A G E N D A

National Collegiate Athletic Association
Division I Presidential Advisory Group

Teleconference
Phone: 888/808-6929
Access Code: 9722356

July 30, 2012
3-4:30 p.m.

1. Opening remarks.

2. Report of the April 25, 2012, Division I Presidential Advisory Group (PAG) meeting. (Supplement No. 1) **[Anticipated Action Item.]**

3. Update from the Division I Governance Structure.

   a. News from the Division I governance substructure.

      (1) Leadership Council – Anticipated Agenda Items for October.

      (2) Administration Cabinet Action Item. (Supplement No. 2)

   b. Other governance or legislative matters of interest to the group.

4. Review of the agenda for the August 1, 2012, Board of Directors meeting. (Supplement No. 3)

   a. Report from NCAA President Mark Emmert.

   b. Update from Transforming Intercollegiate Athletics Working Groups.

      (1) Enforcement. (Supplement No. 4)

      (2) Rules. (Supplement No. 5)

      (3) Status of miscellaneous expense allowance models.

   c. Football Bowl Subdivision Playing Season Exception. (Supplement No. 6 to be posted prior to the teleconference.)

   d. Report from the Committee on Academic Performance. (Supplement Nos. 7A and 7B)

5. Governmental relations report. (Supplement No. 8)

6. Discussion of other issues of interest to the group.

7. Other business.

8. Future meeting dates and times.

   a. Monday, October 29, 2012, Indianapolis, Indiana.

   b. Monday, January 14, 2013, 3 p.m. (Eastern time), conference call.

   c. Wednesday, May 1, 2013, Indianapolis, Indiana.

   d. Monday, August 5, 2013, 3 p.m. (Eastern time), conference call.

   e. Tuesday, October 29, 2013, Indianapolis, Indiana.

   f. Monday, January 13, 2014, 3 p.m. (Eastern time), conference call.

9. Adjournment.

REPORT OF THE APRIL 25, 2012, MEETING OF THE DIVISION I PRESIDENTIAL ADVISORY GROUP

1. **Report of October 26, 2011, Meeting.** The Presidential Advisory Group (PAG) approved the report of its January 9, 2012, teleconference.

2. **Selected Items from the Transforming Intercollegiate Athletics Working Groups**.

   a. Student-Athlete Well-Being. PAG was informed that the working group has distributed various models for a possible miscellaneous expense allowance (MEA) toward total cost of attendance for review and comment by Division I conferences and constituent groups. It also was noted that the working group plans to conduct a focus group meeting of selected financial aid officers, directors of athletics, faculty athletics representatives, compliance officers, student-athlete advisory committee members, senior woman administrators and commissioners in an effort to evaluate the practical and administrative burdens in the implementation of the models, as well as to ensure that gender equity interests are fully addressed. It was suggested that the working group consider applying the models to data collected from several institutions to determine the impact of each model.

   b. Resource Allocation. PAG considered a remaining recommendation from the Resource Allocation Working Group that legislation be adopted effective August 1, 2014, to reduce Football Championship Subdivision (FCS) football scholarships from 63 to 60 equivalencies, with 80 overall counters.

      PAG ACTION: PAG defeated the recommendation to reduce FCS football scholarships. [For 8, Against 0, Abstain 1 (Skorton)] [Note: The form of the actual motion and vote was to "not support a reduction in grants," but is reported here in a manner to respond directly to the original recommendation.]

3. **NCAA Division I Football Championship Expansion.** PAG was informed that the FCS Working Group has been meeting over the course of the past couple of months to discuss options for expanding access to the NCAA Division I Football Championship from 20 to 24 teams. After much discussion and feedback from various stakeholders, the FCS Working Group has agreed to recommend that effective for the 2013 football season, the championship expand to 24 teams using a traditional balanced bracket format, with the top eight teams being seeded and receiving a first-round bye. The recommendation will be processed through the Association's triennial budget process with an expected final approval by the NCAA Executive Committee in August 2012.

4. Report from NCAA Division I Committee on Academic Performance (CAP). PAG received a preliminary report regarding Academic Progress Rate (APR) data that will be released in June. A summary was provided regarding national and sport-group averages, trends and penalties. PAG also was informed of the following action items that will be recommended to the Board of Directors:

a. That the Board amend the effective date of Proposal No. 2011-94 – Eligibility – Freshman Academic Requirements – Eligibility for Financial Aid, Practice and Competition – Core Course Requirements and Initial Eligibility Index to August 1, 2016. The sense of the group was to support a one-year delay in the effective date.

b. That the Board seek membership input on a possible one-year delay in the effective date of Proposal No. 2011-69 – Eligibility -- Transfer Regulations – 2-4 and 4-2-4 College Transfers. There were comments from several PAG members suggesting that the concerns expressed may not warrant a delay in the effective date.

c. That the Board approve amendments to the NCAA Division I Academic Performance Program (APP) for Limited-Resource Institutions that would amend the transition to the new 930 APR benchmark for APP penalties and access to postseason competition for limited-resource institutions. This appeared to be a consensus item.

d. That the Board approve CAP policies and procedures for the 2012-13 academic year. This appeared to be a consensus item.

5. Update on Review of Division I Athletics Certification Program. PAG was updated on the status of the review of the athletics certification program and the timeline for review moving forward. PAG also was informed that the NCAA Division I Committee on Athletics Certification is recommending that the Board of Directors support a one-year delay in the implementation of a new certification program, which would include the requirement that all Division I institutions be required to implement the school's athletics certification cycle two and three plans for improvement. Comments were generally supportive of the proposed process, but continue to be mixed regarding appropriate elements and enforcement.

6. Future Meeting Dates and Times.

(a) Monday, July 30, 2102, 3 p.m. (Eastern Time), conference call.

(b) Monday, October 29, 2012, Indianapolis, Indiana.

(c) Monday, January 14, 2013, 3 p.m. (Eastern Time), conference call.

(d) Wednesday, May 1, 2013, Indianapolis, Indiana

(e) Monday, August 5, 2013, 3 p.m. (Eastern Time), conference call.

(f) Tuesday, October 29, 2013, Indianapolis, Indiana.

(g) Monday, January 13, 2014, 3 p.m. (Eastern Time), conference call

Subcommittee chair: William Meehan, Jacksonville State University, Ohio Valley Conference
Staff Liaisons: S. David Berst, Division I governance
Jacqueline Campbell, Division I governance

Division I Presidential Advisory Group April 25, 2012, Meeting	
PAG ATTENDEES	**PAG ABSENTEES**
William Beauchamp, University of Portland, West Coast Conference	James Ammons, Florida A&M University, Mid-Eastern Athletic Conference
John Broderick, Old Dominion University, Colonial Athletic Association	John Bravman, Bucknell University, Patriot League
David Chicoine, South Dakota State University, Summit League	Joanne Glasser, Bradley University, Missouri Valley Conference
Greg Dell'Omo, Robert Morris University, Northeast Conference	Penelope Kyle, Radford University, Big South Conference
Philip Dubois, University of North Carolina, Charlotte, Atlantic 10 Conference	David Hopkins, Wright State University, Horizon League
Walter Harrison, University of Hartford, America East Conference	Kerry Romesburg, Jacksonville University, Atlantic Sun University
John Hurley, Canisius College, Metro Atlantic Athletic Conference	Randall Webb, Northwestern State University, Southland Conference
William Meehan, Jacksonville State University, Ohio Valley Conference	Timothy White, University of California, Riverside, Big West Conference
Ann Millner, Weber State University, Big Sky Conference	
Kenneth Peacock, Appalachian State University, Southern Conference	

David Skorton, Cornell University, Ivy league	
George C. Wright, Prairie View A&M University, Southwestern Athletic Conference.	
Commissioners in Attendance	**Commissioners Not In Attendance**
Tom Burnett, Southland Conference	Bernadette McGlade, Atlantic 10 Conference
Beth DeBauche, Ohio Valley Conference	
Tom Douple, Summit League	
Rich Ensor, Metro Atlantic Athletic Conference	
Dennis Ferrell, Big West Conference	
Doug Fullerton, Big Sky Conference	
Carolyn Schlie Femovich, Patriot League	
Ted Gumbart, Atlantic Sun Conference	
Robin Harris, Ivy League	
Amy Huchthausen, America East Conference	
John Imarino, Southern Conference	
Kyle Kallander, Big South Conference	
Jon LeCrone, Horizon League	
Noreen Morris, Northeast Conference	
Duer Sharp, Southwestern Athletic Conference	
Dennis Thomas, Mid-Eastern Athletic Conference	
Patty Viverito, Missouri Valley Conference	
Tom Yeager, Colonial Athletic Association	
Jamie Zaninovich, West Coast Conference	
Future PAG member attending as observers:	
Rita Cheng, Southern Illinois University, Carbondale, Missouri Valley Conference Kay Norton, University of Northern Colorado, Big Sky Conference	
NCAA staff liaisons in attendance: David Berst, Jacqueline Campbell	
Other NCAA staff members who were in attendance for all or portions of the meeting: Troy Arthur, Diane Dickman, Mark Emmert, Bernard Franklin, Michelle Hosick, Jim Isch, Kevin Lennon, Mark Lewis, Steve Mallonee, Kathleen McNeely, Tom Paskus, Todd Petr, Bill Regan, Donald Remy, Wallace Renfro, Jennifer Strawley and Bob Williams.	

Excerpt from the report of the July 10, 2012, meeting of the National Collegiate Athletic Association Division I Administration Cabinet

ACTION ITEMS.

1. **Annual Review/Advancement of Provisional/Reclassifying Members**. The cabinet reviewed the progress of all institutions currently in the process of reclassifying their sports programs to Division I active status. Specifically, the group reviewed the annual reports and updated strategic plans for all reclassifying members and focused on whether such institutions were meeting all applicable legislative requirements and were responsive to feedback provided to the institution the previous year by the cabinet. The cabinet agreed to recommend to the Division I Board of Directors that Bryant University, University of North Dakota, Presbyterian College, Seattle University, University of South Dakota, and Southern Illinois University, Edwardsville, be elected to active Division I membership status.

2. **Representation on Division I Committees**. The cabinet recommended that the Board of Directors use its authority pursuant to Bylaw 21.7.2 to waive the requirement that no subdivision shall have more than 50 percent representation on any committee and approve the appointment of Aaron D'Addario, head diving coach at the University of Denver, to the NCAA Division I Men's and Women's Swimming and Diving Committee.

Cabinet chair: *William Chaves, Eastern Washington University*
Cabinet liaisons: *Jacqueline Campbell, Division I governance*
Steve Mallonee, academic and membership affairs
Sharon Tufano, governance

SUPPLEMENT NO. 3
DI Presidential Advisory Group 7/12

A G E N D A

National Collegiate Athletic Association
Division I Board of Directors

Christine Grant Room
NCAA National Office

August 2, 2012
8 a.m. – 3 p.m.

1. Opening remarks.

2. Report from NCAA President Mark Emmert.

3. Report of the April 26, 2012, Board of Directors meeting. (Supplement No. 1) [**Anticipated Action Item.]**

4. Report of the July 30, 2012, NCAA Division I Presidential Advisory Group teleconference. (Supplement No. 2 to be distributed at the meeting.)

5. Update from Transforming Intercollegiate Athletics Working Groups.

   a. Enforcement. (Supplement No. 3)

   b. Rules. (Supplement No. 4)

   c. Status of miscellaneous expense allowance models.

6. Football Bowl Subdivision (FBS) Playing Season Exception. (Supplement No. 5 to be posted prior to the meeting.) **[Anticipated Action Item.]**

7. Report from the Committee on Academic Performance. (Supplement Nos. 6A and 6B) **[Anticipated Action Item.]**

8. Division I Governance Structure Update.

   a. Leadership Council – Anticipated Agenda Items for October.

b. Administration Cabinet Action Item. (Supplement No.7) **[Anticipated Action Item.]**

9. Litigation Update. [No action anticipated.]

10. Governmental relations report. (Supplement No. 8) [No action anticipated.]

11. Other business.

12. Future meeting dates.

    a. Tuesday, October 30, 2012, Indianapolis, Indiana.

    b. Saturday, January 19, 2013, Grapevine, Texas. [In conjunction with the NCAA Convention.]

    c. Thursday, May 2, 2013, Indianapolis, Indiana.

    d. Thursday, August 8, 2013, Indianapolis, Indiana.

    e. Wednesday, October 30, 2014, Indianapolis, Indiana.

    f. Saturday, January 18, 2014, San Diego, California. [In conjunction with the NCAA Convention.]

13. Adjournment.

Executive Summary of Final Report

NCAA Working Group on Collegiate Model – Enforcement
August 2012

In August 2011, NCAA President Mark Emmert met with over 50 presidents and chancellors of member institutions to address the erosion of public trust in intercollegiate athletics. The presidents identified several areas of concern, including the need to refocus the Association's enforcement program to place greater emphasis on those violations that most seriously denigrate the collegiate model. They also focused on the need to provide strong disincentives to deter violations. The Working Group on Collegiate Model - Enforcement ("working group") was charged with recommending revisions of the current enforcement program to protect the collegiate model and restore public trust in collegiate sports and the NCAA.

The working group circulated an Interim Report in February 2012 outlining its preliminary proposals. The working group sought and received feedback from the membership, the NCAA staff, members of the Committee on Infractions ("COI") and members of the Infractions Appeals Committee ("IAC"). After reviewing the feedback, the working group submits its Final Report together with proposed revisions to Bylaw 19. The working group's recommendations include significant changes to the current violation and penalty structures and to the infractions review process.

It is important to note at the outset that the current COI has provided helpful feedback and insights throughout this process and is committed and receptive to change. The COI is comprised of hard-working and capable individuals. The changes recommended in this report reflect recognition of the significant amount of work involved in the process and of the membership's expressed desire for greater consequences for violations.

Implementation of a Four-Tier Violation Structure

The working group recommends implementing a new four-level violation structure that identifies with greater precision the relative severity of infractions by using the following classifications: Level I – Severe Breach of Conduct; Level II – Significant Breach of Conduct; Level III – Breach of Conduct; and Level IV – Incidental Infractions. This structure will provide member institutions and involved individuals more detailed notice of the nature and gravity of alleged infractions and better ensure enforcement efforts are focused on behaviors that clearly violate NCAA enduring values.

Distinctions between the most serious violations and corresponding penalties will be further refined based on aggravating and mitigating factors in a case. Specifically, Level I and II violations will be sub-classified as aggravated, standard or mitigated, and the COI may prescribe penalties from a higher or lower range based on its weighing of these factors.

Adoption of Penalty Guidelines for Core Penalties

As revised, Bylaw 19 would include penalty guidelines clearly specifying core penalties for Level I and II cases. Based on the message from the August 2011 presidential meeting, and on membership input, these penalty guidelines represent a ratcheting up of typical penalties. After determining the appropriate sublevel (aggravation, standard or mitigation) for Level I or II cases, the COI will prescribe a penalty from a range of set penalty guidelines in each of the following areas: (a) competition limitations; (b) financial penalties; (c) scholarship limitations; (d) recruiting limitations; (e) probation; (f) when applicable, show-cause orders. If extenuating circumstances are found, the COI will have discretion to depart from the core penalties. The COI will also retain discretion to apply additional penalties and to consider the impact on student-athletes who were not involved in the violation. Although the COI retains some discretion to prescribe the appropriate mix of penalties for a particular case, it is expected that the penalties for these Level I and II cases will be significantly more stringent than those for the current major cases.

- Although the "repeat violator" terminology does not appear in the proposed bylaw, the concept will be expanded by treating violation history as an aggravating factor for purposes of calculating a penalty. When warranted by the circumstances, the so-called "death penalty" in current Bylaw 19.5.2.1.2 will be available.

- Core penalties will include head coach suspensions, through show-cause orders, for Level I and II violations by the coach's staff where the coach has not promoted an atmosphere of compliance or monitored staff, and in certain cases resolved through Level III procedures. Head coaches must set the tone for compliance within sport programs and will be held accountable for oversight when violations occur.

- The new bylaw also is designed to provide greater accountability for the leadership of member institutions. Specifically, COI decisions in certain cases may identify head coaches, presidents or chancellors, directors of athletics, and/or any individual with direct responsibility and oversight of the athletics department, even where those individuals were not directly involved in the underlying violations. If appropriate, the COI may identify the chair or other members of the institution's governing body in the public decision as well.

- A new penalty structure will allow the COI to prescribe effective penalties, provide predictability through fixed penalty ranges, and better delineate between individual and institutional responsibility for infractions. It also will deter violations because institutions and involved individuals will know that any advantage gained from committing a violation will be outweighed by the corresponding penalty.

Expansion of the Committee of Infractions and Streamlining Review of Alleged Infractions

The following proposals are examples of many procedural recommendations designed by the working group to expedite resolution of alleged violations with fairness and transparency:

- Expand the COI to no more than 24 members, including the following individuals (if possible): current or former university presidents or other senior institutional administrators, current or former directors of athletics, former NCAA coaches, representatives from conference offices, university faculty (including faculty athletics representatives), athletics administrators with compliance experience and members of the general public with legal backgrounds. A larger COI will decrease individual workload, thereby encouraging service on the committee and expedite the timeline for resolution of cases.

- Level I and II cases will be heard by panels of five to seven COI members. The current appeal process would remain largely the same. Level III cases would be processed by the enforcement staff, with appeals presented to a panel of the COI. Conferences would be responsible for resolving Level IV cases.

- Increased use of video or telephone conference hearings, increased opportunities for written submission of cases and broader use of the summary disposition process will allow institutions and involved individuals more control over the means by which cases are heard and make resolution more cost effective.

Increased Focus on Shared Responsibility and Institutional Integrity

The working group believes the Association should endeavor to expand the focus on the principles of shared responsibility and institutional integrity. Expectations of institutions, conferences and the enforcement staff should be clearly communicated so all parties understand their responsibilities at the outset and during an investigation of a potential Level I or II violation. Institutions and involved individuals should be recognized in the enforcement process for exceeding those expectations. The working group believes there are critical issues surrounding the notion of institutional integrity that go beyond the scope of the group's charge yet need to be addressed. To that end, the working group recommends that a separate group be charged with defining institutional integrity. The working group will make specific recommendations regarding the focus of institutional integrity and pledges its ongoing support to that group.

Other Changes to Bylaws 19 and 32

In addition to recommendations regarding the COI procedures and the penalty/violation structures, the working group also took the opportunity to update and streamline bylaws governing the enforcement program. For example, the working group recommends legislative

changes designed to codify current practices. The working group also recommends creating a single bylaw addressing the entire enforcement program rather than retaining Bylaws 19 and 32 separately.

Conclusion

These recommendations and others are discussed in greater detail in the full report, and many are codified in the proposed Bylaw 19. The working group believes the changes, if adopted, would support the NCAA's enduring values, further the Division I Collegiate Model and satisfy the charge assigned by the NCAA leadership.

Final Report

NCAA Working Group on Collegiate Model - Enforcement
August 2012

INFORMATIONAL ITEM.

This report contains proposals and recommendations of the Working Group on Collegiate Model – Enforcement. Since this group's preliminary report to the NCAA Board of Directors in January 2012, extensive outreach efforts have been made to solicit feedback from the membership. This feedback led to changes in the interim recommendations of the working group.

The working group is pleased to present its proposals for adoption by the Board, with an expected effective date of August 2013. The working group considered various implementation scenarios to determine the precise effective date that allows for adequate notice for all members and involved individuals and also ensures that the new structure and processes are fully operational as soon as possible. After reviewing multiple options, the working group developed a final effective date schedule and implementation plan for the new violation, process and penalty recommendations for the Board to consider. That plan is set forth in Section E of this report.

A. Background.

History may well observe that 2011 was the year that intercollegiate athletics faced its most difficult challenges. However, 2011 may also be the year remembered as that in which higher education's presidents and chancellors committed to broad structural and environmental changes designed to re-center college sports on a set of enduring values.

Public trust in intercollegiate athletics has eroded and needs to be restored. The loss of trust creates urgency, but this loss of trust is not driving the urgency to make changes. Rather, the driving force is recognition by presidential leadership that the values of intercollegiate athletics have become muddied and need to be brought to the forefront of the work we do. Significant change is not optional. Through a series of revelations that began with the 2011 New Year and extended into the fall, there has been mounting evidence that the historical management and control structure for intercollegiate athletics, from the development and implementation of national policy to the self-policing of violations, must be re-evaluated and subject to change. Among the most pressing issues are:

- A risk-reward analysis of the intentional violation of national policy that fails to deter violations and that often is based on financial pressure.
- An emphasis on winning that takes prominence over integrity.
- An ever-growing expectation for national policy to codify all behavior and avoid institutional or individual judgment and responsibility.

- An increase in third-party interference with, and influence on, prospective student-athletes, student-athletes and coaches, which is usually based on money-making potential. Regulation of third-party conduct is difficult because these persons are not NCAA members and not subject to NCAA enforcement actions.
- Compensation packages for coaches that are in excess of those generally offered at the institution, as well as the rising number of non-coaching personnel with large salaries within a model that holds the student-athlete as an amateur.
- The loss of faith in the good intentions of intercollegiate athletics to serve as a co-curricular component of higher education.
- The perception that powerhouse coaches/athletics departments have greater authority than college or university presidents and governing bodies.
- Public distrust of the NCAA's ability to police itself. Membership distrust of the processes used to investigate violations and make decisions with serious consequences for institutions and individuals (coaches and student-athletes).
- Developments in intercollegiate athletics that push the perception of intercollegiate athletics toward the professional model.

As a result of the threats described above, NCAA President Mark Emmert and more than 50 presidents and chancellors gathered in August 2011 to examine in broad terms how to sustain the collegiate model and restore public trust in college sports and the NCAA. It was clear that presidents were "mad as hell" and resolved to take action. What emerged from the presidential retreat was a call for the transformation of intercollegiate athletics. The presidents emphasized that there are four acknowledged enduring values that are guiding the entirety of their efforts and will be the measures against which all policies and judgments will be tested:

- Student-athlete success is paramount, both academically and athletically.
- The collegiate model must embed the values of higher education, including shared responsibility and accountability; this model should be protected and sustained.
- In the collegiate model of athletics, amateurism is the student-participation model that guides the relationship between students and institutions.
- In the collegiate model of athletics, the guiding principles should be based on fair opportunities to compete among institutions with similar commitments to inter-collegiate athletics.

The presidents identified five significant areas of concern: (1) standards and metrics for the academic success of Division I student-athletes; (2) the allocation of financial resources within intercollegiate rules; (3) the financial well-being of student-athletes; (4) a realigning of how rules governing intercollegiate athletics are determined and an enhanced expectation of shared responsibility at the campus, conference and national levels; and (5) the strong and swift enforcement of those rules that place the greatest emphasis on those violations that, if left unattended, most significantly denigrate the

collegiate model. The Working Group on Collegiate Model - Enforcement was formed to primarily focus on the fifth concern, along with contributing to a better definition and clearer expectation of shared responsibility (part of the fourth concern).

B. Introduction and Brief Overview of Proposed Concepts.

This working group was tasked with creating a multi-level violation structure, a streamlined approach for processing cases and an enhanced penalty structure for NCAA infractions. The working group also was charged with re-establishing a sense of shared responsibility, among the interested individuals and entities in intercollegiate athletics, for NCAA compliance and enforcement. The group undertook this work pursuant to the Association's core purpose of governing competition in a fair, safe, equitable and sportsmanlike manner. The group also acted pursuant to the Association's principle of integrating intercollegiate athletics into higher education to ensure that the educational experience of the student-athlete remains paramount. In addition, the group's work was based on the Association's enduring values of student-athlete success, the collegiate model, amateurism and fair competition.

In formulating its recommendations, the working group communicated regularly with the Working Group on Collegiate Model – Rules. Both groups have appointed subgroups to identify subjects of common interest and work together to ensure consistent recommendations and desired outcomes in those areas. The Enforcement Working Group believes that its recommendations can be applied to the current bylaw structure and also to the deregulated structure envisioned by the Rules Working Group. The group considered whether the enforcement recommendations should be delayed until the Rules Working Group completed its work. Since the enforcement recommendations apply to the current rules and will work well, if not better, with the proposed concepts of the Rules Working Group, the Enforcement Working Group determined that the enforcement recommendations should not be delayed. In fact, it is likely that the proposed violation structure (e.g., multi-level approach) will be helpful to the Rules Working Group as it considers which rules are significant and which ones should be deregulated.

Finally, in undertaking this task, the group developed the following three guiding principles:

- The Principle of Fairness – Any new violation and penalty structure must be fair to all parties involved in the process and consider the interests of all member institutions that uphold integrity through bylaw compliance. Appropriate weight should be given to fair process considerations for those alleged to have committed violations or who otherwise may have been involved. In addition, the severity of penalties must have a direct correlation with the significance of the violations, as identified by the membership and staff, as well as the NCAA enduring values.

- The Principle of Accountability – The new violation and penalty structures should be designed to hold those institutions, coaches, administrators and student-athletes who violate the rules accountable for their conduct, both at the individual and institutional levels. In addition, both the NCAA staff and membership (coaches, administrators, institutions and conferences) must understand the shared responsibility of accountability to the intercollegiate model.

- The Principle of Process Integrity – Any new structures must be designed to ensure effectiveness and efficiency in the process and its results. The new structures must be easily understood, legitimate, timely, respecting of confidentiality while transparent with the process, and sufficiently workable to establish clear and strict guidelines and boundaries.

Based on these guiding principles, the working group has (1) reached a number of conclusions regarding the NCAA's current violation, process and penalty structures, as well as the means by which responsibilities for enforcement efforts are currently shared among interested individuals and entities; (2) developed a series of recommended actions to improve the current structures and definition of shared responsibility for enforcement; and (3) identified the anticipated outcomes for each of the proposed actions. In sum:

- The violation structure: The working group believes that the NCAA must adopt a new violation structure. The new structure must recognize and categorize the varying levels of infractions, from most severe breaches of conduct to incidental infractions, and must strongly discourage behaviors that most clearly undermine the fundamental principles on which the bylaws are based. The working group recommends that the Association adopt a multi-level violation structure to achieve this goal. Pursuant to the recommended violation structure, infractions will be categorized as severe breaches of conduct (Level I), significant breaches of conduct (Level II), breaches of conduct (Level III) and incidental infractions (Level IV). Cases involving Level I and II violations will be further categorized into sublevels based on the presence and balancing of aggravating and mitigating factors. The working group anticipates that the proposed structure will provide member institutions and involved individuals with better notice of infractions, and the level of seriousness assigned the infractions, for which they will be held accountable if NCAA bylaws are violated. Further, the group anticipates that the proposed structure will better ensure that enforcement efforts are focused on those infractions that clearly violate NCAA enduring values.

- The process: The working group believes that alleged bylaw violations must be resolved more efficiently and expeditiously, but that process integrity and fairness must be protected. More transparency, where appropriate, will increase the membership's understanding of how and why decisions are made. To address these issues, the working group recommends that the Association adopt new case

procedures that increase the size and composition diversity of the existing Committee on Infractions, from which panels of the committee will be assigned to hear the most serious infractions cases, and that other procedures be modified and introduced to more efficiently hear and resolve allegations of bylaw infractions. The working group anticipates that the proposed procedural changes will (1) result in a more efficient resolution of alleged infractions, (2) allow institutions and involved individuals more control over the means by which cases are heard and ultimately resolved, and (3) increase the perceived fairness of the process and bring more transparency to more components of the process. The working group notes that additional staff resources already provided to the Committee on Infractions as a result of the 2011 retreat also will address the concerns raised by the presidents.

