

MacMurray College

Department of Intercollegiate Athletics

Institutional Control

- Analysis involves examination of three separate “environments”:
 - (a) Control maintained by head coach.
 - (b) Control maintained by athletics director.
 - (c) Control exercised by the central administration.
- Essential Elements of Institutional Control (4 Pillars);
 - (a) Adequate Compliance Systems
 - I. Was there an adequate system in place to ensure compliance?
 - (b) Adequate Monitoring/Enforcement
 - I. If a good system is in place, was the system monitored to ensure effective operation?
 - (c) Commitment to Compliance
 - I. What was the commitment level to compliance?
 - (d) Effective Rules Education
 - I. Was an effective rules education program in place?
- Continuum of Relevant Facts:
 - (a) No system <-> Detailed system
 - (b) No monitoring <-> Strict monitoring
 - (c) No commitment <-> High commitment
 - (d) No education <-> Extensive education
- Additional Considerations:
 - (a) Scope of violation (s).
 - (b) Advantage gained.
 - (c) Frequency of violation (s).
 - (d) Did the violation (s) result from human error or systemic failure
 - (e) How the violation (s) were discovered.

Minimizing the Risk for Lack of Control/Monitoring

- Adequate Compliance Systems:
 - (a) Cover areas of fundamental NCAA legislation
 - (b) Incorporate systems used in NCAA software, conference or institution.
 - (c) Systems should deter as well as detect.
 - (d) Document methods/procedures
- Adequate Monitoring/Enforcement
 - (a) Operation systems checked regularly.
 - (b) Accuracy of information supplied is tested.
 - (c) Violations/red flags are promptly investigated and reported.
 - (d) Responsibilities are delegated to person (s) with authority.
 - (e) Methods/procedures are documented.
- Establish a Commitment to Compliance:
 - (a) Expectation of compliance is communicated from the top level down.
 - (b) Compliance issues are regularly incorporated into department-wide meetings.

- (c) Compliance staff is empowered and provided adequate resources.
 - (d) The administration exercises adequate oversight of the athletics department.
- Effective Rules Education Program:
 - (a) Educational efforts are comprehensive and on going.
 - (b) Education is directed at staff (inside and outside of athletics), coaches, student-athletes and boosters.
 - (c) Compliance staff is accessible and forms/materials are up-to-date.
 - Other Positive Measures:
 - (a) Establish procedures for direct communication between institutional departments and athletics.
 - (b) Conduct external audits of compliance regularly.
 - (c) Establish a history of self-detecting and self reporting.

Reporting Infractions Procedure

Policy

The Infractions Procedure exists to provide all constituencies of MacMurray College, including administrators, faculty, staff, coaching staff members, students, student-athletes, alumni, boosters and friends, an opportunity to address concerns related to NCAA, SLIAC, MacMurray College and the Department of Athletics rule, regulation, policy and procedure compliance. The process is to give all constituencies a voice in insuring the integrity of the athletics program.

Procedure

1. Any constituent may contact one of eight members of the Compliance Committee.
2. The Compliance Committee consists of the Faculty Athletics Representative, the Director of Athletics, the Senior Woman Administrator, the Compliance Coordinator, the Director of Admissions, the Director of Financial Aid, a female student-athlete and a male student-athlete.
3. The contacted member of the Committee will set up an informal meeting. In attendance will be the contacted member, an additional committee member and the constituent expressing a concern.
4. The two committee members will hear the alleged compliance violation and collect information from the constituent. Upon completion of the meeting, the two committee members will set a meeting and notify the Director of Athletics of the alleged compliance violation.
5. The Director of Athletics and the two committee members will discuss the alleged compliance violation and if needed collect additional information. The Committee will then decide whether to:
 - (a) Further the investigation and pursue the alleged compliance violation in a formal manner through the Department of Athletics by the Athletic Administration. In this case, a formal report will document the findings of the investigation and will be kept on file in the Athletic Department. Upon completion of this initial, preliminary investigation, the appropriate governing body will be notified. This grievance report may be used in the evaluation of the athletics staff member. A copy of the report will be sent to the Compliance Coordinator, the Faculty Athletics Representative and the Senior Woman Administrator. Or
 - (b) The Director of Athletics will notify the concerned constituent that no basis was found for the allegation into compliance violations.

At any time, any constituent of MacMurray College may contact the NCAA Enforcement Staff directly to report an alleged compliance violation without fear of reprisal at:

Telephone: (317)917-6222
U.S. Mail: NCAA Enforcement Staff
P.O. Box 6222
Indianapolis, IN 46206-6222

NCAA, SLIAC & IBFC Infractions

Policy:

The MacMurray College Department of Athletics is committed to upholding the integrity and intent of the NCAA Division III, SLIAC, IBFC and the Institution. To promote this commitment, MacMurray College has established a Compliance Office and Program to enhance training, education, policies and procedures to insure the compliance with NCAA Division III, SLIAC, IBFC and Institutional rules and regulations.

