

# CONSTITUTION—ARTICLE 1

## 1.1 NAME AND PURPOSE

- 1.1.1 This organization shall be known as the Nebraska School Activities Association (NSAA).
- 1.1.2 The public and non-public high schools of Nebraska voluntarily agreed to form the Nebraska School Activities Association for the following purposes:
  - a. to formulate and make policies to promote high ideals of citizenship, fair competition, sportsmanship and teamwork which will complement the member schools' curriculum programs.
  - b. to foster uniformity of standards in interscholastic activity competition.
  - c. to organize, develop, direct and regulate an interscholastic activity program which is equitable and will guide and promote the health and physical welfare of all participants.

## 1.2 MEMBERSHIP

- 1.2.1 Any public or non-public school operating any grade or grades above the sixth and rated Approved or Accredited by the Nebraska State Department of Education may become a member of this Association.
- 1.2.2 Payment of annual dues, submission of completed membership application form, and agreement to comply with all rules and regulations are necessary for membership in this Association.

## 1.3 DUES AND ASSESSMENTS

- 1.3.1 Membership dues shall be \$40.00 per year for each school. The annual dues are payable during the month of July for the ensuing year. Failure to pay dues on or before September 30 for any current year shall result in forfeiture of membership. Reinstatement of a delinquent member school shall be authorized only upon payment of a penalty of five dollars (\$5.00) and upon payment of all dues in arrears.
- 1.3.2 If the Board of Control believes it is necessary to have additional income in order to carry out the Association's program of activities, a participation fee may be assessed each school for each activity in which the school participates. The amount of the fee shall be determined by the Board of Control, and the total fee assessed each school shall be paid on or before the opening date of each sport season.

## 1.4 DISTRICT ORGANIZATION

- 1.4.1 For the purpose of effecting equitable representation in the government of the Association, the State shall be divided into six basic districts. The boundaries of these districts shall be same as existed January 1, 1978.
- 1.4.2 Whenever it is deemed advisable for the effective administration and direction of a single competitive event or festival, the Board of Control may subdivide a district or form other areas within the State without regard for district boundaries.

## 1.5 LEGISLATIVE PROCEDURE AND AUTHORITY

- 1.5.1 **District Meetings.** Each district shall hold a minimum of two meetings each year. The first meeting shall be held by December 1 and the second meeting shall be held by February 1.
  - 1.5.1.1 The purpose of the first district meeting shall be for the transaction of other business which may properly come before it.
  - 1.5.1.2 Proposed changes in the Constitution and Bylaws must be introduced during the first district meeting, and shall be presented by a representative of a member school district located within that respective NSAA district. All legislative proposals are submitted to the NSAA electronically. After the NSAA staff verifies the proposals to confirm the Bylaw or rule reference, the proposals are posted on-line for all schools to view. After the November 1 deadline for submitting proposals, the NSAA will e-mail the respective NSAA district proposals to each member school within that district. An administrator's signature is not required for submission as access to the proposal form may only be obtained through the secured administrator's log-in on the NSAA web site.
    - 1.5.1.3 Upon the majority approval of member schools present at the first district meeting, written proposals presented that day by the respective Board of Control member may be added to the meeting agenda.
    - 1.5.1.4 At all district meetings of this Association, each member school shall be entitled to one vote. The administrative head of the school or any school official so designated shall be considered the representative of the member school.
    - 1.5.1.5 All proposed changes receiving a majority vote at the first district meeting in each district shall be forwarded to the Executive Director by December 15. The Executive Director will compile all proposals received from all districts and send the accumulated proposals to all member schools for local study.
    - 1.5.1.6 The purpose of the second district meeting is for the election of new officers and to review and act on all proposals submitted during the first district meeting. New proposals and/or amendments are not permitted. The minutes of this meeting are to be forwarded to the Executive Director.