- The penalty structure: The working group believes that strong penalties must be prescribed for those infractions that clearly violate the NCAA's enduring values. The working group also believes that the current penalty structure does not sufficiently deter serious violations. The group further believes that under the current penalty structure, some individuals and institutions have concluded that the risk/severity of NCAA penalties is worth the anticipated benefits and unfair advantages that flow from deliberate NCAA bylaw violations (the risk-reward analysis). Finally, the group believes that any penalty structure must recognize the efforts of college and university presidents, as those institutional leaders take steps to ensure fair play, compliance and accountability on their respective campuses. To address these issues, the group recommends that the Association adopt a set of penalty guidelines for the most serious violations. The proposed guidelines will set a range of core penalties that the Committee on Infractions may prescribe in given situations (along with other available penalties, as appropriate) depending on the violation level and aggravating/mitigating factors in each case.

  The recommended core penalties include those (1) identified by the membership as most effectively deterring serious rules violations, and/or (2) identified by the group as those that historically have best addressed the gravity of the violations involved in infractions cases. The group is proposing that the core penalties be prescribed in Level I and II cases. The proposed guidelines aim to find an appropriate balance allowing the Committee on Infractions sufficient discretion to prescribe penalties while also assuring stronger and consistently applied penalties. The group recognizes that, in addition to core penalties, the Committee on Infractions must retain discretion to customize prescribed penalties, depending on the facts of each case, to include other penalties outside of those identified as core and to depart upward or downward in extenuating circumstances. Additionally, penalties currently available to the Committee on Infractions for major violations, and those available to enforcement staff for secondary violations, will remain. Finally, the guidelines include a framework by which the Committee on Infractions may take into account aggravating

and mitigating circumstances on a case-by-case basis that may affect the overall severity of any penalties to be prescribed.

During discussions of institutional penalties, the working group recognized the importance of the work of the student-athlete reinstatement staff and the Student-Athlete Reinstatement Committee in cases that include student-athlete involvement and culpability. Given that the working group's charge was directed solely to institutional penalties, the working group recommends further review of student-athlete reinstatement procedures by an appropriate NCAA body or a third party.

- Accountability of those in charge: The group believes that head coaches must set the tone and culture for compliance within sport programs, and any penalty structure must address negligent oversight within a particular sport that undercuts overall institution and/or Association expectations. To change the culture, a head coach's suspension, through a show-cause order, should occur for the violations of his/her staff for Level I and II violations when the coach has not promoted an atmosphere of compliance or monitored his/her staff, as well as in certain cases resolved through Level III procedures. Likewise, presidents and directors of athletics must take responsibility and be accountable for their oversight of athletics programs and for hiring coaches who violate NCAA bylaws.

- Shared responsibility and institutional integrity: Group members agree that there are issues directly affecting the integrity of intercollegiate athletics that go beyond the scope of the group's charge related to shared responsibility. Nonetheless, the group believes that these issues warrant immediate and focused attention. The group focused on the phrase "institutional integrity" as a larger effort, beyond shared responsibility and institutional control. Institutional integrity is grounded in the notion of establishing universal industry standards and principles for member institutions, conferences, NCAA staff and committees to uphold. Part of this effort should aim to integrate athletics departments into the core of the institution, reaffirming institutional control of all operations.

  The working group does not believe that the changes to the enforcement process, detailed in this report, completely solve this problem. While a more effective enforcement model, coupled with the work of the Rules Working Group, are critical steps, reaching a common understanding of what standards should be met to sustain institutional integrity is equally (if not more) important. Institutions must be expected to achieve and sustain standards of excellence. Some of these standards are detailed below. The group recommended at the January 2012 Board of Directors meeting that a separate group (with an extended timeline to 2013) be charged with defining institutional integrity. The Enforcement Working Group's charge to better define shared responsibility should be part of the larger effort to define standards of institutional integrity. This group is committed to defining shared responsibility as it

relates to the process of investigations and other enforcement issues, and will share that work with the institutional integrity group for inclusion in the broader effort.

The Enforcement Working Group recommends that the following be considered by the institutional integrity group:

- Adopting standards that are related to athletics compliance and auditing functions and designed to integrate athletics into the overall university compliance and auditing practices.
    - In considering such standards, the group should consider moving the reporting line of the athletics compliance office outside of the athletics department.
    - Such standards also could expand the role of institutional auditing to include, or at least recognize, institutional control of the athletics programs.
- Adopting standards that are related to institutional and conference reporting/ transparency.
    - Such standards could, for example, create uniform expectations for conference roles and responsibilities in major infractions investigations.
- Creating standards for achieving presidential and board oversight of athletics departments.
- Developing professional codes of conduct for all involved in intercollegiate athletics.
- Requiring professional training and certification of all Division I staff and coaches, including continuing certification criteria that, if not met, may result in revocation of certification.
- Developing an annual review and sign-off process by which the institution's president certifies that the institution is in full compliance with standards.

C. Narrative Description and Rationale for the Working Group's Recommendations.

1. Violation structure.

The working group examined the current NCAA violation structure. The group believes that the current secondary and major violation structure does not provide sufficient discretion or flexibility to respond appropriately to either the most serious infractions or intentional violations that are currently labeled secondary. In addition, the group has determined that some current major violations should

be handled through a different classification system that allows better delineation between individual and institutional responsibility for the infractions. As a result of these and other considerations, the working group is recommending a move from the current model (secondary/major) to a four-level violation structure.

The proposed violation structure would be composed of the following levels:

- Level I – Severe breaches of conduct.
  - A severe breach of conduct is behavior that seriously undermines or threatens the integrity of any NCAA enduring value, including any violation that provides or is intended to provide a substantial or extensive recruiting, competitive or other advantage, or a substantial or extensive impermissible benefit. Among other examples, the following may constitute a severe breach of conduct:
    - Lack of institutional control;
    - Academic fraud;
    - Failure to cooperate in an NCAA enforcement investigation;
    - Individual unethical or dishonest conduct, regardless of whether the underlying institutional violations are considered Level I;
    - Bylaw 11.1.2.1 violation by a head coach resulting from an underlying Level I violation by an individual within the sport program;
    - Cash payment or other benefits intended to secure, or which resulted in, enrollment of a prospective student-athlete;
    - Intentional violations or reckless indifference to the NCAA Constitution or bylaws; or
    - Collective Level II and/or III violations.
- Level II – Significant breaches of conduct.
  - A significant breach of conduct is behavior that provides or is intended to provide more than a minimal but less than a substantial or extensive recruiting, competitive or other advantage; includes more than a minimal but less than a substantial or extensive impermissible benefit; or involves conduct that may compromise any NCAA enduring value. Among other examples, the following may constitute a significant breach of conduct:
    - Violations of NCAA bylaws that do not rise to a Level I violation and are more serious than a Level III violation;
    - Failure to monitor (these violations will be presumed Level II but may be deemed to be of a Level I nature if the failure is substantial or egregious);

- Systemic violations that do not amount to a lack of institutional control;
- Multiple recruiting, financial aid or eligibility violations that do not amount to a lack of institutional control;
- Bylaw 11.1.2.1 violation by a head coach resulting from an underlying Level II violation by an individual within the sport program; or
- Collective Level III violations.

- Level III– Breaches of conduct.

  - A breach of conduct is behavior that is isolated or limited in nature; provides no more than a minimal recruiting, competitive or other advantage; and provides no more than a minimal impermissible benefit. Among other examples, the following may constitute a breach of conduct:

    - Inadvertent violations of NCAA bylaws that are isolated or limited in nature.
    - Extra-benefit, financial aid, academic eligibility and recruiting violations, provided they do not create more than minimal advantages.

- Level IV – Incidental infractions. (The working group notes that ultimately this level may not be necessary, or may not encompass many violations, depending on the adopted work of the Rules Working Group).

  - An incidental infraction is a minor infraction that is technical in nature and does not constitute a Level III violation. Level IV infractions generally will not impact eligibility for intercollegiate athletics. Multiple or repeated Level IV infractions collectively may constitute a Level III violation. Types of Level IV infractions include, but are not limited to, the following:

    - Camp brochures.
    - Recruiting correspondence related to size, paper limitations.
    - Institutional promotional activities.
    - No IRL activation prior to official visit.
    - Other minor, paperwork and technical violations.

The proposed multi-level violation structure provides greater flexibility than the current model. Under the proposed multi-level model, infractions may be more appropriately categorized and penalties may be prescribed that better reflect the severity of the infraction. In addition, under the proposed system, a member institution may be charged with rules violations at a different level than those with which an individual is charged. For example, under the proposed model, the

member institution may be charged with one level of infraction (based on the underlying nature of the violation), and an involved individual may be charged at a higher level (based on the underlying violation and then unethical conduct to try to cover up the violation; e.g., if the individual commits a Level III recruiting violation and then lies about it during the investigation). Finally, the four-level violation structure allows the enforcement staff to resolve the infractions cases with minimal impact to NCAA enduring values more efficiently and focus its primary resources on the most serious infractions cases. The end result, the working group believes, is that the proposed violation structure will result in greater accountability for the most serious offenders of the NCAA Constitution and bylaws.

2. Process structure.

In order to ensure an effective and efficient enforcement program under the new multi-level violation structure, the group recommends that changes be made to the NCAA Committee on Infractions process. The working group noted that the commitment and work of the committee has been exemplary despite an increasing workload. The expertise of the committee and value of a peer review model should be retained to hear and decide the most serious allegations of violations of NCAA enduring values.

The working group recommends that the committee be composed of a larger pool of individuals (a maximum of 24 voting members) from which panels will be composed. The working group recommends that the committee be larger to expedite the timeline for resolving cases and to encourage service by a broader pool of volunteers by decreasing individual workloads. The proposed committee would include among its members, to the extent reasonably possible, individuals from each of the following categories:

- Current or former university presidents, vice presidents or other senior institutional administrators.
- Current or former directors of athletics.
- Former NCAA coaches.
- Representatives from conference offices.
- University faculty, including, but not limited to, faculty athletics representatives.
- Athletics administrators with compliance experience.
- Members of the general public with legal backgrounds.

The working group believes that strong committee diversity, including ethnic minority and gender diversity, is critically important to ensure a strong committee, bringing with it valuable perspectives. With respect to former

presidents, coaches and athletics directors serving on the committee, the working group believes their service on the committee must begin within three years of their retirement date or their completion of similar service to ensure those individuals are not too far removed from the relevant issues facing collegiate athletics.

In cases involving allegations of Level I or II violations, the group recommends that five to seven committee members be selected from a minimum of three representative groups to hear the cases. Each panel should reflect the Association's commitment to diversity and also should include at least two members with experience serving on the Committee on Infractions. The chair of the Committee on Infractions will assign one panel member to serve as chief hearing officer of the panel and would retain the authority to request substitute panel members if conflicts arise. The chief hearing officer will generally be the panel member with the greatest length of service on the Committee on Infractions. In addition, each panel would include an individual, selected by the chief hearing officer in consultation with the committee chair, to serve as the Committee Appeals Advocate to represent the committee if the decision is appealed and an individual responsible for conducting the press conference when the infractions decision of the case is released (these individuals would be provided media training by NCAA staff).

The chair of the Committee on Infractions would be selected through the governance process. The working group is currently studying the most effective way to select individuals to serve on the Committee on Infractions, as well as the most effective process for incorporating additional members to ensure consistency and stability within the committee. The working group recommends phasing in additional Committee on Infractions members over a period of time, which could begin prior to the implementation date, by which time at least 16 members should be appointed. In addition, the working group recommends that the phase-in of new members continue up to or near 24 total members by a reasonable date determined by the Committee on Infractions. The working group recommends additional measures to vet prospective members before their appointment, including but not limited to an interview process and more formal procedures to screen nominees. The working group believes that the current Committee on Infractions can provide valuable input regarding the expansion of the committee and the selection of new members.

By increasing the overall size of the committee, more committee panels are available to hear cases more efficiently. At the same time, the overall workload of each individual member is significantly reduced. It is expected that members will hear two to three Level I cases per year (if 24 total members), compared to the current approximate 10 to 12 hearings annually, in addition to cases processed

via summary disposition. As a result, Level I and II violation cases can be scheduled more often and processed more expediently. The working group recommends that hearings for Level I cases be scheduled on a minimum of 10 occasions during a calendar year, and that hearings for Level II cases be scheduled each month.

Additionally, the working group recommends a number of other process modifications, applicable to cases categorized as Level I or II, including the following:

- Increase the availability of Committee on Infractions consideration based only on written case submissions for Level II cases, at the option of the institution and/or involved individuals, with agreement by the enforcement staff, even when there is disagreement on the facts, so that certain matters may be decided without the need for a hearing.
- Maintain some form of the summary disposition process allowing for written case submissions for Level I cases when all issues are agreed upon.
- Explore the development of a new summary disposition process so that the summary disposition report also could be used as the infractions decision, with necessary additional comments added by the Committee on Infractions to explain any unique factors or rationale. For summary dispositions in which there is disagreement on the penalties, an expedited hearing will occur. If the committee decides some comment on the case or penalties is necessary, the committee may attach an abbreviated committee statement to the decision.
- Redesign the notice of allegations to allow the member institution and/or involved individuals immediate access to the information on which the allegations are based. The enforcement staff then would prepare a position statement and/or document listing remaining issues (e.g., items of disagreement) to facilitate the hearing.
- Introduce the concept of a "Rocket Docket" (an expedited hearing) for Level II cases, at the request of the involved institution and/or involved individuals, whereby responses are due within 30 days of the receipt of the notice of allegations and a hearing is conducted within 30 days of the receipt of the response.
- Conduct Level II hearings via videoconference, unless an in-person hearing is requested.
- Use of an online case materials submission system and videoconferencing.
- Introduce time expectations, which are not limits, especially for more complex cases or where additional information is sought by the committee during or after the hearing, for the preparation of hearing transcripts (two weeks), as well as the issuance of infractions decisions (four weeks).

The committee staff would be responsible for conducting a comprehensive orientation program for new committee members, as well as routine and continuing education for all committee members. The committee staff also could provide input, as necessary, regarding consistency of decisions between and among cases. The recommended penalty guidelines discussed below will assist in maintaining consistency with Committee on Infractions decisions, as the committee will be responsible for providing detailed explanations of any deviation from the penalty guidelines.

The working group believes that the proposed modifications will increase the efficiency with which a current major infractions case is completed. The group anticipates, for example, that the proposed process structure for less serious major infractions cases (now proposed as Level II cases) could decrease the total process timeline under the current system by as much as 50 percent. At the same time, the group believes that the proposed process options will allow institutions and involved individuals greater flexibility in choosing the manner in which the infractions case will be decided and the timeline under which the case may be brought to final resolution.

The working group recognizes that a larger Committee on Infractions and the use of panels to hear cases means the entire committee will not convene regularly at hearings. Accordingly, the working group recommends that the entire Committee on Infractions be required to meet at least twice per year, with at least one in-person meeting, to discuss policy and procedural matters, discuss and review panel case decisions and rationale, and identify current trends in enforcement in order to anticipate new issues. Doing so will give the committee the opportunity to ensure that different panels are making consistent findings and conclusions and issuing prescribed penalties across cases decided by the panels.

The working group also recommends that the Committee on Infractions, Infractions Appeals Committee and the enforcement staff be required to conduct a self-study every three years to review their overall operations and compliance with procedural requirements. At the conclusion of the self-study, the Committee on Infractions and the Infractions Appeals Committee should submit a self-critical analysis for review by the Board of Directors, and the enforcement staff should submit a similar report to the NCAA president.

After consultation with the Infractions Appeals Committee, it does not appear that significant changes will be needed to the appeals process for Level I and II cases. However, the workload of the current five-member committee should be monitored with the option of expanding to a committee of 10 individuals, creating two panels of five individuals to hear appeals. Each panel would include an

individual to serve as vice-chair for a particular hearing. Other recommended appeal process modifications for Level I and II cases include the following:

- Appeals can be considered via written submission, videoconference or in-person oral arguments.
- Designation, prior to each Committee on Infractions hearing, of an active committee member to serve as the NCAA committee appeals advocate during the appeals process (similar to the current Committee on Infractions appeals coordinators). These individuals will attend Committee on Infractions hearings, but will not participate, and will be staffed by the office of the Committees on Infractions.
- Introduce time limitations for the preparation of hearing transcripts (two weeks), as well as the issuance of appeals decisions (four weeks).

With respect to matters categorized as Level III or IV, the working group recommends the following:

- In situations involving Level III violations, NCAA staff will continue to work with institutions, much the same as under the current secondary violations process, to determine whether infractions have occurred and, if so, the appropriate penalties to be prescribed.
- In Level III matters, member institutions would continue to have access to a case precedent database, thereby allowing confirmation that staff-prescribed penalties are consistent with those prescribed in similar, previously decided situations.
- Appeals of Level III violations will be submitted in writing to a Committee on Infractions panel.
- In situations involving Level IV issues, the conference with which the involved institution is associated will work with the institution to determine whether issues need to be addressed and, if so, the appropriate penalties to be prescribed, if any. The working group also is exploring the possibility of a Level IV database.
- Any appeal opportunities for Level IV violations and penalties would be within the purview of the conference.

For cases involving multiple levels of violations and cases in which an individual is charged with a different level of violation than the institution, the highest level of violation will dictate the process. For example, if a case involves a coach being charged with a Level I violation and the institution being charged with a Level II violation, the case will be adjudicated using the process for Level I violations.

3. Penalty structure.

The working group examined the current NCAA penalty structure. The working group recognizes the widespread perception that the current penalty model leads to inconsistent and insufficient penalties and does not adequately deter some institutions and individuals from engaging in conduct contrary to the NCAA bylaws. As a result, for cases involving Level I and II violations, the working group recommends a range of penalties set out in penalty guidelines.

The goals, in considering the proposed penalty guidelines in cases in which the most significant violations are substantiated, are to, among other things (a) provide member institutions (and the individuals associated with the member institutions) with notice of a range of potential penalties in given situations, as well as the factors that will be relied upon to adjust the severity of those penalties; (b) ensure consistency in applying penalties among and between NCAA member institutions, and provide the Committee on Infractions some latitude to adjust the penalty on a case-by-case basis; (c) through mitigating factors that specifically recognize exemplary cooperation and self-reporting, foster a more expedient enforcement process without compromising the integrity or fairness of the process; (d) recognize and address the need for institutional leadership and responsibility for the overall intercollegiate athletics programs, whereby actions (or failures to act) of persons of authority are taken into account in the assessment of, and ultimately reflected in, the penalties prescribed; (e) recognize and address those situations in which a head coach, or others within a program, fosters an environment within the program that is inconsistent with the Association's compliance expectations; and (f) recognize and respond to the perceived need to impose more severe penalties designed to deter the risk-reward analysis (for the institution and/or persons associated with the member institutions) and address any unfair advantage from the violation.

The working group incorporated the penalties identified by the NCAA membership, via the Presidential Retreat Survey, as those with the most significant impact on an institution and the most deterrent effect on other institutions and individuals. The working group also reviewed data obtained from previously decided NCAA infractions cases to discern penalty patterns and levels of penalty severity under given circumstances. Based on the available information, including that specifically mentioned, the working group recommends that the following penalties constitute core penalties and form the basis for the penalty guidelines: (a) competition limitations; (b) financial penalties; (c) scholarship limitations; (d) recruiting limitations; (e) probation; and (f) when applicable, show-cause orders.

The working group also recommends that penalties currently imposed on "repeat violators," including the so-called "death penalty" for an institution, be retained. In fact, the working group recommends that those penalties not be limited to repeat violators moving forward. Accordingly, penalties like prohibition on outside competition, the elimination of all recruiting activities and others previously reserved for repeat violators generally will be available to the Committee on Infractions in more cases and may be imposed when warranted based on the violations found and the balancing of aggravating and mitigating factors.

The working group is cognizant of the fact that many institutional penalties have either a direct or indirect impact on student-athletes who may not have been involved with the violations. Competition limitation (postseason bans) is the penalty with the most direct impact on these student-athletes. Scholarship reductions also have an impact on these student-athletes, but more indirectly. Conversely, postseason bans and scholarship reductions have been identified by the membership as being the most significant types of penalties, having the most deterrent effect and being the most effective penalties to address the advantages gained as a result of significant violations.

The working group struggled with this dichotomy but ultimately concluded that protecting the interests of all member institutions by significantly penalizing those institutions that violate the NCAA Constitution and bylaws is paramount. As a result, postseason bans and scholarship reductions must be used in the enforcement process. People (coaches, administrators, student-athletes) comprise institutions and sports programs, and there is no practical way to impose meaningful penalties on an institution without affecting some individuals who may not have had any involvement in or benefitted from the violations for which the institution is responsible. Accordingly, the working group considered options to offset the impact of institutional penalties on uninvolved student-athletes. The working group's recommendations are as follows:

- The working group recommends that the Committee on Infractions require institutions subject to a postseason competition penalty be required to notify student-athletes in the involved sport who meet the requirements set forth in Bylaw 14.8.2-(c) that they have a transfer waiver opportunity.

- The working group also is exploring other options such as an amendment to Bylaw 14.8.2-(c) specifically stating that the committee may support a residence requirement waiver in circumstances where the committee imposed a financial aid award reduction. The working group recommends further review of this option.

Each of the core penalties identified above includes varying degrees of severity. The working group believes that the severity of the penalty prescribed must correspond with the significance of the violation(s) and the institution's and individual's actions before, during and after the investigation. The recommended core penalties are set out below:

a. Penalties in proposed penalty guidelines.

(1) Competition limitations.

- Limitations are prescribed on the institution's participation in postseason play for varying lengths of time (depending on the severity of the infractions) in given sports.

(2) Financial penalties.

- The institution is required to return revenue received from a given (fact-specific) event or series of events (e.g., revenues received for participation in a tournament, bowl game or televised broadcasts), or the amount of gross revenue (if any) generated from the involved sport.
- A fine is prescribed, the amount of which is based on the severity of the infractions and a percentage of the total budget of the involved sport program.
- A reduction in, or elimination of, NCAA monetary distribution for sports sponsorship and/or grants-in-aid.

(3) Scholarship limitations.

- Limitations are prescribed on the availability of athletics scholarships in head count and equivalency sports (by percentage) for varying lengths of time in given sports. Presently, the Committee on Infractions works with institutions as needed to stagger scholarship penalties that otherwise would impact already-committed aid.

(4) Recruiting limitations.

- Limitations are prescribed on the number of allowable official paid visits at the institution for varying lengths of time in given sport.
- Limitations are prescribed on the number of scheduled unofficial visits at the institution for varying lengths of time in

given sports to include the provision of complimentary tickets and local transportation.

- Limitations are prescribed on the institution's off-campus recruiting efforts for varying lengths of time in given sports.
- Limitations are prescribed on the institution's other recruiting efforts, including communication restrictions (e.g., telephone contact and written correspondence), for varying lengths of time in given sports.

(5) Show-cause orders (if applicable in a given case).

- Length of show-cause restrictions.
- Components of the show-cause order (e.g., suspension of coach from games and/or season).

(6) Probation.

- Conditions are prescribed with which the institution must comply during a set period of time, the length of which is dependent on the severity of the infraction(s). The committee has the discretion to determine which of the following should apply in a particular case. The working group recommends that probation include required action by institutional leaders acknowledging the violations and pledging compliance moving forward. Any accompanying public announcements would need to be approved by the office of the Committees on Infractions to ensure the appropriate message is being delivered. Many of the responsibilities tied to probation have fallen to the compliance staff of an institution. The working group recommends shifting the burden and responsibility to the president, director of athletics and coaching staff of the involved program. The suggested discretionary conditions include:

    - Submission of compliance reports during the period of probation.
    - Acknowledgement in alumni publications, media guides and recruiting materials identifying the violations committed, the terms of probation, and penalties prescribed.
    - Written confirmation to the committee that the institution's president or chancellor met with student-athletes, athletics department staff and other relevant parties to personally

affirm his or her commitment to NCAA rules compliance, shared responsibility and preserving the integrity of intercollegiate athletics.
  - Requiring an institution to announce during broadcast contests, on its website and in institutional publications that it is on probation and the reasons why the probation was prescribed.
  - Implementation of educational or deterrent programs.
  - Audits for specific programs or teams.
  - In cases where an institution is found to lack institutional control and serious remediation is necessary in-person reviews of the institution's athletics policies and practices by the office of the Committees on Infractions or, in limited circumstances, where appropriate, a Committee on Infractions member(s).

In addition to these core penalties, other potential penalties would remain available to the Committee on Infractions. These include, among others, the following:

- Vacation of contests and records.
- Public reprimand and censure.
- Full-/partial-season ban for involved sports.
- Prohibition of all coaching staff members in the sport from involvement directly or indirectly in any coaching activities at the institution during a prescribed period.
- Disassociation of athletics representatives.
- Requirement that all institutional staff members serving on the NCAA Board of Directors or other committees or cabinets resign those positions and be precluded from serving for a period of time (or resign from leadership positions on NCAA councils, committees or cabinets).
- Requirement that the institution relinquish its NCAA voting privileges for a period of time.
- Notification to regional accrediting agency of academic violations or questionable procedures.
- Recommendation by the Committee on Infractions to the Executive Committee that the institution's membership be suspended or terminated.
- Return of individual and team awards to the Association.
- Prohibition against television appearances.

- Publicizing institutions on probation on the NCAA website, in appropriate NCAA publications and in NCAA championship game programs of the involved sport(s).
- Other penalties as appropriate.

The working group believes that the proposed penalty guidelines will afford the Committee on Infractions a more sophisticated structure by which it may consider certain aggravating and mitigating factors in particular infractions cases. The working group recommends that the best means by which the committee may prescribe a penalty that falls within a more/less severe range of penalties is if it finds that certain aggravating and/or mitigating circumstances exist in Level I or II cases.

b. Aggravating and mitigating factors.

Distinctions between the most serious violations and corresponding penalties will be refined further based on aggravating and mitigating factors in each case. The Committee on Infractions will determine the weight of the individual factors found in a given case and may balance these factors in the decision-making process. The proposed lists of factors follow:

Aggravating factors.

- Multiple Level I violations by the institution or involved individual;
- A history of Level I, Level II or major violations by the institution, sport program(s) or involved individual. Additional considerations include:
  - The amount of time between the occurrences of violations;
  - The similarity, severity and types of violations involved;
  - Efforts to implement previously prescribed corrective measures; and
  - Other factors the committee deems relevant to the infractions history.
- Lack of institutional control;
- Obstructing an investigation or attempting to conceal the violation;
- Unethical conduct, compromising the integrity of an investigation, failing to cooperate during an investigation or refusing to provide all relevant or requested information;
- Violations were deliberate, premeditated or committed after substantial planning;
- Multiple Level II violations by the institution or involved individual;

- Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct;
- One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete;
- Conduct or circumstances demonstrating an abuse of a position of trust;
- A pattern of noncompliance within the sport program(s) involved;
- Conduct intended to generate pecuniary gain for the institution or involved individual;
- Intentional, willful or blatant disregard for the NCAA Constitution or bylaws; or
- Other facts warranting a more severe penalty.

Mitigating factors.

- Prompt self-detection and self-disclosure of the bylaw violation(s);
- Prompt acknowledgement of the violation, acceptance of responsibility and (for an institution) imposition of meaningful corrective measures and/or penalties;
- Affirmative steps to expedite final resolution of the matter;
- An established history of self-reporting Level III or secondary violations;
- Implementation of a system of compliance methods designed to ensure rules compliance and satisfaction of institutional/coaches control standards;
- Exemplary cooperation such as:
  - Identifying individuals (to be identified by the enforcement staff), documents and information of which the enforcement staff was not aware;
  - Expending substantial institutional resources to expedite a thorough and fair collection and disclosure of information; or
  - Recognizing and bringing to the attention of the enforcement staff additional violations discovered in the investigation of which the enforcement staff was not aware.
- The violations are unintentional, limited in scope and represent a deviation from otherwise compliant practices by the institution or involved individuals; or
- Other facts warranting a lower penalty.

c. Classifications of Level I and II cases.

