NCAA DIVISION I

Infractions 2022-23 Annual Report

DIVISION I

Infractions 2022-23 Annual Report

Contents

Perspectives from Committee Chairs

Committee on Infractions

The 2022-23 academic year marked another successful year for the Division I Committee on Infractions. While the process has evolved and modernized, the NCAA membership has remained committed to and reinforced the foundations of its infractions process: peer review. The first half of the academic year involved working collaboratively with the Division I Board of Directors Infractions Process Committee, the NCAA enforcement staff, the Infractions Appeals Committee and other regulatory stakeholders on developing enhancements focused on increasing the efficiency and effectiveness of the infractions program. The NCAA membership adopted those reforms, which went into effect Jan. 1. The COI spent the second half of the academic year implementing the new procedural and substantive enhancements. In addition to its legislative involvement, the COI remained committed to its core function, processing, adjudicating and releasing 17 case decisions in a timely manner.

A significant reform to the infractions process involved allowing for a case to be resolved through multiple resolution paths. Now, parties who meet the requisite level of agreement on facts, violations, level of violations, aggravating and mitigating factors, and penalties can pursue a negotiated resolution, while the COI resolves areas of disagreement via different case tracks for the remaining parties. Thus far, these options have met their goal of strengthening the effectiveness and efficiency of the infractions process.

Another significant reform enhanced the responsibility of head coaches, shifting what had previously been a rebuttable presumption of responsibility for violations in a head coach's program to automatic responsibility, regardless of whether the head coach was involved in the underlying conduct. Should violations occur, head coaches may mitigate potential penalties by demonstrating that they promoted an atmosphere of compliance and monitored their staff.

Aside from these enhancements, the COI also worked collaboratively to develop and propose meaningful recommendations related to penalties. These recommendations were informed by guidance from the Division I Board of Directors to incentivize and reward exemplary cooperation; hold individuals who commit violations accountable for their actions; and reserve the postseason competition ban penalty for the most serious cases. The COI will continue to collaborate with the IPC and other stakeholders to ensure that the membership's penalty structure holds schools and individuals appropriately accountable for violations with meaningful penalties that are consistent with broader reforms across college athletics.

Kay Norton
Chair of the 2023-24 Division I Committee on Infractions,
President Emerita at the University of Northern Colorado

Infractions Appeals Committee

In last year's annual report, we shared the modifications made to the infractions appeals process by the NCAA Division I Board of Directors on the recommendation of the NCAA Division I Transformation Committee and the NCAA Division I Board of Directors Infractions Process Committee.

These reforms now apply to any appeal submitted by a school or an involved individual. As a reminder the key substantive changes include:

- A narrowing of what determinations by a NCAA Division I Committee on Infractions hearing panel 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 NCAA Division I Infractions Appeals Committee to determine whether to affirm or vacate an appealed finding of violation and/or penalty.

While these changes are effective for appeals submitted on or after Jan. 1, 2023, as of the publication of this report, the committee has not issued an appeal decision using the new process and standards. However, decisions released throughout the rest of the 2023-24 academic year will use the changes noted above and described in further detail on pages 30-31.

We remain committed to our mission and role in the infractions process, which is to provide a meaningful appeal opportunity to those involved in an infractions case. Over the next year or so, we will monitor and track the impact of the noted modifications on the membership and involved individuals to determine if the new process and standards are having the intended effect. We encourage the membership to continue to provide feedback on the infractions process to the Infractions Process Committee, and our decisions will include guidance and clarity regarding the new process as appropriate.

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 benefited from recent reforms, prioritizing fair and timely resolutions to hold those responsible for violations accountable.

Snapshots of 2022-23

653 **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.

185 **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.

67 **Division I allegations**

Number of allegations the enforcement staff submitted and the Committee on Infractions decided. Other reports were either not substantiated, did not constitute violations, were handled through other NCAA procedures or were included in the 2,050 violations processed as Level III.

17 Division I decisions

Number of Division I Committee on Infractions case decisions.

- **11*** **Negotiated resolutions, average processing time:** 7 days
- **4** **Contested, average processing time:** 53 days
- **1** **Summary disposition with expedited hearing, average processing time:** 45 days
- **1** **Petition for immediate penalties, average processing time:** 2 days

**This number includes negotiated resolutions that were rejected by the Committee on Infractions.*

2 Division I appeals decisions

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

(Note: The Infractions Appeals Committee's cases include one case decision released during the 2023-24 academic year. It was submitted during the 2022-23 academic year and is included in the 2022-23 annual report because it was the last case decided under the prior infractions appeals process and standards. The new infractions appeals process went into effect for all appeals submitted after Jan. 1, 2023.)

7 Division II decisions

Number of cases processed by the Division II Committee on Infractions. No cases were decided by the Division III Committee on Infractions in 2022-23.

Infractions Changes Continue, Focus Penalties on Responsible Individuals

The Division I Council in October 2023 introduced proposals that would increase penalties for individuals responsible for violations in the infractions process. The rules changes could be adopted as early as January 2024.

The penalty-focused proposals — which were developed by the Division I Board of Directors Infractions Process Committee and endorsed conceptually by the board in April 2023 — represent the next step of the IPC's efforts to modernize the infractions process.

If adopted in January, several changes will be made to the penalty matrix used by the Division I Committee on Infractions, including:

- Attaching school-level penalties to show-cause orders (e.g., recruiting restrictions for schools that hire coaches who are still serving show-cause orders).
- Expanding suspensions for coaches to potentially include all athletics activities between contests, rather than just the contests themselves.
- Naming individuals involved in wrongdoing in infractions decisions and public communications.
- Creating a public-facing database with information about individuals subject to show-cause orders or with a history of Level I/II violations.
- Expanding possible disassociation penalties for cases in which boosters are involved in violations, including requiring schools to prohibit boosters from purchasing season tickets, entering athletics facilities or providing financial assistance to the athletics program.

In August 2022, Division I members adopted changes to rules impacting infractions case processing, with the objective of accelerating the investigation of cases by the enforcement staff and adjudicating cases in a timelier manner by the Committee on Infractions and the Infractions Appeals Committee. Additionally, in 2022, significant changes were made to the appeals process, including what can be appealed, the method of appeal, the application of the stay penalties, and the standard of review for appeal cases. The Infractions Process Committee continues to ensure new rules are implemented as intended and to evaluate whether additional changes need to be made.

Independent Accountability Resolution Process Formally Dissolves

The Independent Accountability Resolution Process, which had existed since 2019, formally dissolved at the conclusion of the sixth infractions case adjudicated through this process. The process stemmed from the Commission on College Basketball, created in 2018 after the U.S. District Court for the Southern District of New York convicted individuals for conspiring to funnel illicit payments to families of student-athletes and prospective student-athletes and for bribery of coaching staff. See pages 34-38 for a summary of IARP.

