



# **NCAA Division I Infractions 2020-21 Annual Report**





# NCAA Division I Infractions 2020-21 Annual Report

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# *Peer-Review Snapshot 2020-21*





This past academic year presented unique and novel challenges across college athletics and within the NCAA's infractions process. As leaders in college sports who are entrusted to administer the infractions program, we continue to be flexible in meeting these evolving challenges and are committed to resolving infractions cases. Today, the NCAA continues its work of modernizing the Association's approach to and leadership regarding intercollegiate sports through its new constitution. As leaders of the Committee on Infractions and Infractions Appeals Committee, we also welcome the opportunity to develop, shape and implement positive changes to the NCAA infractions program.

With opportunity for change on the horizon, this annual report is meant to look back at the past academic year's work. During 2020-21, the infractions process effectively managed the impact of the COVID-19 pandemic. Our members and stakeholders adapted like much of the world. The Committee on Infractions and Infractions Appeals Committee, which had done part of their work virtually prior to the pandemic, transitioned seamlessly to the current COVID-19 environment by implementing a new virtual hearing and oral argument platform.

The result has been an unchanged commitment to fair competition, integrity and sportsmanship – core principles for NCAA member schools.

Despite the pandemic, the peer-review process continues to be an effective and efficient way to decide the vast majority of infractions cases. During the 2020-21 academic year, the COI addressed and resolved 19 cases through the peer-review process. Five of those cases stemmed from the Southern District of New York's indictments in 2017.

Within the peer-review process, the negotiated resolution path – added to the peer-review process in 2019 – epitomizes Division I membership's commitment to the mission and principles of the process that is predicated on self-regulation and cooperation. Nearly 60% of cases that reached the Division I Committee on Infractions in the 2020-21 academic year were resolved via the negotiated resolution path. To use this path, the enforcement staff, school or involved individuals must agree on the violations, the level of violations and penalties, the applicable aggravating and mitigating factors and the classification of the case. It also allows parties utilizing negotiated resolution to resolve their case in a more expeditious fashion, with the COI releasing an approved agreement an average of one week after final submission.

The Infractions Appeals Committee issued three decisions, created procedures for conducting virtual oral argument and held five virtual oral arguments. Additionally, the committee conducted a self-review of its policies and procedures during the 2020-21 academic year. The committee has made several recommendations for streamlining the process and timeline and will continue to discuss other potential changes during the upcoming year.

Other cases are moving through the new independent process that was created in Division I as a recommendation from the Commission on College Basketball.

This annual snapshot provides more in-depth insights into how, during a pandemic, the infractions process continued to strive for the level of fairness and accountability the NCAA membership has come to expect. This report details the areas proven to be effective and how enhancements to the process have played out when decisions have been released. The report also explains each part of the infractions process, and how those parts work together to protect fairness in an efficient manner.

**David Roberts**

Chair of the Division I Committee on Infractions, special assistant to the athletics director at Southern California

**Ellen Ferris**

Chair of the Division I Infractions Appeals Committee, senior associate commissioner of the American Athletic Conference

# Executive Summary

The NCAA's enforcement and hearing operation staffs, along with the Division I Committee on Infractions and Division I Infractions Appeals Committee, are committed to preserving fairness and credibility within college sports. The peer-review process has benefited from the addition of tools such as importation and noncooperation penalties, as well as the negotiated resolution path. For the small subset of complex cases, the Independent Accountability Resolution Process offers an alternate path for the resolution of infractions matters that meet certain criteria.

## Snapshots of 2020-21

**600+**  
**Tips Received**

Pieces of information reported to the NCAA enforcement staff, which decides if information is credible or specific enough to open an investigation.

**108**  
**Leads Developed**

Number of those initial tips the enforcement staff received that are investigated further at Division I programs.

**100**  
**Allegations**

Number of allegations made by the enforcement staff in Division I alone. The enforcement staff also investigates and processes cases in Divisions II and III. Other reports were either not substantiated, did not constitute violations, were processed as Level III or were handled through other NCAA procedures.

**19** **Decisions**

Number of cases processed by the Division I Committee on Infractions.

**11 Negotiated Resolutions, average processing time: 8.7 days\***

**5 Contested, average processing time: 53.4 days**

**1 Summary Disposition, processing time: 72 days**

**1 Summary Disposition With Expedited Hearings, processing time: 25 days**

**1 Remand, processing time: 21 days**

*\*Average number of days between final review and release in negotiated resolution cases.*

**3** **Appeal Decisions**

Number of cases processed by the Division I Infractions Appeals Committee. The committee also conducted five oral arguments and considered one case on the written record.



## Meet the Vice President of Hearing Operations



In May 2021, the NCAA named Derrick Crawford as the new vice president of hearing operations. A proven leader with decades of legal, regulatory and higher education experience, Crawford serves as direct liaison to the NCAA Committees on Infractions and Infractions Appeals Committees in all three divisions and oversees the staffs that support the committees.

He also provides strategic coordination for the NCAA's Independent Accountability Resolution Process. Specifically, Crawford serves as the NCAA's primary liaison with the Independent Accountability Oversight Committee, Infractions Referral Committee and the Independent Resolution Panel.

In addition to serving as the NCAA's managing director of enforcement since 2013, Crawford brings decades of experience within legal affairs, both as an attorney and investigator. Crawford served as counsel for policy and litigation at the National Football League for eight years. He also served as an assistant attorney general in Alabama. Before his work with the Alabama Attorney General's Office, Crawford spent five years with the Federal Bureau of Investigation as a special agent and legal advisor.

## Clarifying Name, Image and Likeness and Previous Penalties

Although student-athletes can now receive benefits from their names, images and likenesses through activities such as endorsements and appearances, NCAA rules still do not permit pay-for-play arrangements. The NCAA infractions process exists to promote fairness in college sports. The rules that govern fair play are voted on, agreed to and expected to be upheld by all NCAA member schools. Previous penalties, including those that are several years old, will not be reevaluated or reconsidered based on the recent changes to NIL rules.

## COVID-19 Response

The NCAA's infractions program did not stop during the COVID-19 pandemic. The components of the infractions process transitioned to a virtual environment to limit any disruption and delay caused by the pandemic. The enforcement staff conducted investigations, and the adjudicative bodies held hearings and oral arguments, in an entirely virtual world. Despite the pandemic, 19 Committee on Infractions cases were resolved in Division I during the 2020-21 academic year. The Infractions Appeals Committee issued three decisions and conducted five virtual oral arguments.

## Negotiated Resolutions

The negotiated resolution continues to be an attractive and efficient path for parties who are in full agreement on the violations, the level and classification of violations, and penalties. Nearly 60% of cases that reached the Division I Committee on Infractions in the 2020-21 academic year were resolved via the negotiated resolution path. Once approved, the Committee on Infractions releases decisions in about a week.



## Infractions Process Committee

In January 2021, the Division I Board of Directors Infractions Process Committee was formed. The committee, created by the board, is charged with advising the board on infractions and enforcement processes that are not case specific. The board created the committee due to several factors, including a request from the Committee on Infractions and Infractions Appeals Committee to facilitate meaningful engagement on infractions issues that are of high import to the membership.

The new committee comprises 10 members: five presidents or chancellors, one conference commissioner, one director of athletics, one senior woman administrator, one faculty athletics representative and one student-athlete.

## IARP

From March 2020 to July 2021, six infractions cases progressed through the Independent Accountability Resolution Process structure. In that time, the Infractions Referral Committee held 14 meetings to review and respond to requests for referral. Additionally, the chief panel members and hearing panels have been actively engaged in resolving procedural issues and questions to ensure the Independent Resolution Panel cases continue to proceed to resolution. On more than 53 occasions, the chief panel members or hearing panels resolved one or more procedural issues or questions.

The Independent Accountability Oversight Committee refined operating procedures to appropriately expedite and drive cases to conclusion. Specifically, the Complex Case Unit and schools now have timelines to submit their proposed scheduling deadlines. Also, moving forward, the Complex Case Unit must accept the investigative work of the enforcement staff unless the unit can demonstrate a compelling reason why additional investigation is required. Additionally, timelines of procedural actions and case status have been published for each case in the independent process on [iarbcc.org](https://iarbcc.org). This change will provide transparency and improve credibility.

## Contacts

Have questions, concerns or feedback? Or would you simply like to connect with the NCAA staff that helps oversee this member-driven process?

**Jon Duncan**, vice president, enforcement, [jduncan@ncaa.org](mailto:jduncan@ncaa.org)

**Derrick Crawford**, vice president, hearing operations, [dcrawford@ncaa.org](mailto:dcrawford@ncaa.org)

**Wendy Walters**, managing director, Infractions Appeals Committees office, [wwalters@ncaa.org](mailto:wwalters@ncaa.org)

**Matt Mikrut**, managing director, office of the Committees on Infractions, [mmikrut@ncaa.org](mailto:mmikrut@ncaa.org)





# *Division I Infractions Peer-Review Overview*

The NCAA peer-review infractions process begins and ends with membership presidents and chancellors, athletics directors, administrators, and coaches. These decision-makers come mostly from campus and conference settings. As a result, they understand how their decisions in the infractions process play out on an institutional level. Although a select few cases are resolved through the new Independent Accountability Resolution Process, the vast majority of cases are resolved through the peer-review process.

## **Framework**

The peer-review process is made up of three bodies (enforcement, Division I Committee on Infractions and Division I Infractions Appeals Committee) that work to produce fair, efficient and credible outcomes. Three different paths (negotiated resolution, summary disposition and hearing) fall within these stages, with the negotiated resolution path introduced in 2019. Further, some cases may be appealed for further review. All of these paths are explained in detail in this report.

## **Member-Driven**

The NCAA membership proposes and adopts regulatory rules that affect student-athletes' eligibility, recruiting, academic standards, playing and practice seasons, scholarships and benefits. Potential violations of those rules are decided by representatives of NCAA members, who make up the Division I Committee on Infractions and Division I Infractions Appeals Committee. These bodies hear and decide specific infractions cases that are initially investigated by the NCAA's enforcement staff.

## **Three Levels of Violations**

In Division I, violations of NCAA rules fall into three categories (Levels I, II and III), with Level III providing minimal advantages or extra benefits. Guidelines agreed to by the NCAA's membership are considered and provide clarity around some of the most significant violations – lack of institutional control, failure to monitor, unethical conduct and head coach responsibility.

