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***Navigating the Evolving  
Infractions Process:  
Where We've Been, Where We  
Are, and Where We're Going***



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# ***Where We've Been***

***A Review of Phase One of the IPC's Reforms***



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# ***Infractions Process Committee (IPC)***

- Created in 2021, the IPC is a subcommittee of the NCAA Division I Board of Directors that was tasked with reviewing and modernizing the infractions process.
- The IPC focused on the following guiding principles:
  - Timely application of penalties
  - Commitment to cooperation
  - New and proactive communication strategy
  - Peer-review adjudication
- Phase One of the IPC's recommendations went into effect January 1, 2023.
  - The changes currently only impact Division I institutions.



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# ***Current IPC Members***

- Geoff Mearns, President of Ball State University, Chair
- Greg Sankey, Commissioner of the Southeastern Conference
- Greg Christopher, Director of Athletics at Xavier University
- Kimberly R. Cline, President of Long Island University
- Professor Joel Pawlak, Professor and FAR at North Carolina State University
- Brian Noland, President of East Tennessee State University
- Kyle Conder, Director of Athletics at California State University, Bakersfield
- Ashley Cozad, Student-Athlete at University of North Florida



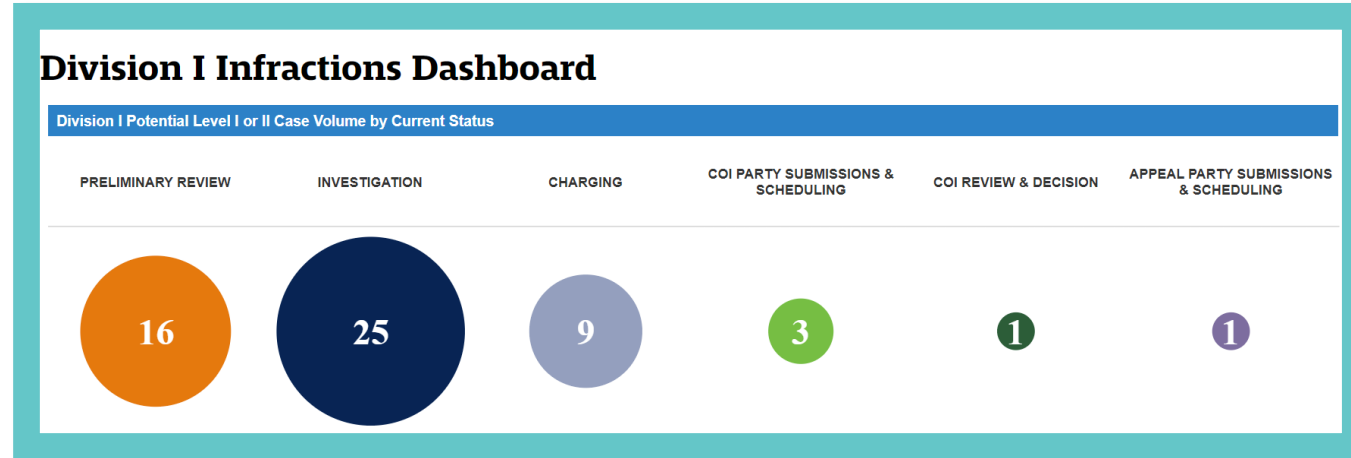
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# Phase One: Public Dashboard

- Creation of a public case dashboard that tracks case volume, individual case timelines and annual resolution data.



- [Division I Infractions Dashboard - NCAA.org](https://ncaa.org/division-i-infractions-dashboard)



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# Phase One: Resolution Methods

## Past

- All parties had to utilize the same case track; bifurcation was not permitted.

## Current

- Cases can now include *multiple resolution methods* for parties.
- Parties and enforcement propose resolution method(s) for COI approval.
- **Full Hearing:** Reserved for limited cases that significantly undermine the integrity of the NCAA Collegiate Model; implicate NCAA core principles; and/or are otherwise best resolved through a comprehensive review of the record.
- **Written Record Hearing:** Available for cases not appropriate for full hearing but unable to reach requisite agreement for SDR or NR (e.g., facts, violations and/or level).



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# Resolution Methods

## Negotiated Resolution

[Bylaw 19.10]

Agreement on facts, violations, level, AMFs, classification and penalties.

Light review by COI.

No appeal.

## Summary Disposition

[Bylaw 19.9.3]

Agreement on all but penalties.

COI prescribes penalties.

Expedited hearing on the penalties.

Appeals of penalties only.

## Written Record Hearing

[Bylaw 19.9.2]

Limited disagreement on facts, violations and/or level.

Abbreviated briefing schedule on disputed areas only.

COI reviews on written record.

Appeal of disputed areas only.

