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## **Cold Case Files: Is it time to Revisit the NCAA Statute of Limitations Bylaw?**

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### **Abstract**

NCAA enforcement and infractions procedures are the subject of significant concern and inquiry by the NCAA investigative mechanism itself, involved colleges and universities, fans, and certainly the national and local media. Few topics garner as much scrutiny for an NCAA member institution as when it is the focus of an NCAA infractions inquiry. Historically, when NCAA infractions investigations are finalized and the NCAA public report is released, the offending institutions and individuals prepare to pay the price via either self imposed sanctions or sanctions assessed by the NCAA, or even the affiliated conference. Many individuals allegedly involved in the infractions are fired, reassigned, or punished internally. Athletic programs are given recruiting restrictions and other penalties such as fewer scholarships and post season play restrictions. Consequently those penalties are usually served over a prescribed period of probation of one to five years. While in most cases, this would be the end of the story, there have been many post investigative issues that have been raised after certain NCAA cases have been officially closed. Under very narrow circumstances presented in NCAA Bylaw 32.6.3 to include eligibility of a current athlete, willful violations on the part of the institution or individuals involved, and allegations that constitute a fundamental disregard for NCAA rules, such as recruiting, eligibility, and ethical conduct provisions, to include concealing NCAA violations, the NCAA enforcement staff can reopen a case and potentially impose additional sanctions on an offending institution beyond the four year statute of limitations mandated in NCAA rules. This study includes a history of NCAA bylaw 32.6.3, which covers the statute of limitations legislation to include a review of infractions cases when the NCAA has enacted this measure. Recent legal cases such as O'Brien v. Ohio State, et. al; The United States v. Logan Young; and Ridpath v. Marshall University, et. al. have raised questions regarding the propriety and use of this bylaw. This study addresses if the

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NCAA properly enacts this bylaw consistently when presented with prima facie and/or compelling evidence to do so--or is the organization selectively choosing to pursue institutions beyond the established statute of limitations based on its own biases or other arbitrary reasons? The researcher will also explore if the bylaw is or is not used properly and if it should be eliminated from the NCAA Manual and the four year statute should hold in all circumstances.

### **References**

National Collegiate Athletic Association Operating Manual 2013-14

Legal Cases: O'Brien v. Ohio State, et. al; The United States v. Logan Young; and Ridpath v. Marshall University, et. al.

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DUE PROCESS AND THE NCAA HEARING BEFORE THE  
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