## **Reform**

In January 2021, the Division I Board of Directors Infractions Process Committee was formed. The committee, created by the board, is charged with advising the board on infractions and enforcement processes that are not case specific. The board created the committee due to several factors, including a request from the Committee on Infractions and the need to facilitate meaningful engagement on important issues.

The new committee includes 10 members comprising five presidents or chancellors, one conference commissioner, one director of athletics, one senior woman administrator, one faculty athletics representative and one student-athlete.

# Process Overview

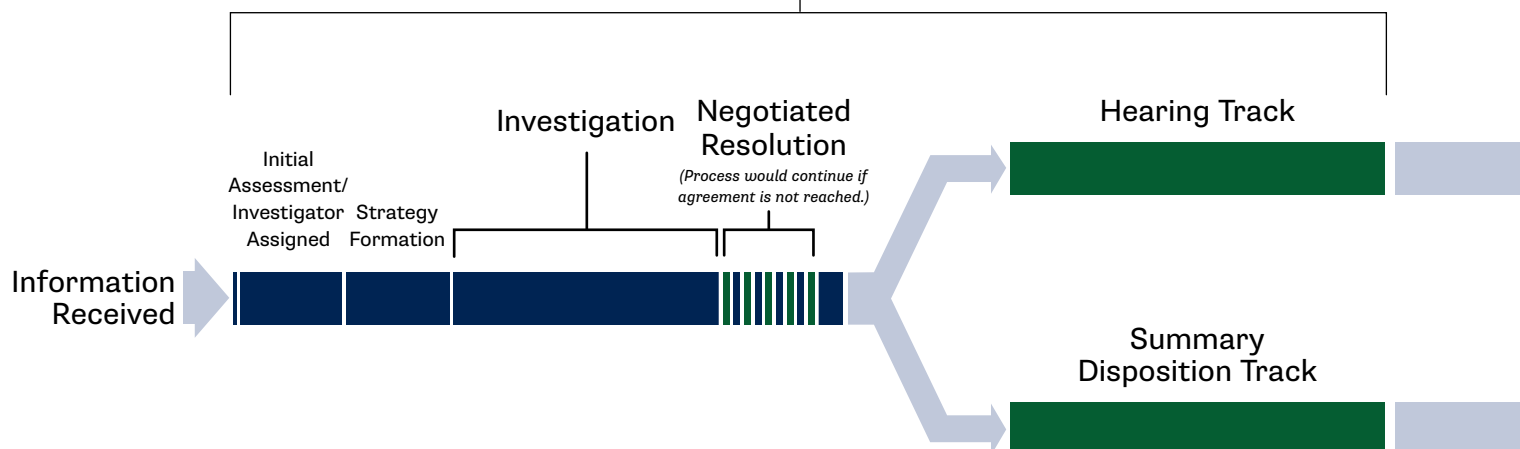


## ENFORCEMENT

When the enforcement staff receives information about potential NCAA rules violations, it decides whether to investigate. If the enforcement staff believes information substantiates violations, it alleges potential Level I or Level II violations and presents those allegations to the Committee on Infractions.

Average time spent with enforcement staff:

**12-20 months**  
depending on case type







## DIVISION I COMMITTEE ON INFRACTIONS

The Committee on Infractions decides the facts of the case and considers positions of all the parties when concluding whether NCAA violations occurred. The committee considers and reviews whether the NCAA membership's adopted rules have been violated by schools and involved individuals. The Committee on Infractions is composed of as many as 24 qualified representatives from member schools, conferences and the public, who sit on panels to hear cases. Members of the committee deliberate, conclude if violations occurred, prescribe appropriate penalties, then issue a written decision. The committee also monitors schools on probation. For contested cases, there are roughly five months of legislated time during which parties are preparing to submit their positions related to a case. Depending on case complexity and the committee's docket, it releases decisions in contested cases approximately two months after the hearing.

**Outside of the timing legislated for parties to submit a case to the COI, the average time spent with the Committee on Infractions:**

**7 days to 4 months**  
depending on case type

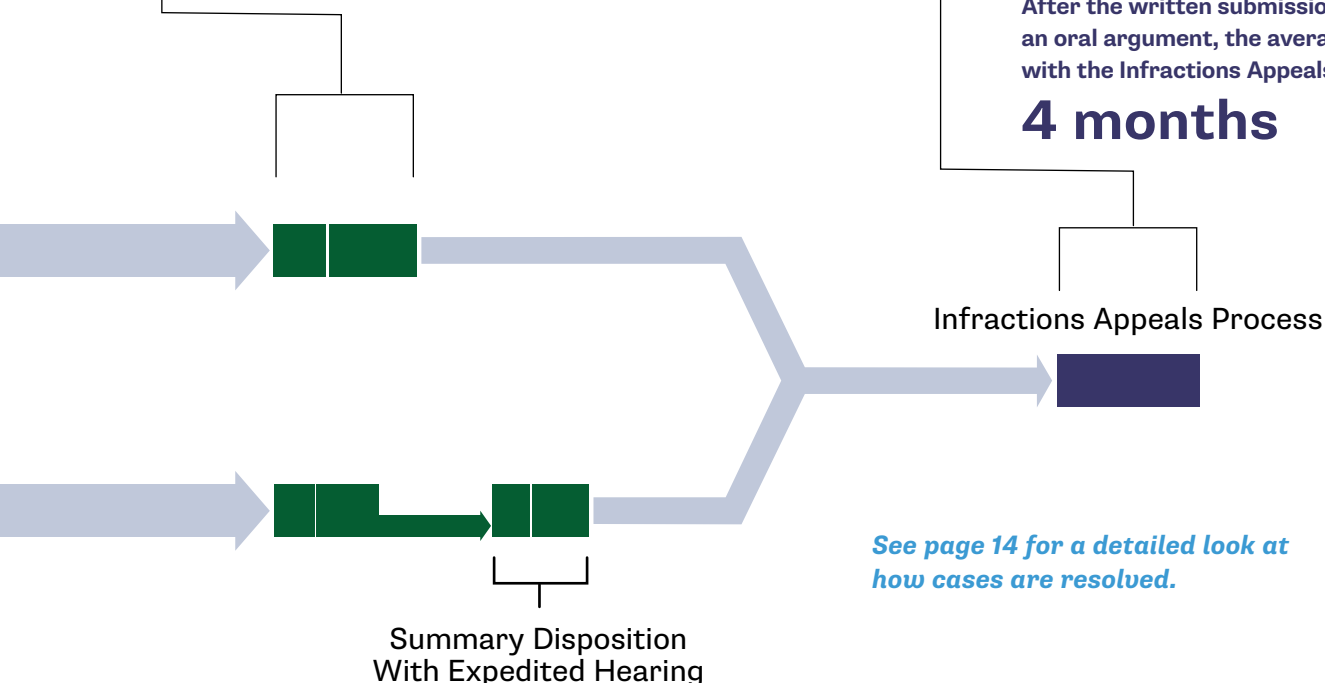


## DIVISION I INFRACTIONS APPEALS COMMITTEE

The Committee on Infractions' decision then can be reviewed by the seven-member Infractions Appeals Committee if a school or involved individual does not agree with the factual findings, conclusions of violations, level, classification and/or penalties. Any appealed penalty is stayed and does not apply through the appeal process. The Infractions Appeals Committee considers the arguments presented by the appealing party and the Committee on Infractions, then deliberates and concludes whether to affirm or vacate the appealed findings, conclusions, level, classification and/or penalties in its written decisions. The legislation and committee's internal operating procedures prescribe the timeline for the provision of the parties' written submissions considered during the appeal. On average, parties provide all the written submissions within three and a half months. Based on the availability of the parties and the committee's oral argument schedule, oral arguments are generally held approximately two weeks to two months after the receipt of the written submissions.

**After the written submissions and conducting an oral argument, the average time spent with the Infractions Appeals Committee:**

**4 months**



*See page 14 for a detailed look at how cases are resolved.*







# *Division I Enforcement Overview*

Enforcement resides in the middle of the process that starts with member-adopted rules and ends with members prescribing penalties. The NCAA enforcement staff works to uphold integrity and fair play among member schools, ensures that compliant schools and student-athletes are not disadvantaged by their compliance, and provides fair procedures and timely resolution of cases.

Trust and collaboration between the enforcement staff, schools and conferences are vital to upholding that mission successfully. The NCAA's enforcement development staff works with member schools and their athletics departments to identify issues and concerns affecting college sports and to encourage the reporting of potential violations as early as possible. Information on possible violations is provided to the enforcement staff in several ways, such as self-reporting, sources, phone calls, public or member tips, and social media.

Enforcement investigators charged with reviewing information about potential violations are committed to doing so in a fair, accurate, collaborative and timely manner. The enforcement staff works together with schools and other parties to uncover the facts and assess whether violations may have occurred. Not all tips are substantiated, and not all reported behaviors are violations of NCAA rules.

At the completion of an investigation, the enforcement staff works collaboratively with schools to prepare potential Levels I and II violations for review by the NCAA Committee on Infractions via legislated timelines, documents and processes. (For the most part, the enforcement staff and schools handle Level III violations.)

# Potential Resolution Tracks

## Potential Violation

Information is received from self-reports, sources, public or member tips, social media and other relationships.

## Investigation

### INVOLVES



The enforcement staff reviews information about potential violations. If further investigation is needed, it issues a notice of inquiry and works together with the school to discover the facts.

*If no violations are found*  
**CASE CLOSED**

## Negotiated Resolution

### INVOLVES



- Parties agree on the facts, violations, level and classification, and penalties.
- A COI panel reviews and approves a report compiled by the parties.
- There is no opportunity to appeal.

OR

## Summary Disposition Track

### INVOLVES



- Parties agree to the facts and level of the case and draft a report.
- The report is submitted to a COI panel, which issues penalties and a decision.
- An expedited hearing about penalties can be requested.
- Those penalties may be appealed.

OR

## Hearing Track

### INVOLVES



- Enforcement staff's allegations are challenged.
- All parties review the allegations with a COI panel.
- The COI decides violations and penalties.

OR

## Independent Accountability Resolution Process

### INVOLVES



- Independent investigators and decision-makers are used to help resolve select cases deemed complex.
- There is no opportunity to appeal.