Contacts

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

Derrick Crawford, vice president, hearing operations, **dcrawford@ncaa.org**

Wendy Walters, managing director, Infractions Appeals Committees Office, **wwalters@ncaa.org**

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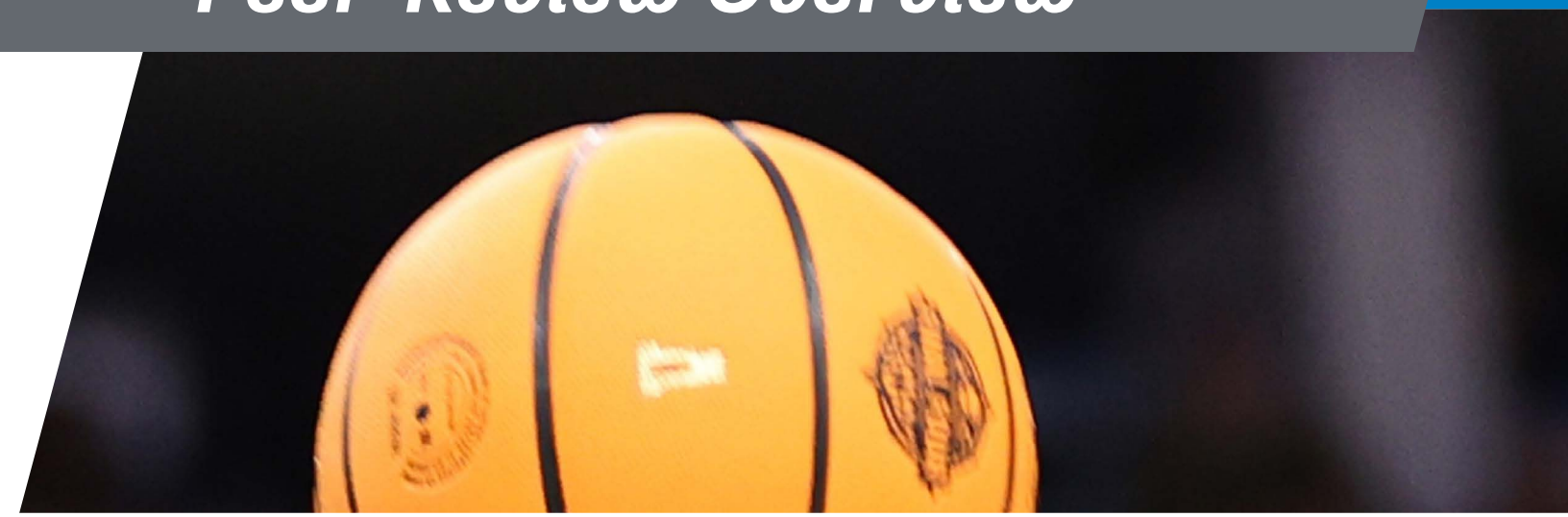
Brynna Barnhart, managing director, enforcement, **bbarnhart@ncaa.org**

Mark Hicks, managing director, enforcement, **mhicks@ncaa.org**

Chris Strobel, managing director, enforcement, **cstrobel@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 a school level.

Framework

The peer-review process is made up of three bodies (NCAA 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 the NCAA enforcement staff initially investigates.

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. 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 substantial than a Level I violation but more serious than a Level III violation. The NCAA membership agreed to guidelines, which are considered and provide clarity around some of the most severe violations – lack of institutional control, failure to monitor and unethical conduct.

Process Overview

ENFORCEMENT

When the enforcement staff receives information about potential NCAA rules violations, it decides whether to conduct a formal investigation. If the enforcement staff believes information substantiates violations, it submits allegations of Level I or Level II violations to the Committee on Infractions.

Average time spent with enforcement staff for cases submitted to the COI:

9-14 months

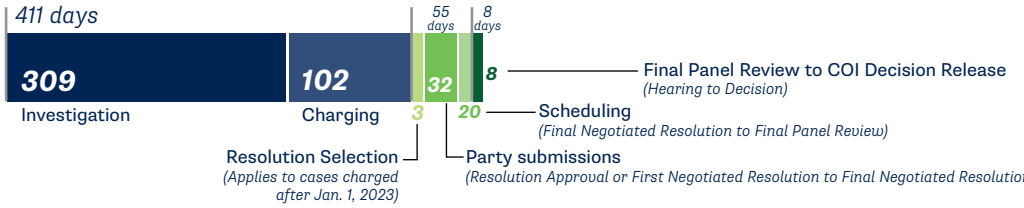
PARTIES' WRITTEN SUBMISSIONS

The parties and enforcement present allegations to the Committee on Infractions through either the negotiated resolution, summary disposition or contested hearing method. 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:

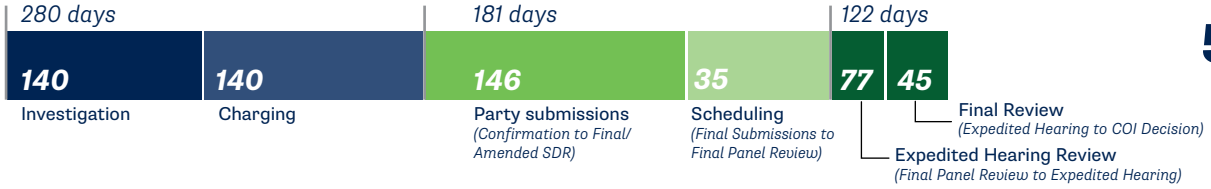
13 days to 7 months

Negotiated Resolution



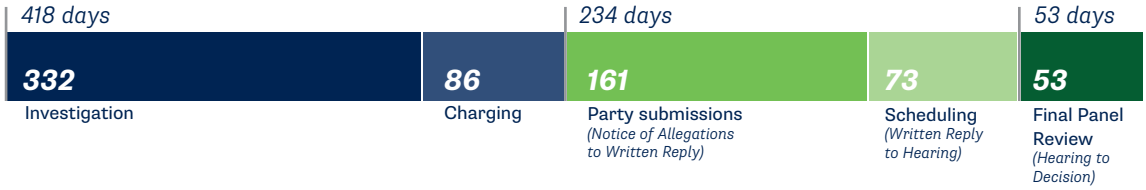
474 DAYS

Summary Disposition



583 DAYS

Full Hearing



Average length of process

705 DAYS

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 schools and involved individuals violate the NCAA membership's adopted rules. 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, 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

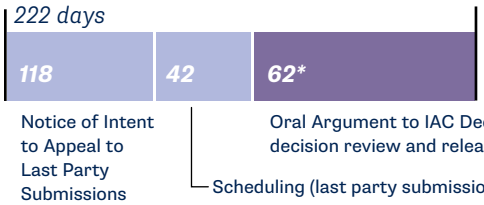
The Committee on Infractions' decision can be reviewed by the seven-member Infractions Appeals Committee if a school or involved individual does not agree with the factual findings, conclusions of violations, level, classification and/or penalties. The stay of an appealed penalty is not automatic, but the appellant may direct the committee to stay an appealed penalty. 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:

2 months*

**Includes 17-day decision review and release process*

Infractions Appeals Process



222 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 prevent violations 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, 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, schools self-report and the enforcement staff processes Level III violations.

Potential Resolution Methods

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
Average time with enforcement staff: 4 months across 86 closed cases

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

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

Full Hearing and Written Record

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.

