

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 interests. Each member institution shall investigate, document and self-report any institutional infractions. Each institution shall act on inquiries and cooperate fully with the NCAA and the Conference on issues related to alleged rules infractions. 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 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 Infractions of Conference Rules. If a member institution fails to apply the provisions of the Conference Handbook, the institution is deemed to be in violation of the Conference rules and shall be subject to the Conference enforcement procedures.

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

5.2.1.2 Self-Reported Infractions of the Conference Handbook. An institution shall self-report any infraction 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 infraction and the corrective action taken by the institution to ensure that such an infraction will not occur in the future. The Commissioner shall apply any pre-approved penalties. The Mountain West Board of Directors Executive Committee shall determine all other penalties.

5.2.1.3 Modified Decisions and Penalties. The Mountain West 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 an appeal shall be made by the involved institution within 14 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 Infractions of NCAA Rules. The investigation of alleged infractions and the reporting of infractions are an institutional obligation. Once it has been determined that an infraction occurred, the institution shall be subject to NCAA enforcement procedures. The Commissioner (or designee) may assist the institution in processing infractions of NCAA rules by assisting the institution in:

- a. Determining whether the infraction 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 infractions 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 Infractions – Levels I-III. An institution shall report all Level I (severe breach of conduct), Level II (significant breach of conduct) and Level III (breach of conduct) infractions to the Commissioner (or designee). The self-report shall be in writing and shall specify the rule that was violated, the circumstances surrounding the infraction and the corrective action taken by the institution to ensure that such an infraction will not occur in the future. Once reviewed by the Conference office, the institution shall report the infraction(s) to the NCAA Enforcement staff via the NCAA's online self-reporting program. The institution shall list the Conference office as an additional contact so the Conference may receive follow-up correspondence from the NCAA on the infraction(s) reported to the Enforcement staff. *(Revised August 2013, August 2014)*

5.3.2 Level I or Level II Infractions. An institution involved in a Level I or Level II 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, August 2013)*

5.3.2.1 Reporting of Level I and Level II Infractions. The Commissioner shall inform the chair of the Board of Directors of all Level I and Level II infractions involving a member institution. *(Revised August 2013)*

5.3.3 Repeated Infractions. The Commissioner (or designee) shall receive copies of all self-reports to the NCAA. If there is a pattern of repeated infractions, the Commissioner shall inform the chair of the Board of Directors. (See NCAA Bylaw 19.1 for additional information on NCAA Level I-Level III infractions.) *(Revised August 2013)*

5.4 Communication and Correspondence. Communication with the Conference office by member institutions, or between member institutions, regarding possible infractions 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 infraction 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 infractions 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 infractions.

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 infractions 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.