## RULE CREATION

**WHO IS INVOLVED:**  
NCAA membership

NCAA rules are proposed, considered and adopted to uphold the NCAA's values and protect the integrity of college sports.

**E** Enforcement Staff

**I** School and/or Individuals

**COI** Committee on Infractions

**IP** Infractions Panel

**CCU** Complex Case Unit

**IRP** Independent Resolution Panel

**IAC** Infractions Appeals Committee

## Appeals

### INVOLVES



The Infractions Appeals Committee has the final say in a case appealed by a school or involved individual.

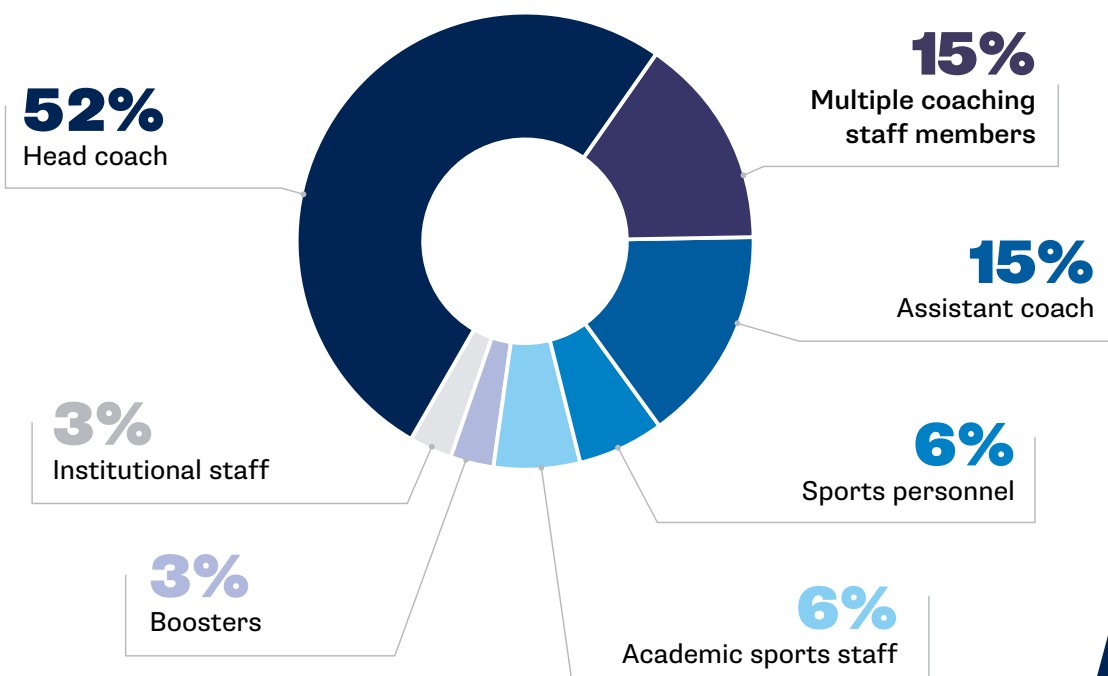
## INVOLVED SPORTS IN ALLEGATIONS - LAST 3 AYs

SPORT	2018-19	2019-20	2020-21
Men's Basketball	23%	37%	13%
Football	11%	14%	13%
Women's Basketball	9%	0	9%
Women's Volleyball	8%	11%	11%
Baseball	5%	4%	4%
Softball	1%	2%	6%
Women's Soccer	3%	2%	4%
Men's Cross Country	0	4%	0
Women's Cross Country	5%	2%	0
Women's Tennis	2%	2%	1%
Men's Soccer	2%	2%	2%
Men's Golf	4%	0	1%
Men's Tennis	2%	0	0
Women's Lacrosse	2%	0	3%
Women's Golf	2%	2%	3%
Men's Lacrosse	2%	0	5%
Women's Swimming and Diving	4%	0	1%
Men's Swimming and Diving	2%	0	0
Women's Track and Field	7%	10%	13%
Women's Gymnastics	0	2%	0
Men's Track and Field	6%	8%	9%
Men's Water Polo	0	3%	0
<b>GRAND TOTAL</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

## MOST COMMONLY VIOLATED BYLAWS

BYLAW	KEYWORDS	ALLEGATIONS
13	Contacts and Evals	
2	Failure to Monitor	
19	Failure to Cooperate	
11	Head Coach Responsibility	
10	Un Conduct, Furnish/Influencing False or Misleading Info	
10	Unethical Conduct	
13	Offers and Inducements	
15	Financial Aid	
10	Un Conduct, Receipt of benefits by institutional staff member arranging	
11	Noncoaching Staff Duties	
11	Off-Campus Recruiting Certification	
13	Other	
14	Academic Certification	
17	Countable Athletically Related Activities (CARA)	
16	Impermissible Extra Benefit	
11	Other	
12	Amateurism Certification	

## Who Commits Levels I and II Violations?



## Level III Violations

**2,314** cases in 2020-21 academic year

**52** Division I head coach suspensions from Level III violations since 2013\*

*\*The total number of head coach suspensions, for any level of violation, was approximately 200 during this time period.*













# Division I Committee on Infractions Overview

The Division I Committee on Infractions forms the heart of the peer-review model and is central to the NCAA's infractions process, which aims to promote fair competition, integrity and sportsmanship – core principles for NCAA member schools. These commitments are the foundation of the membership-created infractions process, safeguarding integrity, holding parties accountable for their actions and ensuring fairness in the ever-changing world of college athletics. It is important that those institutions and student-athletes abiding by NCAA rules are not disadvantaged by their commitment to compliance.

Much like how the NCAA membership proposes and adopts regulatory rules, the Committee on Infractions that decides on potential violations comprises representatives from NCAA member schools and conferences, along with individuals from the general public who have legal training.

When cases are submitted to the Committee on Infractions, they are heard by panels of either three, five or seven members that are generated based on experience, availability and the absence of a conflict of interest. Through these panels, the committee decides infractions cases that involve alleged violations developed during the enforcement staff's investigation. For contested cases, the Committee on Infractions holds a hearing and then finds the facts, concludes whether the actions violated NCAA rules and, if applicable, what the appropriate penalties should be. The Committee on Infractions also reviews summary disposition reports, when the parties agree to the violations and overall processing level of the case. In those cases, the Committee on Infractions reviews the parties' agreed-upon violations and, if appropriate, prescribes penalties. The Committee on Infractions will also review and approve negotiated resolutions agreed to by the enforcement staff and parties. The negotiated resolution path allows parties in agreement to work together in an efficient, cost-effective way.

The Committee on Infractions also leverages membership-approved tools to provide outcomes that are fair and transparent, and hold institutions accountable, in an efficient time frame.

For example, importation allows for the Committee on Infractions – and other groups in the infractions process – to bring forth information presented in outside legal or similar proceedings into the infractions process. This information can come from court cases, accrediting bodies or commissions, among other proceedings. Additionally, the Division I Committee on Infractions can impose immediate penalties (including loss of revenue, postseason opportunities or show-cause orders) when schools or individuals do not cooperate in the investigations and infractions process.

The Committee on Infractions prescribes penalties that follow NCAA membership-legislated guidelines.

# Meet the 2020-21 Committee



**David Roberts**  
(chair)  
Special assistant to the athletics director, Southern California\*\*



**Carol Cartwright**  
(vice chair)  
President emerita, Bowling Green and Kent State\*\*



**Norman C. Bay**  
Attorney; previous chair of the Federal Energy Regulatory Commission



**William Bock III**  
Attorney; general counsel for U.S. Anti-Doping Agency



**Greg Christopher**  
Director of athletics, Xavier\*



**Jody Conradt**  
Retired hall of fame women's basketball coach; special assistant to the women's athletics director, Texas



**Bobby Cremins**  
Former men's basketball coach, Appalachian State University, College of Charleston and Georgia Tech



**Richard Ensor**  
Commissioner, Metro Atlantic Athletic Conference



**Alberto Gonzales**  
Dean and Doyle Rogers Distinguished Professor of Law, Belmont; former U.S. attorney general



**Thomas Hill**  
Emeritus vice president for student affairs, Iowa State\*



**Jason Leonard**  
Executive director of athletics compliance, Oklahoma



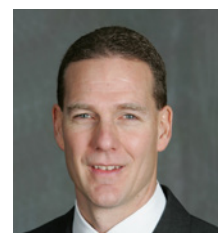
**Stephen A. Madva**  
Attorney; Chair emeritus of Montgomery, McCracken, Walker & Rhoads, LLP



**Joel Maturi**  
Former director of athletics, Minnesota



**Gary Miller**  
President, Akron



**Vince Nicastro**  
Deputy commissioner and chief operating officer, Big East Conference



**Kay Norton**  
President emerita, Northern Colorado



**Joe Novak**  
Former head football coach, Northern Illinois



**Roderick Perry**  
Director of athletics, Indiana University-Purdue University Indianapolis



**Jill Redmond**  
Senior associate commissioner, Atlantic 10 Conference



**Mary Schutten**  
Executive vice president/provost, Central Michigan

\*\*For 2021-22, David Roberts serves as committee chair, and Carol Cartwright is vice chair.



**E. Thomas Sullivan**  
President emeritus,  
Vermont\*



**Sankar  
Suryanarayan**  
University counsel,  
Princeton



**Sarah Wake**  
Associate vice president  
for equity and associate  
general counsel,  
Northwestern\*

## New members for 2021-22



**Tricia Turley  
Brandenburg**  
Deputy director of  
athletics/senior woman  
administrator, Towson



**Kendra Greene**  
Senior associate athletics  
director/senior woman  
administrator, North  
Carolina Central



**Cassandra Kirk**  
Chief judge magistrate,  
Fulton County (Georgia)  
Courts

## THE COMMITTEE INCLUDES UP TO 24 MEMBERS

- Members of the Division I Board of Directors appoint committee members to serve full or partial terms.
  - A full term is three years, with members capped at three terms.
  - Terms are staggered to ensure enough overlap and that significant numbers of committee members do not rotate off the committee simultaneously, thereby affecting the overall experience of the Committee on Infractions.

### The committee members include:

- Current or former university presidents and chancellors.
- Current or former athletics directors.
- Conference commissioners and other representatives.
- Former NCAA coaches.
- Campus and conference compliance officials.
- Faculty athletics representatives.
- Other university staff or faculty.
- Members of the public with formal legal training.

