Division: I

Proposal Number: 2022-26

Title: INFRACTIONS PROGRAM -- STANDARDS OF REVIEW AND RESOLUTION METHODS -- VIOLATIONS PRESUMED IN SELECT CASES

Status: Adopted Final

Intent: To specify that 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.

Category: Amendment

Bylaws: Amend 19, as follows:

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

[19.7.1 through 19.7.2 unchanged.]

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.

[19.7 through 19.14 renumbered as 19.8 through 19.15, unchanged.]

Source: NCAA Division I Board of Directors (Council Working Group on Name, Image and Likeness)

Effective Date: January 1, 2023

Topical Area: Infractions Program

Rationale: If available information supports that the behaviors leading up to, surrounding and/or related to a name, image and likeness agreement or activity were contrary to NCAA Division I legislation, the enforcement staff and the Committee on Infractions should be authorized to presume a violation occurred. To rebut the presumption of a violation, the institution must clearly demonstrate that all behaviors complied with NCAA legislation and the name, image and likeness interim policy.

Estimated Budget Impact: None.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History:

Oct 26, 2022	Adopted by Board	Adopted as emergency legislation.
Oct 26, 2022	Adopted Final	

Student-Athlete Success/Well-Being:

Enforceable and Merits Outweigh Monitoring Burdens:

Consequential or Nationally Significant:

Division I Commitment: