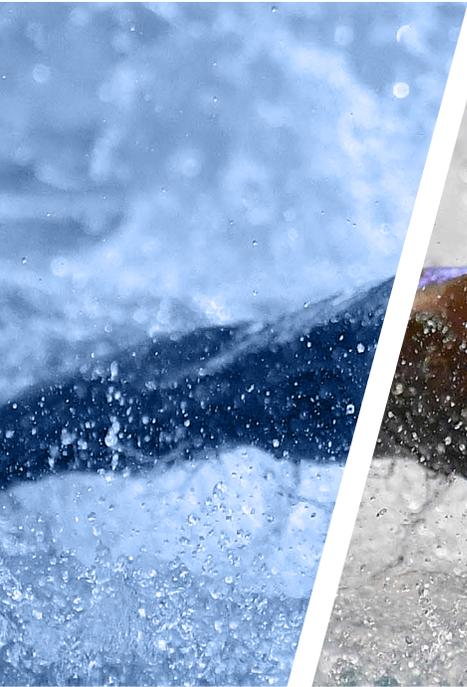




DIVISION I

# ***Infractions 2021-22 Annual Report***





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# *Perspectives from Chairs of Committee on Infractions and Infractions Appeals Committee*

The 2021-22 academic year marked a year of reinforcing and modernizing the peer-review NCAA infractions process. In addition to processing 14 cases throughout the year, members of the Division I Committee on Infractions worked collaboratively with infractions stakeholders such as the Division I Board of Directors Infractions Process Committee (IPC), membership groups and NCAA staff on developing material enhancements to improve the overall infractions process. Those efforts resulted in a new Bylaw 19 that became effective on Jan. 1, 2023.

A primary focus of these changes centered on the efficiency and effectiveness of the peer-review process. For example, Negotiated Resolution continues to be the preferred processing option in the vast majority of cases and serves as an example of the Association's modernized infractions process. Additionally, under new legislation, when some but not all parties agree to pursue a negotiated resolution, they will be permitted to do so, with the COI considering negotiated resolutions earlier in the infractions process and resolving the remaining contested areas under a more traditional process and timeline.

The COI also worked with the IPC to refine the aggravating and mitigating factors. The improvements simplified, clarified and rebalanced the previously applicable factors. The COI will continue to evaluate the impact of these changes and assist the IPC in its ongoing review of the infractions process, which will include a comprehensive review of the current penalties for Level I and Level II cases.

**David Roberts**

Chair of the Division I Committee on Infractions,  
Special Assistant to the Athletics Director at Southern California

The Division I Board of Directors adopted the infractions-related recommendations submitted by the Transformation Committee and the Board of Directors Infractions Process Committee. Designed to improve the timeliness of the infractions appeals process, the new legislation changes the method of reviewing appeal cases and limits extensions for the appellant and the Committee on Infractions.

The newly adopted legislation also made significant substantive changes to the infractions appeals process. The key substantive changes include:

- A narrowing of what determinations by a hearing panel of the Committee on Infractions may be appealed by a school or involved individual.
- A modification to how a stay is applied, as well as the type of penalties that may be stayed during an appeal.
- A change in the standards of review used by the Infractions Appeals Committee to determine whether to affirm or vacate an appeal.

On pages 32-33, you will find a chart that provides the details of these changes.

We recognize that several of these substantive changes need further clarification to allow the Division I membership to better understand why the changes were necessary and how the changes will be implemented. We encourage the membership to share its feedback regarding these changes with the Infractions Process Committee and the Infractions Appeals Committee. We intend to monitor and track the impact that the changes have on the infraction's appeals process and on the meaningful appeal opportunity for the membership and involved individuals. We remain committed to our mission and role in the infractions process.

**Ellen M. Ferris**

Chair, NCAA Division I Infractions Appeals Committee  
Senior Associate Commissioner at 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. The Independent Accountability Resolution Process was created to review the most complex infractions cases in Division I athletics to further increase accountability, operating alongside the existing peer-review infractions process and allowing it to function more efficiently. After a vote by the Division I Board of Directors in August 2022, the independent process will dissolve once the remaining cases are adjudicated.

## Snapshots of 2021-22

**565** **Division I reports of information received**  
Information reported to the NCAA enforcement staff from self-reports, the call center, social media, public submissions and/or source development.

**118** **Division I cases opened**  
Reports of information that were credible and specific enough to warrant NCAA enforcement to open a case and assign an investigator, which resulted in a formal investigation.

**43** **Division I allegations**  
Number of allegations the enforcement staff submitted to the Committee on Infractions. Other reports were either not substantiated, did not constitute violations, were handled through other NCAA procedures or were included in the 2,410 cases processed as Level III violations.



## 15 Division I decisions

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

**7** Negotiated resolutions,  
average processing time: 10.5 days

**8** Contested,  
average processing time: 103 days

## 5 Division I appeals decisions

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

The committee also conducted four oral arguments and considered one case on the written record.

## 10 Division II and III decisions

Number of cases processed by the Division II and III Committees on Infractions (five decisions from each).



*Executive Summary continued...*

## **Infractions Process Committee changes adopted**

The Division I Infractions Process Committee has been intimately involved in reforming the infractions process and making recommendations to the Division I Transformation Committee. Many of its recommendations were adopted by the Division I Board of Directors in August, including the elimination of the Independent Accountability Resolution Process and several other significant changes (see pages 32-33 for more detail). The Infractions Process Committee will continue its work with a key focus on reforms that promote timely adjudication and application of penalties to parties involved in infractions cases.

The Infractions Process Committee has 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. The board created the Infractions Process Committee due to several factors, including a request from the Committee on Infractions and the need to facilitate meaningful engagement on important issues.

## **Resolutions of cases stemming from federal indictments**

All the cases that stemmed from the Southern District of New York's indictments in 2017 and stayed in the peer-review process have been resolved. It's worth noting that enforcement could not begin investigating the cases until 2019, when the government concluded most of its related proceedings. Once given permission to proceed, even with some minor delays related to the COVID-19 pandemic, the peer-review model efficiently resolved the majority of the infractions cases related to the indictments.

From February 2020 through November 2021, the Committee on Infractions heard, decided and released seven of the cases. Two were processed via summary disposition and five via contested hearing. The average processing time for these cases was 59.8 days, or about two months. For comparison, the average processing time for all contested cases in the past five academic years was 66.6 days. Stated simply, once cases were ready for review, the COI completed its work quickly.

## **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)

**Brynna Barnhart**, managing director, enforcement, [bbarnhart@ncaa.org](mailto:bbarnhart@ncaa.org)

**Mark Hicks**, managing director, enforcement, [mhicks@ncaa.org](mailto:mhicks@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)

## Infractions Process Committee Recommendations Adopted

Formed in 2021, the Division I Board of Directors Infractions Process Committee has continued to review challenges and tension points in the membership's infractions process. Many of the Infractions Process Committee's recommendations were adopted by the Division I Board of Directors in August and include the following changes:

### Enforcement and Committee on Infractions

- More incentives for schools to self-report violations and cooperate throughout an investigation by revising factors that are considered when the Committee on Infractions prescribes penalties.
- Creation of an additional resolution method, allowing greater flexibility for involved parties and prohibiting deadline extensions except in exceptional circumstances. Members will be encouraged to pursue the more timely, cooperative methods of resolving cases, reserving Committee on Infractions full hearings for the most serious cases.
- More clearly defined violation charging standards for enforcement staff, including for name, image and likeness violations.
- Clarification and enhancements to the responsibility to cooperate for schools, student-athletes and staff.
- A new standard for head coach responsibility requirements.
- The creation of a public-facing dashboard of existing infractions cases.