### Division I Committee on Infractions Panels

Most cases are considered by panels of five to seven members.

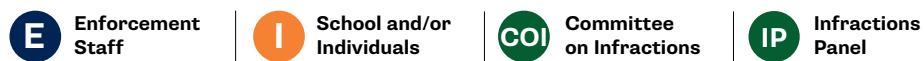


A three-member panel may be assigned based on the number and/or nature of allegations and to review negotiated resolutions.



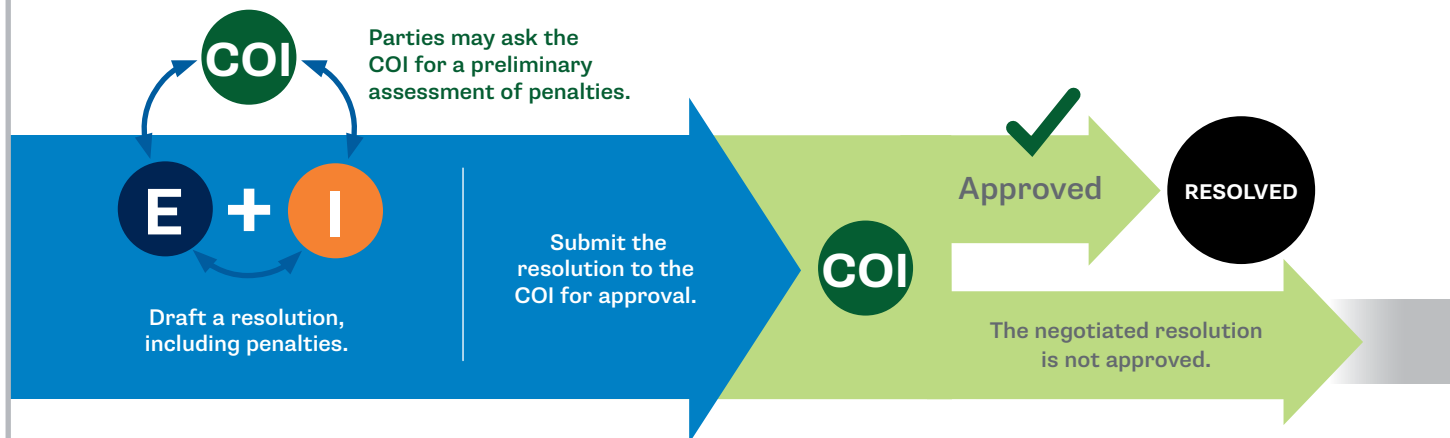
\*Served on the Division I Committee on Infractions during 2020-21 academic year and are not on the 2021-22 committee roster.

For Level I and II violations, parties may resolve cases one of three ways – a negotiated resolution (shown below), summary disposition or a formal hearing (see pages 24-25).



## Negotiated Resolution

Negotiated resolution cases, implemented in 2019, typically take less than a week to be released after final review from the Committee on Infractions. To use this path, the enforcement staff, school and involved individuals must agree on the violations, the level of violations, the applicable aggravating and mitigating factors, the classification of the case and penalties. The committee reviews each negotiated resolution to determine whether the agreement is in the best interest of the NCAA and whether the agreed-upon penalties are appropriate. Negotiated resolutions do not set precedent and cannot be appealed.

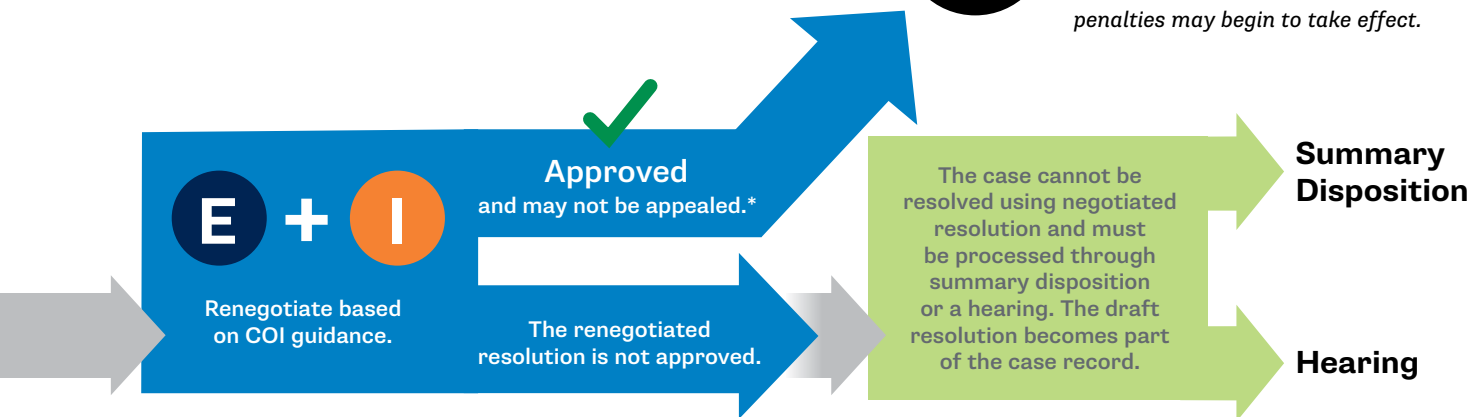






**RESOLVED**

*\*If a negotiated resolution is reached for only a portion of a case, it is not final until the remainder of the case is resolved using other tracks. However, penalties may begin to take effect.*



**E** Enforcement Staff

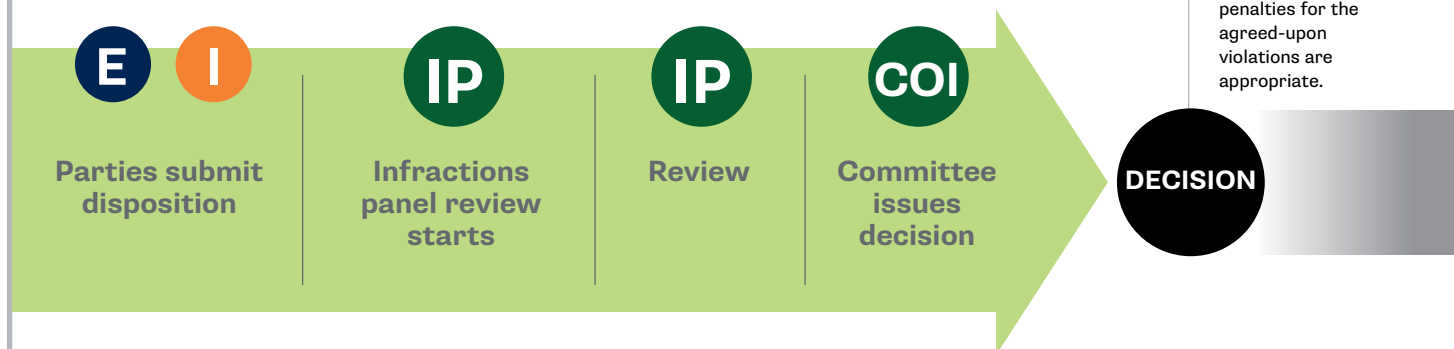
**I** School and/or Individuals

**COI** Committee on Infractions

**IP** Infractions Panel

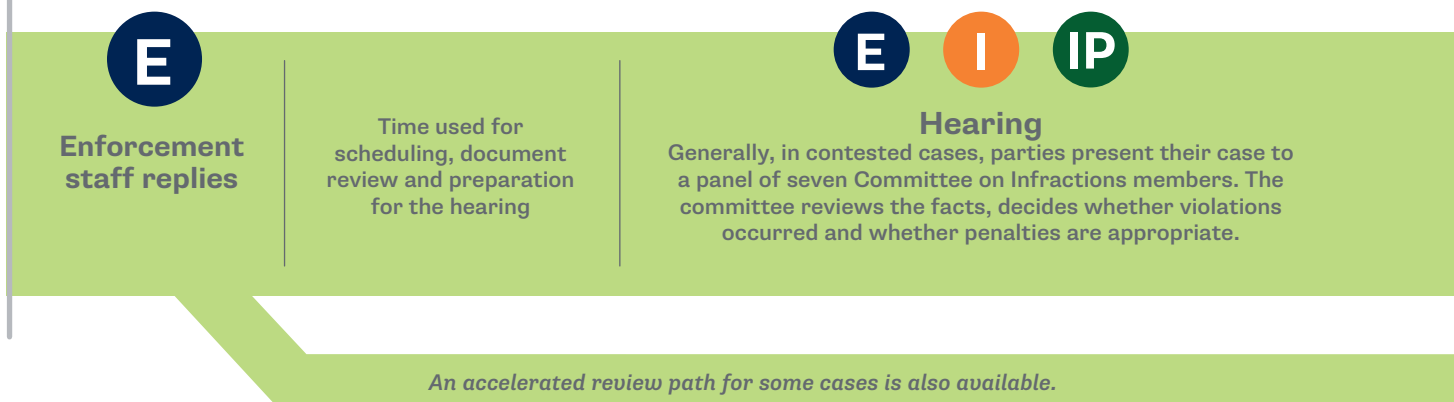
## Summary Disposition

This path is used if the enforcement staff, involved individuals (if participating) and the school agree on the facts, violations and processing level. In the summary disposition path, the NCAA enforcement staff is not involved with penalties and does not make recommendations on the penalties. Instead, a hearing panel from the Committee on Infractions reviews the case report from the parties and issues a decision. This path avoids the need for an in-person hearing before the Committee on Infractions, eliminates the costs associated with such a hearing and reduces the amount of time needed to bring the case to closure.