The committee will find whether one or more aggravating and/or mitigating factors exist and, if so, determine how much weight to assign each factor. After the committee weighs aggravating and mitigating factors, it will classify the case into one of the following sublevels: aggravation, standard penalty or mitigation.

[See Attachment A for Penalty Guidelines Flow Chart.]

Level I	**Level II**
Aggravation	
Standard penalty	Aggravation
Mitigation	Standard penalty
	Mitigation

Based on the determined case classification, the penalties, as outlined in the penalty guidelines, will apply unless extenuating circumstances are found by the committee meriting an upward or downward departure.

[See Attachment B for the Penalty Guidelines.]

4. Accountability.

a. Head coach responsibility.

The working group believes head coaches are in the best position to create a culture of integrity and accountability. The working group examined what changes can be made to encourage coaches to direct their staffs and student-athletes to uphold NCAA bylaws while also creating strong penalties when coaches fail to meet this responsibility.

The membership has acknowledged through Bylaw 11.1.2.1 that there is a level of responsibility a head coach has for the administration of his/her program. When there is a failing by the head coach to carry out this responsibility, it is appropriate for there to be a penalty on the program, including the Committee on Infractions directing the institution, through a show-cause order, to suspend the head coach from coaching-related activities for a specified period of time.

The working group recognizes that employment decisions related to coaches or any athletics personnel rest solely with member institutions.

(1) The violation: Change emphasis from knowledge to responsibility for major (Level I and II) violations.

For Level I and II violations, Bylaw 11.1.2.1 (Responsibility of Head Coach) is the centerpiece of the working group's recommendations. Since 2008, there have been 15 cases where a head coach was found to have violated this bylaw for either not promoting an atmosphere of compliance or for not monitoring his/her staff, or both. The rationale for Proposal No. 2004-102 notes that when a serious violation occurs in a program, the head coach is "presumed to have knowledge and, therefore, responsibility" for what happened. Rather than focusing on knowledge, or the presumption of it, the working group proposes that the bylaw and the supporting rationale be amended to presume only responsibility. The amended bylaw and rationale would apply to all violations occurring after the adoption date of October 2012. Accordingly, if a violation occurs in a program, the head coach is presumed responsible (instead of knowledgeable and, therefore, responsible) for not promoting an atmosphere of compliance and/or monitoring his/her staff. If the coach cannot overcome that presumption of responsibility by demonstrably showing what he/she did to both promote an atmosphere of compliance and monitor his/her staff, the coach is presumed responsible under this bylaw and will be charged for violating it.

[See Attachment C for proposed amendment to Bylaw 11.1.2.1.]

(2) The penalty guidelines.

Violations of Bylaw 11.1.2.1 are considered either Level I or II as noted in the violation section of the report. The level of the violation will correspond with the underlying violation that occurred in the coach's program. The working group recommends that the penalty guidelines emphasize that violations of this bylaw may, as appropriate, result in a suspension from contests through a show-cause order. The number of contests involved, if any, will depend on the aggravating and mitigating factors present in the case. Thus, the employing institution of a head coach who violates this bylaw will withhold the coach from a certain number of contests pursuant to a show-cause order unless the institution appears before the Committee on Infractions in a subsequent hearing and shows cause why the suspension should not be

applied. The membership has consistently indicated (in the 2011 Presidential Retreat Survey and during presentations and meetings with enforcement staff) that the penalties most likely to deter violations are suspensions. The specific suspension prescribed would be based on the severity of the violation(s) and would be within ranges established in the penalty guidelines.

Institutionally imposed suspensions are currently a penalty available to the Committee on Infractions, and the committee has directed an institution to impose a suspension for a violation of Bylaw 11.1.2.1 in a previous infractions case and accepted an institutionally imposed suspension in another case. The working group recommends that the Board of Directors support a recommitment to the original intent of Bylaw 11.1.2.1 with the clarifying amendment to the rule and rationale. The specific penalty guidelines for Bylaw 11.1.2.1 violations would be effective August 1, 2013, for all violations occurring after October 30, 2012. In the interim, the working group notes that the appropriate penalty for Bylaw 11.1.2.1 violations will be decided by the Committee on Infractions.

(3) Level III violations (currently secondary violations).

The working group recommends coaching suspensions for certain Level III violations, including suspension of head coaches when their staff members commit what are currently serious secondary violations. Suspension of head coaches for violations committed by assistant coaches of identified Level III violations will become effective August 1, 2013, for violations committed on or after August 1, 2013.

By way of background, the American Football Coaches Association (AFCA) approached the enforcement staff and Committee on Infractions in the summer of 2010 requesting that suspensions be prescribed for what the AFCA members deemed serious secondary violations. Since acting on that request, the enforcement staff has directed the institution to suspend five assistant football coaches for committing secondary violations. Similarly, in 2009, the Board of Directors passed legislative reform to address issues in the men's basketball recruiting environment. A component of that reform included a head coach suspension by the institution at the direction of the enforcement staff from a contest

when he or his staff committed specifically identified secondary violations.

The working group is supportive of including other sports and proposes that the list of identified violations be examined and expanded as appropriate to address what are presumed to be intentional secondary recruiting violations that undermine the integrity of the sports. The point is that head coaches can set the tone, and if a coaching staff member knows that the head coach will be suspended for acts of the staff members, there is a greater incentive for the head coach to set clear expectations of full compliance and for the staff to comply.

In addition, the working group recommends that institutionally imposed suspensions of coaches for designated Level III recruiting violations be publicly released by the enforcement staff. Currently, secondary violations (Level III) are not made public. For suspensions to have the desired impact, however, others must know about the consequences of committing violations. The working group also recommends that athletics department staff members' and coaches' violation histories, for the most recent five years of Level III violations, be made available to member institutions that request such information. The working group recommends that the enforcement staff identify, where possible, which Level III violations were self-disclosed by the head coach or his/her staff.

b. Accountability for presidents and directors of athletics.

In addition to coaches, the working group recognizes the need to address the accountability of an institution's president and/or director of athletics when major violations occur. Currently, and under the proposed Level I and II violations, if a president or director of athletics is directly involved in a violation, he or she will be named in the allegation. There currently is no mechanism, however, to hold those individuals publicly accountable for violations that occur under their watch if they are not directly involved in violations. As a result, the working group believes some minimal level of public accountability for the leaders of an involved institution is appropriate for infractions cases involving a Level I lack of institutional control violation, or a Level I or II failure to monitor violation. Specifically, the names of leaders of the involved institution who held the positions at the time the violations occurred should be printed at the top of

the public infractions decision upon release. It is recommended that the persons identified in the public infractions decision include the following:

(1) President or chancellor of the institution (for lack of institutional control cases).

(2) Director of athletics and/or individual responsible for oversight of the athletics department (for lack of control and failure to monitor cases).

(3) Head coaches of involved sports (for any violations involving the coach's program).

If deemed appropriate by the Committee on Infractions, the chair of the board or other board members may be identified on the public infractions decision.

Printing these names on the infractions decision creates a record of names of individuals who: (1) oversaw the institution, the athletics department and specific sport programs at the time an institutional control or failure to monitor violation occurred; and (2) oversaw a sport program at the time a Level I and/or II violation occurred in that program. Therefore, even after leaving the involved institution, there is a record of the infraction that occurred while he/she was responsible for leading the institution, athletics department or sport program. Because of this, it would be possible for an institution to determine (through a database maintained by the NCAA) when and if a violation occurred under a specific individual's leadership.

5. Shared responsibility specific to compliance efforts and investigations.

Rules compliance cannot be achieved unless all interested parties (a) assume responsibility for identified roles in the compliance and enforcement processes over which they have control; (b) are held accountable for those deficiencies in the compliance and enforcement processes for which they have responsibility; and (c) are recognized, in a tangible and meaningful way, if the identified compliance and enforcement expectations are effectively met or exceeded. To address these needs, the working group recommends that the concept of shared responsibility be better defined and specific expectations be identified for given roles within the compliance and enforcement processes to ensure that, to the extent reasonably possible, all relevant and material facts are developed, regardless of impact. Specifically, the working group supports the following concepts to better define the role of each party involved in the enforcement process. (The working group has directed the staff to seek the responses of conferences and athletics directors

to these supported concepts prior to making an official recommendation of any policy or guideline in the October 2012 report to the Board.)

First, the working group recognizes that there is a lack of uniform expectations for conference office involvement related to enforcement issues. Therefore, the working group agrees that conference offices should not lead investigations. In instances where conferences receive reasonably reliable information indicating that a Level I or II violation occurred, the NCAA enforcement staff should be notified and the conference office may be requested not to notify the school that allegedly committed the violation(s). Once the NCAA enforcement staff is notified, they should take the lead in determining how the investigation should be conducted.

Second, institutions should contact the NCAA enforcement staff as soon as it is determined that reasonably reliable information exists indicating that a Level I or II violation might have occurred. Institutional involvement in NCAA investigations can vary widely. Some institutions exercise passive involvement in investigations, some purposefully participate minimally and others earnestly try to uncover the full facts, regardless of the impact. The working group agrees that there should be a clear expectation that the institution will cooperate with the staff during any ensuing investigation just as there needs to be clear guidance on when institutions should notify the enforcement staff. It should be noted that notifying the staff will not automatically result in the staff taking a lead role in the investigation. The staff may agree that the institution should lead the investigation and provide regular updates to the staff, or the staff may decide that immediate staff involvement is necessary. The level of involvement by the staff upon notification will be decided on a case-by-case basis. Finally, consistent with current Bylaw 32.1.4, the enforcement staff will usually share information with the institution during an investigation; however, to protect the integrity of the investigation, the staff may not, in all instances, be able to share information with the institution. The working group agrees that, to the maximum extent feasible, the enforcement staff should conduct its investigation in a manner that causes minimal effect and disruption of ongoing operations of the institution under investigation and take all reasonable steps to ensure any ongoing violations are stopped. Providing the institution with relevant information affords the institution better notice of possible violations and/or the opportunity to stop continuing violations, increases the institution's knowledge of the level of seriousness of the violation(s), and enhances the ability of the institution to assist in the investigation.

D. Desired Outcomes.

Ultimately, the working group wants those involved in intercollegiate athletics to believe that upholding the NCAA Constitution and bylaws is critically important, and violators will be dealt with swiftly, judiciously and seriously. Similarly, the working group aims to contribute to the larger effort by university presidents to restore public trust in intercollegiate athletics as an integral part of higher education rather than a stand-alone revenue stream.

The specific outcomes the working group expects from the changes to the violation, process and penalty structures are noted below.

1. Violation structure.

A new violation structure that appropriately categorizes the severity of infractions and allows for different levels of accountability for institutions and individuals.

2. Process structure.

a. A faster mode for processing violations that delivers expediency without compromising process integrity or fairness.

- Clear metrics for every stage of processing a case.

b. Clear understanding of what aspects of enforcement cases can be more transparent and corresponding transparency where appropriate.

3. Penalty structure.

a. Strong penalties that are predictable, deter the risk-reward analysis and address any unfair advantage.

b. Clear definition of institutional control.

- Rewards/incentives for effective compliance programs.
- Rewards/incentives for strong institutional action to address wrong-doing.

c. Rewards/incentives for individuals acknowledging violations.

4. Accountability.

   a. Increased accountability for head coaches.

   b. Public accountability for presidents, chancellors and directors of athletics.

5. Shared responsibility.

   a. Strengthened support for institutional leadership.

   b. Clear definition of shared responsibility and resulting expectations of individuals, institutions, conferences and the national office staff.

E. Implementation of New Enforcement Program.

Attached to this report is proposed Bylaw 19. (See Attachment D) Proposed Bylaw 19 reflects the working group's recommended new violation structure, new violation processing structure and new penalty structure (collectively, "new enforcement structure"). As discussed in the following section, it also incorporates relevant portions of current Bylaw 32 and conforms to the general template used by the Rules Working Group in other areas of the NCAA Manual.

The working group recommends that the Board implement the new enforcement structure without waiting for the Rules Working Group to complete its work. Accordingly, the Enforcement Working Group seeks Board action on amended Bylaw 19 at the October 2012 meeting, with an effective date of August 2013.

Under this implementation strategy, notice of the new enforcement structure will be provided to the membership October 30, 2012. On August 1, 2013, the new enforcement structure will become effective in its entirety. All cases processed by the Committee on Infractions after August 1, 2013, will be adjudicated under the new enforcement structure.

Not all violations occurring before October 30, 2012, can be processed before the new enforcement structure goes into effect. Thus, there will be violations that were committed before notice of the new structure that nonetheless are processed under it. Applying harsher penalties in such cases pursuant to the new penalty matrix could be perceived as unfair because institution/involved individual that committed a pre-October 30, 2012, violation would have done so prior to notice of the new penalty guidelines.

Amended Bylaw 19.11.1 remedies this concern. Pursuant to amended Bylaw 19.11.1, in cases where the violation occurred prior to October 30, 2012, the hearing panel must

deviate from the core penalty guidelines if the applicable core penalties from the guidelines are harsher than the penalties that would have been prescribed under the enforcement structure previously in place. For violations that begin before October 30, 2012 and continue thereafter, the hearing panel will prescribe penalties from the revised penalty structure unless it determines that the conduct constituting a violation predominately occurred before October 30, 2012.

This implementation strategy is simple and logistically feasible, ensures that the new enforcement structure will be fully operational as soon as possible, and alleviates fairness concerns resulting from the transition to a new enforcement structure.

F. Revisions to Bylaw 19.

The proposals outlined in this report are incorporated into proposed Bylaw 19. For example, the recommendations contained herein impact current bylaws governing, among others, the violation structure, the makeup of the Committee on Infractions, the processing of cases and the calculation of penalties. Those bylaws have been amended accordingly, together with other revisions that are necessary to implement the proposals and assure consistency of language.

The working group also took this opportunity to review the overall structure of bylaws relating to enforcement and makes additional proposals regarding bylaws impacting the enforcement program.

Presently, rules governing the enforcement program are spread between Bylaws 19 and 32, often creating confusion. Consistent with the broader effort to streamline and simplify the Division I Manual, the working group proposes creating a single bylaw to address the enforcement program. The working group believes a single bylaw will be clearer and simpler to understand and apply. Therefore, the substantive provisions of Bylaw 32 were incorporated into Bylaw 19, and more detailed procedural matters can be articulated in Internal Operating Procedures ("IOPs") outside the Division I Manual. Examples of items that may be addressed in IOPs include, but are not limited to, the following:

- Methods of assigning hearing panels to cases and scheduling hearings.
- Methods of submitting materials for review by the respective committees.
- Details about the conduct of hearings, such as order and timing of presentations.
- Quorum requirements.
- Details of staff investigations, such as methods of recording or memorializing interviews (and related timelines).
- Methods of maintaining the "hard copy" case file in the national office.

Also consistent with the broader effort to streamline and simplify the Division I Manual, the working group proposes removing provisions in Bylaw 19 that are duplicative of bylaws appearing elsewhere in the Manual. These include current Bylaws 19.01.4 (Violations by Institutional Staff Members, which is identical to Bylaw 11.1.2) and 19.5.3 (Discipline of Affiliated Members, which is identical to Constitution 3.4.5.1). Similarly, the working group proposes updating the introductory portions of Bylaw 19 to reflect current priorities in a template consistent with the work of the Rules Working Group.

In some areas, current bylaws do not reflect current practices of the enforcement staff or the relevant committees. The working group recommends revising the bylaws to reflect current practices. Examples include the following:

- Prescribed penalties are automatically stayed when an institution or involved individual files an appeal (unless a committee orders otherwise). However, that important practice is not reflected in the Manual, and the working group proposes simple bylaws to capture current practices. These appear in new Bylaws 19.12.2.2 (for Levels I and II) and 19.13.4.1 (for Level III).
- The current practice is for members of the enforcement staff to have private communications with individuals about matters under investigation. To clarify that these communications are not improper, new Bylaw 19.1.3 (Public Disclosure, derived from Bylaw 32.1.1) and new Bylaw 19.7.2 (Public Announcements, derived from current Bylaw 32.1.2) prohibit public releases by the staff.
- New Bylaw 19.9.4 is revised to codify the enforcement staff's authority to amend allegations in connection with the prehearing conference.
- At present, coaches generally are not "involved individuals" in secondary cases, do not receive notice or the opportunity to be heard under Bylaw 19.4.2 and do not have standing to appeal under Bylaw 19.6.1. Coaches subject to a show-cause order, however, are given the opportunity to respond and appeal. Because penalties prescribed in Level III cases may materially impact individual coaches subject to show-cause orders, the working group proposes expressly granting those individuals involvement in the processing of Level III cases. The amended bylaws confirm that an individual subject to a show-cause order shall receive notice of alleged violations and an opportunity to respond (new Bylaw 19.13.1), together with the opportunity to seek appellate review by the Committee on Infractions (new Bylaw 19.13.4).

Findings of Violations

- Committee on Infractions determines violations.
- Committee on Infractions determines the level for each violation.

Determination of Circumstances

- Committee on Infractions reviews any proposed aggravating and mitigating circumstances for both the institution and involved individual.
- Committee on Infractions slots the institution's and the individual's case into the penalty guidelines based on the committee's determination on the aggravating or mitigating circumstances.

Application of Penalty Guidelines

- Committee on Infractions determines penalty from the range of penalties in the guideline for that particulcar slotting.
- Committee on Infractions has the option to deviate from the range in this slot if the committee articulates specific extenuating circumstances.

Proposed Penalty Matrix
(WORKING DRAFT)
Version No. 6 (July 12, 2012)

ATTACHMENT B
SUPPLEMENT NO. 4B
DI Presidential Advisory Group 7/12

Violation Level I	**Violation Level II**	**Competition Penalties: Postseason Ban *Competition penalties may be used singularly or in combination**		
Aggravation		2 to 4 years		
Standard	Aggravation	1 to 2 years		
Mitigation	Standard	0 to 1 year		
	Mitigation	0		
Violation Level I	**Violation Level II**	**Financial Penalties: Fine (Percent of total budget for sport program)**	**Financial Penalties: Negate revenue from sport program for years in which violations occurred**	**Financial Penalties: Reduce or eliminate NCAA monetary distribution for sports sponsorhip and/or grants-in-aid**
Aggravation		$5,000 plus 3 to 5%	Impose this penalty if greater than percent of budget fine + $5,000.	Alternative financial penalty.
Standard	Aggravation	$5,000 plus 1 to 3%		Alternative financial penalty.
Mitigation	Standard	$5,000 plus 0 to 1%		Alternative financial penalty.
	Mitigation	$5,000*		Alternative financial penalty.
		* A minimum $5,000 financial penalty will be imposed to ensure the penalty will be at least as significant as the fine imposed for a Level III violation.		
Violation Level I	**Violation Level II**	**Scholarship Reductions of Involved Sport(s) Program(s)***		
Aggravation		25 to 50%	* For cases in which financial aid overages have occurred, a minimum 2-for-1 reduction in financial aid awards shall apply up to at least 20% of the team financial aid limit.	
Standard	Aggravation	12.5 to 25%		
Mitigation	Standard	0 to 12.5%		
	Mitigation	0 to 5%		

Violation Level I	**Violation Level II**	**Show-Cause Order**	**Restrictions**	
Aggravation		5 to 10 years	All athletically related duties	
Standard	Aggravation	2 to 5 years	All or partial coaching and recruiting duties (including game suspensions)	
Mitigation	Standard	1 to 2 years	All or partial coaching and recruiting duties (including game suspensions)	
	Mitigation	0 to 1 years	All or partial coaching and recruiting duties (including game suspensions)	
Violation Level I	**Violation Level II**	**Head Coach Restrictions (game suspensions via show cause for 11.1.2.1)**		
Aggravation		50 to 100%		
Standard	Aggravation	30 to 50%		
Mitigation	Standard	0 to 30%		
	Mitigation	0 to 10%		
Violation Level I	**Violation Level II**	**Recruiting Visit Restrictions**	**Recruiting Communication Restrictions**	**Off-Campus Recruiting Restrictions**
Aggravation		25 to 50% 14- to 26-week ban on unofficial visits (No scheduled unofficial visits and no complimentary tickets.) 25 to 50% cuts in official paid visits (Based on the average number provided during the previous 4 years.) **Football:** 15 to 28 visits (need to account for unused visits from the previous year, if any). **Basketball:** 4 to 6 visits. **Baseball:** 7 to 13 visits.	25 to 50% 14- to 26-week ban on communication with all prospects	25 to 50% Sports with no limits: 14- to 26-week ban on all contacts and evaluations 25 to 50% cuts in Recruiting Person Days (RPD) or Evaluation Days (ED) **MBB:** 34 to 65 (RPD) **WBB:** 26 to 50 (RPD) **MFB:** 11 to 21 Fall; 44 to 84 Spring (ED) **WSB:** 13 to 25 (ED) **WVB:** 21 to 40 (ED)

Proposed Penalty Matrix
(WORKING DRAFT)
Version No. 6 (July 12, 2012)

Violation Level I	**Violation Level II**	**Recruiting Visit Restrictions**	**Recruiting Communication Restrictions**	**Off-Campus Recruiting Restrictions**
Standard	Aggravation	12.5 to 25 % 7- to 13-week ban on unofficial visits (No scheduled unofficial visits and no complimentary tickets.) 12.5 to 25% cuts in official paid visits (Based on the average number provided during the previous 4 years.) **Football:** 8 to 14 visits (need to account for unused visits from the previous year, if any). **Basketball:** 2 to 3 visits. **Baseball:** 4 to 7 visits.	12.5 to 25 % 7- to 13-week ban	12.5 to 25 % No limit sports: 7- to 13-week ban **MBB:** 17 to 33 (RPD) **WBB:** 13 to 25 (RPD) **MFB:** 6 to 11 Fall; 22 to 42 Spring (ED) **WSB:** 7 to 13 (ED) **WVB:** 11 to 20 (ED)
Mitigation	Standard	0 to 12.5% 0 to 6-week ban on unofficial visits (No scheduled unofficial visits and no complimentary tickets.) 0 to 12.5% cuts in official paid visits (Based on the average number provided during the previous 4 years.) **Football:** 0 to 7 visits (need to account for unused visits from the previous year, if any). **Basketball:** 0 to 2 visits. **Baseball:** 0 to 4 visits.	0 to 12.5% 0 to 6-week ban	0 to 12.5% No limit sports: 0 to 6-week ban **MBB:** 0 to 17 (RPD) **WBB:** 0 to13 (RPD) **MFB:** 0 to 6 Fall; 0 to 21 Spring (ED) **WSB:** 0 to 7 (ED) **WVB:** 0 to 10 (ED)

Violation Level I	**Violation Level II**	**Recruiting Visit Restrictions**	**Recruiting Communication Restrictions**	**Off-Campus Recruiting Restrictions**
	Mitigation	0 to 5% 0 to 3-week ban on unofficial visits (No scheduled unofficial visits and no complimentary tickets.) 0 to 5% cuts in official paid visits (Based on the average number provided during the previous 4 years.) **Football:** 0 to 3 visits **Basketball:** 0 to 1 visit **Baseball:** 0 to 2 visits	0-5% 0 to 3-week ban	0 to 5% No limit sports: 0 to 3-week ban **MBB:** 0 to 7 (RPD) **WBB:** 0 to 5 (RPD) **MFB:** 0 to 3 Fall; 0 to 9 Spring (ED) **WSB:** 0 to 3 (ED) **WVB:** 0 to 4 (ED)
Violation Level I	**Violation Level II**	**Probation**		
Aggravation		6 to 10 years		
Standard	Aggravation	2 to 6 years		
Mitigation	Standard	0 to 2 years		
	Mitigation	0 years		
NCAA/07/12/12/JRL:ajw				

ATHLETICS PERSONNEL -- CONDUCT OF ATHLETICS PERSONNEL -- RESPONSIBILITY OF HEAD COACH

Intent: To clarify that a head coach is presumed responsible for the actions of the activities of all assistant coaches and other administrators involved with the program who directly or indirectly report to the head coach.

Bylaws: Amend 11.1.2.1, as follows:

11.1.2.1 Responsibility of Head Coach. **An institution's head coach is presumed to be responsible for the actions of all assistant coaches and other administrators who report, directly or indirectly to the head coach.** ~~*It shall be the responsibility of an*~~ **An** institution's head coach ~~*to*~~ **shall** promote an atmosphere ~~*for*~~ **of** compliance within ~~*the*~~ **his or her** program ~~*supervised by the coach*~~ and ~~*to*~~ **shall** monitor the activities ~~*regarding compliance*~~ of all assistant coaches and other administrators involved with the program who report, directly or indirectly, to the coach.

Source: Working Group on the Collegiate Model -- Enforcement

Effective Date: October 30, 2012

Proposal Category: Amendment

Topical Area: Personnel

Rationale: The rationale for Proposal No. 2004-102 stated "A head coach should be presumed to have knowledge and, therefore, responsibility for the actions of those individuals associated with his or her team whom the coach directly or indirectly supervises." Rather than focusing on knowledge, or the presumption of knowledge, the bylaw is amended to presume only responsibility. Accordingly, if violations happen in a program, the head coach is presumed responsible (instead of knowledgeable, and therefore, responsible) for not promoting an atmosphere of compliance and/ or monitoring his or her staff. If the head coach cannot overcome the presumption of responsibility by demonstrating what he or she did to promote an atmosphere of compliance and monitor his or her staff, the head coach is presumed responsible under this bylaw and will be charged for not upholding this legislation.

Estimated Budget Impact: None.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History

July 2, 2012: Submit; Submitted for consideration.

Proposed Article 19

BYLAW, ARTICLE 19

Enforcement

The operating bylaws in this Article are designed to further the Division I Collegiate Model and the NCAA's Commitments identified in Article 2. The enforcement provisions are important to the Association because they encourage shared responsibility by each member institution in assuring compliance with the NCAA Constitution and bylaws. They also provide strong disincentives for noncompliance, fair and efficient procedures for resolving allegations of noncompliance, and meaningful penalties for conduct in violation of the NCAA Constitution and bylaws. An effective enforcement program is essential to the viability of the Association and the conduct of its affairs.

19.1 GENERAL PROVISIONS

19.1.1 Mission of the Enforcement Program. It is the mission of the NCAA enforcement program to uphold integrity and fair play among the NCAA membership, and to impose appropriate and fair penalties if violations occur. One of the fundamental principles of the enforcement process is to ensure that those institutions and student-athletes abiding by the NCAA Constitution and bylaws are not disadvantaged by their commitment to compliance. The program is committed to the fairness of procedures and the timely resolution of infractions cases. The ability to investigate allegations and penalize infractions is critical to the common interests of the Association's membership and the preservation of its enduring values.

19.1.2 Accountability. The enforcement program shall hold institutions, coaches, administrators and student-athletes who violate the NCAA Constitution or bylaws accountable for their conduct, both at the individual and institutional levels.

19.1.3 Public Disclosure. Except as provided in this Article, the Committee on Infractions, the Infractions Appeals Committee and the enforcement staff shall not make public disclosures about a pending case until the case has been announced in accordance with prescribed procedures. An institution and any individual subject to the NCAA Constitution and bylaws involved in a case shall not make public disclosures about the case until a final decision has been announced in accordance with prescribed procedures.

19.1.4 Penalty Structure. The enforcement program shall address the varying levels of infractions and, for the most serious infractions, include guidelines for a range of penalties, which the Committee on Infractions may prescribe, subject to review by the Infractions Appeals Committee. Penalties shall depend on the relative severity of the infraction(s), the presence of aggravating or mitigating factors and, in some cases, the existence of extenuating circumstances.

