additional information it would like the enforcement



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staff to consider. The party requesting the pre-resolution conference should make itself available as soon as possible, including using virtual options, so as not to delay the processing of the case. Further, the enforcement staff may use its discretion to continue processing a case without a pre-resolution conference should the party's request result in significant delays.

Chapter 3 – Processing of Violations.

3-1. Resolution Selection Process. Pursuant to Bylaw 19.7.6 and Committee on Infractions IOP 4-6, the enforcement staff will consult with the institution and all participating involved individuals in order for the enforcement staff to preliminarily determine which resolution method or two methods are appropriate for the matter. *(Effective February 27, 2023)*

3-2. Distribution of Process and Resolution Documents. Processing and resolution documents prepared by the enforcement staff (e.g., NOA, staff reply, summary disposition, negotiated resolution, etc.) will be shared with all parties unless, pursuant to Committee on Infractions IOP 4-5, the enforcement staff provides notice to the Committee on Infractions and any impacted parties. Violations committed by an individual while employed by a member institution are attributable to that institution even if the parties' resolution methods differ; however, the separate involved individual processing and resolution document(s) will be addressed to all NCAA member institutions.⁶ *(Effective February 27, 2023)*

3-3. Full Hearing and Written Record Resolution.

3-3-1. Access to Information through Secure Website. In matters to be presented to the Committee on Infractions, the institution and involved individuals will have access to pertinent case materials as described in Bylaw 19.6.4 as soon as feasible after the issuance of the NOA. The information will be accessible through the secure filing system. All information contained in the secure filing system is governed by the rules of confidentiality, as set forth in Article 19 and the secure filing system's terms of service. The enforcement staff may add pertinent factual information to the secure filing system after the NOA is issued and must provide prompt notice of the addition to the institution, involved individuals and the Committee on Infractions. *(Effective February 27, 2023)*

3-3-1-1. Access Restrictions. Pursuant to Committee on Infractions IOP 4-5, the presumption is that all pertinent case information and submissions will be made available to all parties. A party may request the enforcement staff to not share information with

⁶ If the individual is later employed by a member institution, the employing institution would be responsible for implementing any penalties prescribed.



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another party when the information is not pertinent to the other party. If the enforcement staff grants the request, it will provide notice to the Committee on Infractions and any impacted parties. *(Effective February 27, 2023)*

- 3-3-1-2. Party Requests for Additional Information.** Enforcement will not respond to party requests for or access to information that is not pertinent case information. Parties seeking additional information must make requests in good faith to the Committee on Infractions for its resolution pursuant to Bylaw 19.4-7-(i) and Committee on Infractions IOP 4-18. *(Effective February 27, 2023)*

3-4 Summary Disposition.

- 3-4-1. Timeliness.** The expected duration of the summary disposition process is 90 days from the day the Committee on Infractions approves the resolution method to the date the final report is submitted to a hearing panel of the Committee on Infractions. To adhere to this timeline, the enforcement staff will set reasonable deadlines for completion of the report. Failure to adhere to the deadlines may result in a status conference with the chair of the Committee on Infractions pursuant to Bylaw 19.4.7-(i) to discuss plans or strategies to complete the summary disposition. Alternatively, failure to adhere to the deadlines may serve as a basis for abandoning the summary disposition process. *(Effective February 27, 2023)*
- 3-4-2. Templates.** To assist in the completion of the summary disposition report, the enforcement staff will provide the institution and any participating involved individual a template, which includes sections that each party will be asked to complete. *(Effective February 27, 2023)*

3-5. Negotiated Resolution.

- 3-5-1. Preliminary Assessment of Penalties.** Pursuant to Bylaw 19.10.5, parties included in the negotiated resolution may request in writing that a hearing panel of the Committee on Infractions preliminarily assess whether the agreed upon penalties are manifestly unreasonable pursuant to Bylaw 19.12 and Figure 19-1. *(Effective February 27, 2023)*
- 3-5-2. Timeline for Completing the Agreement.** The expected duration of the negotiated resolution process is 60 days from the day the Committee on Infractions approves the resolution method to the date the final report is submitted to a hearing panel of the Committee on Infractions. In order to adhere to this timeline, the enforcement staff will set reasonable deadlines for completion of the report. Failure to adhere to the deadlines may result in a status conference with the chair of the Committee on Infractions pursuant to



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Bylaw 19.4.7-(i) to discuss plans or strategies to complete the negotiated resolution. Alternatively, failure to adhere to the deadlines may serve as a basis for abandoning the negotiated resolution process. *(Effective February 27, 2023)*

3-5-3. Return of Negotiated Resolution to the Parties. In accordance with Bylaw 19.10, if the panel returns the negotiated resolution to the parties for additional information or clarification, the enforcement staff shall coordinate the response on behalf of the parties included in the negotiated resolution. If the requested additional information or clarification changes material elements of the agreement, the parties shall submit an amended agreement to the hearing panel. *(Effective February 27, 2023)*

3-5-4. Factual Information. A rejected negotiated resolution may not be considered as factual information or included in a subsequent resolution method. *(Effective February 27, 2023)*

3-6. Public Dashboard. Pursuant to Bylaw 19.3.2, once the enforcement staff issues an NOA, the parties submit a summary disposition and/or the Committee on Infractions approves a negotiated resolution, the NCAA national office may publish a procedural timeline from the start of the investigation through final resolution. The enforcement staff will notify involved institutions and participating individuals prior to publication and will update the dashboard once a month. *(Effective February 27, 2023)*

Chapter 4 - Level III Violations.

4-1. Processing Level III Violations. Matters the enforcement staff believes to involve only Level III violations ordinarily will be submitted and reviewed electronically through the Requests and Self-Reports Online (RSRO) system. Appeals of staff determinations regarding Level III violations may be presented to the Committee on Infractions pursuant to Bylaw 19.14.4. *(Effective February 27, 2023)*