- 1.5.2 **Legislative Commission.** There shall be a Legislative Commission composed of the members of the Board of Control and the chairperson of each District Managing Committee.
- 1.5.2.1 The Legislative Commission should meet annually, on a date set by the Board of Control, at least forty-five days prior to the Representative Assembly.
- 1.5.2.2 The Legislative Commission shall consider and screen the proposals for changes in the Constitution and Bylaws passed by the Districts to be submitted to the Representative Assembly.
- 1.5.2.3 Proposals for changes in the Constitution and Bylaws that receive five or more of the twelve votes of the members of the Legislative Commission or proposals for changes in the Constitution and Bylaws that have been passed by three or more districts shall be placed on the Representative Assembly agenda.
- 1.5.2.4 The voting results on each proposal shall be sent to the member schools within seven days following the Legislative Commission meeting.
- 1.5.3 **Representative Assembly.** The legislative authority of this Association shall be vested in a Representative Assembly which shall be responsible for establishing policy for the effective regulation of school activities for which this Association has been created.
- 1.5.3.1 The Representative Assembly shall be composed of the District Managing Committee members (Ref. 1.7.2) and voting members, and elected representatives from each district.
- a. The elected representatives are selected on the basis of one representative for each 3,000 students or major fraction thereof, enrolled in grades 9 through 11 in each district based upon the enrollment figures on the last Friday in September of the preceding school year.
- b. At least one-half of the total representation from each district in this Assembly shall be school administrators (persons whose job responsibilities are of such nature as to require an administrative and supervisory certificate). Each district delegation may include but not exceed one director of each activity sponsored by the Association, but in no event shall the delegation exceed the total number of representatives allowed in the preceding paragraph.
- 1.5.3.2 An equal number of alternate representatives shall be chosen, keeping in mind that at least one-half shall be administrative personnel.
- 1.5.3.3 In the event that both the elected voting member (delegate) and his/her alternate are unable to attend the Representative Assembly, the respective District Managing Committee has the authority to appoint an official delegate in order that each district will have a full complement of delegates attending.
- 1.5.3.4 A majority of the total membership of the Representative Assembly shall constitute a quorum.
- 1.5.3.5 The Representative Assembly shall consider all items placed on the agenda by the Legislative Commission. New proposals may be submitted to the Representative Assembly if introduced as "other business," and provided the proposals receive the consent of a majority of the members of the Assembly.
- a. Proposals introduced as "other business" and approved by the majority of the members of the Assembly shall be presented in written form with sufficient copies for each representative. Such proposals shall be brought up for discussion immediately following the prepared agenda.
- 1.5.3.6 Legislation may be enacted by a three-fifths majority vote at any annual meeting provided changes in the Constitution, or the Bylaws pertaining to eligibility rules for participation in interschool activities, or new proposals brought up on the floor under "other business" shall be approved by member schools of the Association. With the consent of three-fifths of the membership present at any annual meeting, the Representative Assembly may refer other legislative proposals to member schools.
- a. Whenever a proposal is referred to the membership of the Association, it shall be accompanied by a statement of the principal arguments for and against its enactment.
- b. Any proposal so referred shall become valid as a rule of the Association when approved by three-fifths of the member schools voting on the issue, provided the votes cast in favor of such proposal shall equal or exceed thirty-five percent of the total membership of the Association.
- 1.5.3.7 It shall be the duty of the Board of Control and the Executive Director to determine the expense allowance of each representative to the Representative Assembly and to pay such expenses from the general funds of the Association.
- 1.5.3.8 **Amendments.** Amendments may be made to the Constitution as specified in Paragraph 1.5.3.6 or whenever fifteen percent of the member schools petition the proposal of an amendment to the Constitution, the Board of Control shall direct the Executive Director to conduct a referendum on the proposal. Amendments offered in this manner shall become a valid part of the Constitution when ratified by three-fifths of the member schools taking part in such referendum provided the votes cast in favor equal or exceed thirty-five percent of the total membership of the Association.
- a. Whenever a proposal is referred to the membership of the Association, it shall be accompanied by a statement of the principal arguments for and against its adoption.