19.1.5 Exemplary Conduct. Individuals employed by or associated with member institutions for the administration, the conduct or the coaching of intercollegiate athletics are, in the final analysis, teachers of young people. Their responsibility is an affirmative one, and they must do more than avoid improper conduct or questionable acts. Their own moral values must be so

certain and positive that those younger and more pliable will be influenced by a fine example. Much more is expected of them than of the less critically placed citizen.

19.2 DEFINITIONS

19.2.1 Involved Individual. Involved individuals are current or former institutional staff members and current or former student-athletes who have received notice of involvement in alleged violations.

19.2.2 New Evidence. New evidence is relevant, material information that could not have reasonably been ascertained prior to the Committee on Infractions hearing.

19.2.3 Show-Cause Order. A show-cause order is an order that requires a member institution to demonstrate to the satisfaction of the Committee on Infractions why it should not be subject to a penalty or additional penalty for not taking appropriate disciplinary or corrective action against an institutional staff member or representative of the institution's athletics interests found by the Committee as having been involved in a violation of the NCAA Constitution or bylaws.

19.3 VIOLATION STRUCTURE

19.3.1 Severe Breach of Conduct (Level I Violation). A severe breach of conduct is behavior that seriously undermines or threatens the integrity of any NCAA enduring value, including any violation that provides or is intended to provide a substantial or extensive recruiting, competitive or other advantage, or a substantial or extensive impermissible benefit. Among other examples, the following may constitute a severe breach of conduct:

(a) Lack of institutional control;

(b) Academic fraud;

(c) Failure to cooperate in an NCAA enforcement investigation;

(d) Individual unethical or dishonest conduct, regardless of whether the underlying institutional violations are considered Level I;

(e) Bylaw 11.1.2.1 violation by a head coach resulting from an underlying Level I violation by an individual within the sport program;

(f) Cash payment or other benefits intended to secure, or which resulted in, enrollment of a prospective student-athlete;

(g) Intentional violations or reckless indifference to the NCAA Constitution or bylaws; or

(h) Collective Level II and/or III violations.

19.3.2 Significant Breach of Conduct (Level II Violation). A significant breach of conduct is behavior that provides or is intended to provide more than a minimal but less than a substantial or extensive recruiting, competitive or other advantage; includes more than a minimal but less

than a substantial or extensive impermissible benefit; or involves conduct that may compromise any NCAA enduring value. Among other examples, the following may constitute a significant breach of conduct:

(a) Violations that do not rise to the level of a Level I violation and are more serious than a Level III violation;

(b) Failure to monitor (these violations will be presumed Level II but may be deemed to be of a Level I nature if the failure is substantial or egregious);

(c) Systemic violations that do not amount to a lack of institutional control;

(d) Multiple recruiting, financial aid, or eligibility violations that do not amount to lack of institutional control;

(e) Bylaw 11.1.2.1 violation by a head coach resulting from an underlying Level II violation by an individual within the sport program; or

(f) Collective Level III violations.

19.3.3 Breach of Conduct (Level III Violation). A breach of conduct is behavior that is isolated or limited in nature; provides no more than a minimal recruiting, competitive or other advantage; and provides no more than a minimal impermissible benefit. Among other examples, the following may constitute a breach of conduct:

(a) Inadvertent violations that are isolated or limited in nature; or

(b) Extra-benefit, financial aid, academic eligibility and recruiting violations, provided they do not create more than minimal advantages.

19.3.4 Incidental Infraction (Level IV Violation). An incidental infraction is a minor infraction that is technical in nature and does not constitute a Level III violation. Incidental infractions generally will not impact eligibility for intercollegiate athletics. Multiple or repeated Level IV infractions collectively may constitute a Level III violation.

19.4 EXPECTATIONS AND SHARED RESPONSIBILITY

19.4.1 Member Responsibility for Compliance. Each institution has an affirmative obligation to monitor and control its athletics programs, its representatives and its student-athletes to assure compliance with the Constitution and bylaws of the Association.

19.4.2 Member Responsibility to Report Noncompliance. Each institution has an affirmative obligation to report all instances of noncompliance to the Association in a timely manner.

19.4.3 Responsibility to Cooperate. All representatives of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Committee on Infractions and the Infractions Appeals Committee to further the objectives of the Association and its enforcement program. The responsibility to cooperate requires institutions and individuals to protect the integrity of investigations and to make a full and complete

disclosure of any relevant information, including any information requested by the enforcement staff or relevant committees. All representatives of member institutions have an affirmative obligation to assist in developing full information to determine whether a possible violation has occurred and the details thereof.

19.4.3.1 Exemplary Cooperation. Exemplary cooperation by an institution or involved individual may constitute a mitigating factor for purposes of calculating a penalty when a violation has occurred. Institutions or involved individuals may demonstrate exemplary cooperation while denying some or all of the alleged violations and otherwise acting in furtherance of their independent interests.

19.4.3.2 Failure to Cooperate. Failing to satisfy the responsibility to cooperate may result in an independent allegation and/or be considered an aggravating factor for purposes of calculating a penalty. Institutional representatives and the involved individual may be requested to appear before a hearing panel of the Committee on Infractions at the time the allegation is considered.

19.5 COMMITTEE ON INFRACTIONS

19.5.1 Composition of Committee. The Board of Directors shall appoint a Committee on Infractions comprised of no more than 24 members to act as hearing officers in infractions proceedings of the Association. The Board of Directors shall also appoint one member of the committee to serve as chair and another member to serve as vice chair. If at any time the chair is unavailable to act as such, the vice chair is empowered to exercise the functions of the chair. The committee shall reflect the Association's commitment to diversity. To the extent reasonably possible, the Committee shall include members from each of the following categories:

(a) Current or former college or university presidents, chancellors or other senior institutional administrators (no more than three years removed from employment by a member institution or similar service at the time of his or her initial appointment);

(b) Current or former directors of athletics (no more than three years removed from employment by a member institution or similar service at the time of his or her initial appointment);

(c) Former NCAA coaches (no more than three years removed from employment by a member institution or similar service at the time of his or her initial appointment);

(d) Representatives from conference offices;

(e) University staff or faculty, including but not limited to faculty athletics representatives;

(f) Athletics administrators with compliance experience; and

(g) Members of the general public with formal legal training who are not associated with a collegiate institution, conference, or professional or similar sports organization and who do not represent coaches or athletes in any capacity.

19.5.2 Temporary Substitutes. If it appears that one or more members of the committee will be unable to participate in the disposition of a case, the chair may designate a former member or members of the committee to rejoin the committee for purposes of consideration and disposition of that case.

19.5.3 Hearing Panels of the Committee. Unless ordered otherwise by the committee chair, cases involving Level I or Level II violations will be presented to and decided by hearing panels consisting of no less than five and no more than seven members of the full Committee on Infractions. Decisions issued by hearing panels are made on behalf of the Committee on Infractions.

19.5.4 Conflict of Interest. No member of a hearing panel shall participate in a case when he or she is directly connected with an institution under investigation or if he or she has a personal, professional or institutional affiliation that may create the appearance of partiality. It is the responsibility of the panel member to remove himself or herself if a conflict exists. Objections to the participation of a panel member should be raised as soon as recognized but will not be considered unless raised at least one week in advance of the panel's review of the case. Objections will be decided by the committee chair.

19.5.5 Term of Office. Members appointed on or before August 1, 2013, shall be assigned to serve a one-, two- or three-year term as necessary to assure alternating expiration of terms. Thereafter, members shall be appointed to serve a three-year term, which shall commence on the first day of August following the member's appointment. Regardless of when appointed, a member may be reappointed for additional three-year terms but shall not serve more than three consecutive terms on the committee.

19.5.6 Authority and Duties of Committee. Disciplinary or corrective actions other than suspension or termination of membership may be prescribed by members of hearing panels of the Committee on Infractions present and voting at any duly called hearing thereof, provided the call of such a hearing shall have contained notice of the situation presenting the disciplinary problem. Actions of panels in cases involving Level I or II violations, however, shall be subject to review by the Infractions Appeals Committee. The penalties prescribed by a panel are separate and apart from any penalties prescribed as part of the Academic Performance Program by the Committee on Academic Performance. The Committee on Infractions shall:

(a) Find facts related to alleged bylaw violations;

(b) Conclude whether the facts constitute a violation of the NCAA Constitution or bylaws;

(c) Upon concluding that one or more violations occurred, prescribe an appropriate penalty consistent with the provisions of this Article;

(d) Coordinate with the office of the Committees on Infractions as necessary for logistic, administrative or other support related to implementation of the committee's decisions;

(e) Monitor compliance with prescribed penalties. In the event an institution fails or refuses to implement prescribed penalties, a hearing panel of the committee may prescribe additional penalties, provided the institution is given the opportunity to appear before the panel and the opportunity to appeal any additional penalty;

(f) Consider complaints alleging the failure of any member to maintain the academic or athletics standards required for membership or the failure of any member to meet the conditions and obligations of membership in the Association;

(g) Formulate and revise internal operating procedures and revise investigative guidelines. Committee amendments to the procedures and guidelines shall be effective immediately and subject to ratification by the Board of Directors; and

(h) Carry out such other duties directly related to the administration of the Association's enforcement program.

19.5.7 Duties of Committee Chair. The duties of the committee chair, or his or her designee, shall be as follows:

(a) Schedule and preside over two annual meetings of the full committee. In the interim between meetings of the full committee, the chair shall act on behalf of the committee, subject to committee ratification at its next meeting;

(b) For each hearing panel, appoint a chief hearing officer to preside over cases assigned to the panel. The chief hearing officer will generally be the panel member with the greatest length of service on the Committee on Infractions;

(c) At the request of the enforcement staff, determine whether to grant limited immunity to an institutional employee with responsibilities related to athletics based on information that the employee reports when he or she would otherwise be subject to disciplinary action as described in Bylaws 19.11.5.4 and 19.11.8-(i). Such immunity shall not apply to the employee's involvement in violations of NCAA legislation not reported, to future involvement in violations of NCAA legislation by the employee or to any action taken by an institution;

(d) At the request of the enforcement staff, determine whether to grant limited immunity to a student-athlete or prospective student-athlete when he or she might otherwise be declared ineligible for intercollegiate competition based on information reported to the enforcement staff by the individual or a third party associated with the individual. Such immunity shall not apply to the individual's involvement in violations of NCAA legislation not reported, to future involvement in violations of NCAA legislation by the individual or to any action taken by an institution;

(e) Coordinate with the office of the Committees on Infractions as necessary for logistic, administrative or other support; and

(f) Coordinate with the office of the Committees on Infractions regarding hearing panel assignments, committee meetings and training activities.

19.5.8 Duties of the Chief Hearing Officer. The duties of the chief hearing officer shall be as follows:

(a) Consider and decide scheduling requests and extensions of time regarding hearing-related deadlines;

(b) For each hearing panel, appoint an individual responsible for conducting the press conference when the panel's decision is released;

(c) For each case set for hearing and in consultation with the committee chair, designate a panel member to serve as the committee appeals advocate for any appeal from the decision of the panel; and

(d) Coordinate with the office of the Committees on Infractions as necessary for logistic, administrative or other support related to hearings to which the chief hearing officer is assigned.

19.6 INFRACTIONS APPEALS COMMITTEE

19.6.1 Composition of Committee. The Board of Directors shall appoint an Infractions Appeals Committee to act as appellate hearing officers upon appeals from decisions involving Level I or II violations by the Committee on Infractions. The committee shall be comprised of five members. At least one member shall be from the general public and shall not be connected with a collegiate institution, conference, or professional or similar sports organization, or represent coaches or athletes in any capacity. The remaining members shall presently or previously be on the staff of an active member institution or member conference, but shall not serve presently on the Board of Directors. There shall be no subdivision restrictions except that all nonpublic members may not be from the same subdivision. The committee shall reflect the Association's commitment to diversity.

19.6.2 Temporary Substitutes. If it appears that one or more of the committee members will be unable to participate in the disposition of a case, the chair may designate a former member or members of the committee to rejoin the committee for purposes of consideration and disposition of that case.

19.6.3 Conflict of Interest. No member of the Infractions Appeals Committee shall participate in a case when he or she is directly connected with an institution under investigation or if he or she has a personal, professional or institutional affiliation that may create the appearance of partiality. It is the responsibility of the committee member to remove himself or herself if a

conflict exists. Objections to the participation of a committee member should be raised as soon as recognized, but will not be considered unless raised at least one week in advance of the committee's review of the case.

19.6.4 Term of Office. A member shall serve a three-year term, which shall commence on the first day of September following the member's appointment. A member may be reappointed for additional terms but shall not serve more than nine years on the committee.

19.6.5 Authority of Committee. The Infractions Appeals Committee shall:

(a) Consider appeals from decisions of a hearing panel of the Committee on Infractions;

(b) Affirm, reverse or vacate and remand the panel's findings, conclusions, penalties, corrective actions, requirements, and/or other conditions and obligations of membership prescribed for violations of the NCAA Constitution or bylaws; and

(c) Formulate and revise its operating procedures. Committee amendments to the procedures shall be effective immediately and subject to ratification by the Board of Directors. The procedures shall include guidance on the conduct of appeal hearings.

19.7 REVIEW AND INVESTIGATION OF ALLEGED VIOLATIONS

19.7.1 Enforcement Staff to Receive Information and Conduct Investigations. Information regarding an alleged failure to comply with the NCAA Constitution or bylaws or to meet the conditions and obligations of membership shall be provided to the enforcement staff. Upon receipt of such information, the enforcement staff shall determine whether an investigation is warranted or whether the matter may be resolved without a formal investigation. If an investigation is warranted, the enforcement staff shall conduct an investigation on behalf of the entire membership to develop, to the extent reasonably possible, all relevant information. The enforcement staff will usually share information with the institution during an investigation, including information that may assist the institution in stopping an ongoing violation. However, to protect the integrity of the investigation, the staff may not in all instances be able to share information with the institution.

19.7.1.1 Conflict of Interest. Any enforcement staff member who has or had a personal relationship or institutional affiliation that may create the appearance of partiality should refrain from participating in the case.

19.7.2 Public Announcements. The enforcement staff shall not publicly confirm or deny the existence of an infractions case before complete resolution of the case pursuant to this Article. However, if information concerning a case is made public, the institution, enforcement staff and the involved individual may confirm, correct or deny the information made public.

19.7.3 Notice of Inquiry to Institution.

Before the enforcement staff conducts an inquiry on an institution's campus, the enforcement staff shall notify the institution's president or chancellor of the inquiry, either orally or in writing. This notice shall toll the statute of limitations. The institution shall be informed of its obligation to cooperate and of the confidential nature of the inquiry. The institution shall be notified that if the inquiry develops reliable information of a possible Level I or II violation, a notice of allegations will be produced. In the alternative, the institution will be notified that the matter may be processed as a Level III violation or that the matter has been concluded. *(Revised: 10/27/11)*

19.7.4 Representation by Legal Counsel. When an enforcement staff member conducts an interview that may develop information detrimental to the interests of the individual being questioned, he or she may be represented by personal legal counsel.

19.7.5 Interview Notices.

19.7.5.1 Disclosure of Purpose of Interview. When an enforcement staff member requests information that could be detrimental to the interests of the student-athlete or institutional employee being questioned, that individual shall be advised that the purpose of the interview is to determine whether the individual has knowledge of or has been involved directly or indirectly in any violation of the NCAA Constitution and bylaws.

19.7.5.2 Responsibility to Provide Truthful Information. At the beginning of an interview involving the enforcement staff, a current or former student-athlete or a current or former institutional employee shall be advised that refusing to furnish information or providing false or misleading information to the NCAA, conference or institution may result in an allegation that the individual has violated NCAA ethical-conduct bylaws.

19.7.6 Interviews with Member Institution. The athletics director or other appropriate official of an institution shall be contacted by the enforcement staff in order to schedule interviews on the institution's campus with enrolled student-athletes or coaching or other institutional staff members with athletically related responsibilities who are believed to have knowledge of possible violations. Interviews should be conducted without disrupting normally scheduled academic activities whenever reasonably possible.

19.7.6.1 Presence of Institutional Representative During Interview. If an interview with an enrolled student-athlete or athletics department staff member is conducted on the campus of an institution, an institutional representative(s) (as designated by the institution) may be present during the interview, provided the subject matter to be discussed in the interview relates directly to the individual's institution or could affect the individual's eligibility or employment at the institution. If the enforcement staff wishes to discuss information with a student-athlete or staff member that is related solely to institutions other than the one in which the student-athlete is enrolled or the staff member is employed, and would not reasonably affect the student's eligibility or the staff member's employment at that institution, the institutional representative shall not be present during that portion of the interview. In such a situation (after the institutional representative has departed), any information inadvertently reported by the student-

athlete or the staff member that is related to his or her own institution shall not be used against the student-athlete, staff member or that institution.

19.7.7 Use of Court Reporters. Institutional representatives or individuals being interviewed may use a court reporter to transcribe an interview subject to the following conditions. The institution or individual shall:

(a) Pay the court reporter's fees;

(b) Provide a copy of the transcript to the enforcement staff at no charge; and

(c) Agree that the confidentiality standards of Bylaw 19.7.8 apply. An institutional representative or individual who chooses to use a court reporter shall submit a written notice of agreement with the required conditions to the enforcement staff prior to the interview.

(d) If the enforcement staff chooses to use a court reporter, the NCAA will pay all costs of the reporter. A copy of the transcript prepared by the court reporter for the enforcement staff shall be made available to the institution and the involved individuals through the secure website. (*Adopted: 4/24/03, Revised: 5/22/09*)

19.7.8 Statement of Confidentiality. Individuals and institutional representatives shall be required to agree not to release recordings or interview transcripts to a third party. A statement of confidentiality shall be signed or recorded prior to an interview. Failure to enter into such an agreement would preclude the individual or institutional representative from recording or transcribing the interview. (*Adopted: 4/23/03, Revised: 4/10/06*)

19.7.9 Access to Information. For all cases to be considered by the Committee on Infractions, the enforcement staff shall make available to the institution or involved individuals copies of recorded interviews, interview summaries and/or interview transcripts, and other evidentiary information pertinent to the case. The institution and involved individuals may review such information through a secure website or at the NCAA national office.

19.7.10 Termination of Investigation. The enforcement staff shall terminate the investigation related to any notice of inquiry in which information is developed that does not appear to be of sufficient substance or reliability to warrant a notice of allegations or notice of Level III allegations.

19.7.11 Statute of Limitations. Allegations included in a notice of allegations shall be limited to possible violations occurring not earlier than four years before the date the notice of inquiry is provided to the institution or the date the institution notifies (or, if earlier, should have notified) the enforcement staff of its inquiries into the matter. However, the following shall not be subject to the four-year limitation:

(a) Allegations involving violations affecting the eligibility of a current student-athlete.

(b) Allegations in a case in which information is developed to indicate a pattern of willful violations on the part of the institution or individual involved, which began before but continued into the four-year period.

(c) Allegations that indicate a blatant disregard for the Association's fundamental recruiting, extra-benefit, academic or ethical-conduct bylaws or that involve an effort to conceal the occurrence of the violation. In such cases, the enforcement staff shall have a one-year period after the date information concerning the matter becomes available to the NCAA to investigate and submit to the institution a notice of allegations concerning the matter.

19.8 SUMMARY DISPOSITION PROCESS

19.8.1 Summary Disposition Election. In a case involving Level I or II violations, institutions, involved individuals and the enforcement staff may elect to use the summary disposition procedures specified below. To invoke the summary disposition procedures, the enforcement staff, involved individuals, if participating, and the institution must agree to summary disposition. The institution, an involved individual or the enforcement staff may require, as a condition of agreement, that the parties jointly submit the proposed findings to the chair of the Committee on Infractions or his or her designee for a preliminary assessment of the appropriateness of the use of the summary disposition process. *(Adopted: 1/16/93, Revised: 4/22/98, 6/11/07, 8/12/10, 4/26/12)*

19.8.2 Written Report. The institution, involved individuals and the enforcement staff shall submit a written report setting forth:

(a) The proposed findings of fact;

(b) A summary of information on which the findings are based;

(c) A stipulation that the proposed findings are substantially correct;

(d) A statement identifying the violation(s) of the NCAA Constitution and bylaws;

(e) The parties' agreement on the overall level of the case;

(f) A stipulation by the enforcement staff that the investigation, if conducted by the institution, was complete and thorough and that the institution cooperated fully in the process;

(g) A statement of unresolved issues; and

(h) A list of any agreed-upon aggravating and mitigating factors.

19.8.3 Proposed Penalties. The institution and involved individuals shall submit proposed penalties from the guidelines set forth in Bylaw 19.11 and Figure 19-1. The institution and involved individuals also may submit a statement regarding any aggravating or mitigating factors and other considerations that may impact the penalty or penalties.

19.8.4 Committee on Infractions Review. A hearing panel of the Committee on Infractions shall consider the case during a subsequent meeting.

19.8.4.1 Review of Investigation. The panel shall determine whether a thorough investigation of possible violations of the NCAA Constitution or bylaws has been conducted (by the enforcement staff and/or the institution). If the panel determines that the investigation was inadequate, it shall notify the enforcement staff and the parties and allow them to respond as appropriate.

19.8.4.2 Additional Information or Clarification. The panel may contact the institution, enforcement staff and involved individuals for additional information or clarification prior to accepting or rejecting the proposed findings.

19.8.4.3 Approval of Findings and Penalties. If the agreed-upon findings and proposed penalties are approved, the panel shall prepare a report of its decision or adopt the written report of the parties. The panel may make additional comments explaining its analysis or amend the proposed findings, provided any addition or amendment is editorial and does not alter the substance of the findings. The written report may identify the chancellor or president of the institution (in cases involving lack of institutional control); the director of athletics and/or any individual with direct responsibility and oversight of the athletics department (in cases involving lack of control and failure to monitor); the head coach(es) of the sport(s) involved; and, if appropriate, the chair or other members of the institution's governing body. The panel shall forward the report to the enforcement staff and the parties and publicly announce the resolution of the case.

19.8.4.4 Findings Not Approved. If the panel does not approve the findings, the case shall be processed pursuant to Bylaw 19.9.1.

19.8.4.5 Penalties Not Approved. If the panel accepts the agreed-upon findings but proposes penalties in addition to those set forth in the parties' written report, the institution and/or involved individuals may accept those penalties or request an expedited hearing on penalties before the panel. The institution and/or involved individuals may appear before the panel in person, by videoconference or other mode of distance communication as the panel may deem appropriate to discuss the proposed additional penalties. The institution and/or involved individuals also may provide a written submission in lieu of a hearing. The panel shall only consider information relevant to the imposition of penalties during the expedited hearing or, if no hearing is requested, on the written record. At the conclusion of the expedited hearing or review of the written record, the panel shall prepare a written report and provide notification of its decision. The institution and/or any involved individuals may appeal additional penalties to the Infractions Appeals Committee.

19.9 NOTICE OF ALLEGATIONS AND OPPORTUNITY TO RESPOND

19.9.1 Notice of Allegations. If the enforcement staff determines after an investigation that there is sufficient information to conclude that a hearing panel of the Committee on Infractions could conclude that a violation occurred, it shall issue a cover letter and notice of allegations to the chancellor or president of the institution involved (with copies to the faculty athletics representative and the athletics director and to the executive officer of the conference of which the institution is a member). The institution and/or involved individual(s), if applicable, shall be given notice of the alleged violation(s), the details of the allegations, the possible Level of each violation, the available hearing procedures and the opportunity to answer the allegations. The notice of allegations shall also identify the factual information and aggravating and/or mitigating factors on which the enforcement staff may rely in presenting the case.

19.9.1.1 Notice to Institution's Administration. The cover letter accompanying each notice of allegations shall:

(a) Inform the president or chancellor of the matter under inquiry and request the cooperation of the institution in obtaining all the pertinent facts;

(b) Request the president or chancellor to respond to the allegations and to provide all relevant information that the institution has or may reasonably obtain, including information uncovered related to new violations. The responsibility to provide information continues until the case has been concluded;

(c) In cases where there will be an in-person hearing, request the president or chancellor and other institutional staff to appear before a hearing panel of the Committee on Infractions at a time and place determined by the panel;

(d) In cases where there will be an in-person hearing, inform the president or chancellor that if the institution fails to appear after having been requested to do so, it may not appeal the panel's decision or the resultant penalty; and

(e) Inform the president or chancellor that the enforcement staff's primary investigator in the case will be available to discuss the development of its response and assist in locating various individuals who have, or may have, important information regarding the allegations.

19.9.1.2 Notice to Involved Individual(s). The enforcement staff shall notify involved individuals of the allegation(s) in a notice of allegations in which they are named. The involved individual shall receive notice of his or her duty to cooperate in the investigation and to appear at a hearing if requested (and the potential consequences for failing to appear). The involved individual shall also be advised that the enforcement staff's primary investigator in the case will be available to discuss the development of the individual's response. If an involved individual is employed at a member institution, a copy of the notification shall also be forwarded to the chancellor or president and the director of athletics of his or her current institution.

19.9.2 Responses by Institutions or Involved Individuals. Any response to the notice of allegations shall be submitted to the hearing panel and the enforcement staff, and pertinent portions to the institution and all involved individuals, not later than 90 days from the date of the notice of allegations unless the chief hearing officer grants an extension. The enforcement staff may establish a deadline for the submission of responses to any reasonable time within the 90-day period, provided the institution and all involved individuals consent to the expedited deadline. Failure to submit a timely response may be viewed by the panel as an admission that the alleged violation(s) occurred. An institution or involved individual may not submit additional documentary evidence without prior authorization from the chief hearing officer.

19.9.3 Submissions by Enforcement Staff. Within 60 days after the institution and involved individual(s), if any, submit written responses to the notice of allegations, the enforcement staff shall submit a written reply to the hearing panel, and pertinent portions to an involved individual or institution. In addition to submitting its reply and after the prehearing conference, the enforcement staff shall prepare a statement of the case setting forth a brief history of the case, a summary of the parties' positions on each allegation and a list of any remaining items of disagreement. Involved individuals will be provided those portions of the statement in which they are named.

19.9.4 Prehearing Conference. Within 60 days after the institution and involved individual(s), if any, submit written responses to the notice of allegations, the enforcement staff shall consult with institutional representatives and other involved individuals in order to clarify the issues to be discussed during the hearing, make suggestions regarding additional investigation or interviews that should be conducted by the institution to supplement its response and identify allegations that the staff intends to amend or withdraw. The enforcement staff shall conduct independent prehearings with the institution and/or any involved individuals, unless mutually agreed by all parties to do otherwise.

19.9.5 Deadline for Submission of Written Material. Except as otherwise ordered by the chief hearing officer, all written material from the parties to be considered by the hearing panel must be received by the hearing panel, enforcement staff, institution and any involved individuals at least 30 days prior to the date the panel considers the case. Information may be submitted at the hearing subject to the limitations set forth in Bylaw 19.9.7.3.

19.9.6 Prehearing Procedural Issues. The chief hearing officer has authority to resolve procedural matters that arise prior to an infractions hearing.

19.9.7 Committee Hearings. The hearing panel assigned to a case shall hold a hearing to make factual findings and to conclude whether violations of the NCAA Constitution or bylaws occurred and, if so, to determine appropriate penalties as set forth in this Article. In cases that involve a small number of contested issues or cases in which the contested issues are relatively uncomplicated, the institution and/or the involved individual may make a written request to appear before the panel by videoconference or other mode of distance communication. The decision regarding the use of videoconferencing (or another mode of communication) rests with the panel. In Level II cases, the hearing will be conducted by telephone or videoconference

unless an in-person hearing is requested by the panel, institution, enforcement staff or involved individual, or unless all participating parties agree to submit the case in writing without a hearing.

