

Bylaws Article 4: Athletic Recruiting

4.1 DEFINITION

Athletic recruiting will be defined as institutionally initiated personal contacts by letter, phone, social media, or in person, between a member of the college athletic department or a representative thereof and a prospective student athlete.

4.2 RECRUITING AREAS

Recruited student athletes shall be a high school graduate, or the class year of which they were members shall have graduated. This includes the United States and International student-athletes. (7/19)

4.3 RECRUITING VISITS

Visiting recruits may be eligible to receive meals and lodging not to exceed state per diem. Expenses shall be limited to the equivalent of only one day (24-hour period). Institutions shall not expend state funds to compensate visiting recruits for meals or lodging. Such expenses may be legally paid only from contributed funds, booster clubs, or gifts, that is, not state or public funds. Student recruits will pay their own transportation expenses.

4.4 RECRUITING RESPONSIBILITY

It is the responsibility of the institution president or presidential designees to strictly adhere to the above recruiting guidelines.

4.5 RECRUITING CONTACT

Any staff member of an NWAC member institution or any other representative of the member institution's athletic interests, desiring to contact a prospective student-athlete who is already committed to another member college shall first contact that institution's athletic director (in writing) regarding the student-athlete. Contact may be made only when such permission is granted.

This rule applies to:

- Prospective student-athletes who are already enrolled at another member college.
- Prospective student-athletes who have already signed a Letter of Intent with another Member College but have not yet attended classes.

4.6 SOCIAL MEDIA

Athletic department staff member(s) may take actions (e.g., "like," "favorite," "republish," "tag", etc.) on social media platforms that indicate approval of content on social media platforms that was generated by users of the platforms other than institutional staff members or representatives of an institution's athletics interests.

Bylaws Article 5: VIOLATIONS

5.1 RESPONSIBILITY

The Executive Director or the Investigations Committee is responsible for administering policies and procedures of the NWAC pertaining to violations. The Executive Board is responsible for the administration of appeals.

5.1.1 PROCESS OF COMPLAINT

The Executive Director of NWAC or designee shall be responsible for receiving and considering complaints which are filed with the Conference charging the failure of any member college to comply with athletic standards as required by the provisions of the NWAC Code, or the failure of any member to meet the conditions and obligations as outlined in the NWAC Code and Adopted Sport Rules and Regulations. Complaints or concerns to the Compliance Manager shall be in writing, clearly explaining the complaint and what NWAC Code or Adopted Sport Rules may be violated.

1. **Step 1:** If there is a complaint charging the failure of any member college to comply with athletic standards as required by the provisions of the NWAC code, or the failure of any member to meet the conditions and obligations as outlined in the NWAC Code and Adopted Sports Rules and Regulations, the complainant must first contact the NWAC Compliance Manager in writing notifying him/her of the issue. The Compliance Manager will then follow up with the school in question.
2. **Step 2:** If the two sides cannot reach resolution on the matter, then a follow up letter shall be sent to the Executive Director of the NWAC noting that the issue has not been resolved and request for additional follow up by the NWAC office.

5.1.2 ASSESSMENT OF REQUEST

Upon receipt of an NWAC request for an investigation, the Executive Director or designee shall assess the nature and scope of the alleged violation. Depending on the severity of the violation, the Executive Director may choose to either investigate the violation independently or request the Chair of the Executive Board to appoint an Investigations Committee of three commissioners from neutral regions.

5.1.3 DUTIES OF THE INVESTIGATOR

The task of the Executive Director or Investigations Committee shall be the following:

- A. To determine whether specific violations have taken place.
- B. To determine whether the violations were inadvertent or willful.
- C. To determine whether violations involved individuals who are either athletes or institutional staff members.
- D. To impose penalties and corrective action.

(The Investigations Committee will confer with the Executive Director or designee in determining appropriate penalties. Self-disclosure and institutional action taken in connection with the rule infraction or punitive action taken by the member college consistent with NWAC Code and Regulations will be considered. The Executive Director or Investigations Committee may exercise the discretion to take no further action if they believe that appropriate institutional action has been self-imposed).

5.1.4 FINAL REPORT

Upon completion of the investigation, a confidential report of the findings shall be submitted to the president of the member college under investigation from the Executive Director outlining whether any violations have been identified and what penalty has been imposed. All correspondence on rule violations will be addressed to the president of the college under investigation. All correspondence regarding rule violations addressed to the NWAC from a college under investigation will include the signature of the college president.

5.1.5 REPORTING REQUESTS OF APPEAL

The Executive Director shall report to the Executive Board in the form of any Information item any requests for investigation and subsequent action taken by either the Executive Director or the Investigations Committee.

