

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

***A. Brief Explanation of Proposed Recommendation***

This proposed recommendation amends Section 407, *Eligibility Burden of Proof*, and Section 408, *Burden of Proof in Allegations of Violations*, of the UIL Constitution and Contest Rules.

***B. Factual and Policy Justifications***

This recommendation addresses the burden of proof issue raised by Sunset Commission staff in their review of UIL hearing processes. The new language clarifies what the burden of proof is for persons responding to allegations or in student eligibility cases.

***C. Proposed Recommendation***

Section 407: ELIGIBILITY BURDEN OF PROOF

If a student's eligibility to compete in a League contest is questioned, the student has the burden in any proceeding to establish BY THE PREPONDERANCE OF THE EVIDENCE that he or she is eligible.

Section 408: BURDEN OF PROOF IN ALLEGATIONS OF VIOLATIONS

If a district executive committee or the State Executive Committee determines that a complaint or report of a violation has enough validity or substance to hold a hearing, the burden to disprove BY THE PREPONDERANCE OF THE EVIDENCE the allegations AT ISSUE rests with the participant school, member school district or covered school district personnel charged with the violation.

***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.