

University Interscholastic League

State Executive Committee

Case No. 16-1019-05

DECISION ON APPEAL

August 17, 2016

Austin, TX

On the above date, the University Interscholastic League (UIL) State Executive Committee (SEC) held a hearing to consider the appeal of a District Executive Committee's (DEC) decision to deny a UIL member school the ability to apply for a retroactive waiver after being required to forfeit two non-district games for playing an ineligible player. The UIL member school was represented at the hearing by the school superintendent and athletic director. The following members of the SEC were present and participated in the decision of this case: Mike Motheral, Chair, Darrian Dover, Johanna Denson, Phil Cotham, Gil Garza, Marcus Nelson.

Background and Facts

A UIL member school sought to overturn the DEC's decision to deny its request to apply for a retroactive waiver after forfeiting two games in which an ineligible student participated, Section 469(a), *UIL Constitution and Contest Rules*.¹ Once applying for a retroactive waiver was no longer an option for the school, Representatives then sought for the SEC to evoke what is commonly referred to as the "mercy rule," Section 27 (c)(3), *UIL Constitution and Contest Rules* ² and declare the student ineligible from the date of the hearing, and thus not require the member school to forfeit the contest.

State Executive Committee Discussion

Representatives of the UIL member school first sought to overturn the DEC's decision to deny a request to apply for a retroactive waiver. The hearing began with a discussion between the SEC Chair and UIL staff in which it was clarified that the SEC was to determine if the DEC was in compliance with Section 28(i)(3) of the *UIL Constitution and Contest Rules*.³ UIL staff reiterated to the SEC that Section 28(i)(3) states that a member of the DEC committee shall not be entitled to vote in a case in which he or she or the member school represented is involved. The DEC voted 6 to 4 to deny the member

¹ Section 469(a), of the *UIL Constitution and Contest Rules* states that the UIL Waiver Officer can review the facts of a retroactive case when the DEC and superintendent of the school the student attends jointly request the retroactive waiver.

² Section 27(c)(3), of the *UIL Constitution and Contest Rules* contains an exception that states when a student who has participated in contests that count on UIL standing is found to be ineligible, and the school has properly verified eligibility based on the facts available, has exercised sufficient diligence in determining actual conditions and facts, and the District Executive Committee has previously ruled the student eligible, the State Executive Committee may find the student in question ineligible from the date of the hearing, and thus not require the member school to forfeit contests.

³ Section 28(i)(3), of the *UIL Constitution and Contest Rules* states that a member of the committee shall not be entitled to vote in a case in which he or she or the member school represented is involved.

school an opportunity to apply for a retroactive waiver. Representatives of the school were then allowed to present facts relevant to the case, answer questions from the SEC, and close the hearing with a summary statement. Among other things, SEC members inquired about the reasons an ineligible player participated in two varsity games, how the infraction was discovered and reported, and what schools voted in the DEC meeting. The athletic director representing the school explained that he asked an assistant coach what the student's eligibility status was when he first reported to football practice. The assistant coach mistook the student for his older brother who graduated from the school two years prior, and mistakenly reported that he was varsity eligible based on his brother's paperwork. The athletic director further explained that he was the one who caught the mistake and immediately reported it to the DEC. In response to a question from UIL staff, he then explained that the two forfeited games had no bearing on seeding for the playoffs. He concluded that a retroactive waiver was approved by the UIL waiver officer, but the DEC's decision made it void.

The chair of the DEC then testified that all DEC member schools, other than the school that forfeited the games, voted at the hearing because the games were non-district. She stated that it was important for the DEC to hold each member school accountable for the UIL processes and rules. She was concerned that although the member school self-reported, they did not mention they were going to forfeit the games and they did not fill out the appropriate paperwork for the student until 6 to 8 months after he enrolled at the school.

Decision

After hearing the argument and evidence presented by the representatives, the SEC voted unanimously to nullify the votes during the DEC hearing from the two schools who gained a win from the forfeits. As a result, the DEC vote was amended from a 6 to 4 vote against the member school applying for a retroactive waiver to a 4 to 4 vote. With a tie vote of 4 to 4, the motion could not carry and therefore the results remained the same. The UIL member school was required to forfeit the two games and would not be eligible to apply for a retroactive waiver.

Representatives of the school then sought for the SEC to evoke the "mercy rule," Section 27(c)(3) which allows the SEC to administer a reprimand in lieu of requiring forfeiture after a school incidentally allows an ineligible player to participate in a UIL contest. Representatives were again allowed to present facts relevant to the case, answer questions from the SEC, and close the hearing with a summary statement. Among other things, SEC members sought more specific information about the reasons an ineligible player participated in two varsity games, why the school did not immediately forfeit, how the school discovered the error, and what were the school's processes for complying with UIL rules. After hearing the argument and evidence presented by the representatives, the SEC voted unanimously to overturn the forfeits.