5.1.6 WRITTEN APPEAL

If the member college being investigated wishes to appeal the action taken by either the Executive Director or the Investigations Committee, they must submit in writing within thirty (30) days of receipt of the initial findings to the Executive Board of their request to appeal.

5.1.7 TIME OF REVIEW

The Executive Board will review the appeal at the next regularly scheduled meeting. The appeal will be submitted from the president of the college under investigation in the form of a document outlining the following:

- A. A statement of the origin of the case.
- B. Violations of the NWAC Code or regulations.
- C. Disciplinary or corrective actions taken by the member college.
- D. Related factors appropriate for consideration in judgment of the case.

5.1.8 WITNESSES

The Executive Board in the appeal process will provide an opportunity to the college to present student athletes or other witnesses to testify before the Executive Board. Decisions, however, regarding the appeal will be made in closed session. A written decision will be issued.

5.1.9 RECUSAL

In the event the institution of a member of the Executive Board participates in an alleged violation, the member shall not be present during the closed session of the appeals hearing nor shall they have a vote in the final decision.

5.10 AUTHORITY

The Executive Board maintains the authority to amend the initial penalty or uphold disciplinary action and/or fines imposed by the Executive Director or the Investigations Committee.

5.1.11 CONFIDENTIALITY

All correspondence, testimony and discussions pertaining to an investigation will be held confidential. Once a member college has been given an opportunity for due process and a final decision has been made on disciplinary action and/or fines, the Executive Director will issue a public announcement. Once a public announcement has been issued, the investigation may be re-opened only if new information of substantive quality becomes available. In those instances when a new hearing is granted, it shall be treated as re-opening the entire case. (7/13)

5.2 RESPONSIBILITY FOR TIMELY REPORTING OF VIOLATIONS

Should any athletic director, coach or institutional representative become aware of an institutional violation involving an athlete or institutional representative of any NWAC member institution, and/or failure of any member college to comply with athletic standards as required by the provisions of the NWAC code, or the failure of any member to meet the conditions and obligations as outlined in the NWAC Code and Adopted Sport Rules and Regulations, it shall be the responsibility of that individual to immediately notify his/her athletic commissioner in writing of the potential violation and/or concern. The athletic commissioner shall immediately notify, in writing, the NWAC Executive Director or his designee and the athletic commissioners at the institution in question. Failure by an NWAC staff member to immediately report a known violation may in itself be a violation. (7/13)

5.3 ENFORCEMENT PROCEDURES

Following are procedures to be used when enforcing stipulations, penalties, or sanctions for violations.

5.3.1 CATEGORY OF VIOLATIONS

Major types of rule violations have been separated into two categories. Some rule violations listed as [Category I](#) may be placed into [Category II](#) if circumstances warrant a heavier penalty. The Executive Director or Investigations Committee will also have the authority to determine the category for placement of rule violations not currently identified.

5.3.2 GUIDELINES

Suggested guidelines to determine the penalty for rule violations are established for both [Category I](#) and [Category II](#) and the table of violations is found on the membership website.

5.3.3 EXECUTIVE DIRECTOR REVIEW

The Executive Director or Investigations Committee, using the suggested guidelines, will determine if no penalty is warranted or, if appropriate, determine what penalty or penalties will be imposed.

5.3.4 DISCLOSURE OF INFORMATION

All actions taken by the Executive Director or Investigations Committee will be reported to the Executive Board in the form of an information item.

5.3.5 DECISIONS

All decisions of the Executive Director or the Investigations Committee are subject to appeal process as outlined in [Article 5](#).

5.3.6 CATEGORY I

Those violations that provide only a limited recruiting or competitive advantage, if any. Penalties for Category I violations will include one or more of the following:

5.3.6 CATEGORY I CONTINUED

- A. Require a report on corrective measures and, any punitive action taken by the member college. The report should show just cause why a penalty or additional penalty should not be imposed. If the action taken is satisfactory, no further action may be imposed.
- B. A letter of reprimand, addressed to the president of the member institution, including a request for the member institution to submit a report outlining corrective action that will be taken to prevent a repeat violation. Instances in which the violation was self-reported, the member institution will be commended for their efforts to abide by NWAC regulations.
- C. A probationary period no less than one year nor more than two years, including a written institutional report signed by the president, outlining corrective measures taken to correct the cause of the violation.
- D. A limited reduction in grant-in-aid awards that may be awarded during a special period in the sport involved.
- E. Forfeiture of contests in which the student-athlete participated.
- F. Institutional recertification, signed by the president, that the member institution would review its current athletic policies and practices to conform to all requirements of the NWAC.
- G. An institutional fine for each violation. In addition to the fine, the violating school may be required to cover costs incurred by other member schools or the NWAC because of the violation.