*\*Enforcement and Committee on Infractions changes were effective Jan. 1, 2023.*

*“Since its January 2021 formation, the Infractions Process Committee has made tremendous strides in transforming the Division I infractions process. The committee’s commitment to collaborating with membership leaders to enact unprecedented change is setting the new standard for the timely identification and resolution of infractions cases important to our membership. Because of our unique position as a standing committee, the Infractions Process Committee can evaluate the impact of the changes as they are executed, making ongoing adjustments to ensure alignment with the membership’s priorities.”*

**— James T. Harris III**

Chair, Infractions Process Committee; Vice Chair, Division I Board of Directors;  
and President, University of San Diego



## Appeals process

- Removing the automatic stay for penalties and requiring the appealing party to direct the application of a stay.
- Limiting appeals of penalties to only those that fall outside legislated penalty guidelines.
- Overturning Committee on Infractions decisions only when the appealing party demonstrates that there is no information in the case record that supports the decision and no reasonable person could have made that decision.
- Resolving the majority of appealed cases through a written record rather than conducting hearings, which can prolong the length of the appeal process.
- As with the peer-review proposal, prohibiting extensions to timelines except in exceptional circumstances.
- Authorizing the Infractions Appeals Committee to issue summary affirmations of COI decisions without further comment.

*\*Appeals process changes were effective Jan. 1, 2023.*

## Independent Accountability Resolution Process

- Discontinuing the Independent Accountability Resolution Process, which was created in 2019 at the recommendation of the Commission on College Basketball, after the remaining two cases in that process are adjudicated.

## What's next?

The Infractions Process Committee will continue to discuss the following concepts in more detail before recommending further action.

Among the items the Infractions Process Committee will consider:

- Requiring increased documentation of recruiting efforts.
- Adjusting the size and composition of the Committee on Infractions.
- Identifying appropriate types of penalties and modifying current penalty ranges, including identifying potential alternative penalties to postseason bans.
- Amending confidentiality rules that apply to involved parties and the NCAA national office during an investigation.



***“These changes to the overall infractions process will accelerate the timelines for infractions cases.***

***With the adoption of the new constitution in January (of 2022), NCAA members committed to resolving cases fairly and in a timely fashion, thus holding those responsible for violations accountable and avoiding penalizing those who were not involved in rule breaking.”***

**— Jere Morehead**

President at the University of Georgia and Chair, Division I Board of Directors

# *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 Independent Accountability Resolution Process, the vast majority of cases are resolved through the traditional 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 timely outcomes. Cases are presented to the Committee on Infractions in three different paths (negotiated resolution, summary disposition and contested hearing). 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 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 the NCAA membership, who make up the Division I Committee on Infractions. In the event of an appeal, the Committee on Infractions' decisions are also reviewed by representatives of the NCAA membership, who make up the Division I Infractions Appeals Committee. These bodies hear, decide and review specific infractions cases that are initially investigated by the NCAA 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 including conduct that is isolated, limited or provides minimal advantages or extra benefits. Level I violations include conduct that seriously undermines or threatens the integrity of college sports; provides a substantial or extensive recruiting, competitive or other advantage; or constitutes a substantial or extensive impermissible benefit. Level II violations include conduct that is less severe than a Level I violation but more significant than a Level III violation. Guidelines agreed to by the NCAA 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.

# 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:

**10-12 months**



## PARTIES' WRITTEN SUBMISSIONS

The parties and enforcement present allegations to the Committee on Infractions through either the negotiated resolution, summary disposition or contested hearing track. For contested cases, parties have five months of legislated time to prepare and submit their positions related to a case. For summary disposition cases, parties typically have three months to submit the report to the Committee on Infractions.

Average time spent in the parties' written submissions process:

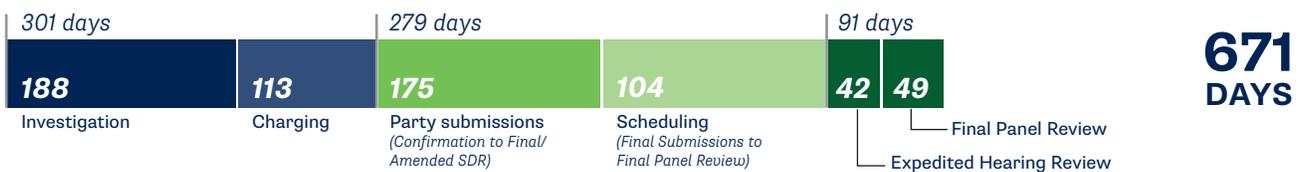
**1-13 months**

### Negotiated Resolution



### Summary Disposition Track

(Summary disposition timeline based on 2020-21 case data. Zero summary disposition cases were processed in 2021-22.)



### Contested Hearing Track





## 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 whether violations occurred, prescribe appropriate penalties and then issue a written decision. The committee also monitors schools on probation.

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

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



## DIVISION I INFRACTIONS APPEALS COMMITTEE

The Committee on Infractions’ decision 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 during 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 submission of the parties’ written positions considered during the appeal. On average, parties provide their written submissions within 3½ 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 are received and an oral argument is held, the average time a case remains with the Infractions Appeals Committee:**

**4 months**

### Infractions Appeals Process



**370 DAYS**

**See page 16 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 enforcement development staff works with member schools and their athletics departments to identify issues and concerns affecting college sports, to mitigate violative conduct 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-reports, call center reports, social media, public submissions and source development.

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 reported behaviors are violations of NCAA rules, and not all potential violations are substantiated.

At the completion of an investigation, the enforcement staff works collaboratively with schools to prepare potential Level 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

## 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.

## Potential Violation

Information is received from self-reports, call center reports, social media, public submissions and source development.

