

## BYLAW, ARTICLE 19

# Infractions Program

### 19.01 General Principles.

**19.01.1 Mission of the Infractions Program.** It is the mission of the NCAA infractions program to uphold integrity and fair play among the NCAA membership, and to prescribe appropriate and fair penalties if violations occur. One of the fundamental principles of the infractions program is to ensure that those institutions and student-athletes abiding by the NCAA bylaws are not disadvantaged by their commitment to compliance. The program is committed to the fairness of procedures and the timely resolution of infractions cases. The ability to investigate allegations and penalize infractions is critical to the common interests of the Association's membership and the preservation of its enduring values. *(Adopted: 1/11/94, Revised: 10/30/12 effective 8/1/13, 7/31/14, 8/1/22)*

**19.01.2 Accountability.** The infractions program shall hold institutions, coaches, administrators, other representatives and student-athletes who violate NCAA bylaws accountable for their conduct. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 8/1/22, 10/28/22 effective 1/1/23)*

### 19.02 Definitions and Applications.

**19.02.1 Involved Individual.** Involved individuals are individuals who have received formal notice of involvement in alleged violations and may be subject to penalties pursuant to Bylaw 19.12.6.4. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.02.2 New Information.** New information is relevant, material information that could not have reasonably been ascertained prior to the Committee on Infractions hearing. *(Adopted: 1/6/96, Revised: 10/30/12 effective 8/1/13, 7/31/14, 10/28/22 effective 1/1/23)*

**19.02.3 Show-Cause Order.** A show-cause order is an order that requires a member institution to demonstrate to the satisfaction of the Committee on Infractions why it should not be subject to a penalty or additional penalty for not taking appropriate disciplinary or corrective action with regard to an institutional staff member or representative of the institution's athletics interests found by the Committee on Infractions as having been involved in a violation of NCAA bylaws. *(Revised: 1/10/95, 4/24/03, 10/30/12 effective 8/1/13, 1/23/19 effective 8/1/19, 8/1/22, 10/28/22 effective 1/1/23)*

### 19.1 Violation Structure.

**19.1.1 Application of Violation Structure.** The level of a violation attaches to the conduct, not to the individual. Therefore, an institution shall be held responsible for violations committed by staff members at the same level. Further, if violations from multiple levels are identified, the case shall be processed pursuant to procedures applicable to the most serious violation(s) alleged. *(Adopted: 10/28/22 effective 1/1/23)*

**19.1.2 Level I Violation.** A Level I violation is a violation that seriously undermines or threatens the integrity of the NCAA Collegiate Model, as set forth in the bylaws, including any violation that provides or is intended to provide a substantial or extensive recruiting, competitive or other advantage, or a substantial or extensive impermissible benefit. Among other examples, the following, in appropriate

circumstances, may constitute a Level I violation: *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 1/23/19 effective 8/1/19, 8/1/22, 10/28/22 effective 1/1/23)*

- (a) Lack of institutional control;
- (b) Academic integrity violations;
- (c) Failure to cooperate in an NCAA enforcement investigation;
- (d) Providing or attempting to influence others to provide false or misleading information, regardless of whether the underlying institutional violations are considered Level I;
- (e) A violation of Bylaw 11.1.1.1 (Responsibility of Head Coach) by a head coach resulting from an underlying Level I violation;
- (f) Cash payment or other benefits provided by a coach, administrator or representative of the institution's athletics interests intended to secure, or which resulted in, enrollment of a prospective student-athlete;
- (g) Third-party involvement in recruiting violations in which institutional staff members knew or should have known about the involvement;
- (h) Intentional violations or reckless indifference to NCAA bylaws; or
- (i) Collective Level II and/or Level III violations.

**19.1.3 Level II Violation.** A Level II violation is a violation that provides or is intended to provide more than a minimal but less than a substantial or extensive recruiting, competitive or other advantage; includes more than a minimal but less than a substantial or extensive impermissible benefit; or involves conduct that may compromise the integrity of the NCAA Collegiate Model as set forth in the bylaws. Among other examples, the following may constitute a Level II violation: *(Adopted: 10/30/12 effective 8/1/13, Revised: 8/8/18 effective 10/15/18, 10/28/22 effective 1/1/23)*

- (a) Violations that do not rise to the level of Level I violations and are more serious than Level III violations;
- (b) Failure to monitor (such violations will be presumed Level II but may be deemed to be of a Level I nature if the failure is substantial or egregious);
- (c) Systemic violations that do not amount to a lack of institutional control;
- (d) Multiple recruiting, financial aid, or eligibility violations that do not amount to a lack of institutional control;
- (e) A violation of Bylaw 11.1.1.1 (Responsibility of Head Coach) by a head coach resulting from an underlying Level II violation;
- (f) A violation of Bylaw 13.1.1.3 (Four-Year College Prospective Student-Athletes) as it relates to contact with a prospective student-athlete; or
- (g) Collective Level III violations.

**19.1.4 Level III Violation.** A Level III violation is a violation that is isolated or limited in nature; provides no more than a minimal recruiting, competitive or other advantage; and provides no more

than a minimal impermissible benefit. Among other examples, the following may constitute a Level III violation: *(Adopted: 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

- (a) Inadvertent violations that are isolated or limited in nature; or
- (b) Extra-benefit, financial aid, academic eligibility and recruiting violations, provided they do not create more than minimal advantages.

## **19.2 Responsibility to Cooperate.**

**19.2.1 Responsibility to Cooperate.** Institutions, current and former institutional staff members, and prospective and enrolled student-athletes have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Committee on Infractions, and the Infractions Appeals Committee to further the objectives of the Association and its infractions program. Full cooperation includes, but is not limited to: *(Adopted: 11/1/07 effective 8/1/08, Revised: 10/30/12 effective 8/1/13, 7/31/14, 8/8/18 effective 8/1/19, 12/20/18, 1/23/19, 10/28/22 effective 1/1/23)*

- (a) Affirmatively reporting instances of noncompliance to the NCAA national office in a timely manner;
- (b) Affirmatively preserving relevant materials, documentation and/or electronically stored information upon becoming aware, from any source, of potential violations;
- (c) Assisting in the development of full information to determine whether a possible violation of NCAA bylaws has occurred and the details thereof;
- (d) Timely participation in interviews and providing complete and truthful responses;
- (e) Making a full and complete disclosure of relevant information, including timely production of materials or information requested, and in the format requested;
- (f) Disclosing and providing access to all electronic devices and accounts that are or may be relevant to the investigation;
- (g) Providing access to all social media, messaging and other applications that are or may be relevant to the investigation;
- (h) Preserving the integrity of an investigation and abiding by all applicable confidentiality bylaws and instructions, including public disclosure as outlined in Bylaw 19.3;
- (i) Instructing legal counsel, agents and/or others acting on a party's behalf to cooperate fully; and
- (j) Encouraging spouses, family members, representatives of the institution's athletics interests and/or other associates to cooperate fully, including participating in interviews if requested and allowing access to all electronic devices and accounts that are or may be relevant to the investigation.

**19.2.1.1 Exemplary Cooperation.** Exemplary cooperation begins with institutional and athletics leadership embracing and exceeding the responsibility to cooperate. Exemplary cooperation by an institution or involved individual may constitute a mitigating factor pursuant to Bylaw 19.12.4. Institutions or involved individuals may demonstrate exemplary cooperation while denying some or all of the alleged violations and otherwise acting in furtherance of their independent interests. *(Adopted: 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

**19.2.1.2 Protection for Cooperation.** An institution shall not retaliate against a current or former institutional staff member or prospective student-athlete or student-athlete who voluntarily reports information about potential violations of NCAA bylaws to the individual's conference, member institution and/or the NCAA national office. *(Adopted: 8/8/18, 10/28/22 effective 1/1/23)*

**19.2.2 Failure to Cooperate.** Failing to satisfy the responsibility to cooperate may result in immediate penalties pursuant to Bylaw 19.2.3, an inference pursuant to Bylaw 19.7.5, an independent allegation of failure to cooperate and/or be considered an aggravating factor pursuant to Bylaw 19.12.3. Failing to cooperate includes, but is not limited to: *(Adopted: 10/30/12 effective 8/1/13, Revised: 8/8/18 effective 8/1/19, 12/20/18, 10/28/22 effective 1/1/23)*

- (a) Failing to fulfill the responsibility cooperate as outlined in Bylaw 19.2.1;
- (b) Refusing to provide or attempting to influence others to refuse to provide information relevant to a possible violation of NCAA bylaws when requested to do so by the NCAA and/or the individual's institution; and
- (c) Providing or attempting to influence others to provide the NCAA and/or the individual's institution false or misleading information relevant to a possible violation of NCAA bylaws.

**19.2.3 Immediate Penalties for Failure to Cooperate.** The Committee on Infractions may prescribe immediate penalties during the investigation if an institution or individual fails to satisfy the responsibility to cooperate. In cases before the Committee on Infractions, the chair of the Committee on Infractions; a hearing panel generated at the request of the chair to review whether an institution or individual failed to satisfy the responsibility to cooperate; the chief hearing officer of a hearing panel assigned to review the case, if appointed by the chair; or the hearing panel, if requested by the chief hearing officer, may prescribe penalties. *(Adopted: 8/8/18 effective 2/1/19, Revised: 1/23/19, 10/28/22 effective 1/1/23)*

**19.2.3.1 Finality of Immediate Penalties.** The prescribed penalties are final and not subject to appeal. Immediate penalties may be lifted by the hearing panel upon a determination that the party has cured the failure to cooperate. *(Adopted: 1/23/19 effective 2/1/19, 10/28/22 effective 1/1/23)*

**19.2.3.2 Committee on Infractions Hearing Panel Generated for Review.** When practicable, members of a Committee on Infractions hearing panel generated at the request of the Committee on Infractions chair to review whether an institution or individual failed to satisfy the responsibility to cooperate will serve on the panel that reviews the case. *(Adopted: 1/23/19 effective 2/1/19, 10/28/22 effective 1/1/23)*

**19.2.3.3 Impact of Immediate Penalties on Infractions Case.** *(Adopted: 1/23/19 effective 2/1/19, 10/28/22 effective 1/1/23)*

**19.2.3.3.1 Allegation of a Failure to Cooperate.** At the conclusion of an investigation, the enforcement staff may allege a party failed to cooperate pursuant to Bylaw 19.2.1 regardless of whether it petitioned the Committee on Infractions for immediate penalties during the course of an investigation. *(Adopted: 10/28/22 effective 1/1/23)*

**19.2.3.3.2 Concluding a Failure to Cooperate.** The Committee on Infractions hearing panel may consider a petition and/or conclusion regarding immediate penalties in concluding whether a failure to cooperate violation pursuant to Bylaw 19.2.1 occurred. However, the outcome of a petition for immediate penalties shall not preclude the hearing panel from concluding that a party failed to cooperate in the case. The panel may also consider any penalties prescribed in accordance with this bylaw in prescribing penalties pursuant to Bylaw 19.12 in its review of the case. *(Adopted: 10/28/22 effective 1/1/23)*

## **19.3 Public Disclosure and Dashboard.**

**19.3.1 Public Disclosure.** Except as provided in this article, an institution, including its representatives or counsel; any individual subject to NCAA bylaws, including their representative or counsel; the NCAA National Office; the Committee on Infractions; and the Infractions Appeals Committee shall not make public disclosures about a pending case until the case has been announced in accordance with prescribed procedures. However, if information concerning a case is made public, the parties may confirm, correct or deny the information made public. Parties who fail to satisfy public disclosure and confidentiality requirements may be sanctioned by the Committee on Infractions or the Infractions Appeals Committee. *(Adopted: 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