5.3.7 CATEGORY II

Any violation determined not to be Category I, specifically to include those that might provide an extensive recruiting or competitive advantage. In addition, the second repeat of a Category I violation, within a five-year period, will be identified as a Category II violation, regardless of the sport involved. Penalties for Category II violations would include any of those penalties applicable to a Category I violation, but in addition would include any, or all, of the following:

- A. Termination of recruitment of the prospective student athlete or declaration of student athlete ineligibility to represent the institution in intercollegiate competition.
- B. Prohibit or limit the head coach or other staff members in the involved sport from participating in off-campus recruiting activities for one year.
- C. Initiate disciplinary action against college staff members (other than coaches) determined to have knowingly engaged in, or condoned, a rule violation.
- D. Member institutions could be prohibited from participating in post-season competition in the sport involved.

5.3.8 REPEAT VIOLATIONS

An institution would be considered a “repeat” violator if any Category II violation is found within a five-year period from the starting date of the earlier penalty, regardless of the sport involved. A third violation of a Category I violation, within a five-year period, would also be considered a “repeat” violation, regardless of the sport involved. A repeat violation could include all of the penalties identified as Category I or Category II. However, in most cases, the penalty may be more severe.

5.4 CATEGORY I CONSTITUTIONAL VIOLATIONS

Located on the Fine Tables on the NWAC website. Following but not limited to are Category I Constitution Violations.

- Join another league, conference, or association without the approval of the NWAC.
- Engage in athletic competition with institutions that have been suspended from the NWAC.
- Violation of deadline for sport addition/sport withdrawal.
- Failure of a qualifying team to participate in regional playoffs

5.5 CATEGORY I BYLAWS AN ADMINISTRATIVE REGULATIONS VIOLATION

- Following but not limited to are Category I Bylaws and Administrative Regulations Violations: Failure to submit NWAC eligibility form prior to the first contest scheduled for any sport.
- Failure to complete the NWAC student questionnaire form as required.
- Failure to have institutional representative accompany all teams or individuals competing in NWAC sanctioned events.
- Forfeiture of contests or failure to field a team.
- Use of non-certified officials in NWAC contests.
- Violation of individual sports rules and regulations.
- Misconduct-coach, player, or team (nature of misconduct could make this Category II).
- Inadvertent clerical error and/or omission of a technical nature.

5.6 CATEGORY II BYLAWS AND ADMINISTRATIVE REGULATIONS/VIOLATIONS

- Use of an ineligible athlete.
- Violation of scrimmage rules.
- Violations of financial aid and/or grants-in-aid.
- Violations of Letters of Intent
- Payment of team meals or housing by any group for pre-school or vacation practice periods.
- Recruiting Violations
- Violations of maximum contest limitations

- Out of season competition.
- Violation of maximum number of team members (traveling squad, tournaments, etc.).
- Misconduct-coach, player, or team (nature of misconduct-determines placement).

Bylaws Article 6: NAME, IMAGE, & LIKENESS (NIL)

6.1 GENERAL SUMMARY(NIL)

Based on the Supreme Court decision (June 21,2021) in the Alston Case, NWAC student-athletes are now able to be compensated for the use of their name, image, and likeness, including without limitation for their autograph, developing and/or modeling apparel, promoting products and services, and making personal appearances, provided it is not considered pay for play or an improper recruiting inducement and is otherwise in accordance with Washington, Oregon, and Idaho state law, and British Columbia provincial law. Student-athletes attending schools in states or provinces without NIL Law can engage in NIL activities in accordance with the NWAC Policy.

6.2 INSTITUTIONAL INFORMATION(NIL)

It is highly recommended that each NWAC institution has NIL policy/practices, which should be shared with student-athletes to include educational programming to help student-athletes with NIL compliance, reporting of NIL activities, and vetting of professional services. The NWAC Policy supplements policies adopted by institutions, so student-athletes are responsible for complying with both NWAC Policy and their institution’s policy and/or practices.