## Investigation

**INVOLVES**  
E I 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**

- 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

## Negotiated Resolution

**INVOLVES**  
E COI  
I

- 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**  
E IP  
I

- 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**  
E IP  
I COI

- 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**  
CCU IRP  
I

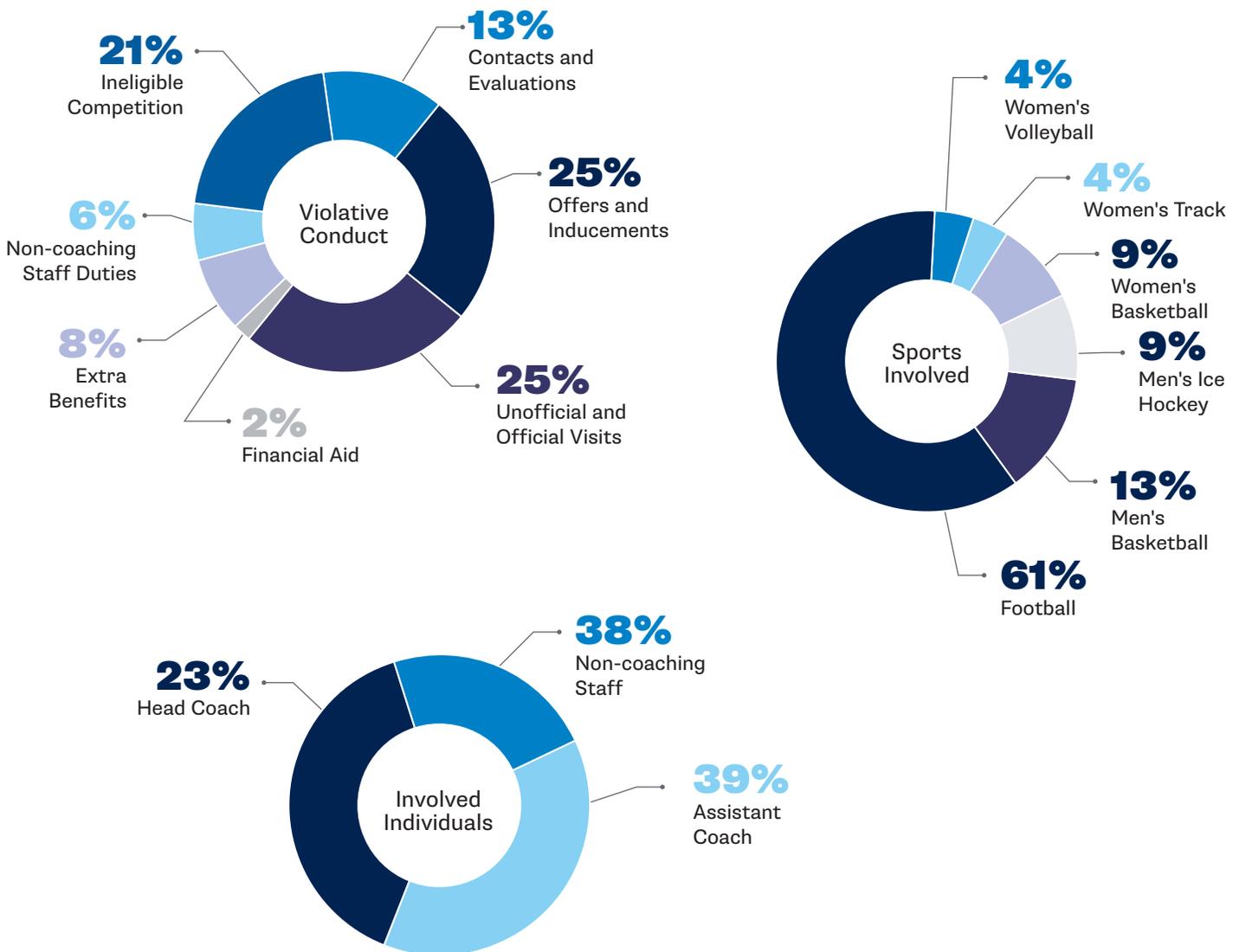
- Independent investigators and decision-makers are used to help resolve select cases deemed complex.
- There is no opportunity to appeal.

## Appeals

**INVOLVES**  
I COI IAC

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

## Level I and II Violations



## Level III Violations in the 2021-22 Academic Year

**2,682** enforcement cases resolved

**64** coach suspensions from Level III violations

**30** head coach suspensions from Level III violations

# 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 critically important that those schools and student-athletes abiding by NCAA rules are not disadvantaged by their commitment to compliance.

Much like how the NCAA membership proposes and adopts 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 conduct violated NCAA rules and, if applicable, determines what the appropriate penalties should be. Penalties are informed by the membership-approved penalty guidelines, which set ranges of required penalties depending on case severity. Given the complexities, contested cases take more time to resolve than other processing options.

The Committee on Infractions also reviews cases where parties agree to all, or nearly all, aspects of the case. The committee considers 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 also reviews and approves negotiated resolutions agreed to by the enforcement staff and parties. Negotiated resolutions involve complete agreement on facts, violations and penalties. The negotiated resolution path allows parties in agreement to work together in an efficient, cost-effective way.

In processing and deciding cases, the Committee on Infractions leverages membership-approved tools, such as importing information from outside proceedings and considering petitions for immediate penalties when parties fail to meet the responsibility to cooperate. These tools are intended to expedite investigations and develop a complete case record for the committee.



# Meet the 2021-22 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



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



**Jody Conratt**  
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



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



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



**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



**Sankar  
Suryanarayan**  
University counsel,  
Princeton

## THE COMMITTEE INCLUDES UP TO 24 MEMBERS

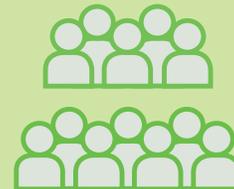
- Members of the Division I Board of Directors appoint committee members to serve full or partial terms.
  - A full term is three years, with members capped at three terms.
  - Terms are staggered to ensure enough overlap and that significant numbers of committee members do not rotate off the committee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

