
ENFORCEMENT SELF-STUDY: OPERATIONS AND COMPLIANCE

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EXECUTIVE SUMMARY

Enforcement Self-Study: Operations and Compliance

Introduction

In 2012, the Working Group on Collegiate Model – Enforcement (working group) recommended sweeping changes to the NCAA infractions process. The Division I Board of Directors adopted the recommendations, which became effective August 1, 2013. One recommendation requires the enforcement staff to conduct a self-study every three years to review the department's "overall operations and compliance with procedural requirements." This report outlines findings of the enforcement department's first three-year self-study. It also provides information about the department's performance during the three-year review period and outlines priorities moving forward.

As a threshold matter, it is important to note that the enforcement department is one component of a much larger infractions process. It is also important to note NCAA Bylaw 19.01, which provides that "[t]he 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."

Review of Operations

Since 2013, the enforcement department has made substantial changes to the way it conducts business. The department's internal reforms are listed in the full report and are organized into the following categories: structural changes, philosophical refocus, operational enhancements, communications and transparency, service standards, hiring and training. Each reform was based on input from member institutions and each was designed to improve performance, increase communications, enhance member services and otherwise satisfy the mission legislated in Bylaw 19.01. Together, the reforms represent material changes, and they have been well-received by member institutions. In addition to the reforms outlined in this report, the enforcement department now has the benefit of reporting to a newly created executive vice president position dedicated to regulatory affairs.

Performance Against Service Standards

The enforcement department created and opted into detailed standards to measure the service we provide. We measure dozens of functions, but this self-study focuses on standards tied to timeliness and customer satisfaction.

Measures designed to reduce the duration of infractions cases are listed in the self-study. These steps have reduced the length of each phase in the investigative process, even as case volume and complexity increase. Recent efforts have reduced the average duration of Level I or II cases by nine percent while managing a 26 percent greater load. We have also worked to make informed projections about cases earlier, meaning that unsubstantiated or less significant matters can be closed or processed faster. Many of these instances are known only to the involved parties and the enforcement staff; they are rarely reported publicly.

The enforcement department is a professional service provider working on behalf of NCAA member colleges and universities. Because customer satisfaction is key, we build service standards around priorities of member institutions and dedicate resources to items of greatest import to them. Having aligned our goals with the members', we strive to meet and exceed the expectations of schools who task us with mission-critical responsibilities. When schools are involved with our department, we actively solicit feedback through formal survey instruments and informal discussions. We encourage candid input from participants in the infractions process because it helps inform strategic decisions moving forward. The full report summarizes member feedback provided to date.

Compliance with Procedural Requirements

Each NCAA body involved in the infractions process must operate in compliance with applicable authorities. The enforcement department is pleased to report the efforts it makes before, during and after infractions matters to assure strict compliance with the NCAA Constitution, Article 19 of the NCAA Division I Manual, formal operating procedures and internal unit guidelines. These are designed not only to assure fair and timely disposition of cases, but also to assure continuity and consistency in the staff's charging decisions. Having implemented numerous quality control checks and safeguards, department leaders are confident that enforcement staff members conduct business consistent with all applicable procedural requirements. This is an area of critical importance, and department leaders will continue insisting on complete compliance in all matters.

Enforcement Output by the Numbers

Since implementing the sweeping legislative reforms in August 2013, the enforcement department has alleged (or will allege by August 2016) approximately 182 Level I or Level II violations across 47 cases in Division I. Nearly two-thirds of those were resolved through the summary disposition process, meaning no in-person hearing was necessary for those matters. Of the cases already decided, the NCAA Division I Committee on Infractions concluded that approximately 94 percent of the alleged violations occurred and agreed with the cited level in 89 percent of violations found. During the same time period, we processed over 10,000 Level III violations. The four sports most often involved in violations are football, men's basketball, women's basketball and baseball.

Priorities Moving Forward

Consistent with member feedback, the enforcement department is pleased to share its general areas of emphasis moving forward. The department's desire is to align its priorities with member schools' priorities and focus on behaviors that are most likely to compromise intercollegiate athletics. These include academic misconduct and unfair recruiting practices. Furthermore, the enforcement department pledges to conduct business consistent with its twin goals of timeliness and transparency. Put simply, cases should move more quickly and members should have a better understanding of how department decisions are made.

Our focus in upcoming years will be to translate recent process and performance enhancements into tangible, meaningful results favorably impacting intercollegiate athletics and all who participate. We are dedicated to our legislated mission, which aims to assure that schools committed to compliance are not disadvantaged by that commitment.

Working Group Update and Additional Reforms

The self-study concludes with a discussion arguably outside the scope of the working group's recommended report. However, department leaders believe it is important to include brief observations regarding how the legislative reforms work in practice since August 2013. In short, the new violation structure, the new resolution procedures, the new penalty structure and the revised head coach responsibility bylaw have performed as intended. Each reform was strategically designed to achieve stated outcomes, and each has made a substantial impact on the compliance environment. The reforms provide greater flexibility to distinguish between institutions and wrongdoers when making allegations and when fashioning penalties. The reforms also allow modes of hearing options not previously available, together with predictable, substantial and flexible penalties. While additional changes may be appropriate, the package adopted in 2012 and implemented in 2013 works very well in practice.

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Introduction

In August 2011, more than 50 presidents and chancellors gathered to examine in broad terms how to sustain the collegiate model and restore public trust in college sports and the NCAA. That meeting yielded at least four member-led task forces, including the Working Group on Collegiate Model – Enforcement (working group). The 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 recommended a series of reforms, which were adopted unanimously by the NCAA Division I Board of Directors October 30, 2012. There were zero override votes, and the majority of reforms became effective August 1, 2013.

Beyond the effective date of legislative reforms, the working group wanted periodic review of infractions operations. The group considered and rejected the idea of regular external audits. Instead, the group recommended that the NCAA Division I Committee on Infractions, the NCAA Division I Infractions Appeals Committee and the enforcement staff each "conduct a self-study every three years to review their overall operations and compliance with procedural requirements."¹ Pursuant to that charge, the NCAA enforcement staff conducted an extensive review of the department's work from August 2013 to date. Before reporting the results, however, it is important to keep six contextual facts in mind.

- The NCAA enforcement department is one component of a much larger infractions process.
- The infractions process is bookended by membership decisions. Members begin the process by adopting operating bylaws. They also ultimately decide whether violations occurred and whether penalties are appropriate.
- The legislated mission of the infractions program is to "uphold integrity and fair play among the NCAA members, and to prescribe appropriate and fair penalties if violations occur." [NCAA Bylaw 19.01]
- "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." [Bylaw 19.01]
- The mission of the infractions program rests on and advances principles in the NCAA Constitution.
- The enforcement department's work is governed by (1) the NCAA Constitution, (2) Article 19 of the NCAA Division I Manual, and (3) operating procedures approved by the Division I Committee on Infractions and ratified by the Division I Board of Directors.

Against this backdrop, the enforcement department is pleased to summarize its overall operations and compliance with procedural requirements. This report will also address the department's

¹ Final report of the working group, p. 14.

performance against service standards, output levels and priorities moving forward. Finally, the report will highlight outcomes of the working group's reforms to date and identify areas where additional reform may be warranted.

A. Review of Operations.

Beyond the legislative reforms adopted by the Board of Directors in late 2012, the enforcement department needed to change the way it conducted business. Based on feedback from the membership, department leaders initiated a series of internal reforms designed to improve performance, increase communications, enhance member services and otherwise satisfy the mission legislated in Bylaw 19.01. Those internal changes inform on current operations and are summarized below. Some are also illustrated in Supplement 1.

1. Structural changes.

- a. Created director of quality control position and populated a team dedicated to ensuring compliance with procedural requirements and improving department performance.
- b. Created a case management team and equipped each member with accurate and real-time case-related data.
- c. Created an academic integrity unit.
- d. Revised one managing director position to elevate operational responsibilities.
- e. Reallocated existing resources to emphasize timely disposition of cases.
- f. Created a centralized research team for department-wide support.
- g. Implemented a new violation structure, new penalty structure and new case procedures as legislated by working group reforms.
- h. Rebuilt and refocused the development staff to identify and address proactively trends that threaten intercollegiate sport.

2. Philosophical refocus.

- a. Refocused staff members on legislated mission in Bylaw 19.01.
- b. Emphasized customer service and client satisfaction during all phases of an infractions matter.
- c. Committed to conduct F.A.C.T. (fair, accurate, collaborative and timely) investigations.
- d. Committed to maintaining an atmosphere of compliance within the enforcement department and monitoring staff.
- e. Committed to providing every coach and every student-athlete a fair chance to win.
- f. Committed to work between the boundaries of national office beliefs and member expectations.
- g. Committed to be aggressive in detecting threats to the collegiate model, without being combative, contentious or outcome-driven.
- h. Prioritized infractions that most significantly impact the collegiate model.
- i. Improved collaboration with other regulatory departments in the national office.

- j. Improved the health of the working environment to enhance morale, performance, recruiting and retention.
3. Operational enhancements.
- a. Created an operations team to address day-to-day efficiencies, flow of information and facilities matters.
 - b. Formalized and expanded allegation review boards for objective internal review of investigative findings and potential allegations.
 - c. Created allegation library for continuity and consistency in articulating potential infractions.
 - d. Formalized process for managing local investigations (i.e., letters of inquiry).
 - e. Reduced duration of Level III cases by more than 50 percent since implementing Requests and Secondary Reports Online (RSRO) software.
 - f. Implemented system to manage relationships with members and sources.
 - g. Began building software to improve basketball certification functions.
 - h. Created and implemented new document retention/destruction policy.
 - i. Enhanced budget detail for better planning and greater accountability.
 - j. Implemented new case and document management systems.
 - k. Created a task force to assure full access to available and appropriate investigative tools.
 - l. Updated, upgraded and streamlined processing documents (e.g., notice of allegations, written reply, summary disposition report, cover letters, etc.).
 - m. Implemented use of easy-to-read charts in processing documents for factual information, aggravating/mitigating factors and competition-related data.
 - n. Increased use of technology in process documents (e.g., hyperlinks to supporting materials).
 - o. Studied the summary disposition process and implemented Six Sigma upgrades to improve timeliness and experiences of all parties, including the Committee on Infractions.
 - p. Enhanced process to assess and triage incoming information in a timely manner.
4. Communications and transparency.
- a. Codified formal operating procedures (approved by the Committee on Infractions and ratified by the Board of Directors) addressing investigations, interviews, communications, allegation review boards, summary disposition and Level III reports.
 - b. Drafted guidelines outlining factors considered before alleging institutional control, unethical conduct or head coach control. [Note: Awaiting member approval.]
 - c. Prepared an informational packet explaining the infractions process to schools at the beginning of an investigation.
 - d. Created simple, illustrative materials to educate members on enforcement functions (Supplement 2).

- e. Prepared a member resource guide for investigating and reporting potential Level I or Level II violations (Supplement 3).
 - f. Prepared detailed guidance for head coaches regarding their responsibility for compliance and monitoring (Supplement 4).
 - g. Increased dialogue with involved parties regarding potential allegations before issuing formal notice.
 - h. Created performance surveys for distribution to schools and committee members at the conclusion of every case. See section B-2.
 - i. Committed to one-on-one follow up between the vice president of enforcement and the president/chancellor of an involved institution at the conclusion of every case. See section B-2.
 - j. Created an infographic showing current case activity, which is published online and updated quarterly.
 - k. Created an informal advisory team of diverse representatives from the membership to serve as a sounding board for department priorities, areas of improvement and general input. The advisory team is not involved in investigations or case decisions.
 - l. Polled frequent legal practitioners regarding department performance and areas of improvement.
 - m. Refashioned and launched conference contact program.
 - n. Focused on communications and timeliness in preseason or in-season eligibility matters.
 - o. Redesigned website for easier member access to information.
 - p. Supported review of regulatory departments by external firms and implemented recommendations, largely emphasizing communications and transparency.
5. Service standards.
- a. Built department-wide service standards to encourage high performance, focus staff efforts and measure success. See section B, below.
 - b. Built group-specific service standards to set clear expectations and objective goals for individual staff members.
 - c. Increased reporting of review board deliberations to assure consistency across all cases.
 - d. Built systems for managing staff capacity and work distribution in real time.
 - e. Studied case duration and outlined standards to keep cases moving at all stages.
 - f. Drafted and secured approval of an operating procedure designed to reduce duration of cases and increase accountability for timeliness.
 - g. Created case precedent tools to measure past performance and inform future decisions.
 - h. Created docket management timeline showing projected case submissions (by division and by resolution track).
 - i. Developed and launched a quality review process to confirm department compliance with all applicable bylaws, operating procedures and guidelines. See section C-3.
 - j. Proposed review of legislative changes to improve involved parties' experiences in the infractions process.

6. Hiring and training.

- a. Attracted and hired diverse applicants.
- b. Filled positions with candidates having diverse campus experiences (including experience in coaching, admissions, compliance and athletics administration).
- c. Prepared new onboarding materials and new training for incoming hires.
- d. Delivered classroom-style training on underlying operating bylaws, together with weekly support.
- e. Delivered classroom-style training on procedural requirements.
- f. Delivered interactive training on presentation skills, interviews and other job-related tasks.
- g. Provided resources regarding leadership, writing and other functions as needed.
- h. Manufactured campus experience through External Engagement Program (national office program) and Campus Placement Program (unique to enforcement).

Each of these reforms is either already implemented or in progress, and each has been well-received by the membership. Indeed, many were birthed from direct member feedback. These are not "window dressing," and they do not represent change for the sake of change. Rather, they are enhancements strategically designed to protect compliant schools, protect the collegiate model and protect the games we love. Should violations occur, the reforms are designed to assure that involved institutions and individuals will have a fair and informed experience in the infractions process.

With regard to internal operations, the changes help staff members develop, investigate and process meaningful cases—many of increasing complexity—without simply working harder or longer. The changes also help department leaders manage cases, distribute work fairly, make consistent decisions and measure progress toward department service standards with accurate and objective data. These assets are important in a high-volume environment that is increasingly sophisticated and demanding. In addition to these assets, the enforcement department also now reports to an executive vice president position dedicated to regulatory affairs.

The initiatives outlined above, together with a very strong infractions model, put the enforcement department in a good position to operate smoothly and serve effectively moving forward. They help our department adapt and evolve as the environment changes and as new threats to fair competition emerge. The initiatives also demonstrate a good-faith commitment to continual improvement as the enforcement department keeps working to better itself. To that end, we have competent leaders and an innovative team dedicated to ensuring that we remain modern, impactful and responsive to member concerns.