**19.3.2 Public Dashboard.** If an investigation pursuant to Bylaw 19.5 results in allegations of Level I and/or Level II violations, the NCAA National Office may make available publicly a procedural timeline once a Notice of Allegations has been issued pursuant to Bylaw 19.8.3 and/or Bylaw 19.9.2.1, a summary disposition has been submitted pursuant to Bylaw 19.9.3 and/or negotiated resolution has been approved pursuant to Bylaw 19.10. The timeline shall begin from the start of the investigation and continue through final resolution. *(Adopted: 10/28/22 effective 1/1/23)*

## **19.4 Committee on Infractions.**

**19.4.1 Composition of Committee.** The Board of Directors shall appoint a Committee on Infractions comprised of not more than 24 members to act as hearing officers in infractions proceedings of the Association. The Board of Directors shall also appoint one member of the committee to serve as chair and another member to serve as vice chair. If at any time the chair is unavailable to act as such, the vice chair is empowered to exercise the functions of the chair. There shall be no subdivision restrictions except that all nonpublic members may not be from the same subdivision. The committee shall reflect the Association's commitment to diversity, equity and inclusion. To the extent reasonably possible, the committee shall include members from each of the following categories: *(Revised: 1/16/93, 10/27/98, 10/28/99, 1/11/00, 11/1/01, 10/31/02, 10/30/12 effective 8/1/13, 1/19/13 effective 8/1/13, 4/18/18, 10/28/22 effective 1/1/23)*

- (a) Current or former college or university presidents, chancellors or other senior institutional administrators (no more than three years removed from employment by a member institution or similar service at the time of the individual's initial appointment);
- (b) Current or former directors of athletics (no more than three years removed from employment by a member institution or similar service at the time of the individual's initial appointment);
- (c) Former NCAA coaches (no more than 10 years removed from employment by a member institution or similar service at the time of the individual's initial appointment);
- (d) Representatives from conference offices;
- (e) Institutional staff or faculty, including but not limited to faculty athletics representatives [such a member who does not meet the definition of "on the staff" due to a change in employment status during a term of office may complete the individual's term (subject to discretion of the committee chair) and be eligible for reappointment];
- (f) Athletics administrators with compliance experience; and
- (g) Members of the general public with formal legal training who are not associated with a collegiate institution, conference, or professional or similar sports organization and who do not represent coaches or athletes in any capacity.

**19.4.2 Temporary Substitutes.** If it appears that one or more members of the committee will be unable to participate in the disposition of a case, the chair may designate a current or former member or members of the committee to participate for purposes of consideration and disposition of that case. *(Revised: 11/1/07 effective 8/1/08, 10/30/12 effective 8/1/13)*

**19.4.3 Hearing Panels of the Committee.** Unless ordered otherwise by the committee chair or to review an agreement of negotiated resolution pursuant to Bylaw 19.10.1, cases involving Level I or Level II violations will be presented to and decided by hearing panels consisting of not less than five and not more than seven members of the full Committee on Infractions. When submitting the case for the committee's consideration, the parties may identify their belief that the case is suitable to be decided by a three-member panel. When appropriate based on the number and nature of allegations, the chair or vice chair may order that a panel of three members be generated. Upon notification, parties may submit their position when they believe that a three-member panel is not appropriate to review the case. The final decision of whether to consider a case with a three-member panel rests with the chair or vice chair. Decisions issued by hearing panels are made on behalf of the Committee on Infractions. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/5/16, 10/31/18)*

**19.4.4 Conflict of Interest.** No member of a hearing panel shall participate in a case if the member is directly connected with an institution under investigation or if the member has a personal, professional or institutional affiliation that may create the appearance of partiality. It is the responsibility of the panel member to determine if a conflict exists. Objections to the participation of a panel member in a particular case should be raised as soon as recognized but will not be considered unless raised at least one week in advance of the panel's review of the case. Objections will be decided by the committee chair. *(Adopted: 10/30/12 effective 8/1/13)*

**19.4.5 Term of Office.** A member shall be appointed to serve a three-year term, which shall commence on the first day of September following the member's appointment. A member may be reappointed for additional three-year terms but shall not serve more than nine years on the committee. *(Adopted: 1/11/00, Revised: 10/30/12 effective 8/1/13)*

**19.4.6 Authority and Duties of Committee.** Disciplinary or corrective actions other than suspension or termination of membership may be prescribed by members of hearing panels of the Committee on Infractions present and voting at any duly called hearing thereof, provided the call of such a hearing shall have contained notice of the situation presenting the disciplinary problem. Actions of panels in cases involving Level I or Level II violations, however, may be subject to review by the Infractions Appeals Committee. The penalties prescribed by a panel are separate and apart from any penalties prescribed as part of the Academic Performance Program by the Committee on Academics. The Committee on Infractions shall: *(Revised: 1/16/93, 1/10/95, 4/24/03, 10/30/12 effective 8/1/13, 7/31/14, 8/7/14, 8/8/18 effective 2/1/19, 1/23/19, 8/1/22, 10/28/22 effective 1/1/23)*

- (a) Find facts related to alleged bylaw violations;
- (b) Conclude whether the facts constitute one or more violations of NCAA bylaws;
- (c) Upon concluding that one or more violations occurred, prescribe an appropriate penalty consistent with the provisions of this article;
- (d) Coordinate with the office of the Committees on Infractions as necessary for logistic, administrative or other support related to implementation of the committee's decisions;
- (e) Monitor compliance with prescribed penalties. In the event an institution fails or refuses to implement prescribed penalties, a hearing panel of the committee may prescribe additional penalties, provided the institution is given the opportunity to appear before the panel and the opportunity to appeal any additional penalty;

- (f) Formulate and revise internal operating procedures. Committee amendments to the procedures shall be effective immediately and subject to review and ratification by the Board of Directors;
- (g) Review negotiated resolutions (see Bylaw 19.10.1);
- (h) Prescribe penalties during the investigation if an institution or individual fails to satisfy the responsibility to cooperate (see Bylaw 19.2.3);
- (i) Sanction parties and/or their representative(s) for behaviors that inhibit the committee's ability to effectively manage the docket, ensure a professional and civil decorum in all proceedings or otherwise efficiently resolve infractions cases; and
- (j) Carry out such other duties directly related to the administration of the Association's infractions program.

**19.4.7 Duties of Committee Chair.** The duties of the committee chair (or a designee) shall be as follows: *(Adopted: 10/30/12 effective 8/1/13, Revised: 4/14/17, 10/28/22 effective 1/1/23)*

- (a) Schedule and preside over two meetings of the full committee annually. In the interim between meetings of the full committee, the chair shall act on behalf of the committee, subject to committee ratification at its next meeting;
- (b) For each hearing panel, appoint a chief hearing officer to preside over cases assigned to the panel. The chief hearing officer will generally be the panel member with the greatest length of service on the Committee on Infractions.
- (c) At the request of the enforcement staff, determine whether to grant limited immunity to a current or former institutional staff member with responsibilities related to athletics based on information that the individual reports in situations in which the individual would otherwise be subject to disciplinary action as described in Bylaws 19.12.6.4 and 19.12.8-(i). Such immunity shall not apply to the individual's involvement in violations of NCAA bylaws not reported, to future involvement in violations of NCAA bylaws by the individual or to any action taken by an institution;
- (d) At the request of the enforcement staff, determine whether to grant limited immunity to a student-athlete or prospective student-athlete in situations in which the student-athlete or prospective student-athlete might otherwise be declared ineligible for intercollegiate competition based on information reported to the enforcement staff by the individual or a third party associated with the individual. Such immunity shall not apply to the individual's involvement in violations of NCAA bylaws not reported, to future involvement in violations of NCAA bylaws by the individual or to any action taken by an institution;
- (e) Consider and decide requests by an institution or involved individual for an accelerated hearing pursuant to Bylaw 19.8.4.6;
- (f) Coordinate with the office of the Committees on Infractions as necessary for logistic, administrative or other support;
- (g) Coordinate with the office of the Committees on Infractions regarding hearing panel assignments, committee meetings and training activities;
- (h) Prescribe or generate a hearing panel to prescribe penalties during the investigation if an institution or individual fails to satisfy the responsibility to cooperate in Bylaw 19.2.1;
- (i) Resolve or appoint a designee to resolve procedural matters or significant investigative disputes that may arise during an infractions case.

**19.4.8 Duties of the Chief Hearing Officer.** The duties of the chief hearing officer shall be as follows: *(Adopted: 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

- (a) Consider and decide scheduling requests and extensions of time regarding hearing-related deadlines;
- (b) For each hearing panel, appoint an individual responsible for conducting the press conference when the panel's decision is released;

- (c) For each case set for a full or written record hearing and in consultation with the committee chair, designate a panel member or other member of the committee to serve as the committee appeals advocate for any appeal from the decision of the panel;
- (d) Coordinate with the office of the Committees on Infractions as necessary for logistic, administrative or other support related to hearings to which the chief hearing officer is assigned;
- (e) Prescribe penalties during the investigation if an institution or individual fails to satisfy the responsibility to cooperate as authorized in Bylaw 19.2.3; and
- (f) Resolve or appoint a designee to resolve procedural matters or significant investigative disputes that may arise during an infractions case.

## **19.5 Infractions Appeals Committee.**

**19.5.1 Composition of Committee.** The Board of Directors shall appoint an Infractions Appeals Committee to act as appellate hearing officers for appeals from decisions involving Level I or Level II violations by the Committee on Infractions. The committee shall be comprised of no more than seven members. At least two members shall be from the general public and shall not be connected with a collegiate institution, conference, or professional or similar sports organization, or represent coaches or athletes in any capacity. The remaining members shall presently or previously be on the staff of an active member institution or member conference, but shall not serve presently on the Board of Directors. There shall be no subdivision restrictions except that all nonpublic members may not be from the same subdivision. The committee shall reflect the Association's commitment to diversity, equity and inclusion. *(Adopted: 1/16/93, Revised: 10/27/98, 10/30/12 effective 8/1/13, 1/22/20, 10/28/22 effective 1/1/23)*

**19.5.2 Temporary Substitutes.** If it appears that one or more of the committee members will be unable to participate in the disposition of a case, the chair may designate a former member or members of the committee to rejoin the committee for purposes of consideration and disposition of that case. *(Adopted: 4/22/98, Revised: 11/1/07 effective 8/1/08, 4/28/11, 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

**19.5.3 Conflict of Interest.** No member of the Infractions Appeals Committee shall participate in a case if the member is directly connected with an institution under investigation or has a personal, professional or institutional affiliation that may create the appearance of partiality. It is the responsibility of the committee member to determine if a conflict exists. Objections to the participation of a committee member in a particular case should be raised as soon as recognized, but will not be considered unless raised at least one week in advance of the committee's review of the case. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.5.4 Term of Office.** A member shall serve a three-year term, which shall commence on the first day of September following the member's appointment. A member may be reappointed for additional terms but shall not serve more than nine years on the committee. *(Adopted: 1/9/96, Revised: 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

**19.5.5 Authority of Committee.** The Infractions Appeals Committee shall: *(Adopted: 1/16/93, Revised: 1/10/95, 1/14/97, 11/1/07 effective 8/1/08, 10/30/12 effective 8/1/13, 1/23/19, 8/1/22, 10/28/22 effective 1/1/23)*

- (a) Consider appeals from decisions of a hearing panel of the Committee on Infractions involving Level I or Level II violations;



- (b) Affirm, reverse, or vacate and/or remand the panel's findings, conclusions, determinations and/or penalties prescribed for violations of NCAA bylaws;
- (c) Assign a new classification to a case and remand for assessment of penalties only upon a conclusion that the hearing panel's level decision and/or determination regarding one or more aggravating or mitigating factors should be set aside pursuant to Bylaw 19.13.
- (d) Formulate and revise its operating procedures. Committee amendments to the procedures shall be effective immediately and subject to review and ratification by the Board of Directors; and
- (e) Sanction parties and/or their representative(s) for behaviors that inhibit the committee's ability to effectively manage the docket, ensure a professional and civil decorum in all proceedings or otherwise efficiently resolve infractions cases.