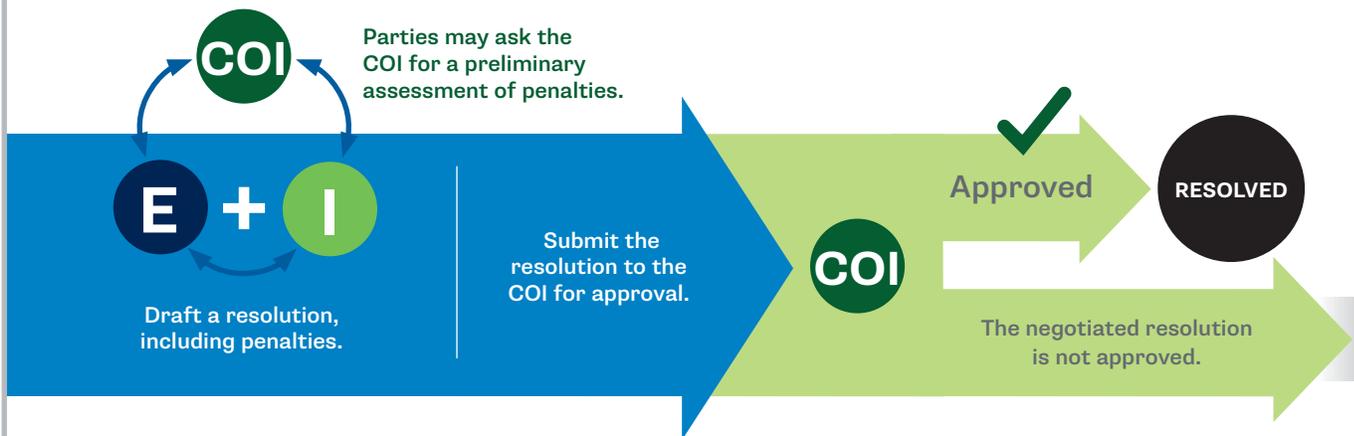


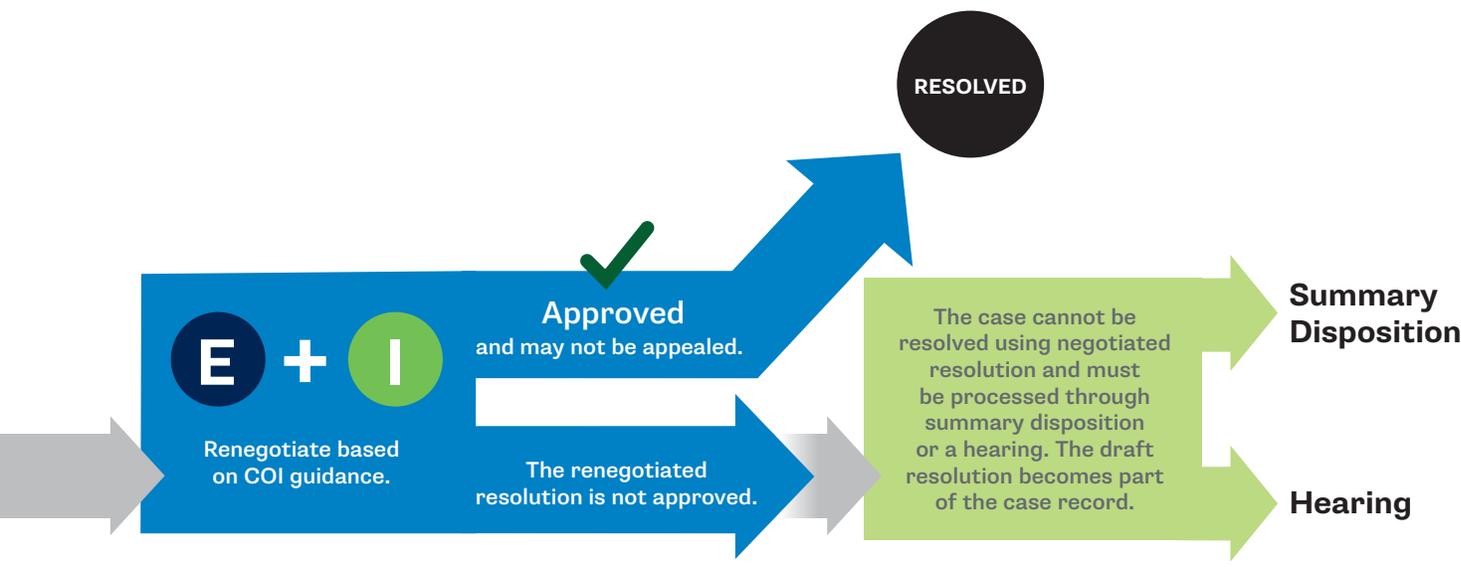
For Level I and II violations, parties may resolve cases one of three ways – a negotiated resolution (shown below), summary disposition or a formal hearing (see pages 24-25).



### 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.



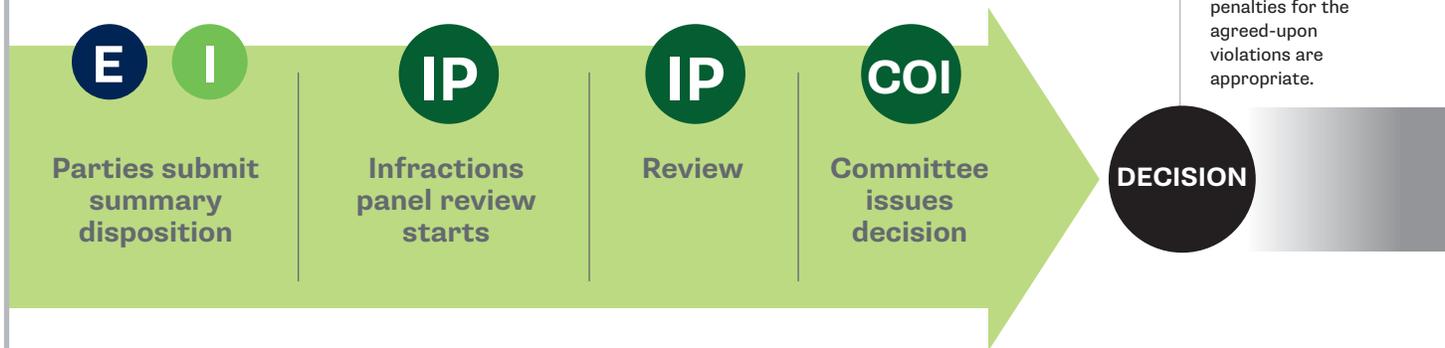




### Summary Disposition

This path is used when 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 jointly submitted report, prescribes appropriate penalties 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 resolve a case.

A Committee on Infractions panel determines what penalties for the agreed-upon violations are appropriate.