B. Performance Against Service Standards.

The enforcement department (and each group within the department) established objective service standards. Originally called "metrics," we changed the name to align with our role as

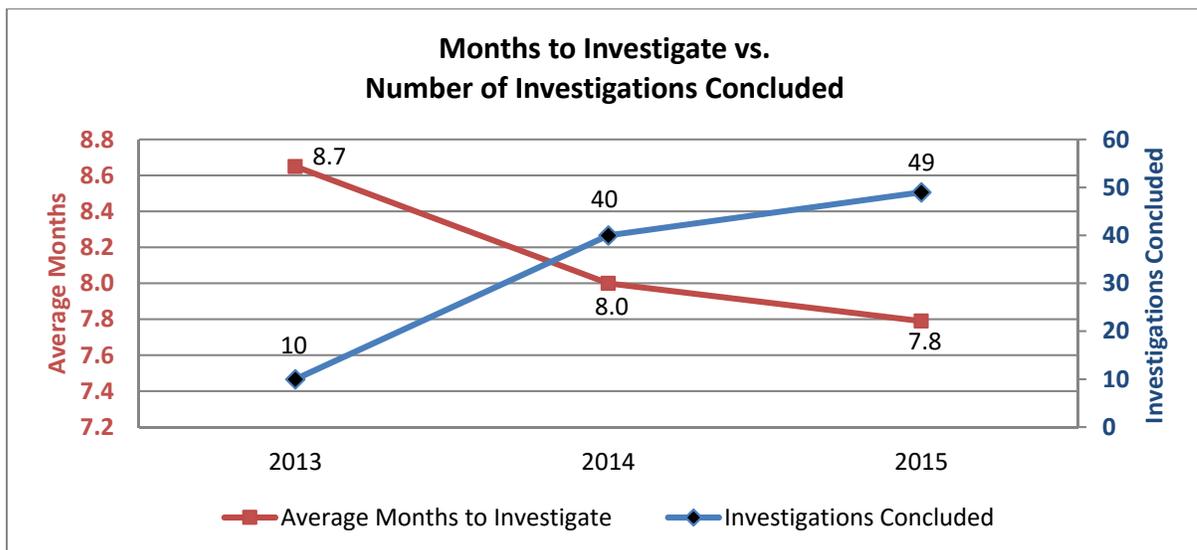
professional service providers for member schools. The service standards are built for measurement, management and department-wide accountability. They cover a broad range of subjects, but this self-study focused on standards dedicated to timely disposition of cases and customer satisfaction.

1. Timeliness.

The duration of investigations is of great concern to all parties, including the enforcement staff. Accordingly, our department committed to moving cases more quickly, yet without sacrificing accuracy, quality or fairness.

We started by identifying impediments to timely investigations, and also remedies. Some of those impediments were attributable to our staff, and we worked to correct those. Within the enforcement department, we increased our data sophistication, revisited how we sort cases, modified staff make-up and structure, guarded against "scope creep," launched a case management team, enhanced staff training, centralized research functions, streamlined documentation, increased member communications, empowered local investigations, and made other operational changes to move cases efficiently and fairly.

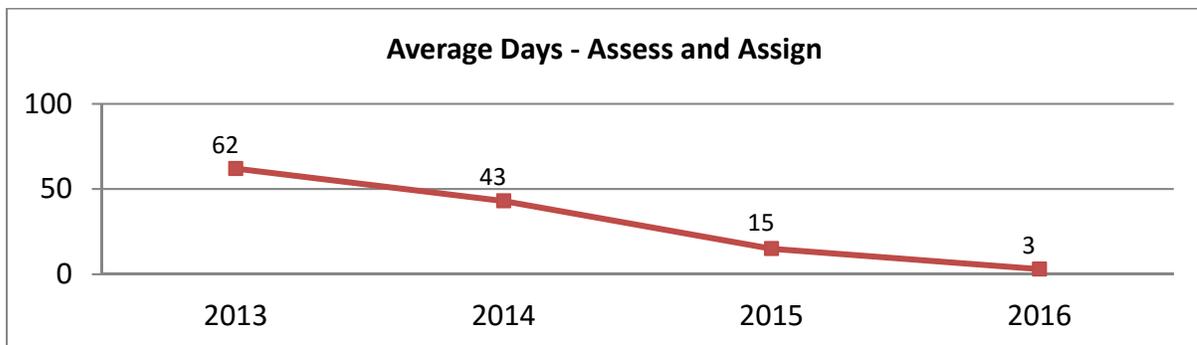
The work is ongoing, but early data suggests the changes implemented to date are effective. Overall, we reduced the average duration of Level I and II cases by nine percent in 2015 while managing a volume increase of 26 percent. Importantly, these advances were achieved under budget and with consistent (or improved) performance and quality.



To be more precise, we address cases in distinct phases and measure the timeliness of each stage. The enforcement staff has more control over earlier phases (e.g., assignment and development) and less control as additional parties and interests are added in later phases

(e.g., investigations and processing). However, data show that virtually every phase progresses more quickly now (and with a higher volume) than three years ago.

The initial phase is intake. The enforcement department receives approximately 600 pieces of raw information each year. We log each tip and assess whether it should be assigned to an investigator for additional review. [Bylaw 19.5.1] Because much of the information we receive does not warrant an investigation, this intake assessment is an important step in a series of sorting responsibilities. It is also a labor-intensive process entirely within our control, so we implemented changes to expedite assessment and assignment. Since 2013, we reduced the duration of this phase from an average of 60 days to an average of three days.



Decisions about certain tips cannot be made without additional research or development. Again, this pre-work is largely within our control, and we implemented benchmarks to encourage timely preliminary investigations. Since 2014, we reduced the duration of this phase by roughly 50 percent. Although difficult to measure, we also committed to completing as much investigative work as possible during this phase. One result is that cases transitioned for further investigation are more fully evolved, which reduces the duration of phases downstream.

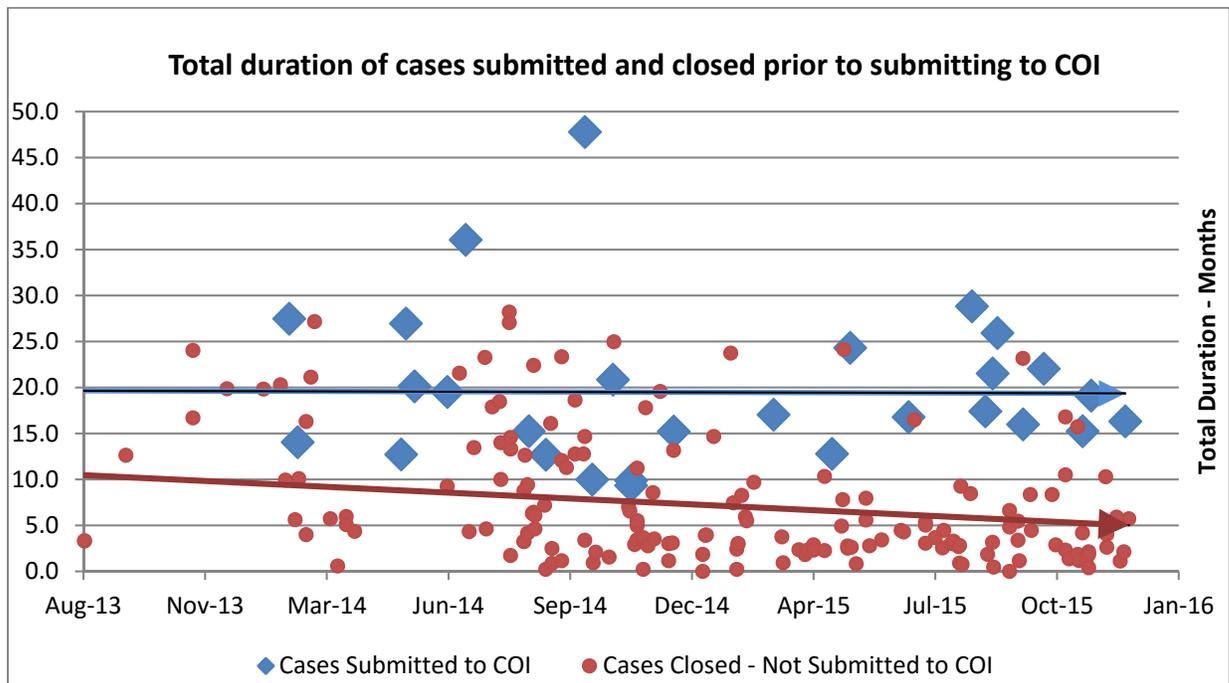
When the enforcement department conducts a full investigation of potential Level I or II violations, multiple parties participate. This can create impediments to timely investigations that are beyond the enforcement staff's control. These and other impediments include attorneys who are unfamiliar with the infractions process, lack of cooperation by third parties, bylaw requirements that are unnecessary for certain types of administrative cases and matters that span sequential proceedings (i.e., subjects addressed consecutively by more than one committee). Our staff continues working with the Committee on Infractions and others to explore meaningful remedies for these challenges. I am encouraged by the collaboration to date, and I anticipate continued progress.

Although it is more difficult to control the duration of the investigative phase, we have taken steps to manage investigations carefully and complete them timely. Some of these reforms are still very new—like the operating procedure approved in late 2015 that makes all parties accountable for timeliness—and others do not yield results instantly in practice.

When all are fully implemented, we are confident they will work together favorably. Certain reforms, such as quality control functions and increased communications with involved parties, actually work against timeliness efforts in this phase. However, these are important components of generating a quality product, and we will work to complete them without prolonging an aging case.

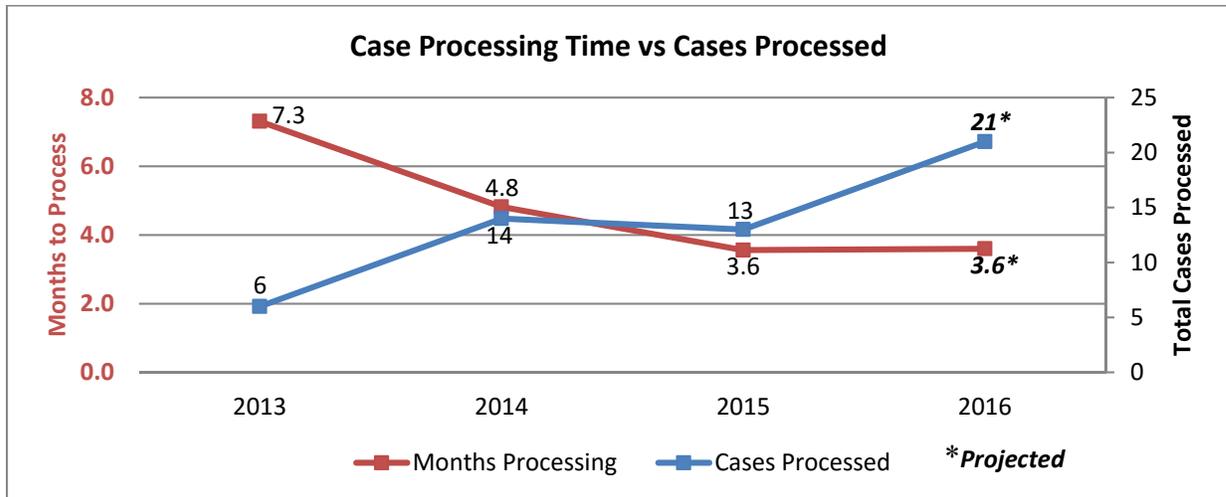
It is important to note that not all investigations yield formal allegations. On the contrary, many cases are opened, investigated and closed as unsubstantiated very quickly. Incidentally, these normally result in satisfying experiences for member schools (because of the outcome, or the speed or both). However, they are not counted in most of the data summarized here. Nor are they reported to other members or documented publicly. They are simply every day, unremarkable experiences known only to the enforcement staff and individual schools.

Enforcement-only data about investigations is difficult to mine, but overall duration figures show a slight favorable trend. For example, charted below are matters where the enforcement staff opened a formal case and performed substantive work. The chart does not include the many matters sorted during intake as not warranting further review. The changes outlined in this report will continue and we expect them to accelerate and magnify the trend noted below.



When the enforcement department substantiates one or more potential violations and provides formal notice of its allegations, involved parties may submit written responses and other materials to the Committee on Infractions. The duration of this phase is legislated

in Article 19 through a series of deadlines. Although processing deadlines are codified, many scenarios disrupt timely progress toward a resolution. For example, some parties seek extensions of time for submitting materials to the Committee on Infractions. In other cases, new information surfaces and impacts the investigation, the allegations or both. Even with these common challenges, we see a positive trend in timely processing allegations.



2. Customer (member) satisfaction.

As professional service providers working on behalf of member schools, this section is perhaps the most important part of this report. The changes noted above and the recommendations highlighted below are focused entirely on providing exceptional service in this critical regulatory function of the NCAA.

Having said that, when violations are substantiated, the infractions process is normally not a pleasurable experience. However, the process should not be adversarial, frustrating or otherwise vexing. Instead, the enforcement staff feels strongly that all parties involved in a case should be satisfied that (1) they were treated fairly, (2) they had multiple opportunities to be heard and (3) the process had integrity.

We encourage customer feedback, and we solicit candid input formally and informally. This information is key to improving performance and service. Formal feedback comes from survey instruments provided to schools at or near the end of an infractions matter. In those instruments, we inquire about enforcement staff knowledge, accessibility, professionalism and other key service indicators. We also provide similar instruments to member committees at the conclusion of every adjudicated case. On a scale of one to five (with one being the best), our average scores since deploying the instrument are as follows: 1.00 (2014-15) and 1.82 (2015-16) for school responses, and 1.67 (2014-15) and 1.75 (2015-16) for member committee responses. Stated differently, institutions and committee

members generally "agree" or "strongly agree" that the process was fair, that they (institutions) were heard, and that the process had integrity. When responses are to the contrary, we probe to learn what went wrong and what can be done differently in the future.

The survey instrument also invites narrative or anecdotal responses, whether favorable or unfavorable. Below is a representative sample of actual member feedback provided after a case concludes:

- "Although we disagreed (and still disagree) with the staff's determination of proposed level of violation, we felt they were always professional and sincere."
- "With all due respect to the Enforcement Staff, the University has believed from the outset that this case was overcharged. The material facts of the case were undisputed, and had the case been charged as a Level II case, it would have been appropriate for summary disposition, saving the University and the NCAA significant time and resources."
- "The NCAA was fair, even kind, to us considering the magnitude of our violations."
- "[The investigator] was able to grasp the operations on our campus with ease."