19.9.7.1 Allegations of Violations in Multiple Levels. Where violations from multiple levels are identified in the notice of allegations, the case shall be processed pursuant to procedures applicable to the most serious violation(s) alleged.

19.9.7.2 Expedited Hearing. In Level II cases, the institution or involved individual may petition the chief hearing officer for an expedited hearing and an accelerated schedule for written submissions. The petition shall be submitted no later than 30 days after the date of the notice of allegations. The enforcement staff may respond to the petition within five business days. The chief hearing officer may grant or deny such a petition and set a reasonable schedule in his or her discretion.

19.9.7.3 Information Considered at Hearings. At a hearing and subject to procedures of the Committee on Infractions, the parties or their legal counsel may deliver opening and closing statements, present factual information, make arguments, explain the alleged violations and answer questions from panel members. Any oral or documentary information may be received, but the panel may exclude information that it determines to be irrelevant, immaterial or unduly repetitious.

19.9.7.3.1 Information from Confidential Sources. At a hearing, the parties, including the enforcement staff, shall present only information that can be attributed to individuals who are willing to be identified. Information obtained from individuals not wishing to be identified shall not be relied on by the hearing panel in concluding whether a violation occurred. Such confidential sources shall not be identified to the hearing panel, the institution or an involved individual.

19.9.7.3.2 Information Relevant to Possible Penalties. Institutional, conference and enforcement staff representatives and any involved individuals are encouraged to present all relevant information that should be considered in arriving at appropriate penalties.

19.9.7.4 Scope of Inquiry. When an institution and/or involved individual appear before a hearing panel to discuss a response to the notice of allegations, the hearing shall be directed toward the general scope of the notice of allegations but shall not preclude the panel from concluding that any violation occurred based on information developed or discussed during the hearing. In any case, the panel may make specific factual findings based on information presented by the parties or at a hearing even if different from the notice of allegations.

19.9.7.5 Appearance of Individuals at Hearings. Except as otherwise provided herein or as ordered by the chief hearing officer, hearing attendees shall be limited to institutional representatives (Bylaw 19.9.7.5.2), involved individuals, enforcement staff representatives, hearing panel members, representatives from the office of the

Committees on Infractions, representatives from the office of legal affairs, the audio recorder, court reporter and other technical/support staff as permitted by the chief hearing officer. An individual who appears before the panel may appear with personal legal counsel. At his or her discretion, the chief hearing officer may exclude an individual and his/her counsel from those portions of the hearing concerning matters where the individual is not involved.

19.9.7.5.1 Request for Specific Individuals. Institutional officials, current or former staff members, or enrolled student-athletes who are specifically requested to appear before the hearing panel at an institutional hearing are expected to appear in person and may be accompanied by personal legal counsel. Failure to attend may result in a violation of this bylaw.

19.9.7.5.2 Representatives of Institution. Except as otherwise ordered by the chief hearing officer, at the time an institution appears before the hearing panel, its representatives should include the institution's chancellor or president, the head coach of the sport(s) in question, the institution's director of athletics and/or any individual with direct responsibility and oversight of the athletics department, chief NCAA compliance officer, faculty athletics representative, legal counsel (if any), enrolled student-athletes whose eligibility could be affected by information presented at the hearing, and any other representatives whose attendance has been requested by the panel. Additional individuals may be included among the institution's representatives only if specifically approved.

19.9.7.5.3 Representative of Member Conference. A representative of a conference may attend an institutional hearing involving a conference member.

19.9.7.5.4 Prohibited Attendance by Conflicted Committee Members. A member of the Committee on Infractions or the Infractions Appeals Committee who is prohibited under Bylaws 19.5.4 or 19.6.3 from participating in an infractions proceedings may not attend a Committee on Infractions hearing involving his or her institution unless specifically requested by the chief hearing officer.

19.9.7.6 Recording of Proceedings. The proceedings of infractions hearings shall be transcribed by a court reporter (unless otherwise agreed) and shall be recorded by the hearing panel. No additional verbatim recording of the proceedings will be permitted. In the event of an appeal, a transcript of the proceedings shall be reproduced and submitted to the Infractions Appeals Committee and made available for review by the appealing parties through a secure website.

19.9.8 Posthearing Committee Deliberations. After all presentations have been made and the hearing has been concluded, the hearing panel shall excuse the parties and deliberate in private.

19.9.8.1 Request for New Information. In arriving at its decision, the hearing panel may request additional information from any source, including the institution, the enforcement

staff or an involved individual. In the event that new information is requested, all parties will be afforded an opportunity to respond at the time such information is provided.

19.9.8.2 Request for Interpretation. The hearing panel may request that the NCAA academic and membership affairs staff provide an interpretation of applicable bylaws based on facts submitted by the panel. If an interpretation is requested, the institution, involved individuals and the enforcement staff will be notified in writing of the interpretation request and the response. The institution may appeal the interpretation in accordance with Constitution 5.4.1.2. *(Adopted: 4/28/11, Revised: 8/11/11)*

19.9.8.3 Basis of Decision. The hearing panel shall base its decision on information presented to it that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs.

19.9.8.4 Imposition of Penalty. If the hearing panel concludes that a violation occurred, it shall prescribe an appropriate penalty pursuant to Bylaw 19.11 or recommend to the Board of Directors suspension or termination of membership in an appropriate case. Failure to fully implement the prescribed penalty may subject the institution, and/or an institution employing an involved individual under a show-cause order, to further disciplinary action by the Committee on Infractions.

19.10 NOTIFICATION OF COMMITTEE ON INFRACTIONS DECISION

19.10.1 Infractions Decision. After a hearing, the hearing panel shall prepare and approve the final written infractions decision containing a statement of findings, conclusions, penalties, corrective actions, requirements and (for institutions) any other conditions and obligations of membership.

19.10.1.1 Provision of Decision to the Parties. The decision shall be sent to the chancellor or president of the involved institution (or his or her designee), any involved individuals and the vice president of enforcement.

19.10.1.2 Public Infractions Decision. Once the decision has been provided to the parties, the hearing panel shall release a public infractions decision. The public infractions decision will not include names of individuals, but the panel may, in its discretion, identify the chancellor or president of the institution (in cases involving lack of institutional control); the director of athletics and/or any individual with direct responsibility and oversight of the athletics department (in cases involving lack of control or failure to monitor); the head coach(es) of the sport(s) involved; and, if appropriate, the chair or other members of the institution's governing body.

19.10.1.3 Public Announcement. When the public infractions decision has been released, the panel member designated by the chief hearing officer may make a public announcement related to the infractions case. The institution and/or any involved individuals shall be requested not to comment publicly concerning the case prior to the time the NCAA's public announcement is released.

19.10.1.4 Decision to Infractions Appeals Committee. The hearing panel shall forward a copy of the public infractions decision to the Infractions Appeals Committee at the time of the public announcement.

19.10.2 Reconsideration by the Hearing Panel. When a decision has been publicly announced by the hearing panel, and the appeal opportunity has been exhausted, there shall be no reconsideration of the decision except as follows.

19.10.2.1 New Evidence or Prejudicial Error. A hearing panel may reconsider a decision upon a showing of new evidence that is directly related to the decision or upon a showing that there was prejudicial error in the procedure that was followed in the processing of the case.

19.10.2.1.1 Review Process. Any institution or involved individual that initiates such a review shall submit a brief of its request to a hearing panel of the Committee on Infractions and furnish sufficient copies of the brief for distribution to all members of the panel. The panel shall review the brief and decide by majority vote whether it shall grant a hearing of the reconsideration.

19.10.2.1.2 No Imposition of New Penalty. If reconsideration is granted, the panel may reduce or eliminate a penalty but may not impose any new penalty. The panel's decision with respect to the penalty shall be final and conclusive for all purposes.

19.10.2.2 Penalty Modified or Set-Aside Outside the Association. Should any portion of the penalty in the case be modified or set-aside for any reason other than by appropriate action of the Association, the penalty shall be reconsidered by a hearing panel. In such cases, any extension or adjustment of a penalty shall be prescribed by the panel after notice to the institution and an opportunity to respond. Any such action by the panel may be reviewed by the Infractions Appeals Committee.

19.10.3 Finality of Decisions. Any decision by a hearing panel of the Committee on Infractions that is not appealed or reconsidered pursuant to Bylaw 19.10.2 shall be final, binding and conclusive, and shall not be subject to further review by any governance body.

19.11 PENALTIES

19.11.1 Application. The penalties set forth in this section shall be prescribed for violations committed after October 30, 2012. Penalties prescribed for violations committed before October 30, 2012, shall be the penalties set forth in this section or the penalties that would have been prescribed under the 2011-12 Division I Manual, whichever is less. For violations that commence before October 30, 2012, and continue after October 30, 2012, the hearing panel shall prescribe the penalties set forth in this section unless it determines that the conduct constituting a violation predominately occurred before October 30, 2012.

19.11.2 Factors Affecting Penalties. The hearing panel shall determine whether any factors are present in a case that may affect penalties. The panel shall weigh any factors and determine if a

case should be subject to standard penalties or if the case should be classified with aggravation or mitigation, and therefore subject to a higher or lower range of penalties. Absent extenuating circumstances, core penalties corresponding to the classification shall be prescribed as set forth in Figure 19-1.

19.11.2.1 Aggravation. A case where aggravating factors outweigh mitigating factors. Cases should not be classified as aggravated solely because the number of aggravating factors is larger than the number of mitigating factors. An egregious aggravating factor may outweigh multiple mitigating factors.

19.11.2.2 Standard. A case where no mitigating or aggravating factors are present or where aggravating and mitigating factors are generally of equal weight.

19.11.2.3 Mitigation. A case where mitigating factors outweigh aggravating factors. Cases should not be classified as mitigated solely because the number of mitigating factors is larger than the number of aggravating factors.

19.11.3 Aggravating Factors. Aggravating factors are circumstances that warrant a higher range of penalties in a particular case. A hearing panel of the Committee on Infractions determines whether aggravating factors are present in a case and the weight assigned to each factor. Examples of aggravating factors include but are not limited to the following:

(a) Multiple Level I violations by the institution or involved individual;

(b) A history of Level I, Level II or major violations by the institution, sport program(s) or involved individual. Additional considerations include:

(1) The amount of time between the occurrences of violations;

(2) The similarity, severity and types of violations involved;

(3) Efforts to implement previously-prescribed corrective measures; and

(4) Other factors the committee deems relevant to the infractions history.

(c) Lack of institutional control;

(d) Obstructing an investigation or attempting to conceal the violation;

(e) Unethical conduct, compromising the integrity of an investigation, failing to cooperate during an investigation or refusing to provide all relevant or requested information;

(f) Violations were premeditated, deliberate or committed after substantial planning;

(g) Multiple Level II violations by the institution or involved individual;

(h) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct;

(i) One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete;

(j) Conduct or circumstances demonstrating an abuse of a position of trust;

(k) A pattern of noncompliance within the sport program(s) involved;

(l) Conduct intended to generate pecuniary gain for the institution or involved individual;

(m) Intentional, willful or blatant disregard for the NCAA Constitution or bylaws; or

(n) Other facts warranting a higher penalty range.

19.11.4 Mitigating Factors. Mitigating factors are circumstances that warrant a lower range of penalties in a particular case. A hearing panel of the Committee on Infractions determines whether mitigating factors are present in a case and the weight assigned to each factor. Examples of mitigating factors include but are not limited to the following:

(a) Prompt self-detection and self-disclosure of the violation(s);

(b) Prompt acknowledgement of the violation, acceptance of responsibility and (for an institution) imposition of meaningful corrective measures and/or penalties;

(c) Affirmative steps to expedite final resolution of the matter;

(d) An established history of self-reporting Level III or secondary violations;

(e) Implementation of a system of compliance methods designed to ensure rules compliance and satisfaction of institutional/coaches control standards;

(f) Exemplary cooperation such as:

(1) Identifying individuals (to be interviewed by the enforcement staff), documents and other information of which the enforcement staff was not aware;

(2) Expending substantial institutional resources to expedite a thorough and fair collection and disclosure of information; or

(3) Recognizing and bringing to the attention of the enforcement staff, in a timely manner, additional violations discovered in the investigation of which the enforcement staff was not aware.

(g) The violations were unintentional, limited in scope and represent a deviation from otherwise compliant practices by the institution or involved individual; or

(h) Other facts warranting a lower penalty range.

19.11.5 Core Penalties for Level I and II Violations. Upon concluding that an institution or involved individual committed one or more Level I or II violations, and after determining the appropriate classification based on aggravating and mitigating factors, the hearing panel shall prescribe core penalties from the ranges set forth in Figure 19-1 and described below. The panel may depart from the core penalties only as set forth in Bylaw 19.11.6.

19.11.5.1 Competition Penalties. Competition limitations on the institution's participation in postseason play in the involved sport(s).

19.11.5.2 Financial Penalties. Financial penalties may include requirements that an institution pay a fine, return revenue received from a specific athletic event or series of events, or face reduction in or elimination of monetary distribution by the Association.

19.11.5.3 Scholarship Reductions. Scholarship limits on the number of financial aid awards that may be provided during a specified period.

19.11.5.4 Show-Cause Orders. Upon a determination by a hearing panel that an institution has not taken appropriate disciplinary or corrective action regarding an individual found in violation of the NCAA Constitution or bylaws, the panel may issue an order that the institution take additional disciplinary or corrective action including but not limited to restriction of some or all athletically related duties as set forth in Figure 19-1 unless the institution appears before the panel to show cause why the additional penalties should not be applied. Decisions regarding disciplinary or corrective actions involving personnel shall be made by the institution, but the determination of whether the action satisfies the institution's obligation of NCAA membership shall be solely that of the Committee on Infractions.

19.11.5.5 Head Coach Restrictions. Upon a determination by the hearing panel that an employing institution has not taken appropriate disciplinary or corrective action regarding a head coach found in violation of Bylaw 11.1.2.1, the panel may issue an order that the institution suspend the coach for a number of contests from the range set forth in Figure 19-1 that would apply to the underlying violation(s) unless the institution appears before the panel to show cause why the suspension should not be applied. Decisions regarding disciplinary or corrective actions involving personnel shall be made by the institution, but the determination of whether the action satisfies the institution's obligation of NCAA membership shall be solely that of the Committee on Infractions.

19.11.5.6 Recruiting Restrictions. Recruiting restrictions may include limitations for varying lengths of time on official visits; unofficial visits (the number of scheduled unofficial visits, provision of complimentary tickets and local transportation); recruiting communications (telephone and written correspondence); and off-campus recruiting activities.

19.11.5.7. Probation. The hearing panel may prescribe probationary conditions designed on a case-by-case basis to remediate weaknesses detected in the institution's administration of its athletics programs. Prior to expiration of the probation period, the office of the Committees on Infractions will review the athletics policies and practices of the institution before the institution is restored to full rights and privileges of membership in the Association. If an institution fails to satisfy all probationary conditions, the committee may extend the probationary period and/or prescribe additional penalties. Conditions of probation may include but are not limited to the following:

(a) Submission of compliance reports during the period of probation;

(b) Acknowledgement in alumni publications, media guides and recruiting materials identifying the violations committed, the terms of probation, and penalties prescribed;

(c) Written confirmation to the committee that the institution's president or chancellor met with student-athletes, athletics department staff and other relevant parties to personally affirm his or her commitment to NCAA rules compliance, shared responsibility and preserving the integrity of intercollegiate athletics;

(d) Requiring an institution to announce during broadcast contests, on its website and in institutional publications that it is on probation and the reasons why the probation was prescribed;

(e) In cases where an institution is found to lack institutional control and serious remediation is necessary, in-person reviews of the institution's athletics policies and practices by the office of the Committees on Infractions or, in limited circumstances, where appropriate, committee member(s) or a third party;

(f) Implementation of educational or deterrent programs; or

(g) Audits for specific programs or teams.

19.11.6 Departures from Level I and II Core Penalties. Upon a finding of extenuating circumstances, the hearing panel may depart from the core penalties in Figure 19-1, provided the panel explains in its decision the basis for its prescription of penalties different than those set forth in Figure 19-1.

19.11.7 Additional Penalties for Level I and II Violations. In addition to the core penalties for Level I and II violations, the panel may prescribe one or more of the following penalties:

(a) Prohibition against specified competition in the sport;

(b) Prohibition of all coaching staff members in the sport from involvement directly or indirectly in any coaching activities at the institution during that period;

(c) The elimination of all initial grants-in-aid and all recruiting activities in the sport involved for a prescribed period;

(d) Prohibition against institutional staff members serving on the Board of Directors, Leadership Council, Legislative Council, or other cabinets or committees of the Association for a prescribed period (or requirement that any institutional staff members serving in leadership positions on any NCAA council, cabinet or committee resign their leadership positions);

(e) Requirement that the institution relinquish its voting privilege in the Association for a prescribed period;

(f) Recommendation that the institution's membership in the Association be suspended or terminated under Bylaw 3.2.5;

(g) Public reprimand and censure;

(h) Vacation of records in contests where a student-athlete competed while ineligible, including one or more of the following:

(1) Vacation of individual records and performances;

(2) Vacation of team records and performances, including wins from the career record of the head coach in the involved sport, or, in applicable cases, reconfiguration of team point totals; or

(3) Return of individual or team awards to the Association.

(i) Prohibition against television appearances of the institution in the sport in which the violation occurred. The penalty shall specify that the institution may not enter into any contracts or agreements for such appearances until the institution has been restored to full privileges of membership. The Board of Directors is authorized to permit a closed-circuit telecast, limited to the campus of the opponent of the ineligible institution, provided no rights fee is to be paid to the ineligible institution;

(j) Pursuant to a show-cause order, disassociation of relations with a representative of an institution's athletics interests including:

(1) Not accepting any assistance from the individual that would aid in the recruitment of prospective student-athletes or the support of enrolled student-athletes;

(2) Not accepting financial assistance for the institution's athletics program from the individual;

(3) Ensuring that no athletics benefit or privilege be provided to the individual that is not generally available to the public at large; and

(4) Taking such other actions against the individual that the institution determines to be within its authority to eliminate the involvement of the individual in the institution's athletics program.

(k) Publicizing institutions on probation on the NCAA website, in appropriate NCAA publications and in NCAA championship game programs of the involved sport(s);

(l) Institutionally imposed suspension of a staff member from some or all athletically related duties for a specified period, pursuant to a show-cause order, where he or she engaged in or condoned a Level I or II violation; or

(m) Other penalties as appropriate.

19.11.8 Penalties for Level III and IV Violations. Penalties for Level III and IV violations may include, but are not limited to, the following:

(a) Termination of the recruitment of a prospective student-athlete by the institution or, if the prospective student-athlete enrolls (or has enrolled) in the institution, direction that the institution take appropriate action regarding his or her eligibility pursuant to Bylaw 14.11 and/or not allow the student-athlete to participate in intercollegiate athletics unless and until his or her eligibility is restored by the Student-Athlete Reinstatement Committee;

(b) Forfeiture/vacation of contests in which an ineligible student-athlete participated;

(c) Prohibition of the head coach or other staff members in the involved sport from participating in any off-campus recruiting activities for up to one year;

(d) An institutional fine for each violation, with the monetary penalty ranging in total from $500 to $5,000, except when an ineligible student-athlete participates in an NCAA championship or other postseason competition, in which case the $5,000 limit shall not apply;

(e) Reduction in the number of financial aid awards that may be awarded during a specified period in the sport involved to the maximum extent of 20 percent of the maximum number of awards normally permissible in that sport;

(f) Institutional recertification that its current athletics policies and practices conform to all requirements of the NCAA Constitution and bylaws;

(g) Institutionally imposed suspension of the head coach or other staff members for one or more competitions;

(h) Public reprimand; and

(i) Requirement that a member institution that has been found in violation, or that has an athletics department staff member who has been found in violation of the NCAA Constitution or bylaws while representing another institution, show cause why a penalty or an additional penalty should not be imposed if it does not take appropriate disciplinary or corrective action against the athletics department personnel involved, any other institutional employee if the circumstances warrant or representatives of the institution's athletics interests.

19.11.9 Show-Cause Penalties. In the event a hearing panel of the Committee on Infractions imposes additional penalties upon an institution for Level I or II violations pursuant to Bylaw 19.11.5.4, the institution shall be provided the opportunity to appear before the panel. Further, the institution shall be provided the opportunity to appeal any additional penalty imposed by the panel.

19.11.10 Notification to Regional Accrediting Agency. In cases where the hearing panel has found academic violations or questionable academic conduct, the president may forward a copy of the public infractions decision to the appropriate regional accrediting agency.

19.11.11 Recommendation to Committee on Athletics Certification. The hearing panel may recommend to the Committee on Athletics Certification that an institution's certification status be reviewed as a result of the institution's completed infractions case.

19.11.12 Obligation of Institution to Take Appropriate Action. When a violation has been found that affects the eligibility of one or more student-athletes, the institution involved and its conference(s), if any, shall be notified of the violation and the name(s) of the student-athlete(s) involved. If the institution fails to take appropriate action by declaring the student-athlete ineligible, the involved institution shall be required to show cause to the Committee on Infractions why additional penalties should not be prescribed for a failure to abide by the conditions and obligations of membership if it permits the student-athlete(s) to compete in intercollegiate athletics.

19.12 APPEAL OF DECISIONS

19.12.1 Basis for Granting an Appeal.

19.12.1.1 Penalties. A penalty prescribed by the hearing panel, including determinations regarding the existence and weighing of any aggravating or mitigating factors, shall not be set aside on appeal except on a showing by the appealing party that the panel abused its discretion. The Infractions Appeal Committee may affirm a penalty for any reason in the record.

19.12.1.2 Findings and Conclusions. A hearing panel's factual findings and its conclusion that one or more violations occurred shall not be set aside on appeal except on a showing by the appealing party that:

(a) A factual finding is clearly contrary to the evidence presented to the panel;

(b) The facts found by the panel do not constitute a violation of the NCAA Constitution or bylaws; or

(c) There was a procedural error and but for the error, the panel would not have made the finding or conclusion.

19.12.2 Appeal by Institution or Involved Individual. Institutions participating in the proceedings of a hearing panel may appeal the panel's findings, conclusions, penalties, corrective actions, requirements and/or other conditions and obligations of membership prescribed for violations of the NCAA Constitution or bylaws. An involved individual participating in the proceedings of the panel and who the panel concluded committed a violation may appeal the panel's conclusion with regard to that individual or a show-cause order prescribed for violations in which he or she is named. The notice of intent to appeal must be presented in writing to the

Infractions Appeals Committee not later than 15 calendar days after the date the hearing panel releases the public infractions decision.

19.12.2.1 Contents of Notice of Intent to Appeal. The notice of intent to appeal shall include the following:

(a) The date on which the decision of the hearing panel was released to the public;

(b) A statement indicating whether the appealing party desires to submit its appeal in writing only or requests an in-person oral argument. An appealing party may not request an in-person oral argument unless that party made an appearance before the hearing panel; and

(c) If the appealing party is an involved individual, a statement indicating whether he or she is employed at an NCAA institution. If the involved individual's employment status changes during the course of the appeal, the statement shall be amended promptly to reflect the change and the identity of the new employer.

19.12.2.2 Stay of Penalties. Upon the timely filing of a notice of intent to appeal and unless ordered otherwise by the Infractions Appeals Committee, any penalties prescribed by a hearing panel of the Committee on Infractions shall be stayed during the pendency of the appeal.

19.12.3 Written Materials on Appeal. Appealing parties may submit materials as set forth below, subject to procedures promulgated by the Infractions Appeals Committee or as otherwise directed by the committee. A deadline for the submission of a document shall be met if the document is submitted electronically to the NCAA staff liaisons to the Infractions Appeals Committee by 5 p.m. Eastern time on the due date. At the earliest opportunity after a document is submitted electronically, the submitting party shall provide a hard copy of the document directly to all members of the committee.

19.12.3.1 Initial Submission by Institution or Involved Individual. Within 30 days after receipt of the Infractions Appeals Committee's acknowledgement of a timely notice of intent to appeal, an appealing institution or individual shall provide its initial submission in support of its appeal to the Infractions Appeals Committee.

19.12.3.2 Response by Committee Appeals Advocate. Within 30 days after receipt of an initial submission by an institution or involved individual, the committee appeals advocate shall submit a response to the Infractions Appeals Committee. The response shall include the following:

(a) A statement of the origin of the case;

(b) The violations of the NCAA Constitution and bylaws, as determined by the hearing panel;

(c) Disciplinary or corrective actions taken by the institution or conference or any other agency involved in the particular incident;

(d) A statement of the prescribed penalties, corrective actions, requirements and other conditions and obligations of membership;

(e) The issues raised in the appeal;

(f) The response(s) to the issues raised by the appealing parties; and

(g) A transcript of any hearing conducted by the Committee on Infractions.

19.12.3.3 Rebuttal by Institution or Involved Individual. Within 14 days after receipt of the committee appeal advocate's response, an institution or involved individual may submit a rebuttal to the Infractions Appeals Committee. The rebuttal may only address issues contained in the initial submission or the committee appeals advocate's response.

19.12.3.4 Enforcement Staff Statement. Within 10 days after the deadline for submission of all rebuttals, the enforcement staff may provide a written statement to the Infractions Appeals Committee regarding perceived new information, errors, misstatements and omissions relating to the initial submission(s), the committee appeals advocate's response and/or rebuttal documents.

19.12.4 Information Considered on Appeal. The Infractions Appeals Committee shall consider only the information contained in the record of proceedings before the Committee on Infractions, the record on appeal and argument presented during the appeal hearing, if any.

19.12.5 Appeal Arguments. Where one or more of the appealing parties request oral argument, oral argument may be conducted as set forth below, subject to procedures promulgated by the Infractions Appeals Committee or as otherwise directed by the committee.

(a) Only those individuals identified in Bylaw 19.9.7.5 may attend the appeal hearing;

(b) The parties may be represented by legal counsel and shall be permitted a reasonable time to make oral presentation to supplement the written appeal;

(c) The Infractions Appeals Committee may question representatives of the institution, the Committee on Infractions or enforcement staff, as well as any other persons appearing before it, in order to determine the issues related to the appeal;

(d) Representatives from the enforcement staff may participate during the oral argument but such participation shall be limited to the opportunity to provide information regarding perceived new information, errors, misstatements and omissions;

(e) If an institution or involved individual appeared before the Committee on Infractions but waived the right to appeal, the institution or involved individual

may elect to be present in person and/or by counsel as a silent observer during the oral argument;

(f) If oral argument is permitted for an involved individual, the individual and personal legal counsel may appear before the appeals committee at the time it considers the pertinent decisions; and

(g) If the institution or involved individual elects to appeal in writing only, the committee appeals advocate's written response specific to that written appeal shall be considered without any in-person appearance.

19.12.6 Decision of the Infractions Appeals Committee. After considering the appeal and deliberating privately, the Infractions Appeals Committee shall prepare a written decision and provide a copy to any appealing party (including the president or chancellor of an institution currently employing an involved individual), the committee chair, the committee appeals advocate and the vice president of enforcement. Once the decision has been provided to the parties, the committee shall release a public appeal decision. The public appeal decision will not include names of individuals, but the committee may, in its discretion, identify the chancellor or president of the institution (in cases involving lack of institutional control); the director of athletics and/or any individual with direct responsibility and oversight of the athletics department (in cases involving lack of control or failure to monitor); the head coach(es) of the sport(s) involved; and, if appropriate, the chair or other members of the institution's governing body.