## **19.6 Enforcement Staff Review and Investigation of Alleged Violations.**

**19.6.1 Enforcement Staff to Receive Information and Conduct Investigations.** Information regarding a potential failure to comply with NCAA bylaws shall be provided to the enforcement staff. If there is any information that may demonstrate a potential Level I and/or Level II violation occurred, the enforcement staff shall conduct an investigation on behalf of the membership to develop, to the extent reasonably possible, all relevant information. The enforcement staff will usually share information with the institution during an investigation, including information that may assist the institution in stopping an ongoing violation. However, to protect the integrity of the investigation, the staff may not, in all instances, share information with the institution. *(Adopted: 10/30/12 effective 8/1/13, Revised: 8/1/22, 10/28/22 effective 1/1/23)*

**19.6.1.1 Conflict of Interest.** Any enforcement staff member who has or had a personal relationship or institutional affiliation that may create the appearance of partiality should refrain from participating in the case. *(Adopted: 10/30/12 effective 8/1/13)*

**19.6.1.2 Internal Operating Procedures.** To the extent reasonably practicable, the investigation should be conducted pursuant to internal operating procedures. Any amendments to the internal operating procedures shall be effective when reviewed by the Committee on Infractions and ratified by the Board of Directors. *(Adopted: 10/28/22 effective 1/1/23)*

**19.6.1.3 New Information.** Should information become available during the investigation and/or resolution of a case about potential additional violations, the enforcement staff shall determine whether the information warrants opening a new investigation or including the information in the pending matter. The enforcement staff shall notify the institution as appropriate pursuant to Bylaw 19.6.1 and related procedures. *(Adopted: 10/28/22 effective 1/1/23)*

**19.6.2 Notice of Inquiry to Institution.** Before the enforcement staff conducts an interview with an enrolled student-athlete or current institutional staff member, the enforcement staff shall notify the institution's president or chancellor (or a designee) of the inquiry, either orally or in writing. This notice shall toll the statute of limitations. The institution shall be informed of its obligation to cooperate and of the confidential nature of the inquiry. *(Adopted: 10/30/12 effective 8/1/13, Revised: 4/14/17, 10/15/21, 10/28/22 effective 1/1/23)*

### **19.6.3 Interviews.**

**19.6.3.1 Interviews with Member Institution.** The enforcement staff shall contact the director of athletics or other appropriate official of an institution in order to schedule interviews with enrolled student-athletes or institutional staff members. Interviews should be conducted without disrupting

normally scheduled academic activities whenever reasonably possible. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/15/21, 10/28/22 effective 1/1/23)*

**19.6.3.2 Presence of Institutional Representative During Interview.** An institutional representative may be present during an interview with an enrolled student-athlete or current athletics department staff member provided the representative is someone who would not compromise the integrity of the investigation and whose participation would not prejudice the subject institution or any involved individual. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/5/16, 10/15/21, 10/28/22 effective 1/1/23)*

### **19.6.3.3 Interview Notices.**

**19.6.3.3.1 Representation by Legal Counsel.** When an enforcement staff member conducts an interview, the interviewee may be represented by personal legal counsel. *(Adopted: 10/30/12 effective 8/1/13, Revised: 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

**19.6.3.3.2 Disclosure of Purpose of Interview.** The enforcement staff shall advise an interviewee that the purpose of the interview is to determine whether the individual has knowledge of or has been involved directly or indirectly in any violation of NCAA bylaws. *(Adopted: 10/30/12 effective 8/1/13, Revised: 8/1/22, 10/28/22 effective 1/1/23)*

**19.6.3.3.3 Responsibility to Provide Truthful Information.** The enforcement staff shall advise a prospective or enrolled student-athlete or a current or former institutional staff member that refusing to furnish information or providing false or misleading information may result in an allegation that the interviewee violated Bylaw 19.2.1 and/or the application of an aggravating factor pursuant to Bylaw 19.12. *(Adopted: 10/30/12 effective 8/1/13, Revised: 5/12/17, 10/28/22 effective 1/1/23)*

**19.6.3.3.4 Recording of Interviews.** With the permission of the interviewee, the enforcement staff shall digitally record interviews whenever feasible. *(Adopted: 10/28/22 effective 1/1/23)*

**19.6.3.4 Use of a Transcriptionist During an Interview.** The enforcement staff, institution and/or interviewee may use a transcriptionist during an interview subject to the following conditions. The party requesting the transcriptionist shall: *(Adopted: 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

- (a) Pay the transcriptionist's fees;
- (b) Provide a copy of the transcript to other parties, if any, participating in the interview at no charge; and
- (c) Agree that the confidentiality standards of Bylaw 19.6.3.5 apply. An institutional representative or individual who chooses to use a transcriptionist shall submit a written notice of agreement with the required conditions to the enforcement staff prior to the interview.

**19.6.3.5 Statement of Confidentiality.** Individuals and institutional representatives shall be required to agree not to release recordings or interview transcripts to a third party. A statement of confidentiality shall be signed or recorded prior to an interview. Failure to enter into such an agreement precludes the individual or institutional representative from recording, transcribing or receiving access to the enforcement staff's recording and transcript of the interview. *(Adopted: 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

**19.6.4 Access to Information.** For all cases to be considered by the Committee on Infractions, the enforcement staff shall make available to the institution and participating involved individuals recorded interviews, interview summaries and/or interview transcripts, and other factual information pertinent to the case. The institution and participating involved individuals may review such information through a secure website or at the NCAA national office. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/28/22 effective 1/1/23)*

**19.6.5 Termination of Investigation.** The enforcement staff shall terminate an investigation if it determines the information developed does not appear to be of sufficient substance or reliability to support potential violations of NCAA bylaws. *(Adopted: 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

## **19.7 Standards of Review and Resolution Methods (Level I/II Cases)**

**19.7.1 Enforcement Allegation Standard.** The enforcement staff shall make formal allegations if it determines there is credible and sufficient information (direct or circumstantial) that reasonably demonstrates a violation of one or more NCAA bylaws occurred. *(Adopted: 10/28/22 effective 1/1/23)*

**19.7.1.1 Statute of Limitations.** The enforcement staff shall limit allegations to possible violations occurring not earlier than four years before the date the notice of inquiry is provided to the institution or the date the institution notifies (or, if earlier, should have notified) the enforcement staff of its inquiries into the matter. However, the following shall not be subject to the four-year limitation: *(Adopted: 10/30/12 effective 8/1/13, Revised: 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

- (a) Allegations involving violations affecting the eligibility of a current student-athlete;
- (b) Allegations in a case in which available information indicates a pattern of willful violations on the part of the institution or individual involved, which began before but continued into the four-year period; and
- (c) Allegations that indicate a blatant disregard for fundamental recruiting, extra benefit or academic bylaws or that involve an effort to conceal the occurrence of the violation. In such cases, the enforcement staff shall have an 18-month period after the date information concerning the matter becomes available to the NCAA to investigate and submit a resolution document pursuant to Bylaws 19.8, 19.9 and/or 19.10.

**19.7.2 Committee on Infractions Decision Standard.** In all matters before the Committee on Infractions, a hearing panel shall conclude a violation occurred if it determines an allegation is supported by credible and sufficient information (direct or circumstantial) on which a reasonable person could rely. *(Adopted: 10/28/22 effective 1/1/23)*

**19.7.3 Violations Presumed in Select Cases.** In cases involving name, image and likeness offers, agreements and/or activities in which related communications and conduct are subject to NCAA regulation, the infractions process (including interpretive requests) shall presume a violation occurred if circumstantial information suggests that one or more parties engaged in impermissible conduct. The enforcement staff may make a formal allegation based on the presumption. The hearing panel shall conclude a violation occurred unless the institution or involved individual clearly demonstrates with credible and sufficient information that all communications and conduct surrounding the name, image and likeness activity complied with NCAA legislation. *(Adopted: 1/9/23 effective 1/1/23)*

#### **19.7.4 Importation.**

**19.7.4.1 Importation of Facts.** A hearing panel may consider and accept as true facts established through proceedings outside the NCAA infractions process if those facts are in the record, not under appeal and are established by: *(Adopted: 10/28/22 effective 1/1/23)*

- (a) A decision or judgement of a court, agency, accrediting body or other administrative tribunal of competent jurisdiction; or
- (b) A Commission or similar review of comparable independence authorized by a member institution or university system board of trustees (regardless of whether the facts are accepted by the institution or university system board of trustees).

**19.7.4.2 Importation of Evidence and Positions.** Evidence submitted to any court, agency, accrediting body or other administrative tribunal of competent jurisdiction, regardless of whether the matter is finally resolved and regardless of who offered the evidence, may be considered when alleging and/or concluding whether a violation occurred. Positions taken by a party in such a matter may be considered in the infractions process when determining whether to allege or conclude that the same party violated NCAA bylaws. *(Adopted: 8/8/18, 10/28/22 effective 1/1/23)*

#### **19.7.5 Inference for Failing to Produce Materials or Participate in the Infractions Process.**

**19.7.5.1 Materials Not Produced.** The enforcement staff and/or hearing panel may infer that materials requested during an investigation but not produced by an institution, individual or their representative, including legal counsel, a representative of the institution's athletics interests, agent or another acting on their behalf, would support an alleged violation, for which the party may be subject to penalty pursuant to Bylaw 19.12. *(Adopted: 8/8/18, 10/28/22 effective 1/1/23)*

**19.7.5.2 Failure or Refusal to Participate in Interview.** The enforcement staff and/or hearing panel may view the failure or refusal by an individual or their representative, including agent or another acting on their behalf, to participate in an interview as an admission that an alleged violation, for which the individual may be subject to penalty pursuant to Bylaw 19.12, occurred. *(Adopted: 8/8/18, 10/28/22 effective 1/1/23)*

**19.7.5.3 Failure to Participate in the Infractions Process.** The enforcement staff and/or hearing panel may view the failure by an institution or involved individual to participate in the infractions process as an admission that an alleged violation, for which the party may be subject to penalty pursuant to Bylaw 19.12, occurred. *(Adopted: 8/8/18, 10/28/22 effective 1/1/23)*

**19.7.6 Methods of Resolution.** Cases involving allegations of Level I and/or Level II violations will be presented to and resolved by the Committee on Infractions. The Committee on Infractions shall resolve Level I and/or Level II allegations through hearing resolution pursuant to Bylaw 19.8, limited resolution pursuant to Bylaw 19.9 and/or negotiated resolution pursuant to Bylaw 19.10. Except in exceptional circumstances, a case shall be limited to two resolution methods. *(Adopted: 10/28/22 effective 1/1/23)*

**19.7.6.1 Initial Selection of Resolution Method.** At the conclusion of an investigation that results in Level I and/or Level II allegations, the enforcement staff, in consultation with the institution and all participating involved individuals, shall make a preliminary determination of which resolution method is appropriate for each party. The enforcement staff shall submit a letter to the chair of the Committee on Infractions outlining a brief summary of the case, the selected resolution method(s) and rationale and whether each party agrees to the selected method(s). *(Adopted: 10/28/22 effective 1/1/23)*

**19.7.6.2 Approval of Agreed-Upon Resolution Method.** If the participating party and the enforcement staff agree on the selected resolution method, the chair of the Committee on

Infractions shall approve the resolution method unless doing so would not be in the best interest of the Association. After approval, the enforcement staff shall issue a Notice of Allegations pursuant to Bylaw 19.8 or Bylaw 19.9.2 or the parties shall submit a summary disposition pursuant to Bylaw 19.9.3 or negotiated resolution pursuant to Bylaw 19.10. *(Adopted: 10/28/22 effective 1/1/23)*