Beyond the formal survey instrument, we also solicit feedback in other forms. For example, when a case is processed fully, the vice president of enforcement now schedules a telephone call to speak directly and candidly with the school's president or chancellor. These conversations are valuable sources of information (and school leaders appreciate the outreach). In addition, staff members interact daily with representatives from the membership at all levels. We strive to create an environment where members feel comfortable sharing candid, informal feedback without fear of retribution or targeting. As a result, we find members ready and willing to provide helpful insight about individual cases, broader procedures or both. These conversations help inform priorities moving forward, and they also help identify areas ripe for improvement.

Overall, the informal feedback we gather shows consistent member support for what we are trying to accomplish. It is encouraging when members have a favorable experience with the enforcement department and when they articulate specific differences from past encounters. We hear that unprompted testimony frequently.

C. Compliance with Procedural Requirements.

Operating bylaws in Articles 11 through 17 of the Manual do not apply to the enforcement staff. However, the staff is governed by Article 19 and formal operating procedures approved by the Board of Directors. Department leaders insist on strict adherence to each of these governing authorities. In addition, the department also created and opted into a number of

internal practices and guidelines. While not controlling, the staff strives to satisfy all internal expectations as well.

The department takes steps before, during and after every case to ensure all matters are handled consistent with member directives and internal expectations. Those steps are summarized below.

1. Proactive measures.

- a. Similar to the legislated obligation of head coaches, the vice president and other enforcement leaders work to create an atmosphere of compliance in the department. Staff members have actual knowledge of this global commitment to procedural compliance. Department leaders explain it in staff communications, discuss it in team meetings, write it into training materials and incorporate it into virtually every substantive conversation. Any departure from process would be against the express direction of department leadership and contrary to the genuine instruction of the vice president.
- b. Because supervisors are responsible for the conduct of others, department leaders are careful to monitor their direct and indirect reports. Like head coaches, supervisors cannot be omniscient or omnipresent. However, supervisors can and should know the whereabouts and general actions of all direct and indirect reports and they should follow-up if there is reason to believe a staff member departed from applicable procedures.
- c. New hires and veteran staff members receive periodic training on operating bylaws and applicable procedural requirements. Specifically, staff members receive no less than 90 minutes of training every 90 days. Department leaders provide additional training as needed or as requested.
- d. Staff members understand that their responsibility in every decision of every case is to "get it right." The department's obligation is to gather information fairly and present it objectively to the Committee on Infractions (or another regulatory department). There is no other agenda. Nor is there any latent incentive to depart from established procedures for any reason.

2. Real-time monitoring.

- a. From development or intake of a potential violation through its final disposition, staff members have access to a variety of supportive resources. Within the department, these include experienced colleagues, layers of supervision, centralized research services, databases of information and the vice president's open door. Extra-departmental resources include other regulatory staffs, informal member input and third-party experts as needed. The department is built—physically and philosophically—to be

collaborative. These collaborations are important in assuring compliant practices throughout a case.

- b. Before finalizing allegations, the department now exhausts multiple real-time quality control measures. First, bylaw experts in academic and membership affairs (AMA) review a draft notice of allegations prepared by the investigative team. They assure that bylaw citations are correct and that the facts alleged, if true, constitute a violation.

Second, the investigative team presents its findings and proposed allegations to a review board, which consists of enforcement staff members outside the case.² The review board also considers any information submitted by an involved institution or individual. The review board tests the sufficiency of evidence and assists the investigative team in determining which allegations are supported and which are not. Objective reviewers who are familiar with department precedent and campus challenges are valuable in considering potential allegations.

Third, after allegations are audited by AMA and vetted by the review board, the managing director for investigations and processing, the director of quality control and the vice president of enforcement review draft allegations. The office of legal affairs also has the opportunity to review allegations before they are finalized.

These steps help assure continuity and consistency in charging decisions. Before bringing any allegation, many sets of eyes look for procedural compliance, factual support, substantive accuracy and consistency across similar cases. These safeguards are necessary for the sake of individual parties, and also for the integrity of the broader enterprise. While these safeguards may not be apparent to critics or casual observers, they provide bone fide quality control protections and they are exhausted in every case.

- c. All parties have an opportunity to respond in writing to a notice of allegations. The investigative team considers the written responses and holds individual prehearing conferences with each party. The prehearing conference is another opportunity for dialogue about the allegations, supporting or refuting information, compliance questions, or other outstanding matters.
- d. After all processing documents are submitted to the Committee on Infractions, the investigative team presents its case in a mock hearing to a mock panel of enforcement staff members. Although issues in a case are largely fixed at this stage, the team may make adjustments as needed for accuracy or fairness. Any formal amendments at this time will only inure to the benefit of the involved institution or individual(s).

² Members of the review board always include the quality control staff, who use a database of past cases designed to assure consistency in making allegation decisions. Members also include department leaders and the vice president.

- e. The quality control staff monitors case files in real time to identify red flags for the department's leaders to investigate and correct. The red flags identified range from potential procedural errors to data integrity checks, which help ensure the enforcement staff has high-quality data to monitor our activities.
 - f. Perhaps the greatest quality assurance step in the infractions process is the detailed review and scrutiny provided by the Committee on Infractions. Among other things, committee members may review staff compliance with applicable procedures in a particular case. Committee performance is the subject of a self-study by that entity and is beyond the scope of this report.
3. Post-case reviews.
- a. Not all staff members are involved in every case. To make sure uninvolved staff members have the benefit of any lessons learned, the investigative team presents a debriefing session to the department after a case concludes.
 - b. The quality control team maintains information about violations alleged by the enforcement staff. They also track which allegations were found by the committee, and at what level. This data informs on whether cases are properly framed, and also provides insight about future allegations.
 - c. The quality control team conducts an exhaustive review of select cases after all appeals are completed. The team reviews the case file against a thorough instrument listing 118 procedural requirements. The quality control team then shares its findings with the lead investigator, his or her director, the managing director for investigations and processing, and the vice president of enforcement.

The enforcement staff created this quality review process without any legislative directive and implemented it in mid-2015. Because the quality review process is new, the sample size of cases assessed to date is small. However, the first four cases reviewed yielded compliance scores of 94, 98, 90 and 53³ (out of a perfect score of 100).⁴

Based on this battery of controls before, during and after an infractions case, department leaders are confident that matters processed since 2013 are compliant with every directive originating from the membership and virtually all internal expectations. In light of staff support and early data, department leaders are also confident that enforcement will continue to conduct business in full compliance with all applicable requirements moving forward.

³ The fourth score is a bit misleading. This matter was not alleged as a Level I or II case, and was not presented to the Committee on Infractions. Therefore, much of the quality review instrument was not relevant and the sample size of applicable factors was small.

⁴ These figures include only "criteria met" ratings. When "partially met" ratings are included, the scores become 98, 100, 98.5 and 83, respectively.

D. Enforcement Output by the Numbers.

On the working group's recommendation, the Board of Directors adopted significant changes to the infractions process. These were codified in the NCAA Manual through an entirely new Article 19 and became effective August 1, 2013. The Board of Directors also adopted a new penalty structure, which was phased in over time to assure fair notice to impacted institutions and individuals.

Since August 1, 2013, the enforcement staff investigated and processed all Division I cases pursuant to the new model. As required by Bylaw 19.9.1, the penalty guidelines have only applied to violations predominately occurring after October 30, 2012.⁵ The data below summarize Division I case activity for the three-year period beginning August 2013:⁶

- We alleged (or will allege) 182 Level I or II violations across 47 cases. Some of those allegations have not been decided and are still pending before the Committee on Infractions.
- Of the cases decided, the Committee on Infractions resolved 39 percent through a traditional hearing and 61 percent through summary disposition.
- Of the allegations decided, the Committee on Infractions concluded that 94 percent of the alleged violations occurred.
- The Committee on Infractions agreed with the cited level in 89 percent of violations found.
- We conducted nearly 2,000 interviews (across all divisions).
- The four sports most often involved in potential Level I or II violations were football (36 percent), men's basketball (26 percent), women's basketball (8 percent) and baseball (4 percent).
- The four sports most often involved in Level III violations are the same (in the same order of occurrences).
- We processed over 10,000 Level III violations.

Three observations about the data are in order. First, in 2015, the enforcement department experienced a 26 percent increase in case volume over the prior year. The increase was partly attributable to institutional self-reports, which have surged in recent years, and partly attributable to strategic and proactive staff development efforts. Furthermore, the quality of incoming information is high, as demonstrated by a projected 50 percent increase in case output in 2016. The phenomenon demonstrates the efficacy of working group reforms (addressed in Section F) and enforcement department changes. However, the enforcement department understands that numbers alone are unremarkable if the cases do not address behaviors deemed

⁵ This is the date the Board of Directors adopted the working group's recommendations, and the date member schools received notice of new penalty calculations. The Committee on Infractions is responsible for calculating penalties and will report data about case outcomes separately.

⁶ Certain figures include projections from the date of this report until August 2016. Cumulative data reflecting work in Divisions II and III is available upon request.

significant by member schools. To that end, cases presently in the Level I or Level II pipeline allege infractions that significantly impact intercollegiate sport.

Second, when a violation occurs, the enforcement staff does not assume automatically that the institution failed to monitor or lacked control. Rather, unless the facts demonstrate otherwise, the staff presumes the institution monitored and controlled its athletics activities as required by NCAA legislation. Accordingly, it is no surprise that the department only alleged failure to monitor in 43 percent of Division I cases and lack of institutional control in 12 percent.⁷

Third, the enforcement department only brings allegations we can prove with information that can be properly presented to the Committee on Infractions. Accordingly, the case-related figures above only reflect those instances where we believed we could satisfy the legislated standard with "on the record" facts. We cannot bring allegations based on rumor or speculation and then ask committee members to draw conclusions. That would be unfair to involved parties and to members of the committee. Nor can we rely on information provided by anonymous or confidential sources, unless we otherwise corroborate their stories. This means we know about far more potential infractions than we present to the Committee on Infractions. While this is an important safeguard for potentially involved parties, it can also frustrate other schools who see or report violations that do not appear to be punished. Accordingly, we continue exploring appropriate ways to handle credible but "inadmissible" or uncorroborated information.

Admittedly, implementing the working group's legislated reforms and making the internal changes outlined above were time consuming and labor intensive. Work continued during those seasons, and the enforcement staff anticipates that the pace will continue to increase as the Association becomes accustomed to the changes. The department will continue to monitor output and report regularly to stakeholders.

E. Priorities Moving Forward.

Having conferred with representatives across the membership, enforcement leaders articulated four priorities moving forward. Two are substantive areas of focus and two are better characterized as staff deliverables.

Member schools are clear that the enforcement department should primarily dedicate its resources to behaviors that most seriously impact the collegiate model. Member schools are also clear that these include academic misconduct and recruiting infractions. While we know there are many programs operating in substantial compliance with the NCAA Constitution and bylaws, there are also troubling trends in academic misconduct and recruiting. Impermissible methods of becoming or remaining academically eligible are well-documented in other materials and will not be repeated here. Similarly, we hear reports almost daily of institutional inducements and impermissible third-party involvement in recruiting. Moving forward, we

⁷ Based on recent feedback from member schools, the enforcement staff drafts failure-to-monitor allegations narrowly and precisely. Rather than a global statement that compliance failed in its general obligation to monitor, we articulate the specific underlying violation(s) and limit the monitoring allegation to the relevant context.

will continue developing strategies to guard against these and other unfair advantages. We will also anticipate and be ready to address novel iterations as they begin to manifest.

Cases processed recently⁸ and cases presently in the pipeline reflect the enforcement department's effort to align our priorities with the membership's. Based on our understanding of member positions, we pursue matters that most threaten intercollegiate athletics and exercise our discretion to process other infractions at lower levels. We will not focus exclusively on academic misconduct and recruiting infractions to the detriment of other violations, but we will continue prioritizing here until instructed otherwise by member schools.

With regard to staff deliverables—that is, how we conduct our business—members almost universally support our twin goals of timeliness and transparency. Put simply, cases should move more quickly and members should have a better understanding of how department decisions are made. We have made significant progress toward these twin goals and we will keep working to improve on both fronts.

Most importantly, these stated priorities are simply steps toward achieving the broader mission legislated in Bylaw 19.01. The enforcement department will work to satisfy service standards, identify significant threats and produce quality work, but these are not the ultimate goal. Instead, our ultimate aim is to assure that member schools are not disadvantaged by their commitment to compliance. Our desire is an environment where schools and coaches do not feel compelled to break rules in order to be competitive. Stated another way, our desire is to give every student-athlete and every coach a fair chance to win. Unfortunately, not all schools enjoy that feeling. Accordingly, the enforcement department must convert the enhancements outlined above into positive, tangible impacts in intercollegiate athletics. Proactively, we must keep working to influence the risk-reward analysis through education, communication, reporting and relationships. When violations nevertheless occur, we must keep getting better at detecting and processing them—not for purposes of satisfying an imaginary infractions quota, but to protect schools, coaches, administrators and student-athletes who comply with the NCAA Constitution and bylaws. This is our definitive priority moving forward.

F. Working Group Update and Additional Reforms.

Legislative reforms recommended by the working group and approved by the Board of Directors became effective almost three years ago. Although not required to be included in this self-study, it seems appropriate to note the early impact of those changes before addressing additional reform efforts.⁹ The sweeping reforms fall into four categories.

⁸ Since 2013, 45 percent of Level I and II cases processed involved academic matters and 52 percent involved recruiting violations.

⁹ These observations are the enforcement staff's only. Many of the legislative changes impact other parties, and this report will not speculate on their views.

1. New violation structure.

On August 1, 2013, a four-tier violation structure replaced the old two-bucket ("major" and "secondary") system. The new model was designed to recognize and categorize the varying levels of infractions. More specifically, it was designed to distinguish very serious violations from less serious behaviors by providing different degrees of process and penalties. The new violation structure also provides flexibility to distinguish between institutions and individual wrongdoers within a single case. For example, in the new structure, an involved individual may face a Level I allegation while an institution in the same case may face only Level II allegations.