19.12.7 Final Decision not Subject to Further Review. Any decision of the Infractions Appeals Committee shall be final, binding and conclusive, and shall not be subject to further review by any governance body.

19.13 NOTICE OF ALLEGATIONS, OPPORTUNITY TO RESPOND AND PENALTIES (LEVEL III CASES)

19.13.1 General Process for Alleged Violations. A Level III case is a case presenting Level III or IV violations that do not collectively constitute a Level II violation. An institution or involved individual subject to a show-cause order in a Level III case may be represented by legal counsel and shall be provided the following:

(a) Notice of any specific allegations and the facts upon which such allegations are based; and

(b) An opportunity to provide a written response to the vice president of enforcement, or designee, to answer such allegations by the production of evidence and to appeal to a hearing panel of the Committee on Infractions.

19.13.2 Determination by Enforcement Staff. After reviewing relevant information and consulting with the institution or involved individual, the enforcement staff shall conclude whether one or more Level III violations occurred. If the enforcement staff concludes that the alleged violation(s) should not be processed as a Level III case, it may process the case as Level

I or II as appropriate, refer the case to the institution's conference for resolution as a Level IV case, or determine that no further action is required.

19.13.3 Authority to Prescribe Penalties. As authorized by the Committee on Infractions, upon a conclusion that one or more Level III violations occurred, the vice president of enforcement, or his or her designee, may determine whether a penalty is warranted and, if so, prescribe an appropriate penalty pursuant to Bylaw 19.11.8. Failure to fully implement the penalty may subject the institution to further disciplinary action by the NCAA.

19.13.4 Appeal to Committee on Infractions. If an institution or involved individual subject to a show-cause order disputes an action by the enforcement staff regarding a Level III violation, the institution or involved individual may appeal by submitting a written notice of appeal to the Committee on Infractions within 30 days after receipt of the enforcement staff's decision. An institution that self-reported the violation may appeal a penalty prescribed by the enforcement staff, but not the violation. An institution or involved individual subject to a show-cause order may request the opportunity to appear in person or by video or telephone conference. If no such request is made, or if the request is denied, a hearing panel of the committee will review the appeal on the basis of the written record. The panel shall not deny an involved individual's request to appear in person if a show-cause order was prescribed.

> **19.13.4.1 Stay of Penalties.** Upon the timely filing of a notice of appeal and unless ordered otherwise by a hearing panel of the Committee on Infractions, any penalties prescribed by the enforcement staff shall be stayed during the pendency of the appeal.

19.14 NOTICE OF ALLEGATIONS, OPPORTUNITY TO RESPOND AND PENALTIES (LEVEL IV CASES)

19.14.1 Conference Policies. Member conferences shall establish, publish and adhere to policies for the investigation and resolution of alleged Level IV infractions. Such policies shall afford institutions notice of alleged infractions and an opportunity to respond.

19.14.2 Determination by Conference. Cases involving only Level IV infractions shall be processed by the institution's athletics conference. The conference shall work with the institution to determine whether compliance deficiencies need to be addressed and, if so, the appropriate penalties to be imposed, if any. In cases involving multiple or repeated Level IV infractions, the conference may consult with the NCAA enforcement staff to conclude whether the allegations should be treated as Level III violations. Any infractions processed and penalties imposed by the conference shall be kept on file for review by the NCAA enforcement staff. Failure to fully implement the penalties may subject the institution to disciplinary action by the NCAA.

> **19.14.2.1 Institutions without Conference Affiliation or with Multiple Affiliations.** Cases involving only Level IV infractions at institutions that are not affiliated with an athletics conference shall be processed by the NCAA enforcement staff. If an institution is affiliated with more than one conference, the infraction shall be processed by the conference governing the sport in which the infraction occurred.

19.14.2.2 Review of Level Determination. The vice president of enforcement or his or her designee may determine that an infraction processed by a conference as a Level IV infraction should have been processed at a different level. Subject to any applicable statute of limitations, the enforcement staff shall notify the conference and involved institution that the case was not processed correctly, that the enforcement staff intends to resolve the case pursuant to this Article and that the NCAA may take appropriate action.

19.15 RESTITUTION

If a student-athlete who is ineligible under the terms of the Constitution, bylaws or other legislation of the Association is permitted to participate in intercollegiate competition contrary to such NCAA legislation but in accordance with the terms of a court restraining order or injunction operative against the institution attended by such student-athlete or against the Association, or both, and said injunction is voluntarily vacated, stayed or reversed or it is finally determined by the courts that injunctive relief is not or was not justified, the Board of Directors may take any one or more of the following actions against such institution in the interest of restitution and fairness to competing institutions:

(a) Require that individual records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;

(b) Require that team records and performances achieved during participation by such ineligible student-athlete shall be vacated or stricken;

(c) Require that team victories achieved during participation by such ineligible student-athlete shall be abrogated and the games or events forfeited to the opposing institutions;

(d) Require that individual awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;

(e) Require that team awards earned during participation by such ineligible student-athlete shall be returned to the Association, the sponsor or the competing institution supplying same;

(f) Determine that the institution is ineligible for one or more NCAA championships in the sports and in the seasons in which such ineligible student-athlete participated;

(g) Determine that the institution is ineligible for invitational and postseason meets and tournaments in the sports and in the seasons in which such ineligible student-athlete participated;

(h) Require that the institution shall remit to the NCAA the institution's share of television receipts (other than the portion shared with other conference members) for appearing on any live television series or program if such ineligible student-

athlete participates in the contest(s) selected for such telecast, or if the Board of Directors concludes that the institution would not have been selected for such telecast but for the participation of such ineligible student-athlete during the season of the telecast; any such funds thus remitted shall be devoted to the NCAA postgraduate scholarship program; and

(i) Require that the institution that has been represented in an NCAA championship by such a student-athlete shall be assessed a financial penalty as determined by the Committee on Infractions.

MEMORANDUM

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Indianapolis, Indiana 46206
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www.ncaa.org

July 19, 2012

TO: NCAA Division I Board of Directors.

FROM: President Jim Barker, chair of the
NCAA Working Group on Collegiate Model – Rules.

SUBJECT: NCAA Working Group on Collegiate Model – Rules.

The NCAA Working Group on Collegiate Model - Rules continues its mission to help transform our regulatory culture into one in which the rules are consequential, enforceable and supportive of student success. During a July 13 teleconference, the working group reviewed the extensive feedback received to date from the membership. Based on the feedback, the working group considered concepts: (1) Supported by the membership; (2) Those supported, at least in part, but that require additional discussion; and (3) Concepts not supported by the membership (Attachments A and B). The working group agreed on concepts to be drafted as proposed amendments, identified others requiring additional discussion and reached consensus on those no longer considered by the working group.

The Rules Working Group and the NCAA Working Group on Collegiate Model - Enforcement continue to work together to ensure that a more flexible, common-sense rule book that protects and enhances the student-athlete experience is paired with an enforcement structure that will punish the most egregious violators – simply put, "smarter rules, tougher enforcement." (Attachment C)

Once drafted in legislative form, the concepts identified by the Rules Working Group will be made available to the membership in mid-August. This will kick off the second major feedback loop which will continue through the September cabinet and October council meetings and culminate with initial legislative recommendations forwarded to the Board in October. It is anticipated that the Board will take initial action on the first set (Phase I) of legislative proposals during its January 2013 meeting following discussion at the NCAA Convention.

Phase II of the Rules Working Group's reform agenda will include a review of NCAA Bylaw 15 (Financial Aid), Bylaw 17 (Playing Seasons) and the remainder of Bylaw 12 (Amateurism). Groups of key thought leaders for Phase II are being formed to work with the Rules Working Group and initial plans of action have been shared with the relevant Division I cabinets.

JB:ld

cc: Selected NCAA Staff Members

Overview of New Approach to NCAA Regulations

Commitments. *[Fundamental priorities and values agreed on by the Division I membership that furthers the Division I Collegiate Model.]*

The commitments include the commitment to:

- Amateurism;
- Fair Competition;
- Integrity and Sportsmanship;
- Institutional Control and Compliance;
- Student-Athlete Well-Being;
- Sound Academic Standards;
- Responsible Recruiting Standards; and
- Diversity and Inclusion.

[Comments: There seems to be consensus that the commitments identified are appropriate for Division I. The practical application of the commitment to fair competition has drawn the most discussion. Some are concerned about the long-term stability of the division, as these individuals believe moving away from the concept of competitive equity will further increase the chasm in Division I.]

General Provisions and Operating Bylaws. *[These express the desired outcomes of regulations and specific legislation to guide conduct.]*

Phase I review includes the following approaches to the provisions and bylaws:

1. NCAA Bylaw 11 (Athletics Personnel).

   Division I membership supports changes to the regulations related to personnel to place greater emphasis on the establishment and compliance with institutional policies to govern contractual agreements, to eliminate some unnecessary levels of regulation and to reduce some costs through use of technology in the scouting of opponents. Finally, the Division I membership supports the establishment of enhanced methods to improve the education of and accountability of coaches.

2. Bylaw 12 (Amateurism).

   Division I membership reaffirms that the collegiate model does not support payment to student-athletes for participation in sport, and the need to maintain a demarcation between professional sports and intercollegiate athletics, with a focus on the educational experience of student-athletes. The membership reaffirms its commitment to prohibiting the use of agents by student-athletes and unauthorized benefits received by professional organizations. The membership continues to examine how to best provide educational information to help students make informed decisions while not compromising their amateur status. There also is consensus that a more flexible application of actual and necessary expenses received without compromising amateur status is appropriate.

3. Bylaw 13 (Recruiting).

The Division I membership supports a significant level of deregulation in the recruitment of prospective student-athletes. Areas of increased emphasis (with accompanying penalties) include use of impermissible third-parties in the recruitment of prospective student-athletes, and improper tampering with currently enrolled student-athletes. Areas of re-regulation focus on aspects determined not to be meaningful or enforceable. The membership supports earlier access to prospective student-athletes to provide better information to the prospective student-athletes, and to require schools to determine their best practices to represent their institutions in the most appropriate manner. There continues to be some interest in some sport groups for sport-specific legislation in some areas.

4. Bylaw 16 (Awards, Benefits and Expenses).

Division I membership recognizes that individuals working directly with students are in the best position to determine a student's individual needs to help them work, earn a degree and develop the skills necessary to find a career and contribute to society. NCAA rules should not limit opportunities for institutions to provide reasonable services to help students grow and develop. The Division I membership also recognizes that campuses need to be able to provide reasonable medical expenses and services for the health, safety and physical and mental well-being for their student-athletes. This includes meeting the nutritional needs of all student-athletes in a less restrictive environment.

5. Bylaws 14 and 23 (Academics and Eligibility).

Division I membership acknowledges the academic reform efforts over the last decade have had many positive outcomes for student-athletes and institutions. The establishment of the NCAA Division I Academic Performance Program is holding teams accountable for its collective academic performance, and recognizing top-performing teams. Increased individual academic performance expectations for incoming, transfer and continuing students is designed to have better prepared and performing student-athletes. Enhancements will continue to be considered by the NCAA Division I Committee on Academic Performance and the NCAA Division I Board of Directors to meet the stated goal of improved academic performance. Emphasis will be placed on the academic preparedness and performance of all prospective and enrolled student-athletes, including the integrity of the credentials used to determine eligibility.

There is an increased interest in establishing a single bylaw to address all academic issues (individual and team) important to the Division I membership, and to more clearly distinguish bylaws with specific academic outcomes rather than other competitive equity/fairness issues. The Division I membership has expressed some interest in enhancing the progress-toward-degree requirements for semester-by-semester progress for all sports.

Phase 2 includes continued examination of issues related to amateurism, playing and practice season/time demands and financial aid models.

NCAA Working Group on the Collegiate Model - Rules
Executive Summary of Initial Set of Recommendations - Operating Bylaws

Feedback and comments specific to the commitments and legislative concepts developed as a result of the work of the NCAA Working Group on the Collegiate Model - Rules continue to indicate overall support of the working group's charge to reduce the volume of unenforceable or inconsequential rules that do not support the NCAA's enduring values and to emphasize the most strategically important matters of the Association.

The Rules Working Group concepts that were initially developed and provided to the membership for feedback are summarized in this document based on the following categories and then distinguished by applicable bylaw:

- "Support" indicates initial Rules Working Group support for the concept based on membership feedback and the group's discussions. Therefore, the Rules Working Group intends to recommend the NCAA Division I Board of Directors take legislative action in January on the proposed concept.

- "Support/Needs Additional Discussion" indicates that the Rules Working Group and membership generally support the concept; however, additional work and development of that concept is necessary prior to forwarding to the Board. The Rules Working Group intends to further develop the concept (e.g., additional legislative details, collection and evaluation of data) by engaging the governance structure and other appropriate entities prior to moving the concept forward to the Board. No recommendation for legislative action by the Board is anticipated at this time.

- "Opposed" indicates that Rules Working Group and membership feedback is generally in opposition to the proposed concept and no legislative change will be recommended to the Board.

Concepts identified in the "support" category will be available in as proposed legislative amendments by mid-August. The proposals will be available on the Rules Working Group webpage through NCAA Connect (http://www.ncaa.org/workinggroups) or may be accessed through the Legislative Services Database for the Internet (*LSDBi*). The membership and governance structure is encouraged to continue its review of these concepts through the remainder of 2012. Feedback on the legislative proposals or any concept continuing to be discussed by the working group should be submitted to rulesworkinggroup@ncaa.org.

SUPPORT

NCAA Bylaw 11 (Athletics Personnel and Noncoaching Staff Limits)

- Eliminate regulations governing contractual agreements and compensation from sources outside of the institution.
- Eliminate regulations defining recruiting activities that must be performed by head or assistant coaches.
- Eliminate restrictions governing the number off-campus recruiters at one time.
- Prohibit all live in-person scouting or eliminate regulations governing scouting of opponents.*

Bylaw 12 (Amateurism)

- Establish a uniform definition of "actual and necessary" expenses.
- Calculate actual and necessary expenses over a calendar year rather than on an event-by-event basis in both individual and team sports for prospective student-athletes who have not enrolled full time at any collegiate institution.
- Establish a $300 de minimus standard for individuals who receive above actual and necessary expenses from an otherwise permissible source.
- Eliminate regulations associated with competition-related expenses received from outside sources, excluding professional sports organizations, boosters and agents.
- Permit prospective student-athletes and student-athletes to receive up to actual and necessary competition-related expenses, pre and post-enrollment, in team and individual sports, from an amateur team or sponsor of the event.
- Expand opportunities for individuals to receive training expenses from governmental or provincial entities.
- Regulate student-athlete employment only by the requirement that compensation is for work actually performed and at a rate commensurate with the going rate in the locality.

Bylaw 13 (Recruiting)

- Establish that a prospective student-athlete who has signed a National Letter of Intent (NLI) (or for those institutions not subscribing to the NLI, a written offer of admission or financial aid) is no longer considered prospective student-athletes.
- Establish regulations that provide for earlier access with prospective student-athletes.
- Eliminate restrictions on the modes and number of recruiting communications.
- Eliminate legislation specific to publishing and providing admissions data, graduation rates, NCAA Division I Academic Progress Rate data, banned drug list and initial-eligibility standards to prospective student-athletes.

- Eliminate all recruiting publicity regulations after a prospective student-athlete commits to an institution, while maintaining prohibition against media presence during recruiting visits.
- Modify the camps and clinics legislation related to employment of prospective and current student-athletes.
- Eliminate restrictions on employment and participation of football prospective student-athletes, who are high school seniors, in institutional camps and clinics.
- Deregulate printed recruiting materials by eliminating restrictions on printed recruiting materials entirely or prohibit all printed recruiting materials except general correspondence.*

Bylaw 14 (Eligibility)

- Eliminate or modify legislation that is directly supported by institutional academic policy (e.g., early admission program waiver, designation of degree, standard 45-day period for temporary certification for all sports, high school all-star games - effect on eligibility).

Bylaw 16 (Awards, Benefits and Expenses)

- Provide discretion to institutions, conferences and the NCAA to determine specifics related to the timing of institutional awards.
- Permit institutions or the awarding agency to provide actual and necessary expenses for a student-athlete associated with noninstitutional awards for athletics accomplishments.
- Permit the NCAA, institution or conference to provide student-athletes any reasonable and appropriate academic support, career counseling or personal development services.
- Permit the NCAA, institution or conference to provide student-athletes reasonable and appropriate medical expenses and services.
- Replace all existing references to a student-athlete's parents, legal guardians or spouse to a "relative or individual of a comparable relationship" throughout Bylaw 16.
- Permit an institution to provide expenses to any "relative or individual of comparable relationship" or student-athletes to be present in situations of any illness or injury.
- Permit unlimited complimentary admissions to an institutional awards banquet to any "relative or individual of comparable relationship."

- Permit reasonable meals and food for a student-athlete's "relative or individual of comparable relationship" in conjunction with educational meetings, celebratory events, and on an occasional basis for other reasons.
- Permit the NCAA, conference or institution to provide reasonable entertainment in conjunction with, as determined by the institution, practice or competition.
- Permit an institution to provide actual and necessary expenses for a student-athlete's participation in practice, competition and when representing the institution in other events.

- Permit institutions to provide actual and necessary expenses related to national team tryouts, championship events, national team practice and competitions.
- Permit a student-athlete's relatives or individuals of a comparable relationship to receive nonmonetary benefits provided to the relatives or individuals of comparable relationships of all national team members in conjunction with practice and competition (e.g., eliminate only Olympic Games exception).

*RWG determining whether to forward only a single recommendation for consideration.

SUPPORT/NEEDS ADDITIONAL DISCUSSION

Bylaw 11 (Athletics Personnel)

- Eliminate the annual certification requirement for coaches.
- Coaching category and limitations:
  - Eliminate coaching categories.
  - Establish specific criteria for determining a countable coach.
  - Permit additional countable coaches in Football Bowl Subdivision (FBS) football.
  - Maintain the current number of strength and conditioning coaches (5) in FBS football.
  - Exclude graduate assistant coaches as countable coaches provided certain criteria are met.
  - Eliminate the volunteer coaching category and permit one or more additional countable coach in sports that allow volunteer coaches.
- Noncoaching Staff Members:
  - Establish numbers of noncoaching staff members who may be involved in supporting football and basketball programs.
  - Place limits on the number of noncoaching staff members in the bench area in football, men's and women's basketball.
- Require noncoaching staff members with sport-specific responsibilities in football, men's and women's basketball to have no previous professional or collegiate coaching experience as a head or assistant coach.
- Prohibit employment of individuals associated with prospective student-athletes in noncoaching categories in certain sports.

Bylaw 12 (Amateurism)

- Permit prospective student-athletes to sign a contract or written agreement that provides for more than actual and necessary expenses, provided the prospective student-athlete does not actually receive above actual and necessary expenses.
- Agents and Advisors:
  - Permit prospective and current student-athletes with non-opt-in-drafts to use an agent for purpose of deciding whether to turn professional
  - Permit prospective student-athletes, including two-year college and non-NCAA college athletes, to use an agent for purpose of deciding whether to turn professional.
- Change the current preferential treatment legislation.
- Change elements of the promotional activities legislation.

Bylaw 13 (Recruiting)

- Eliminate restrictions related to general advertising or promotional materials to solicit the enrollment of prospective student-athletes, while maintaining prohibition against personalized promotions.
- Develop more flexible recruiting calendars.
- Change restrictions governing official visits, and address issues through written institutional policies.
- Expand on-campus evaluations to all sports.

Bylaw 14 (Eligibility)

- Create an academic success operating bylaw that focuses on student-athlete and team academic success.
- Consider the appropriate definition of academic fraud and the role the NCAA should play in investigating and resolving allegations of academic fraud.
- Consider modifying current four-year transfer requirements to include academic components.
- Consider modifying progress-toward-degree requirements.

Bylaw 16 (Awards, Benefits and Expenses)

- Permit an institution or conference to provide student-athletes food during specified time periods, as a benefit incidental to participation.
- Provide former student-athletes the same benefits available to current student-athletes.

NO SUPPORT

Bylaw 11 (Athletics Personnel)

- Prohibit employment of coaches who remain employed in coaching prospective student-athletes participating on nonscholastic teams.
- Prohibit employment of individuals associated with prospective student-athletes in noncoaching categories in all sports.

Bylaw 12 (Amateurism)

- Permit a booster who lives in the locale of the prospective or enrolled student-athlete to provide payment based on performance.

Bylaw 13 (Recruiting)

- Eliminate regulations related to involvement of an institution and staff members in high school all-star games.

Bylaw 16 (Awards, Benefits and Expenses)

- Eliminate housing legislation related to athletics dormitories and athletics blocks.

TRANSFORMING
COLLEGIATE ATHLETICS

The Rules and Enforcement Working Groups

In pursuit of a more flexible, common-sense rule book paired with an enforcement structure that will punish the most egregious violators – simply put, an environment in which student-athletes can learn and excel.

PUTTING IT INTO ACTION

The Shared Responsibility Model

The shared responsibility model will involve trust, but will lead to a more common-sense approach to rules and rule breakers. Each person working in Division I athletics will be expected to understand his or her role in meeting and upholding the standards of fair competition.

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Why focus on fairness of competition instead of competitive equity?

- The current justification for rules as creating a level playing field has produced too many rules that are not meaningful, enforceable or contributory to student-athlete success.
- This shift acknowledges that natural advantages exist between campuses that cannot – and should not – be regulated.
- We are seeking to better define what fairness means in terms of eligible student-athletes, scholarships, the length of the playing and recruiting seasons, and the number of coaches.
- Ultimately, do we really believe that retaining the current rules will impede the competitive shift?

Won't the changes being suggested result in increased campus costs?

- Allowing more local decision-making is consistent with how much of higher education works.
- The changes being contemplated by the working groups are minimal when compared with other existing athletics expenditures (e.g., scholarships, salaries, facilities).
- NCAA rules should not dictate expenditures when fairness between schools and teams is not compromised.
- Yes, presidents, athletics directors and coaches will have to respond to budgetary requests seeking to match what another school is doing. The answer rests with institutional priorities in their budgets.

Why should head coaches be singled out for more responsibility for the actions of others?

- Head coaches are uniquely positioned to establish explicit expectations for those working for them.
- The current environment of plausible deniability for the actions of individuals working directly for a head coach is unrealistic and counterproductive to fair play.
- The cost-benefit analyses made in some programs to willfully violate rules negatively impact the vast majority of programs that play fair. Changing this culture by placing more responsibility on head coaches will not negatively impact most coaches as they – and their assistants – already act with integrity.
- Of course, presidents and athletics directors have a level of accountability that will continue to be emphasized and strengthened in a new regulatory culture.

Why rely more on campus-level policies and procedures than national legislation?

- We recognize the challenge that some schools will be pressured to adopt policies and procedures to not place their program at a competitive disadvantage.
- NCAA rules would require that policies be in place in specified areas, that they address key components or values and that they will be followed. NCAA violations would occur if policies are not developed nor followed.

What is the impact of "deregulating" the recruiting environment?

- The NCAA would no longer attempt to regulate recruiting matters that have been deemed inconsequential – particularly those that have proven to be monitoring challenges.
- Additional flexibility will allow schools more autonomy in using their time and resources while away from campus and allow compliance efforts to focus on matters that threaten the integrity of college sport.
- The suggested model requires schools and coaches to make mature judgments on the frequency of communication with prospects, and prospects to make known their preferences in terms of the modes and frequency of communication.
- Schools would be encouraged (or required) to establish reasonable institutional practices to govern behaviors in the recruiting process not specified by national rules.

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REPORT OF THE NCAA DIVISION I COMMITTEE ON ACADEMIC PERFORMANCE JULY 12-13, 2012, MEETING

***KEY ITEMS*.**

1. **New Initial-Eligibility Standards Educational Efforts.** The NCAA Division I Committee on Academic Performance discussed the ongoing educational efforts for the new initial-eligibility standards. The committee requested the staff review all current legislation and interpretations regarding both coaching and noncoaching staff involvement in educating prospective student-athletes, including prospective student-athletes who have not started the ninth grade, regarding academic standards to ensure appropriate involvement of campus personnel in the overall educational efforts. Given the NCAA Working Group on Collegiate Model – Rules' ongoing work and the 2016 initial-eligibility standards, the committee is interested in ensuring a proper balance between educating students and high school personnel and current recruiting-based limitations on such activities.

2. **Data Years Used to Determine Access to Postseason Competition and NCAA Division I Academic Performance Program (APP) Penalties.** The committee reviewed and reaffirmed its current policies and procedures regarding NCAA Division I Academic Progress Rate (APR) data and implementation of penalties and/or postseason ineligibility.

***ACTION ITEMS*.**

1. **Legislative Items.**

   - **None.**

2. **Nonlegislative Items.**

   a. **APP Policy Change: Amending the APR Cohort Definition.**

      (1) Recommendation. The Committee on Academic Performance recommends the NCAA Division I Board of Directors approve an exception to the definition of the APR cohort for student-athletes who are five years beyond initial full-time collegiate enrollment and have exhausted athletics eligibility as defined by the Committee on Academic Performance policies.

      (2) Effective Date. Immediate, beginning with the 2011-12 APR cohort to be reported fall 2012.

(3) Rationale. With the adoption of NCAA Division I Proposal No. 2011-97, former student-athletes may return to an institution and receive athletically related financial aid. Students who return to school under this provision do not represent the institution in intercollegiate competition; rather have returned to complete their degrees. Institutions should be encouraged to assist such students by providing financial aid without such students potentially negatively impacting a team's APR. This recommendation is consistent with the intent of the new legislation and would ensure such students are not in the APR cohort.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. This amendment encourages student-athletes who have not earned a degree to return to an institution and graduate, while providing an institution the flexibility to offer athletically related financial aid to the former student-athlete without the possibility of such aid resulting in lost APR points.

b. APP Policy Change: Require Attendance of Chief Academic Officer at APP Level-Three Penalty Waiver Hearings.

(1) Recommendation. The Committee on Academic Performance recommends the Board approve a revision to the APP Level-Three Penalty Waiver hearing policies to require the chief academic officer to attend the hearing with the institution.

(2) Effective Date. Immediate, beginning with hearings conducted during the 2012-13 academic year.

(3) Rationale. One of the core purposes of the APP is to assist institutions in improving academic success. The hearing setting provides an opportunity for committee members to discuss academic performance and allows the committee members to ask questions regarding academic performance. Many of those questions are designed to evaluate the academic commitment of the institution within the context of the overall academic mission. Requiring the chief academic officer to attend will allow for these questions to be answered by a senior academic administrator at the institution.

(4) Estimated Budget Impact. Travel costs for an additional institutional staff member. These costs are paid by the member institution.

(5) Student-Athlete Impact. None.

c. APP Policy Changes: APP Penalty and Ineligibility for Postseason Competition Waiver Policies and Procedures.

(1) Recommendation. The Committee on Academic Performance recommends the Board approve the following revisions to the APP penalty and ineligibility for postseason competition waiver policies and procedures:

(a) Amend the policies to require institutions to confirm the data considered as part of the waiver is accurate and no data issues are outstanding before the staff and committee proceed with the review of the waiver. Failure to confirm accuracy and finality of data within the prescribed timeframe would result in denial of a waiver.

(b) Amend the policy to provide one opportunity for an institution to request reconsideration of a waiver and limiting the scope of reconsideration to only nondata related mitigation. Any remaining data issues will be reviewed the following year in accordance with established policies and timelines for data reviews and adjustments.

(c) Amend the policy to require an institution subject to postseason ineligibility to advise its student-athletes regarding the team's ineligibility for postseason competition and the transfer policy within 48 hours of the final notice of penalties or within 48 hours from the decision following the institution's final appellate opportunity, whichever is later. Additionally, require institutions to note within the NCAA's APP system the date that student-athletes have been notified.