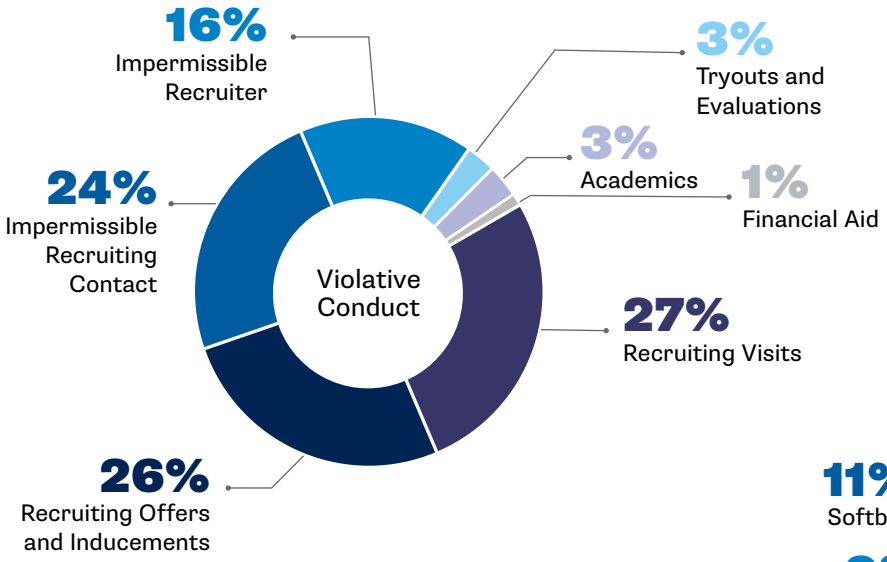
Appeals

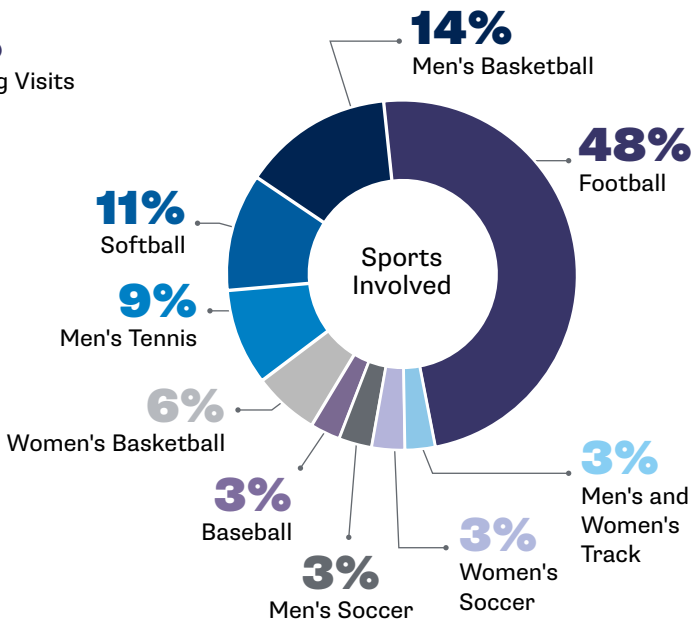
INVOLVES I COI IAC

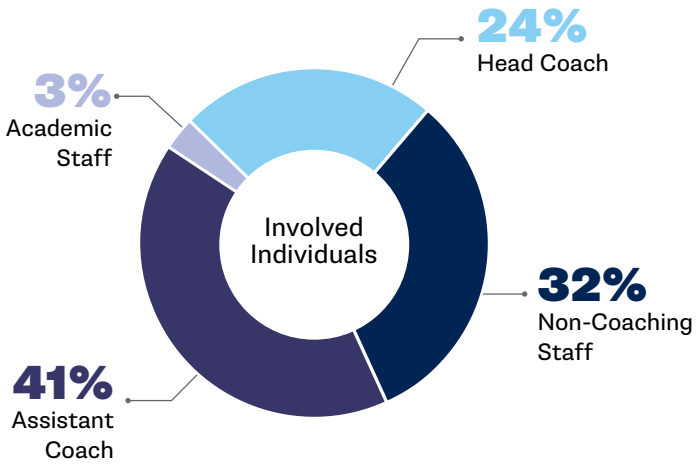
The Infractions Appeals Committee has the final say in a case appealed by a school or involved individual.

- 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**

Level I and II Violations







Level III Violations in the 2022-23 Academic Year

2,050 enforcement Level III violations processed, average processing time: 32 days

64 coach suspensions from Level III violations

26 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. Based on the level of agreement in a case, new reforms contemplate different levels of committee engagement: (1) full hearing resolution; (2) limited resolution; and (3) negotiated resolution. Full hearings are reserved for select contested cases involving alleged behaviors that significantly undermine the integrity of the Collegiate Model, cases that implicate NCAA core values and/or cases that are otherwise best resolved through a comprehensive review of the whole record. For cases resolved via a full hearing, 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, full hearing cases take more time to resolve than other processing options.

When a case is not appropriate for a full hearing or the parties are unable to reach the requisite level of agreement for a negotiated resolution, the committee can resolve a case via limited resolution methods: written record or summary disposition. Written record resolution is appropriate when the COI must resolve less complicated contested issues. Cases resolved via written record fall on an accelerated timeline. Summary disposition is appropriate when 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 2022-23 Committee

David Roberts
chair

Special assistant to the athletics director, Southern California

Kay Norton
vice chair

President emerita, Northern Colorado

Norman C. Bay

Attorney; previous chair of the Federal Energy Regulatory Commission

William Bock III

Attorney; former general counsel for U.S. Anti-Doping Agency

Tricia Turley Brandenburg

Executive associate athletics director/senior woman administrator, Army West Point

Jody Conradt

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

Susan Cross-Lipnickey

Senior associate athletics director for compliance and student-athlete resources/senior woman administrator, Xavier

Richard Ensor

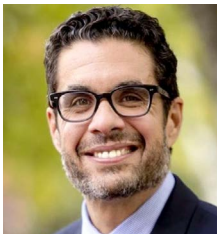
Former commissioner, Metro Atlantic Athletic Conference

Alberto Gonzales

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

Kendra Greene

Deputy athletics director for internal affairs/senior woman administrator, North Carolina Central



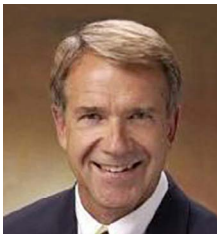
Jeremy Jordan

Dean of the David B. Falk College of Sport and Human Dynamics, Syracuse

Cassandra Kirk

Chief magistrate judge, Fulton County (Georgia) Courts

Jason Leonard
Executive director of athletics compliance, Oklahoma



Stephen A. Madva

Attorney; Chair emeritus of Montgomery, McCracken, Walker & Rhoads, LLP

Gary Miller

President, Akron

Vince Nicastro

Deputy commissioner and chief operating officer, Big East Conference

Joe Novak
Former head football coach, Northern Illinois

Roderick Perry
Former director of athletics, Indiana University-Purdue University Indianapolis