The working group and the enforcement staff knew the Association would need time to adjust to a four-tier violation structure. Accordingly, in launching the structure, the enforcement staff provided resources to help parties (and their counsel) analyze levels of frequent infraction patterns. In individual cases, the staff also invests considerable time communicating about level analysis internally and with involved parties. Those communications appear to be productive, as the Committee on Infractions agreed with the cited level in 89 percent of allegations found since August 2013.

In sum, the enforcement staff believes the four-tier system has performed as intended. Specifically, there are distinct procedures and penalties applicable to each level. These help align safeguards and punishments to the underlying behaviors with a degree of detail not previously available. Additionally, the enforcement staff has flexibility to distinguish between and among parties in a case based on degrees of culpability. This has proven useful in trying to articulate accurately the different roles of schools and their representatives and individual wrongdoers.

2. New procedures.

New Article 19 substantially reformed the procedures applicable to infractions cases. Those changes included, among others, more robust notice requirements, remote or accelerated hearing options for select cases, new hearing panels and additional committee members. The reforms were generally intended to increase the efficiency and transparency of case resolutions, while allowing parties more control over how cases are heard.

The Committee on Infractions is better positioned to note the impact of procedural changes, but the enforcement staff believes the new model generally works as intended. Among other things, the reforms unlocked modes of hearings not previously available, without sacrificing important safeguards. Although not invoked in every instance, parties in certain cases may avail themselves of expedited hearings, remote hearings or paper reviews. Parties appreciate the choices, even if they ultimately opt for a more traditional in-person hearing.

3. New penalty structure.

The working group recommended a penalty structure that would generate significant and predictable punishments, yet with flexibility to consider unique circumstances. The flexibility is largely derived from aggravating factors (i.e., those suggesting a more serious penalty) and mitigating factors (i.e., those suggesting a lesser penalty). Examples of each type are listed in Bylaw 19.9. The factors are generally designed to encourage compliant/cooperative behaviors and discourage noncompliant/uncooperative behaviors.

Again, the Committee on Infractions is better positioned to address the impact of core penalties, legislated guidelines and other elements of the new penalty structure. However, from the enforcement staff's limited perspective on penalties, we see a positive impact from the aggravating and mitigating factors. Specifically, parties are aware of the factors and model their behaviors in order to secure mitigating "credit" and avoid application of aggravating factors. This encourages proactive diligence in day-to-day compliance, which obviously helps prevent violations from occurring. Should a violation occur, the list of mitigating factors also encourages prompt reporting and full cooperation in any proceedings that follow.¹⁰ These behaviors help in managing individual cases, while also supporting more global goals of compliance, cooperation, accountability and timeliness.

In addition to influencing behavior, aggravating and mitigating factors afford the infractions process greater flexibility. The factors are unique to each party, thereby making it easier to distinguish between institutions and individual wrongdoers when fashioning penalties. Similarly, this flexibility also advances many schools' interest in minimizing reputational harms that flow from rogue actors who intentionally conceal their infractions.

4. Head coach responsibility.

Outside of Article 19, the working group proposed and member schools adopted a change to head coach responsibility legislation in Article 11. Since its adoption, the amendment has been the source of much discussion, education and other compliance activity. The amendment has also been effective in drawing attention to every head coach's obligation to (a) create an atmosphere of compliance, and (b) monitor his or her staff. [Bylaw 11.1.1.1] We see schools, coaching associations and individual coaches working hard to understand and satisfy their legislated responsibilities. To help each of them, we created and distributed a brochure outlining the operation and application of the bylaw (Supplement 4).

¹⁰ It is important to note that mitigating factors, such as self-imposed corrective actions, inform on how penalties are calculated [Bylaw 19.9.4]. However, those mitigating behaviors do not erase or cure the underlying infraction, nor do they impact the level of the infraction [Bylaw 19.1].

Some observers believe the enforcement staff is "trigger happy" in bringing head coach responsibility allegations. Others believe our staff should bring the allegation more frequently. Rather than trying to change either camp's view, we analyze each case individually and consider whether we believe the head coach satisfied his or her legislated responsibility. We employ each of the quality control measures outlined above in making this important decision. Since August 2013, we have brought a total of 170 allegations in Division I, including 19 citing a failure of the head coach's responsibility. Of those decided, the Committee on Infractions concluded that the violation occurred in 83 percent of them.

These legislative reforms, the staff enhancements outlined above and similar improvements implemented by member committees have significantly and favorably impacted the entire infractions process since 2013. It is not an overstatement to say the infractions process is all new, from end to end. However, work still remains. Some of that work is within the enforcement staff's control, and we will continue striving to move cases in a timely manner, align our priorities with the members', treat similar cases consistently and otherwise work with excellence. When disagreements arise, we will address them in good faith and pursuant to applicable bylaws. We will also continue collaborating, as appropriate, with the Office of the Committees on Infractions and outside stakeholders to improve the process and our performance within it.

Other reforms are beyond the staff's control. For example, these include additional and substantive changes to provisions codified in Article 19 of the Division I Manual. We will work together with governance bodies, the governance substructure, the Committee on Infractions and others to identify areas ripe for enhancement. We will brainstorm solutions, outline advantages/disadvantages of competing remedies and provide recommendations if called upon to do so. We started this process already, and we stand ready to share our experiences and ideas in an ongoing effort to make the entire infractions process excellent.

G. Conclusion.

This self-critical analysis was a helpful exercise for the staff, and we trust the report is helpful to President Emmert and other leaders. We look forward to providing additional detail or answering any questions as needed.

ENFORCEMENT

ENHANCEMENTS TO THE INFRACTIONS PROCESS

RULE CREATION

ENFORCEMENTCOMMITTEE ON
INFRACTIONSINFRACTIONS
APPEALS COMMITTEE

MONITORING

WHAT IT DOES

- ❖ Monitors information regarding potential violations
- ❖ Investigates the most serious threats to college sports
- ❖ Processes less serious violations (Level III/secondary) without an investigation
- ❖ Provides notice of alleged violations, if any
- ❖ Presents cases to Committee on Infractions

INTERNAL STAFF REFORMS

- ❖ Conduct F.A.C.T. (fair, accurate, collaborative and timely) investigations
- ❖ Equip staff through continuous training and development
- ❖ Explore ways to expedite cases
- ❖ Use technology to streamline investigations, processing and hearings
- ❖ Establish transparent operating procedures and charging guidelines
- ❖ Hire staff with campus experience
- ❖ Create academic integrity unit, case management team, case audit process and quality control group
- ❖ Focus on member direction and expectations
- ❖ Dedicate resources to violations of greatest concern to members
- ❖ Solicit and implement member feedback
- ❖ Improve operations and structure
- ❖ Revise processing templates to be more clear and concise

RESULTS OF INTERNAL STAFF REFORMS

- ❖ Increased cooperation and communication with member schools
- ❖ Increased understanding of campus perspectives and pressures
- ❖ Enhanced service levels
- ❖ Minimize reputational harm to schools
- ❖ Decreased duration of cases
- ❖ Increased clarity and consistency in allegations
- ❖ Focused on customer service and client satisfaction
- ❖ Enhanced transparency in operations and decisions
- ❖ Increased collaboration with other NCAA regulatory functions, including Eligibility Center, reinstatement and legislative relief
- ❖ Improved access to case-related data in order to inform decisions and enhance performance

In August 2013, a new NCAA Division I infractions structure was implemented to align this important regulatory function with the Association's values. Now, two years after creating the new structure, the membership-driven changes have provided tough, fair resolutions designed to discourage rule violations and protect schools that follow the rules. In addition, based on member input, the enforcement staff has adopted a number of internal reforms to increase cooperation, enhance service levels and improve the investigative process.

Paired together, the member-led reforms and internal staff improvements have resulted in a stronger infractions process from end to end. The enhancements have increased fair treatment for all involved parties, improved relationships and increased dialogue about performance improvements. The process has become more transparent for members and involved individuals and the outcomes are more predictable. While much progress has been made, there is a commitment to continuous evaluation and improvements to the infractions process.





SUMMARY OF CASE PATHS

DIVISION I INFRACTIONS PROCESS

Information about potential rules violations is reported to the enforcement staff by many sources.

Some information is not credible or sufficiently specific to warrant an investigation. Other information, however, suggests a violation may have occurred and the enforcement staff investigates accordingly.

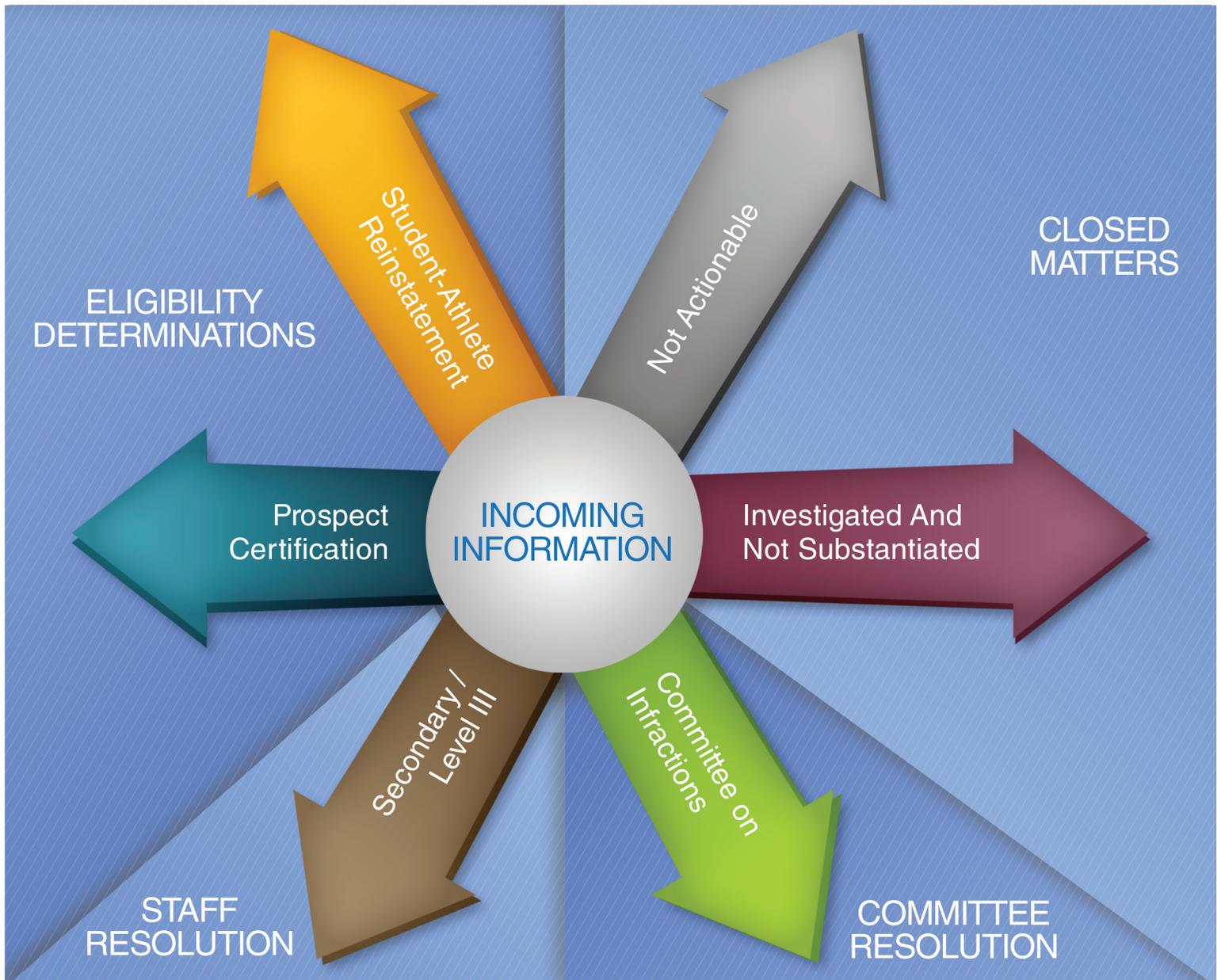
As an investigation evolves, there are at least four paths a case can take.

1. Closed matters. If an investigation does not find violations, the matter is closed. If new information becomes available, the enforcement staff may reopen the case.

2. Committee involvement. Potential violations that are Level I or II (in Division I) or major (in Divisions II and III) are presented to the Committee on Infractions (COI). The COI decides whether a violation occurred and what, if any, penalties are appropriate.

3. Staff resolution. Violations that are Level III (in Division I) or secondary (in Divisions II and III) are resolved by the enforcement staff and the involved school. Appeals are presented to the COI.

4. Eligibility determinations. Cases involving eligibility matters are normally resolved through separate NCAA procedures. These include student-athlete reinstatement through the academic and membership affairs group or prospect certification through the Eligibility Center.





COMMITTEE ON INFRACTIONS

DIVISION I INFRACTIONS PROCESS

The enforcement staff investigates potential Level I or II violations (in Division I) and major violations (in Divisions II and III). However, the staff does not ultimately decide whether violations occurred. Rather, the **Committee on Infractions (COI)** decides whether violations occurred and what, if any, penalties are appropriate.

The **COI** is made up of qualified representatives from member schools, conferences and the public. Additional information about the composition, roles and responsibilities of the **COI** can be found in Bylaw 19.3.



* Faculty Athletics Representatives



ENFORCEMENT BY THE NUMBERS

INFRACTIONS PROCESS

ENFORCEMENT RESPONSIBILITY



INFRACTIONS ACTIVITY

5,800
Rules to enforce
(across all divisions)

450
Interviews conducted
each year

More than
4,000
Level III
violations processed
each year

100%
Levels I/II penalties
prescribed by the
Committee on Infractions

0
Levels I/II penalties prescribed
by the enforcement staff

MEET THE ENFORCEMENT STAFF

Enforcement Staff Members

57



40%
Enforcement staff
members who previously
worked on campus

750
Pieces of information
processed each year about
potential violations

100%
Effort dedicated to serving
the membership



F.A.C.T. INVESTIGATIONS

FAIR • ACCURATE • COLLABORATIVE • TIMELY

The enforcement staff supports schools and individuals who play by the rules and are committed to integrity. NCAA investigations protect the common interests of schools and the Association’s enduring values. When potential violations are discovered, schools and individuals are obliged to cooperate by disclosing all relevant information to enforcement staff or committee representatives.

BYLAWS

NCAA members propose and adopt bylaws.

INVESTIGATION & PROCESSING

The enforcement staff investigates alleged violations of those bylaws and presents its findings to the Committee on Infractions (COI).

