

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

A. Brief Explanation of Proposed Recommendation

This recommendation amends Section 27, *Penalties The State Executive Committee Can Impose*, UIL Constitution and Contest Rules by adding a new subsection (d), *Participant and UIL Member Schools Penalty Guidelines*.

B. Factual and Policy Justifications

This recommendation provides general guidelines for violations of UIL rules by participant or UIL member schools, participant school student representatives, patrons, personnel or fans and penalties that may be imposed on participant and member schools. The Sunset Commission has required that penalty guidelines be implemented.

C. Proposed Recommendation

(d) *PARTICIPANT AND UIL MEMBER SCHOOLS PENALTY GUIDELINES*. VIOLATIONS OF UIL RULES BY PARTICIPANT OR UIL MEMBER SCHOOLS, PARTICIPANT SCHOOL STUDENT REPRESENTATIVES, PATRONS, PERSONNEL OR FANS GENERALLY FALL INTO TWO CATEGORIES, CLASS A AND CLASS B. SEE SECTION 52. AS SET OUT IN THIS SECTION, THE PENALTIES THAT MAY BE IMPOSED ON PARTICIPANT OR UIL MEMBER SCHOOLS FOR SUCH VIOLATIONS ARE REPRIMAND, PUBLIC REPRIMAND, FORFEITURE OF CONTEST, DISQUALIFICATION FROM GERMANE ACTIVITY AND SUSPENSION.

IN DETERMINING PENALTIES TO BE IMPOSED ON PARTICIPANT OR MEMBER SCHOOLS, THE STATE EXECUTIVE COMMITTEE HEARING PANEL SHALL GIVE DUE CONSIDERATION TO THE GUIDELINES BELOW. THESE GUIDELINES ARE INTENDED TO PROVIDE A HEARING PANEL OF THE STATE EXECUTIVE COMMITTEE WITH GENERAL GUIDANCE ONLY AND ARE NOT INTENDED AS A SUBSTITUTE FOR A CAREFUL REVIEW OF EACH CASE AND, BASED UPON THE FACTS OF EACH CASE, THE EXERCISE OF APPROPRIATE DISCRETION BY THE HEARING PANEL WHEN DETERMINING A PENALTY TO IMPOSE ON A PARTICIPANT OR MEMBER SCHOOL.

IN ADDITION TO ANY PARTICULAR SANCTION OR PENALTY STATED IN A SPECIFIC RULE, PARTICIPANT OR UIL MEMBER SCHOOLS, PARTICIPANT SCHOOL STUDENT REPRESENTATIVES, PATRONS, PERSONNEL OR FANS FOUND TO HAVE VIOLATED UIL RULES SUBJECT THE PARTICIPANT OR MEMBER SCHOOL IN QUESTION TO THE IMPOSITION OF PENALTIES CONSISTENT WITH THE FOLLOWING GUIDELINES:

(1) CLASS A VIOLATIONS

CLASS A VIOLATIONS FOR PARTICIPANT OR MEMBER SCHOOLS ARE VIOLATIONS OF STATE LAW AND RULES OF THE STATE BOARD OF EDUCATION IN REGARDS TO:

(A) FAILING TO COMPLY WITH APPLICABLE STATE LAWS REGARDING PREVIOUS AND CURRENT ACADEMIC REQUIREMENTS;

(B) FAILING TO COMPLY WITH APPLICABLE RULES OF THE STATE BOARD OF EDUCATION REGARDING PREVIOUS AND CURRENT ACADEMIC REQUIREMENTS;

(C) FAILING TO COMPLY WITH APPLICABLE RULES OF THE STATE BOARD OF EDUCATION REGARDING LOSS OF SCHOOL TIME REQUIREMENTS; OR

(D) FAILING TO COMPLY WITH APPLICABLE STATE LAWS REGARDING EXTRACURRICULAR ACTIVITIES.

(2) MINIMUM PENALTY

(A) IN ADDITION TO ANY SPECIFICALLY REQUIRED SANCTION OR PENALTY FOR VIOLATION OF A PARTICULAR RULE AS SET OUT IN THE CONSTITUTION AND CONTEST RULES AND ABSENT ANY GROUNDS FOR ENHANCEMENT, THE MINIMUM

PENALTY FOR A CLASS A VIOLATION IS A PUBLIC REPRIMAND. A PUBLIC REPRIMAND SHALL BE IN WRITING AND SHALL STATE THE VIOLATION FOUND. A PUBLIC REPRIMAND MAY INCLUDE A PROBATIONARY PERIOD OF UP TO THREE YEARS, AND MAY INCLUDE ANY REASONABLE CONDITIONS, WHICH, IF NOT FULFILLED, MAY RESULT IN A MORE STRINGENT PENALTY.