(2) Effective Date. Immediate.

(3) Rationale. The committee continues to refine its waiver policies with particular focus on ensuring a fair and effective process. This includes balancing ample time for institutions to finalize data and put forward mitigation in the waiver process. These policy changes are intended to ensure resolution of all data issues prior to a waiver request being decided therefore expediting the waiver process. Additionally, limiting institutions to one reconsideration opportunity also will help ensure that each school puts forward all waiver mitigation rather than repeatedly requesting

reconsideration based on an additional fact. The postseason ineligibility notification to student-athletes will provide student-athletes with ample time to explore opportunities to transfer in order to continue postseason participation. The committee noted that these changes will help ensure the waiver process is effective, efficient, and fair to all member institutions. The immediate effective date ensures that all future requests fall under this policy.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. Data Years used to Determine Access to Postseason Competition and APP Penalties. The committee reviewed and reaffirmed its current policies and procedures regarding APR data and implementation of academic penalties and/or postseason eligibility. These policies were originally devised after considering several important conditions and objectives that are desired in the APP, as listed below.

a. Penalty decisions should be based on a body of data sufficient to support valid decisions;

b. Procedures should provide adequate time for a fair and deliberate process that ensures that data are correct and all waiver requests put forward by an institution are given thorough review;

c. Data used in making decisions on penalties or eligibility for postseason competition should be as close as practicable in time to the implementation of those decisions; and

d. Procedures should enable consideration of student-athletes' interests in transferring if their own academic performances have been strong and they are in their last season of eligibility.

After discussion over several meetings, the committee concluded the current process is effective and achieves a careful and appropriate balance among these factors. The committee expects to continue with these policies and procedures in the future.

2. Initial-Eligibility Standards Educational Efforts. The committee discussed the ongoing educational efforts for the new initial-eligibility standards which take effect in 2016. The committee requested the staff review all current legislation and interpretations

regarding both coaching and noncoaching staff involvement in educating prospective student-athletes, including prospective student-athletes who have not started the ninth grade regarding academic standards to ensure appropriate involvement of campus personnel in the overall educational efforts. Given the Rules Working Group's ongoing work and the 2016 initial-eligibility standards, the committee is interested in ensuring a proper balance between educating students and high school personnel and current recruiting-based limitations on such activities. For example, the committee requested the staff explore coaches associations' interest in possibly permitting unlimited written or electronic communications between eighth graders and head coaches for the sole purpose of educating such students on the new academic requirements. Additionally, the committee noted that some current interpretations related to noncoaching personnel providing in-person education to junior high and high school students may be too limiting given the need to provide comprehensive education on the new requirements. The committee plans to continue its discussion on this topic at its October meeting with an intention to make a recommendation to the Board to consider during its October meeting. Finally, the committee strongly encourages the staff to develop public service announcements that the NCAA and member conferences could air when commercial spots are available for broadcast.

3. **APP Level Three Penalty Waiver Hearing Procedures – Pre-Hearing Procedures Letter.** The committee revised its APP Level-Three Penalty Waiver hearing procedures to include sending a letter to institutions noting the hearing procedures prior to the actual hearing. This change is effective immediately, beginning with hearings held during the 2012-13 academic year. Each year, hearings begin with the chair of the committee reading a script detailing the procedures of the hearing. Providing the information prior to the hearing allows for more time for the actual hearings and provides member institutions with key information prior to the hearing. This process is similar to one used by the NCAA Division I Committee on Infractions and has been deemed effective and useful in that context.

4. **NCAA Division I Academic Performance Program Waiver Directive**. The committee reviewed the APP Access to Postseason and Penalty Waiver Directive. The committee approved revisions to the directive, effective immediately (attached). The changes were editorial and clarifying in nature. The committee also reaffirmed its high threshold for relief for teams facing ineligibility for postseason competition.

5. **Postseason Ineligibility – Timing of Taking Penalty.** The committee discussed the timing of the imposition of the ineligibility for postseason competition. Specifically, the committee discussed the possibility of an institution taking the penalty during the same academic year in which the multiyear APR is reported. The committee agreed that institutions shall not be permitted to impose ineligibility for postseason competition during the same academic year in which the multiyear APR is reported. The committee

will continue to review this issue and requested staff provide additional information for discussion during a future meeting.

6. **Institutional Presence on APP Appeal Calls.** The committee requested the staff provide additional information regarding the possibility of an institutions' president/chancellor presenting information to the NCAA Division I Committee on Academic Performance Subcommittee on Appeals during waiver calls for institutions with teams that are ineligible for postseason competition.

7. **Definition of Limited-Resourced Institutions.** The committee discussed the four different definitions currently used by the NCAA to determine "limited-resourced institutions." These include definitions used to determine eligibility for supplemental support funds, mission filter for APP penalty determination, longer transition timeline for meeting the new 930 APR requirement, and the new pilot program designed to assist schools in improving APR. Prior to the fall 2011, only one definition was used for limited-resourced institutions. The committee agreed to refer the issue regarding the definition of limited-resourced institutions to the Historically Black Colleges and Universities Limited-Resourced Advisory Group for feedback. Additionally, as part of this referral, the committee discussed the nuance that some HBCUs are not limited resourced as defined by any of the current definitions. This results in members of the advisory group not representing a limited-resourced institution as currently defined. The committee invites input from the advisory group on this matter.

8. **Pilot Program Designed to Assist Limited-Resourced Institutions.** The committee received an update on the pilot program which is designed to provide grants to limited-resourced institutions for specified institutional initiatives aimed at improving APRs.

9. **Longer Transition to New 930 Requirements for Limited-Resourced Institutions.** The committee reviewed a letter received from the Mid-Eastern Athletic Conference requesting the longer transition period to the new APR penalty benchmark apply to all HBCUs not just limited-resourced institutions. The committee agreed to refer the letter to the advisory group for feedback with the intention of reviewing the request during its October meeting.

10. **2011-12 APP Level-Three Penalty Waivers.** The staff provided a summary of the decisions made by the staff and the committee for APP Level-Three Penalty waivers submitted by institutions during the 2011-12 academic year. The staff made decisions on four of the 10 waivers submitted, while the committee conducted in-person hearings for six teams.

11. **Public Availability of APP Level-Three Penalty Hearing Reports.** The committee discussed the possibility of making APP Level-Three Penalty hearing reports available to

the public. The committee agreed that the reports shall not be made available to the public at this time. However, the committee did note that as the staff continues to work with schools in preparation for hearings and during penalty waiver cases, it should continue to help schools understand key items the committee generally considers most relevant in cases it reviews.

12. Public Announcement of 2011-12 APR Data, Postseason Ineligibility, Penalties and Public Recognition Awards. The committee received a summary of the most recent public release of institutional APRs and APP penalties, public recognition awards, and the Elite 89 awards for 2011-12, and also included the Head Coaches' APR Portfolio. This year's release also included those teams subject to postseason ineligibility during the 2012-13 academic year.

The committee discussed the timing of future public APP press releases. The committee requested the staff continue to explore the timing of the release to provide the earliest possible release to allow institutions and student-athletes with the most time to make informed decisions regarding the upcoming academic year. The committee agreed a release in the early spring (e.g., late April, May) would be ideal, and the timing should also allow for individual releases as necessary.

13. Serving Postseason Ineligibility when a Team has Failed to Meet Conditions from a Previous Waiver. The committee discussed the current policy that requires a team that has failed a condition from a previous waiver to take the postseason ineligibility in the year following the notification of the missed condition. The committee discussed the possibility of requiring the team to take the postseason ineligibility earlier than the current policy permits. While it is important to take the postseason ineligibility as soon as possible, there needs to be a balance with the best interests of those student-athletes that could be affected by this approach. The committee agreed to continue to discuss this issue in future meetings.

14. NCAA Division I Graduation Success Rate Data Collection. The NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting received a report on the Graduation Success Rate (GSR) data collection process for submission of data for the 2005-06 cohort which was due June 1. It was noted that all institutions have now submitted the requisite data.

15. APP Data Reviews. The Subcommittee on Data Collection and Reporting received an update on the progress of the 41 institutions involved in APP data reviews leading up to the 2012-13 academic year. It is anticipated that most reviews will be completed prior to the beginning of the start of the fall term for each institution with all reviews being completed by the APR data submission deadline for each institution.

16. **NCAA Division I Academic Performance Rate Improvement Plans.** The committee received an update on APR Improvement Plans. The staff reviewed 130 plans during the 2011-12 academic year, an increase of roughly 60 plans from the 2010-11 academic year. This variance represents the change in the committee's policy that now requires institutions to submit an APR Improvement Plan for all teams with a multiyear APR below 930 for a staff review.

17. **Four-Year College Transfers and Various APR Retention Issues.** The committee received a report on various transfer data and began discussions on a number of issues regarding APR retention issues, including four-year college transfer student-athletes. Retention continues to be a valid component of APR and an important predictor of graduation. The committee agreed to continue to discuss transfer issues to determine if academic performance should be a fundamental consideration in transfer eligibility legislation and to provide comments on possible revisions to transfer legislation. As part of this review, the committee will consider how the current 2.6 GPA transfer adjustment intersects with 4-4 transfer requirements for student-athletes.

18. **NCAA Division I Bylaw 14 Deregulation.** The committee received an update on the work of the Rules Working Group related to the deregulation of NCAA Division I Bylaw 14.

19. **NCAA Division I Academic Performance Program Supplemental Support Fund.** The committee received an update on the use of the NCAA Division I Academic Performance Program Supplemental Support Fund monies over the previous academic year. The committee also received an update on anticipated future SSF funding.

20. **Two-Year College NCAA Working Group.** The committee received an update on the work of the Two-Year College/NCAA Working Group.

21. **April NCAA Division I Presidential Advisory Group and NCAA Division I Board of Directors Meetings.** The committee received an update from these meetings.

22. **June Report from the NCAA Division I Academic Cabinet.** The committee reviewed the report.

23. **April Report of the NCAA Division I Committee on Academic Performance.** The committee reviewed the report.

Committee Chair: Walter Harrison, University of Hartford, America East Conference
Staff Liaisons: Diane Dickman, Academic and Membership Affairs
Jenn Fraser, Academic and Membership Affairs
Kevin Lennon, Academic and Membership Affairs
Todd Petr, Research
Bill Regan, Academic and Membership Affairs
John Shukie, Academic and Membership Affairs

July 12-13, 2012	
Attendees	Absentees
Jan Blade, Delaware State University	Jennifer Brown, Western Carolina University
Jerry Bovee, Weber State University	
Michael Cross, Bradley University	
Jack Evans, University of North Carolina, Chapel Hill	
Kenneth Ferguson, University of Missouri, Kansas City	
Walter Harrison, University of Hartford	
David Jamison, Robert Morris University	
Melvin Johnson, Tennessee State University	
Barbara Luebke, University of Rhode Island	
Roderick McDavis, Ohio University	
Lisa Melz, Western Illinois University	
John Morris, University of Washington	
Vince Nicastro, Villanova University	
Brennan O'Donnell, Manhattan College	
Greg Sankey, Southeastern Conference	
Other NCAA Staff Members in Attendance: David Berst, Bob Chichester, Erik Christianson, Steve Clar, Diane Dickman, Bernard Franklin, Jenn Fraser, Michelle Hosick, Juliette Kenny, Kevin Lennon, Andy Louthain, Binh Nguyen, Tom Paskus, Todd Petr, Bill Regan, Wally Renfro, Tiese Roxbury, Jennifer Smith, Naima Stevenson, Wendy Walters, Katy Yurk.	

ATTACHMENT
SUPPLEMENT NO. 7A
DI Presidential Advisory Group 7/12

NCAA Division I Committee on Academic Performance
Academic Performance Program
Access to Postseason and Penalty Waiver Directive

Background.

The central purpose of the NCAA Division I Academic Performance Program (APP) is to ensure that the NCAA Division I membership is dedicated to providing student-athletes with an exemplary education and intercollegiate athletics experience in an environment that recognizes and supports the primacy of the academic mission of its member institutions while enhancing the ability of student-athletes to earn a degree. Additionally, the program provides an academic access point to NCAA benefits including postseason competition.

When a team's academic performance, measured by the multiyear NCAA Division I Academic Progress Rate (APR), falls below 930, that team becomes ineligible for postseason competition and is subject to penalties. The NCAA Division I Committee on Academic Performance has established a transition period in which the APP penalty benchmark will be 900 for penalties taken in 2012-13 and 2013-14 (i.e., directive is effective immediately for review of waivers submitted in 2011-12). In addition, filters are applied to teams' data to account for improvement and resources in the penalty calculation. NCAA Bylaws 18.4.2.3.1, 23.2.2.3 and 23.3 provide for waivers of APP penalties or access to postseason competition. The committee has approved this directive to provide guidance to the NCAA staff and the NCAA Division I Committee on Academic Performance Subcommittee on Appeals in reviewing APP penalty waiver requests.

Guiding Principles.

1. Requests to waive ineligibility for postseason and APP Level-One, -Two and -Three penalties will be considered independently. The requests are filed simultaneously, but the access to postseason competition and APP penalties have different standards for relief.

2. APP penalty and postseason ineligibility waiver requests involve a review of the entire athletics team's overall academic performance. The APR is a team rate and not based on the academic performance of a single student-athlete. Therefore, the review of waiver requests shall consider all student-athletes included in the team's multiyear APR. This approach considers the loss of all APR points, not just those of select students. This approach could be referred to as the "top-down approach" (e.g., start at an APR of 1000 and explain the loss of all points).

3. APR Improvement Plans are reviewed with the waiver request. Plans should be designed to assist teams in achieving APRs above the penalty benchmarks in a

reasonable time by identifying and addressing critical issues impacting a team's APR.

4. The identification of academically under-performing teams that are subject to an APP penalty includes consideration of resource level and squad size. Therefore, the staff/subcommittee/committee will generally not consider these elements in its review of APP penalty waiver or loss of access to postseason waiver requests.

Waivers of Ineligibility for Postseason Competition.

1. First Time Team is Ineligible for Postseason Competition. Institutions are permitted to submit a waiver request the first time a team is subject to postseason competition ineligibility. The committee has established a high threshold for relief in these cases and generally, relief will not be provided.

- Factors to be Considered. The staff/subcommittee will consider the following factors in reviewing such a request:

  (1) Extraordinary Mitigating Circumstances. The institution's cited mitigation must be clearly out of the control of the institution, the athletics department and the team's student-athletes. It must pertain to matters not previously addressed in the APP (e.g., small squad size, institutional mission). Finally, it must have impacted the team's academic performance over the multiple years that make up the four-year APR. An example of mitigation that would be considered extraordinary is a natural disaster that impacted a team's APR over multiple years. An example of mitigation that would not be considered extraordinary would be head coaching change, significant leadership change at the institution, or institutional reclassification.

  (2) APR Improvement Plan. An institution's commitment to improving the penalized team's academic performance as outlined in the APR Improvement Plan must be considered in reviewing a waiver requesting relief from postseason competition ineligibility. Previous plans will be reviewed for a history of implementation of initiatives to address critical issues. Current plans will be reviewed for identification of critical areas impacting academic success as well as other components demonstrating the institution's accountability toward meeting the stated goals of the APP (e.g., graduating student-athletes).

(3) Academic Factors. A waiver request must include a comprehensive review of the team's historical academic performance to determine if the team's placement in the APP penalty structure is the result of habitual underperformance or the result of some anomaly (see the list on Page No. 4). Overall, academic performance will be evaluated to determine if the team is demonstrating sustainable academic improvement.

(4) Alternative Penalty Options. Within the waiver request, an institution may ask that an alternative to postseason ineligibility be imposed on the team. The institution must include an explanation of how this proposal equates to a loss of postseason access.

2. Second and Subsequent Times Team is subject to Loss of Postseason Competition. Institutions are permitted to request a waiver of a team's loss of access to postseason competition.

- Factors to be Considered. The second or subsequent time a team loses access to postseason competition, the staff/subcommittee/committee will review the request using the same factors used in considering an APP penalty waiver (see Page Nos. 4 – 7 for more information). If a team has demonstrated meaningful improvement and some of the factors in item 3-b below are present, the level of mitigation required to receive relief may be less stringent than what is required the first time a team was ineligible for postseason competition.

3. Notes on Outcomes. A loss of access to postseason competition waiver request will be approved, conditionally approved or denied.

a. Waiver requests the first time a team is subject to postseason ineligibility should be denied if the institution cannot demonstrate extraordinary mitigating circumstances as described on Page No. 2. Other factors listed in item number one above will be examined, but absent extraordinary mitigation are not likely to result in an approval.

b. Waiver requests the second and subsequent times a team faces postseason ineligibility should be denied if the institution cannot demonstrate:

(1) Significant academic improvement that is sustainable;

(2) Mitigating circumstances as defined on Page No. 7;

(3) An APR Improvement Plan that demonstrates the institution's commitment to improving the team's academic performance by identifying critical issues that have impacted the team's APR and addressing those issues with clear steps and specific, measurable goals. Additionally, the institution is expected to demonstrate a history of implementation of critical issues from any previous APR Improvement Plan(s).

(4) An expectation that the team will achieve an APR of 930 or higher in a reasonable period of time.

APP Penalty Waivers.

Institutions are permitted to request a waiver of a team's APP penalties. The staff/subcommittee/committee will consider the following factors in reviewing such a request:

1. Academic Factors. Evaluating a team's academic performance is an important part of the APP penalty waiver process. The staff/subcommittee/committee's review of a team's academic performance may include consideration of the following elements:

   a. A comprehensive review of the team's historical APP performance, including any penalty history and academic performance to determine if the team's placement in the APP penalty structure is the result of habitual underperformance or the result of some anomaly. Overall, academic performance will be evaluated to determine if the team is demonstrating sustainable academic improvement.

   b. The team's Graduation Success Rate and Federal Graduation Rate, if available.

   c. Eligibility and Retention. The team's eligibility and retention will be compared against the following:

      (1) All other Division I teams in the same sport.

      (2) The institution's teams.

d. The team's academic profile including hours earned, grade-point average, eligibility and retention points.

e. The academic profile of the team when admitted to the member institution, including admissions status as compared to the general student-body and/or other student-athletes at the institution.

f. The number of graduates the team has generated over the four years that make up the multiyear rate.

g. The number of student-athletes who were not academically eligible and not retained included in the multiyear APR.

h. Other academic data elements that may be relevant to the case.

2. Other Factors. The staff/subcommittee/committee's review of a team's academic performance may also include consideration of the following elements:

a. Size of variance between the team's APR and the applicable APP penalty benchmark (930).

b. The team's single-year APRs that comprise the multiyear rate. Specifically, the number of single-year APRs above or below the penalty benchmarks (930).

c. The institution's history of implementation of critical issues of its previous APR Improvement Plan as well as the current plan's ability to identify and address critical issues that have impacted the team's APR with clear steps and specific, measurable goals.

d. Mitigating circumstances that have affected the team's APR (see below).

e. An institution may request that an alternative penalty be imposed in lieu of the assigned APP penalty or a penalty option from the menu offered at Level-Three. Should an institution offer an alternative penalty, the staff/committee/subcommittee would consider the various factors as well as the alternate penalty in the decision. The institution must demonstrate how the alternate penalty equates to the penalty it would replace.

f. Teams asserting that they have advanced in the penalty structure due to corrections to APP data identified in an APP data review must demonstrate that the current penalty is due to a lost opportunity for the institution to identify academic issues impacting the teams academic performance; to develop an appropriate APR Improvement Plan and to have an opportunity to rectify academic issues. If the institution can demonstrate this lost opportunity to identify and correct academic issues affecting the team's academic performance the staff and/or subcommittee/committee may consider this a mitigating circumstance warranting relief from a penalty, however all such requests will be reviewed on a case-by-case basis to allow for other factors to be reviewed as well.

3. Mitigating Circumstances. Circumstances will be considered as compelling mitigating factors if the institution can demonstrate that they had a direct correlation, supported by objective documentation, to the team's ability to earn eligibility/graduation and/or retention points. The institution may reference mitigation that was considered in a previous waiver request if the impact of the mitigation is evidenced in the current APR. A team whose APR is negatively affected by a unique one-time circumstance, but otherwise is not historically an underperforming team, should be treated differently than a team that has a history and pattern of academic underachievement.

Circumstances not considered compelling mitigation may include, but are not limited to, the following:

a. Unreasonable reliance by a student-athlete on misinformation from an institutional staff member (e.g., misadvisement);

b. Institutional lack of understanding regarding the APP;

c. Failure to develop and implement an APR Improvement Plan;

d. Conferences and/or institutions with more stringent academic standards than NCAA Division I progress-toward-degree requirements; or

e. Circumstances submitted in a request to receive an adjustment of an individual student-athlete's lost retention and/or eligibility or graduation point if the institution received relief for those circumstances by way of an APR adjustment.

Institutions are limited to submitting information concerning mitigating circumstances only for the academic years used to calculate that team's current multiyear APR.

However, the staff, subcommittee and committee reserve the right to consider any relevant information that would explain the team's historical performance.

4. Level-Three Penalty Options. An institution with a team subject to Level-Three penalties must self-impose penalties from a list of menu options. These penalties are in addition to the prescribed penalties. The institution may also elect to request an alternative penalty be imposed. The staff/committee will consider the institution's self-imposed penalty elements in the waiver decision. The staff/committee can also prescribe additional penalties for the team.

5. Notes on Outcomes. An APP penalty waiver request will be partially or fully approved or conditionally approved, or denied. Requests will likely be denied if the institution cannot demonstrate:

   a. Significant academic improvement that is sustainable; OR

   b. The team is performing well academically but for one or more years of APP data impacted by compelling, documented mitigating circumstances;

   c. An APR Improvement Plan that demonstrates the institution's commitment to improving the team's academic performance by identifying critical issues that have impacted the team's APR and addressing those issues with clear steps and measurable goals;

   d. An expectation that the team will achieve an APR of 930 or higher in a reasonable period of time; and

   e. Appropriate self-imposed penalties at Level-Three.

Use of Conditional Approvals.

Waivers of APP penalties and ineligibility for postseason competition may receive conditional approval. A waiver that is conditionally approved does not waive the team's penalty or ineligibility for postseason competition unless the team satisfies the stated condition(s). These conditions may include, but are not limited to:

1. Demonstrated implementation of the institution's written APR Improvement Plan, especially issues identified as critical to the team's academic improvement or any element specifically required by the staff/subcommittee/committee;

2. Attendance at mandatory educational sessions;

3. Meeting or maintaining single-year eligibility and retention goals and/or, meeting or maintaining a specified single-year APR without the inclusion of delayed-graduation points;

4. Requiring the institution to demonstrate it has satisfied its commitment of resources to enhance academic support initiatives that are part of the institution's APR Improvement Plan or cited in its APP penalty waiver/hearing rationale;

5. Requiring the institution to impose limits, restrictions or penalties that are part of its APR Improvement Plan or cited in its waiver/hearing rationale (e.g., withhold a head coach from contests);

6. Requiring an institution to use the NCAA Facilitating Learning and Achieving Graduation/Graduation Risk Overview program; and

7. Requiring an institution comply with identified minimal academic profiles for entering student-athletes that are part of its APR Improvement Plan or its waiver/hearing rationale. *(Revised: 10/2008;10/2010)*

An institution/team that fails to meet the stated condition(s) by the given timeframe shall have the waiver decision converted to a denial and the APP penalty or postseason ineligibility must be applied to the team within the prescribed period of time.

Review of Conditionally Approved Penalty Waivers.

At a point established by the committee, the staff verifies that all established conditions were satisfied (e.g., single-year APR, acceptable implementation of APR Improvement Plan). If the staff concludes that the team has not satisfied the established condition(s), the committee, subcommittee or staff may consider mitigating circumstances presented by the institution. Such reviews shall occur on a case-by-case basis, and shall include consideration of any mitigation for the team's failure to reach the target APR, as well as the totality of the team's circumstances with regard to the imposed conditions. In such cases, the staff will review factors including improvement in the single-year and multiyear APR, how close the team came to meeting the target and mitigating circumstances. This action does not change an institution's opportunity to explain why it failed to meet the condition(s) or to appeal a decision by the staff. Appeals of the staff's determinations will be heard by the body that reviewed or would have reviewed the original waiver.

Finally, if it is determined that a conditional waiver is not satisfied and the waiver is denied, the institution must impose the resulting penalties in the time period prescribed by the committee, but generally the academic year following denial of the appeal or, if there was no appeal, following determination that the conditions were not met (e.g., determined condition was not met in 2011-12 results in the imposition of the penalties in 2012-13).

If the team is subject to a penalty in the next academic year, the team is potentially subject to the penalty level that was conditionally waived and the next penalty level if it fails to meet the conditions of the waived penalty.

APR Improvement Plans.

APR Improvement Plans are meant to encourage institutions that have a team with an APR below 930 to implement strategies to improve the academic performance, eligibility, retention and graduation of the student-athletes on the team. Institutions seeking relief from an APP penalty are expected to demonstrate that the team's academic performance will improve and will achieve an APR of 930 in a reasonable period of time. Therefore, APR Improvement Plans submitted with a waiver will be reviewed as follows:

1. Institutions/teams will be accountable for identifying and addressing issues impacting the penalized team's ability to move its APR above the established penalty benchmark. The following shall be addressed:

    a. Using data analysis, identify any issues impacting the academic performance, eligibility, retention and graduation of the team's student-athletes and develop meaningful initiatives to address the issues.

    b. Develop specific and measurable goals to address the issues, steps to meet the goals, timetables for implementation and persons responsible for each step outlined in the plan.

    c. Identify specific target APR goals for the team(s) for the current and future academic years that will assist the team in meeting the 930 benchmark in a reasonable period of time.

    d. Demonstrate implementation of initiatives the institution developed in any previous APR Improvement Plan, that address the critical issues impacting the team's academic success.

2. If an institution fails to create and submit an appropriate APR Improvement Plan, there is a presumption that any penalty waiver request will be denied.

Excerpt from the report of the June 11-12, 2012, NCAA Division I Academic Cabinet meeting.

***KEY ITEMS*.**

1. **Review of NCAA Division I Progress-Toward-Degree Standards.** The NCAA Division I Academic Cabinet continued its review of progress-toward-degree standards and examined research regarding college academic outcomes of student-athletes. The cabinet determined not to recommend changes to grade-point average and credit hour requirements at this time. The cabinet also discussed the possibility of reducing or eliminating some legislative requirements for academically high-achieving student-athletes who are in their third collegiate year or beyond. The cabinet will continue this discussion in September.

2. **Review of Early Academic Certification and Obvious Waiver Standards.** The cabinet approved the new early academic qualification standards that were included in the initial-eligibility changes adopted by the NCAA Division I Board of Directors last October. The cabinet reviewed research regarding early academic certifications and the college outcomes of students who meet the current and recommended new standard. Amending the early academic certification standard in the manner recommended would maximize early certification decisions for those prospective student-athletes who are nearly certain to meet the eight-semester standard. The recommended new standard ensures appropriate academic rigor and achievement at the six-semester mark to ensure, with a high degree of certainty, early college success academically. Further, the cabinet recommended the effective date of the new early academic qualifications standards be amended to August 1, 2013, for students initially enrolling full time in a collegiate institution on or after August 1, 2013 to allow prospective student-athletes to take advantage of the legislation sooner, noting the new qualifications will potentially increase the number of early academic qualifiers while still maintaining a high level of academic rigor and achievement in high school. Additionally, the cabinet reviewed data regarding the obvious waiver standard and a data-based tool to assist in analyzing initial-eligibility waivers. The cabinet modified the obvious waiver standard effective immediately which expands the pool of prospective student-athletes for which a waiver would not need to be filed. The new criteria continue to ensure that these prospective student-athlete's academic profiles predict academic success in the first academic year.