OUTCOME & APPEAL

The COI, made up of qualified individuals from NCAA schools and the public, concludes whether violations occurred and whether penalties are appropriate. The COI decision is reviewed by the Infractions Appeals Committee, also made up of qualified individuals from NCAA schools and the public.



COMPLIANCE

Each NCAA school has an 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.

NON-COMPLIANCE

Each NCAA school has an obligation to report all instances of noncompliance to the Association in a timely manner.

EXEMPLARY COOPERATION

Exemplary cooperation by an NCAA school or involved individual may be a mitigating factor when determining any penalties. Exemplary cooperation may include identifying individuals, documents and other information pertinent to the investigation; expending institutional resources to expedite a thorough and fair collection and disclosure of information; or bringing additional violations to the attention of the enforcement staff.

FAILURE TO COOPERATE

Failing to cooperate with the NCAA enforcement staff, Committee on Infractions (COI) or Infractions Appeals Committee may result in an independent allegation and be considered an aggravating factor when determining any penalties. Institutional representatives or involved individuals may be asked to appear before a hearing panel of the COI at the time the allegation is considered.

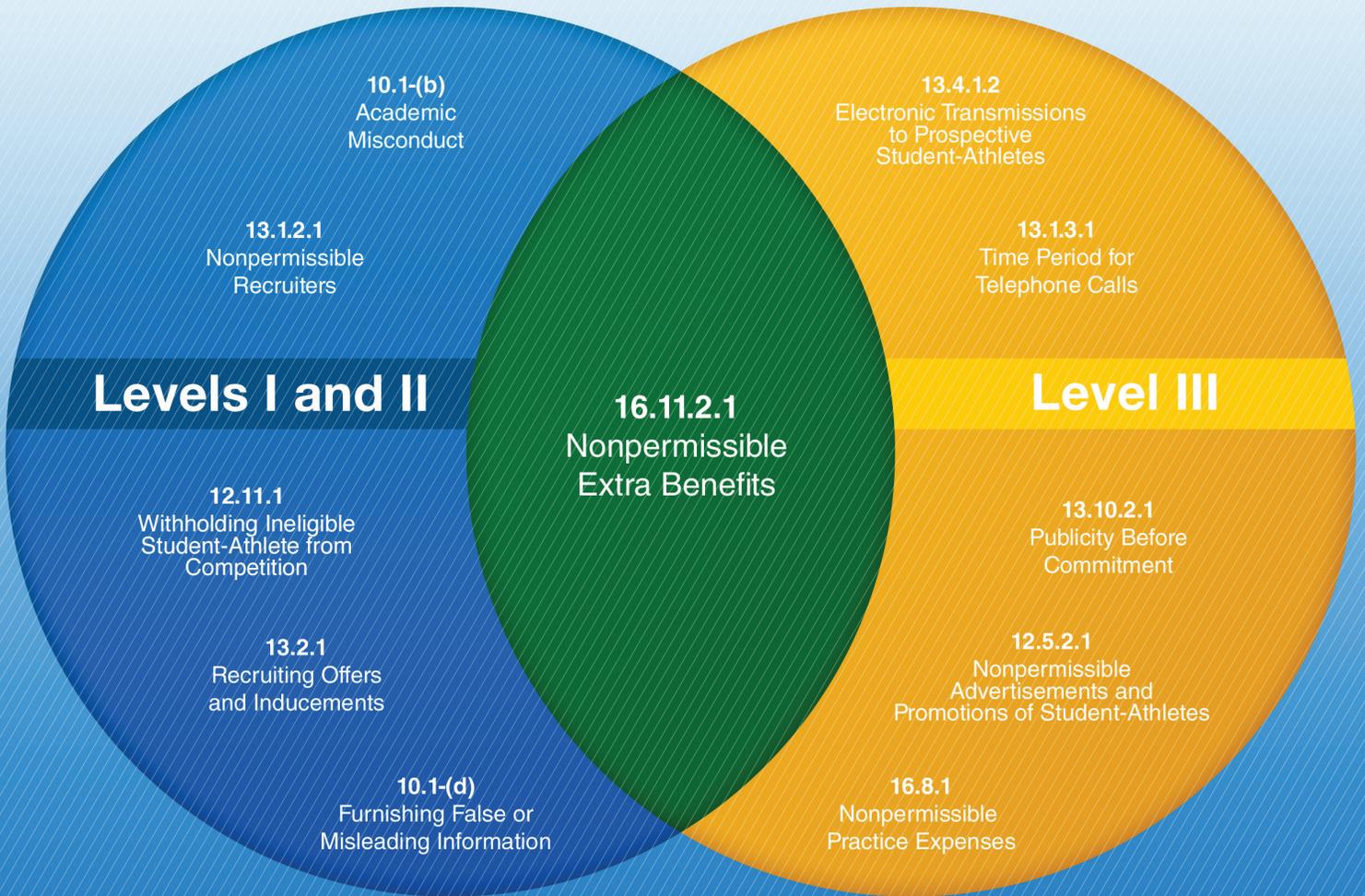


MOST-FREQUENTLY VIOLATED RULES

DIVISION I INFRACTIONS PROCESS

Across Divisions I, II and III, there are more than 5,800 rules. Obviously, the enforcement staff encounters violations of certain rules more than others. To aid compliance efforts at Division I member colleges and universities, frequently violated rules are

noted below. This information highlights areas in which schools have been most likely to encounter violations in recent years. The information may also be used as a resource for schools looking to audit areas of potential noncompliance.





OVERVIEW OF A DIVISION I INVESTIGATION

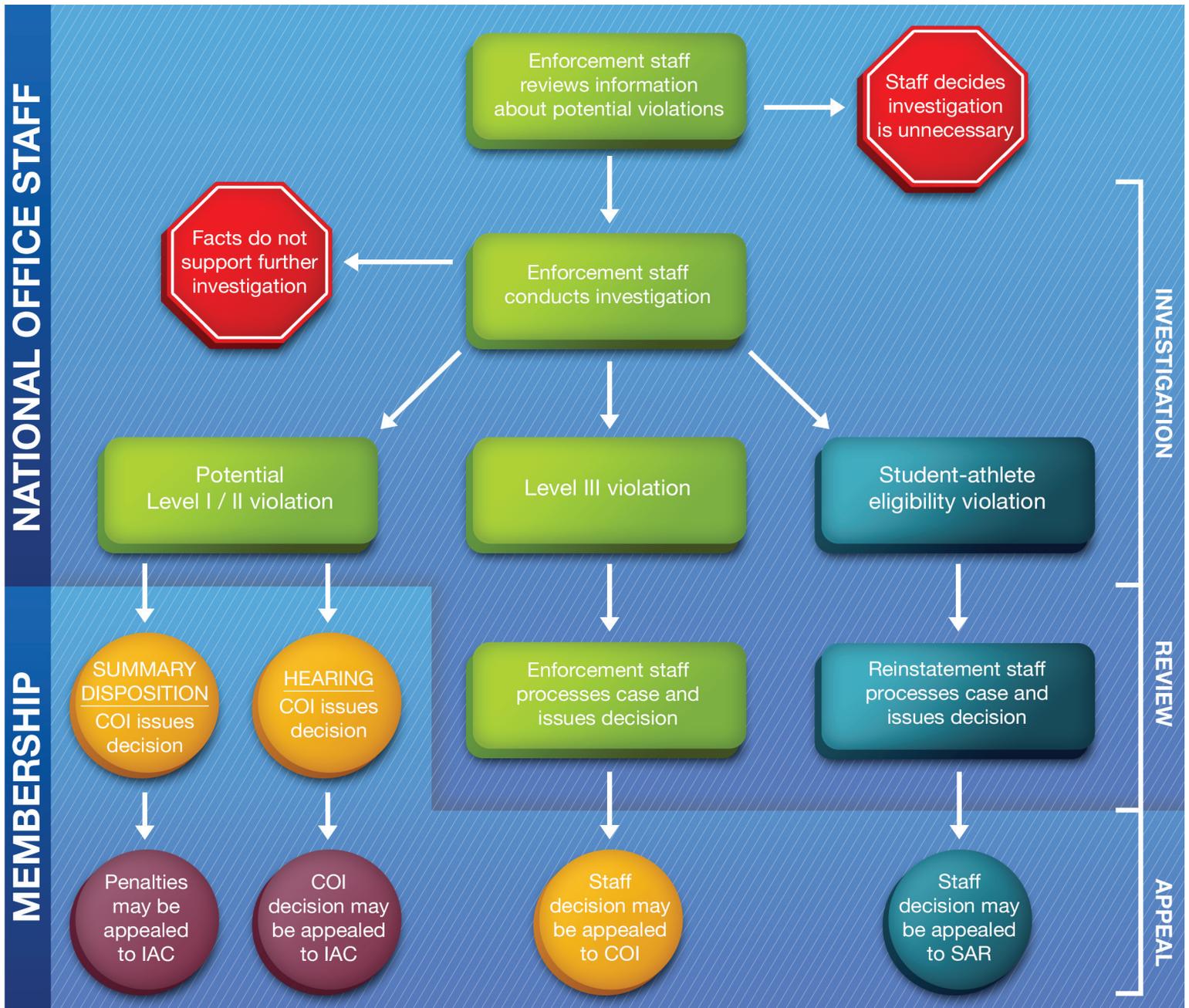
DIVISION I INFRACCTIONS PROCESS

NCAA members created the infractions process to ensure fair play and integrity among NCAA schools. If information suggests a violation occurred, the [national office enforcement staff](#) works with the school and involved individuals to investigate.

If the information is not credible or does not indicate a violation, the case is closed. If the investigation indicates a [Level I or II violation](#) occurred, the enforcement staff provides notice to the school and any involved individuals. The [Committee on Infractions \(COI\)](#), an independent group of qualified individuals from NCAA schools and the public, holds a hearing to review the facts and decide whether violations occurred and whether penalties are appropriate.

If the parties agree on the facts, the COI can decide the case through an expedited process called [summary disposition](#). Challenges to the COI decision are presented to the [Infractions Appeals Committee \(IAC\)](#), another independent group of qualified individuals from NCAA schools and the public.

If it appears a [Level III violation](#) occurred, the enforcement staff issues a decision, which can be appealed to the COI. Finally, if a violation involves a [student-athlete's eligibility](#), the [student-athlete reinstatement staff](#) issues a decision, which can be appealed to the [Student-Athlete Reinstatement \(SAR\) Committee](#).





INFRACTIONS PHASES AND PARTIES

DIVISION I INFRACTIONS PROCESS

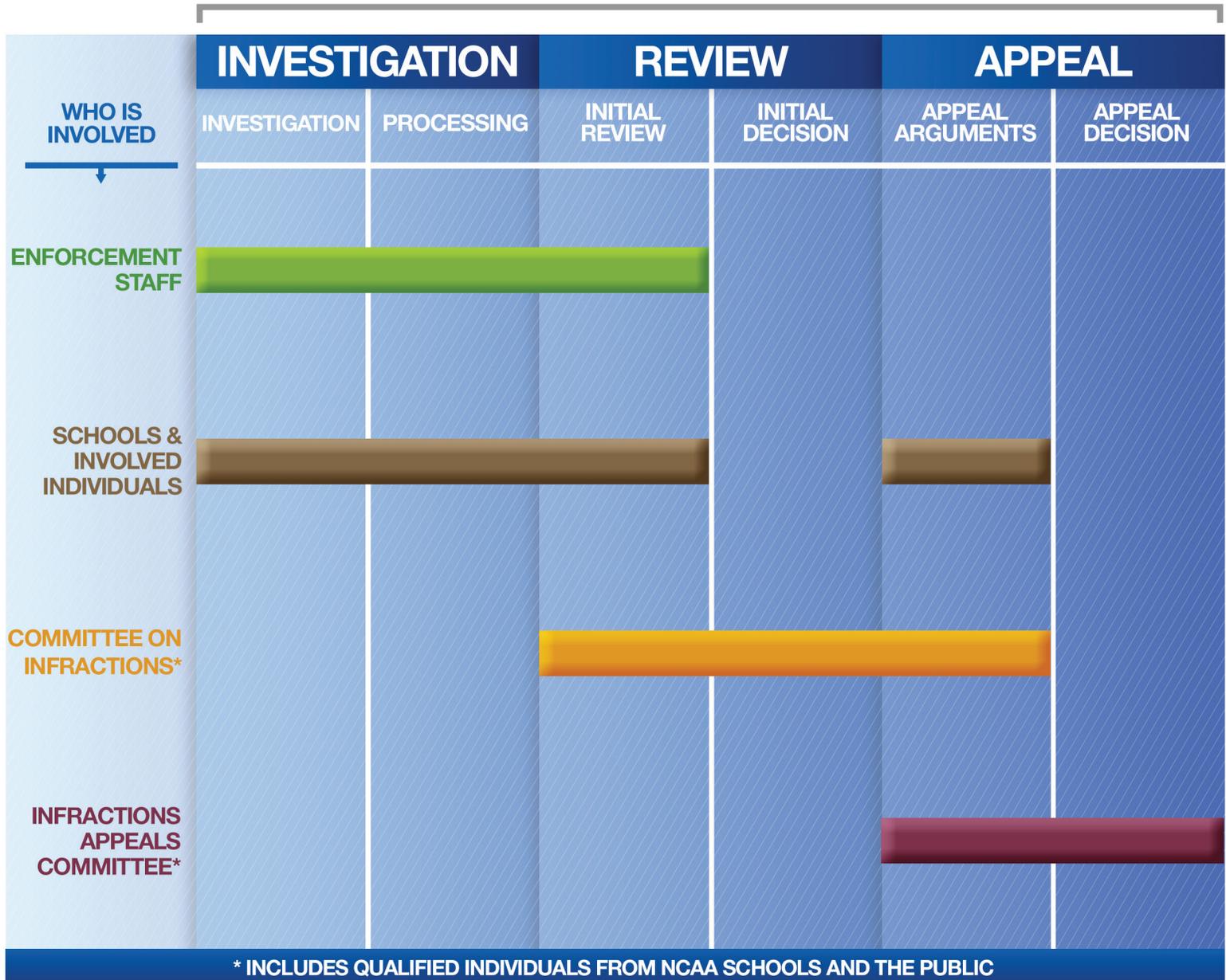
A number of parties are involved in each phase of the infractions process. During the investigation phase, the national office [enforcement staff](#) works with the school and involved individuals to discover the facts. The staff then determines whether to bring formal allegations and provides detailed written notice to the school and involved individuals.