**19.7.6.3 Selection of Resolution Method Under Dispute.** If the participating party and the enforcement staff do not agree on the resolution method selected by the enforcement staff, or if the chair of the Committee on Infractions disagrees with the agreed-upon resolution method, the chair of the Committee on Infractions shall hold a status conference with the impacted parties to determine which resolution method(s) are in the best interest of the Association. After determination by the chair of the appropriate resolution method, the enforcement staff shall issue a Notice of Allegations pursuant to Bylaw 19.8 or Bylaw 19.9.2 or the parties shall submit a summary disposition pursuant to Bylaw 19.9.3 or negotiated resolution pursuant to Bylaw 19.10. *(Adopted: 10/28/22 effective 1/1/23)*

**19.7.6.4 Impact of Multiple Resolution Methods.** When different resolutions methods are appropriate for different parties in a single case, the enforcement staff shall notify the parties of the possibility for differing outcomes. Parties will submit written confirmation of understanding of the potential for differing outcomes with the submission of the case. Outcomes that differ across resolution methods in a single case do not support an argument on appeal that a hearing panel of the Committee on Infractions erred. *(Adopted: 10/28/22 effective 1/1/23)*

**19.7.6.5 Information from Confidential Sources.** In all resolution methods, the parties, including the enforcement staff, shall only rely on information that can be attributed to individuals who are willing to be identified. Such confidential sources shall not be identified to the hearing panel, the institution or an involved individual. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

## **19.8 Full Hearing Resolution.**

**19.8.1 Standard for Full Hearing Resolution.** A full hearing before the Committee on Infractions shall be reserved for select cases involving alleged behaviors that significantly undermine the integrity of the NCAA Collegiate model, cases that implicate NCAA core principles and/or cases that are otherwise best resolved through a comprehensive review on the full record. In these instances, the hearing panel assigned to a case shall hold a hearing to make factual findings and to conclude whether violations of NCAA bylaws occurred and, if so, to prescribe appropriate penalties. The decision on whether the full hearing will take place in person or via video conference (or another mode of communication) rests with the panel. *(Adopted: 10/28/22 effective 1/1/23)*

**19.8.2 Factors Relevant for Full Hearing Resolution.** Factors pertinent to whether a case should be resolved via a full hearing include, but are not limited to, the following: *(Adopted: 10/28/22 effective 1/1/23)*

- (a) The level of agreement between the enforcement staff, institution and/or participating involved individuals;
- (b) The type of behavior(s) resulting in allegations;
- (c) Whether the matter includes allegations of failure to monitor and/or lack of institutional control;

- (d) A recent history of Level I or II violations by the institution or participating involved individuals, particularly if the previous violations were similar in nature and/or in the same sport program(s);
- (e) The level of cooperation and accountability (e.g., self-imposed penalties) shown by the institution and participating involved individuals;
- (f) The scope, scale and duration of the case; and
- (g) Other factors warranting a hearing before the Committee on Infractions.

**19.8.3 Notice of Allegations.** The enforcement staff shall issue a notice of allegations to the chancellor or president of the institution participating in the hearing (with copies to the faculty athletics representative, the director of athletics and the executive officer of the conference of which the institution is a member) and/or any involved individuals participating in the hearing. The notice of allegations shall include: *(Adopted: 10/28/22 effective 1/1/23)*

- (a) Alleged violation(s) and related details, including identifying any involved individual(s) who could be subject to a show cause order or penalties;
- (b) Possible level of each alleged violation and the overall processing level of the case;
- (c) Factual information on which the enforcement staff may rely in presenting the case;
- (d) Aggravating and mitigating factors the enforcement staff believes are applicable;
- (e) Notice of the opportunity to respond to the allegations; and
- (f) Procedures related to a full hearing.

#### **19.8.4 Submission Deadlines.**

**19.8.4.1 Responses by Institutions or Involved Individuals.** Any response to the notice of allegations shall be submitted to the hearing panel, the enforcement staff and all parties participating in the hearing no later than 90 days from the date of the notice of allegations. Failure to submit a timely response may be viewed by the panel as an admission that the alleged violation(s) occurred. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.8.4.2 Reply by Enforcement Staff.** Within 60 days after the submissions of written responses pursuant to Bylaw 19.8.4.1, the enforcement staff shall submit a written reply to the hearing panel and all parties participating in the hearing. As an exhibit to its reply, the enforcement staff shall prepare a chart summarizing the parties' positions on each allegation and the aggravating and mitigating factors. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.8.4.3 Prehearing Conference.** Within 60 days after the submissions of written responses pursuant to Bylaw 19.8.4.1, the enforcement staff shall consult with the parties participating in the hearing in order to clarify the issues to be discussed during the hearing, make suggestions regarding additional investigation or interviews that should be conducted to supplement a response and identify allegations that the staff intends to amend or withdraw. The enforcement staff shall conduct independent prehearing conferences unless mutually agreed by all parties to do otherwise. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.8.4.4 Submission of Written Material.** Except as otherwise ordered by the chief hearing officer and for good cause shown, all written material to be considered by the hearing panel must be received by the hearing panel, enforcement staff and all parties participating in the hearing at least 30 days prior to the date the panel considers the case. Supplemental submissions shall not

serve as an opportunity to rebut the enforcement staff's written reply but shall be limited to situations involving new information as defined by Bylaw 19.02.2 or modifications to positions or arguments set forth in the party's response to the notice of allegation. The chief hearing officer may reject any written materials that do not comply with relevant bylaws and procedures. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.8.4.5 Extensions.** Extensions to any deadlines outlined above shall not be granted except in exceptional circumstances. Further, a denial of an extension request does not support an argument on appeal that a hearing panel of the Committee on Infractions erred. *(Adopted: 10/28/22 effective 1/1/23)*

**19.8.4.6 Accelerated Hearing Docket.** Any party participating in the hearing may petition the chief hearing officer for an accelerated schedule for written submissions and hearing date. The petition shall be submitted not later than 14 calendar days after the date of the notice of allegations. The enforcement staff may respond to the petition within five business days. The chief hearing officer may grant or deny such a petition and set a reasonable schedule. *(Adopted: 10/30/12 effective 8/1/13, Revised: 4/14/17, 10/28/22 effective 1/1/23)*

## **19.8.5 Information Presented at Hearings.**

**19.8.5.1 Obligation to Present All Relevant Information.** At a hearing, the participating parties and their legal counsel or representative have the obligation to present, to the extent reasonably possible, all material and relevant information necessary for the hearing panel to reach an informed decision, including information that corroborates or refutes an allegation and information relevant for consideration in determining appropriate penalties. Subject to procedures of the Committee on Infractions, the participating parties and/or their legal counsel or representative may deliver opening and closing statements, present factual information, make arguments, explain the alleged violations and answer questions from panel members. Any oral or documentary information may be received, but the panel may exclude information that it determines to be irrelevant, immaterial or unduly repetitious. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.8.5.2 Scope of Inquiry.** When an institution and/or involved individual appears before a hearing panel to discuss a response to the notice of allegations, the hearing shall be directed toward the general scope of the notice of allegations but shall not preclude the panel from concluding that any violation occurred based on information developed or discussed during the hearing. In any case, the panel may make specific factual findings based on information presented by the parties or at a hearing even if different from the notice of allegations. *(Revised: 4/24/03, 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

**19.8.6 Appearance of Individuals at Hearings.** Except as otherwise provided herein or as ordered by the chief hearing officer, hearing attendees shall be limited to institutional representatives, involved individuals, NCAA staff representatives, hearing panel members, a transcriptionist and other technical/support staff as permitted by the chief hearing officer. An individual who appears before the panel may appear with personal legal counsel or similar representative. The chief hearing officer may exclude an individual and the individual's counsel or representative from those portions of the hearing concerning matters in which the individual is not involved. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/28/22 effective 1/1/23)*

**19.8.6.1 Representatives of Institution.** Except as otherwise ordered by the chief hearing officer, an institution's representatives should include the institution's chancellor or president, the head

coach of the sport(s) in question, the institution's director of athletics and/or any individual with direct responsibility and oversight of the athletics department, senior compliance administrator, faculty athletics representative, legal counsel (if any), enrolled student-athletes whose eligibility could be affected by information presented at the hearing, and any other representatives whose attendance would be helpful to or has been requested by the panel. Additional individuals may be included among the institution's representatives only if specifically approved. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/28/22 effective 1/1/23)*

**19.8.6.1 Prohibited Attendance by Conflicted Committee Members.** A member of the Committee on Infractions or the Infractions Appeals Committee who is prohibited under Bylaws 19.4.4 or 19.5.3 from participating in an infractions proceeding may not attend a Committee on Infractions hearing involving the committee member's institution unless specifically requested by the chief hearing officer. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.8.6.2 Representatives of Member Conference.** A representative of a conference may attend a hearing involving a conference member who is subject to potential penalties pursuant to Bylaw 19.12. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.8.6.3 Request for Specific Individuals.** The chief hearing officer may request that additional individuals appear during the hearing. Individuals who are specifically requested by the chief hearing officer are expected to appear and may be accompanied by personal legal counsel or representative. Failure to attend may result in a separate violation and/or impact penalties pursuant to Bylaw 19.12. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.8.7 Recording of Proceedings.** The proceedings of infractions hearings shall be transcribed by a transcriptionist (unless otherwise agreed) and shall be recorded by the hearing panel. No additional verbatim recording of the proceedings will be permitted. In the event of an appeal, a transcript of the proceedings shall be reproduced and submitted to the Infractions Appeals Committee and made available for review by the appealing parties through a secure website. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.8.8 Posthearing Committee Deliberations.** After all presentations have been made and the hearing has been concluded, the hearing panel shall excuse the parties and deliberate in private. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.8.8.1 Request for Additional and/or New Information.** In arriving at its decision, the hearing panel may request additional information from any participating party. In the event that new information is requested, all participating parties will be afforded an opportunity to respond at the time such information is provided. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.8.8.2 Request for Interpretation.** The hearing panel may request that the NCAA academic and membership affairs staff provide an interpretation of applicable bylaws based on facts submitted by the panel. If an interpretation is requested, the participating parties and enforcement staff will be notified in writing of the interpretation request and the response. If participating in the hearing, the institution may appeal the interpretation in accordance with Bylaw 9.3.1.2. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*



## **19.9 Limited Resolution.**

**19.9.1 Standard for Limited Resolution.** When a case is not appropriate for full hearing resolution pursuant to Bylaw 19.8 and parties are unable to reach the requisite agreement for negotiated resolution pursuant to Bylaw 19.10, contested portions of a case shall be resolved by a hearing panel of the Committee on Infractions via a written record hearing or a summary disposition. *(Adopted: 8/31/22 effective 1/1/23, 10/28/22 effective 1/1/23)*

**19.9.2 Written Record Hearing.** In instances where the enforcement staff and a participating party are unable to reach complete agreement on the facts, violations, level of an allegation and/or penalties, a hearing panel of the Committee on Infractions may resolve the case on the written record focused primarily on the contested portion(s) of the case. *(Adopted: 8/31/22 effective 1/1/23, 10/28/22 effective 1/1/23)*

**19.9.2.1 Notice of Allegations.** The enforcement staff shall issue a notice of allegations as outlined in Bylaw 19.8.3. In addition, the enforcement staff shall include: *(Adopted: 8/31/22 effective 1/1/23, 10/28/22 effective 1/1/23)*

- (a) Level of agreement by the parties participating in the written resolution related to each allegation, the level(s) of the allegation(s), the aggravating and mitigating factors and the overall processing level of the case;
- (b) Remaining issues to be resolved by a hearing panel of the Committee on Infractions; and
- (c) Procedures related to resolution on the written record.