- (B) THE STATE EXECUTIVE COMMITTEE SHALL REQUIRE FORFEIT OF A CONTEST(S) WON BY AN INDIVIDUAL OR SCHOOL, AS A MINIMUM PENALTY, IF IT FINDS THAT AN INDIVIDUAL CONTESTANT WAS NOT ELIGIBLE TO PARTICIPATE IN THE CONTEST. HOWEVER, WHEN A STUDENT WHO HAS PARTICIPATED IN CONTESTS THAT COUNT ON LEAGUE 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 PARTICIPANT SCHOOL TO FORFEIT CONTESTS.

(3) ENHANCED VIOLATIONS

- (A) REPEAT OFFENSE – IN CASES WHERE A CLASS A VIOLATION IS FOUND AND THE SCHOOL IN QUESTION HAS PREVIOUSLY BEEN FOUND IN VIOLATION OF A CLASS A RULE, THE PENALTY MAY BE ENHANCED. AN ENHANCED PENALTY FOR REPEAT CLASS A VIOLATORS MAY INCLUDE A PROBATIONARY PERIOD OF UP TO THREE YEARS AND MAY ALSO INCLUDE THE IMPOSITION OF REASONABLE CONDITIONS WHICH MUST BE FULFILLED. AN ENHANCED PENALTY FOR SUCH VIOLATORS MAY ALSO INCLUDE A PERIOD OF SUSPENSION OR DISQUALIFICATION FROM DISTRICT HONORS. IF IMPOSED, SUSPENSION SHALL DENY PARTICIPATION IN SPECIFIED UIL ACTIVITIES FOR A PERIOD OF ONE TO THREE YEARS. SUSPENSION AND DISQUALIFICATION FROM DISTRICT HONORS MAY INCLUDE A PROBATIONARY PERIOD OF ONE TO THREE YEARS, AND MAY INCLUDE ANY REASONABLE CONDITIONS, WHICH, IF NOT FULFILLED, MAY RESULT IN ADDITIONAL SUSPENSION OR A MORE STRINGENT PENALTY.
- (B) PRIOR CONDITIONS/PROBATION – IN CASES WHERE A CLASS A VIOLATION IS FOUND AND THE SCHOOL IN QUESTION HAS FAILED TO COMPLY WITH PREVIOUSLY IMPOSED CONDITIONS DUE TO A PRIOR VIOLATION OF UIL RULES OR HAS COMMITTED A CLASS A VIOLATION DURING A PREVIOUSLY IMPOSED PROBATIONARY PERIOD, THE PENALTY FOR A CLASS A VIOLATION MAY BE ENHANCED. AN ENHANCED PENALTY FOR SUCH VIOLATORS MAY INCLUDE A REQUIREMENT THAT PRIOR CONDITIONS BE SATISFIED AS WELL AS ANY NEW REASONABLE CONDITIONS IMPOSED AND/OR THE IMPOSITION OF A PROBATIONARY PERIOD OF UP TO THREE YEARS. THE PENALTY MAY ALSO INCLUDE A PERIOD OF SUSPENSION FROM COMPETITION, INCLUDING PRACTICES, IN ALL GERMANE ACTIVITIES FOR A PERIOD OF ONE DAY TO THREE YEARS OR DISQUALIFICATION FROM DISTRICT HONORS. IF IMPOSED, SUSPENSION SHALL DENY PARTICIPATION IN SPECIFIED UIL ACTIVITIES FOR A PERIOD OF ONE TO THREE YEARS. SUSPENSION OR DISQUALIFICATION FROM DISTRICT HONORS MAY INCLUDE A PROBATIONARY PERIOD OF ONE TO THREE YEARS, AND MAY INCLUDE ANY REASONABLE CONDITIONS, WHICH, IF NOT FULFILLED, MAY RESULT IN ADDITIONAL SUSPENSION.
- (C) INTENT/HARM - IN CASES WHERE A CLASS A VIOLATION IS FOUND TO BE DELIBERATE AND TO HAVE PROVIDED A COMPETITIVE ADVANTAGE TO THE STUDENT VIOLATOR OR THE VIOLATION CAUSED PHYSICAL HARM TO A PERSON OR PROPERTY, THE PENALTY FOR A CLASS A VIOLATION MAY BE ENHANCED. AN ENHANCED PENALTY FOR SUCH VIOLATORS MAY INCLUDE FORFEITURE OF A CONTEST, DISQUALIFICATION, REASONABLE CONDITIONS AND/OR THE IMPOSITION OF A PROBATION PERIOD OF UP TO THREE YEARS AND MAY ALSO INCLUDE A PERIOD OF SUSPENSION FROM COMPETITION, INCLUDING PRACTICES, IN ALL GERMANE ACTIVITIES FOR A PERIOD OF ONE DAY TO THREE YEARS. IF IMPOSED, SUSPENSION

SHALL DENY PARTICIPATION IN SPECIFIED UIL ACTIVITIES FOR A PERIOD OF ONE TO THREE YEARS. SUSPENSION OR DISQUALIFICATION FROM DISTRICT HONORS MAY INCLUDE A PROBATIONARY PERIOD OF ONE TO THREE YEARS, AND MAY INCLUDE ANY REASONABLE CONDITIONS, WHICH, IF NOT FULFILLED, MAY RESULT IN ADDITIONAL SUSPENSION.