All parties present facts and their respective positions to the [Committee on Infractions \(COI\)](#), an independent group of qualified representatives from member schools and the public.

The COI reviews all information and decides whether a violation occurred and what, if any, penalties are appropriate. The national office enforcement staff is not involved in that decision or in fashioning penalties.

Appeal arguments may be presented to the [Infractions Appeals Committee \(IAC\)](#), which also consists of qualified representatives from member schools and the public. The IAC reviews the initial decision and has the final word on whether a violation occurred and whether penalties are appropriate.

INFRACTIONS PROCESS





VIOLATION STRUCTURE

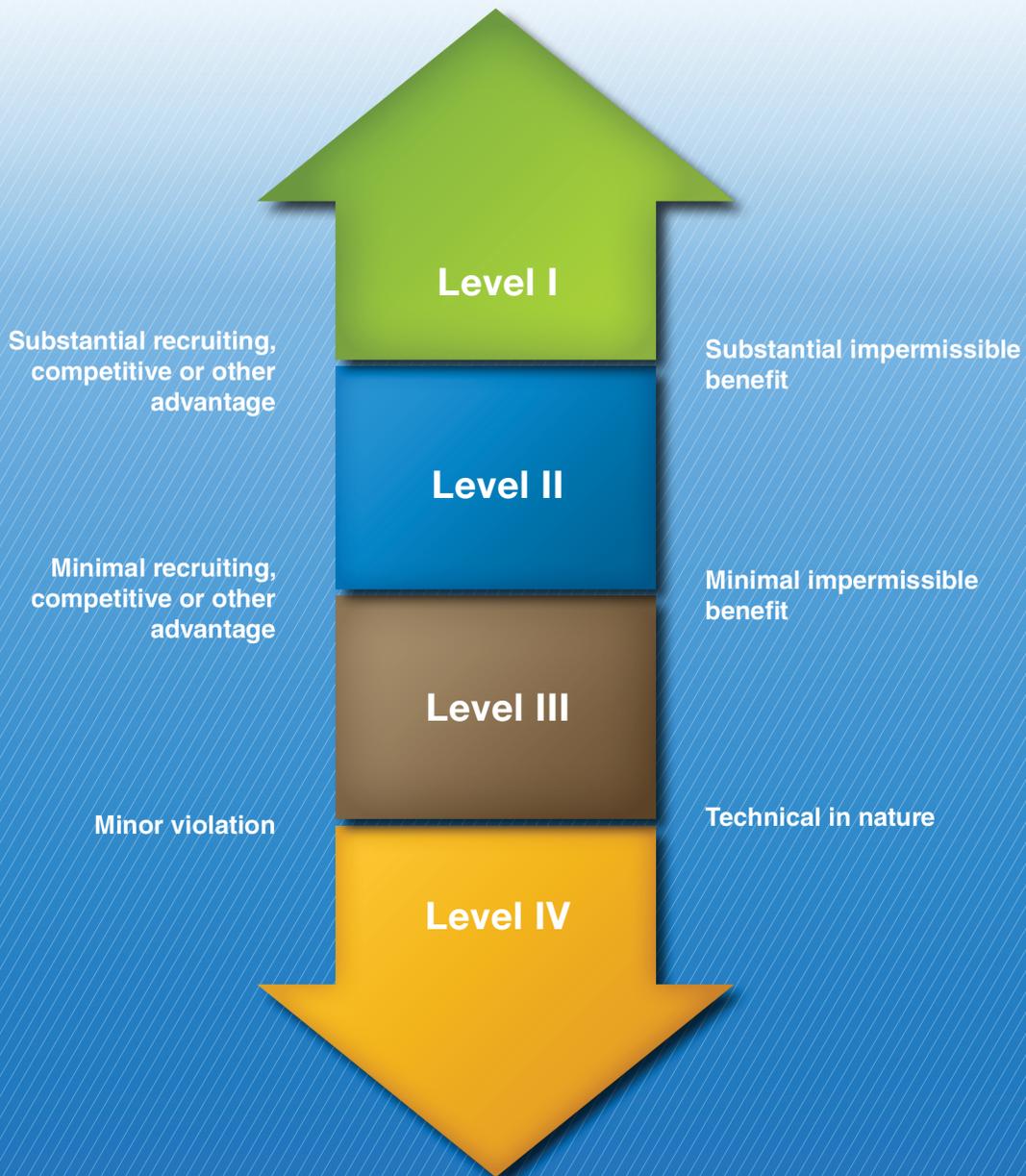
DIVISION I INFRACTIONS PROCESS

In the past, rule violations were characterized as either major or secondary. However, NCAA member schools recently adopted a four-tier structure designed to provide greater specificity and flexibility in the infractions process. Now, rather than major or secondary violations, the infractions are characterized as either Level I, II, III or IV.

Definitions for the various levels (found in Bylaw 19.1) measure the impact of the alleged behavior on the Collegiate Model. Level I violations are the most severe and Level IV are the least severe.

Level I and II violations are resolved by the Committee on Infractions (COI), with any appeals decided by the Infractions Appeals Committee. Level III violations are resolved by the enforcement staff, with any appeals decided by the COI. Level IV violations are processed by conference offices without involvement by the NCAA.

Member committees, rather than the enforcement staff, ultimately decide whether violations are properly characterized as Level I, II, III or IV.





INVESTIGATIVE RESPONSIBILITIES

DIVISION I INFRACTIONS PROCESS

The process for investigating and resolving potential rules violations is outlined in Article 19 of the NCAA Manual. The manual identifies specific obligations of all parties in an investigation, including the enforcement staff, the member school under investigation and any involved individuals. For example, parties are required to cooperate in an investigation and to keep certain information about the investigation confidential.

Investigations are not always pleasant, but following this model is most likely to promote fair play and protect the integrity of intercollegiate athletics.

Member-created rules support F.A.C.T. investigations. That is, investigations characterized by the following mutual commitments:

Fair – Investigations should be an objective effort by all parties to find the truth.

Accurate – All parties have the responsibility to provide correct, complete and detailed information about potential violations.

Collaborative – The best investigations are cooperative efforts between the parties.

Timely – Certain delays are unavoidable, but investigations should be resolved as quickly as possible without compromising accuracy or thoroughness.

F.A.C.T.

INVESTIGATIONS

FAIR • ACCURATE • COLLABORATIVE • TIMELY



NCAA MEMBER RESOURCE GUIDE

INVESTIGATING AND REPORTING BYLAW INFRACTIONS TO THE NCAA ENFORCEMENT STAFF



OVERVIEW AND DISCLAIMER

This information is intended to assist an NCAA member institution when investigating potential violations of NCAA legislation and preparing a report for the NCAA enforcement staff concerning the results of the inquiry. This resource guide includes basic information on how to conduct an on-campus investigation into potential NCAA rules violations and an outline to use when information is submitted to the enforcement staff for potential Level I, Level II or major violations.

This resource guide is prepared for general information purposes only and is intended to provide guidance to the membership on how to conduct investigations and report information to the enforcement staff. Member institutions should consult their own policies and contact the enforcement staff before commencing an investigation.

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I. Introduction.

The NCAA infractions process is a **cooperative undertaking** involving member institutions and the NCAA enforcement staff in the investigation and processing of potential NCAA rules violations. The enforcement staff is responsible for conducting investigations relative to an institution's failure to comply with NCAA legislation. However, an institution is often the first to learn of possible violations involving its athletics programs. After an institution contacts the enforcement staff about potential violations, it is not unusual for the enforcement staff to ask the institution to conduct a preliminary inquiry and report its findings. Consequently, it is important for schools to have an institutional investigative policy in place regarding the collection, review and reporting of information concerning possible rules violations. The following sections provide guidance on how to conduct an internal investigation, recommended procedures for submitting a self-report to the enforcement staff and answers to frequently asked questions.

II. How to Conduct an Investigation.

A. Launching an Investigation.

After an institution has reviewed its investigative policy, consulted with the NCAA enforcement staff and been given authorization to proceed with its own investigation, the institution should develop a case strategy. A case strategy is the institution's road map for conducting its investigation. At a minimum, it identifies potential NCAA violations, applicable NCAA legislation, prospective interviewees and the order in which individuals will be interviewed, documents to be collected, the timing of collection and review, and a timeline for completing the investigation (set in consultation with the enforcement staff). The institution also should pay particular attention to developing a strategy and timeline for communicating with individuals who may be involved, coaching staffs, students, administrators and other stakeholders.

At this stage, the institution also should determine whether to retain the services of outside legal or investigative consultants. This is obviously a decision made entirely by the institution.

B. Document Collection.

Identifying and gathering relevant documents is an important part of any successful investigation. Documents may come in either paper or electronic format. For instance, potentially relevant documents include, but are not limited to, computer records, bank statements, telephone records, correspondence, text messages, photographs, expense receipts, travel itineraries, academic transcripts, publicly available social media posts, vehicle registrations, etc. Some documents may already be in the institution's possession and readily available for review while others may require the institution to request them from a third party.

When requesting documents, consider the following:

1. Whether signed agreements are necessary to gain access to the information (and how to procure necessary consents).
2. Whether to submit the request for documents in writing.
3. Which individuals have information that may identify relevant documents.
4. Who will request the documents and the timing of the request(s), including follow-up or supplemental requests.
5. A timeline for production of the requested documents.
6. In what format the requested documents should be produced (native format, Word, .pdf, Excel, photocopies, etc.) and what information may be embedded in electronic materials.
7. Consequences for failure or refusal to produce requested documents.
8. How a request for documents from a third party might compromise the investigation.

C. Interviews.

1. Who should be interviewed?

Conducting effective interviews is an important way of gathering information during an investigation. An institution should interview any individual with potential knowledge of and/or involvement in potential NCAA violations. This includes, but is not limited to, the source of information about alleged violations, institutional staff members, current and former student-athletes, and individuals whose eligibility or athletically related duties as an institutional staff member may be at risk due to their possible involvement in violations.

Some individuals have an obligation to cooperate, provide documents and respond to interview questions during an institution's internal investigation. These individuals are current and former institutional staff (athletics and nonathletics), student-athletes, and prospective student-athletes. Individuals who are not obligated under NCAA bylaws to cooperate with the institution's investigation may include those never employed by or associated with the institution, such as agents, boosters, financial advisers, scholastic and nonscholastic coaches, and former student-athletes.

2. Order of interviews.

When determining the order of interviews, consider the following:

- a. Who has foundational information that will inform subsequent interviews or document requests?
- b. Who can corroborate and/or refute the information?
- c. Who is at risk for their involvement in potential rules violations?
- d. How can you best prevent/minimize a breach of confidentiality or leak of information in your investigation?
- e. Might an individual need to be interviewed again in light of later-discovered information?

Typically, when determining the order of interviews, it is helpful to work from the outside in. In other words, an investigator may opt to interview individuals most likely to be involved in the violations last. This allows the investigator time to develop sufficient information to confirm or refute their involvement.

3. Interview logistics.

In the institution's investigative policy, outline in detail how the institution will conduct its interviews. Specifically, identify who is responsible for conducting the interview, who may be present during the interview, where the interview should be conducted, who may know about the interview and how the interview should be performed (e.g., telephone, videoconference or in person).

To solicit candid and real-time responses, do not specify the substance of the interview with the interviewee in advance. Both before and at the beginning of the interview, the institutional representative should explain that the purpose of the interview is to determine whether the individual has any knowledge of or involvement in NCAA violations. Also, whenever possible, record every interview using a digital recorder; have the institutional representative state on the record the name of the person being interviewed, as well as the date, time, location and individuals present.

The representative should advise the interviewee on the record that he or she may have personal legal counsel present and of the interviewee's obligation (if applicable) to provide truthful and complete information (NCAA Bylaws 10.01 and 10.1). Explain the consequences of failing to provide truthful information or refusing to cooperate fully (Bylaw 10.4). In Division I, these consequences are also found in Bylaws 19.2.3.2 and 19.9.3-(e). Have the interviewee sign a Bylaw 10.1 statement memorializing his or her understanding of the obligation under NCAA legislation to cooperate and provide truthful information. Retain a copy of the signed statement with the investigative file. Discuss the interviewee's obligation to keep the inquiry confidential. Maintaining confidentiality and protecting the integrity of the investigation are key to accurate fact-finding efforts.

4. Interview techniques.

Conducting effective interviews during an internal investigation takes time, planning and execution. Planning includes performing research and gathering and reviewing all relevant documentation before the interview.

During the interview, ask open-ended questions (e.g., "Tell us about") to solicit as much information as possible, and avoid asking leading questions (e.g., "Isn't it true that ...?"). Avoid interrupting the interviewee when he or she is responding and ask specific questions to gather as many details as possible (e.g., dates, times, names, etc.). It is also important that the interviewer have the interviewee distinguish between firsthand information (direct knowledge) and secondhand information (indirect knowledge). If the interviewee does not have information or direct knowledge of the violation, ask the interviewee if he or she knows someone who may have information.

The interviewee should have the opportunity to share any desired information, but he or she must also answer all questions. If the interviewee is represented by legal counsel, the attorney's interruptions should be kept to a minimum, and coaching is not permitted. In order to facilitate gathering information relevant to violations of NCAA rules, the answers need to be those of the interviewee, not the attorney.

D. Analysis of Information.

Throughout the course of the investigation, review and analyze all information collected to determine whether additional interviews or document requests are necessary. At the conclusion of the investigation, review the entire file and determine whether the factual information and relevant bylaws indicate that violations likely occurred. The institutional investigative policy should identify

the institutional staff responsible for analyzing the information and arriving at its findings.

At the conclusion of the investigation, contact the enforcement staff. If potential violations are uncovered, report the particulars as outlined below. Also consider whether there are any eligibility issues that require review by the NCAA student-athlete reinstatement staff.

After the institution has completed its investigation, it is often a good time to assess the institution's compliance systems. Identify any potential breakdowns, implement meaningful corrective actions and, if necessary, revise and update the investigative policy. Reviewing department compliance procedures with the athletics staff and implementing improvements on a regular basis help prevent and/or mitigate future violations and is a sign that the institution takes compliance seriously.

E. Reporting Institutional Findings to the Enforcement Staff.

If the institution determines that Level I, Level II or major violations might have occurred, report the findings to the enforcement staff as soon as reasonably possible. Provide notice to the enforcement staff member who was assigned before starting the investigation. Email the self-report to MajorSelfReports@ncaa.org. The enforcement staff will review the self-report and follow up with the institution to discuss any questions and next steps.

