

## **ARTICLE V**

### **Compliance - Procedure - Penalties**

5.01 Compliance. All personnel of member colleges shall make every effort to comply with Conference, CCCAA, and other proper agencies' rules, regulations and bylaws. Failure to comply with this provision may result in Conference action that may include probation, suspension, or expulsion as prescribed by CCCAA Bylaws. Conference processes will provide for due process in the investigation and punishment of those possibly in violation.

#### 5.02 Procedures

- A. Allegations about rule violations should be referred by staff members to their Director of Athletics. The reporting Director shall immediately telephone and e-mail the Director of Athletics of the college involved in the alleged violation, provide any details as known by the reporting college, and request an investigation. The investigating Director shall report the findings and any actions taken to the reporting Director within fourteen (14) days. An attempt should be made to solve all complaints at the lowest level.
- B. If the reporting Director believes there are facts to support a complaint after receiving a response from the investigating Director, they may file a formal complaint with the Commissioner.
  - 1) A written complaint, including all known information, shall be sent to the investigating Director and the Commissioner.
  - 2) The investigating Director shall send a written response within fourteen (14) days.
    - a) If the charges appear to be false, the investigating Director shall send the response to the reporting Director and Commissioner providing the evidence that explains the charges.
    - b) If the investigating Director finds the charges are true, they shall inform the reporting Director and Commissioner of the disciplinary action(s) and the step(s) taken to eliminate such violations in the future.
    - c) The Commissioner may then take additional corrective action based on the severity of the violation and the college's self-imposed penalties.
  - 3) If the reporting Director believes the outcome is inequitable, they shall notify the investigating director and file a "Request for Complaint Investigation Form" [see Appendix A] with the Commissioner within seven (7) days.
    - a) The Commissioner will review and further investigate the case, and will make a recommendation to the voting representatives.

- b) To assist in this process, the Commissioner may ask the President to appoint a three-person ad hoc committee to aid in the investigation and report. Neither of the colleges involved shall be represented on this committee.
  - c) The voting representatives will review the Commissioner's action. The voting representatives shall have three (3) days to ask for further information from the Commissioner and the colleges involved, and make comment for the benefit of the investigation. Representatives shall then vote on the Commissioner's decision prior to submission to the COA.
- C. Allegations involving colleges from other conferences shall be reported to the Orange Empire Conference Commissioner. The reporting college shall assist the Commissioner in preparing documentation for use by the commissioner of the other conference. Follow-up and appeals on this matter will be managed by the OEC Commissioner in consultation with the reporting college and the other commissioner.

#### 5.03 Penalties

- A. Penalties will be determined by the Conference in accordance with the CCCAA Constitution.
- B. The Conference shall have the right to place a member college on probation, suspension, or recommend expulsion in accordance with the CCCAA Constitution.

5.04 Hearing Board and Appeals. The Conference shall maintain a Hearing Board to manage compliance issues. The primary assignment of this body will be to hear the appeals of member colleges found to have violated OEC, CCCAA, or other appropriate agencies' rules, regulations or bylaws.

- A. Each member college shall designate one member to the Board. The presence of at least five members is necessary to hold an appeals hearing. A chairperson shall be chosen annually by voting representatives at the May meeting.
- B. Appeals of penalties mandated by either the Commissioner or the CCCAA may be appealed in accordance with the CCCAA Constitution.
- C. The Board shall hear all appeals.
- D. The Board shall meet as appropriate and perform as follows:
  - 1) All appeals shall follow the due process penalties procedures as provided by the CCCAA Constitution;

- 2) The Commissioner shall report all decisions regarding injury, illness or special circumstances hardship appeals to this committee for further review;
  - 3) If any member of the Board disagrees with the Commissioner's findings, the matter will be brought before the Hearing Board for discussion and vote.
- E. The Conference Hearing Board may conduct business by: telephone, teleconference, video conference, e-mail, "chat," or in-person.

5.05 Protests. A protest may be filed when there has been an apparent violation of rules or procedures for each sport, as designated by that sport's adopted rules. It shall be the responsibility of the protesting college to determine that all conditions outlined in this section shall be fulfilled before a protest is submitted. A college who plans to lodge a protest shall notify the Commissioner of their intent.

- A. Protests shall originate in writing from the coach within seven (7) days of the occurrence. Notification to the Commissioner shall be made with the approval of the Director of Athletics and the, with a copy to the Director of Athletics of the college being challenged, the President, and the Sport Representative.
- B. If all conditions as outlined in this section have not been met, the Commissioner shall provide written notification to all involved parties within seven (7) days of receipt of the protest.
- C. For valid protests, the Conference Commissioner will review the protest, consult with rules experts, confer with the Sport Representative, and render a decision on the protest. The Commissioner shall notify all involved parties within seven (7) days of receipt of the protest.
- D. If the Sports Representative is from either involved college, the Conference President will name a substitute for purposes of the review.
- E. If either college is not satisfied with the decision, they may request an additional review by the Hearing Board as a final appeal. The Commissioner shall arrange for Board members to receive all materials related to the case within three (3) days of the request for review, and for member voting to take place within three (3) days of sending the materials.