Jill Redmond
Deputy commissioner, Missouri Valley Conference

Mary Schutten
Former executive vice president/provost, Central Michigan

Jim Stapleton
President and CEO of B&R Consultants

THE COMMITTEE INCLUDES UP TO 24 MEMBERS

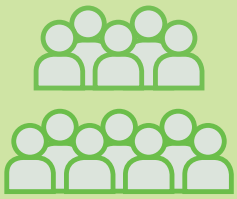
- Members of the Division I Board of Directors appoint committee members to serve full or partial terms.
  - A full term is three years, with members capped at three terms.
  - Terms are staggered to ensure enough overlap and that significant numbers of committee members do not rotate off the committee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



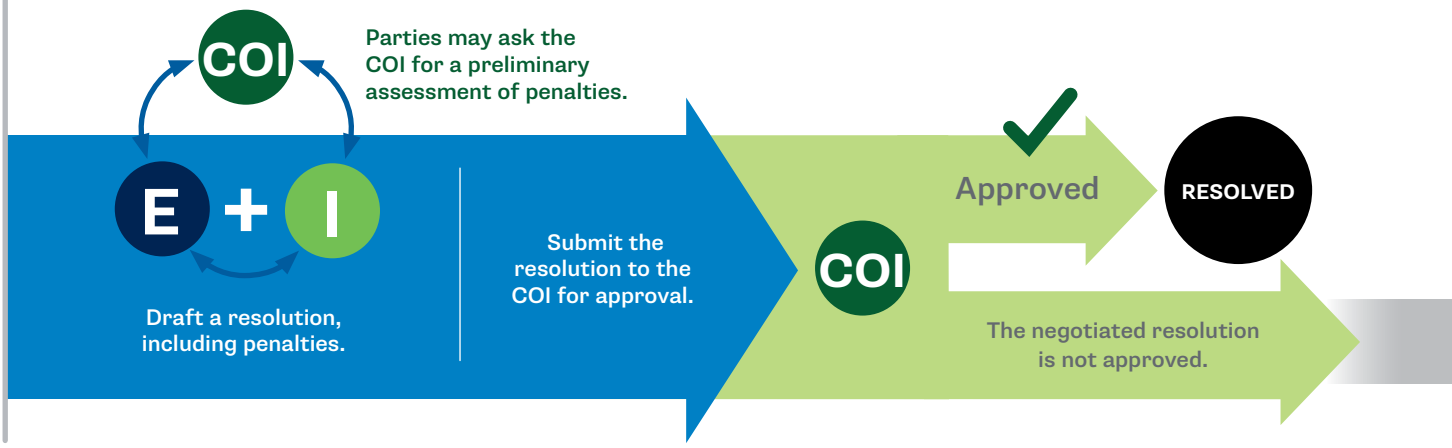
A three-member panel may be assigned when appropriate based on the number and/or nature of allegations. The smaller panel may also review negotiated resolutions.

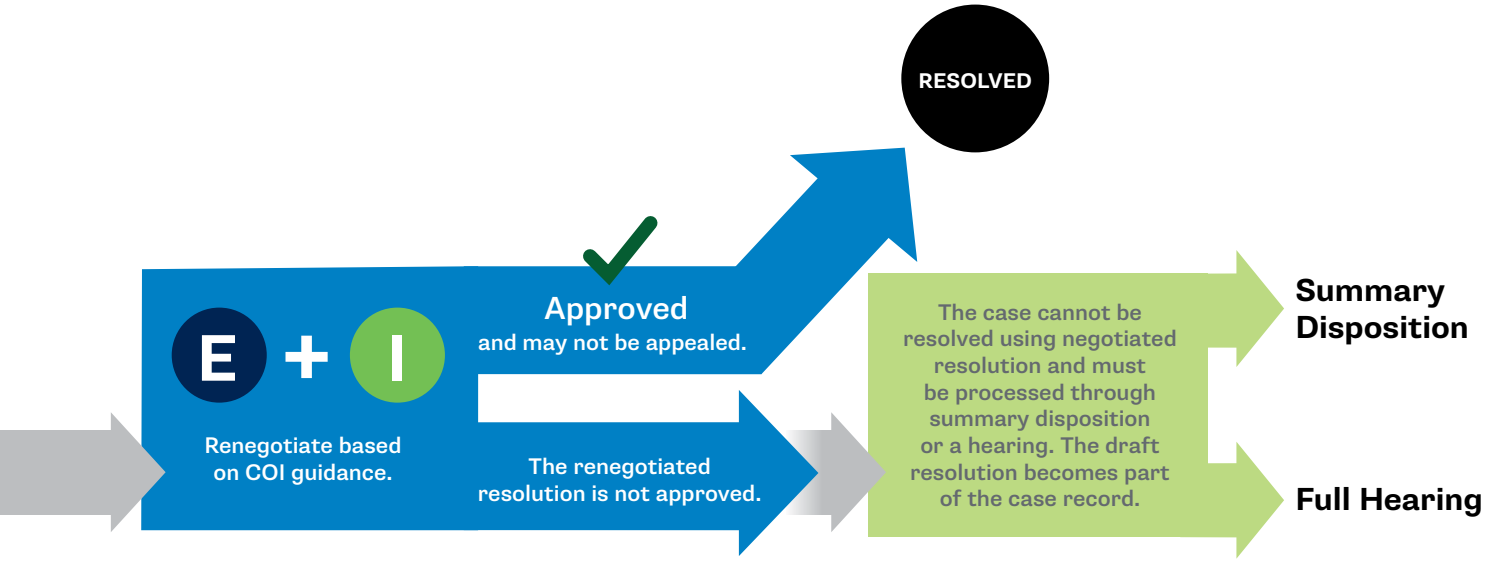
For Level I and II violations, parties may resolve cases one of four ways – a negotiated resolution (shown below), summary disposition, full hearing or written record (see pages 22-23).

E Enforcement Staff | I School and/or Individuals | COI Committee on Infractions | IP Infractions Panel

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
E + I
Renegotiate based on COI guidance.
Approved
and may not be appealed.
The renegotiated resolution is not approved.
The case cannot be resolved using negotiated resolution and must be processed through summary disposition or a hearing. The draft resolution becomes part of the case record.
Summary Disposition
Full Hearing

E Enforcement Staff | I School and/or Individuals | COI Committee on Infractions | IP Infractions Panel

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.

E I Parties submit summary disposition

IP Infractions panel review starts

IP Review

COI Committee issues decision

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

DECISION

Full Hearing or Written Record

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 hearing or considers a case on the written record.

E Enforcement staff issues notice of allegations

I Parties respond

E Enforcement staff replies

Time used for scheduling, document review and preparation for the hearing.