III. Outline for an Institutional Self-Report.

After an institution concludes its investigation, it should present its findings and supporting documentation to the NCAA enforcement staff in a written report using the following outline:

A. Introduction.

1. Purpose of report.

- a. Acknowledgment of violations. State whether the institution is acknowledging violations.
- b. Level. State the institution's position on whether the case is Level I, II or III, or major or secondary.
- c. Restoration of eligibility. Indicate whether the eligibility of a prospective student-athlete or enrolled student-athlete was

impacted and whether it has been addressed with the NCAA student-athlete reinstatement staff.

2. Table of contents.

3. Case chronology.

- a. Provide an overview of the means by which the initial information became available to the institution and how the institution determined that an investigation was necessary.
- b. Dates of significance to the institution's investigation (e.g., investigation start date, initial contact with enforcement staff, etc.).
- c. Date report was submitted to conference (if applicable) and overview of any actions.
- d. Dates of interviews and other events that aid in understanding the progression of the case.

B. Summary of Factual Information and General Overview of Findings.

1. Summary of factual information. Provide a summary of the factual information supporting the violations identified as a result of the investigation.
2. Nature of violations. Identify the general types of violations (e.g., recruiting, extra benefits) and individual(s) involved (e.g., current or former student-athletes and coaching staff members).
3. Involved individual(s). Identify and provide titles of any and all involved individual(s) named in an allegation with biographical background about each individual. Include for all involved former and current coaching staff members the date(s) the individual began employment with the institution, number of years the individual was/has been employed, titles held and overview of duties. For student-athletes with eligibility remaining who are named in findings, provide the student-athlete's current eligibility status at the institution (or other NCAA member institution).

C. Overview of Institution's Investigation.

1. Institutional staff. Include the identities of the individual(s) who conducted the inquiry.

2. Length of investigation. Indicate the overall length of the institution's involvement, whether the institution encountered delays and the reasons for those delays.
 3. Identify individuals interviewed and their relationship to the inquiry. Explain why these individuals were interviewed and their significance to the inquiry. If applicable, explain why certain individuals were not interviewed.
- D. Specific Findings and Narrative. Provide a detailed summary and narrative for each finding of violation in the report.
1. Finding. Provide a paragraph stating the facts of the violations, including:
 - a. Citation of NCAA legislation violated. Provide a list of the citations of all NCAA legislation violated [e.g., NCAA Bylaws 13.2.2-(e) and 16.2.2.4].
 - b. Specific language of finding, including the following:
 - (1) Date and location of violation.
 - (2) Describe the actions that produced the violation, a description of the benefit or inducement (e.g., \$50 cash, impermissible tryout, exceeded permissible number of contests) and any additional information pertinent to understanding the violation.
 - (3) Identities of coaching staff members, student-athletes, representatives of the institution's athletics interests and other individuals involved in the violation.
 2. Supporting narrative. Provide all necessary information to assist the enforcement staff in understanding the circumstances surrounding the violation.
 - a. Means by which the violation was discovered. Provide specific information relevant to each finding [e.g., the violation was discovered through interviews, individual(s) came forward, review of documents and newspaper articles].
 - b. An overview of the information developed/reported in subparagraph 2-a. Provide a summary of the information that led to a conclusion that a violation occurred (e.g., summarize statements of individuals, including documents or other records of relevance).

- c. Reasons the violation occurred and a description of mitigating/unique factors. Identify why and how the violation occurred.
 - d. Identification of any eligibility issues and the results of these issues. Identify the specific student-athlete and the results of any restoration requests. Include supporting documentation, correspondence and exhibits.
- E. Other Possible Violations. Include information about other possible violations that the institution reviewed but did not or could not substantiate. Provide an overview of the possible violations including:
 1. Citation of possible NCAA legislation violated.
 2. A review of the available information that supports or refutes that a violation occurred.
 3. A statement indicating reasons the institution does not believe a violation occurred.
- F. Corrective Actions and Penalties. Include corrective actions and penalties that have been or will be implemented by the institution.
 1. Corrective actions.
 - a. Identify actions that correct, eliminate or strengthen a specific area within the institution, its compliance program or the athletics department.
 - b. Reasons/rationale by the institution for corrective actions.
 2. Penalties.
 - a. List any penalties or actions imposed with regard to the institutional program, institutional employees or representatives of the institution's athletics interests.
 - b. Explain the reasons the institution believes the penalties were appropriate.

- c. Penalties imposed by the conference (if applicable).
- d. Reasons for penalties imposed by the conference (if applicable).
- e. A statement indicating whether the institution is a repeat violator as noted in the provisions of NCAA Bylaw 19.5.2.3 (Repeat violator is applicable only in Divisions II and III).

G. Background Information on the Institution and Involved Individual(s).

1. NCAA division, conference alignment, number of sports sponsored and total number of athletics grants-in-aid awarded during the past academic year.
2. Type of academic calendar on which the institution operates (e.g., semester or quarter).
3. Overview of major infractions history of institution and involved individual(s).

H. Concluding Remarks.

I. Appendix (supporting documentation). The following is not an exhaustive list:

1. Individual contact information.
 - a. Names, addresses and telephone numbers of individuals interviewed.
 - b. Names, addresses and telephone numbers of individuals who refused to be interviewed.
 - c. Names of individuals who could not be located.
2. Correspondence.
 - a. Copy of correspondence between the institution and conference.
 - b. Copy of correspondence between the institution and involved individual(s).

3. Factual information (not an exhaustive list).
 - a. Interview recordings, transcripts and/or summaries.
 - b. Financial records.
 - c. Academic transcripts.
 - d. Telephone records.
 - e. Team rosters.
 - f. Travel and lodging records.
 - g. Emails and text messages.
 - h. Computer records.

Submitting a Self-Report

All supporting documentation should be submitted electronically with the institution's self-report to MajorSelfReports@ncaa.org.

The institution's report and supporting documentation should be named according to the naming convention worksheet provided by the enforcement staff. If an institution is unable to transmit the information by email due to file size limitations, it should contact the enforcement staff to determine another way to submit the information electronically.

IV. Frequently Asked Questions.

- 1. Should an institution contact the NCAA enforcement staff before commencing an internal investigation into potential Level I, Level II or major violations?**

Yes. Contact the enforcement staff before commencing an internal investigation into potential Level I, Level II or major violations. Notification of the enforcement staff gives the institution and enforcement staff the opportunity to coordinate efforts, avoid duplicating investigative work and discuss next steps. The enforcement staff may lead the investigation or ask the institution to proceed with its internal investigation.

The institution will be asked to share its plans for conducting an internal investigation and the anticipated deadline for completion. An enforcement staff member will be assigned to the case as a point of contact during the investigation.

- 2. What is an institutional investigative policy?**

An investigative policy contains the institution's guidelines and criteria for conducting an internal investigation. An investigative policy defines roles and responsibilities, outlines investigative resources and identifies procedures for reviewing and reporting institutional findings.

Having an investigative policy promotes consistency in investigations, provides for a timely and organized response to potential violations, and reduces inefficiencies.

- 3. Who should conduct the investigation for the institution?**

The institutional investigative policy should outline who is responsible for conducting the institution's investigation. Depending on an institution's size and resources, the director of compliance, institutional legal counsel and/or outside legal counsel may conduct the investigation. Individuals who may be involved in potential rules violations should not participate in conducting any part of the investigation.

- 4. What are some common errors in an internal investigation?**

Assuming that the institution has a policy, the most common error is not following it. The following are other common errors that may occur either during the internal investigation or in the preparation of the report to the NCAA:

- a. Failure to notify the student-athletes and institutional staff members of NCAA Bylaw 10.1 (i.e., providing false or misleading information to either the institution or the NCAA). Provide notification orally and in writing before any interview.
- b. Failure to recognize eligibility issues. If information arises about a current student-athlete who is competing, the institution must undertake an immediate review to determine the student-athlete's eligibility status. Even if all the facts are not established at that time, the institution should make a good-faith decision based on the available information. Document the reasons for the institution's position in the event new facts or questions arise later in the inquiry. Further, the institution's position may change on receipt of subsequent information.
- c. Failure to submit the necessary information. An outline for the type of information needed in a self-report is contained within this guide. Generally, the type of information needed for a description of a possible Level I, Level II or major violation is similar to the information needed for a Level III or secondary violation (e.g., the identities of involved student-athletes and staff members, the time period involved). Background information included in a self-report for a possible Level I, Level II or major violation is more encompassing.
- d. Failure to state specifically the violation the institution is acknowledging. State in specific terms the bylaws violated and the information supporting the violation. For example:
 - (1) [NCAA Bylaw 13.2.2]

On February 22, 2014, Nancy Dribble (Dribble), then assistant women's basketball coach, provided \$250 in cash to then women's basketball prospective student-athlete Speedy Hands (Hands), in Hand's hotel room at the Ace Hotel, when she was on campus for her official paid visit.
 - (2) [NCAA Bylaw 16.11.2.1]

On at least three occasions during the 2014-15 academic year, Robert Bigbucks (Bigbucks), a representative of the institution's athletics interests, purchased various articles of clothing for football student-athlete Bulk Muscles (Muscles) at the Big Guys Clothing Store. Specifically, (a) in September 2014, Bigbucks purchased two pairs of dress pants and a shirt, valued at \$175, in order for Muscles to have adequate clothing to travel to away games; (b) in December 2014, Bigbucks purchased a winter coat as

a Christmas gift, valued at \$100; and (c) in March 2015, immediately before spring vacation, Bigbucks purchased several swimsuits and shirts for Muscles' spring break vacation, valued at \$150.

- e. Failure to identify all relevant documentation. Documents to be identified include, among others, telephone records, travel vouchers, etc.
- f. Failure to include information reported from all parties who either corroborate or refute the allegations. Include not only information that supports the institution's position but include all other information, as well.

5. What is a self-report?

A self-report is material submitted by the institution to the enforcement staff detailing Level I, II or III, major or secondary violations in its athletics program. The report must be submitted in writing and be the result of a thorough review of information received by the institution about possible violations and the determination that violations occurred.

6. Why should an institution self-report violations?

Pursuant to NCAA Constitution 2.8 (The Principle of Rules Compliance), NCAA member institutions have a responsibility to comply with all rules and regulations of the Association and monitor their athletics programs to ensure compliance. This legislation specifically addresses an institution's responsibility to identify and report to the Association "instances in which compliance has not been achieved" and to take appropriate corrective actions.

7. Does an institution receive "credit" for self-reporting?

Pursuant to Constitution 2.8.1 and other provisions in the Manual, institutions have an affirmative obligation to review possible bylaw violations and report those to the NCAA in a timely manner. Self-reporting violations is an expectation and condition of membership.

Whether potential violations are self-reported or otherwise uncovered, the enforcement staff reviews information regarding the underlying conduct. At the conclusion of its review, the enforcement staff must decide whether to bring formal allegations. If allegations are appropriate, the enforcement staff must also make a preliminary determination regarding the severity of the allegations. The source of the underlying information is not a factor in the enforcement staff's analysis of potential allegations.

However, self-reporting of violations can be a factor in fashioning penalties. A hearing panel of the NCAA Division I Committee on Infractions or the NCAA Divisions II and III Committee on Infractions, not the enforcement staff, is responsible for prescribing penalties. Accordingly, the hearing panel/committee members may consider an institution's self-report or the institution's level of cooperation in an investigation when prescribing penalties.

8. Is an institution obligated to report to the NCAA if it cannot determine whether a violation occurred or believes a Level I, Level II or major violation did not occur?

If an institution is unable to determine whether a Level I, Level II or major violation occurred or concludes that no violations occurred, then the institution is encouraged to advise the enforcement staff of such information and keep a written record of the methodology used and results of its inquiry.

9. What information is needed in a self-report?

An outline of information to be included in a self-report to the enforcement staff is found within Section III of this guide. The amount of detailed, relevant information initially submitted by the institution may reduce the number of subsequent inquiries by the enforcement staff.

10. How should this information be submitted to the NCAA?

The institution's self-report should follow the outline contained within this guide and be submitted to the enforcement staff via email to MajorSelfReports@ncaa.org. Inform the enforcement staff member assigned to the case that the self-report was submitted. The enforcement staff member will then review the institutional self-report and follow up with the institution to ask any questions and discuss next steps.

RESPONSIBILITIES OF DIVISION I HEAD COACHES

Understanding rules compliance and monitoring



NCAA Division I Bylaw 11.1.1.1 states that a head coach is presumed to be responsible for the actions of all staff members who report, directly or indirectly, to the head coach. The head coach will be held accountable for violations in the program unless he or she can rebut the presumption of responsibility.

WHEN IS A HEAD COACH RESPONSIBLE FOR VIOLATIONS THAT OCCUR WITHIN HIS OR HER PROGRAM?

A head coach may rebut the presumption by showing that he or she:

- 1** Promotes an atmosphere of compliance within the program.
- AND**
- 2** Monitors the activities of staff members who report, directly or indirectly, to the coach.

When a potential violation is reported, the NCAA enforcement staff will conduct an investigation. If the underlying violation is substantiated, and if a member of the athletics staff is involved, the enforcement staff must decide whether a Bylaw 11.1.1.1 allegation involving the head coach is also appropriate. In making this decision, the enforcement staff will consider the facts, as well as information provided by the head coach and his or her counsel, if any.

As noted, it is the **Committee on Infractions**, not the enforcement staff, that concludes whether the head coach satisfied the requirements of Bylaw 11.1.1.1. The Committee on Infractions is made up of representatives from the membership and the public, and its decisions are subject to appellate review by the Infractions Appeals Committee.

How enforcement staff analyzes a potential head coach responsibility allegation

Level I or II violation occurs in the sport program.

The head coach is responsible unless he or she can rebut the presumption.

Did the head coach promote an atmosphere of compliance AND monitor his or her staff?

YES NO

No 11.1.1.1 allegation.

Enforcement staff brings 11.1.1.1 allegation. Committee on Infractions decides after a hearing.



IF THE COMMITTEE ON INFRACTIONS CONCLUDES THAT A COACH DID NOT SATISFY HIS OR HER HEAD COACH RESPONSIBILITY OBLIGATIONS, WHAT COULD HAPPEN?

For violations that occurred on or after Aug. 1, 2013, a head coach may receive a show-cause order and be suspended for up to an entire season for Level I violations and up to half of a season for Level II violations. The length of the suspension is determined by the Committee on Infractions and depends on the severity of the violation(s) committed, the level of the coach's involvement and any other aggravating or mitigating factors identified in Bylaw 19.9.