## 1.6 JUDICIAL AND ADMINISTRATIVE AUTHORITY

- 1.6.1.1 **Board of Control.** The judicial and administrative authority of this Association shall reside in a Board of Control which shall be composed of one representative from each district.
- 1.6.1.2 Each member of the Board of Control shall be a superintendent of schools, a high school principal, or a supervisor whose duties are primarily administrative and are of such nature to require an administrative and supervisory certificate.
- 1.6.1.3 **Election and Term of Office.** Members of the Board of Control shall be elected at annual district meetings. The term of office shall be three years and shall commence on August 1 succeeding the date of election. An alternate member of the Board of Control shall be chosen in each district to succeed to membership on the Board of Control in case of a vacancy in the district represented. The alternate member shall serve as the member of the Board of Control of the district represented in all interschool controversies in which the member from that district has a special or a personal interest.
- 1.6.1.4 **Officers.** The Board of Control shall elect a Chair and Vice-Chair to serve a one-year term.
- 1.6.1.5 **Meetings.** The Board of Control will meet regularly, with special meetings at the call of the Chair or of any two members, with notice given to all members. All regular and special meetings will be open to individuals representing member schools, unless otherwise ordered by vote of the Board.
- a. Minutes will be kept showing time, place, members present and absent, and substance of all matters discussed. Any action taken or any question or motion duly moved and seconded shall be by roll call vote in open session, and the record will state how each member voted.
  - b. The Minutes of all meetings will be published in the Nebraska School Activities Association Bulletin.
- 1.6.1.6 **Authority.** The Board of Control shall have the authority to:
- a. Interpret the Constitution and all legislation enacted by the Representative Assembly.
  - b. Make all rules necessary for effective control and government of interschool activities consonant with the legislation enacted by the Representative Assembly and with this Constitution, subject to the following process and procedures:
    - (1) Such rules shall be set forth in the form of an Approved Ruling and Interpretation.
    - (2) An Approved Ruling and Interpretation may be adopted and made effective at such date and time as deemed appropriate by the Board of Control.
    - (3) An Approved Ruling and Interpretation is subject to review and comment by member schools at any time.
    - (4) A request for the amendment or elimination of an Approved Ruling and Interpretation may be introduced on or before November 1 each year for consideration at the first district meeting for such year, and shall be presented by a representative member school district located within that respective district. Such request shall be submitted to the NSAA electronically for review by the NSAA staff to allow for verification by the staff of the Approved Ruling and Interpretation being referenced. Upon verification of the Approved Ruling at issue, the Approved Ruling and Interpretation with the suggested amendments shown shall be posted on-line for all member schools to view. After November 1, the NSAA staff will e-mail all suggested amendments of Approved Rulings and Interpretations to each member school within the district. An administrator's signature is not required for submission of a request for amendment or elimination of an Approved Ruling and Interpretation as access to the request form may only be obtained through the secured administrator's log-in on the NSAA website.
    - (5) Requests for amendment or elimination of an Approved Ruling and Interpretation shall be placed on the agenda for the first district meeting and shall be discussed and acted upon by the members of that district under the same process provided for legislative proposals set forth in Articles 1.5.1.4, 1.5.1.5, and 1.5.1.6.
    - (6) Requests for amendment or elimination of an Approved Ruling and Interpretation that receive a majority vote in at least one district at the first district meeting shall be placed on the agenda for the second district meeting in all six districts and shall be discussed and acted upon by the members of the district under the same process provided for legislative proposals set forth in Articles 1.5.1.4, 1.5.1.5, and 1.5.1.6.
    - (7) Those requests for amendment or elimination of an Approved Ruling and Interpretation from the agenda of the second district meeting shall be presented to the Board of Control at its April regular meeting for review and action by the Board of Control.
    - (8) The Board of Control, in its sole discretion, may (a) accept such request for amendment or elimination of an Approved Ruling and Interpretation, in whole or in part, (b) amend the Approved Ruling and Interpretation in another manner, or (c) determine to make no change in the Approved Ruling and Interpretation.

- c. Adopt and promulgate rules of procedure in order to ensure that due process is followed in the disposition of alleged violations of the Constitution, Bylaws, or Approved Rulings and Interpretations of the Association.
  - d. Adjudicate all controversies between member schools which have been appealed.
  - e. For violations of provisions of this Constitution, Bylaws, or Approved Rulings and Interpretations thereof, impose such penalties as are authorized by the Bylaws.
  - f. Serve as members of the Legislative Commission.
  - g. Waive the effect of any eligibility rule upon an individual student.
  - h. Grant hardship waivers to schools when the circumstances warrant such a waiver.
- 1.6.2 **Executive Director.** The Board of Control shall employ an Executive Director who shall exercise the prerogatives of a general administrator of all Association policies, practices and projects, and shall direct and supervise all statewide interschool events as the Board of Control may assign.
- a. Employment shall be for a term not to exceed three years, and the Executive Director may serve one or more successive terms.
  - b. Compensation shall be set by the Board of Control.
  - c. The Executive Director and other employees shall be bonded in an amount set by the Board of Control. The premium for such bond shall be paid by the Association.
- 1.6.2.1 The Executive Director shall have the authority to make specific exceptions to the student eligibility rules provided such exceptions are based upon hardship conditions which are deemed to have contributed in a significant way to non-compliance with a specific rule(s).
- a. The procedure for requesting waivers on the basis of a hardship is given in the Due Process Procedure, Paragraph 1.10.3.
- 1.6.2.2 If charges are made in writing against a member school for an alleged violation of the provisions of the Constitution, Bylaws, or Approved Rulings of the Association, the Executive Director shall investigate the alleged violation and render a decision pursuant to the Due Process Procedure of the Association.
- 1.6.2.3 The Executive Director may impose such penalties as are authorized by the Association's Bylaws. The decision of the Executive Director may be appealed to the Board of Control.
- 1.6.3 **Fiscal Year.** The Association's fiscal year shall extend from August 1 to July 31. An audit of the financial records of the Association shall be made by a public accountant following the completion of the fiscal year. A report of the audit shall be distributed to each member school of the Association.