### 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.

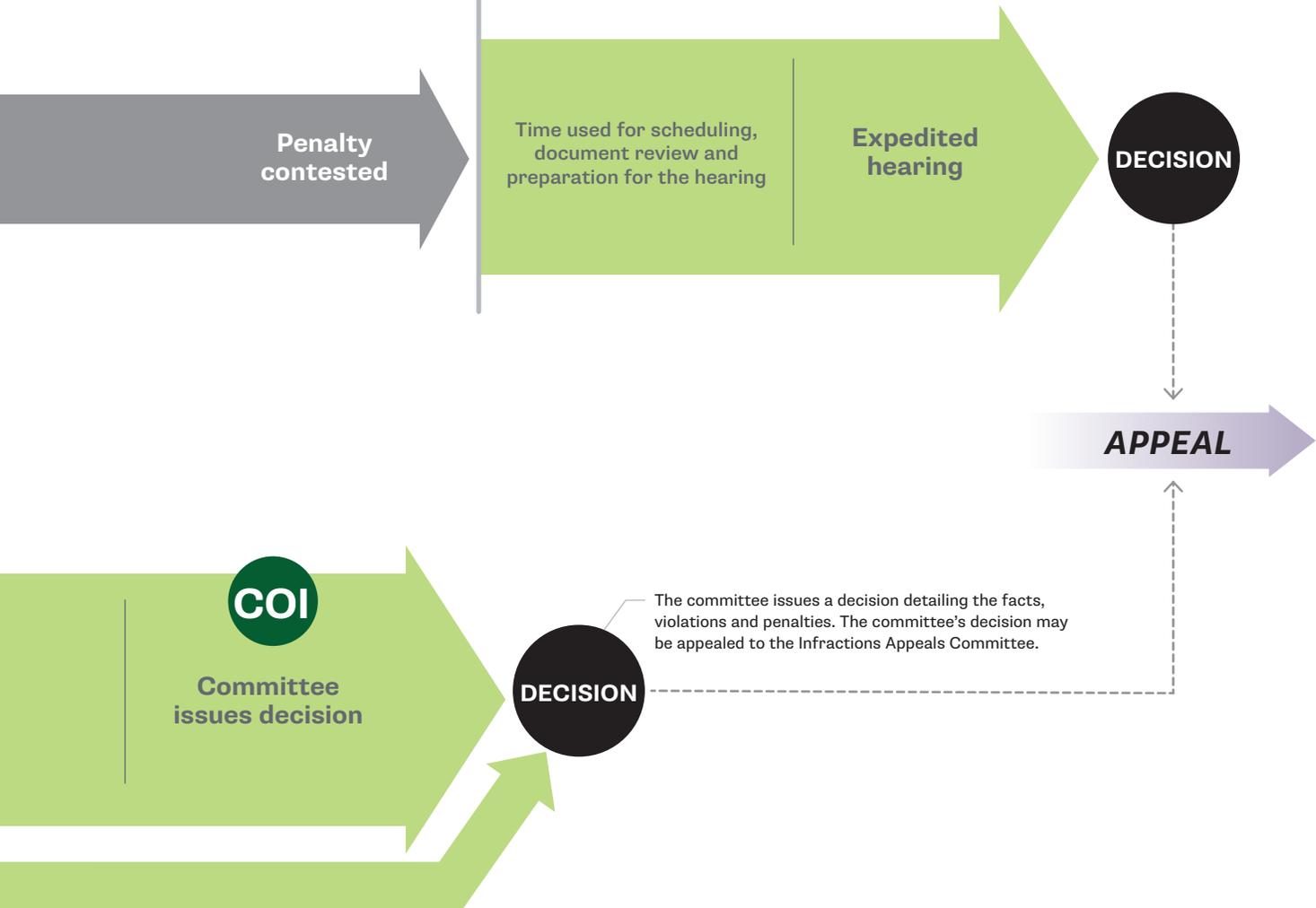


*An accelerated review path for some cases is also available.*



## Summary Disposition with an Expedited Hearing

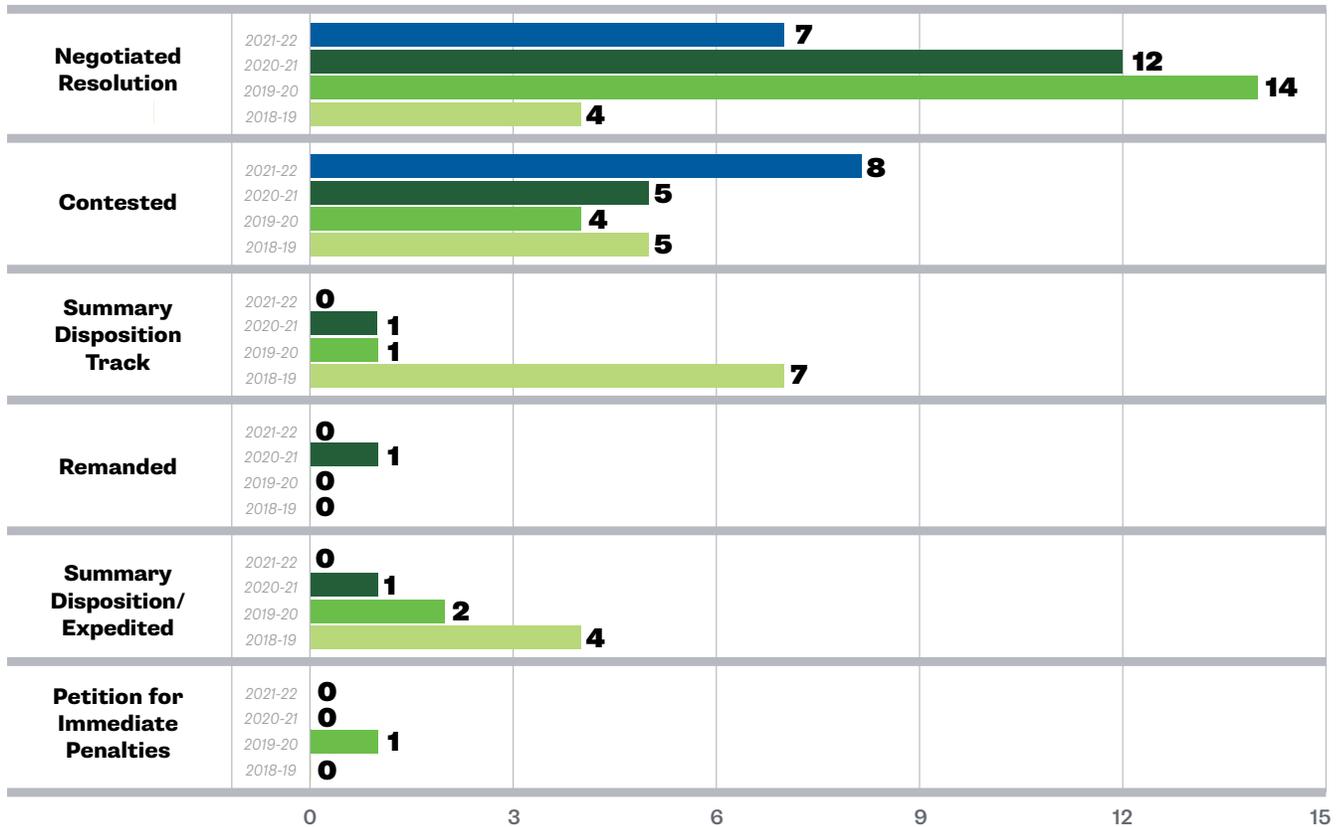
In a summary disposition, a school or involved individual may accept the facts and violations but challenge the penalties proposed by the panel members from the Committee on Infractions. In those instances, an expedited penalty hearing will be held, followed by deliberation and the panel's decision.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



# Infractions Annual Report Data

## Committee on Infractions Data

Reviewed cases/held hearings: 2021-22 compared with previous years.



\* This number includes a negotiated resolution that was rejected by the Committee on Infractions.

# Case Efficiency

The committee’s review of the case is part of the overall infractions process.

After thoroughly investigating potential violations, the enforcement staff may issue allegations. Parties to an infractions case often delay the investigation and final resolution by regularly seeking extension requests. Parties have requested extensions in 75% of contested cases during the past five years, adding an average 37 days to case resolution. Moreover, the membership has provided the parties with a five-month period to submit formal positions related to those allegations under Bylaw 19. 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, and the Committee on Infractions staff combing through the record, producing preparation materials, finalizing logistics, generating panels, and assisting the committee’s leadership with resolving conflicts of interest and procedural issues. Hearings generally occur one to two months after the parties’ formal submissions. Generally, decisions are released relatively quickly after hearings. If a party appeals the committee’s decision, that can add months to the process.

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. They generally are considered within a matter of weeks after submission. Likewise, decision release timelines are also faster. 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. Now that the negotiated resolution process has been in effect for roughly four years, the need for clarifications and additional information is less frequent. 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 in two to 10 days.

*Parties have requested extensions in 75% of contested cases during the past five years, adding an average 37 days to case resolution.*

## CONTESTED

2021-22

**99.1**

days from hearing to release

## NEGOTIATED RESOLUTION

2021-22

**7.7**

days from final review to release



## Penalty Analysis

After the Commission on College Basketball's recommendations, NCAA membership shared a desire for stronger penalties and legislated a new penalty construct to achieve that goal. Data from 2021-22 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
<b>Total Cases</b>	<b>7</b>	<b>8</b>
Aggravated	1	0
Standard	5	5
Mitigated	1	3
<b>Average Probation</b>	<b>3.2</b> years	<b>2.1</b> years
<b>Show-Cause Average</b>	<b>5.2</b> years	<b>2.6</b> years
<b>Cases involving postseason ban(s)</b>	<b>5</b>	<b>0</b>
<b>Head coach suspensions</b>	<b>5</b>	<b>4</b>
<b>Cases involving scholarship reduction(s)</b>	<b>5</b>	<b>2</b>
Percentage of cases	<b>(83%)</b>	<b>(25%)</b>
<b>Cases involving recruiting restrictions</b>	<b>5</b>	<b>4</b>
Percentage of cases	<b>(83%)</b>	<b>(50%)</b>
<b>Cases involving vacation of records when ineligible competition occurred</b>	<b>6</b>	<b>3</b>
	<b>(100%)</b>	<b>(100%)</b>

# *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. Three of those members are from the general public, do not represent coaches or athletes in any capacity and are not affiliated with a collegiate school, 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. A high standard, as defined by the NCAA membership, must be met for the Infractions Appeals Committee to overturn or remand the determinations of the Committee on Infractions.