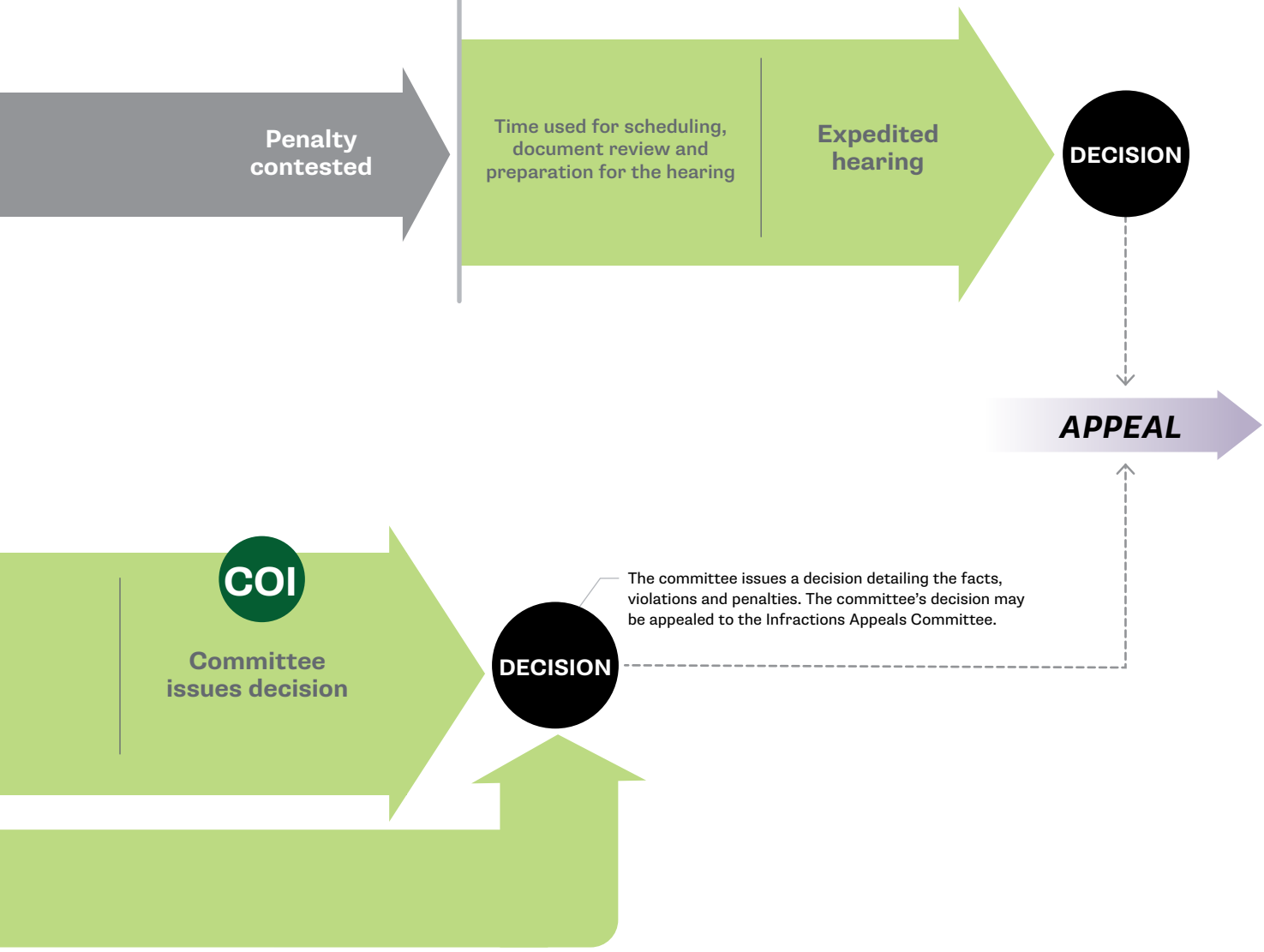
E I IP Hearing

Generally, in contested cases, parties present their case to a panel of seven Committee on Infractions members. The committee reviews the facts, decides whether violations occurred and determines whether penalties are appropriate.

An accelerated review path for some cases is also available, including accelerated timelines or resolution on written record, which follows the same procedural steps on an accelerated timeline and allows the COI to resolve contested issues on the written record without a full in-person hearing.

Summary Disposition with an Expedited Hearing

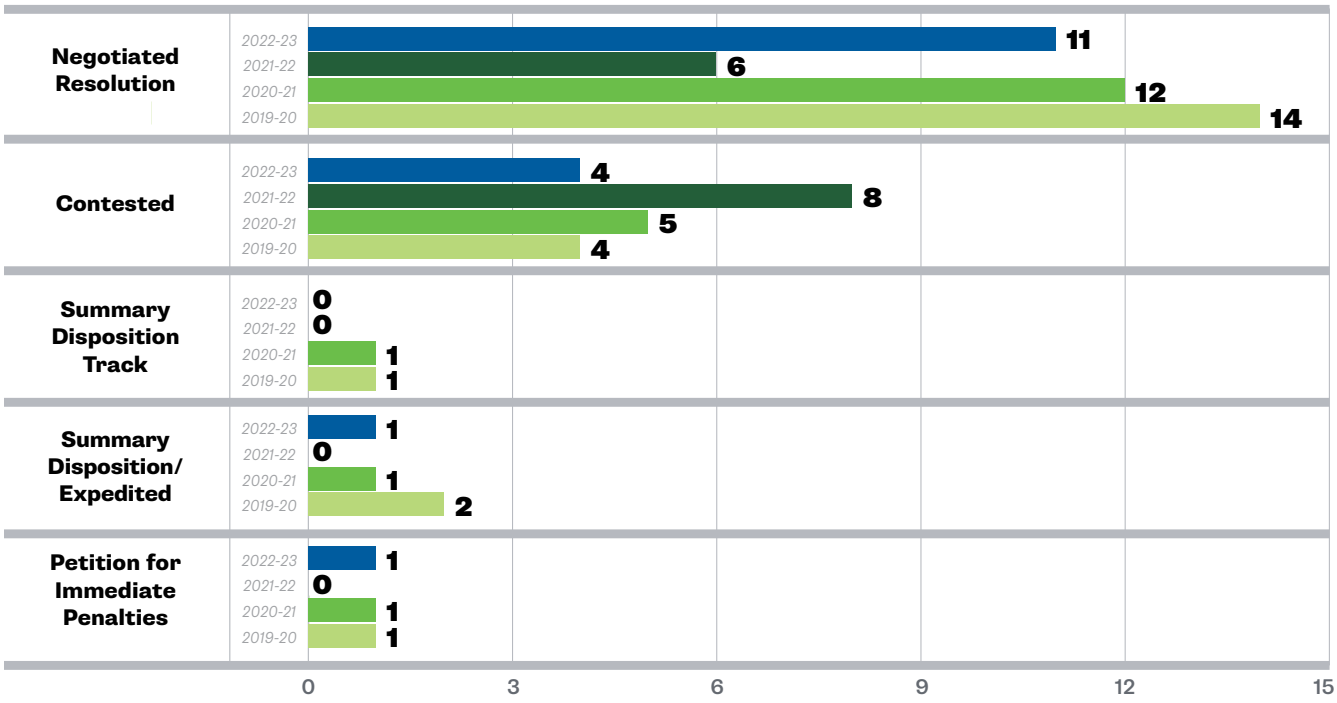
In a summary disposition, a school or involved individual may accept the facts and violations but challenge the penalties proposed by the panel members from the Committee on Infractions. In those instances, an expedited penalty hearing will be held, followed by deliberation and the panel's decision.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