## 1.7 DISTRICT MANAGING COMMITTEE

- 1.7.1 The qualifications for membership on the Managing Committee shall be the same as those for membership on the Board of Control.
- 1.7.2 A Managing Committee shall be elected in each district. It shall consist of three elected members and the member of the Board of Control. The term of office shall be three years and shall begin August 1. One term shall expire each year. Alternates to the members of the Managing Committee shall be elected at the annual district meeting and for the same term of office that members of the Managing Committee are chosen.
- 1.7.3 Each Managing Committee shall choose its own officers yearly at the time of the annual district meeting, and such officers shall assume office on August 1 each year.
- 1.7.4 **Responsibilities.** The Managing Committee shall be charged with the following responsibilities:
- a. Assist in planning and managing contests, festivals and/or other interschool events sponsored by the Association in its respective districts as directed by the Board of Control.
  - b. Study the needs of the schools in its respective district, and through its member of the Board of Control, recommend measures of improvement.
  - c. Serve as a liaison committee between the Board of Control and member schools in all matters pertaining to the service of the Association to the member schools.
  - d. Make necessary arrangements for the district meetings.
  - e. Chairman shall serve as a member of the Legislative Commission.
- 1.7.5 In the event both the Board of Control member and alternate of a particular district are unable to complete their terms of office, the District Managing Committee of that district shall appoint an individual to serve as the district's Board of Control member.
- a. The appointee shall be a superintendent of schools, a high school principal, or a supervisor whose duties are primarily administrative and are of such nature to require an administrative and supervisory certificate.
  - b. The appointee shall serve until the next district meeting at which time a Board of Control member and alternate shall be elected.

## 1.8 SANCTIONS

- 1.8.1 The Nebraska School Activities Association sanctions events as a means of guaranteeing programs adhere to the standards and regulations adopted by the membership.
- 1.8.1.1 The Executive Director has the authority to sanction all events and contests.
- 1.8.2 Events and contests conducted by member schools where participation is limited to teams or individuals representing member schools do not require a sanction.
- 1.8.3 Interschool competition in activities sponsored by the Nebraska School Activities Association and sponsored by an organization which is not a member of the NSAA is required to have a sanction.
- 1.8.4 Any contest or event sanctioned must be for students representing high schools in interscholastic competition in activities sponsored by the Association. Unattached participation is not permitted.
- 1.8.5 **Interstate Competition.** The following provisions govern the sanctioning of interstate competition.
  - a. Competition involving a school or schools from a state(s) other than Nebraska and sponsored by a non-member organization requires a sanction.
  - b. If interstate athletic competition involves four or more schools from two or more states or involves schools from three or more states and the states border the host state, a sanction is required from each state association.
  - c. Any interstate athletic competition involving more than eight (8) schools, or at least one (1) of which is from a state that does not border the host state or five (5) or more states, at least one (1) of which does not border the host state shall be sanctioned through the National Federation office.
  - d. In interstate contests, each participating school is to follow the contest rules of the state association of which the school is a member or rules which have been approved by the state association for interstate competition.
  - e. In interstate non-athletic competition, a sanction is required from each state association that involves four or more schools from two or more states.
  - f. If the interstate competition involves a trip that exceeds 600 miles round trip, the school administrator must submit a written request at least twenty days prior to the scheduled date of the event on a form provided by the NSAA for a waiver. The Executive Director is granted authority to waive the 600-mile limit provided the event is sanctioned and the school agrees to follow all NSAA rules governing competition in that activity.

