



**REPORT OF THE  
NCAA DIVISION I BOARD OF DIRECTORS  
INFRACTIONS PROCESS COMMITTEE  
FEBRUARY 18, 2022, VIDEOCONFERENCE**

1. **Referral from the NCAA Division I Transformation Committee.** The NCAA Division I Board of Directors Infractions Process Committee spent the entirety of this meeting preparing to execute the charge from the Division I Transformation Committee to build upon its work performed to date and recommend meaningful ways to enhance an infractions model to provide time-efficient outcomes, support a modernized set of principles/rules, and hold accountable the institutions and individuals who are directly involved in the relevant malfeasance.

Since March 2021, when it was first fully appointed, the Infractions Process Committee has engaged directly with and sought feedback from numerous constituents and stakeholders who have familiarity, expertise, and direct experience with the Division I infractions process. Through this series of engagements, the committee united its efforts around initial findings that have been shown to contribute to the priority areas the NCAA Division I Council identified for review and suggested principles to guide the development of solutions to improve the process. These core areas and their accompanying principles are listed below. The Transformation Committee agreed when making its referral that these principles will provide strategic focus to any recommendations the Infractions Process Committee generates.

- a. **Focus the Infractions Process on Enforcing the Right Rules.**

**Guiding Principle:** Bylaw modernization must continue to progress in its review of the NCAA Manual's operating bylaws to ensure the infractions process is able to focus its resources on enforcing rules that remain integral to maintaining the division's principle of fair competition. Bylaw modernization must (1) eliminate rules that no longer serve the needs of today's intercollegiate model; (2) where possible, simplify and clarify those core rules to better promote their enforceability and ensure their application within today's environment is clear; and (3) ensure that rules are legally defensible, promote fair inter-conference competition and support a competitive framework that culminates in national championships. *[Note: The bylaw modernization effort already underway must be expanded to include a determination of the areas that should be regulated and a review of legislation post-Alston. The Transformation Committee has made an additional referral to the NCAA Division I Legislative Committee Modernization of the Rules Subcommittee that outlines these expectations.]*

- b. **Hold Individuals Accountable for Their Behavior and Maximize Access to Relevant Information.**

**Guiding Principle:** The membership's understanding and restoration of its commitment to the responsibility to cooperate is fundamental to resolving infractions cases in a fair, credible and timely manner. While there are current tools used to try and incentivize institutions and involved parties to cooperate with the

NCAA staff, additional approaches, including an enhanced and more deliberate use of current tools, must be pursued. For example, explore additional means to access information, engage critical third parties and assess the role the NCAA enforcement staff play in cultivating cooperation.

**c. Create a Structure for a Fair Appellate Process that Works.**

**Guiding Principle:** The role of the appellate process should be examined and modified to better ensure the fair, credible and timely resolution of appeals. This includes review of the appeal methodology, defining the scope and standards of appellate review and further time bounding processes.

**d. Design a Meaningful and Consistent Penalty Structure.**

**Guiding Principle:** The breadth of penalties used within the infractions process and the mechanism by which penalties are prescribed at the end of an infractions case (e.g., aggravating and mitigating factors, penalty matrix) should be further examined to ensure the process is clear and limits subjectivity while allowing the NCAA Division I Committee on Infractions to exercise the authority to arrive in a timely manner at consistent penalties that reflect the nature of the violations found.

**e. Set and Adhere to a Timeline that Balances Expediency and Thoroughness.**

**Guiding Principle:** Infractions cases must be conducted efficiently at all phases for their outcomes to effectively hold the appropriate parties accountable and set boundaries around acceptable conduct for the membership. Changes to the decision-making processes used to advance a case through any resolution track and resolve procedural issues that arise must be assessed to ensure timeliness issues are minimized. Lack of timely resolution is no longer an option, regardless of fault or extraneous factors. The revised NCAA constitution sets the expectation for a system that provides timely resolution of infractions matters to be created. It requires to the greatest extent possible that penalties not punish programs or student-athletes that were not involved or implicated in the infraction(s). The constitution further specifies that decisions should be consistent and timely.