## Full Hearing

[Bylaw 19.8]

"COI worthy" based on legislated factors.

Full review by COI.

Full appeal.



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# ***Phase One: Responsibility to Cooperate***

## **Past**

- Institutions and individuals had a legislated responsibility to cooperate, but that responsibility did not extend to preserving information, disclosing accounts, or encouraging the cooperation of individuals who did not have a legislated obligation.

## **Current**

- Enhancements were adopted, including requirements that institutions, staff and student-athletes must:
  - Preserve information upon learning of potential violations.
  - Disclose and provide access to all electronic devices and accounts that are or may be relevant to an investigation.
  - Encourage spouses, family members, boosters and/or other associates to cooperate.



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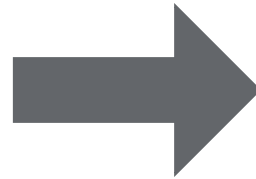


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# Phase One: Head Coach Responsibility

## Past

- Head coach is presumed to be responsible for the actions of all institutional staff members who report directly or indirectly to the head coach.
- Can rebut presumption by showing:
  - Promoted an atmosphere of compliance.
  - Monitored activities of all direct/indirect reports.



## Current

- Head coach **shall** be held responsible for the actions of all institutional staff members who report directly or indirectly to the head coach.
- COI will consider how a coach promotes an atmosphere of compliance and monitors their staff when prescribing penalties, if any.



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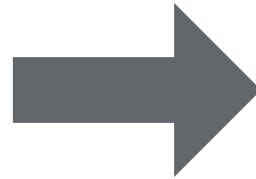


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# ***Phase One: Aggravating/Mitigating Factors***

## **Past**

- Aggravating and mitigating factors for both institutions and involved individuals were housed under Bylaws 19.9.3 (aggravators) and 19.9.4 (mitigators).



## **Current**

- Legislative enhancements that simplified, clarified, and balanced the factors.
- Factors are now broken down into those applicable to the institution and those applicable to involved individuals.



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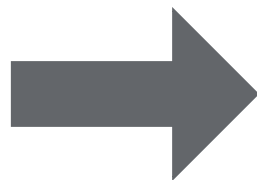


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# ***Phase One: Repeat Violator***

## **Past**

- Repeat violator captured under Bylaw 19.9.3-(b), History of Level I, Level II or major violations.



## **Current**

- Now captured in a standalone bylaw (Bylaw 19.12.5).
- Permits the COI to deviate upward in core penalties.
- Institutions are repeat violators if they have a Level I or Level II violation within five years of starting a penalty from a previous case.
- Individuals are repeat violators for life.



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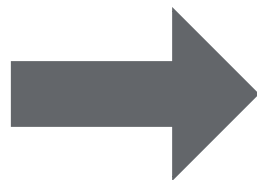


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# ***Phase One: What Can Be Appealed?***

## **Past**

- Findings of fact.
- Violations.
- Conclusions.
- Level.
- Classification.
- Core and additional penalties.



## **Current**

- Findings of fact.
- Violations.
- Conclusions.
- Level.
- Classification.
- **Core penalties outside of the range in Figure 19-1.**
- Additional penalties.



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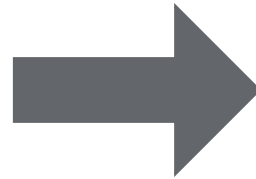


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# ***Phase One: Stay of Penalties on Appeal***

## **Past**

- Appealed penalties stayed automatically.



## **Current**

- The stay of appealed penalties **IS NOT** automatic.
  - Parties may direct the stay of appealed penalties.
  - Core penalties in the range of Figure 19-1 **MAY NOT** be stayed.



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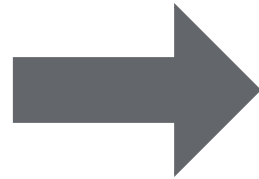


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# ***Phase One: Mode of Appellate Review***

## **Past**

- Review on the written record.
- Oral argument.



## **Current**

- Review on the written record.
- Oral argument:
  - Parties **MAY NOT** request.
  - IAC may conduct an oral argument in the extenuating circumstance where the committee is unable to resolve the appeal without an oral argument.

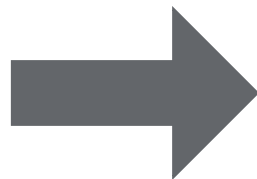




# ***Phase One: Standard of Review***

## **Past**

- Factual Findings, Findings of Violations and Conclusions.
  - Clearly contrary.
  - Facts not a violation.
  - Procedural error.
- All Core and Additional Penalties (Including the weighing of aggravating/mitigating factors).
  - Showing by the appealing party that the hearing panel abused its discretion.