# What's Next

The recommendations by the Division I Board of Directors Infractions Process Committee adopted by the Transformation Committee and the NCAA Division I Board of Directors made significant changes to the infractions appeals process for Division I. These changes are effective for any appeal submitted after Jan. 1, 2023. There are four key areas where the process has changed:

- 1) **What can be appealed;**
- 2) **The application of the stay of penalties;**
- 3) **Mode or method for reviewing and resolving an appeal; and**
- 4) **The standard of review for appeals.**

	<i>Previous Process</i>	<i>For Appeals Submitted after Jan. 1, 2023</i>
<h3>What Can Be Appealed</h3>	<p>A school or involved individual may appeal individually or any combination of:</p> <ul style="list-style-type: none"> <li>• Factual findings.</li> <li>• Conclusions.</li> <li>• Findings of violations.</li> <li>• Level of violations and case.</li> <li>• Classification of case.</li> <li>• Core and additional penalties.</li> </ul>	<p>A school or involved individual may appeal individually or any combination of:</p> <ul style="list-style-type: none"> <li>• Factual findings.</li> <li>• Conclusions.</li> <li>• Findings of violations.</li> <li>• Level of violations and case.</li> <li>• Classification of case.</li> <li>• <b>Core penalties outside of the Division I penalty guidelines.</b></li> <li>• Additional penalties.</li> </ul> <p><b>Core penalties that are within the Division I penalty guidelines prescribed by the Committee on Infractions CANNOT be directly appealed.</b> For example, for a Level I – Standard infractions case, a scholarship reduction penalty of 12% cannot be directly appealed.</p> <p>If the appeal of violation(s), level and/or classification is successful (e.g., vacated) and the level or classification of the case changes, this may impact the core penalties prescribed in the case.</p>
<h3>Stay of an Appealed Penalty</h3> <p>When an appealed penalty is stayed, it does not apply to the school or involved individual during the course of the appeal.</p>	<p>When a notice of intent to appeal form identifying the appeal of core and/or additional penalties is submitted, the core and/or additional penalties are automatically stayed and do not apply while the appeal is pending.</p>	<p>Core penalties within the Division I penalty guidelines prescribed by the Committee on Infractions <b>CANNOT</b> be directly appealed. <b>Therefore, core penalties within the Division I penalty guidelines CANNOT be stayed.</b></p> <p>The stay of appealed additional penalties or core penalties outside the Division I penalty guidelines <b>IS NOT automatic.</b> However, schools or involved individuals <b>MAY DIRECT</b> the Infractions Appeals Committee to stay those appealed penalties.</p>

## Mode or Method for Reviewing and Resolving an Appeal

There are two methods for the Infractions Appeals Committee to review an appeal case and make a decision.

One, the appeal case may be reviewed by the Infractions Appeals Committee only on the written record. The record for an appeal case includes the case record before the Committee on Infractions and the documents submitted during the course of the appeal case.

Two, parties who made an appearance before the Committee on Infractions may request that the Infractions Appeals Committee conduct an oral argument and review the written record. During an oral argument, the school or involved individual and the Committee on Infractions make presentations to the Infractions Appeals Committee regarding the appeal arguments.

Generally, the Infractions Appeals Committee will resolve an appeal case through a review of the written record.

Schools or involved individuals **MAY NOT** request a review that includes an oral argument.

The Infractions Appeals Committee may conduct an **oral argument in the extenuating circumstance** where the committee determines it is unable to resolve the appeal case without an oral argument.

## Standard of Review for Appeal Cases

There are two different standards of review based on what is appealed.

To set aside factual findings, conclusions and violations, the appealing school or involved individual must demonstrate that:

- (a) A factual finding is clearly contrary to the information presented to the panel;
- (b) The facts found by the panel do not constitute a violation of the NCAA bylaws; or
- (c) There was a procedural error and but for the error, the panel would not have made the finding or conclusion.

To set aside a prescribed penalty, including aggravating and mitigating factors, the appealing school or involved individual must demonstrate that the Committee on Infractions abused its discretion. The Infractions Appeals Committee defined that an abuse of discretion occurs when imposition of the penalty:

- (a) Was not based on a correct legal standard or was based on a misapprehension of the underlying substantive legal principles;
- (b) Was based on a clearly erroneous factual finding;
- (c) Failed to consider and weigh material factors;
- (d) Was based on a clear error of judgment, such that the imposition was arbitrary, capricious or irrational; or
- (e) Was based in significant part on one or more irrelevant or improper fact.

There is **ONE** standard of review for appeal cases. The standard states that the Infractions Appeals Committee **shall affirm factual findings, violations, level, classification, additional penalties and core penalties outside of the Division I penalty guidelines if there is information in the record supporting the hearing panel's decision.**

Further, the Infractions Appeals Committee **shall not set aside factual findings, violations, level, classification, additional penalties and core penalties outside of the Division I penalty guidelines except on a showing that no reasonable person could have made the decision after considering the record.**

As a reminder, core penalties within the Division I penalty guidelines may not be directly appealed.

### ***Finally, there are a few other changes including:***

- If the Infractions Appeals Committee affirms a decision by the Committee on Infractions, the Infractions Appeals Committee may issue a summary decision stating its conclusions without further discussion.
- The inclusion of the enforcement staff's written submission of new information, errors, misstatements or omissions in the record which will be considered by the Infractions Appeals Committee.



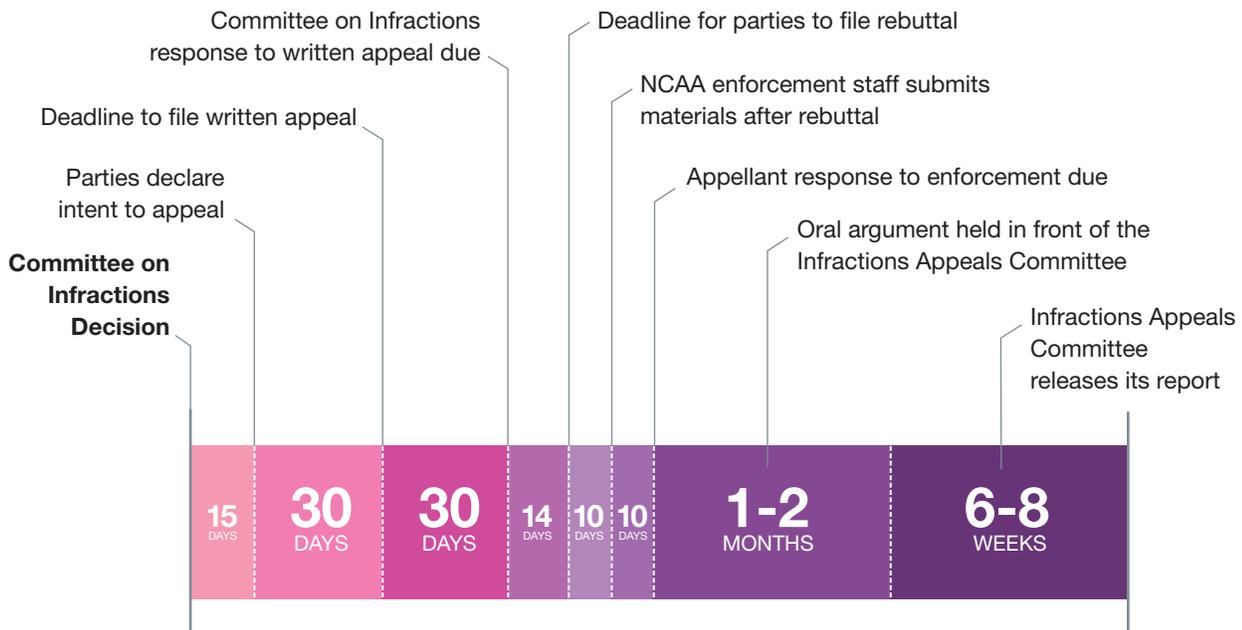
## Violations and Penalties

Over the last three years, seven of eight appealed findings of violations and 12 of 16 appealed penalties have been affirmed by the Division I Infractions Appeals Committee.