(D) OTHER FACTORS – IN CASES WHERE A CLASS A VIOLATION IS FOUND AND TWO OR MORE ENHANCEMENT FACTORS ARE PRESENT OR THERE ARE OTHER CIRCUMSTANCES FOUND THAT IN THE OPINION OF THE STATE EXECUTIVE COMMITTEE HEARING PANEL WARRANT INCREASED SANCTIONS, THE PENALTY MAY BE ENHANCED. AN ENHANCED PENALTY FOR SUCH VIOLATORS MAY INCLUDE FORFEITURE OF A CONTEST, DISQUALIFICATION, REASONABLE CONDITIONS AND/OR THE IMPOSITION OF A PROBATION PERIOD FOR UP TO THREE YEARS AND MAY ALSO INCLUDE A PERIOD OF SUSPENSION FROM COMPETITION, INCLUDING PRACTICES, IN ALL GERMANE ACTIVITIES FOR A PERIOD OF ONE DAY TO THREE YEARS. IF IMPOSED, SUSPENSION SHALL DENY PARTICIPATION IN SPECIFIED UIL ACTIVITIES FOR A PERIOD OF ONE TO THREE YEARS. SUSPENSION MAY INCLUDE A PROBATIONARY PERIOD OF ONE TO THREE YEARS, AND MAY INCLUDE ANY REASONABLE CONDITIONS, WHICH, IF NOT FULFILLED, MAY RESULT IN ADDITIONAL SUSPENSION.

(E) MANDATORY DISQUALIFICATION – THE STATE EXECUTIVE COMMITTEE SHALL DISQUALIFY A PARTICIPANT SCHOOL OR MEMBER FROM ALL GERMANE ACTIVITIES IF THE PARTICIPANT SCHOOL OR SCHOOL DISTRICT HAS FAILED MATERIALLY AND KNOWINGLY TO COMPLY WITH THE CONSTITUTION AND CONTEST RULES, OR IF THE PARTICIPANT SCHOOL HAS KNOWINGLY AND INTENTIONALLY PERMITTED AN INELIGIBLE INDIVIDUAL TO REPRESENT IT IN A UIL CONTEST, OR IF THE PARTICIPANT SCHOOL OR SCHOOL DISTRICT HAD COMPETED AGAINST OR PARTICIPATED IN A TOURNAMENT WITH A NON-SCHOOL TEAM COMPOSED OF ONE OR MORE UIL PARTICIPANT SCHOOL STUDENTS WITH REMAINING ELIGIBILITY IN THAT SPORT, A VIOLATION OF SECTION 1208. IN ADDITION, A MORE STRINGENT PENALTY MAY BE ASSESSED. THE STATE EXECUTIVE COMMITTEE HAS THE OPTION NOT TO REPLACE A TEAM THAT IS DISQUALIFIED FROM THE PLAYOFFS AT OR NEAR THE CERTIFICATION DATE FOR DISTRICT REPRESENTATIVES.

(4) CLASS B VIOLATIONS

CLASS B VIOLATIONS FOR PARTICIPANT OR MEMBER SCHOOLS ARE:

(A) FAILING TO COMPLY WITH THE UIL CONSTITUTION AND CONTEST RULES, WHEN NOT IN CONFLICT WITH STATE BOARD OF EDUCATION RULES OR REGULATIONS.

(1) FAILING TO COMPLY WITH THE ATHLETIC CODE, ATHLETIC CODE FOR COACHES, MUSIC CODE, SPRING MEET CODE OR ONE-ACT PLAY CODE;

(2) BREAKING CONTRACTS;

(3) COERCING CONTESTANTS; OR

(4) SCOUTING (DEBATE);

(5) MINIMUM PENALTY

IN ADDITION TO ANY SPECIFICALLY REQUIRED SANCTION OR PENALTY FOR VIOLATION OF A PARTICULAR RULE AS SET OUT IN THE CONSTITUTION AND CONTEST RULES AND ABSENT ANY GROUNDS FOR ENHANCEMENT, THE MINIMUM PENALTY FOR A CLASS B VIOLATION IS A REPRIMAND. A REPRIMAND SHALL BE IN WRITING AND SHALL STATE THE VIOLATION FOUND BUT SHALL NOT BE PUBLISHED IN THE LEAGUER. AT THE DISCRETION OF THE HEARING PANEL, THE REPRIMAND MAY BE MADE PUBLIC.