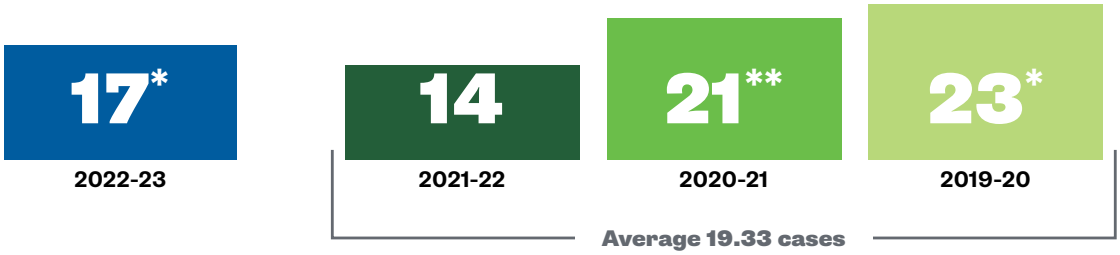
Infractions Annual Report Data

Committee on Infractions Data

Reviewed cases/held hearings: 2022-23 compared with previous years.



Number of Case Decisions by Year



** This number includes resolutions that were rejected by the Committee on Infractions.*
*** This number includes a remanded case as well as a negotiated resolution that were 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 24% of contested cases during the past five years, adding an average 21 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 resolution methods 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 24% of contested cases during the past five years, adding an average 21 days to case resolution.

CONTESTED

2022-23

53

days from hearing to release

NEGOTIATED RESOLUTION

2022-23

7.2

days from final review to release

SUMMARY DISPOSITION WITH EXPEDITED HEARING

2022-23

45

days from expedited hearing 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 2022-23 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 Case Decisions	8	9
Aggravated	3	0
Standard	3	4
Mitigated	2	5
Average Probation	3.0 years	1.6 years
Show-Cause Average	3.3 years	2.6 years
Cases involving postseason ban(s)	0	0
Head coach suspensions	2	6
Cases involving scholarship reduction(s)	1	0
Percentage of cases	(12%)	(0%)
Cases involving recruiting restrictions	3	7
Percentage of cases	(37%)	(78%)
Cases involving vacation of records when ineligible competition occurred	1 (100%)	3 (100%)

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.


SEVEN
NCAA 4

What's Next

Changes made to the infractions appeals process by the Transformation Committee and the NCAA Division I Board of Directors are now applicable in the infractions appeals process. Schools and individuals considering an appeal should be aware of these key components of the infractions appeals process:

What can be appealed

A school or involved individual may appeal individually or any combination of:

- Factual findings.
- Conclusions.
- Findings of violations.
- Level of violations and case.
- Classification of case.
- Core penalties outside of the Division I penalty guidelines.
- Additional penalties.

Core penalties that are within the Division I penalty guidelines prescribed by the Committee on Infractions CANNOT be directly appealed. For example, for a Level I – Standard infractions case, a scholarship reduction penalty of 12% cannot be directly appealed.

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.

Stay of an appealed penalty

When an appealed penalty is stayed, it does not apply to the school or the involved individual during the course of the appeal.

Core penalties within the Division I penalty guidelines prescribed by the Committee on Infractions cannot be directly appealed. Therefore, core penalties within the Division I penalty guidelines cannot be stayed.

The stay of appealed additional penalties or core penalties outside the Division I penalty guidelines is not automatic. However, schools or involved individuals may direct the Infractions Appeals Committee to stay those appealed penalties.

Mode or method for reviewing and resolving an appeal

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 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.

Meet the 2022-23 Committee

Ellen M. Ferris
chair

Senior associate commissioner, American Athletic Conference

Allison Rich
vice chair

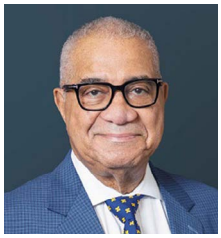
Director of athletics, New Hampshire

Jonathan Alger

President, James Madison

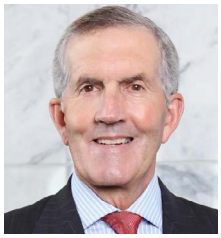
Alejandra Montenegro Almonte

Public member, vice chair of Miller & Chevalier International Department



Tom Goss

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



David Shipley

Georgia Athletic Association professor in law and faculty athletics representative