Another task of the compliance office is to provide a prompt response when a rule or regulation violation occurs. It is the MacMurray College position that **ALL** violations will be reported regardless of the severity. When responding to a rule or regulation violation, the following are taken into account:

1. Was the violation intentional?
2. Was there a competitive advantage gained?
3. Was the student-athletes eligibility affected?
4. Is the violation isolated and non-recurring in nature?

As a general rule, unintentional secondary violations will be treated as an educational experience and viewed as a way to improve our administrative and compliance operations. However, recurring secondary violations and major violations will not be tolerated and strict disciplinary action will be taken. This policy is to serve as a strong message that MacMurray College is committed to rules compliance and the intent of the NCAA Division III, SLIAC, IBFC and the Institution.

Procedure:

1. All coaches, staff members and student-athletes have an obligation to report all violations or potential violations of NCAA Division III, SLIAC, IBFC or Institutional rules or regulations to the Compliance Office and/or Director of Athletics.
2. All pertinent information needs to be submitted to the Compliance Coordinator/Director of Athletics who will conduct an internal investigation to review the facts and relevant regulations.
3. After the investigation, the Compliance Coordinator will share findings with the Director of Athletics provided the Director of Athletics was not the first contacted.
4. If a violation did occur, the information will be written into a formal report and submitted to the NCAA Division III, SLIAC and/or IBFC offices.

Institutional Control: NCAA Constitution Article 6

General Principles

6.01.1 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference (s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

6.1.1 Chief Executive Officer. A member institution's chief executive officer has ultimate responsibility and final authority for the conduct of the intercollegiate athletics program and the actions of any board in control of that program.

6.1.2.1 Administrator Defined. An administrator (for purposes of this legislation) is an individual employed by the institution as a full-time administrative staff member who holds an academic appointment, is directly responsible to the institution's chief executive officer or serves as a chief administrative official (e.g., admissions director, finance officer, department head, or athletics department head). Other nonacademic staff members and individuals who are members of an institution's board of trustees or similar governing body would not be considered to be administrators for purposes of this regulation.

6.1.3 Faculty Athletics Representative. A member institution shall designate an individual to serve as faculty athletics representative. An individual so designated after January 12, 1989, shall be a member of the institution's faculty or an administrator who holds faculty rank and shall not hold an administrative or coaching position in the athletics department. Duties of the faculty athletics representative shall be determined by the member institution.

6.1.4 Student-Athlete Advisory Committee. Each institution shall establish a student-athlete advisory committee for its student-athletes. The composition and duties of the committee shall be determined by the institution.

Budgetary Control

6.2.1 Normal Budgeting Procedures. The institution's annual budget for its intercollegiate athletics program shall be controlled by the institution and subject to its normal budgeting procedures.

6.2.3 Financial Audit. All expenditures and revenue for or in behalf of a Division III member institution's intercollegiate athletics programs shall be subject to the institution's regular financial audit. In particular, additional revenue and expenditures associated with outside groups or individuals shall be included in this audit.

Self-Study and Evaluation

6.3.1 Self-Study Report. Institutions shall conduct a comprehensive self-study and evaluation of their intercollegiate athletics programs at least once every five years, using the Institutional Self-Study Guide (ISSG). The report of the self-study and supporting documentation shall be available for examination on request by an authorized representative of the Association. Subjects covered by the self-study shall include:

- (a) Institutional purpose and athletics philosophy;
- (b) The authority of the chief executive officer in personnel and financial affairs;
- (c) Athletics organization and administration;
- (d) Finances;

- (e) Personnel;
- (f) Sports programs;
- (g) Recruiting;
- (h) Services for student-athletes; and
- (i) Student-athlete profiles.

Responsibility For Actions Of Outside Entities

6.4.2 Representatives of Athletics Interests. An institution's "responsibility" for the conduct of its intercollegiate athletics program shall include responsibility for the acts of individuals when a member of the institution's executive or athletics administration has knowledge or should have knowledge that such an individual:

- (a) Has participated in or is a member of an agency or organization as described in Constitution 6.4.1;
- (b) Has made financial contributions to the athletics department or to an athletics booster organization of that institution;
- (c) Has been requested by the athletics department staff to assist in the recruitment of prospective student-athletes or is assisting in the recruitment of prospective student-athletes;
- (d) Has assisted or is assisting in providing benefits to enrolled student-athletes; or
- (e) Is otherwise involved in promoting the institution's athletics program.

NCAA Constitution

2.1.2 The institution's responsibility for the conduct of its intercollegiate athletics program includes responsibility for the actions of its staff members and for the actions of any other individual or organization engaged in activities promoting the athletics interests of the institution.

2.8.1 Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for compliance.

6.01.1 The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference (s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

Institutional Control Analysis

- Institutional Control analysis attempts to:
 - (a) Measure commitment to rules compliance.
 - (b) Explain why violation (s) occurred.
 - (c) Evaluate the atmosphere of compliance—days of hear no evil, speak no evil, see no evil are gone.