



OPEN HEARING

Please Note: The Constitution/By-Laws open hearing for district school board members and members of governing bodies of charter member schools private member schools to promote or oppose any proposal (amendment or change to existing Constitution or By-Laws) will be held *March 21, 2013 at approximately 10:30 a.m.* during the regular meeting of the Board of Trustees at Willow Creek Country Club (8300 South 2700 East).

2013-14 UHSAA Constitution and By-Laws Proposed Changes

First Consideration by the Board of Trustees

January 24, 2013

➤ Proposed Change #1

Proposed Amendment and Added Interpretation to UHSAA Constitution Article 2, Section 4

SECTION 4: Region Board of Managers

A. Authority and Duties

A. Each member high school shall be assigned by the Board of Trustees to a classification and to a region within that classification.

B. **Authority and Duties:** ~~1.~~ The schools in each region shall organize a Region Board of Managers which shall, under the direction of the Executive Director and the Executive Committee,

1. Supervise and administer all interscholastic activities **under the jurisdiction of** ~~sponsored by the~~ Association held in its region in conformance with the Constitution, By-Laws, rules, ~~and~~ regulations **and policies** of the Association.

~~2. Each Region Board of Managers shall:~~

~~a.~~ 2. Elect, from its membership, a chairperson.

~~b.~~ 3. Elect, from its membership, a representative to serve a three-year term on the Executive Committee.

C. Membership

1. To be eligible to serve as a member of the Region Board of Managers an individual shall be a:

a. Member of the governing board of the region member school; or

b. Chief executive of the governing organization (i.e. superintendent) of the region member school or their designee; or

c. Principal of the region member school or their designee.

2. Each Region Board of Managers shall include at least one representative from each school within the region. Each school within the region shall have only one vote. The voting representative from each school shall be determined by the governing board of the member school.

3. The term of office of the members of the Region Board of Managers shall be one year. Each term to begin July 1 and to end June 30 the following year, or until his/her successor has been duly elected and qualified.

Interpretation and Guidelines (NEW) 2.4.1 RESPONSIBILITIES OF THE REGION BOARDS OF MANAGERS

A. **General Responsibilities:** *In fulfilling its duty to supervise and administer interscholastic activities in its region, the Region Board of Managers shall:*

1. *Create and publish to the region membership schedules of contests for its member schools in each of the sports/activities in which the region's schools participate.*

2. Create within the By-Laws, rules, regulations and policies of the UHSAA and publish to its membership, policies governing the conduct of intra-region contests among the region's schools.
3. Conduct region tournaments/meets in those sports/activities that require them for advancement to state competitions.
4. Represent the schools in the region in making policies regarding competition in divisions when such are in place for a particular sport/activity.
5. Determine and publish tie breaking procedures for teams and or individuals regarding qualification to state competitions.
6. Determine the awards the region will present to schools and or individuals and provide for securing and presentation of such awards.
7. Maintain, within acceptable auditing practices, the finances of the region.
8. Such other responsibilities as assigned by the Board of Trustees, Executive Director and or the Executive Committee.

B. Responsibilities Regarding Violations of UHSAA By-Laws , Rules, Regulations and/or Policies at Region Member Schools:

1. In cases in which there is not a dispute as to the occurrence of a violation, i.e. self report of a violation by a school, the Region Board of Managers shall:
 - a. Hear reports of violations and actions taken by the offending school in response to the violation; and
 - b. Adopt recommendations regarding penalties to be imposed (see UHSAA By-Laws Article 7, Section 6)
 1. The Chair of the Region Board of Managers or their designee shall notify the offending school's representative, the Executive Director and any other affected parties within 24 hours of the recommendation adopted by the Region Board of Managers including actions taken by the offending school. Written notification shall be delivered by the Chair or their designee to the principal of the offending school and Executive Director within three business days.
 2. The recommendation of the Region Board of Managers will become binding 10 calendar days after it is initially reported to the Executive Director except in a case where a written request for a hearing before the Executive Committee is filed with the Executive Director prior to the recommendation becoming binding. Requests for hearings will only be considered when filed by the offending school, an affected member school or district, or by the Executive Staff of the UHSAA.
 3. The written recommendation should include a description of the violation, the recommended penalty and information considered by the Board of Managers in adopting the recommendation. The Executive Director shall immediately forward the written Board of Managers recommendation to the members of the Executive Committee and the principal of each UHSAA member school along with the date on which the recommendation will become binding without a request for a hearing.
2. In cases in which there is dispute as to the occurrence of a violation , i.e. charge of a violation brought by another school in the region, the Region Board of Managers shall:

