

**Proposed Amendment to the
University Interscholastic League Constitution and Contest Rules**

A. Brief Explanation of Proposed Recommendation

This recommendation amends Section 26, (a)(1), (b)(6), (c)(6, 9, adding (10) & (11)) (d)(2) and (g), (h) and (i) *State Executive Committee*, of the UIL Constitution and Contest Rules.

B. Factual and Policy Justifications

The new language clarifies qualification for appointment to the State Executive Committee (SEC); strikes “sue and be sued” language; adds additional language to better reflect the jurisdiction of SEC and, as required by the Sunset Commission, adds language creating a precedent manual along with a related process.

C. Proposed Recommendation

Section 26: STATE EXECUTIVE COMMITTEE.

- (a) APPOINTMENT; COMPOSITION; QUORUM.
 - (1) *Appointments*. The Commissioner of the Texas Education Agency appoints the members of the State Executive Committee each April for annual terms beginning July 1. The committee shall be composed of eight CURRENT OR FORMER Texas public school administrators, with at least one from each UIL conference, and four at-large members. The selection of appointed members shall reflect sensitivity to ethnicity, gender and student population size of districts. The committee shall elect a chair annually at the first meeting after June 30.
 - (2) *Business Meeting Quorum*. Four members of the State Executive Committee constitute a quorum for business meetings.
 - (3) *Quorum for Panels*. In cases involving sponsor violations, appeals, applications for Official Interpretations, cases involving misconduct at contests, or any other case the chair of the State Executive Committee deems appropriate, the State Executive Committee may sit in panels of three voting members and two of the three members constitute a quorum.
 - (4) *Hearing Officer*. In any case including, but not limited to original determination of eligibility past the district level or the appeal of the automatic penalty for ejection, the chair of the State Executive Committee may transfer the case to a UIL Hearing Officer.
- (b) RESPONSIBILITIES. The State Executive Committee shall provide independent and impartial direction of the League by:
 - (1) interpreting the *Constitution and Contest Rules*;
 - (2) enforcing the rules and regulations contained in the *Constitution and Contest Rules*;
 - (3) conducting any necessary recount of a referendum vote;
 - (4) determining disputes within its original jurisdiction;
 - (5) hearing appeals within its appellate jurisdiction.
 - (6) ~~suing on behalf of the League and defending it against suit.~~

~~—Note: Pursuant to Texas Education Code 67.26 venue for suits filed against UIL is in Travis County.~~
- (c) JURISDICTION. The State Executive Committee shall decide:

- (1) a protest or report of violation arising between schools belonging to different conferences or districts;
 - (2) a protest or report of violation involving individual contestants in a competition beyond the district;
 - (3) a case involving mistreatment of an official;
 - (4) an appeal from a decision of a district executive committee that a school is disqualified;
 - (5) an appeal from a decision of a district executive committee involving alleged discrimination;
 - (6) AN APPEAL FROM A DECISION OF A DISTRICT EXECUTIVE COMMITTEE CONCERNING A STUDENT'S ELIGIBILITY;
 - ~~(67)~~ an appeal from a decision of a district executive committee ordering a reprimand in the case of school district personnel violations; and
 - ~~(78)~~ a case involving allegations of school district personnel violations that could result in an order of public reprimand or suspension.
 - ~~(89)~~ This subchapter shall not be interpreted to limit the power of the State Executive Committee in making investigations and initiating proceedings against any member or participant school when sufficient justification exists.
 - ~~(9) The State Executive Committee assumes original jurisdiction on the eligibility of a student whose eligibility has previously been ruled on by a district executive committee.~~
 - (10) A CASE REFERRED BY A DISTRICT EXECUTIVE COMMITTEE DUE TO A CONFLICT OF INTEREST OR AS OTHERWISE PROVIDED IN THESE RULES;
 - (11) UPON PROPER REQUEST, CONSIDERING AND ISSUING OPINIONS INTERPRETING LEAGUE RULES.
- (d) AD HOC COMMITTEES. The chair of the State Executive Committee may appoint ad hoc committees and their chairs.
- (1) *Appointment Terms.* The members shall serve on ad hoc committees until the chair withdraws the appointment or until either the purpose or duration of the committee has been achieved or has expired, whichever comes first.
 - (2) *Conduct of Committee Business.* The chair of an ad hoc committee shall direct the work of the committee pursuant to the UIL *Constitution and Contest Rules* and the ~~special~~ procedural rules of the State Executive Committee.
 - (3) *Responsibilities.* The responsibilities of the standing or ad hoc committees shall generally be as follows:
 - (A) to study information and issues relevant to the body within the subject matter area of the committee;
 - (B) to inform the body of its findings;
 - (C) to prepare and present written motions or written resolutions concerning the issues to the body; and
 - (D) to handle those issues assigned by the body from time to time.
- (e) PROCEDURAL RULES. The State Executive Committee may adopt rules of procedure, not inconsistent with the UIL *Constitution and Contest Rules*, upon the recommendation of the chair to facilitate the:
- (1) executive and administrative processes during business meetings; and
 - (2) judicial processes during evidentiary hearings and open meetings.
- (f) PARLIAMENTARIAN. The chair of the State Executive Committee may appoint a

parliamentarian during business meetings and public hearings.

(G) PRECEDENT MANUAL.

- (1) THE STATE EXECUTIVE COMMITTEE SHALL ADOPT RULES CONCERNING THE CREATION AND MAINTENANCE OF A PRECEDENT MANUAL WHICH SHALL CONTAIN DECISIONS OF THE STATE EXECUTIVE COMMITTEE THAT HAVE SUFFICIENT PRECEDENTIAL VALUE TO WARRANT PUBLICATION. OPINIONS IN THE PRECEDENT MANUAL WILL BE COMPOSED OF A SYNOPSIS OF THE FACTS OF THE CASE ALONG WITH THE PANEL'S DECISION AND A BRIEF EXPLANATION OF THE BASIS FOR THE DECISION. LEAGUE STAFF MAY ASSIST IN THE DRAFTING AND PREPARATION OF THE OPINION AS DIRECTED BY THE COMMITTEE.
- (2) BEFORE BEING PUBLISHED IN THE PRECEDENT MANUAL, A DRAFT OF THE WRITTEN OPINION MUST BE REVIEWED AND APPROVED BY A MAJORITY OF THE MEMBERS OF THE HEARING PANEL THAT HEARD THE CASE. THE PRECEDENT MANUAL SHALL SERVE TO PROVIDE GUIDANCE TO STATE EXECUTIVE COMMITTEE HEARING PANELS WHEN CONSIDERING SIMILAR CASES.
- (3) THE STATE EXECUTIVE COMMITTEE'S PRECEDENT MANUAL SHALL BE PUBLISHED ON THE UNIVERSITY INTERSCHOLASTIC LEAGUE'S WEBSITE.

D. Potential Fiscal Impact of the Proposed Rule to Member Schools

This recommendation should not have a fiscal impact on member schools.

E. Legislative Council Consideration; Effective Date

The Standing Committee on Policy moves that the Legislative Council pass this amendment, to be effective August 1, 2016, if approved by the Commissioner of Education.