**f. Commit to Openness in Communication about Cases (as Appropriate) and Process.**

**Guiding Principle:** The infractions process should further explore a relevant, comprehensive and modern communications strategy to provide greater consistency, transparency and clarity to those involved, interested in and/or affected by this process. Mechanisms to more easily and thoroughly communicate about the infractions process, including identifying the status of specific cases

within the infractions process, may help alleviate misconceptions about the many factors that impact the resolution of infractions cases. Lastly, implementing solutions based on the aforementioned principles will help minimize future communications challenges if the process itself is clearer and may encourage timely resolution of each matter.

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Given these identified core areas and guiding principles, and building from the committee's work to date, the group began reviewing a number of overarching models for investigating and resolving infractions. This list was not inclusive, but all of the models were based on concerns about prioritizing the most significant behaviors, timely resolution of cases, reducing administrative burdens for involved institutions and fashioning appropriate penalties, as noted in the principles above. Additional interests include holding wrongdoers accountable, increasing access to probative information, and communicating regulatory matters more openly, where possible.

The models spanned the entire spectrum of what might be considered as transformational, and the Infractions Process Committee quickly identified some on the far ends of the spectrum as either unworkable or undesirable. Several, though, piqued committee members' interests, and the group asked staff to winnow the list based on feedback and provide more detail on the models that garnered discussion. The committee also asked staff to seek input from others involved in the infractions process (i.e., staff liaisons to the Committee on Infractions and the NCAA Division I Infractions Appeals Committee, and the hearings operations staff), and to provide a historical summary of past efforts to reform the infractions process (i.e., decentralization and/or outsourcing) and indicate what worked and what did not in those initiatives. The Infractions Process Committee will review these materials at its next meeting and begin in earnest to vet the models that have the most potential to (a) be reasonably implemented, (b) be supported by the membership, and (c) effectively address the stated concerns.

2. **Review of Previous Report.** The Infractions Process Committee approved the report from its December 13 videoconference as presented.
3. **Future Videoconferences.** Given the timeliness of the referral from the Transformation Committee, the Infractions Process Committee agreed to meet regularly during the next 60 days to properly execute the charge. Dates and times for these meetings will be determined posthaste.

*Infractions Process Committee chair: Jim Harris, University of San Diego*  
*Staff Liaisons: Emily Capehart, Academic and Membership Affairs*  
*Jenn Fraser, Law, Policy and Governance*  
*Alexandra Ingram, Law Policy and Governance*  
*Kevin Lennon, Law, Policy and Governance*  
*Marnae Mawdsley, Office of the Committees on Infractions*

<b>Division I Board of Directors Infractions Process Committee February 18, 2022, Videoconference</b>
<b>Attendees:</b>
Greg Christopher, Xavier University.
Adela de la Torre, San Diego State University.
Ronnie Green, University of Nebraska, Lincoln.
Jim Harris, University of San Diego.
Geoff Mearns, Ball State University.
Harlan Sands, Cleveland State University.
Greg Sankey, Southeastern Conference.
William Smith, Bryant University.
<b>Absentees:</b>
Natalie Robinson, University of Washington.
<b>Guests in Attendance:</b>
None.
<b>NCAA Staff Liaisons in Attendance:</b>
Emily Capehart, Derrick Crawford, Jenn Fraser, and Kevin Lennon.
<b>Other NCAA Staff Members in Attendance:</b>
Brynna Barnhart, Gary Brown, Jon Duncan, Saquandra Heath, Alexandra Ingram, Marnae Mawdsley, Scott McDonald, Matt Mikrut, Bridget Rigney, Alex Smith, Jared Tidemann, Wendy Walters and Laura Wurtz.