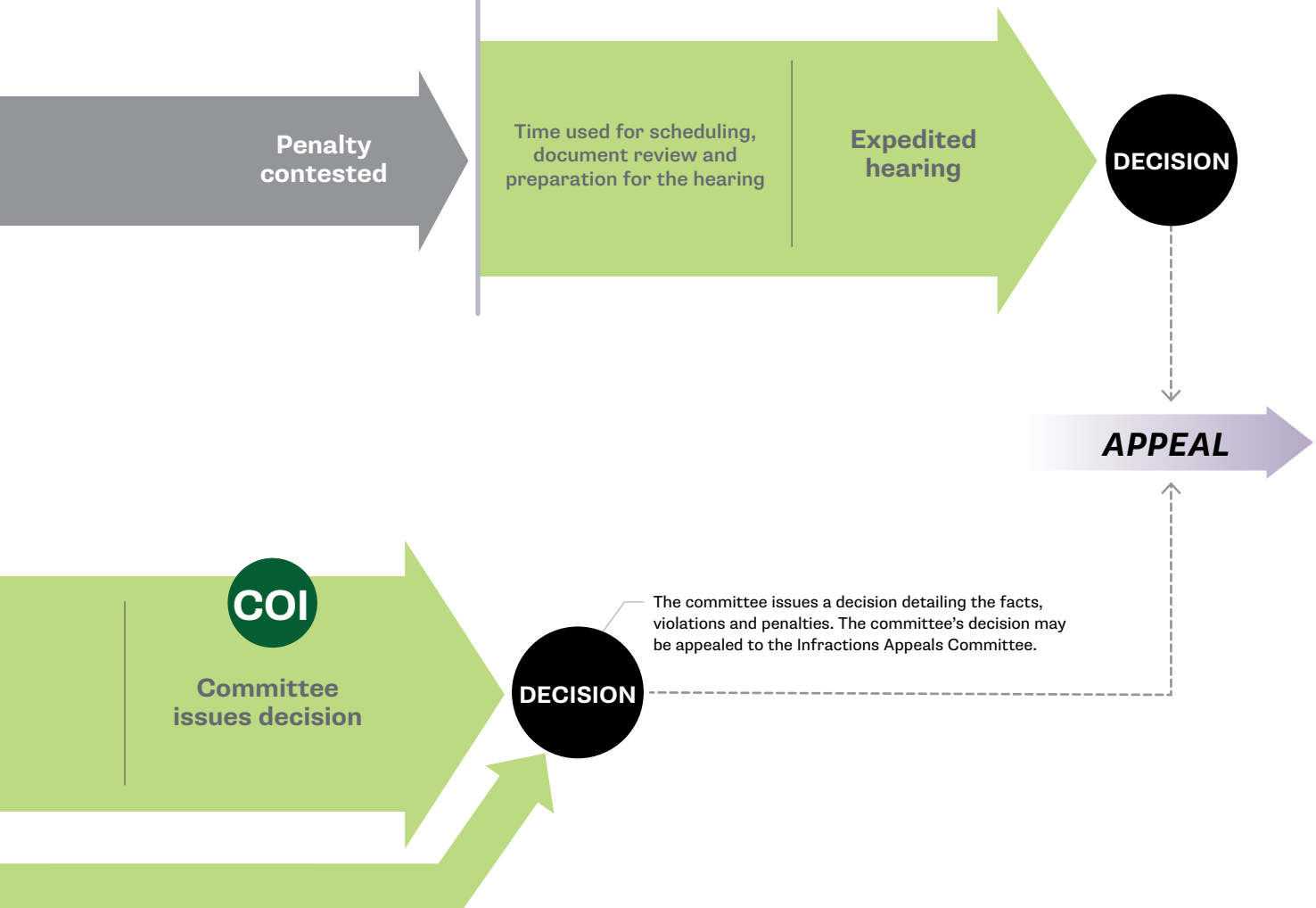
## Formal Hearing

In cases in which parties do not agree on some or all the facts, violations or violation levels, a panel of the Committee on Infractions holds a formal hearing.



## Summary Disposition With an Expedited Hearing

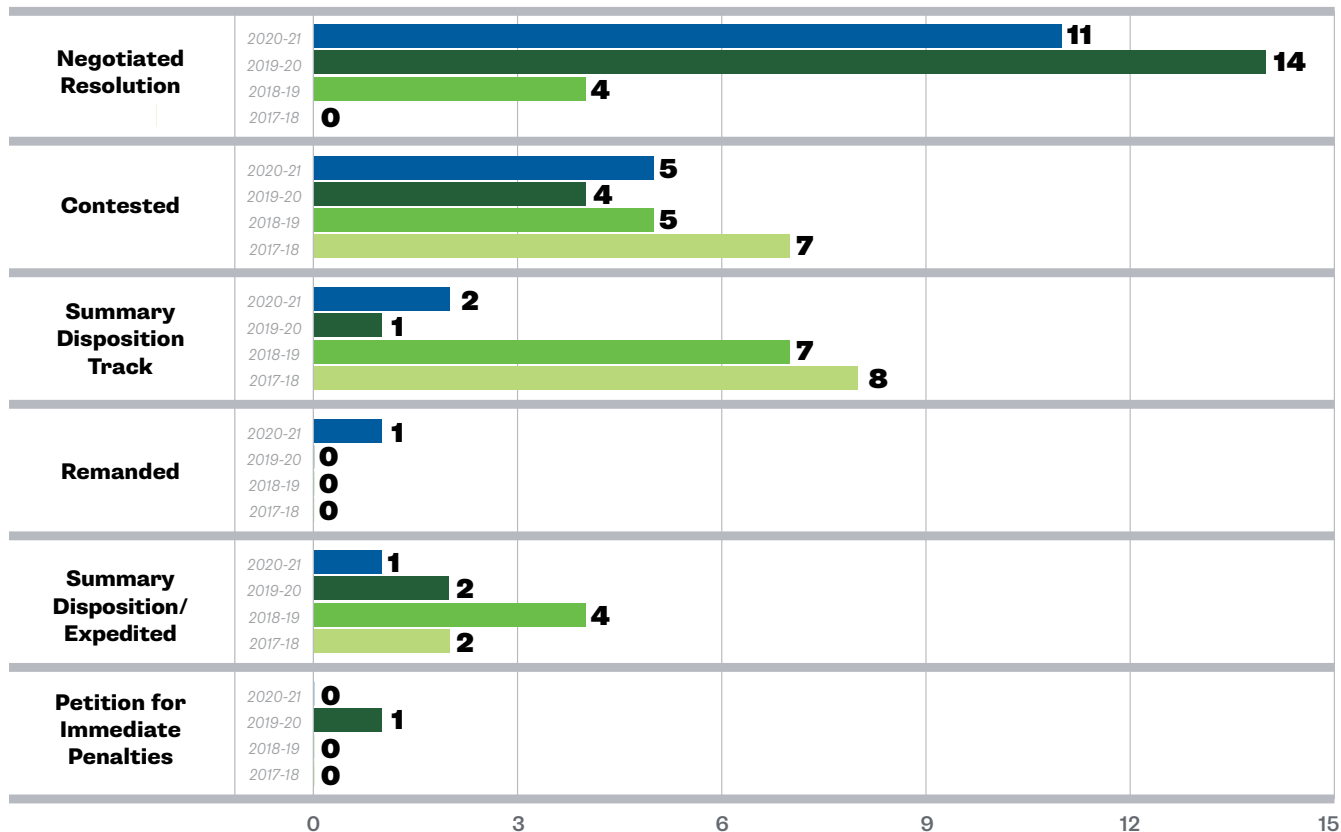
In a summary disposition, a school or involved individual may accept the facts and violations, but challenge the penalties proposed by the panel members from the Committee on Infractions. In those instances, an expedited penalty hearing will be held, followed by deliberation and the panel's decision. Only information regarding the penalties is discussed at this hearing.



# Infractions Annual Report Data

## Committee on Infractions Data

Reviewed cases/held hearings: 2020-21 compared with previous years.



**19**  
cases

2020-21

**22**  
cases

2019-20

**20**  
cases

2018-19

**17**  
cases

2017-18

Average 19.67 cases

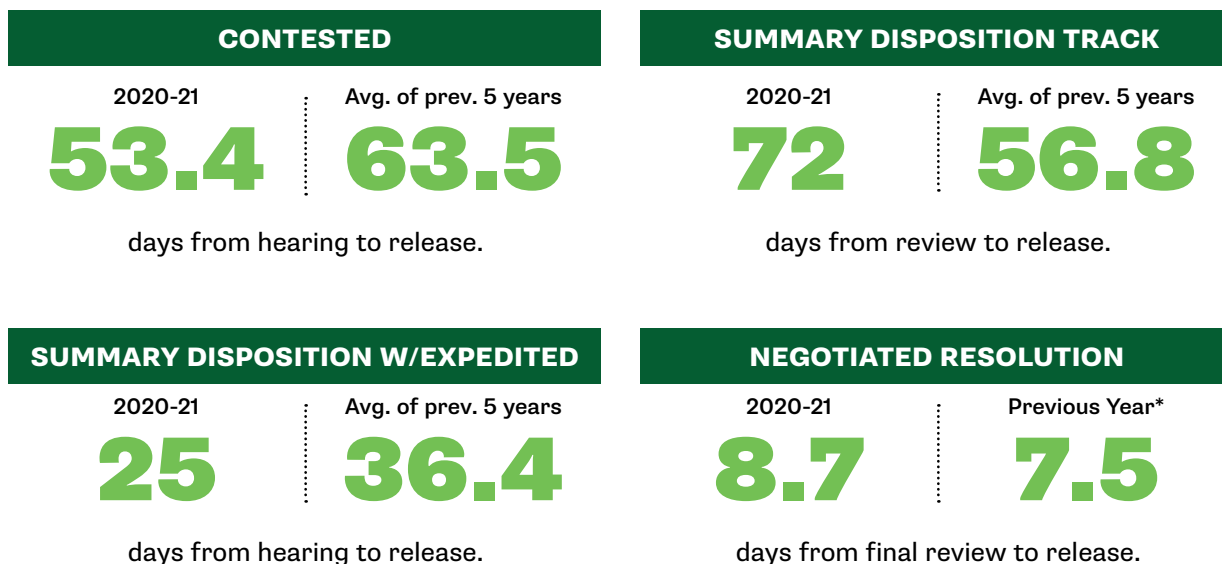


# Case Efficiency

Generally, once a case gets to the Committee on Infractions for review, decisions are released relatively quickly. The committee's review of the case, however, is part of the overall infractions process, which is much longer. That's because the enforcement staff requires adequate time to thoroughly investigate potential violations, and if a party appeals the committee's decision, that can add months to the process. Once the enforcement staff issues its allegations, the bylaws provide the parties with a five-month period to submit formal positions related to those allegations. Throughout that period and in the weeks that follow, the committee prepares for the hearing. This preparation includes panel members reviewing the entire case record in preparation for the hearing, and the Committee on Infractions staff members combing through the record, producing preparation materials, finalizing logistics, generating panels and resolving conflicts of interest. Hearings generally occur one to two months after the parties' formal submissions.