## **Current**

- One Standard of Review.
  - Shall be affirmed if there is information in the record supporting the hearing panel's decision.
  - Shall not be set aside except on showing that no reasonable person could have made the decision after considering the record.



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# ***Phase One: Independent Accountability Resolution Process (IARP)***

- Six cases were processed via the IARP.
- Discontinued following the release of its final decision in October 2023.



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# ***Where We Are***

## ***Current Work of the IPC and Potential Phase Two Reforms***



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# ***Phase Two Reforms***

- In April 2023, the Division I Board of Directors endorsed the following principles to guide Phase Two of the IPC's work related to penalties:
  - Incentivizing and rewarding institutions and individuals who earn exemplary cooperation.
  - Developing meaningful penalties for involved individuals.
  - Reserving postseason ban penalties for Level I infractions that lack exemplary cooperation.
- In October 2023, the Division I Council voted to introduce several proposals for adoption in January 2024.
- Other legislative recommendations are being finalized by the IPC prior to submission to the Council for consideration.



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# Phase Two: Exemplary Cooperation

## Current

- Exemplary cooperation is a mitigator captured in Bylaws Bylaw 19.12.4.1-(g)) and involved individuals (Bylaw 19.12.4.2-(d))

## Potential IPC Recommendation

- Remove from mitigating factors and draft legislation that:
  - Confirms exemplary cooperation is an **achievable**, high standard;
  - Legislates clear **objective elements** required to demonstrate exemplary cooperation;
  - Reenforces that the COI determines whether exemplary cooperation applies while also recognizing existing discretion; and
  - Codifies the effect of exemplary cooperation on the case (i.e., exemplary cooperation **shall** result in the COI reducing a party's classification by one (aggravated to standard or standard to mitigated) and, absent repeat violator status, **shall** remove postseason competition ban from potential penalties.



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# Phase Two: Postseason Ban Penalty

## Current

- The COI prescribes postseason ban penalties in accordance with the ranges identified in Figure 19-1.

Violation Level I	Violation Level II	Competition Penalties: Postseason Ban *Competition penalties may be used singularly or in combination
Aggravation		1 to 5 years
Standard	Aggravation	1 to 2 years
Mitigation	Standard	0 to 1 year
	Mitigation	0

## Potential IPC Recommendation

- Clearly legislate when and to whom a postseason ban penalty may apply, and explicitly address how the presence of other factors (i.e., repeat violator or exemplary cooperation) may impact a potential postseason ban.



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# ***Phase Two: Individual Accountability***

- Petition for Immediate Penalties decision will be made public.
- At-risk individuals will be identified by name in decisions.
- Individuals' infractions records will be made public via a database.



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# Phase Two: Show-Cause Orders

## Current

- The COI prescribes show-cause orders in accordance with the ranges identified in Figure 19-1.

Violation Level I	Violation Level II	Show-Cause Order	Restrictions
Aggravation		3 years to lifetime	All athletically related duties
Standard	Aggravation	2 to 5 years	All or partial <del>coaching and recruiting</del> athletically related duties (including game suspensions)
Mitigation	Standard	<del>0-1</del> 1 to 2 years	All or partial <del>coaching and recruiting</del> athletically related duties (including game suspensions)
	Mitigation	0 to 1 years	All or partial <del>coaching and recruiting</del> athletically related duties (including game suspensions)

## Proposal

- Increase the duration of show-cause orders.
- Attach institutional penalties to show-cause orders (i.e., any institution employing the individual in an athletically related position must pay a fine, implement recruiting restrictions or in extreme cases, impose a postseason ban).





# Phase Two: Suspensions

## Current

- The COI prescribes suspensions in accordance with the ranges identified in Figure 19-1.
- Suspensions are limited to head coaches and only apply to contest date(s).

Violation Level I	Violation Level II	<del>Head Coach Restrictions and</del> <del>(game Suspensions Via Show Cause for</del> <del>Bylaw 11.1.1.1)</del>
Aggravation		50 to 100% of season plus % of additional seasons
Standard	Aggravation	30 to 50% of season
Mitigation	Standard	0 to 30% of season
	Mitigation	0 to 10% of season

## Proposal

- Expand suspensions to potentially include all athletics activities between contests.
- Require a suspension be served next time the individual is employed at a member institution.
- Extend suspensions to any individuals found to have committed rules violations.
- Give COI discretion to attach suspensions to specific contests.





# ***Phase Two: Disassociation of Boosters***

## **Current**

- The COI may prescribe disassociation of a booster in accordance with Bylaw 19.12.8.

## **Proposal**

- Expand 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 any university program.



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# ***Where We're Going***

## ***Future Work of the IPC***



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# ***What's Next?***

- Financial Penalties
  - Consider increased financial penalties.
- Vacation of Records
  - Consider moving vacation of records to core penalties.



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***Questions?***



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