

University Interscholastic League

State Executive Committee

Case No. 17-0215-01

DECISION ON APPEAL

February 15, 2017

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 regarding Section 29(b), Member School Penalties, and Section 50(a) and (b)(1-3), Student Violations, *UIL Constitution and Contest Rules*. The member school and student were represented at the hearing by the school's athletic director/Appellant. The following members of the SEC were present and participated in the decision of this case: Mike Motheral, Chair, Paul Galvan, Robin Battershell, James Colbert, Phil Cotham.

Background and Facts

Appellant sought to overturn the DEC's decision to issue the school a reprimand for insufficient punishment and poor communication, and to place the student on probation for the remainder of the basketball season in response to an alleged incident that occurred during a basketball game, Section 29(b)¹ and Sections 50(a)(b),² *UIL Constitution and Contest Rules*. Appellant claimed that although the student's involvement in the incident was not intentional, he directed the student's basketball coach to administer an appropriate consequence, and therefore, she was being punished excessively by the DEC's decision to place her on probation. Appellant further argued that the school took appropriate steps to communicate the consequences administered with the opposing school and DEC.

State Executive Committee Discussion

Appellant sought to overturn the DEC's decision to issue the school a reprimand for insufficient punishment and poor communication, and to place the student on probation for the remainder of the basketball season in response to an alleged incident that occurred during a basketball game. Appellant was 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 consequences the school administered and

¹ Section 29(b), of the *UIL Constitution and Contest Rules* states the penalties that may be imposed by a District Executive Committee on a member school for *UIL Constitution and Contest Rules* violations by member school student representatives, fans, patrons or personnel, of ethics, sportsmanship codes, eligibility rules, contest plans or reporting practices are: reprimand; public reprimand; forfeiture of contest; disqualification from germane activity; and suspension recommended.

² Section 50(a)(b), of the *UIL Constitution and Contest Rules* states that a student representative of a member school, who by act or omission causes himself or herself, another contestant, or a member school to do or fail to do any one or more of those actions or omissions listed below shall be in violation of the *Constitution and Contest Rules*. Violations by student representatives of member schools are classified in two categories and can be found in this section.

the student's discipline history. Appellant explained that the student was put on probation by the school, required to complete extra conditioning, sit out two quarters of the next basketball game, and write a letter apologizing to the other student involved in the incident. Appellant clarified that the student sat the second and third quarters of the next game, not the first and second as he assumed when he gave the directive to the coach. Appellant stated that the student did not have a history of discipline problems and that while he normally allows the head coach to administer discipline, he became involved with this issue because it was brought to him by another school's athletic director. Appellant argued that the school should not have been reprimanded for insufficient punishment because they had delivered sufficient discipline and the student should not be put on probation by the DEC as this would result in her being punished twice for the same incident.

The superintendent and athletic director of the opposing school involved in the incident then explained why the DEC called a hearing and administered consequences to the school and student. The superintendent testified that after watching the incident on film, he communicated his concern with Appellant's superintendent to afford the school an opportunity to "police themselves internally." After learning the student participated in the next game, he decided to pursue a hearing by the DEC regarding the incident without communicating again with the school. The superintendent was under the impression that the student fouled out of the next game, rather than being required to sit out two quarters as a consequence for the incident.

The DEC chair confirmed a DEC meeting was held without knowing what consequences the school administered to the student. The chair stated that the DEC's main goal was to ensure safety of student athletes and wanted to make sure a similar incident did not reoccur. The chair testified that if the student sat out the first two quarters of the next basketball game then they would not have reprimanded the school, but he still had a concern with the apology letter being sent to the other student only the day before the DEC meeting was held.

Appellant and representatives were afforded the opportunity to respond to other testimonies and give a summary statement. Appellant testified that his coaches know consequences are given at the first available opportunity, and he was not made aware that the student sat the second and third quarters until the DEC hearing. He further explained that the coach was reassigned to another position after he found out his directive was not followed adequately.

SEC members expressed their gratitude to the DEC for addressing an issue, but expressed support for local control and school district discretion on how to handle the discipline of coaches and students.

Decision

After hearing the argument and evidence presented by the Appellant, the SEC voted 4-0 to grant the Appellant's request to overturn the District Executive Committee's decision. As a result, the decision of the DEC is overturned.