### **19.9.2.2 Submission Deadlines.**

**19.9.2.2.1 Responses by Institution and/or Involved Individuals.** Any response to the notice of allegations shall be submitted to the hearing panel and the parties participating in the written record hearing no later than 60 days from the date of the notice of allegations. The responses shall be limited to the remaining issues as outlined in the Notice of Allegations. Failure to submit a timely response may be viewed by the panel as an admission that the alleged violation(s) occurred. *(Adopted: 10/28/22 effective 1/1/23)*

**19.9.2.2.1.1 Submission by a Member Conference.** A conference may submit a brief statement on behalf of its member who is subject to potential penalties pursuant to Bylaw 19.12 as an exhibit to the institution's response. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.9.2.2.2 Reply by the Enforcement Staff.** Within 45 days after submission of written response(s), the enforcement staff shall submit a written reply to the hearing panel and all parties participating in the written record hearing. The reply shall be limited to the remaining issues as outlined in the Notice of Allegations. As an exhibit to its reply, the enforcement staff shall prepare a chart summarizing the parties' positions on each allegation and aggravating and mitigating factors. *(Adopted: 10/28/22 effective 1/1/23)*

**19.9.2.2.3 Submission of Other Written Material.** Parties may only supplement their written responses with the permission of and/or at the request of the chief hearing officer. *(Adopted: 10/28/22 effective 1/1/23)*

**19.9.2.2.4 Extensions.** Extensions to any deadlines outlined above shall not be granted except in exceptional circumstances. Further, a denial of an extension request shall not support an argument on appeal that a hearing panel of the Committee on Infractions erred. *(Adopted: 10/28/22 effective 1/1/23)*

**19.9.2.3 Obligation to Present All Information Relevant to Contested Issues.** In their responses, the parties participating in the written record hearing shall include only information that is material and relevant to the identified contested issues and necessary for the hearing panel to reach an informed decision, including information that corroborates or refutes an allegation and information relevant for consideration in determining appropriate penalties. The panel may exclude information that it determines to be irrelevant, immaterial or unduly repetitious. *(Adopted: 10/28/22 effective 1/1/23)*

**19.9.2.4 Committee Deliberations.** After all written submissions have been received, the hearing panel shall deliberate in private. *(Adopted: 10/28/22 effective 1/1/23)*

**19.9.2.4.1 Request for Additional, Clarifying and/or New Information on Contested Violations and Issues.** In arriving at its decision, the hearing panel may request additional and/or clarifying information from the parties participating in the written record hearing related to contested areas identified by the parties. In the event new information is requested, all parties will be afforded an opportunity to respond at the time such information is provided. *(Adopted: 10/28/22 effective 1/1/23)*

**19.9.2.4.2 Request for Additional, Clarifying and/or New Information on Agreed-Upon Violations and Issues.** Violations and issues agreed upon by the participating parties are presumed appropriate and shall be accepted by the hearing panel of the Committee on Infractions unless acceptance would not be in the best interest of the Association. The hearing panel shall only request additional, clarifying or new information if there is a material error in the agreed-upon violations, the submission lacks the requisite level of agreement or further information is required to prescribe appropriate penalties, if any. *(Adopted: 10/28/22 effective 1/1/23)*

**19.9.2.4.3 Request for Interpretation.** The hearing panel may request that the NCAA academic and membership affairs staff provide an interpretation of applicable bylaws based on facts submitted by the panel. If an interpretation is requested, the participating parties will be notified in writing of the interpretation request and the response. If participating, the institution may appeal the interpretation in accordance with Bylaw 9.3.1.2. *(Adopted: 10/28/22 effective 1/1/23)*

**19.9.3 Summary Disposition.** In instances where the institution, an involved individual and/or the enforcement staff reach agreement on the facts and violations but cannot reach agreement on the overall level, aggravating and mitigating factors and/or penalties, the parties may submit the case for resolution via summary disposition. *(Adopted: 10/28/22 effective 1/1/23)*

**19.9.3.1 Written Report.** The parties participating in the summary disposition shall submit a written report setting forth: *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/28/22 effective 1/1/23)*

- (a) The proposed findings of fact;
- (b) A summary of information on which the proposed findings of fact are based;

- (c) A statement identifying the violation(s) of NCAA bylaws;
- (d) The parties' agreement on the overall level of the case;
- (e) A statement of unresolved issues;
- (f) A list of any agreed-upon aggravating and mitigating factors; and
- (g) A stipulation that the proposed findings of fact are substantially correct and complete.

**19.9.3.2 Proposed Penalties.** The parties participating in the summary disposition, excluding the enforcement staff, shall submit proposed penalties from the guidelines set forth in Bylaw 19.12 and Figure 19-1. The parties may also submit a statement regarding any aggravating or mitigating factors and other considerations that may impact the penalty or penalties. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.9.3.3 Committee on Infractions Review.** A hearing panel of the Committee on Infractions shall deliberate in private. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.9.3.3.1 Request for Additional and/or Clarifying Information.** Prior to accepting or rejecting the summary disposition, the panel may request additional or clarifying information related to the overall level, aggravating and mitigating factors and/or penalties. Violations and issues agreed upon by the participating parties are presumed appropriate and shall be accepted by the hearing panel of the Committee on Infractions unless acceptance would not be in the best interest of the Association. The hearing panel shall only request additional, clarifying or new information if there is a material error in the agreed-upon violations, the submission lacks the requisite level of agreement or further information is required to prescribe appropriate penalties, if any. *(Adopted: 10/28/22 effective 1/1/23)*

**19.9.3.3.2 Acceptance of Proposed Findings of Fact, Violations and Penalties.** If the panel accepts the proposed findings of fact and penalties, it shall prepare a report of its decision or adopt the written report of the parties. The panel may make additional comments explaining its analysis or amend the proposed findings of fact, provided any addition or amendment is editorial and does not alter the substance of the proposed findings of fact. The written report may identify the chancellor or president of the institution (in cases involving lack of institutional control); the director of athletics and/or any individual with direct responsibility and oversight of the athletics department (in cases involving lack of institutional control and failure to monitor); the head coach(es) of the sport(s) involved; and, if appropriate, the chair or other members of the institution's governing body. The panel shall forward the report to the enforcement staff and the parties and publicly announce the resolution of the case pursuant to Bylaw 19.11. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/28/22 effective 1/1/23)*

**19.9.3.3.3 Proposed Findings of Fact and/or Violations Not Accepted.** If the panel does not accept the proposed findings of fact, the case shall be processed as directed by the hearing panel. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/28/22 effective 1/1/23)*

**19.9.3.3.4 Proposed Penalties Not Accepted.** If the panel accepts the proposed findings of fact but proposes penalties in addition to those set forth in the written report, the parties participating in the summary disposition may accept those penalties or request an expedited hearing on penalties before the panel. The parties may appear before the panel in person or may provide a written submission in lieu of a hearing. The panel shall only consider information

relevant to the calculation of penalties during the expedited hearing or, if no hearing is requested, on the written submission. At the conclusion of the expedited hearing or review of the written submission, the panel shall prepare a written report and provide notification of its decision. The parties may appeal additional penalties to the Infractions Appeals Committee. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

## **19.10 Negotiated Resolution.**

**19.10.1 Standard for Negotiated Resolution.** In instances where the institution, an involved individual and/or the enforcement staff reach agreement on the pertinent facts, violations, classification and penalties, the parties may submit a negotiated resolution for approval by a hearing panel of the Committee on Infractions. The negotiated resolution must resolve all known violations for which the parties participating in the negotiated resolution may be subject to penalties pursuant to Bylaw 19.12. *(Adopted: 8/8/18, Revised: 10/31/18, 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

**19.10.1.1 Timing of Negotiated Resolution.** Subject to Bylaw 19.7.5, the parties participating in a negotiated resolution may submit a written agreement any time after the conclusion of the enforcement staff's investigation until hearing panel review pursuant to Bylaw 19.8 or 19.9. *(Adopted: 10/28/22 effective 1/1/23)*

### **19.10.2 Involvement of Parties in a Negotiated Resolution.**

**19.10.2.1 All Participating Parties Agree on Resolution.** If the institution and all participating involved individuals in the case agree to negotiated resolution, they shall submit the written agreement to the chair of the Committee on Infractions or the chief hearing officer, if assigned, for hearing panel review and approval. The enforcement staff shall also include the violations by and penalties related to any involved individual not participating in the case. A hearing panel of three Committee on Infractions members shall review the negotiated resolution if the parties submit the written agreement prior to issuance of the summary disposition report or notice of allegations. *(Adopted: 10/31/18, Revised: 10/28/22 effective 1/1/23)*

**19.10.2.2 Not All Participating Parties Agree on Resolution.** If, pursuant to the process outlined in Bylaw 19.7.5, some but not all parties participating in the case agree on negotiated resolution, the enforcement staff shall include the written agreement of negotiated resolution as a part of the resolution processes outlined in Bylaws 19.8 and/or 19.9, including amending the submissions if necessary. *(Adopted: 10/31/18, Revised: 10/28/22 effective 1/1/23)*

**19.10.3 Written Agreement.** Any negotiated resolution shall contain the following: *(Adopted: 8/8/18, Revised: 10/31/18, 10/28/22 effective 1/1/23)*

- (a) A brief description of the case, including the involvement of the parties included in the negotiated resolution;
- (b) The agreed-upon violation(s);
- (c) Other violations the enforcement staff considered and agreed or opted not to allege;
- (d) The agreed-upon level of agreed-upon violation(s);
- (e) The agreed-upon penalties, including all aggravating and mitigating factors;

- (f) The nature of any participation or cooperation provided by a party pursuant to the negotiated resolution, and consequences for a party's failure or refusal to strictly adhere to the agreed-upon participation and cooperation conditions;
- (g) Waiver of appellate opportunities; and
- (h) Other material terms of the agreement.

**19.10.4 Scope of Review.** A hearing panel shall only reject a negotiated resolution if it is not in the best interests of the Association or the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.12 and Figure 19-1. *(Adopted: 10/31/18, Revised: 10/28/22 effective 1/1/23)*

**19.10.5 Preliminary Assessment of Penalties.** Prior to submission of a written agreement, parties participating in the negotiated resolution may request a hearing panel of three Committee on Infractions members to preliminarily assess whether the agreed-upon penalties are manifestly unreasonable pursuant to Bylaw 19.12 and Figure 19-1. The preliminary assessment is not binding. *(Adopted: 10/31/18, Revised: 10/28/22 effective 1/1/23)*

**19.10.5.1 Approval in Conjunction with Preliminary Assessment.** Unless the parties instruct otherwise, the hearing panel may approve the negotiated resolution in conjunction with its preliminary assessment provided the written agreement complies with Bylaw 19.10.3. *(Adopted: 1/23/19, Revised: 10/28/22 effective 1/1/23)*

**19.10.5.2 Review By Hearing Panel After Preliminary Assessment.** If practicable, the members of the panel that preliminarily assessed penalties will review the negotiated resolution when the written agreement is submitted to the Committee on Infractions. *(Adopted: 10/31/18, Revised: 10/28/22 effective 1/1/23)*

**19.10.6 Negotiated Resolution Approved.** If the hearing panel approves the negotiated resolution, the panel shall forward the approval to the enforcement staff and parties participating in the negotiated resolution, and publicly announce the resolution of the case pursuant to Bylaw 19.11. The approved penalties shall be effective immediately, unless ordered otherwise by the hearing panel. The approval shall be final and have no precedential value. *(Adopted: 8/8/18, Revised: 10/31/18, 10/28/22 effective 1/1/23)*

