

REPORT OF THE
NCAA DIVISION III COMMITTEE ON INFRACTIONS

ACTION ITEM.

- **Change to the secondary infractions Level II reporting process (Constitution 3.2.4.1.5).**

- (1) Recommendation. Adopt noncontroversial legislation to amend NCAA Constitution 3.2.4.15 to remove the reference to the “annual report,” and to include Level I secondary violations, in the following manner: “An institution shall submit secondary violations (Level I and/or Level II) to the NCAA enforcement services staff or an annual confirmation that the institution did not commit any secondary violations.”
- (2) Rationale. A change to the secondary infractions reporting process for Level II secondary violations has been proposed by NCAA Enforcement Services and recommended by the Division III Committee on Infractions. Currently, Level II secondary violations are reported to the NCAA enforcement staff only once per year (during the summer). However, in response to problems with the annual reporting schedule and concerns raised by institutions and conferences, it is being recommended that Level II violations no longer be reported on an annual basis. Instead, beginning in January 2006, Level II violations would be reported to institutions’ conference offices and/or the NCAA enforcement staff as the violations occur and are discovered. If conference offices are receiving and processing Level II reports from their institutions, conferences may hold the Level II reports for not longer than three months before forwarding those reports to the enforcement staff.

This change to the secondary infractions reporting process would coincide with the implementation of an electronic reporting system that will allow institutions and conferences to report Level I and Level II secondary violations to the enforcement staff electronically. The electronic reporting system is scheduled to be operating by January 2006. More information related to the secondary infractions reporting process is included in the attached supplements.

Revised Reporting Process for Level II Secondary Violations

October 2005

After completing the first summer under the new “Level I / Level II” secondary infractions reporting process, it is clear that the new reporting process is not working as well as was expected.

There have been numerous problems with the annual reports of Level II secondary violations. The main problematic areas involve:

- 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 the determination that a violation is Level II and that it does not affect eligibility, even though the violation is listed as a Level I violation and does impact eligibility; and
- Institutions and/or conferences not submitting Level II violations to the enforcement staff.

In addition, the response rate for those institutions submitting annual Level II reports has been lower than expected. [Note: The annual Level II reports were to have been submitted after the conclusion of the 2004-05 academic year, but prior to the start of the 2005-06 academic year.] As of September 19, only approximately 67 percent of Division I institutions, 27 percent of Division II institutions, and 24 percent of Division III institutions had submitted annual Level II reports. These percentages include those institutions that submitted a reporting form indicating they had no Level II violations. Given the amount of education and information that was provided regarding the new process and self-reporting in general, the percentage of institutions submitting annual reports of Level II violations was expected to have been much higher, especially among Division II and III institutions.

Even with the less than expected receipt of Level II reports this summer, the secondary infractions staff was overwhelmed in trying to stay on top of the tracking and reviewing of the reports. Further, many institutions and conferences have complained that the new secondary infractions reporting process is confusing and that they are not comfortable “holding” reports of Level II violations for up to one year before submitting them to the enforcement staff.

As a result of these factors, a change will be made to the Level II secondary violation 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 a Level II violations report to the enforcement staff on an annual basis, Level II violations will be submitted to the enforcement staff as they occur and are discovered, similar to Level I secondary violations.**

The staff will continue to review the Level II violations as they are submitted, but no formal processing of these reports will occur. In addition, Level II violations still will not require institutions to seek reinstatement of eligibility for any involved prospective or enrolled student-athletes, as all Level II violations are considered to be de minimis or restitution violations.