- a. Review the charge and supporting evidence, and
- b. Adopt a recommendation regarding:
 - 1. The credibility of the charge and
 - 2. The sufficiency and credibility of the evidence supporting the charge.
- c. The recommendation shall be forwarded to the Executive Director.
- d. Review of a charge and the forwarding of a recommendation by a Region Board of Managers do not preclude action by entities within the UHSAA taken in the fulfillment of their duties and responsibilities under the UHSAA Constitution and By-Laws.

➤ Proposed Change #2

Proposed Amendment and Added Interpretations to UHSAA Constitution
Article 6, Sections 1 & 2

ARTICLE 6: HEARINGS AND APPEALS

SECTION 1: Uniform Procedure for Hearings and Process for Appeals

- A. The Association shall establish a uniform procedure for hearing and deciding all disputes, questions and allegations of violations of the Association's eligibility rules or any other issues which relate to the activities under the jurisdiction of the Association.
- B. Any person or member school subject to the authority of this Association who shall be charged with violating the Constitution, By-Laws or other rules and regulations of this Association, shall be entitled to a hearing before the Association shall impose any penalty or sanction.
- C. Member districts' boards of education, member governing boards of charter or private high schools, UHSAA member schools and students through their high school, shall have the right to appeal to an Appeals Committee any adverse decision which affects their interests. An appeal must be filed with the Association within thirty (30) calendar days of the decision to be appealed.

Interpretation & guidelines (NEW) 6.1.1 HEARINGS

- A. In all cases in which the facts of an alleged violation of the Association's rules are undisputed, the Executive Director, pursuant to his authorization to interpret the Constitution and By-Laws, may make a decision and rule on any such matter presented to him. Such action by the Executive Director shall be considered a hearing and will be subject to an appeal pursuant to the Rules of the Association.
- B. In all applications for a waiver of ineligibility due to transfer, including full family moves, the Executive Director, together with such review committees as he may deem necessary shall review all of the written information provided, together with such other evidence as may be available and relevant. Following such a review, which shall be deemed a hearing, the Executive Director may make a decision and rule on the request for a waiver. The decision of such a review committee is subject to appeal pursuant to UHSAA Constitution Article 6, Section 1-C and Section 2.
- C. All other disputes, questions and allegations of violations of the Association's By-Laws, rules, regulations and/or policies shall be heard by a panel of the Executive Committee.
 - 1. A hearings panel of the Executive Committee shall be comprised of no fewer than three members.

2. *The decision of an Executive Committee hearings panel is subject to appeal pursuant to UHSAA Constitution Article 6, Section 1-C and Section 2.*
3. *Hearings before a panel of the Executive Committee shall be recorded and made available at cost to affected parties. No recording of a hearing shall be provided until payment is received.*
- D. *Written decisions of any hearing will be provided upon request. The cost of providing a written decision shall be borne by the party requesting the written decision and payment shall be received prior to the issuance of a written decision.*

SECTION 2: ~~Decisions by the Appeals Committees~~

- A. An Appeals Committee shall review the evidence presented at the hearing and may, in its discretion, request additional written materials. The decision on appeal shall be limited to the evidentiary record presented in the hearing. ~~Audio copies of the hearing will be the financial responsibility of those requesting such.~~
- B. Decisions of an Appeals Committee are final.

Interps & Guidelines 5.2.1: RECOMMENDED REGION HEARING PROCEDURES

A. Recommended Region Hearing Procedures:

- ~~a. Receive information regarding alleged violations of UHSAA rules and supporting materials.~~
- ~~b. Transmit written Notice of Hearing to affected school or coach with a copy to the Executive Director.~~
- ~~c. Any affected party must be given sufficient opportunity to appear and present evidence.~~
- ~~d. Hold hearing.~~
- ~~e. Make an audio recording.~~
- ~~f. Read allegations to the alleged offender(s) and provide supporting documentation.~~
- ~~g. Hear all relevant material from all parties.~~
- ~~h. After dismissing those testifying, have a full and complete discussion.~~
- ~~i. Make decision in writing.~~
- ~~j. Advise the Executive Director of the decision and transmit the decision to all affected parties.~~
- ~~k. Send to UHSAA office a summary statement along with a complete copy of all hearing materials, including the audio recording, of all cases that impose any penalty.~~