Julie Vannatta

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

Infractions Appeals Committees Office Staff

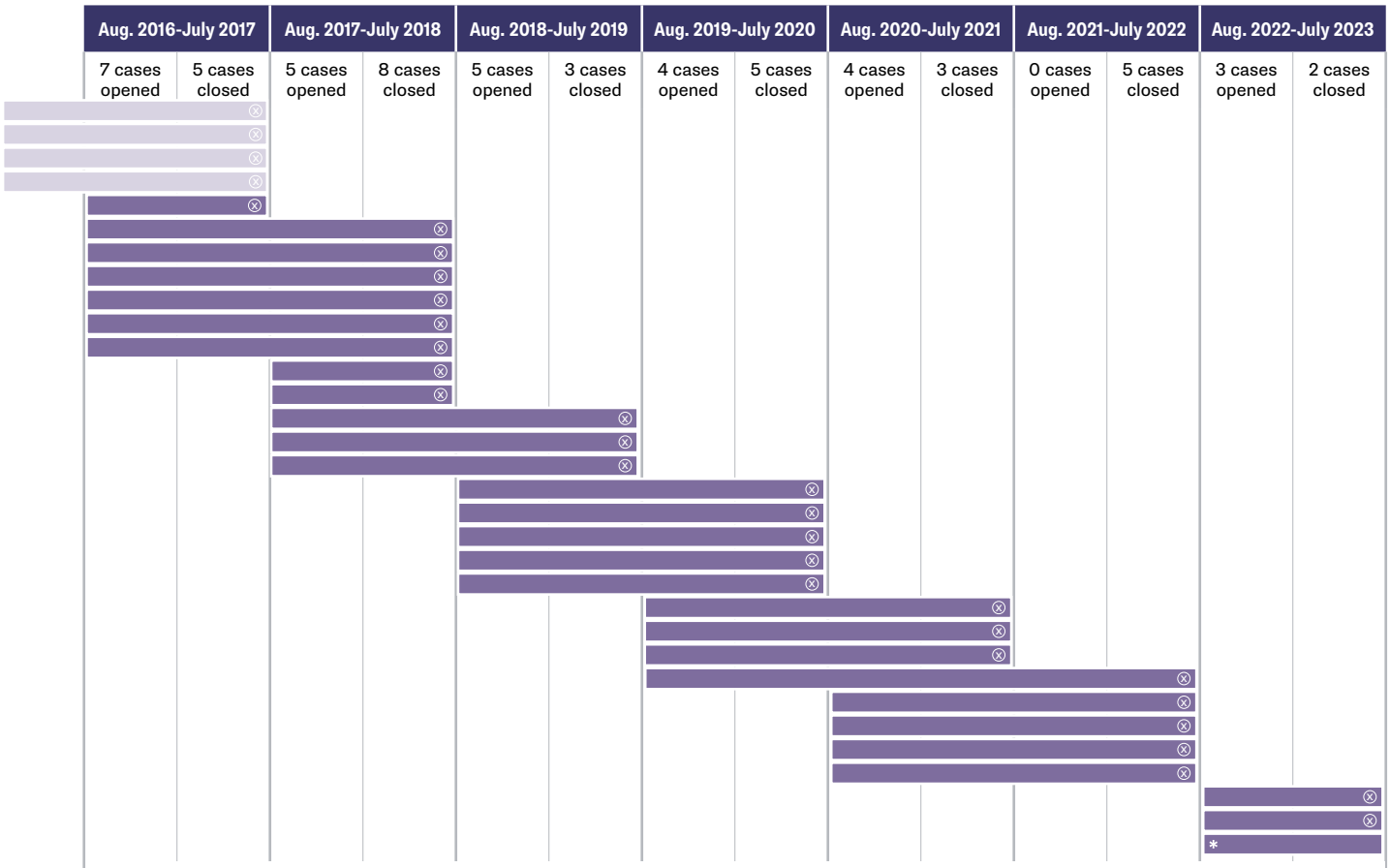
Wendy Walters
Managing director

Alexander Smith
Director

Kelley Sullivan
Assistant coordinator

Infractions Appeals Committee Cases by Year

Cases opened and closed by academic year. Each horizontal bar represents an individual case.



** The infractions appeals committee's cases include one case submitted during the 2022-23 academic year and the committee's decision was released during the 2023-24 academic year. It is included in the 2022-23 annual report because it was the last case decided under the prior infractions appeals process and standards. The new infractions appeals process went into effect for all appeals submitted after Jan. 1, 2023.*

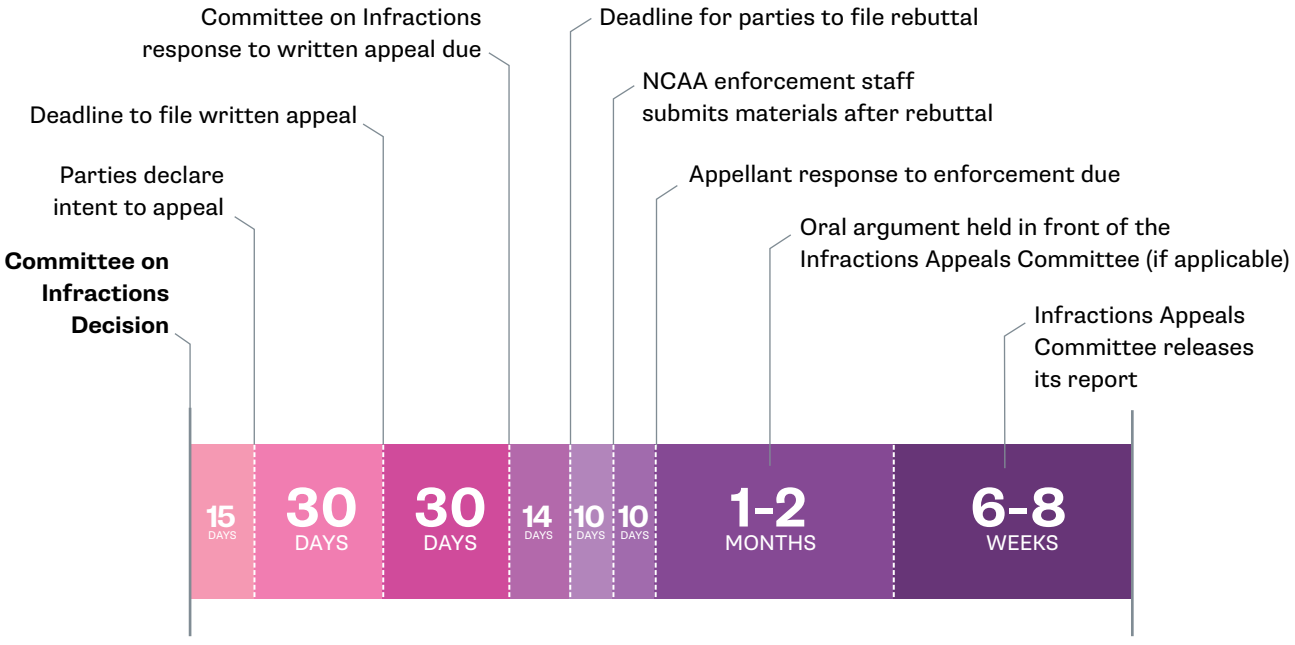
Violations and Penalties

Over the last three years, eight of nine appealed findings of violations and nine of 15 appealed penalties have been affirmed by the Division I Infractions Appeals Committee.

	2020-21	2021-22	2022-23
Total violations appealed	4	4	1
Violations affirmed	3	4	1
Violations vacated	1	0	0
Total penalties appealed	4	8	3
Penalties affirmed	1	7	1
Penalties vacated	1	1	0
Penalties remanded	2	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:



Independent Accountability Resolution Process Overview

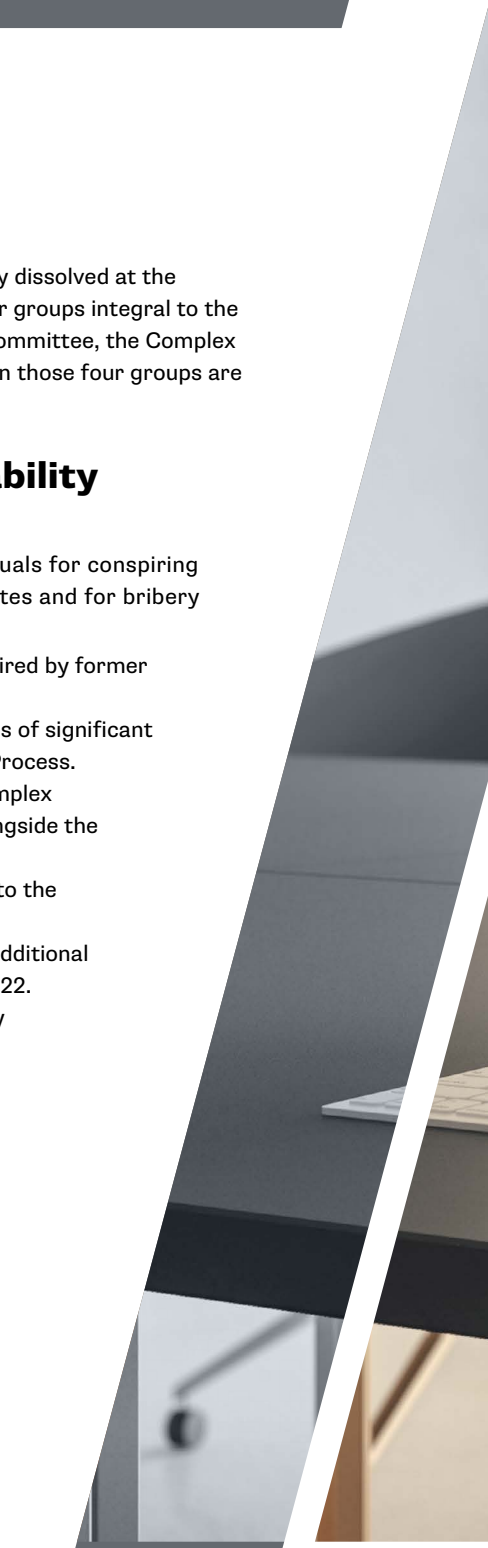
Independent Accountability Resolution Process

The Independent Accountability Resolution Process, which has existed since 2019, formally dissolved at the conclusion of the sixth infractions case adjudicated through this process. There were four groups integral to the process: the Independent Accountability Oversight Committee, the Infractions Referral Committee, the Complex Case Unit and the Independent Resolution Panel. The majority of individuals participating in those four groups are not affiliated with NCAA schools or conferences.