In negotiated resolution and summary disposition, which are cases that are built on party agreement, the preparation time is shorter, and panels are generated when the negotiated resolution or summary disposition is submitted. The nature and size of contested cases involve a longer timeline with multiple submissions (i.e., notice of allegations, responses, written reply). In those circumstances, panels are generated earlier in the process – roughly three months before the hearing – so panels have time to prepare for the case by reviewing the case record and party submissions.

When necessary in negotiated resolution cases, the Committee on Infractions may seek clarification or additional information regarding the parties' initial submission. This process can take about a month and is aimed at ensuring that the agreement is in the best interest of the Association and that the penalties are reasonable. Once the Committee on Infractions receives the final submission, it takes a little more than a week to schedule the review, and once approved, the decision is released between two and 10 days.



\*Negotiated resolution became a path in the 2019-20 academic year, so only one prior year of data is available.





# Penalty Analysis

After the Commission on College Basketball recommendations, NCAA membership shared a desire for stronger penalties and legislated a new penalty construct to achieve that desire. Data from 2020-21 shows that the Committee on Infractions continues to answer the membership's call for more egregious violations to be met with stronger consequences.

	LEVEL I	LEVEL II
Total Cases	6	13
Aggravated	0	0
Standard	1	5
Mitigated	5	8
Average Probation	2.7 years	1.5 years
Show-Cause Average	5.5 years	1.3 years
Cases involving postseason ban(s)	1	0
Head coach suspensions	4	6
Cases involving scholarship reduction(s)	3	4
Percentage of cases	50%	31%
Cases involving recruiting restrictions	5	9
Percentage of cases	83%	69%
Cases involving vacation of records when ineligible competition occurred	1	4



# Division I Infractions Appeals Committee Overview

If a school or involved individual disagrees with the Committee on Infractions' determination of factual findings, conclusions, findings of violations, level, classification and/or prescription of penalties, an appeal may be submitted for review by the NCAA Division I Infractions Appeals Committee.

Currently, the committee is composed of seven volunteer members. Two of those members are from the general public, do not represent coaches or athletes in any capacity and are not affiliated with a collegiate institution, conference, or professional or similar sports organization. The committee's mission is to provide a meaningful, reliable and credible appeal opportunity that produces outcomes that have a positive impact on the infractions process and supports the NCAA's commitment to provide a fair and fulfilling competitive environment for student-athletes.

An appeal to the Infractions Appeals Committee is not a second opportunity to argue the full case. Instead, the committee only reviews the matters appealed by the parties. The committee may only overturn the determinations of the Committee on Infractions in limited circumstances when the school or involved individual demonstrates one or more of the following:

- For factual findings, conclusions and violations, the appealing party must demonstrate:
  - the factual finding is clearly contrary to the information presented to the Committee on Infractions;
  - the facts found by the Committee on Infractions do not constitute a violation of the NCAA constitution and bylaws; or
  - there was a procedural error, and but for the error, the Committee on Infractions would not have made the finding or conclusion.
- For penalties (including the application and weighing of aggravating and mitigating factors), the appealing party must demonstrate that in prescribing a penalty, the Committee on Infractions panel abused its discretion. An abuse of discretion means that the prescribed penalty:
  - was not based on a correct legal standard or was based on a misapprehension of the underlying substantive legal principles;
  - was based on a clearly erroneous factual finding;
  - failed to consider and weigh material factors;
  - was based on a clear error of judgment, such that the imposition was arbitrary, capricious or irrational; or
  - was based in significant part on one or more irrelevant or improper factors. (Alabama State University Public Infraction Report (June 30, 2009)).





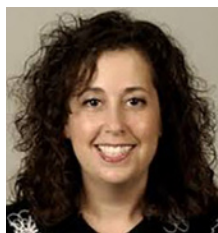
## Meet the 2020-21 Committee



**Ellen M. Ferris**

(chair)

Senior associate  
commissioner, American  
Athletic Conference



Allison Rich

(vice chair)

Senior associate director of athletics and senior woman administrator, Princeton



## Jonathan Alger

President, James Madison



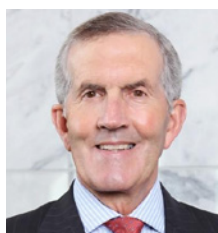
**Alejandra  
Montenegro Almonte**

Public member, vice chair  
of Miller & Chevalier  
International Department



## Tom Goss

Public member, chairman  
of Goss LLC, and former  
student-athlete



**David Shiplev**

Georgia Athletic  
Association professor in  
law and faculty athletics  
representative



**Julie Vannatta**

Senior associate general  
counsel for athletics/  
senior associate athletics  
director, Ohio State

## Infractions Appeals Committees Office Staff

**Wendy Walters**

Managing director

**Joyce Thompson-Mills**

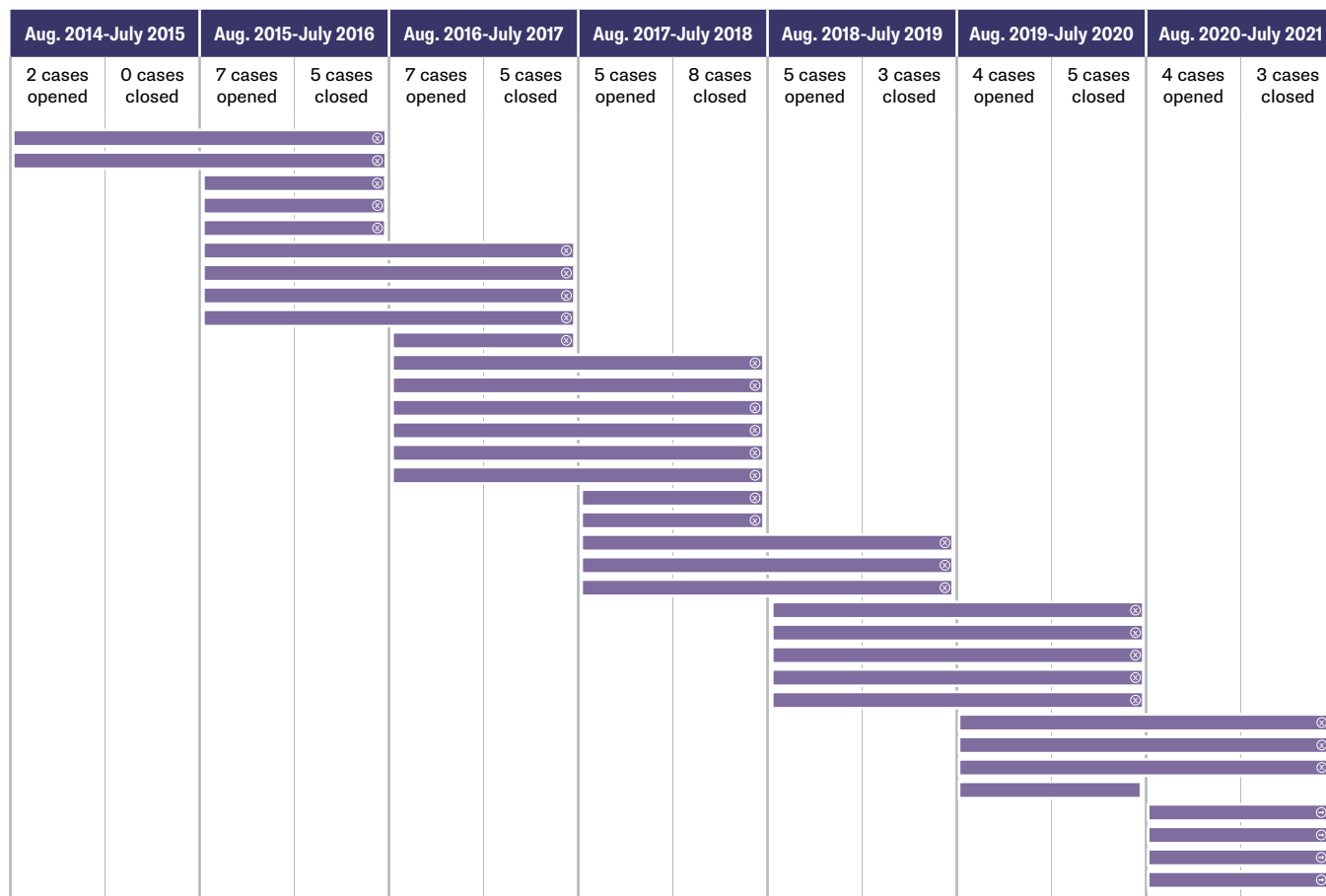
Director

**Kelley Sullivan**

Assistant coordinator

## Infractions Appeals Committee Cases By Year

Cases opened and closed by calendar year. Each horizontal bar is an individual case.