WHAT CAN A HEAD COACH DO TO PROMOTE AN ATMOSPHERE OF COMPLIANCE AND MONITOR THE ACTIVITIES OF HIS OR HER STAFF?

There are many things a head coach can do to promote an atmosphere of compliance and monitor the activities of his or her staff. Every situation is unique, and cases are analyzed based on the specific circumstances. There is no checklist of items that will always prevent a Bylaw 11.1.1.1 allegation, so it is important to consult with athletics administrators on campus and with the compliance staff for additional guidance on the best action plan.

The Infractions Appeals Committee also identified the following factors it will consider when determining whether a head coach satisfied his or her responsibility:

- **Demonstrates** that compliance is a shared responsibility by establishing clear expectations for NCAA compliance, including immediately reporting actual and potential issues to the compliance staff and allowing an independent inquiry into those issues.
- **Shows an understanding** that ultimate responsibility for the integrity of the program rests with the head coach, including understanding that staff actions reflect on the head coach and violations will result in clearly articulated discipline.
- **Develops written policies** regarding potential elite athlete issues.
- **Frequently spot-checks** the program to uncover potential or existing compliance problems, including the head coach actively looking for and evaluating red flags, asking pointed questions, and regularly soliciting honest feedback to determine if monitoring systems are functioning properly.
- **Avoids potential conflicts** between creating a successful program and overall compliance efforts, and/or explicit oversight by individuals outside the program.
- **Takes quick and personal action** with respect to violations or potential violations, including an ongoing dialogue with staff to review any potential issues involving prospects or current student-athletes.
- **Protects any person** who reports violations or potential violations from any potential retribution.
- **Provides timely, consistent and continuing education** of all coaches, staff and student-athletes as to rules and regulations, including written agendas and evidence of subjects covered and issues discussed.
- **Consults with compliance staff** on a regular basis; asking compliance staff before acting, especially in any potential grey area.

In addition, the enforcement staff offers observations on strategies for satisfying the obligations of Bylaw 11.1.1.1.

Promoting compliance

A head coach demonstrates a commitment to compliance, in part, through ongoing good-faith communication with campus administrators, the athletics director, and members of the compliance and coaching staffs, including sport supervisors. In addition to the items identified by the appeals committee, the enforcement staff highlights the following actions that may assist a head coach with managing these conversations:

- **Understand** the chancellor's or president's expectations for NCAA rules compliance.
- **Meet with the athletics director** to discuss the philosophy of the department and establish a plan for continued dialogue about NCAA rules compliance. Also, discuss compliance resources and the program's shared responsibility with compliance staff.
- **Meet with the compliance director** to discuss the topics outlined above, as well as:
 - Expectations for submitting rules interpretations and waiver requests. Determine how to resolve disagreements over the submission of such requests.
 - Expectations for reporting actual and potential NCAA rules issues.
 - Plans for ongoing dialogue between the coaching and compliance staffs to discuss key issues facing the sport and program.
- **Meet jointly** with the president (if possible), athletics director and compliance director to discuss the school's and program's **compliance approach and expectations**.
- **Meet with the coaching and support staff** to discuss the head coach's expectations for compliance, along with the following:
 - The program's ethical standards.
 - Expectations for reporting actual and potential NCAA rules issues.
 - The president's, athletic's and compliance director's philosophy and expectations for rules compliance.
 - Expectations for regular communication between the coaching staff and compliance staff.
 - A plan for continued dialogue with the staff to discuss the school's and program's compliance environment and expectations (for example, regularly scheduled meetings, etc.).
 - Ongoing dialogue with staff to review any issues involving prospective and current student-athletes.
- Ensure that the entire program has adequate and **ongoing compliance training** and a plan in place for discussion of important compliance topics.
- **Attend compliance training** and ensure that staff members are also **consistently attending**.
- Adhere to **expectations of the compliance office** (for example, recording recruiting events in compliance software or logs and responding to compliance office requests) and ensure that staff members are also adhering.
- Determine **reporting lines for resolving** actual and potential NCAA rules issues.
- Determine **reporting lines to alert compliance** staff of issues involving prospective and current student-athletes.

Genuine reinforcement of these messages is also important. A coach does not demonstrate a commitment to compliance when he or she is personally involved in NCAA rule violations, or when he or she knows about violations and takes no action.

Monitoring Staff

A head coach demonstrates a commitment to compliance by monitoring his or her staff's activities in consultation with the compliance staff. This may include staff meetings with agendas that specifically address compliance issues. The following may assist a head coach with managing his/her monitoring responsibilities:

- **Actively look for red flags** of potential violations. If a prospective student-athlete takes an unofficial visit to campus, ask how the prospect paid for the trip. Also look into prospects or student-athletes who are at-risk academically and any involvement by coaching staff members in these situations.
- **Ask questions.** If a coach is suspicious of a third party or handler involved in a prospective student-athlete's recruitment, ask probing questions of assistant coaches and other staff members. Emphasize the program's ethical standards, be clear about what is acceptable in dealing with third parties and keep a written record of the conversations.
- **Consult with the compliance director** to create written procedures to ensure your staff is monitoring your program's rules compliance. Suggested procedures:
 - Assign a staff liaison to the compliance staff.
 - Assign staff members to monitor specific areas of compliance (for example, recruiting contacts, initial eligibility, amateurism, telephone contacts).
 - Evaluate staff members regularly to ensure their areas of compliance are monitored and that all responsibilities are executed in a timely manner.
- **Solicit feedback regularly** from staff members concerning their areas of compliance and the program's overall compliance environment. Ask the staff where the biggest areas for mistakes or ethical traps exist. Ask where the gray areas are and how the staff will deal with them.
- Ensure that program officials **notify the compliance staff immediately** when concerns, red flags or unique circumstances arise related to potential NCAA rules violations. A lack of immediate action by the head coach will be a significant factor in determining whether the head coach responsibility obligations were met.

Additional considerations: Documentation

Documentation also may assist a coach in demonstrating a commitment to compliance and monitoring. Specifically, it is helpful if the head coach produces documentation (in any form) illustrating compliance efforts, procedures for monitoring the program's rules compliance and specific examples of communications about NCAA rules. Areas to document may include the following:

- Meetings with the athletics director, compliance staff and coaching staff.
- The program's procedures for monitoring and submission of documentation of specific areas of compliance (for example, practice hours and unofficial visits).
- Reports to compliance of actual and potential NCAA rules issues.
- Monitoring efforts to ensure that the staff and student-athletes are complying in a timely manner with NCAA rules and compliance obligations.
- Ensuring that assistant coaches and other staff are completing and submitting required compliance forms.



REAL-LIFE CASES

The following are cases reviewed by the enforcement staff and/or the Committee on Infractions since 2013:

Situation: Head coach responsibility allegations not brought by the enforcement staff

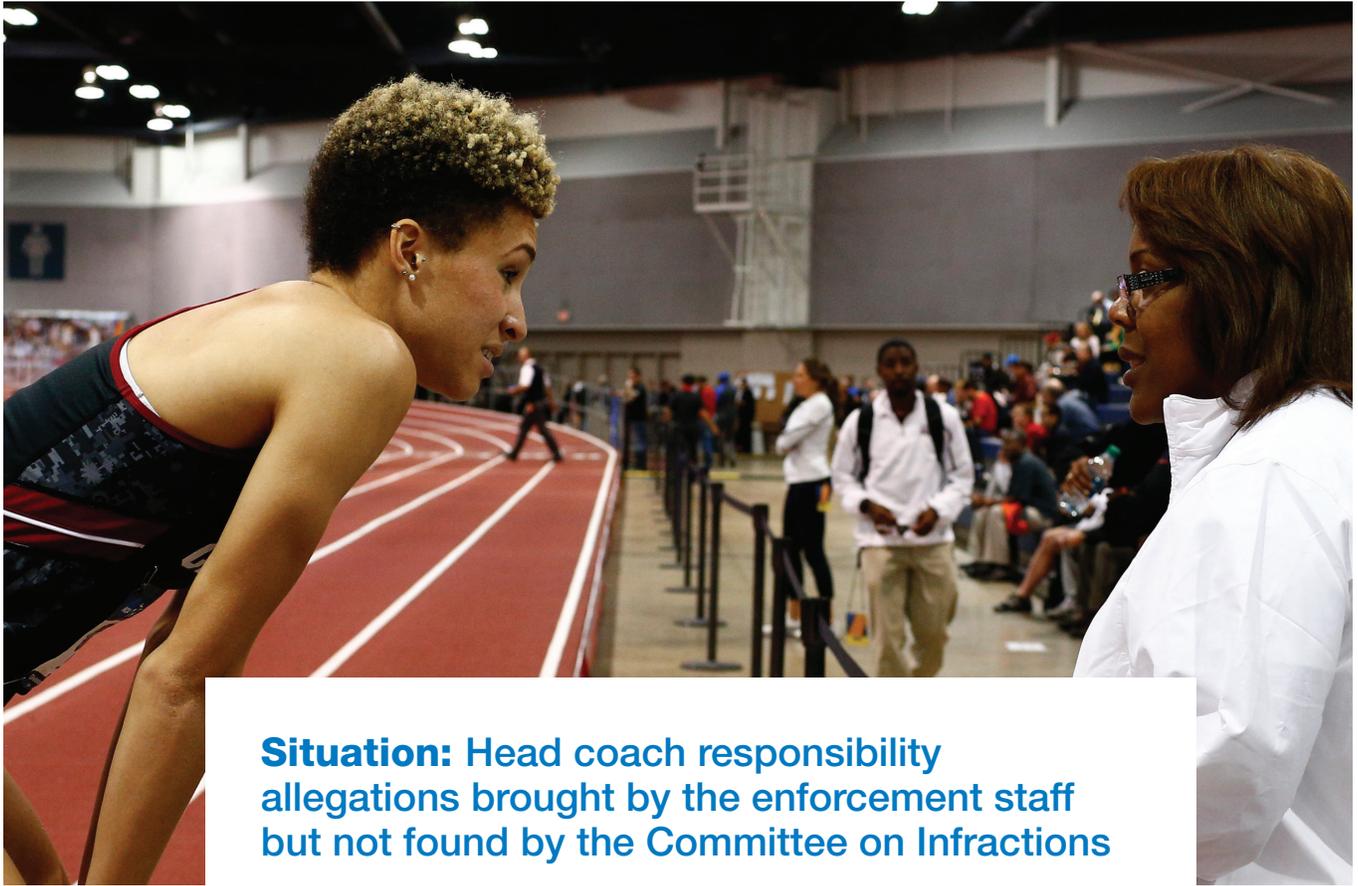
1 Example

The enforcement staff did not bring a Bylaw 11.1.1.1 allegation when an assistant coach committed a Level II violation by making an impermissible recruiting contact with a prospect. Although the head coach was presumed responsible, the enforcement staff believed the head coach rebutted the presumption based on the following:

- The head coach communicated on numerous occasions a zero tolerance for violations.
- The coaching and compliance staffs participated in weekly meetings (as documented in contemporaneous agendas and other written communications).
- There was a documented pattern of coaching staff members routinely and proactively contacting the compliance staff with questions and concerns.

2 Example

The enforcement staff did not bring a Bylaw 11.1.1.1 allegation when an instructor committed a Level I violation by completing coursework for five student-athletes (all in the same sport). The presumption of responsibility did not apply because the instructor did not report directly or indirectly to the head coach. Furthermore, there was no information showing that the head coach knew or should have known about the impermissible academic assistance.



Situation: Head coach responsibility allegations brought by the enforcement staff but not found by the Committee on Infractions

Example

A head coach's administrative assistant committed Level II extra-benefit violations in connection with a VIP apparel account. The enforcement staff believed the head coach created an atmosphere of compliance, but did not believe the head coach monitored the activities of his administrative assistant. Accordingly, the staff alleged a Bylaw 11.1.1.1 violation. However, the Committee on Infractions disagreed and concluded that the head coach did not fail to monitor his administrative assistant. Specifically:

- The head coach demonstrated that he consistently encouraged compliance with NCAA rules. School employees agreed that the head coach was serious about operating his program in a manner consistent with NCAA rules.
- The administrative assistant was a trusted and competent employee who attended weekly sport program staff meetings, which included a rules-education component.
- School staff members demonstrated an awareness of rules that impacted their responsibilities and indicated that the head coach instructed them to contact compliance personnel when questions arose.
- When the head coach observed suspicious activity, he appropriately reminded his assistant to ensure that student-athletes did not receive any impermissible benefit.

Situation: Head coach responsibility allegations brought by the enforcement staff and found by the Committee on Infractions

The following are select factors noted by the Committee on Infractions when concluding that a head coach failed to satisfy his or her head coach responsibilities.

1 Example

The head coach and members of his coaching staff were involved in impermissible countable athletically related activity during the summer months and impermissible tryouts for two prospects. The coaching staff also arranged for cost-free housing for two prospects. The committee concluded that the head coach violated Bylaw 11.1.1.1 based on the following:

- The committee noted that there is an elevated risk of violations when prospects are on campus before their first full-time enrollment.
- The head coach asked the prospects to report to campus before the dormitories opened but took no action to confirm that their housing arrangements complied with NCAA legislation and therefore failed to establish an atmosphere of rules compliance within the program.
- Because members of the coaching staff supervised and participated in the violations, the head coach was presumed responsible for their actions. In light of his personal involvement, the head coach failed to promote an atmosphere of compliance and therefore could not rebut the presumption.



2 Example

The head coach did not promote an atmosphere for compliance when he proposed and executed a special arrangement to ensure that a student-athlete was enrolled in a course to maintain eligibility. The committee concluded that the head coach violated Bylaw 11.1.1.1 based on the following:

- The committee noted that a head coach should demonstrate a commitment to compliance by fostering regular and ongoing communications with athletics department staff. He or she should maintain constant dialogue with the compliance office to discuss key issues or concerns in a sport program and to ensure program resources. He or she is expected to set the tone for what is and is not acceptable conduct. He or she is expected to lead by example. The head coach's decision-making with regard to the student-athlete in this case failed to demonstrate such leadership.
- The coach disregarded clear and direct instruction not to contact professors about student-athletes. In addition to the requests he made to a professor, the head coach also directed the student-athlete to act in furtherance of the head coach's plan.
- The head coach failed to consult with the compliance office. The head coach should have allowed the academic and athletics compliance staff to address the student-athlete's eligibility situation without his interference.

**For more information, visit
www.ncaa.org/enforcement.**



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