**19.10.6.1 Approval When Not All Parties Participate in Negotiated Resolution.** If, pursuant to Bylaw 19.7.5, some but not all parties resolve their portion of the case via negotiated resolution, the hearing panel may approve the negotiated resolution and release a decision in accordance with Bylaw 19.11. *(Adopted: 10/31/18, Revised: 10/28/22 effective 1/1/23)*

**19.10.7 Negotiated Resolution Not Approved.** If the hearing panel does not approve the negotiated resolution, the panel may return the negotiated resolution to the parties participating in the negotiated resolution for additional information or clarification and request that the parties submit an amended written agreement in response. In the alternative, the panel may reject the negotiated resolution and issue instructions for processing of the case pursuant to Bylaw 19.8 or Bylaw 19.9. *(Adopted: 8/8/18, Revised: 10/31/18, 10/28/22 effective 1/1/23)*

**19.10.7.1 Continued Review by Hearing Panel After Rejection of Negotiated Resolution.** If practicable, the members of the panel that rejected the negotiated resolution will serve on the

hearing panel, which may differ in size, when the case proceeds to a full hearing resolution pursuant to Bylaw 19.8 or a limited resolution pursuant to Bylaw 19.9. *(Adopted: 10/31/18, Revised: 10/28/22 effective 1/1/23)*

## **19.11 Committee on Infractions Decisions.** *(Adopted: 1/9/23 effective 1/1/23)*

**19.11.1 Full Infractions Decision.** After resolution of all allegations pursuant to Bylaws 19.8, 19.9 and/or 19.10, the Committee on Infractions hearing panel shall prepare and approve the final, full infractions decision. The full infractions decision shall be provided to the chancellor or president of the involved institution (or a designee), any involved individuals and the vice president of enforcement. *(Adopted: 10/30/12 effective 8/1/13, Revised: 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

**19.11.1.1 Abbreviated Infractions Decision.** If a case is resolved through multiple resolution methods pursuant to Bylaw 19.7.5, the hearing panel shall prepare and approve an abbreviated infractions decision when each resolution method concludes. The abbreviated infractions decision shall be provided to the parties participating in that resolution method. *(Adopted: 10/28/22 effective 1/1/23)*

**19.11.2 Public Release of Full Infractions Decision.** Once the full infractions decision has been provided to the parties, the hearing panel shall release it publicly. The public version shall not include names of individuals, but the panel may, at its discretion, identify the chancellor or president of the institution (in cases involving lack of institutional control); the director of athletics and/or any individual with direct responsibility and oversight of the athletics department (in cases involving lack of control or failure to monitor); the head coach(es) of the sport(s) involved; and, if appropriate, the chair or other members of the institution's governing body. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.11.2.1 Impact of Multiple Resolution Methods on Public Release.** If a case is resolved through multiple resolution methods, the hearing panel shall release a public statement as each resolution method concludes. The public statement shall include the method of resolution, the parties involved, a brief summary of the findings and penalties and the remaining portions to be resolved, if any. The party whose portion of the case was resolved may also confirm resolution consistent with the hearing panel's statement. The party may only make additional comment with the consent of the enforcement staff and hearing panel. After the case is fully resolved, the hearing panel shall issue a full infractions decision in accordance with Bylaws 19.11.1 and 19.11.2. *(Adopted: 10/28/22 effective 1/1/23)*

**19.11.3 Public Announcement.** Once the full infractions decision has been released publicly, the panel member designated by the chief hearing officer may hold a press conference related to the infractions case. Except as allowed pursuant to Bylaws 19.3 and 19.11.2.1, the institution and/or any involved individuals shall not comment publicly until the conclusion of the panel's press conference. Parties who fail to adhere to these requirements may be sanctioned by the Committee on Infractions. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.11.4 Reconsideration by the Hearing Panel.** Once the full infractions decision has been publicly announced by the Committee on Infractions hearing panel and the appeal opportunity has been exhausted, there shall be no reconsideration of the decision except as follows. *(Adopted: 10/30/12 effective 8/1/13, Revised: 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

**19.11.4.1 New Information or Prejudicial Error.** A hearing panel may reconsider a decision upon a showing of new information that is directly related to the decision or upon a showing that there was prejudicial error in processing the case. *(Revised: 1/9/96, 10/30/12 effective 8/1/13, 7/31/14, 10/28/22 effective 1/1/23)*

**19.11.4.1.1 Review Process.** Any institution or involved individual may initiate a review by submitting a brief of its request to the hearing panel of the Committee on Infractions. The hearing panel shall decide whether to deny or grant the request and conduct further proceedings as the panel deems necessary to resolve the matter. *(Revised: 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

**19.11.4.1.2 No Calculation of New Penalty.** If reconsideration is granted, the panel may reduce or eliminate a penalty but may not prescribe any new penalty. The panel's decision with respect to the penalty shall be final and conclusive for all purposes. *(Revised: 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

**19.11.4.2 Penalty Modified or Set Aside Outside the Association.** Should any portion of the penalty in the case be modified or set aside for any reason other than by appropriate action of the Association, the penalty shall be reconsidered by a hearing panel. In such cases, any extensions or adjustment of a penalty shall be prescribed by the panel after notice to the institution and/or an involved individual and an opportunity to respond. Any such action by the panel may be reviewed by the Infractions Appeals Committee. *(Revised: 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

**19.11.5 Finality of Decisions.** Any decision by a hearing panel of the Committee on Infractions that is not appealed or reconsidered pursuant to Bylaw 19.11.4 shall be final, binding and conclusive, and shall not be subject to further review by any governance body. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

## **19.12 Penalties.**

**19.12.1 Calculation of Penalty.** If a hearing panel concludes that a violation occurred, it shall prescribe an appropriate penalty or recommend to the Board of Directors suspension or termination of membership in an appropriate case. Failure to fully implement the prescribed penalty may be considered a violation and/or may subject the institution, and/or an institution employing an involved individual under a show-cause order, to further disciplinary action by the Committee on Infractions. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/28/22 effective 1/1/23)*

**19.12.2 Factors Affecting Penalties.** The hearing panel shall determine whether any factors that may affect penalties are present for a case. The panel shall weigh any factors and determine whether a party should be subject to standard penalties or should be classified with aggravation or mitigation and, therefore, subject to a higher or lower range of penalties. Absent extenuating circumstances, core penalties corresponding to the classification shall be prescribed as set forth in Figure 19-1. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/28/22 effective 1/1/23)*

**19.12.2.1 Aggravation.** An aggravated case is one in which aggravating factors for a party outweigh mitigating factors for that party. A case should not be classified as aggravated solely because the number of aggravating factors is larger than the number of mitigating factors. An

egregious aggravating factor may outweigh multiple mitigating factors. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/28/22 effective 1/1/23)*

**19.12.2.2 Standard.** A standard case is one in which no mitigating or aggravating factors are present for a party or in which aggravating and mitigating factors for that party are generally of equal weight. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/28/22 effective 1/1/23)*

**19.12.2.3 Mitigation.** A mitigated case is one in which mitigating factors for a party outweigh aggravating factors for that party. A case should not be classified as mitigated solely because the number of mitigating factors is larger than the number of aggravating factors. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/28/22 effective 1/1/23)*

**19.12.3 Aggravating Factors.** Aggravating factors are circumstances that warrant a higher range of penalties for a particular party. A hearing panel determines whether aggravating factors are present in a case and the weight assigned to each factor. Examples of aggravating factors include, but are not limited, to the following: *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 8/8/18, 9/24/18, 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

**19.12.3.1 Aggravating Factors for Institutions.** *(Adopted: 10/28/22 effective 1/1/23)*

- (a) Multiple Level I and/or multiple Level II violations for which the institution is responsible;
- (b) Lack of institutional control;
- (c) Failing or refusing to take all appropriate steps outlined in Bylaw 19.2.1 to advance resolution of the matter, including steps that hinder or thwart the institution and/or enforcement staff's investigation;
- (d) Violations were premeditated, deliberate or committed after substantial planning;
- (e) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct;
- (f) One or more violations caused ineligible competition;
- (g) A pattern of noncompliance within the sport program(s) involved;
- (h) Conduct intended to generate pecuniary gain for the institution;
- (i) Intentional, willful or blatant disregard for NCAA bylaws by a person with institutionally derived authority;
- (j) The institution employs an athletics department staff member who is subject to a show-cause order and during the period of the show-cause order that individual's conduct, or for a director of athletics and/or head coach, conduct involving any program in which the individual has oversight, results in an institutional Level I or Level II violation in the case;
- (k) Involvement by a representative of the institution's athletics interests in violations;
- (l) Conduct by a party and/or their representative that inhibits the Committee on Infractions' ability to effectively manage the docket, ensure a professional and civil decorum in all proceedings and/or otherwise efficiently resolve infractions cases; and
- (m) Other facts warranting a higher penalty range.



**19.12.3.2 Aggravating Factors for Involved Individuals.** *(Adopted: 10/28/22 effective 1/1/23)*

- (a) Multiple Level I and/or multiple Level II violations;
- (b) Failing or refusing to take all appropriate steps outlined in Bylaw 19.2.1 to advance resolution of the matter, including steps that hinder or thwart the institution and/or enforcement staff's investigation;
- (c) Violations were premeditated, deliberate or committed after substantial planning;
- (d) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct;
- (e) One or more violations caused ineligible competition;
- (f) Conduct or circumstances demonstrating an abuse of a position of trust;
- (g) A pattern of noncompliance within the sport program(s) involved;
- (h) Conduct intended to generate pecuniary gain for the individual;
- (i) Intentional, willful or blatant disregard for NCAA bylaws;
- (j) Involvement by a representative of the institution's athletics interests in violations;
- (k) Conduct by a party and/or their representative that inhibits the Committee on Infractions' ability to effectively manage the docket, ensure a professional and civil decorum in all proceedings and/or otherwise efficiently resolve infractions cases; and
- (l) Other facts warranting a higher penalty range.

**19.12.4 Mitigating Factors.** Mitigating factors are circumstances that warrant a lower range of penalties for a particular party. A hearing panel determines whether mitigating factors are present in a case and the weight assigned to each factor. Examples of mitigating factors include, but are not limited to, the following: *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/5/16, 4/25/18, 4/27/18, 8/8/18, 9/24/18, 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

**19.12.4.1 Mitigating Factors for Institutions.** *(Adopted: 10/28/22 effective 1/1/23)*

- (a) Prompt self-disclosure of the violation(s);
- (b) Prompt acknowledgement and acceptance of responsibility for the violations;
- (c) Institution self-imposed meaningful corrective measures and/or penalties;
- (d) Affirmative steps to expedite final resolution of the matter, including a good faith request for an accelerated hearing docket pursuant to Bylaw 19.8.4, timely submission of a summary disposition report pursuant to Bylaw 19.9.3 or timely submission of a negotiated resolution pursuant to Bylaw 19.10;
- (e) An established history of self-reporting Level III or secondary violations (i.e., at minimum, five violations per year for the previous five years);
- (f) Implementation of a system of compliance methods designed to ensure rules compliance and satisfaction of institutional/coaches' control standards. Additional considerations include:
  - (1) Whether the institution's compliance system aligns with industry standards, such as adoption of the National Association of Athletics Compliance Reasonable Standards;
  - (2) Whether the compliance system was in place at the time the violation(s) occurred; and
  - (3) Whether the compliance system detected or should have detected the violation(s).
- (g) Exemplary cooperation, such as:

- (1) Volunteering all pertinent information the institution possesses or should reasonably be expected to possess to further the expectations of the infractions process;
- (2) Identifying individuals to be interviewed by the enforcement staff, documents and other information of which the enforcement staff was not aware;
- (3) Expending substantial institutional resources to expedite a thorough and fair collection and disclosure of information; and/or
- (4) Recognizing and bringing to the attention of the enforcement staff, in a timely manner, additional violations discovered in the investigation of which the enforcement staff was not aware. Any failure to comply with investigative requests or any failure to comply with Bylaw 19.2.1 (Responsibility to Cooperate) shall render this mitigating factor inapplicable.
- (h) The absence of prior conclusions of Level I, Level II or major violations committed by the institution within the past 10 years;
- (i) Securing the meaningful cooperation of an individual who does not have an affirmative obligation to cooperate under Bylaw 19.2.1 (Responsibility to Cooperate); and
- (j) Other facts warranting a lower penalty range.