***ACTION ITEMS*.**

1. **Legislative Items.**

   a. **Revision of student-host prohibition to include academic redshirt.**

(1) Recommendation. The Academic Cabinet recommends the NCAA Division I Legislative Council adopt noncontroversial legislation expanding the current prohibition against nonqualifiers serving as student hosts to include academic redshirts.

(2) Effective Date. August 1, 2016, for students initially enrolling full time in a collegiate institution on or after August 1, 2016.

(3) Rationale. As a result of the newly adopted initial-eligibility standards, the cabinet reviewed all legislation where classification of the student-athlete as a qualifier or nonqualifier is referenced. Student-athletes, who meet the new initial-eligibility standards for academic redshirts, while allowed to practice during their first academic year in residence at the institution, should be primarily focused on academics during this year to maximize academic outcomes. Therefore, additional activities that could potentially impact this academic focus, such as serving as a student host, should be eliminated where possible.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

b. Revision of the two-year transfer standard for athletically related financial aid and practice.

(1) Recommendation. The Academic Cabinet recommends the Legislative Council adopt noncontroversial legislation amending NCAA Division I Bylaw 14.5.4.2 from not a qualifier to nonqualifiers to specify that only nonqualifers are ineligible for practice and financial aid if two-year college transfer standards are not satisfied.

(2) Effective Date. August 1, 2016, for students initially enrolling full time in a collegiate institution on or after August 1, 2016.

(3) Rationale. As a result of the newly adopted initial-eligibility standards, the cabinet reviewed all legislation where classification of the student-athlete as a qualifier or nonqualifier is referenced. Two-year transfer standards for athletically related financial aid and practice, set forth in Bylaw 14.5.4.2.2 (eligibility for financial aid and practice), specifies that a transfer student from a two-year college who was "not a qualifier" (per Bylaw 14.3.1.1) is eligible for institutional financial aid and practice during the first academic year in residence only if the student meets certain academic provisions. Student-

athletes who are classified as academic redshirts are eligible to receive athletically related financial aid and practice during their initial academic year if initially enrolled at an NCAA Division I institution. To the same extent that athletically related financial aid and practice remain available for qualifiers who choose to initially enroll in a two-year institution and do not meet the two-year transfer academic requirements upon transfer, it should remain applicable to academic redshirts without the need to meet another academic standard.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

c. Effective date of early academic certification standard.

(1) Recommendation. The Academic Cabinet recommends the Legislative Council amend the effective date of the new early academic qualifications standards to August 1, 2013, for students initially enrolling full time in a collegiate institution on or after August 1, 2013.

(2) Effective Date. August 1, 2013, for students initially enrolling full time in a collegiate institution on or after August 1, 2013.

(3) Rationale. Moving the effective date of the early academic qualifications from August 1, 2016 to August 1, 2013 will allow prospective student-athletes to take advantage of the legislation sooner. The new qualifications will potentially increase the number of early academic qualifiers while still maintaining a high level of academic rigor and achievement in high school. Further, a 2013 effective date will allow for some additional notice to the membership and to prospects.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

2012-10 RECRUITING -- STUDENT HOST -- ACADEMIC REDSHIRT PROHIBITION

Intent: To specify that an academic redshirt may not serve as a student host during his or her first academic year in residence.

Bylaws: Amend 13.6.7.5, as follows:

13.6.7.5 Student Host. The student host must be either a current student-athlete or a student designated in a manner consistent with the institution's policy for providing campus visits or tours to prospective students in general. The institution may provide the following to a student host entertaining a prospective student-athlete:

[13.6.7.5-(a) through 13.6.7.5-(c) unchanged.]

> [13.6.7.5.1 unchanged.]
>
> 13.6.7.5.2 Nonqualifier **and Academic Redshirt** Prohibition. The student host must be enrolled in the member institution being visited by a prospective student-athlete. A nonqualifier (see Bylaw 14.02.11) **or an academic redshirt (see Bylaw 14.02.11.2)** may not serve as a student host during his or her first academic year in residence. [D]
>
> [13.6.7.5.3 unchanged.]

Source: Division I Academic Cabinet

Effective Date: August 1, 2016, for students initially enrolling full time in a collegiate institution on or after August 1, 2016.

Proposal Category: Amendment

Topical Area: Recruiting

Rationale: As a result of the newly adopted initial-eligibility standards, the Academic Cabinet reviewed all legislation in which classification of a student-athlete as a qualifier or nonqualifier is referenced. Academic redshirts, while allowed to practice during their first academic year in residence at an institution, should be primarily focused on academics during this year to maximize academic outcomes. Therefore, additional activities that could potentially deter from this academic focus, such as serving as a student host, should be prohibited. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing or proposed legislation.

Estimated Budget Impact: None

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History:
May 25, 2012: Submit; Submitted for consideration.
Jun 12, 2012: Academic Cabinet, Sponsored
Jun 12, 2012: Academic Cabinet, Recommends Approval as Noncontroversial Legislation

2012-12 ELIGIBILITY -- TWO-YEAR COLLEGE TRANSFERS – ELIGIBILITY FOR FINANCIAL AID, PRACTICE AND COMPETITION -- ACADEMIC REDSHIRT

Intent: To clarify that a two-year college transfer student-athlete who was an academic redshirt is eligible for institutional financial aid and practice in his or her first academic year in residence at the certifying institution.

Bylaws: Amend 14.5.4, as follows:

14.5.4 Two-Year College Transfers. A student who transfers to a member institution from a two-year college or from a branch school that conducts an intercollegiate athletics program must complete an academic year of residence unless the student meets the following eligibility requirements applicable to the division of which the certifying institution is a member.

14.5.4.1 Qualifier **or Academic Redshirt**. A transfer student from a two-year college who was a qualifier (per Bylaw 14.3.1.1) **or was an academic redshirt (see Bylaw 14.02.11.2)** is eligible for competition in the first academic year in residence only if the student:

(a) Has spent at least one full-time semester or one full-time quarter in residence at the two-year college (excluding summer sessions);

(b) Has presented a minimum grade-point average of 2.500 (see Bylaw 14.5.4.5.3.2); and

(c) Has satisfactorily completed an average of at least 12-semester or quarter hours of transferable-degree credit acceptable toward any baccalaureate degree program at the certifying institution for each full-time academic term of attendance at the two-year college.

[14.5.4.1.1 unchanged.]

14.5.4.2 ~~*Not a Qualifier*~~ **Nonqualifier**.

14.5.4.2.1 Eligibility for Financial Aid, Practice and Competition. A transfer student from a two-year college who was ~~*not a qualifier*~~ **a nonqualifier** (per Bylaw 14.3.~~1~~**2**.1) is eligible for institutional financial aid, practice and competition the first academic year in residence only if the student:

[14.5.4.2.1-(a) through 14.5.4.2.1-(d) unchanged.]

14.5.4.2.2 Eligibility for Financial Aid and Practice. A transfer student from a two-year college who was ~~*not a qualifier*~~ **a nonqualifier** (per Bylaw 14.3.~~1~~**2**.1) is eligible for institutional financial aid and practice the first academic year in residence only if the student:

[14.5.4.2.2-(a) through 14.5.4.2.2-(d) unchanged.]

[Remainder of 14.5.4 unchanged.]

Source: Division I Academic Cabinet

Effective Date: August 1, 2016, for students initially enrolling full time in a collegiate institution on or after August 1, 2016.

Proposal Category: Amendment

Topical Area: Eligibility

Rationale: As a result of the newly adopted initial-eligibility standards, the Academic Cabinet reviewed all legislation in which classification of the student-athlete as a qualifier or nonqualifier is referenced. Current two-year transfer legislation governing athletically related financial aid and practice specifies that a transfer student from a two-year college who was not a qualifier is eligible for institutional financial aid and practice during his or her first academic year in residence only if the student meets certain academic criteria. The new legislation will permit an academic redshirt to receive athletically related financial aid and to practice during his or her initial academic year if that initial year occurs at a Division I institution. Therefore, an academic redshirt should also be eligible for athletically related financial aid and practice on transfer from a two-year college. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing or proposed legislation.

Estimated Budget Impact: None

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History:

May 25, 2012: Submit; Submitted for consideration.
Jun 12, 2012: Academic Cabinet, Sponsored
Jun 12, 2012: Academic Cabinet, Recommends Approval as Noncontroversial Legislation

2012-11 ELIGIBILITY -- FRESHMAN ACADEMIC REQUIREMENTS -- ELIGIBILITY FOR FINANCIAL AID, PRACTICE AND COMPETITION -- QUALIFIER -- EARLY ACADEMIC CERTIFICATION -- EFFECTIVE DATE

Intent: To amend the effective date of the early academic certification exception requirements set forth in Proposal No. 2011-94 to August 1, 2013; for student-athletes initially enrolling full time in a collegiate institution on or after August 1, 2013.

Bylaws: Amend 14.3.1.1.2, as follows:

14.3.1.1.2 Exception -- Early Academic Certification. A student-athlete shall be certified as a qualifier, provided he or she has achieved the following academic criteria:

(a) A minimum combined score on the SAT critical reading and math sections of 900 or a minimum sum score on the ACT of 75, per the requirements of Bylaw 14.3.1.3; and

(b) A core-course grade-point average of 3.000 or higher (based on a maximum of 4.000) in a minimum of 14 core courses on completion of six semesters (or the equivalent). The 14 core courses shall include three core courses in English, two in mathematics, two in natural or physical science (including at least one laboratory course, if offered), two additional core courses in English, mathematics, or natural or physical science and five additional core courses in any NCAA core area. The record of the courses and course grades must be certified by the NCAA Eligibility Center using either an official high school transcript forwarded directly from the high school or a high school transcript forwarded by an institution's admissions office.

[Remainder of 14.3.1.1.2 unchanged.]

Source: Division I Academic Cabinet

Effective Date: August 1, 2013, for students initially enrolling full time in a collegiate institution on or after August 1, 2013.

Proposal Category: Amendment

Topical Area: Eligibility

Rationale: The Academic Cabinet reviewed research regarding early academic certifications and the college outcomes of students who meet the current and the newly-adopted criteria. Amending the effective date will provide earlier access to the early certification legislation to prospective student-athletes who are nearly certain to meet the eight-semester standard. It is not necessary to delay the implementation of this legislation until 2016 since the new criteria will likely apply to a greater number of prospective student-athletes. There is no need to educate prospective student-athletes regarding the parameters of the early academic certification exception since they will continue to have the opportunity to meet the standard initial-eligibility requirements. This proposal is being recommended as noncontroversial legislation, inasmuch as

broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing or proposed legislation.

Estimated Budget Impact: None

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History:

May 25, 2012: Submit; Submitted for consideration.
Jun 12, 2012: Academic Cabinet, Sponsored
Jun 12, 2012: Academic Cabinet, Recommends Approval as Noncontroversial Legislation

NCAA Government Relations Report

(July 2012)

1. Congressional Overview.

As Congress enters the summer months, a number of legislative battles loom. The Republican leadership in the House of Representatives has announced plans to hold votes on pieces of legislation that would repeal portions of the Patient Protection and Affordable Care Act, make the Bush-era tax cuts permanent and diminish energy regulations. Many of these policy issues, along with the automatic spending cuts to federal agencies scheduled to occur in January, are not expected to be resolved before Congress adjourns for its August recess. It is likely that some of these issues will not be addressed until after the November elections.

While the Democratic and Republican parties will officially select their candidates for President and Vice President during their national conventions held in Charlotte, North Carolina on September 3-6, and Tampa, Florida on August 27-30, respectively, President Barack Obama and former Massachusetts Governor Mitt Romney are already deeply engaged in their campaign efforts. Due to redistricting and a variety of other factors, the races for control in the U.S. House and U.S. Senate have already seen several heated primaries. Fundraising efforts are moving at a fast pace with the possibility that over $1 billion will be spent by both parties before the November elections.

Congress has continued to demonstrate an interest in a variety of matters related to the health, safety and overall welfare of student-athletes. NCAA government relations staff has continued to be responsive to inquiries from members of Congress and their staffs regarding the best way to prevent and manage concussions, protect against intentional acts to injure opponents, and ensure that student-athletes succeed academically and are treated in a fair and equitable manner throughout their collegiate experience.

2. Federal Issues.

a. Bounty Programs in Sports.

Congress has continued to display an interest in protecting the health and safety of athletes at all levels of play. Following the release of information regarding an alleged bounty scandal in the NFL, Senate Assistant Majority Leader Richard Durbin (D-IL) called for hearings. His comments on the Senate floor stated that the hearing would include all four major professional leagues and the NCAA, and would examine

the prevalence of bounties in sports and determine whether federal law is needed to address these improper activities.

Although there is no indication that bounty programs are a problem within college athletics, the NCAA is committed to protecting the health and safety of student-athletes and has taken steps to remain proactive and vigilant in this area. The NCAA has been working to ensure that the proper rules, safeguards and education efforts are in place to prevent these types of occurrences and to properly identify and punish anyone who decides to engage in a bounty system. It is clear that any type of bounty system is against the rules and sportsmanship principles that govern collegiate and professional athletic competition.

On June 11, 2012, NCAA President Mark Emmert met with Senator Durbin to outline a plan that is designed to ensure that a culture of bounties does not develop within college athletics. Over the coming months the NCAA will take a number of steps to educate athletic department personnel and student-athletes about bounties; NCAA bylaws, which prohibit such conduct and ways to anonymously report allegations of bounty systems. Following the meeting with President Emmert and a subsequent meeting with NFL Commissioner Goodell, Senator Durbin announced that he would withdraw the hearing.

The NCAA government relations office will continue to educate members of Congress and their staffs about our continuing commitment to ensuring the health and safety of all NCAA student-athletes.

b. Academic Performance of Teams at NCAA Membership Institutions.

Recent announcements that some teams at NCAA membership institutions will not be able to participate in post-season play next season for failure to meet minimum academic standards has led to some concern from several members of Congress. Specifically, on April 18, 2012, several members of the Connecticut delegation sent a letter to NCAA President Mark Emmert expressing their dismay with the use of data from already completed academic years in the calculation of a teams' Academic Progress Rate (APR). The letter also highlighted a concern with how current student-athletes are being penalized for something in which they did not play a role.

On April 25, 2012, President Emmert participated in a call with the Connecticut Congressional delegation to explain the current academic reform effort and answer their questions. Additionally, NCAA government relations staff along with Donald Remy and Wally Renfro, met with Congressman Larson (D-CT), chairman of the House Democratic Caucus to discuss a variety of student-athlete welfare issues.

NCAA staff has worked to educate members of Congress and their staffs about the academic reform efforts undertaken to improve the academic success of all student-athletes. In addition, staff has also provided an overview of the associated penalty structure and the process for schools to seek a waiver or an appeal of the postseason restrictions.

c. Stadium Flyover Restrictions.

Immediately following the terrorist attacks of September 11, 2001, the FAA implemented flight restrictions over stadiums. Following those temporary restrictions, Congress codified the flyover ban into law by balancing the need for security of large stadiums while minimizing any disruption to general aviation. Although these restrictions have had large-scale support in Congress, there have been several recent attempts to undermine the overflight ban. In an attempt to ensure that the current flight restrictions remain intact, the NCAA, NASCAR, MLB, NFL and The Walt Disney Company have authored a joint letter to members of Congress urging their support.

In the coming months a number of outreach efforts will be taken by the sports community to educate members of Congress about our security needs and the need to protect the airspace above our stadiums. We are hopeful that the current restrictions will remain in place for the foreseeable future.

d. Electronic Monitoring.

On April 27, 2012, Representative Eliot Engel (D-NY) introduced H.R. 5050, the Social Networking Online Protection Act. The Act would prohibit employers, institutions of higher education and local educational agencies from requiring or requesting that an employee, student or potential student provide a user name, password or other means for accessing a personal account on any social networking

website. The measure has been referred to the House Committee on Education and the Workforce. To date, no additional action has been taken on H.R. 5050.

The NCAA government relations staff will continue to monitor this bill and any related developments in this area.

3. <u>State Issues</u>.

a. Sports Wagering – New Jersey and California.

As states continue to look for new streams of revenue to address state budget deficits, the enactment of licensed sports betting operations continues to be an idea explored by several state legislatures. In January 2012, the New Jersey legislature passed a measure allowing wagering on professional and collegiate athletic events at the state's casinos and racetracks. Specifically excluded were those athletic events in which a New Jersey school participates or where the collegiate athletic event occurs in New Jersey. The measure was signed into law by Governor Chris Christie on January 17, 2012.

Although the Professional and Amateur Sports Protection Act (PASPA) prohibits any form of sports betting in all states except the grandfathered states of Nevada, Delaware, Oregon and Montana, Governor Christie has pledged to move forward with regulations that would allow betters to place wagers on collegiate and professional sports events at racetracks and Atlantic City casinos by Fall 2012. With these efforts being in obvious violation of PASPA, the NCAA and the four professional leagues have sent a letter to Attorney General Holder seeking the Department of Justice to require New Jersey to remain in compliance with current federal law.

On February 24, 2012, California State Senator Roderick Wright introduced SB 1390. The measure would amend the state constitution and allow a licensed owner or operator of a gambling establishment, horse racing track or satellite wagering facility, to conduct wagering on professional and collegiate athletic events. After consideration by the California Senate Committees on Governmental Organizations and Appropriations, SB 1390 was passed by the Senate by a vote of 33-2. Similar to

the efforts in New Jersey, passage of SB 1390 would not have any effect unless PASPA is amended or overturned.

The NCAA and the professional sports leagues are closely following developments in New Jersey and California. We are collectively prepared to defend PASPA and to prevent any further expansion of sports betting opportunities.

b. Electronic Monitoring.

During the 2012 state legislative cycle, several state legislatures have considered bills that would prohibit public or non-public academic institutions from requiring a student or an applicant for admission to disclose any username, password or other means for accessing that individual's social networking profile or account. Measures have been introduced in California (S.B. 1349), Delaware (H.B. 309), Maryland (S.B. 434, H.B 746), Michigan (H.B 5523), and New Jersey (A.B. 2879). To date, the Delaware legislature passed its bill on July 1, 2012, and it is awaiting signature by the Governor. The Maryland legislature approved a similar measure that was subsequently signed into law, which made it illegal for an employer to request or require an employee or an applicant to disclose a username, password or other means for accessing a personal account or service.

We will continue to monitor bills and related developments in states where the legislature has yet to adjourn.

c. Student-Athlete Bill of Rights.

On February 24, 2012, California State Senator Alex Padilla (D-Pacoima) introduced SB 1525, the Student-Athlete Bill of Rights. The measure mandates certain guidelines in regards to scholarships and medical coverage for California institutions, which on average generate over $10 million in media revenue annually. The bill would require institutions, which meet this threshold to provide an equivalent scholarship if a student-athlete loses their scholarship after being medically disqualified due to an injury suffered while participating in collegiate athletics. In addition, a qualifying institution would be required to provide an equivalent scholarship if a student-athlete loses their athletic scholarship for a non-disciplinary reason unless the athletics program has a graduation rate above 60 percent. These

institutions would also be required to pay the medical premiums for low-income student-athletes and the healthcare deductibles for services resulting from injuries suffered while participating in college athletics for up to five years after the date of injury. To cover the costs associated with these requirements, the academic institutions must rely exclusively on revenue derived from media rights for intercollegiate athletics. Currently, the impacted California institutions are working with their state legislatures to make amendments to the legislation.

SB 1525 was passed by the California Senate by a vote of 22-14 on May 31, 2012. The bill has been received in the Assembly and has been assigned to the Committee on Higher Education and the Committee on Arts, Entertainment, Sports, Tourism, and Internet Media for consideration. The NCAA government relations office will continue to monitor this measure and provide information as requested to the institutions, which this measure would apply.

d. Uniform Athlete Agents Act (UAAA).

The Uniform Athlete Agents Act (UAAA) is a state model act designed to protect student-athletes and membership institutions from the unscrupulous conduct of some athlete agents. The act establishes uniform athlete agent registration procedures and places limitations on the type of conduct in which an athlete agent may engage when dealing with a student-athlete. In addition, the Act imposes criminal, civil and/or administrative penalties against unscrupulous agents. To date, 40 states, Washington D.C., and the U.S. Virgin Islands have adopted the Act.

During the last several months there has been a continued effort by various state legislatures to consider ways to improve the Act. In addition to legislative proposals aimed at increasing the efficiency and effectiveness of the specific state laws, the National Conference of Commissioners on Uniform State Laws (NCCUSL) announced that it would be convening a study committee. The study committee will be charged with examining the Act and determining if any formal changes to the model act are necessary. It is expected that stakeholders will be included in the process and will have an opportunity to provide input during this inclusive and transparent process.

e. Lystedt Law.

The NCAA and the NFL have continued their efforts to seek adoption of the Lystedt law throughout the country. The Lystedt law, which was initially passed in the state of Washington in 2009, establishes a concussion management policy for youth athletes. Under the law, athletes, parents and coaches will be educated about the dangers associated with concussions. Also, any student-athlete who is suspected of having a concussion must be removed from play and the athlete will not be allowed to return to play until cleared by a licensed physician.

To date, the law has been passed in 35 states and the District of Columbia. On April 23, 2012, a related measure was passed by the Hawaii legislature and has been sent to the Governor for approval. The NCAA will continue to work with the NFL to seek passage of related measures in all states that have yet to adopt the law.

f. Higher Education Associations.

NCAA government relations staff continues to build strong relationships with various higher education associations. The American Council on Education (ACE), the Association of American Universities (AAU), the Association of Public and Land-grant Universities (APLU), and the National Association of College and University Business Officers (NACUBO), among others, continue to provide guidance and support on issues of common interest. The NCAA government relations staff looks forward to continuing these mutually beneficial relationships to better formulate and further the NCAA's legislative goals.

REPORT OF THE NCAA DIVISION I PRESIDENTIAL ADVISORY GROUP
JULY 30, 2012, TELECONFERENCE

ACTION ITEMS.

- None.

INFORMATIONAL ITEMS.

1. **Report of April 25, 2012, Meeting.** The Presidential Advisory Group (PAG) approved the report of its April 25, 2012, meeting.

2. **President's Report.** President Emmert reviewed with the group the discussions involving the NCAA Executive Committee and the NCAA Division I Board of Directors when determining the punitive and corrective actions that would be levied in the Pennsylvania State University case. President Emmert noted that the decision-making process in this case was extraordinary and unprecedented in nature and reassured the group that a new "normal" has not been created as the Association will continue to use the normal enforcement process in consideration of infractions cases. It was further noted that the issue of institutional integrity is a concept that the Board of Directors and the Transforming Intercollegiate Athletics Collegiate Model – Rules and Enforcement Working Groups have been discussing. A working group will be appointed in the near future to address jurisdiction and control of the "athletic" culture of institutions.

3. **Update on Presidential Retreat Initiatives.**

   a. Transforming Intercollegiate Athletics Collegiate Model – Enforcement Working Group. The group was informed that the Enforcement Working Group will present its final report to the Board of Directors during its August 2 meeting, but action by the Board would not occur until October in order to allow for additional membership comment and feedback. The final report includes recommendations in five areas: 1) Violation structure; 2) Process structure; 3) Penalty structure; 4) Shared responsibility, and 5) Implementation of new enforcement program.

   b. Transforming Intercollegiate Athletics Collegiate Model – Rules Working Group. The group received an update on the status of the work of the Rules Working Group, noting that action by the Board is expected in January 2013. The working group continues to seek membership feedback as it moves closer to finalizing the initial set of legislative recommendations.

   c. Transforming Intercollegiate Athletics Student-Athlete Well-Being Working Group. The group was informed that work continues on gathering reactions to several options

for increasing the value of a full grant-in-aid through the possible provision of a miscellaneous expense allowance.

4. Updates from the Division I Governance Structure.

a. NCAA Division I Leadership Council. The group was informed of the key issues on the Leadership Council agenda for the upcoming year as the Council works to assist the Board in the evaluation and resolution of a variety of issues: 1) Transfer rules; 2) Governance, and 3) Miscellaneous expense allowance.

b. NCAA Division I Administration Cabinet. It was noted that the Board will take action on two Administration Cabinet recommendations:

(1) That the Board elect six institutions to active Division I membership, and

(2) That the Board use its authority per NCAA Bylaw 21.7.2 to waive the subdivisional requirements for the NCAA Division I Men's and Women's Swimming and Diving Committee and appoint an additional Football Bowl Subdivision (FBS) member.

5. Football Bowl Subdivision Playing and Practice Season Exception. The group was informed that the Board will act on a recommended legislative change to FBS playing and practice season rules to accommodate the new plan for a Football Bowl Subdivision postseason event.

6. NCAA Division I Football Championship. The group was updated on the plan for the 24-team Division I Football Championship, noting that the funding has been included in the upcoming triennial budget. It was noted that the working group of Football Championship Subdivison (FCS) presidents plans to meet in the near future to discuss the possibility of starting the FCS football season earlier so that the championship game could be moved back to December. The working group also plans to discuss a potential change in the labeling of the subdivision.

7. NCAA Division I Committee on Academic Performance. The group received a report of the recent Committee on Academic Performance (CAP) meeting and was informed that CAP will recommend that the Board approve several recommended changes to the Academic Performance Program's Policies and Procedures. The Board also will review

recommendations for noncontroversial legislation to address language changes due to the new classification for qualifiers and nonqualifiers.

8. Future Meeting Dates and Times.

(a) Monday, October 29, 2012, Indianapolis, Indiana.

(b) Monday, January 14, 2013, 3 p.m. (Eastern time), conference call.

(c) Wednesday, May 1, 2013, Indianapolis, Indiana.

(d) Monday, August 5, 2013, 3 p.m. (Eastern time), conference call.

(e) Tuesday, October 29, 2013, Indianapolis, Indiana.

(f) Monday, January 13, 2014, 3 p.m. (Eastern time), conference call.

Committee chair: William Meehan, Jacksonville State University
Staff Liaisons: S. David Berst, Division I governance
Jacqueline Campbell, Division I governance

Division I Presidential Advisory Group July 30, 2012, Teleconference	
ATTENDEES	**ABSENTEES**
John Bravman, Bucknell University, Patriot League	David Chicoine, South Dakota State University, Summit League
Rita Cheng, University of Illinois at Carbondale, Missouri Valley Conference	Daniel Curran, University of Dayton, Atlantic 10 Conference
Charles Cobb, Appalachian State University, Southern University (alternate)	David Hopkins, Wright State University, Horizon League
Greg Dell'Omo, Robert Morris University, Northeast Conference	Kenneth Peacock, Appalachian State University, Southern Conference
Ronald Gallagher, St. Mary's College of California, West Coast Conference	David Skorton, Cornell University, Ivy League
Patrick Harker, University of Delaware, Colonial Athletic Association	Randall Webb, Northwestern State University, Southland Conference

Walter Harrison, University of Hartford, America East Conference	George C. Wright, Prairie View A&M University, Southwestern Athletic Conference
John Hurley, Canisius College, Metro Atlantic Athletic Conference	
Penelope Kyle, Radford University, Big South Conference	
William Meehan, Jacksonville State University, Ohio Valley Conference	
Kay Norton, University of Northern Colorado, Big Sky Conference	
Kerry Romesburg, Jacksonville University, Atlantic Sun Conference	
Timothy White, University of California, Riverside, Big West Conference	
NCAA staff liaisons participating on the call: David Berst, Jacqueline Campbell	
Other NCAA staff members who participated on the teleconference: Mark Emmert, Jennifer Fraser, Jim Isch, Kevin Lennon, Bill Regan, Wallace Renfro and Julie Roe Lach.	