## 1.9 MISCELLANEOUS PROVISIONS

- 1.9.1 The superintendent of schools or a properly designated member of the school faculty shall be the authorized representative of the member school in all interschool events. No interschool event shall be scheduled or conducted without his/her consent.
- 1.9.2 A member school shall engage in an interschool event only with the following:
  - a. Member school(s) within the state.
  - b. A school from another state that is a member of that state's athletic or activities association.
  - c. A school from another state that is not a member of that state's athletic or activities association provided the school would qualify for membership if permitted to join.
- 1.9.3 The Constitution, Bylaws, and Approved Rulings shall govern all activities recognized by the Nebraska School Activities Association.
  - a. No member school shall have the authority to waive any rule or regulation governing the conduct of any interschool contest in activities that are a part of the Association's program of activities.
  - b. Member schools shall not participate in any contest in which a school or schools are knowingly in violation of the Constitution, Bylaws, or Approved Ruling.
- 1.9.4 No interschool event of a competitive nature shall be held or conducted on Sunday.
- 1.9.5 The Nebraska School Activities Association Constitution, Bylaws, and Approved Rulings shall govern the following:
  - a. Students enrolled in grades 9-12 who compete as individuals or with a team while representing a member senior high school in interscholastic competition.
  - b. Students enrolled in grade 7 or 8 who, because of age, are promoted to a senior high school team.
- 1.9.6 Schools participating in non-sanctioned activities may be subject to penalties as prescribed in Section 2.11.

## 1.10 DUE PROCESS PROCEDURE

The following due process procedure shall govern all alleged violations by a party of the Constitution, Bylaws, or Approved Rulings of the Nebraska School Activities Association as well as requests for hardship waivers of eligibility rules.

- 1.10.1 **Definitions.** As used herein, unless the context otherwise requires:
- a. Party may mean any of the following or a combination thereof:
    - (1) Any public or non-public school of Nebraska that is a member of this Association;
    - (2) Any teacher, administrator, or coach of a public or non-public school of Nebraska that is a member of this Association;
    - (3) Any official, referee, or judge who is registered by this Association, and;
    - (4) Any official, referee, or judge who is serving at an activity or event, sponsored or authorized by this Association, in an official capacity.
  - b. **Notice.** When these rules require the giving of notice, the notice shall be in writing and shall be mailed, by first class United States mail, to the last known address of the party, or delivered personally.
  - c. Executive Director shall mean the duly appointed and serving Executive Director of this Association.
  - d. Designate of the Executive Director shall mean a person duly appointed by the Executive Director. Persons eligible to be a designate shall include employees of this Association and all administrators of public or non-public Nebraska schools that are members of this Association.
  - e. Hearing officer shall mean the person presiding at a hearing called pursuant to these rules. The hearing officer shall be selected by the Executive Director or Board of Control, and may be the Executive Director, his designate, or any person who is not actively engaged in the investigation of the alleged violation. The hearing officer shall be charged with the duty of remaining impartial throughout the hearing process.
  - f. Board of Control shall mean the Board of Control of this Association.
  - g. Violation shall mean the breach of the rules and standards set forth in the Constitution, Bylaws, or Approved Rulings of the Association.
- 1.10.2 **Rules of Procedure for Alleged Violations.**
- 1.10.2.1 The Executive Director or his or her designate shall investigate alleged violations.
- 1.10.2.2 The Executive Director or his or her designate shall give notice to the party being investigated within a reasonable time after discovering the alleged violation or receiving a complaint.
- 1.10.2.3 If a designate conducts the investigation, the designate shall submit a written report to the Executive Director that shall contain:
- a. Findings of fact;
  - b. An opinion of whether a violation has been committed by the party;
  - c. If the opinion is that a violation has been committed by the party, a recommended penalty for the alleged violation.
- The written report and recommended penalty, however, will not be binding on the Executive Director.
- 1.10.2.4 The Executive Director, after receiving the written report from his designate or after completing the investigation personally, shall prepare a preliminary determination, that shall contain the following:
- a. Statement of the alleged violation;
  - b. Proposed findings of fact;
  - c. A determination of whether a violation has been committed by the party; and,
  - d. If it is determined that a violation has been committed by the party, a proposed penalty to be imposed by the Board of Control.
- 1.10.2.5 If the Executive Director determines a violation has occurred, notice of the preliminary determination shall be given to the party charged with the violation. The notice shall be in writing and shall contain the following:
- a. A copy of the preliminary determination;
  - b. A statement of the party's right to a hearing before the Executive Director;
  - c. A copy of the hearing procedure; and,
  - d. A statement of the party's right of appeal to the Board of Control from the decision rendered after the hearing.
- 1.10.2.6 A written request by a party for a hearing must be postmarked or received by the Executive Director within 14 days after notice of the alleged violation is postmarked or personally delivered, whichever is later. The request for hearing must be addressed to the Executive Director.
- 1.10.2.7 If no request for hearing is received within the 14-day period, the Executive Director shall enter an order pursuant to the preliminary determination and the notice that was previously given to the party. Notice of the final order shall be given to the party within 5 days thereafter.
- 1.10.2.8 If a timely and valid request for a hearing is received, the Executive Director or his designate shall within a reasonable time give notice of a hearing to the party. The notice of hearing shall contain the following:

- a. Time for the hearing;
  - b. Place of the hearing;
  - c. Statement of the alleged violation; and
  - d. Identification of the hearing officer.
- 1.10.2.9 At the hearing before the Executive Director, the party shall have the right to:
- a. Be represented by counsel;
  - b. Confront and cross-examine witnesses; and
  - c. Submit documentary evidence and present witnesses.
- 1.10.2.10 The hearing shall be conducted by the hearing officer. A representative of the Association shall first present the evidence supporting the alleged violation. The party shall then be allowed to respond to the allegations.
- 1.10.2.11 In conducting the hearing, the hearing officer shall not be bound by formal rules of evidence. Evidence may be in the form of affidavits, written reports, or electronic recordings if the contents of the affidavits, written reports, or electronic recordings are disclosed to all interested parties within a reasonable time period prior to the hearing. The proceedings shall not be recorded and transcribed unless requested by a party. The party so requesting shall bear the cost of the recording and transcription.
- 1.10.2.12 Within a reasonable time after the close of the hearing, the hearing officer shall render a decision. The decision shall be in written form and shall contain:
- a. Findings of fact;
  - b. A determination of whether a violation has been committed; and
  - c. The penalty to be imposed by the Board of Control if a violation is found to have been committed by the party.
- 1.10.2.13 Written notice of the Hearing Officer's decision shall be given to the party within a reasonable time. The notice shall contain the following:
- a. A copy of the decision;
  - b. A statement of the party's right of appeal to the Board of Control; and
  - c. A copy of the appeal procedure.
- 1.10.2.14 A written notice of appeal by a party must be postmarked or received by the Executive Director within 14 days after notice of the Hearing Officer's decision is postmarked or personally delivered. The notice of appeal must be addressed to the Executive Director. If no timely notice of appeal is received, the decision rendered by the Hearing Officer shall stand and be a final decision of the Association.
- 1.10.2.15 After receiving a timely and valid notice of appeal, the Executive Director or his or her designate shall give written notice to the party of the hearing on appeal. The hearing on appeal shall be before the Board of Control at its meeting, or if circumstances require, an earlier meeting may be held pursuant to the Constitution and Bylaws of the Association. The notice of hearing on appeal shall specify the time and place of hearing.

### **APPROVED RULINGS AND INTERPRETATIONS FOR SECTION 1.10.2.15**

#### *Reference:*

*1.10.2.15 Schools may request a special telephonic hearing in lieu of physically appearing at the site of the Board meeting. Schools will be assessed the charge for the cost of the telephonic hearing at a rate of \$150 for the first hour and \$40 per quarter hour after the first hour.*

- 
- 1.10.2.16 The hearing on appeal shall be conducted and heard de novo by the Board of Control. The hearing procedure shall be the same as the procedure followed at the initial hearing.
- 1.10.2.17 Within a reasonable time after the hearing on appeal, the Board of Control shall render a written decision setting forth the following:
- a. Findings of fact;
  - b. A determination of whether a violation has been committed by the party; and
  - c. The penalty imposed if a violation is found to have occurred.
- 1.10.2.18 Notice of the decision shall be given to the party within a reasonable time. The decision of the Board of Control shall be final.
- 1.10.3 **Rules of Procedure for Waiver of Eligibility Rules Based on Hardship.**
- 1.10.3.1 In accordance with the requirements of Article 1.6.2.1 of the Constitution, each member school and its superintendent or his or her designate shall be responsible for the initial investigation and determination of eligibility for its students.