Interpretation & Guidelines (NEW) 6.2.1 APPEALS COMMITTEES

- A. *In cases involving an appeal of a decision of the Executive Director and in cases involving the appeal of a decision by a review committee regarding a request for waiver of ineligibility due to transfer, an appeals committee shall be comprised of no fewer than three members of the Executive Committee and/or members of the Board of Trustees .*
- B. *In cases involving an appeal of a decision issued by a hearings panel of the Executive Committee, an appeals committee shall be comprised of no fewer than three members of the Board of Trustees .*
- C. *Written decisions of any appeals committee will be provided upon request. The cost of providing a written decision shall be borne by the party requesting the written decision and payment shall be received prior to the issuance of a written decision.*

➤ **Proposed Change #3**

Proposed Amendment to UHSAA By-Laws Article 3, Section 3

SECTION 3: Restrictions Regarding Higher Institutions

No athletic team representing a member high school shall compete or scrimmage in organized competition against a college or university team, nor shall individuals in individual sports compete against a member of a university or college team.

➤ **Proposed Change #4**

Proposed Amendment to UHSAA By-Laws Article 5, Section 1

BY-LAWS ARTICLE 5, SECTION 1: Coaches' Certification

All head coaches and paid assistant coaches must receive certification in both First Aid and CPR prior to coaching. All head coaches and paid assistant coaches must receive coaching training. A head coach or paid assistant coach shall be prohibited from coaching a second year except that said person complete the UHSAA/USOE coaches training program. Head coaches and paid assistant coaches with a major, minor or endorsement in physical education or dance and/or a minor in coaching are considered trained. It is recommended that a licensed faculty member still be present and in charge of the practice session or activity concerned.

All coaches (paid or nonpaid) shall be certified prior to coaching. The responsibility for verifying the certification of the coaches lies with the schools, districts or governing boards of charter or private high schools.

Interps & Guidelines 5.1.1: COACHES' CERTIFICATION

- A. *The Utah High School Activities Association (UHSAA) and the Utah State Board of Education (USBE) requires that all individuals employed or acting as coaches meet specific training and certification requirements outlined in UHSAA By-Laws Article V and the USBE Administrative Code R277-517.*
- B. *Coaches' certification includes five components: Background Check, First Aid Training, CPR Training, Concussion Training and the "Fundamentals of Coaching" course. The First Aid, CPR and Coaches' Training must be completed through an approved or recognized program which complies with the State requirements.*
- C. *School districts must verify compliance with all five components required for coaches' certification (Background Check, First Aid Training, CPR Training, Concussion Training and the "Fundamentals of Coaching" course. To confirm a coach has completed the NFHS Fundamentals of Coaching and the NFHS Concussions course, go to nfhslearn.com and click on "Coaches Search" in the top right hand corner.*
- D. *The "Fundamental of Coaching" course shall be completed prior to the start of coaching.*

Takes the specifics on coaches' certification out of the By-Law they have been and will continue to be in the Interps & Guidelines 5.1.1:

➤ **Proposed Change #5**

BY-LAWS ARTICLE 7, (NEW) SECTION 6: Ineligible Player/Participant

(NEW) SECTION 6: Ineligible Player/Participant

Contests in which an ineligible participant competes shall result in forfeiture of the contest or disqualification from the competition in which the ineligible participant competed.