Overview and Catalyst for Independent Accountability Resolution Process

In 2018, the U.S. District Court for the Southern District of New York convicted individuals for conspiring to funnel illicit payments to families of student-athletes and prospective student-athletes and for bribery of coaching staff.

- This prompted NCAA membership to create the Commission on College Basketball, chaired by former U.S. Secretary of State Condoleezza Rice.
- The commission's recommendations resulted in the NCAA membership adopting a series of significant reforms in 2018, including the formation of the Independent Accountability Resolution Process.
- 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 operate more efficiently.
- Between March 2020 and February 2021, a total of six infractions cases were referred to the Independent Accountability Resolution Process.
- The NCAA Division I Board of Directors voted in January 2022 to temporarily suspend additional case referrals to the Independent Accountability Resolution Process through August 2022.
- In August 2022, the Board of Directors voted to dissolve the Independent Accountability Resolution Process once the remaining cases were adjudicated.




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
Infractions Referral Committee
Complex Case Unit
Independent Resolution Panel

Role of the Independent Accountability Resolution Process in the NCAA Infractions Process

- An independent process led, in part, by individuals with no affiliation with NCAA member schools or conferences.
- Created to review complex Division I infractions cases that included conduct or information indicative of the referral factors, many of which had numerous involved parties and multiple Level I and Level II violations.
- Designed without an appeals process, with the goal of moving cases efficiently through the entirety of the infractions process.

Independent Accountability Resolution Process Case Review General Process

While all Independent Accountability Resolution Process infractions cases followed the same review process, each case was unique. Therefore, the length of time each case spent in different stages of the process varied. Schools and involved individuals participated in the investigation, processing and hearing in the same way and in the following process.

- An infractions case was referred to the Independent Accountability Resolution Process, and a hearing panel was assigned to the case from the Independent Resolution Panel.
- A case management plan was developed and issued by each hearing panel's chief panel member.
- An investigation was conducted, as needed, and any procedural issues were resolved by the chief panel member.
- A notice of allegations was issued by the Complex Case Unit.
- A hearing status conference was conducted by the chief panel member.
- The hearing panel conducted a hearing.
- The hearing panel deliberated, determined whether violations were found and, if so, prescribed penalties. The hearing panel then drafted a case decision and publicly announced its findings.

Independent Accountability Resolution Process Groups

The Independent Accountability Resolution Process operated with four groups:

- Independent Accountability Oversight Committee – Oversees the process and operational matters. Appointed independent external investigators and advocates on the Complex Case Unit, selected members of the Infractions Referral Committee, and nominated members of the Independent Resolution Panel.
- Infractions Referral Committee – Determined whether to approve or reject requests to refer infractions cases to the Independent Accountability Resolution Process.
- Complex Case Unit – Conducted the case investigation, processed violations that it believes to be substantiated and represented the NCAA membership interests during the infractions case hearing.
- Independent Resolution Panel – Hearing panel reviewed the notice of allegations, the parties' responses to those allegations and the Complex Case Unit's reply. The chief panel member conducted hearing status conferences, as necessary, to resolve procedural issues, addressed scheduling and logistics of the hearing, set the order of presentation and discussed hearing attendees. The hearing panel then conducted a hearing, decided whether violations occurred, and if so, prescribed penalties.

NCAA hearing operations staff, contractors and externs, as well as the NCAA office of legal affairs and Borshoff, provided support to the Independent Accountability Oversight Committee, Infractions Referral Committee and Independent Resolution Panel.

Independent Accountability Resolution Process Case Overviews and Outcomes

- **North Carolina State University**
  - Referred May 18, 2020; case decision publicly announced Dec. 20, 2021.
  - Case involved four allegations and one post-separation allegation.
  - Hearing panel found five Level I violations, four Level II violations and two Level III violations.

- **University of Memphis**
  - Referred May 4, 2020; case decision publicly announced Sept. 27, 2022.
  - Case involved seven allegations.
  - Hearing panel found four Level II violations and five Level III violations.

- **University of Louisville**
  - Referred Feb. 19, 2021; case decision publicly announced Nov. 3, 2022.
  - Case involved seven allegations and two post-separation allegations.
  - Hearing panel found two Level I violations and five Level III violations.

- **University of Arizona**
  - Referred Dec. 19, 2020; case decision publicly announced Dec. 14, 2022.
  - Case involved nine allegations and two post-separation allegations.
  - Hearing panel found three Level I violations, four Level II violations and four Level III violations.

- **Louisiana State University**
  - Referred Sept. 23, 2020; case decision publicly announced June 22, 2023.
  - Case involved 11 allegations.
  - Hearing panel found four Level I violations, two Level II violations and two Level III violations.

- **University of Kansas**
  - Referred July 1, 2020, case decision publicly announced Oct. 11, 2023.
  - Case involved 10 allegations in the second amended notice of allegations and seven allegations in the third amended notice of allegations.
  - Hearing panel found three Level II violations and multiple Level III violations.

Independent Accountability Resolution Process Successes

- Schools and involved individuals in the Independent Accountability Resolution Process consistently reported they received a fair, thorough and independent investigation and hearing process.
- Increased transparency was provided through the proactive publishing of procedural case timelines.
- Proactive ongoing education of the news media was a focus of the Independent Accountability Resolution Process communications strategy.
- Continued evaluation and expedited adjustments were implemented to ensure timeliness of cases moving through process.
- A public-facing, easy-to-navigate website specific to infractions cases was created and updated.
- Strategies were developed to successfully educate and prepare for Infractions Referral Committee and Independent Resolution Panel members to process referral and infractions cases.
- A video press conference process and supporting documentation was implemented by hearing operations staff.

Observations and Learnings

- Lack of a clear definition of the meaning of independence.
- Setting faulty and unrealistic expectations of the independent process.
- Challenges in establishing guidelines and oversight.
- Infrastructure was insufficient to support the large number of referred cases.
- Indemnification was not provided in master agreement with external investigators and advocates.
- Process did not allow the separation of issues and matters within an Independent Accountability Resolution Process infractions case, which would have further expedited resolution.

NCAA Division I Infractions
2022-23 Annual Report