

(The notes below provide guidance for a DEC chair conducting a meeting/hearing and may be modified should the circumstances warrant.)

NOTES FOR DISTRICT EXECUTIVE COMMITTEE CHAIR

MEETING AND HEARING

(agenda below is used to give these notes context and is not an agenda template/sample)

BUSINESS MEETING

<u>Time</u>	<u>Agenda Item</u>	<u>Individual Responsible</u>
0:00 am	A. Quorum Determination	CHAIR

(Start the meeting.)

“Will the members of the District (#)-(Conf.) District Executive Committee please come to order?”

"This meeting of the District (#)-(Conf.) District Executive Committee is now in official session. I am *(name of DEC Chair)*, *(administrative title, such as superintendent of _____ school district)*, chair of this district executive committee.”

“For the record, it is approximately *(time)* on *(day of week)*, *(date)*. This meeting is being held at *(name of building/location)* in *(city)*, Texas. Please be aware that minutes are being taken.”

“At this time, I ask that each committee member introduce themselves so that that we may take the roll.”

(if a majority of the members of the DEC are present then,)

"At this time, I certify that a quorum of the District (#)-(Conf.) District Executive Committee is present."

B. Adoption of Meeting Rules

“This meeting will be conducted in accordance with the UIL Constitution and Contest Rules.”

C. Adoption of Agenda

“Unless there is an objection from committee members, the agenda for the business meeting and hearings will be as set out in your printed agenda, unless otherwise announced by the chair.
Hearing no objection, the agenda is officially adopted.”

D. Approval of Minutes of Previous Meeting

“Turning to the minutes of the previous meeting held by this committee, is there a motion to approve them as presented?”
(*need motion, a second followed by a majority vote.*)

HEARINGS (AA-DD)

(*The following notes apply/can be adapted for all hearings.*)

“ We will now move forward with the hearing(s) listed on the agenda. At this time, will everyone who intends to testify in the hearing(s) we are about to hold, please rise and be sworn in?”

“Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?”

“Thank you and please be seated.”

“Before we get started with the case(s) on the agenda, I want to go over the process we will follow today and just remind the parties of a few important points. This is not a formal legal proceeding and the formal rules of evidence do not apply. As chair, I will make any necessary rulings on matters of evidence and procedure. All questioning will be done by the committee. Any party is free to ask the committee to question another party or witness about a relevant issue. As the time allotted for this hearing is (*amount of time*), please refrain from repeating points that have already been made and otherwise injecting irrelevant matters into the hearing process. It is expected that all participants in this hearing will conduct themselves in a polite and civil manner.”

- (*If the parties are represented by legal counsel*)

“I note that (*name of the party*) has legal counsel. Generally, during these hearings we prefer to have to as much direct interaction with the parties as possible. Counsel is reminded that their role is limited to providing advice to their client(s) during the course of the hearing; requesting that the committee pose certain questions to the other party or witnesses and making opening and closing statements on behalf of their clients. Neither counsel nor either party is to attempt to question or cross examine the other party or make objections while a witness is testifying.”

“The order of presentation will be as follows:

The party alleged to be in violation² of the UIL Constitution and Contest Rules will be allowed to go first and give an opening statement and to present to the committee any documents or other tangible evidence that it wishes the committee to consider. Also, a member of the committee may ask questions of the party during this time or at any time during the hearing.”

“We will then hear from the involved school(s) starting with the school that (*name of school the student in question has moved to*) or (*was involved in the incident in question*).”

“As a reminder, schools that are involved in a particular case cannot participate in the hearing except as witnesses and cannot vote.”

“After the parties have had their opportunity to present their respective positions, I will ask if there are any other persons who are in attendance and wish to testify before the committee. Everyone should have already been sworn in at this point but, if not, we will swear you in when you come forward to testify.”

“After the committee hears from any other witnesses that may wish to testify, I will ask (*name of the party alleged to be in violation of the rules*) to come forward and give any additional testimony or other evidence they may have and, if they so choose, make a closing statement to the committee. This will conclude the presentation of testimony and other evidence to the committee.”

² A student, school employee or school that is before the committee to respond to allegations of UIL rule violations is also referred to in these chair notes as “the party in question” or similar language.

(After opening statement, if any – ask committee members if they have any questions of the witnesses)
“Thank you for that statement. Do any of the committee members have any questions of the witness(es) at this time?”