	2019-20	2020-21	2021-2022
Total violations appealed	0	4	4
Violations affirmed	0	3	4
Violations vacated	0	1	0
Total penalties appealed	4	4	8
Penalties affirmed	4	1	7
Penalties vacated	0	1	1
Penalties remanded	0	2	0

## 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:



# Independent Accountability Resolution Process Overview

## Designed to bring meaningful change and accountability in Division I athletics

In 2018, the U.S. District Court for the Southern District of New York convicted three individuals for conspiring to funnel illicit payments to families of student-athletes and prospective student-athletes at three NCAA Division I schools. This federal prosecution prompted the creation of the Commission on College Basketball by NCAA membership. Chaired by former U.S. Secretary of State Condoleezza Rice, the Rice Commission was charged with making recommendations that would transform current NCAA legislation, policies and structures. The goal was to protect the integrity of college sports, with a focus on Division I men's basketball.

Following the commission's recommendations, the NCAA membership adopted a series of significant reforms in 2018, including the formation of the Independent Accountability Resolution Process as an alternative, and addition, to the existing peer-review infractions process.

Authorizing legislation adopted by the Division I Board of Directors in August 2018 created the IARP, and NCAA hearing operations staff developed the operating procedures for the groups that handle independent infractions cases. Those operating procedures were adopted by the Division I board in August 2019. Following the IARP's adoption by the membership, the Independent Accountability Oversight Committee, comprising three independent members of the NCAA Board of Governors and the chair and vice chair of the NCAA Division I Board of Directors, began its oversight of the independent process.

## The IARP's role in the infractions process

The IARP was created to review the most complex infractions cases in Division I athletics to further increase accountability, operating alongside the existing peer-review infractions process and allowing it to function more efficiently.

Four groups handle IARP infractions cases:

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

To minimize perceived conflicts of interest for IARP infractions case investigations and hearings, Complex Case Unit and Independent Resolution Panel members are made up of individuals with no affiliation to NCAA member schools or conferences.

Infractions cases referred to the IARP are required to first start in the NCAA's peer-review infractions process. Cases referred to the IARP have been deemed highly complex because they often contain alleged violations of core NCAA values, such as failing to prioritize academics or the well-being of student-athletes. Cases are also deemed complex if they have the possibility of significant penalties; the scope, scale and factual complications in the case are broad; there are multiple involved individuals; or the case involves conduct contrary to the NCAA's cooperative principles.

# IARP

## 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 enforcer 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 agree 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 Resolution Panel, 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 members with legal, high 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.

## IARP infractions cases

When the IARP was established in fall 2019, the expectation was that one or two cases per year might be referred to the independent process. Instead, six infractions cases were referred to the independent process from March 2020 to February 2021. Five cases were related to the U.S. District Court for the Southern District of New York federal prosecution and, as a result, Independent Resolution Panels were unable to adjudicate cases in a timely manner. Infractions cases referred to the IARP are:

### 1. North Carolina State University

- a. Referred to the IARP in May 2020.
- b. Fully adjudicated, with the case decision publicly announced Dec. 20, 2021.
  - (1) Case classified as Level I-Mitigated for the school, Level I-Mitigated for the former head men's basketball coach and Level I-Aggravated for the former assistant men's basketball coach.
  - (2) Case involved:
    - (a) Five Level I violations, four Level II violations and two Level III violations.
    - (b) The school, the former head men's basketball coach, the former assistant men's basketball coach, a former director of men's basketball operations and men's basketball program staff members.
  - (3) Penalties for the school included:
    - (a) \$5,000 fine, plus 0.5% of the school's 2020-21 men's basketball budget.
    - (b) Reduction in men's basketball scholarships.
    - (c) Reduction in the number of grant-in-aid awards for the men's basketball program.
    - (d) Reduction in the number of official visits by men's basketball.
    - (e) Two-week ban on unofficial visits.
    - (f) Four-week recruiting communication ban.
    - (g) Eight-day reduction in the number of recruiting days.
    - (h) One-year probation.
    - (i) Vacation of records for basketball contests in which an ineligible student-athlete participated.
    - (j) Public reprimand and censure.
  - (4) Penalties for the former head men's basketball coach included a one-year show-cause order.
  - (5) Penalties for the former assistant men's basketball coach included a six-year show-cause order.

The case decision document, news release and news conference video can be found at [iarpsc.org/referred-cases/north-carolina-state-university](http://iarpsc.org/referred-cases/north-carolina-state-university).

## 2. University of Memphis

- a. Referred to the IARP in March 2020.
- b. Fully adjudicated, with the case decision publicly announced Sept. 27, 2022.
  - (1) Case classified as Level II-Standard.
  - (2) Case involved:
    - (a) Four Level II violations and five Level III violations.
    - (b) The school, the men's basketball head coach, a former assistant men's basketball coach and men's basketball program staff members.
  - (3) Penalties for the school included:
    - (a) \$5,000 fine, plus 0.25% of the school's average men's basketball budget based on the average of its previous three total budgets.
    - (b) Three years of probation.
    - (c) Vacation of records for basketball contests in which an ineligible student-athlete participated.
    - (d) Public reprimand and censure.

The case decision document, news release and news conference video can be found at [iarpc.org/referred-cases/university-of-memphis](http://iarpc.org/referred-cases/university-of-memphis).

## 3. University of Louisville

- a. Referred to the IARP in February 2021.
- b. Fully adjudicated, with the case decision publicly announced Nov. 3, 2022.
  - (1) Case classified as Level I-Mitigated for the school, Level I-Standard for a former assistant men's basketball coach and Level I-Standard for a former associate head men's basketball coach.
  - (2) Case involved:
    - (a) Two Level I violations and five Level III violations.
    - (b) A former assistant men's basketball coach, a former associate head men's basketball coach and men's basketball program coaching and staff members.
  - (3) Penalties for the school included:
    - (a) \$5,000 fine.
    - (b) Two-week ban on unofficial visits for prospective student-athletes.
    - (c) Additional two-week ban on recruiting communications.
    - (d) Seven-day reduction in the number of recruiting person days.
    - (e) Two years of probation.
    - (f) Public reprimand and censure.
    - (g) Publication of probation in NCAA communications (e.g., website, championship game programs, etc.) as a penalty.
    - (h) Restricted graduate assistant managers and other noncoaching staff from participating in on-court practice activities for 10 practices.
    - (i) Restricted from showing personalized recruiting video to men's basketball prospects for the remaining 2022-23 recruiting calendar.
  - (4) Penalties for the former assistant men's basketball coach included a two-year show-cause order.
  - (5) Penalties for the former associate head men's basketball coach included a two-year show-cause order, precluding his attendance and evaluation at any of the permissible live activity events in the spring and summer evaluation periods during the show-cause order period.

The case decision document, news release and news conference video can be found at [iarpc.org/referred-cases/university-of-louisville](http://iarpc.org/referred-cases/university-of-louisville).



#### 4. University of Arizona

- a. Referred to the IARP in December 2020 after completion of the enforcement staff's investigation.
- b. Fully adjudicated, with the case decision publicly announced on Dec. 14, 2022.
  - (1) Case classified as Level I-Standard for Arizona, Level I-Aggravated for former assistant men's basketball coach No. 1, Level II-Aggravated for former assistant men's basketball coach No. 2, and Level II-Mitigated for assistant swimming and diving coach.
  - (2) Case involved:
    - (a) Three Level I violations, four Level II violations and four Level III violations.
    - (b) Two former assistant men's basketball coaches, an assistant swimming and diving coach, men's basketball program, women's swimming and diving program, and staff members.
  - (3) Penalties for the men's basketball program included:
    - (a) Competition penalty during the 2020-21 academic year during which the men's basketball program did not participate in the postseason conference or NCAA tournament competition (self-imposed).
    - (b) \$5,000 fine, plus 1% of the average men's basketball budget based on the average of the men's basketball program's previous three total budgets (self-imposed).
    - (c) A reduction in the total number of men's basketball scholarships for the incoming class of the 2023-24 academic year by one, from the permissible total of 13, or if a scholarship becomes available prior to the 2022-23 academic year (self-imposed).
    - (d) A two-week ban on men's basketball campus visits during March 2022 (self-imposed).
    - (e) A reduction in the number of official visits in men's basketball by 10% for the 2021-22 academic year (self-imposed).
    - (f) 15-day reduction in the number of recruiting person days for the 2021-22 academic year (self-imposed), plus an additional two-day reduction in the number of recruiting person days for the 2022-23 academic year.
    - (g) A seven-week recruiting communication (telephone and written correspondence) ban for the 2022-23 academic year.
    - (h) Vacation of records for basketball contests in which an ineligible student-athlete participated.



