

If a violation affects eligibility, it affects eligibility! And just because a violation does not affect eligibility that doesn't make it Level II!

Prescribed penalties must be imposed for a violation to be processed as Level II!

Level II violations are still violations! We care about them and they need to be reported!

Changes to the level II reporting process

Level II violations will continue to be processed by institutions and/or their conferences, but instead of holding Level II violations and submitting one report to the enforcement staff on an annual basis, Level II violations will be submitted to either the institution's conference office as they occur and are discovered, or to the enforcement staff on a quarterly basis.

Changes to the level II reporting process Level II Violations - Previously

- Processed by institutions and/or conferences
- Reported to the enforcement staff on an annual basis in a "violations report"
- Enforcement staff reviews, but does not formally process
- Institutions are not required to seek reinstatement of eligibility for any involved enrolled or prospective student-athletes

Level II Violations - Current

- Processed by institutions and/or conferences
- Reported to the enforcement staff on a quarterly basis
- Enforcement staff reviews, but does not formally process
- Institutions are not required to seek reinstatement of eligibility for any involved enrolled or prospective student-athletes

A new Web-based reporting system should be in place (hopefully) in October 2006 that will allow institutions and conferences to report secondary violations, submit reinstatement requests, and submit waivers electronically.

Problem Bylaws

Bylaw 12.5.1 – Permissible Promotional Activities

Bylaw 12.5.2 – Nonpermissible Promotional Activities

Bylaw 12.5.3 – Media Activities

Bylaw 14.7 – Outside Competition, Effects on Eligibility

These violations can be serious from a student-athlete reinstatement perspective, but typically do not involve much institutional responsibility. To address this issue, these bylaws will be treated as Level I, with the understanding that the violations will be processed by student-athlete reinstatement but only forwarded to enforcement if there is institutional culpability for the violation. The enforcement staff will then process as Level I (or major) or assign the violation Level II status.

For level I violations, the institution or conference should forward a detailed written report to the NCAA office that should include the following information:

1. The date and location of the violation.
2. A description of the violation, including the rule citation.
3. The identity of the coaches, prospective and enrolled student-athletes and other individuals involved in the violation.
4. The reasons the violation occurred.
5. The means by which the institution became aware of the violation.
6. A list of corrective and disciplinary actions taken by the institution and conference (if any).
7. An acknowledgement that a violation occurred and the institution's position regarding whether the violation is secondary.
8. A statement indicating whether any eligibility issues need to be resolved and, if so, whether the institution is requesting restoration of eligibility for any prospective or enrolled student-athletes.
9. Any other information that should be considered in reviewing the case.
10. Date the self-report.

Penalties for secondary violations

- The Committee on Infractions has given the enforcement staff the authority to process cases and impose appropriate penalties using case precedent.
- Any penalty imposed by the staff is the "minimum threshold" penalty for that violation.
- Institutions and conferences have the authority to impose more significant penalties than the NCAA minimum.

Guidelines for penalties

1. The penalty should affect the area in which it occurred (e.g., a recruiting violation should result in a recruiting penalty);
2. The penalty should be designed to affect the individual responsible for the violation and/or that individual's sport program.
3. A penalty should be imposed over and above just eliminating the advantage (2-for-1).

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Self-Reporting Secondary Violations Educational Brochure



Commitment to
Compliance

Institutions should have policies and procedures in place for investigating and reviewing possible violations.

These procedures should:

- Be in writing;
- Be approved by the institution's CEO; and
- Identify who on campus is to conduct the review.

These procedures must:

- Allow the institution to review information of violations in a timely manner; and
- Identify everyone involved in the process as well as their responsibilities

Bylaw 19.02.2.1 A secondary violation is a violation that is isolated or inadvertent in nature, provides or is intended to provide only a minimal recruiting, competitive or other advantage and does not include any significant recruiting inducement or extra benefit conferences.

Bylaw 19.02.2.2 All violations other than secondary violations are major violations, specifically including those that provide an extensive recruiting or competitive advantage.

First step is to determine whether the violation is secondary or major; only after determining that it's secondary do you consider whether it is Level I or Level II.

Bottom Line: Once it is determined that a violation did occur, you need to report it.

Self-Reporting Process

- A new secondary infractions reporting process was implemented August 1, 2004, that changed the way in which some secondary violations are reported to and processed by the enforcement staff.
- Prior to August 1, 2004, all secondary violations had to be reported to the enforcement staff of the NCAA as they occurred and were discovered, and formally processed
- The new reporting system provides for some secondary violations to be

processed by institutions and/or their conferences as they are discovered, and reported to the enforcement staff later

- The new reporting system applies to all three divisions.

New Reporting Process

Under the new process, secondary violations of Bylaws 10 – 17 are divided into two levels:

- Level I
- Level II

Level I violations

Continue to be reported to the NCAA national office as they occur and are discovered, and continue to be formally processed by the enforcement staff.

Level II violations

- Processed by institutions and/or conferences as they occur and are discovered
- Reported to the enforcement staff later in a "violation report"
- Enforcement staff reviews, but does not formally process
- Institutions are not required to seek reinstatement of eligibility for any involved enrolled or prospective student-athletes

Level I Secondary Violations

In addition to those bylaws specified, Level I violations include:

- Any violations of bylaws other than those contained in bylaws 10-17;
- All intentional violations;
- Any violations not isolated or limited in scope; and
- Any similar violations that previously have occurred in the same sport during that same year.

The asterisk (*) means violations of that particular bylaw are Level I only in certain circumstances.

Examples:

- *15.3.5 – Renewals and Nonrenewals - *Limited to cases involving nonrenewals and reductions only
- * Bylaw 16 - *Limited to those Bylaw 16 violations that involve an impermissible benefit with a value of more than \$100
- 13.2 – Offers and Inducements – Level I regardless of value (notice no asterisk)

Level II Secondary Violations

All inadvertent, isolated violations of Bylaws 10-17 (Bylaws 10, 11, 12, 13, 14, 15, 16 and 17) not identified as Level I violations are considered to be Level II violations.

All Level II violations are either de minimis (do not affect eligibility) or restitution (repayment of value of impermissible benefit if \$100 or less).

Level II Secondary Violations with prescribed penalties

Some Level II violations require institutions to impose specific penalties. If a Level II violation has a specific penalty, the institution **MUST** impose it.

If an institution believes that the circumstances are such that the prescribed action is not appropriate, it may submit the violation to the staff for processing with an explanation as to why relief from the prescribed action should be provided.

For any Level II violations with prescribed penalties:

The penalty must be imposed. If not, the violation must be submitted to the enforcement staff for processing. Neither the institution nor the conference can process the violation as Level II if the prescribed is not imposed.

For Level II violations for which no prescribed actions are required:

Institutions and/or conferences should take whatever corrective and/or punitive actions they believe are appropriate in response to the violations.

Level II reporting process problems

- Institutions and/or conferences including Level I violations (many of which affect eligibility) on the annual reports of Level II violations;
- Institutions and/or conferences not imposing the prescribed penalty for those Level II violations that require a specific penalty;
- Institutions and/or conferences incorrectly assuming that they may make a determination that a violation is Level II and that it does not affect eligibility, even though it's listed as Level I and does affect eligibility;
- Institutions and/or conferences not submitting Level II violations to the enforcement staff.

Level II Truths

Level I means Level I – Always! Even if a Level I violation is inadvertent, it's still Level I!