**19.12.4.2 Mitigating Factors for Involved Individuals.** *(Adopted: 10/28/22 effective 1/1/23)*

- (a) Prompt self-disclosure of the violation(s);
- (b) Prompt acknowledgement of and acceptance of responsibility for the violation(s);
- (c) Affirmative steps to expedite final resolution of the matter, including timely submission of a summary disposition report pursuant to Bylaw 19.9.3, timely submission of a negotiated resolution pursuant to Bylaw 19.10 or a good faith request for an accelerated hearing docket pursuant to 19.8.4.6;
- (d) Exemplary cooperation, such as:
  - (1) Volunteering all pertinent information the involved individual possesses, has the ability and means to obtain, or should reasonably be expected to possess to further the expectations of the infractions process;
  - (2) Identifying individuals to be interviewed by the enforcement staff, documents and other information of which the enforcement staff was not aware;
  - (3) Expending substantial resources to expedite a thorough and fair collection and disclosure of information; and/or
  - (4) Recognizing and bringing to the attention of the enforcement staff, in a timely manner, additional violations discovered in the investigation of which the enforcement staff was not aware.  
Any failure to comply with investigative requests pursuant to Bylaw 19.2.1 (Responsibility to Cooperate) shall render this mitigating factor inapplicable;
- (e) The absence of prior conclusions of Level I, Level II or major violations committed by the involved individual;
- (f) Securing the meaningful cooperation of an individual who does not have an affirmative obligation to cooperate under Bylaw 19.2.1 (Responsibility to Cooperate); and/or
- (g) Other facts warranting a lower penalty range.

**19.12.5 Repeat Violators.**

**19.12.5.1 Time Period.** An institution shall be considered a repeat violator if the Committee on Infractions finds that a Level I or Level II violation has occurred within five years of the starting

date of a Level I or Level II penalty stemming from a previous case. For this provision to apply, it shall not be necessary that the Committee on Infractions' hearing be conducted or its decision issued within the five-year period. An involved individual shall be considered a repeat violator if any of the three divisional Committees on Infractions previously concluded the individual was involved in a Level I, Level II or major violation. *(Adopted: 8/31/22 effective 1/1/23, Revised: 10/28/22 effective 1/1/23)*

**19.12.5.2 Repeat Violator Penalties.** In prescribing penalties for an institution or individual who are repeat violators as defined by Bylaw 19.12.5.1, a hearing panel may depart upward from the core penalties identified in Figure 19-1 pursuant to Bylaw 19.12.7. *(Adopted: 10/28/22 effective 1/1/23)*

**19.12.6 Core Penalties for Level I and Level II Violations.** If a hearing panel concludes pursuant to Bylaw 19.8 or 19.9 or the parties participating in a negotiated resolution pursuant to Bylaw 19.10 agree that an institution or involved individual committed Level I and/or Level II violation(s), and after determining the appropriate classification based on aggravating and mitigating factors, the hearing panel shall prescribe and/or the parties participating in a negotiated resolution should agree to core penalties from the ranges set forth in Figure 19-1 and described below. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.12.6.1 Competition Penalties.** Competition limitations on the institution's participation in postseason play in the involved sport(s). *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.12.6.2 Financial Penalties.** Financial penalties may include requirements that an institution pay a fine, return revenue received from a specific athletics event or series of events, face reduction in or elimination of monetary distribution by the Association or lose all revenue sharing in postseason competition (including the NCAA Division I Men's Basketball Championship) for the entire period of a postseason ban. *(Adopted: 10/30/12 effective 8/1/13, Revised: 8/8/18, 10/28/22 effective 1/1/23)*

**19.12.6.2.1 Fine for Participation in NCAA Championship and Other Postseason Contests in Which an Ineligible Student-Athlete Competed.** A hearing panel may require an institution to pay a fine, to be distributed to the NCAA Student-Athlete Opportunity Fund, if an ineligible student-athlete competes in NCAA championship or other postseason contests. In such a case, the institution shall pay the value of the full unit(s) [Basketball Performance Fund unit(s) and/or Equal Conference Fund unit(s)] awarded based on the institution's participation in NCAA Division I Men's Basketball Championship contests in which the ineligible student-athlete competed, or shall pay the value of a similar distribution awarded for the institution's participation in other NCAA championship or postseason contests in which the ineligible student-athlete competed. *(Adopted: 1/23/19, Revised: 10/28/22 effective 1/1/23)*

**19.12.6.3 Scholarship Reductions.** Limitations on the number of financial aid awards that may be provided during a specified period. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.12.6.4 Show-Cause Orders.** If a determination is made that an institution has not taken appropriate disciplinary or corrective action regarding an individual found in violation of NCAA bylaws, the panel may **issue** and/or approve an order that the institution take additional disciplinary

or corrective action, including but not limited to, restriction of some or all athletically related duties, as set forth in Figure 19-1, unless the institution appears before the panel to show cause why the additional penalties should not be applied. Decisions regarding disciplinary or corrective actions involving personnel shall be made by the institution, but the determination of whether the action satisfies the institution's obligation of NCAA membership shall rest solely with the Committee on Infractions. *(Adopted: 10/30/12 effective 8/1/13, Revised: 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

**19.12.6.5 Head Coach Restrictions.** If a determination is made that an employing institution has not taken appropriate disciplinary or corrective action regarding a head coach found in violation of Bylaw 11.1.1.1, the panel may issue and/or approve an order that the institution suspend the coach for a number of contests from the range set forth in Figure 19-1 that would apply to the underlying violation(s) unless the institution appears before the panel to show cause why the suspension should not be applied. Decisions regarding disciplinary or corrective actions involving personnel shall be made by the institution, but the determination of whether the action satisfies the institution's obligation of NCAA membership shall rest solely with the Committee on Infractions. *(Adopted: 10/30/12 effective 8/1/13, Revised: 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

**19.12.6.6 Recruiting Restrictions.** Recruiting restrictions may include limitations for varying lengths of time on official visits; unofficial visits (the number of scheduled unofficial visits, provision of complimentary admissions and local transportation); recruiting communications (telephone and written correspondence); and off-campus recruiting activities. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.12.6.7 Probation.** The hearing panel may prescribe and/or approve probationary conditions designed on a case-by-case basis to remediate weaknesses detected in the institution's administration of its athletics programs. Prior to expiration of the probation period and before the institution is restored to full rights and privileges of membership in the Association, the office of the Committee on Infractions will review the athletics policies and practices of the institution. If an institution fails to satisfy all probationary conditions, the Committee on Infractions may extend the probationary period and/or prescribe additional penalties. Conditions of probation may include, but are not limited to, the following: *(Adopted: 10/30/12 effective 8/1/13, Revised: 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

- (a) Submission of compliance reports during the period of probation;
- (b) Acknowledgement in alumni publications, media guides and recruiting materials identifying the violations committed, the terms of probation, and penalties prescribed;
- (c) Written confirmation to the Committee on Infractions that the institution's president or chancellor met with student-athletes, athletics department staff and other relevant parties to personally affirm the president or chancellor's commitment to NCAA rules compliance, shared responsibility and preserving the integrity of intercollegiate athletics;
- (d) Requiring an institution to announce during broadcast contests, on its website and in institutional publications that it is on probation and the reasons why the probation was prescribed;
- (e) In cases in which an institution is found to lack institutional control and serious remediation is necessary, in-person reviews of the institution's athletics policies and practices by the office of the Committee on Infractions or, in limited circumstances, as appropriate, Committee on Infractions or a third party;
- (f) Implementation of educational or deterrent programs; or
- (g) Audits for specific programs or teams.

**19.12.7 Departures from Level I and Level II Core Penalties.** If extenuating circumstances are found, the hearing panel and/or the parties participating in a negotiated resolution may depart from the core penalties in Figure 19-1, provided the panel's decision and/or written agreement explain the basis for its prescription of core penalties different than those set forth in Figure 19-1. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.12.8 Additional Penalties for Level I and Level II Violations.** Additional penalties for Level I and/or Level II violations may include one or more of the following: *(Adopted: 10/30/12 effective 8/1/13, Revised: 8/7/14, 10/28/22 effective 1/1/23)*

- (a) Prohibition against specified competition in the sport during the regular season;
- (b) Prohibition of all coaching staff members in the sport from involvement, directly or indirectly, in any coaching activities at the institution during the regular season;
- (c) Prohibition against institutional staff members serving on the Board of Directors, Council or other committees of the Association for a prescribed period (or requirement that any institutional staff members serving in leadership positions on any NCAA council or committee resign their leadership positions);
- (d) Requirement that the institution relinquish its voting privilege in the Association for a prescribed period;
- (e) Recommendation that the institution's membership in the Association be suspended or terminated pursuant to Bylaw 20.2.5;
- (f) Public reprimand and censure;
- (g) Vacation of records in contests in which a student-athlete competed while ineligible, including one or more of the following:
  - (1) Vacation of individual records and performances;
  - (2) Vacation of team records and performances, including wins from the career record of the head coach in the involved sport, or, in applicable cases, reconfiguration of team point totals; or
  - (3) Return of individual or team awards to the Association.
- (h) Prohibition against television appearances of the institution in the sport in which the violation occurred. The penalty shall specify that the institution may not enter into any contracts or agreements for such appearances until the institution has been restored to full privileges of membership. The Board of Directors is authorized to permit a closed-circuit telecast, limited to the campus of the opponent of the ineligible institution, provided no rights fee is to be paid to the ineligible institution;
- (i) Pursuant to a show-cause order, disassociation of relations with a representative of an institution's athletics interests, including:
  - (1) Not accepting any assistance from the individual that would aid in the recruitment of prospective student-athletes or the support of enrolled student-athletes;
  - (2) Not accepting financial assistance for the institution's athletics program from the individual;
  - (3) Ensuring that no athletics benefit or privilege is provided to the individual that is not generally available to the public at large; and
  - (4) Taking such other actions against the individual that the institution determines to be within its authority to eliminate the involvement of the individual in the institution's athletics program.
- (j) Publicizing institutions on probation on the NCAA website, in appropriate NCAA publications and in NCAA championship game programs of the involved sports;

- (k) Institutionally imposed suspension of a staff member from some or all athletically related duties for a specified period, pursuant to a show-cause order, for a situation in which the staff member engaged in or condoned a Level I or Level II violation; or
- (l) Other penalties as appropriate.

**19.12.9 Penalties for Level III Violations.** Penalties for Level III violations may include, but are not limited to, the following: *(Adopted: 10/30/12 effective 8/1/13, Revised: 4/14/17, 10/28/22 effective 1/1/23)*

- (a) Termination of the recruitment of a prospective student-athlete by the institution or, if the prospective student-athlete enrolls (or has enrolled) in the institution, direction that the institution take appropriate action regarding eligibility pursuant to Bylaw 12.12 and/or not allow the student-athlete to participate in intercollegiate athletics unless and until eligibility is restored by the Committee on Student-Athlete Reinstatement;
- (b) Forfeiture/vacation of contests in which an ineligible student-athlete participated;
- (c) Prohibition of the head coach or other staff members in the involved sport from participating in any off-campus recruiting activities for up to one year;
- (d) An institutional fine for each violation, with the monetary penalty ranging in total from \$500 to \$5,000, except if an ineligible student-athlete participates in an NCAA championship or other postseason competition, the \$5,000 limit shall not apply;
- (e) Reduction in the number of financial aid awards that may be awarded during a specified period in the sport involved to the maximum extent of 20 percent of the maximum number of awards normally permissible in that sport;
- (f) Institutional recertification that its current athletics policies and practices conform to all requirements of NCAA bylaws;
- (g) Institutionally imposed suspension of the head coach or other staff members for one or more competitions;
- (h) Public reprimand; and
- (i) Requirement that a member institution that has been found in violation, or that has an athletics department staff member who has been found in violation of NCAA bylaws while representing another institution, show cause why a penalty or an additional penalty should not be prescribed if it does not take appropriate disciplinary or corrective action against the athletics department personnel involved, any other institutional employee, if the circumstances warrant, or representatives of the institution's athletics interests.