- (4) Penalties for the swimming and diving program included:
  - (a) A one-week ban on unofficial visits for the 2022-23 academic year.
  - (b) A 1% reduction in the number of official visits for the 2022-23 academic year, based on the average number provided during the previous four years.
  - (c) A one-week suspension of off-campus recruiting during the 2022-23 academic year.
  - (d) A one-week recruiting communication (telephone and written correspondence) ban for the 2022-23 academic year.
- (5) Penalties for the school included:
  - (a) Three years of probation.
  - (b) Public reprimand and censure.
- (6) Penalties for the former assistant men's basketball coach No. 1 included a 10-year show-cause order.
- (7) Penalties for the former assistant men's basketball coach No. 2 included a two-year show-cause order.
- (8) Penalties for the assistant swimming and diving coach included a one-year show-cause order. During this period, the assistant swimming and diving coach is prohibited from participating in off-campus recruiting activities for six months and will attend one NCAA Regional Rules Seminar.

The case decision document, news release and news conference video can be found at [iarpc.org/referred-cases/university-of-arizona/](http://iarpc.org/referred-cases/university-of-arizona/).

#### **5. Louisiana State University**

- a. Referred to the IARP in September 2020.
- b. Currently progressing through the independent process.

#### **6. University of Kansas**

- a. Referred to the IARP in July 2020.
- b. Currently progressing through the independent process.

## Progression of the IARP

Of the six cases referred to the IARP, four have been fully adjudicated, and two are moving through the process. The Division I Board of Directors and IARP leadership have developed processes and tools to increase transparency and credibility for the independent process.

- In 2021, the Division I Board of Directors legislated the publishing of case procedural timelines on the IARP website, [iarpcc.org](http://iarpcc.org). The timelines are regularly updated, allowing internal and external audiences to view the status of each independent infractions case.
- Emails and messaging with procedural and other appropriate updates on the IARP have been created and distributed to NCAA membership, leaders and staff.
- Presentations on the IARP have been made at key conference meetings, including the Regional Rules seminars, NACDA and the annual NCAA Convention.

The influx of six cases referred to the IARP between March 2020 and February 2021 – together with the case reinvestigation allowed by the original IARP legislation – created significant challenges in resolving cases in a timely manner. To address these timing challenges, the Division I Board of Directors legislated changes to the original operating procedures to further advance cases:

- In 2021, the Division I Board of Directors changed the bylaws to require the IARP Complex Case Unit to accept the investigative work of the enforcement staff if the case is referred after a notice of allegations has been issued, unless the CCU can demonstrate a compelling reason why additional investigation is required.
- In January 2022, the Division I Board of Directors voted to temporarily suspend additional case referrals to the IARP to further expedite the resolution of current cases.

Throughout 2022, the Division I Transformation Committee and Infractions Process Committee have reviewed and proposed recommendations for transforming the Division I infractions process. After this review, the Infractions Process Committee strongly endorsed reinvestment in and modernizing of the peer-review infractions process. This endorsement, in addition to concerns about the lack of IARP case outcomes and about costs, resulted in the Infractions Process Committee recommending the dissolution of the IARP. As a result, the Division I Board of Directors voted Aug. 31, 2022, to discontinue the IARP. The independent process will be dissolved in summer 2023 after the remaining cases are adjudicated.





# Independent Accountability Resolution Process

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

- E** Enforcement Staff

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- I** School and/or Individuals

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- COI** Committee on Infractions

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- IRC** Infractions Referral Committee

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- CCU** Complex Case Unit

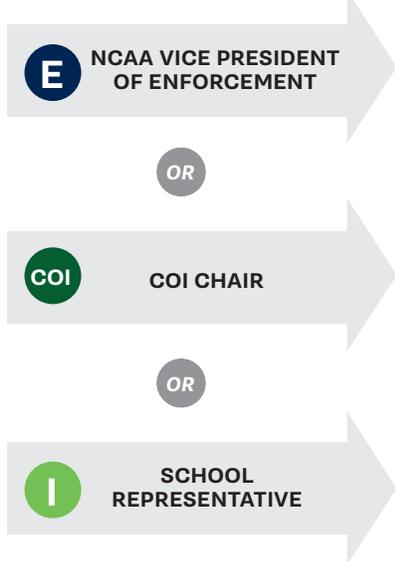
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- IRP** Independent Resolution Panel

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- IAOC** Independent Accountability Oversight Committee

## PETITION FOR REFERRAL



### IAOC

#### Independent Accountability Oversight Committee

**Members:** Three public members of the NCAA Board of Governors and the chair and vice chair of the Division I Board of Directors. One of the public members will lead the group.

- Appoints members for the Infractions Referral Committee, Complex Case Unit and Independent Resolution Panel.
- Works with the Division I Board of Directors on policies and procedures for the independent process.

### OVERSEES THE PROCESS

### IRC

#### Infractions Referral Committee

**Members:** Five members including one Independent Resolution Panel member, one Committee on Infractions member, one Infractions Appeals Committee member, the Division I Council chair and the Division I Council vice chair.

- Reviews and confirms complexity of case.
- Makes decisions on requests to use the independent process.

### CCU

#### Complex Case Unit

**Members:** External investigators and advocates with no school or conference affiliations and select NCAA enforcement staff.

- Determines whether further investigation of the facts is needed for cases referred before a notice of allegations has been issued.
- Determines whether there is a compelling reason for additional investigation for cases referred after a notice of allegations has been issued.
- Conducts or finishes the investigation, if needed.
- Shepherds the case through its review by the Independent Resolution Panel.



**Members:** 15 members with legal, higher education and/or sports backgrounds who are not affiliated with NCAA member schools or conferences. Each case will be handled by a panel of five of the 15 members.

- Reviews allegations from the Complex Case Unit and the school's response to those allegations.
- Conducts the case hearing. Makes findings and decides penalties. Issues a written decision.
- If appropriate, expands upon allegations presented by the Complex Case Unit.

**DECISION**

The panel's decision is final. Parties have no opportunity to appeal.

### 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 two 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



**James (Jim) T. Harris III**

President, San Diego; Vice Chair of the Division I Board of Directors



**Jere Morehead**

President, Georgia; Chair of the 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**

Executive deputy athletic director and chief operating officer, Alabama



**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 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.

**Myers 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



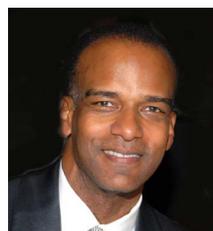
**Corey Jackson**  
Chief human resources  
officer, University of  
California, San Francisco



**Nona Lee**  
Founder and chief  
executive officer of DEI  
Consulting, Arizona  
Diamondbacks



**Bruce E. Meyerson**  
Bruce Meyerson PLLC



**Tracy Porter**  
Premiere Solutions



**Michelle Pujals**  
Tautemo Consulting LLC



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