(Allow for Q & A)

(Ask witness –) “Do you have anything else that you want to say or any other documents or other evidence for the committee?”

(If no Q & A or once Q & A is completed.....) “If there are no further questions by the committee, please return to your seat.”

(Go through the same process/notes for each party/witness so all have an opportunity to give relevant testimony, etc. It may become necessary to note the time if the hearing is not running efficiently, however, it is also important to give everyone a reasonable opportunity to speak.

Once everyone has been given a reasonable opportunity to speak, call the party that is the alleged to be in violation back to testify.)

“Having heard from everyone that wished to address the committee, I ask that the *(name student and parents or the representative of the school or school employee in question)* please come forward and make any closing statement that they wish to make.”

(after statement) “Thank you for your statement.”

(ask DEC) “Does the committee have any other questions of this witness?”

(ask party/witness) “Do you have anything else that you wish to say before we conclude testimony?”

(at this time the committee may deliberate/discuss the case – generally, this should be done in open session. Remember – schools involved in a case do not get to participate in the discussion or to vote.)

(ask DEC) “Are there any points about the case or relevant issues that any committee members would like to discuss before we take a vote?”

(Once discussion is concluded –all votes must be taken in open session – two votes may be needed – take the first vote as to whether or not the alleged violation did in fact occur. If the committee votes that a violation did occur, take a second vote on the question of penalty.)

“It is now time for us to take a vote and determine whether or not *(name the party alleged to be in violation)* has violated the UIL rules as alleged. Is there a motion?”

(be sure the motion is clear and will result in understandable decision – avoid double negatives and similar grammatical issues – Ex. “I move that the district executive committee find that (name the party in question) is in violation of Section __ of the UIL Constitution and Contest Rules as alleged” or something along those lines. Actually citing the rule found to have been violated is best.)

(If the motion receives a second, call for a vote) “All in favor of finding that *(name party in question)* is in violation of Section __ of the UIL Constitution and Contest Rules as alleged, please raise your hand.”

(Count out loud who is voting in favor.....)

“All opposed?” *(Again count out loud who is voting against.....and announce the decision.)*

“By a vote of _ to _, the District (#)-(Conf.) District Executive Committee *(finds or does not find)* *(name party in question)* to be in violation of Section __ of the UIL Constitution and Contest Rules.

(if a violation is found the committee will then need to decide what an appropriate penalty is – a penalty must be given for all violations found. Section 28 (i) (1), UIL Constitution and Contest Rules.³ If the case

³ “The district executive committee shall enforce all rules contained in the UIL Constitution and Contest Rules. *This includes assessing a penalty for every rule violation.*” Section 28 (i) (1), District Executive Committee, UIL Constitution and Contest Rules. (emphasis added).

being considered is an ELIGIBILITY matter involving CHANGING SCHOOLS FOR ATHLETIC PURPOSES, please refer to Section 443, UIL Constitution and Contest Rules, for options/penalties available.)

“Because we found a violation and the UIL rules require that we give a penalty whenever such a finding is made, does any member of the committee wish to discuss what penalty is appropriate in this case?” (Allow time for committee to discuss – See Section 29 of the UIL Constitution and Contest Rules re- penalties the DEC may impose. Note that the penalties vary depending on the violator and the violation found.)

(Conclude discussion, need a motion and a vote)

“It is now time for us to take a vote and determine the appropriate penalty for the violation in this case. (Note the limitations in the UIL rules regarding what penalties may be imposed in the case being considered so that the motion is appropriate.) Is there a motion? A second?

(If the motion receives a second, call for a vote) “All in favor of imposing a penalty of (name penalty and any duration of time if applicable) on (name party in question) for the violation of UIL rules that this committee has just found, please raise your hand.”

(Count out loud who is voting in favor.....)

“All opposed?” (Again count out loud who is voting against.....and announce the decision.)

“By a vote of _ to _, the District (#)-(Conf.) District Executive Committee imposes the penalty of (type of penalty and duration/any conditions) on (name of the party in question) for being in violation of UIL rules as previously decided today.”

Before we conclude, most of the cases that come before the District Executive Committee may be appealed to the UIL State Executive Committee. If you have any questions concerning the appeals process, please contact me. That concludes this hearing.”

(Move forward with the rest of hearing using the same process/notes as above or move forward with whatever remaining matters are left on agenda.)