**19.12.10 Show-Cause Penalties.** If a hearing panel prescribes and/or approves additional penalties for an institution for Level I or Level II violations pursuant to Bylaw 19.12.6.4, the institution shall be provided the opportunity to appear before the panel. Further, for show-cause penalties prescribed by a Committee on Infractions hearing panel, the institution shall be provided the opportunity to appeal any additional penalty prescribed by the panel. *(Adopted: 10/30/12 effective 8/1/13, Revised: 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

**19.12.11 Notification of Regional Accrediting Agency.** In cases in which the hearing panel has found and/or approved academic violations or questionable academic conduct, the NCAA president may forward a copy of the public infractions decision to the appropriate regional accrediting agency. *(Revised: 10/30/12 effective 8/1/13, 10/28/22 effective 1/1/23)*

**19.12.12 Obligation of Institution to Take Appropriate Action.** If a violation has been found that affects the eligibility of one or more student-athletes, the institution and its conference, if any, shall be notified of the violation and the name(s) of the student-athlete(s) involved. If the institution fails to take appropriate action by declaring the student-athlete(s) ineligible, the institution shall be required to show cause to the Committee on Infractions why additional penalties should not be prescribed for a failure to abide by the conditions and obligations of membership if it permits the student-athlete(s) to compete in intercollegiate athletics. *(Revised: 1/10/95, 4/24/03, 10/30/12 effective 8/1/13, 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

## **19.13 Appeal of Committee on Infractions Decisions.**

### **19.13.1 Basis for Granting an Appeal.**

**19.13.1.1 Findings and Conclusions.** A Committee on Infractions hearing panel's factual findings and its conclusion that one or more violations occurred shall be affirmed if there is information in the case record supporting the hearing panel's decision. The hearing panel's factual findings and conclusions shall not be set aside except on a showing by the appealing party that no reasonable person could have made the decision after considering the record. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

**19.13.1.2 Level and Classification.** A Committee on Infractions hearing panel's level decision and determination and weighing of aggravating and mitigating factors shall be affirmed if there is information in the case record supporting the hearing panel's decision. The hearing panel's level decision and determination and weighing of aggravating and mitigating factors shall not be set aside except on a showing by the appealing party that no reasonable person could have made the decision after considering the record. *(Adopted: 8/31/22 effective 1/1/23 January 1, 2023; applicable to new and open cases for which an appeal of a Committee on Infractions decision is requested on or after January 1, 2023.)*

**19.13.1.3 Penalties.** A core penalty prescribed by the Committee on Infractions hearing panel shall not be subject to appeal if it is within the range of penalties in Figure 19-1 corresponding to the case classification. An additional penalty shall be affirmed if there is information in the case record supporting the hearing panel's decision. An additional penalty shall not be set aside except on a showing by the appealing party that no reasonable person could have made the decision after considering the record. *(Adopted: 10/30/12 effective 8/1/13, Revised: 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

**19.13.2 Appeal by Institution or Involved Individual.** An institution participating in the proceedings of a Committee on Infractions hearing panel may appeal the panel's findings, conclusions, determinations and/or penalties prescribed for violations of NCAA bylaws. An involved individual participating in the proceedings of the panel and who the panel concluded committed a violation may appeal the panel's findings, conclusions, determinations and/or prescribed penalties regarding that individual for violations in which the individual is named. The notice of intent to appeal must be presented in writing to the Infractions Appeals Committee not later than 15 calendar days after the date the hearing panel releases the public infractions decision. *(Adopted: 10/30/12 effective 8/1/13, Revised: 1/23/19 effective 8/1/19, 10/28/22 effective 1/1/23)*

**19.13.2.1 Contents of Notice of Intent to Appeal.** The notice of intent to appeal shall include the following, unless otherwise ordered by the Infractions Appeals Committee: *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

- (a) The date on which the decision of the hearing panel was released to the public;
- (b) A request, if applicable, for a stay of penalties pursuant to Bylaw 19.13.2.2; and
- (c) If the appealing party is an involved individual, a statement indicating whether the individual is employed at an NCAA institution. If the involved individual's employment status changes during the course of the appeal, the statement shall be amended promptly to reflect the change and the identity of the new employer.

**19.13.2.2 Stay of Penalties.** Filing a notice of intent to appeal does not automatically stay penalties prescribed by a hearing panel of the Committee on Infractions. In its notice of intent to appeal, a party may request the Infractions Appeals Committee stay any penalty subject to appeal. Upon such a request, the Infractions Appeals Committee shall stay any appealed penalty during the pendency of the appeal. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.13.3 Written Materials on Appeal.** Materials may be submitted as set forth below, subject to procedures promulgated by the Infractions Appeals Committee or as otherwise directed by the committee. Extensions to any deadlines set forth below shall not be granted except in exceptional circumstances. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.13.3.1 Initial Submission by Institution or Involved Individual.** Within 30 days after receipt of the Infractions Appeals Committee's acknowledgement of a timely notice of intent to appeal, an appealing institution or individual shall provide its initial submission. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.13.3.2 Response by Committee Appeals Advocate.** Within 30 days after receipt of an initial submission in support of its appeal by an institution or involved individual, the committee appeals advocate shall submit a response to the Infractions Appeals Committee. *(Adopted: 10/30/12 effective 8/1/13, Revised: 4/19/19, 10/28/22 effective 1/1/23)*

**19.13.3.3 Rebuttal by Institution or Involved Individual.** Within 14 days after receipt of the committee appeals advocate's response, an institution or involved individual may submit a rebuttal to the Infractions Appeals Committee. The rebuttal may only address issues contained in the initial submission or the committee appeals advocate's response. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.13.3.4 Enforcement Staff Statement.** Within 10 days after the deadline for submission of all rebuttals, the enforcement staff may provide a written statement to the Infractions Appeals Committee regarding perceived new information, errors, misstatements and omissions relating to the initial submission(s), the committee appeals advocate's response and/or rebuttal documents. The enforcement staff's statement shall be included in the record on appeal and considered by the Infractions Appeals Committee. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.13.4 Information Considered on Appeal.** The Infractions Appeals Committee shall consider only the information contained in the record of proceedings before the Committee on Infractions, the record on appeal and arguments presented during the appeal oral argument, if any, unless otherwise ordered by the Infractions Appeals Committee. If an institution or involved individual seeks to introduce new information during the appeal process, the Infractions Appeals Committee shall determine



whether it meets the threshold definition of new information per Bylaw 19.02.2 and, if so, may stay the appeal and remand the matter to the assigned panel to conduct further proceedings as may be necessary to address whether the information affects the panel's decision and to amend the decision, if necessary. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/28/22)*

**19.13.5 Mode of Appeal.** Appeal arguments shall be reviewed on the written record and parties may not request oral argument. In extenuating circumstances, the Infractions Appeals Committee may order limited oral argument if a majority of committee members determine that a decision cannot be rendered in the absence of oral argument. If ordered, an oral argument may be conducted subject to procedures promulgated by the Infractions Appeals Committee or as otherwise directed by the committee. The total time allowed for presentations, rebuttal (if any) and responses to the Infractions Appeals Committee's questions shall not exceed 60 minutes per party. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.13.6 Decision of the Infractions Appeals Committee.** After considering the appeal and deliberating privately, the Infractions Appeals Committee shall prepare a written decision and provide a copy to any appealing party (including the president or chancellor of an institution currently employing an involved individual), the chair of the Committee on Infractions, the committee appeals advocate and the vice president of enforcement, unless otherwise ordered by the committee. If the committee affirms the hearing panel's decision, it may issue a summary decision stating its conclusions without further discussion. Once the decision has been provided to the parties, the committee shall release a public appeal decision. The public appeal decision will not include names of individuals, but the committee may, at its discretion, identify the chancellor or president of the institution (in cases involving lack of institutional control); the director of athletics and/or any individual with direct responsibility and oversight of the athletics department (in cases involving lack of control or failure to monitor); the head coach(es) of the sport(s) involved; and, if appropriate, the chair or other members of the institution's governing body. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.13.7 Final Decision not Subject to Further Review.** Any decision of the Infractions Appeals Committee shall be final, binding and conclusive, and shall not be subject to further review by any governance body. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

## **19.14 Notice of Allegations, Opportunity to Respond and Penalties (Level III Cases).**

**19.14.1 General Process for Alleged Violations.** A Level III case is a case presenting Level III violations that do not collectively constitute a Level II violation. An institution or involved individual subject to a show-cause order in a Level III case may be represented by legal counsel and shall be provided the following: *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 4/14/17, 10/28/22 effective 1/1/23)*

- (a) Notice of any specific allegations and the facts upon which such allegations are based; and
- (b) An opportunity to provide a written response to the vice president of enforcement (or a designee) to answer such allegations by the production of factual information and to appeal to a hearing panel of the Committee on Infractions.

**19.14.2 Determination by Enforcement Staff.** After reviewing relevant information and consulting with the institution or involved individual, the enforcement staff shall conclude whether one or more Level III violations occurred. If the enforcement staff concludes that the alleged violation(s) should not

be processed as a Level III case, it may process the case as Level I or Level II case, as appropriate, or determine that no further action is required. *(Adopted: 10/30/12 effective 8/1/13, Revised: 4/14/17, 10/28/22 effective 1/1/23)*

**19.14.3 Authority to Prescribe Penalties.** As authorized by the Committee on Infractions, upon a conclusion that one or more Level III violations occurred, the vice president of enforcement (or a designee) may determine whether a penalty is warranted and, if so, prescribe and announce an appropriate penalty pursuant to Bylaw 19.9.8. Failure to fully implement the penalty may be considered a violation and/or may subject the institution to further disciplinary action by the NCAA. Failure to fully implement self-imposed actions may also subject the institution to further disciplinary action by the NCAA. *(Adopted: 10/30/12 effective 8/1/13, Revised: 7/31/14, 10/28/22 effective 1/1/23)*

**19.14.4 Appeal to Committee on Infractions.** If an institution or involved individual subject to a show-cause order disputes an action by the enforcement staff regarding a Level III violation, the institution or involved individual may appeal by submitting a notice of appeal through the online reporting system for Level III violations within 15 days after receipt of the enforcement staff's decision. An institution that self-reports a violation may appeal a penalty prescribed by the enforcement staff, but not the violation. An institution or involved individual subject to a show-cause order may request the opportunity to appear in person or by video or telephone conference. If no such request is made, or if the request is denied, a hearing panel of the committee will review the appeal on the basis of the written record. The panel shall not deny an involved individual's request to appear in person if a show-cause order was prescribed. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*

**19.14.4.1 Stay of Penalties.** If a notice of appeal is filed within the deadline, unless ordered otherwise by a hearing panel of the Committee on Infractions, any penalties prescribed by the enforcement staff that have been appealed shall be stayed during the pendency of the appeal. *(Adopted: 10/30/12 effective 8/1/13, Revised: 10/28/22 effective 1/1/23)*