(6) ENHANCED PENALTY FACTORS

(A) REPEAT OFFENSE – IN CASES WHERE A CLASS B VIOLATION IS FOUND AND THE SCHOOL IN QUESTION HAS PREVIOUSLY BEEN FOUND IN VIOLATION OF A CLASS B RULE, THE PENALTY MAY BE ENHANCED. AN ENHANCED PENALTY FOR REPEAT VIOLATORS OF A CLASS B VIOLATION MAY INCLUDE A PROBATIONARY PERIOD OF UP TO THREE YEARS AND MAY ALSO INCLUDE THE IMPOSITION OF REASONABLE CONDITIONS WHICH MUST BE FULFILLED.

(B) PRIOR CONDITIONS/PROBATION – IN CASES WHERE A CLASS B VIOLATION IS FOUND

AND THE SCHOOL IN QUESTION HAS FAILED TO COMPLY WITH PREVIOUSLY IMPOSED CONDITIONS DUE TO A PRIOR VIOLATION OF UIL RULES OR HAS COMMITTED A CLASS B VIOLATION DURING A PREVIOUSLY IMPOSED PROBATIONARY PERIOD, THE PENALTY FOR A CLASS B VIOLATION MAY BE ENHANCED. AN ENHANCED PENALTY FOR SUCH VIOLATORS MAY INCLUDE A REQUIREMENT THAT THE PRIOR CONDITIONS BE SATISFIED AS WELL AS ANY NEW REASONABLE CONDITIONS AND/OR THE IMPOSITION OF A PROBATIONARY PERIOD OF UP TO THREE YEARS.

- (C) INTENT/HARM - IN CASES WHERE A CLASS B VIOLATION IS FOUND TO BE DELIBERATE AND TO HAVE PROVIDED A COMPETITIVE ADVANTAGE TO THE SCHOOL IN QUESTION OR THE VIOLATION CAUSED PHYSICAL HARM TO A PERSON OR PROPERTY, THE PENALTY FOR A CLASS B VIOLATION MAY BE ENHANCED. AN ENHANCED PENALTY FOR SUCH VIOLATORS MAY INCLUDE REASONABLE CONDITIONS AND/OR THE IMPOSITION OF A PROBATION PERIOD OF UP TO THREE YEARS. THE PENALTY MAY ALSO INCLUDE A PERIOD OF SUSPENSION FROM COMPETITION, INCLUDING PRACTICES, IN ALL GERMANE ACTIVITIES FOR A PERIOD OF ONE DAY TO THREE YEARS. IF IMPOSED, SUSPENSION SHALL DENY PARTICIPATION IN SPECIFIED UIL ACTIVITIES FOR A PERIOD OF ONE TO THREE YEARS. SUSPENSION MAY INCLUDE A PROBATIONARY PERIOD OF ONE TO THREE YEARS, AND MAY INCLUDE ANY REASONABLE CONDITIONS, WHICH, IF NOT FULFILLED, MAY RESULT IN ADDITIONAL SUSPENSION.
- (D) OTHER FACTORS – IN CASES WHERE A CLASS B VIOLATION IS FOUND AND TWO OR MORE ENHANCEMENT FACTORS ARE PRESENT OR THERE ARE OTHER CIRCUMSTANCES FOUND THAT IN THE OPINION OF THE STATE EXECUTIVE COMMITTEE HEARING PANEL WARRANT INCREASED SANCTIONS, THE PENALTY MAY BE ENHANCED. AN ENHANCED PENALTY FOR SUCH VIOLATORS MAY INCLUDE REASONABLE CONDITIONS AND/OR THE IMPOSITION OF A PROBATION PERIOD FOR UP TO THREE YEARS. THE PENALTY MAY ALSO INCLUDE A PERIOD OF SUSPENSION FROM COMPETITION, INCLUDING PRACTICES, IN ALL GERMANE ACTIVITIES FOR A PERIOD OF ONE DAY TO THREE YEARS. IF IMPOSED, SUSPENSION SHALL DENY PARTICIPATION IN SPECIFIED UIL ACTIVITIES FOR A PERIOD OF ONE TO THREE YEARS. SUSPENSION MAY INCLUDE A PROBATIONARY PERIOD OF ONE TO THREE YEARS, AND MAY INCLUDE ANY REASONABLE CONDITIONS, WHICH, IF NOT FULFILLED, MAY RESULT IN ADDITIONAL SUSPENSION.

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

This recommendation should have no 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.