

Rule 5

COMPLIANCE PROCEDURES

5.1 Institutional Responsibility. Each member institution shall enforce eligibility rules and regulations of the NCAA and the Conference. Each member institution shall inform student-athletes, coaches, staff, institutional personnel, fans, spectators and all other individuals associated with or working on behalf of the athletics program of current rules, regulations and policies. The institution shall have the primary responsibility for the conduct of its intercollegiate athletics program. This responsibility shall include institutional control, budget control, institutional staff-member control, student-athlete control, and control of representatives of the institution's athletics interest. Each member institution shall investigate, document and self-report any institutional violations and infractions. Each institution shall act on inquiries and cooperate fully with the NCAA and the Conference on issues related to alleged rules violations. Member institutions also shall follow compliance procedures and guarantee due process to those persons affected. Last, member institutions shall enforce the rulings imposed upon the institution by the NCAA or the Mountain West Conference Board of Directors.

5.2 Administration of Conference Enforcement Procedures. The Commissioner shall be responsible for the administration of Conference enforcement procedures.

5.2.1 Violations of Conference Rules. If a member institution fails to apply the provisions of the Conference Handbook, the institution shall be deemed to be in violation of the Conference rules and shall be subject to the Conference enforcement procedures.

5.2.1.1 Allegations of Violations. The Commissioner (or designee) shall inform the institution of any information indicating alleged violations of Conference rules. The institution shall investigate the matter and inform the Commissioner or designee of its findings.

5.2.1.2 Self-Reported Violations of the Conference Handbook. An institution shall self-report any violation of the Conference Handbook to the Commissioner (or designee). The self-report shall be in writing and shall specify the rule that was violated, the circumstances surrounding the violation and the corrective action taken by the institution to ensure that such a violation will not occur in the future. The Commissioner shall apply any pre-approved penalties. The Mountain West Conference Board of Directors Executive Committee shall determine all other penalties.

5.2.1.3 Modified Decisions and Penalties. The Mountain West Conference Board of Directors Executive Committee may, if it so chooses, modify the decision or penalty but may not increase the penalty.

5.2.2 Appeals. The decision of the Commissioner may be appealed to the Board of Directors Executive Committee. Such appeal shall be made by the involved institution within fourteen days after receiving the notice of the Commissioner's decision.

5.2.2.1 Scope of Appeal. The scope of an appeal shall be limited to a review of the record. The decision shall be rendered only after affording an institution an opportunity to present oral or written arguments concerning the record. All decisions on appeal are final and are not subject to further review except under the provisions of Rule 5.2.2.2.

5.2.2.2 New Evidence or Prejudicial Error. The Board of Directors Executive Committee shall consider a request to reopen a case upon receipt of new evidence of fact or of prejudicial error in the hearing or appeals procedure. A decision not to reopen a case is not subject to further appeal.

5.3 Violations of NCAA Rules. The investigation of alleged violations and the reporting of violations are an institutional obligation. Once that it has been determined that a violation has occurred, the institution shall be subject to NCAA enforcement procedures. The Commissioner (or designee) may assist the institution in processing violations of NCAA rules by assisting the institution in:

- a. Determining whether the violation will be viewed as secondary or major by the NCAA Enforcement staff;
- b. Identifying any mitigating circumstances;
- c. Determining the appropriate institutional action that should be taken;
- d. Determining appropriate penalties that would likely be accepted by the Enforcement staff, the NCAA Committee on Infractions, the NCAA Student-Athlete Reinstatement staff or the NCAA Student-Athlete Reinstatement Committee;
- e. Processing major violations through summary disposition or the Committee on Infractions or,
- f. Processing any eligibility appeals through the NCAA Student-Athlete Reinstatement staff or the NCAA Student-Athlete Reinstatement Committee.

5.3.1 Self-Reported Violations – Secondary Violations (Level I and Level II). An institution shall report all Level I secondary violations of NCAA rules to the NCAA Enforcement staff. The institution shall copy the Conference office on all Level I secondary violations reported to the Enforcement staff. An institution shall report all Level II secondary violations to the Commissioner (or designee). The self-report shall be in writing and shall specify the rule that was violated, the circumstances surrounding the violation and the corrective action taken by the institution to ensure that such a violation will not occur in the future. The Commissioner (or designee) shall process the Level II secondary violation and apply applicable penalties as set forth on the Level II Penalty Schedule. The Conference office shall report all Level II secondary violations to the Enforcement Staff on a quarterly basis. (Revised April 2006)

5.3.1.1 Repeated Secondary Violations. The Commissioner (or designee) shall receive copies of all self reports to the NCAA. If there is a pattern of repeated secondary violations, the Commissioner shall inform the chair of the Board of Directors.

5.3.2 Major Violations (Infractions). All violations other than secondary violations (Level I and Level II) are major violations, specifically including those that provide an extensive recruiting or competitive advantage (NCAA Bylaw 19.02.2.2). An institution involved in a major infractions case shall inform the Commissioner on the actions of the NCAA and shall provide the Commissioner with copies of all written correspondence forwarded to and received from the NCAA. (Revised April 2006)

5.3.2.1 Reporting of Major Violations. The Commissioner shall inform the chair of the Board of Directors of all major violations involving a member institution.

5.4 Communication and Correspondence. Communication with the Conference office by member institutions, or between member institutions, regarding possible violations of the Conference Handbook or NCAA rules shall be initiated by the director of athletics or designated representative. In the event a Conference member discovers a potential violation of the Handbook or NCAA rules and wishes to make allegations against that member to the Conference, the director of athletics must present such charges in a written statement to the Conference office with a copy to the President of his/her institution. This report must be accompanied by any letters or newspaper accounts, videotapes or other supporting documents. Any written charges of alleged violations shall be stated with such particularity as the circumstances may permit.

The Conference office shall forward the report to the director of athletics and the President of the institution accused of the violations.

5.5 Annual Report – Commissioner. The Commissioner shall present an annual report to the Board of Directors during its spring meeting. The report shall include a summary, by institution, of all violations of NCAA legislation and/or Conference rules, and any action taken by the NCAA or the Commissioner (in Conference matters) as well as any other information relevant to compliance.