- 1.10.3.2 The member school shall conduct the initial investigation and shall make the initial determination and declaration to the student of the student's ineligibility if it is so determined that the student is ineligible.
- 1.10.3.3 In making such determination, the school may request a written interpretation from the Executive Director of the applicable eligibility rules as set forth in the Constitution, Bylaws, and Approved Rulings and Interpretations of the Association.
- 1.10.3.4 Any such determination of ineligibility by the member school may be appealed to the Executive Director for a hardship waiver in accordance with the procedure as set forth in this Section 1.10.3.
- 1.10.3.5 In addition to the member school having the right to appeal for a hardship waiver, any member school shall sponsor an appeal on behalf of the student declared ineligible upon written request from such student delivered to the superintendent or his/her designate within 5 days after the initial determination by the member school of the student's ineligibility; provided, however the member school sponsoring such an appeal on behalf of the student has no obligation to advocate a position at any subsequent hearing on such appeal and may act merely as a neutral party in such proceedings.
- 1.10.3.6 If the decision of the Executive Director is unfavorable to the student, the member school shall continue to sponsor an appeal on behalf of the student to the Board of Control in accordance with the procedure of appeal set forth in this Section 1.10.3.
- 1.10.3.7 Application for consideration of eligibility exceptions must be in writing on forms prepared by the Executive Director's Office and submitted by the superintendent or principal or the designated representative of the member school the student attends. Information submitted should include all facts pertinent to the case, including sufficient data to make it possible to reach a decision without further investigation.
- 1.10.3.8 Such application should be filed with the Executive Director's office no later than 10 days prior to the first permitted contest of each sport season for which a waiver is sought.
- 1.10.3.9 The Executive Director will render a decision within a reasonable time after receiving the Application.
- 1.10.3.10 A hearing may be requested on behalf of the student by the school representative or the Executive Director. If a hearing is requested by the school representative, such request shall be submitted in writing simultaneously with the application. If so requested, the hearing shall be held within 5 days from the date the application and request for a hearing are received by the Executive Director. Within 5 days after the hearing, the Executive Director shall render a decision and notify the applicant in writing of such decision.
- 1.10.3.11 The following shall be considered by the Executive Director or the Board of Control in determining if a hardship waiver is to be granted:
  - a. There must be unique conditions existing that concern the student's educational, physical, or emotional status which were caused by circumstances beyond the control of the student and his/her parents or legal guardian.
  - b. The circumstances must be totally different from those that exist for the majority of students who are confronted with similar situations and choices. Usual maturation problems and family situations that do not cause physical harm do not constitute a hardship.
  - c. There must be no reason to believe that non-compliance with the rule requested to be waived was for activity participation purposes.
  - d. Academic deficiencies in a school's curriculum or deficiencies in the school's co-curricular activities do not constitute a hardship.
  - e. Loss of eligibility in itself is not to be considered a hardship. Only the circumstances causing the ineligibility will be a basis upon which a waiver is granted.
- 1.10.3.12 The decision of the Executive Director may be appealed to the Board of Control in accordance with the following procedure:
  - a. The appeal or request for waiver must be an appeal of a decision rendered by the Executive Director.
  - b. A written notice of appeal or request for waiver must be made by the superintendent, principal or their designated representative of the member school that the student attends and be postmarked or received by the Executive Director within 14 days after notice of the Executive Director's decision is postmarked or personally delivered, whichever is later. Notice of appeal or request for waiver must be addressed to the Executive Director.
  - c. After receiving a timely and valid notice of appeal or request for waiver, the Executive Director shall give written notice to the party of the time and place of the hearing on appeal. The hearing on appeal shall be before the Board of Control at the next meeting or by conference telephone call.
  - d. The Board of Control may affirm the previous decision of the Executive Director or may modify or reject it in whole or in part. The decision of the Board of Control shall be final. The statement of findings of fact and the Board's decision shall be made in writing within 5 days after the date of the hearing and mailed to the school superintendent, principal or designated representative of the school sponsoring the appeal by Certified Mail, Return Receipt Requested.