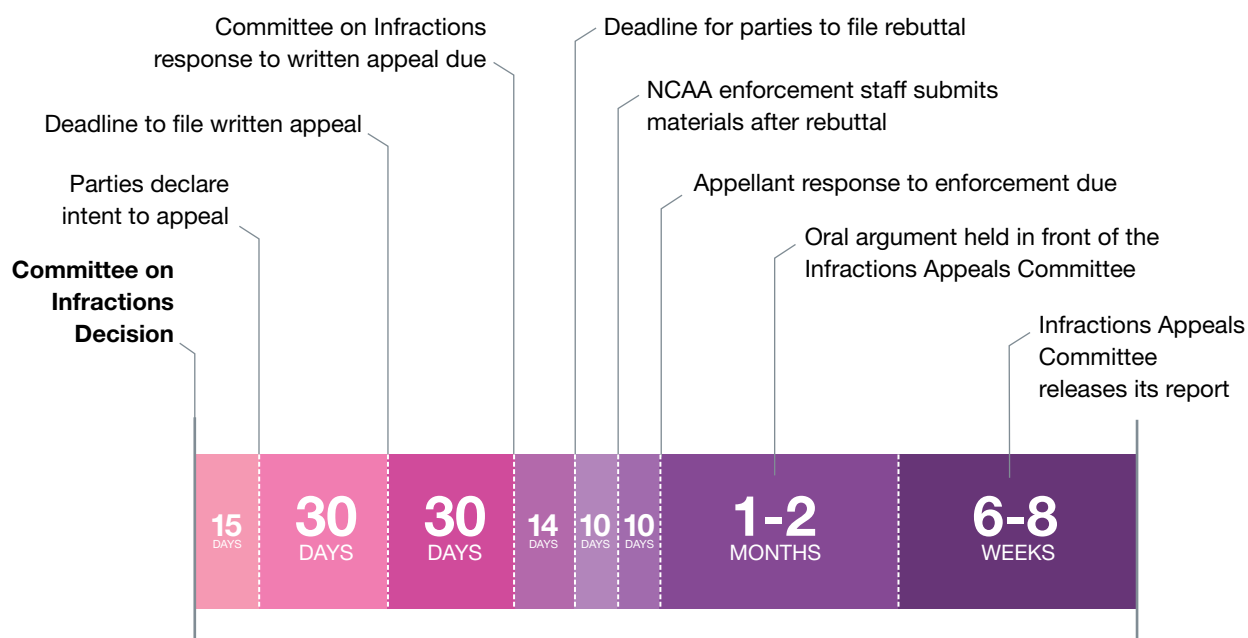
## Violations and Penalties

Over the last three years, 13 of 16 appealed findings of violations and 14 of 20 appealed penalties have been affirmed by the Infractions Appeals Committee.

	2018-19	2019-20	2020-21
Total violations appealed	12	0	4
Violations affirmed	10	0	3
Violations vacated	2	0	1
Total penalties appealed	12	4	4
Penalties affirmed	9	4	1
Penalties vacated	2	0	1
Penalties remanded	1	0	2

## Infractions Appeals Timeline

The average Infractions Appeals Committee case takes eight months from the time of appeal until a resolution is reached. These time frames represent legislated benchmarks:



# What's Next

## Expansion of Committee

The Infractions Appeals Committee increased its membership to seven and began hearing and resolving cases with its new members. It is noteworthy that the Infractions Appeals Committee will not hear appeals using panels. If no members of the seven-member Infractions Appeals Committee have a conflict, the full committee of seven will hear an appeal. However, if there are conflicts, a minimum of five members of the committee must be present to consider an infractions appeals case.

The new members include two public members and an individual from the membership. These new members expanded the backgrounds, perspectives and experiences of the committee members. In addition to filling the two positions related to the expansion of the committee, one former member was replaced. The new members are:

- Tom Goss is the chairman of Goss LLC, which is a commercial business insurance company established by The Goss Group, Marsh Inc. and the GMAC Insurance Group. He also has served on various boards, including the Boys & Girls Club of Southeastern Michigan Board and the Detroit Tigers Baseball Advisory Board. Before his current role, Goss served as the director of athletics at Michigan from 1997 to 2000. Goss also was a football student-athlete at Michigan.
- Alejandra Montenegro Almonte is a member and vice chair of the Miller & Chevalier International Department. Her practice is focused on internal corporate compliance, internal investigations, and government enforcement actions across a variety of business-critical areas, including anti-corruption, internal controls, and other ethics and compliance violations. She brings extensive experience in compliance and governmental enforcement/investigation.
- Julie Vannatta is the senior associate general counsel for athletics/senior associate athletics director at Ohio State. She has 29 years of experience as the chief legal counsel for a large athletics department. Beyond providing strategic legal advice, she has extensive knowledge of the infractions process through her involvement in drafting self-reports, investigating violations and attending infractions hearings. Additionally, she serves as a member of the NCAA's General Counsel Advisory Committee, which provides advice on strategic planning, policy developments, risk management and other governance issues.

## Review of the Infractions Appeals Process

The committee shared with the Infractions Process Committee information about the challenges in the appeals process and presented several recommendations to address the challenges and improve the effectiveness and efficiency of the appeals process. One of the committee's recommendations has been approved by the NCAA Division I Board of Directors. In the appeals process, there is now a page limitation for written submissions. The following documents will be double-spaced, with no smaller than 12-point font, one-inch margins and the following page limitations:

- Written appeal shall not exceed 35 pages.
- Committee on Infractions response shall not exceed 35 pages.
- Rebuttal shall not exceed 20 pages.

Additionally, the committee continues to review and discuss the standards of review used by it to determine the outcomes of an appeal. The committee looks forward to continuing its discussion with the Infractions Process Committee and implementing strategies to benefit the parties involved in the appeals process.





# *Independent Accountability Resolution Process Overview*

The Independent Accountability Resolution Process is responsible for handling select complex infractions cases in Division I. The IARP was created in response to recommendations made by the Commission on College Basketball, chaired by former U.S. Secretary of State Condoleezza Rice. Colleges and universities adopted a series of significant reforms in August 2018, including the addition of the Independent Accountability Resolution Process, to the existing infractions process. The independent structure became effective in August 2019.

The IARP's structure is composed of independent groups to handle select complex infractions cases and minimize perceived conflicts of interest. The majority of the individuals participating in these independent groups have no affiliation with NCAA member schools or conferences. Complex cases may include alleged violations of core Association values, such as failing to prioritize academics or the well-being of student-athletes; the possibility of significant penalties; or conduct that is contrary to the cooperative principles of the existing infractions process.

Infractions cases referred to the IARP are required to first reside in the NCAA's peer-review infractions process. Both the NCAA's peer-review infractions process and the IARP play a critical role in increasing accountability in intercollegiate athletics. Multiple parties can request referral of an infractions case: colleges and universities, the Division I Committee on Infractions chair or the vice president of the enforcement staff.

The IARP includes four different groups:

- Independent Accountability Oversight Committee.
- Infractions Referral Committee.
- Complex Case Unit.
- Independent Resolution Panel.



## INDEPENDENT ACCOUNTABILITY RESOLUTION PROCESS

The Independent Accountability Resolution Process is responsible for reviewing select complex infractions cases in Division I. The IARP was created in response to recommendations issued by the Commission on College Basketball, chaired by former U.S. Secretary of State Condoleezza Rice.

Member schools adopted a series of significant changes in August 2018, including the addition of the Independent Accountability Resolution Process to the existing infractions process. The creation of independent groups to handle select complex infractions cases and minimize perceived conflicts of interest was the intended purpose of the Independent Structure.

Complex cases may include alleged violations of core Association values, such as failing to prioritize academics or the well-being of student-athletes, the possibility of significant penalties, or conduct that is contrary to the cooperative principles of the existing infractions process. Multiple parties can request referral of an infractions case: school representatives, the Division I Committee on Infractions chair or the vice president of the enforcement staff.

### IARP Structure

#### Independent Accountability Oversight Committee

The Independent Accountability Oversight Committee oversees the independent process. It consists of the chair and vice chair of the Division I Board of Directors and three of the newly appointed independent members of the Board of Governors.

In addition to overseeing all operational matters, the committee appoints independent external investigators and advocates on the Complex Case Unit, selects members of the Infractions Referral Committee, and nominates members of the Independent Resolution Panel.

#### Infractions Referral Committee

The Infractions Referral Committee decides whether to approve or reject requests to refer infractions cases to the independent process.

The committee consists of a member of the Independent Resolution Panel (serves as chair), a member of the Division I Committee on Infractions, a member of the Division I Infractions Appeals Committee, and the chair and vice chair of the Division I Council.

#### Complex Case Unit

The Complex Case Unit includes both external investigators and advocates with no school or conference affiliations as well as one member of the enforcement staff. Independent investigators and advocates are a vital part of the new process. When a case is referred to the Independent Structure, the Complex Case Unit will assess whether further investigation of the facts is needed. The unit then will conduct any additional investigation and shepherd the case through its review by the Independent Resolution Panel.

#### Independent Resolution Panel

The Independent Resolution Panel reviews the allegations issued by the Complex Case Unit and the school's response to those allegations. It then conducts a hearing, decides whether violations occurred and prescribes penalties. The panel consists of 15 members with legal, higher education and/or sports backgrounds. Once a case is referred to the IARP, a hearing panel consisting of five Independent Resolution Panel members is generated.

The Independent Accountability Resolution Process has continued to see growth, with six infractions cases progressing through the independent process since March 2020:

- University of Memphis: March 2020.
- North Carolina State University: May 2020.
- University of Kansas: July 2020.
- Louisiana State University: September 2020.
- University of Arizona: December 2020.
- University of Louisville: February 2021.

In that time, the Infractions Referral Committee held 14 meetings to review and respond to requests for referral. Additionally, the chief panel members and hearing panels have been actively engaged in resolving procedural issues and questions to ensure the Independent Resolution Panel cases continue to proceed to resolution. On more than 53 occasions, the chief panel members or hearing panels resolved one or more procedural issues or questions.

Additionally, refinements have been made to the operating procedures to appropriately expedite and drive cases to conclusion. Specifically, the Complex Case Unit and schools must submit their proposed scheduling deadlines within 36 days from the date the parties are notified of the members of the hearing panel for the case. Also, if a case is referred after the enforcement staff has issued the notice of allegations, the Complex Case Unit must accept the investigative work of the enforcement staff, unless the CCU can demonstrate to the chief panel member a compelling reason why additional investigation is required. Case procedural timelines have also been created for the current cases. For all current and future cases in the independent process, the case procedural timelines will be published on the Independent Accountability Resolution Process website at [iarppcc.org](https://iarppcc.org). These changes will provide transparency, improve credibility, and add greater efficiencies to the IRP procedures, while continuing to prioritize the Independent Resolution Panel's thorough review and hearing of each case.

For further information, including group composition, operating procedures, referred cases, case procedural timelines, etc., please visit the IARP website at [iarppcc.org](https://iarppcc.org).