Interpretations and Guidelines 7.6.1 USE OF AN INELIGIBLE PLAYER

- A. In applying Section 6: Ineligible Player/Participant, "contest" shall be defined as follows:
1. For the sports of basketball, baseball, football, soccer, softball and volleyball, a game/match as defined in the NFHS Rules Book for that sport is a contest.
 2. For the sport of drill, each competition category is a contest.
 3. For the sports of swimming & diving and track & field, competition in an individual event or relay, is a contest.
 4. For the sport of tennis, competition in an individual or doubles match is a contest.
 5. For the sport of wrestling, competition in an individual match is a contest.
 6. For the sport of cross country, competition in a race is a contest.
 7. For the sport of golf, competition in a match is a contest.
 8. For the activity of solo & ensemble festival, participation in an ensemble or a solo at a festival is a contest.
 9. For the activity of speech/debate, competition in an individual event or as part of a pair is a contest.
 10. For the activity of theatre, participation in an individual event or play is a contest.
- B. In the sports of basketball, baseball, football, soccer, softball and volleyball, the opponent of a team that plays an ineligible player shall win the contest by forfeit. The forfeit shall be scored according to the rules regarding a forfeit in the NFHS Rules Book for that sport. Region/division standings shall reflect a loss for the school which forfeited and a win for each school which won by forfeit.
- C. In the sport of drill, if an ineligible student participates in a routine, that routine shall not receive a score nor shall it be considered for a place in that particular category. A school must receive a score for a routine in each of the three categories to place as a team in a competition.
- D. In the sports of cross country, golf, swimming & diving, tennis, track & field and wrestling an ineligible athlete will be dealt with according to the rules for that sport as if they were disqualified for the purposes of team scoring. A participant disqualified for ineligibility may not earn an individual place nor score any points for a team.
- E. In the activities of solo & ensemble and theatre, an ineligible participant shall not receive a rating in an individual event or solo nor may a play or ensemble which includes an ineligible participant receive a rating.
- F. In the activity of speech/debate, an ineligible participant shall be disqualified. In events in which competition takes place partners, a partnership that includes an ineligible participant shall be disqualified. A participant or partnership disqualified for ineligibility may not earn a place nor score any points for a team.

SECTION 67: Penalties

➤ Proposed Change #6

BY-LAWS ARTICLE 7, SECTION 6: Penalties

- A. Upon the determination that there has been a violation of the Association's Constitution, a By-Law, a rule or policy, the Association may impose such penalties or fashion such relief as may be proper. Without limiting the Association's ability to enforce its rules, these are among the actions the Association may consider:
1. **Reprimand:** An official letter to the individual and/or school concerned in regard to the offense committed and warning against acts of a detrimental nature which are contrary to the aims and philosophies of the Association. This letter will become a part of the permanent file of the individual and/or school involved.
 2. **Probation:** An official letter to the individual and/or school concerned in regard to the offense committed clearly stating what conduct, activity or behavior needs correcting. Offending individuals and/or schools would be advised that their continued participation in the Utah High School Activities Association would be on a probationary status for a period of one year. In addition, the offending individual and/or school would be warned that any failure to correct these specified problems may result in more severe action by the Association, including, but not limited to: Restriction, Suspension, Fines or any combination thereof.
 3. **Restriction:** Action which would restrict participation in ~~district, group~~ school, region/division or state level activities. The restriction may be applied to an individual, to a team or group or to a school. A restriction is often referred to as a suspension.
 4. **Suspension of School Member:** The effect of a suspension shall be to drop the school from membership and prohibit participation in any or all UHSAA sponsored activities. The length of suspension shall be determined by the Board of Trustees.
 5. **Forfeit:** The forfeiture of an interscholastic athletic contest, title or championship. ~~In cases of the use of an ineligible player, the non-complying school shall forfeit any contest, team title or team championship obtained when such an ineligible player competed as part of the team. (see new Section 6 above)~~
 6. **Vacation:** The effect of vacating a win is to nullify the result of a contest for the offending school or individual in contests won. Any team records achieved are to be vacated. Individual records achieved by an ineligible individual are also vacated. Award(s) won, including a championship/place, are vacated for offending teams and, in applicable cases, team points reconfigured. Any award including a championship/place won by an ineligible individual is vacated. The vacation of a contest, championship/place or award shall only be applied when a forfeit cannot practically be applied, such as in a case where an offending team or individual has completed at least the second round of tournament and an opponent could not be advanced without additional competition.
 7. **Fines:** A coach, principal and/or school may be assessed a fine not to exceed \$1500 per infraction.
 8. **Costs:** The Association may assess against a member school all or any part of the costs of investigations, hearings, or litigation, including attorney's fees, if the Association is required to act or to defend itself as a result of the failure of a member school to adhere to the Association's Constitution or By-laws.

➤ **Proposed Change #7**

BY-LAWS ARTICLE 7, SECTION 11: Dishonesty

Any student, principal, coach or other person representing a school who has been dishonest with the Association in connection with enforcement matters has committed a violation that significantly interferes with the Association's ability to maintain fairness. Such person shall be subject to sanctions commensurate with the dishonesty, which ~~may~~ shall include disqualification from further participation in this Association for one calendar year from date of infraction and/or a fine of up to \$1,500 per infraction.