For more detailed information on the use of state of Washington resources to support student-athletes with Name, Image, and Likeness please see this link. <https://legiscan.com/WA/text/SB5913/2023>

6.2 INSTITUTIONAL INFORMATION CONTINUED(NIL)

- A. Institutions may prohibit student-athlete NIL activity if such activity conflicts with a provision of existing institutional policies.
- B. Institutions may prohibit student-athletes from wearing official team uniforms and apparel in the student-athletes’ NIL promotional activities.
- C. In connection with a student-athletes’ NIL promotional activities, unless a student-athlete receives prior, express written consent from the institution/district and/or third-party media rights holder, institutions may prohibit student-athletes from using the following: (i) institutional marks, or (ii) any institution/district produced content including but not limited to graphics, videos, photos taken by cell phones, video cameras, or other devices at live athletic events. Student-athletes may otherwise only use institutional marks with institutional approval and/or in accordance with institutional policies.
- D. Institutions may prohibit student-athletes from engaging in NIL activities during official team activities (games, practices, etc.).
- E. Institutions may not permit any individual employed by the institution, retained by the institution, or serving in a volunteer capacity for the institution to arrange for or serve as a professional service provider for a current or prospective student-athlete.

6.3 STUDENT-ATHLETE INFORMATION(NIL)

It is recommended that student-athletes be fully awarded the benefits and risks that come with using their name, image, and likeness to secure financial gain.

- A. Student-athletes may be compensated for activities including but not limited to autograph signings, personal appearances, social media endorsements, camps/clinics, private lessons, promoting a commercial product or service and charity events.

- B. Student-athletes may identify themselves as a student-athlete at their respective institution in NIL activities as allowed by the institutions.
- C. Student-athletes may hire professional service providers to advise and represent student-athletes in developing and managing NIL opportunities.
- D. Notwithstanding the foregoing, if there is any inconsistency between this NWAC NIL Policy, on the one hand, and the NWAC Policy and/or NCAA rules, on the other hand, the latter will prevail, and this NWAC NIL Policy, to the extent of such inconsistency, will be deemed modified to conform to the requirements of the NWAC Policy and/or NCAA rules, as applicable.
- E. Student-athletes shall not receive any "extra benefit." Receipt by a student athlete of an award, benefit or expense allowance not authorized by NWAC policy renders the student-athlete ineligible for athletics competition in the sport for which the improper award, benefit or expense was received. If the student-athlete receives an extra benefit not authorized by NCAA legislation, the individual is ineligible in all sports.
- F. Student-athletes may not receive compensation, either in-kind or monetarily, including but not limited to for engaging in:
 - o Compensation in exchange for a student-athlete or prospective student-athlete's participation, performance, or awards.
 - o Compensation in exchange for a student-athlete's decision to attend the institution.
 - o Compensation for work not performed.
 - o Hiring of an agent or other professional service provider for the purpose of securing a professional sport contract or opportunity.

6.4 GENERAL PRINCIPLES(NIL)

NWAC member institutions and student-athletes must continue to comply with all NWAC and NCAA rules with respect to recruiting, including without limitation the following:

- A. An institution's staff member or any representative of its athletics interests such as booster clubs and alumni organizations shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or the prospective student-athlete's family members or friends, other than expressly permitted by NWAC regulations. Receipt of a benefit by a prospective student-athlete or the prospective student-athlete's family members or friends is not a violation of NWAC legislation if it is determined that the same benefit is generally available to the institution's prospective students or their family members or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

~~B. An “extra benefit” refers to any special arrangement by an institutional employee or representative of the institution’s athletic interests to pay for or provide a student athlete or a student athlete’s relative or friend with a benefit such as but not limited to employment arrangement for a prospective student-athlete’s family member, gift of clothing or equipment, co-signing of loans, providing loans to a prospective or current student athlete’s family members or friends, cash or like items, any tangible items including merchandise, free or reduced rate housing, free or reduced rate meals, or any financial aid in the form of loans or grants that are not available to any student, free or reduced rates for books and supplies, free or reduced rates for transportation, or the establishment of funds for athletes when it is not the policy of the college to give such services to all students, is illegal and/or a violation of the athletic code. The rate paid by student athletes for room and board should be consistent with rates paid by students in general. (Note: Housing arrangements with coaches or college athletic staff members, other than on a temporary or emergency basis, are considered inappropriate and a violation of the code. (7/23)~~

Providing extra benefits is a violation of the NWAC code. Extra benefits refers to any special arrangement by an institutional employee or representative of the institution’s athletic interests to provide a student athlete or a student athlete’s relative or friend with a benefit such as free or reduced housing rate, free or reduced rate meals, or any financial aid in the form of loans or grants that are not available to any student, free or reduced rate for books and supplies, free or reduced rates for transportation, or the establishment of funds for athletes when it is not the policy of the college to give such services to all students. See section 2.1.12.1 for more specific information on housing and section 2.1.12.2 on team meals. (7/25)