*"I'm eagerly looking forward to the resolution of the six cases in the IARP in the very near future. While it has taken longer to resolve the cases than we anticipated, due to several challenging and complex issues, significant progress has been made to bring the cases to a conclusion. I am particularly pleased with the work of the IRP, as they are highly skilled and experienced adjudicators. I'm confident that the cases will be resolved fairly and efficiently,"*

**Derrick Crawford**

Vice President of Hearing Operations

*"The overriding goal is for these matters to proceed fairly, but efficiently, while bearing in mind that each case has unique circumstances that impact how much time the CCU and the institutions request in their submitted deadlines,"*

**Hugh Fraser**

Infractions Resolution Panel Administrative Officer

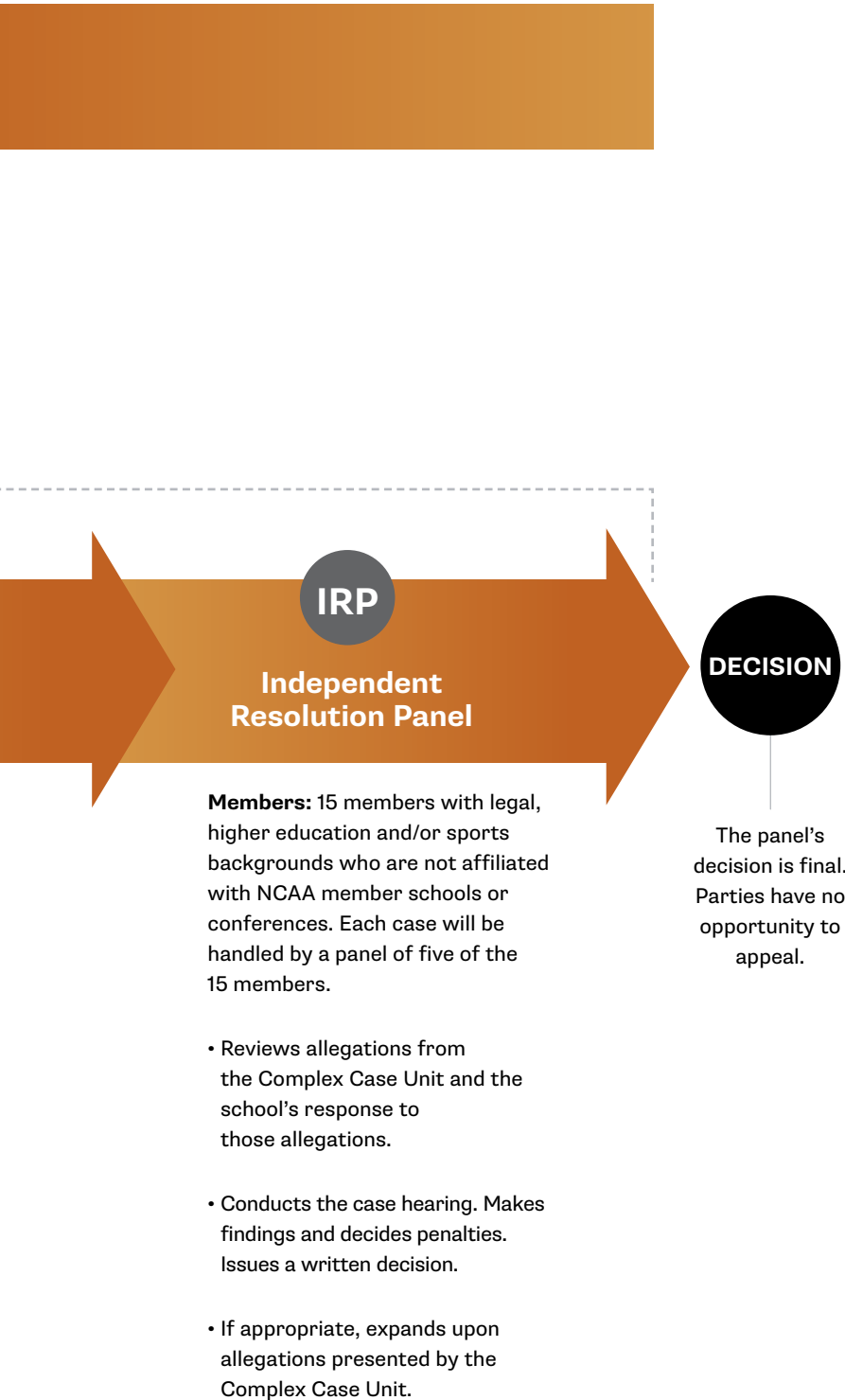




# Independent Accountability Resolution Process

Independent review requested by a school, the NCAA vice president of enforcement or the Committee on Infractions chair.





## KEY COMPONENTS OF THE INDEPENDENT ACCOUNTABILITY RESOLUTION PROCESS

- ✓ Case only referred if in best interest of the Association, including when case involves unique policy issues or factors that could impede resolution.
- ✓ No return to peer-review process.
- ✓ Investigation and adjudication processes share some similarities to peer-review model, but are unique.
- ✓ Five-member panel reviews case.
- ✓ Decision is final. No appeal.
- ✓ Penalties in prior cases have no precedential value.

## Role of the Independent Accountability Oversight Committee

The Independent Accountability Oversight Committee oversees the independent process. It consists of three independent members of the Board of Governors and the chair and vice chair of the Division I Board of Directors.

In addition to overseeing all operational matters, the committee appoints independent external investigators and advocates on the Complex Case Unit, selects members of the Infractions Referral Committee, and nominates members of the Independent Resolution Panel, who are then appointed by the Division I Board of Directors.



**Grant Hill**  
(chair)

Former All-American, NBA All-Star; co-owner, Atlanta Hawks; member, NCAA Board of Governors\*\*



**Nadja West**  
(vice chair)

U.S. Army Lieutenant General (Ret.); 44th Army surgeon general; former commanding general, U.S. Army Medical Command\*



**Robert M. Gates**  
Former U.S. Secretary of Defense and director, Central Intelligence Agency; member, NCAA Board of Governors\*\*



**James (Jim) T. Harris III**  
President, San Diego; Division I Board of Directors\*



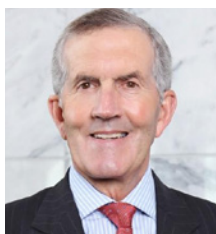
**Jere Morehead**  
President, Georgia; Division I Board of Directors\*\*

## Role of the Infractions Referral Committee

The Infractions Referral Committee decides whether to approve or reject requests to refer complex infractions cases to the Independent Accountability Resolution Process. The committee consists of a member of the Independent Resolution Panel (who serves as chair), a member of the Division I Committee on Infractions, a member of the Division I Infractions Appeals Committee, and the chair and vice chair of the Division I Council. The committee's decision in response to a request to refer is binding and not subject to further review.



**Jeffrey Benz**  
(chair)  
Attorney at JAMS Inc.\*\*



**David Shipley**  
(vice chair)  
Georgia Athletic Association professor in law and faculty athletics representative\*\*



**Alberto Gonzales**  
Dean and Doyle Rogers Distinguished Professor of Law, Belmont; former U.S. attorney general\*\*



**Shane Lyons**  
Director of athletics, West Virginia\*\*



**Lynda Tealer**  
Executive associate athletics director for administration, Florida\*\*

## Role of the Complex Case Unit

Independent investigators and advocates are a vital part of the new process. The Complex Case Unit includes both independent external investigators and advocates with no school or conference affiliations, as well as one member of the enforcement staff. If a case is referred to the Independent Accountability Resolution Process before the enforcement staff issues a notice of allegations, the Complex Case Unit determines whether further investigation of the facts is needed. If a case is referred after the enforcement staff has issued the notice of allegations, the CCU must accept the investigative work of the enforcement staff, unless the CCU can demonstrate to the chief panel member a compelling reason why additional investigation is required. The CCU will conduct any additional investigation, if needed, and submit the case for review by the Independent Resolution Panel.

**Meyers Nave**, advocate  
**Krieg DeVault LLP**, advocate

**Berryman Prime LLC**, investigator  
**AlixPartners**, investigator

**Kroll**, investigator



## Role of the Independent Resolution Panel

The Independent Resolution Panel consists of up to 15 members with legal, higher education and/or sports backgrounds who are not staff members at any NCAA school or conference. Once a case is accepted into the Independent Accountability Resolution Process, a public disclosure is made, and a hearing panel of five IRP members and one alternate is appointed by the Independent Accountability Oversight Committee. That hearing panel reviews the allegations issued by the Complex Case Unit and the parties' response to those allegations. It then conducts a hearing, decides whether violations occurred and prescribes penalties. Decisions issued by the IRP are final and are not subject to appeal.



**Hugh Fraser**  
(administrative officer)  
JAMS Inc.



**Jodi Balsam**  
Brooklyn Law School



**David Benck**  
American Arbitration  
Association



**Jeffrey Benz**  
JAMS Inc.



**Bernetta Bush**  
JAMS Inc.



**Joan Cronan**  
University of Tennessee,  
Knoxville (retired)



**Javier Flores**  
Dinsmore & Shohl LLP



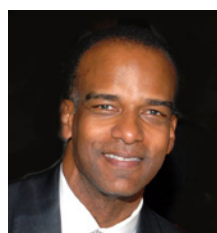
**Corey Jackson**  
Chief human resources  
officer, University of  
California, San Francisco



**Nona Lee**  
Executive vice president  
and chief legal officer,  
Arizona Diamondbacks



**Bruce E. Meyerson**  
Bruce Meyerson PLLC



**Tracy Porter**  
Premiere Solutions



**Michelle Pujals**  
Tautemo Consulting LLC



**Christina Guerola  
Sarchio**  
Dechert LLP



**Dana Welch**  
Welch ADR

\*These members joined the Independent Accountability Oversight Committee in 2021 and serve on the 2021-22 roster.

\*\*These members continue to serve on the 2021-22 committee roster.

\*\*\*These members served during the 2020-21 academic year and no longer are members of those respective committees.

## **What's Next for the IARP?**

The first decision from a hearing panel of the Independent Resolution Panel was issued in December 2021. The year 2022 will be an active year for the new Independent Accountability Resolution Process as the Independent Resolution Panel will conduct hearings and resolve several of the pending cases.

The IARP is committed to timeliness, fairness and consistency in the processing of cases. With that in mind, we reviewed the independent process and made recommendations that will give chief panel members earlier control in the process to appropriately expedite and drive cases to conclusion. While these recommendations add greater efficiencies to the IRP procedures, they continue to prioritize the IRP's thorough review and hearing of each case.

Further refinements will enable the independent process to better serve membership needs. Additionally, the Association is embarking on several educational efforts to provide current, clear and accurate information about the process – including videos, infographics, case procedural timelines and an updated website.





Castleton  
Founded 1827





**NCAA Division I Infractions  
2020-21 Annual Report**