

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

D. Brief Explanation of Proposed Amendment

This proposal amends Section 28, District Executive Committee, of the UIL *Constitution and Contest Rules*. This proposal adds new provisions to Section 28 regarding various aspects of the work performed by a District Executive Committee (DEC) including fiscal management, hiring of persons to work on committee business, record keeping, training and reporting requirements. A new part clarifies the role of involved schools during a DEC hearing.

E. Factual and Policy Justifications

These amendments to Section 28 are consistent with recommendations that UIL has received from UT Audit and the Sunset Commission and are intended to improve overall transparency and accountability on the part of DEC's. A copy of the form (Memorandum of Understanding) referenced in Section 28(e)(2), below, is attached.

F. Proposed Amendment

Section 28(e) and (i) of the UIL *Constitution and Contest Rules* would be amended as follows, pending approval by the Commissioner of Education:

Section 28: DISTRICT EXECUTIVE COMMITTEE

- (e) CONDUCT OF BUSINESS. The chair of the District Executive Committee shall direct the work of the committee pursuant to the UIL *Constitution and Contest Rules*.

DISTRICT EXECUTIVE COMMITTEES SHALL COMPLY WITH THE FOLLOWING:

- (1) *ACCOUNTS* – DISTRICT EXECUTIVE COMMITTEES SHALL HAVE A UIL MEMBER SCHOOL THAT IS PART OF THE DISTRICT ACT AS A FISCAL AGENT FOR THE COMMITTEE. THE SCHOOL ACTING AS THE FISCAL AGENT SHALL HOLD FUNDS FOR THE COMMITTEE'S USE AND BENEFIT AND PROVIDE MONTHLY AND ANNUAL STATEMENTS TO THE COMMITTEE SHOWING ALL FINANCIAL ACTIVITY.
- (2) *ADMINISTRATIVE ASSISTANCE*. SHOULD A DISTRICT EXECUTIVE COMMITTEE DECIDE TO HAVE SOMEONE OTHER THAN A MEMBER SCHOOL DISTRICT EMPLOYEE PROVIDE ADMINSTRATIVE ASSISTANCE TO THE COMMITTEE, THE COMMITTEE MAY CONTRACT FOR SERVICES WITH A QUALIFIED INDIVIDUAL TO SERVE IN AN ADMINISTRATIVE POSITION USING A UIL-APPROVED FORM THAT SETS FORTH THE TERMS AND CONDITIONS OF THE RELATIONSHIP BETWEEN THE INDIVIDUAL, THE DISTRICT EXECUTIVE COMMITTEE AND THE UIL. IN NO EVENT SHALL ANY PERSON WHO CONTRACTS TO PERFORM SERVICES WITH A DISTRICT EXECUTIVE COMMITTEE BE AN EMPLOYEE OR TREATED AS AN EMPLOYEE OF THE DISTRICT EXECUTIVE COMMITTEE, THE UIL OR THE UNIVERSITY.
- (3) *APPROVAL AUTHORITY*. ONLY A DESIGNATED UIL MEMBER SCHOOL EMPLOYEE WHO IS EMPLOYED AT THE SCHOOL ACTING AS A FISCAL AGENT MAY HAVE APPROVAL AUTHORITY ON A DISTRICT EXECUTIVE COMMITTEE ACCOUNT.
- (4) *TRAINING*. ALL MEMBERS OF A DISTRICT EXECUTIVE COMMITTEE MUST TAKE THE ONLINE TRAINING PROVIDED BY THE UIL, INCLUDING THE ATTORNEY GENERAL'S OPEN MEETING TRAINING. INFORMATION ON REQUIRED COURSES WILL BE POSTED ON THE UIL WEBSITE.
- (5) *MANAGEMENT OF FUNDS*. BY JUNE 30TH OF EACH EVEN NUMBERED YEAR, AN ACCOUNT HOLDING DISTRICT EXECUTIVE COMMITTEE FUNDS, SHALL, AFTER ALL OF THE DISTRICT'S DEBTS ARE PAID, BE EQUITABLY DIVIDED AND DISTRIBUTED AMONGST THE SCHOOLS THAT HAVE PAID FUNDS TO THE DISTRICT EXECUTIVE COMMITTEE DURING THE PRECEDING TWO-YEAR PERIOD RESULTING IN A ZERO FUND BALANCE IN THE DISTRICT EXECUTIVE COMMITTEE ACCOUNT(S). AFTER EACH BIENNIAL UIL RECLASSIFICATION AND REALIGNMENT PROCESS IS COMPLETE AND THE MAKEUP OF A DISTRICT HAS BEEN DETERMINED, FUNDS TO FINANCE A DISTRICT'S ACTIVITIES MAY BE ASSESSED TO SCHOOLS

THAT MAKE UP A DISTRICT IN THE REGULAR COURSE OF THE DISTRICT EXECUTIVE COMMITTEE'S BUSINESS MEETINGS.

- (6) *AUDIT.* AN AUDIT OF A DISTRICT EXECUTIVE COMMITTEE FINANCIAL ACCOUNT AND RELATED DOCUMENTATION SHALL BE CONDUCTED, AT A MINIMUM, EVERY TWO (2) YEARS BY THE UIL MEMBER SCHOOL ACTING AS THE COMMITTEE'S FISCAL AGENT. THIS AUDIT MAY BE CONDUCTED AS PART OF THE FISCAL AGENT SCHOOL'S OVERALL AUDIT. THE RESULTS OF THE AUDIT SHALL BE PROVIDED TO THE UIL AS PART OF THE FINANCIAL REPORTING SET FORTH IN PART (N), BELOW.
 - (7) *RECORD KEEPING.* EACH DISTRICT EXECUTIVE COMMITTEE SHALL MAKE ACCURATE MINUTES OF ALL MEETINGS AND RETAIN ALL NON-FINANCIAL RECORDS FOR NO LESS THAN THREE (3) YEARS AND ALL FINANCIAL RECORDS FOR NO LESS THAN FIVE (5) YEARS. CIRCUMSTANCES, SUCH AS LEGAL ACTION, MAY REQUIRE RECORDS OF THE DISTRICT EXECUTIVE COMMITTEE BE RETAINED LONGER THAN THE MINIMUM PERIODS SET FORTH ABOVE.
 - (8) *ETHICS.* ALL SCHOOL REPRESENTATIVES SERVING ON A DISTRICT EXECUTIVE COMMITTEE AND PERSONS WHO OTHERWISE PERFORM WORK ON THE COMMITTEE'S BEHALF SHALL BE SUBJECT TO THE CODE OF ETHICS FOR UIL COMMITTEES FOUND IN SECTION 33.
- (i) VOTING ON QUESTIONS BEFORE THE COMMITTEE.
- (1) *Inquiry Concerning Involvement.* Prior to calling for a vote, the chair of the committee shall ask each member if he or she or the member school represented is involved in the question.
 - (2) *Determination of Involvement.* Involvement in a question shall be determined on a factual, case-by-case, basis.
 - (3) *Involved Not Entitled to Vote.* A member of the committee shall not be entitled to vote in a case in which he or she or the member school represented is involved. This includes the representative from the school:
 - (A) that is presenting a formal protest or presenting evidence and argument as an informal protest;
 - (B) that is making a report of violation;
 - (C) that is being charged with a violation;
 - (D) the student in question is leaving; or
 - (E) to which the student in question is changing.
 - (4) SCHOOLS THAT ARE INVOLVED IN A CASE AND NOT ENTITLED TO VOTE ON THE MATTER SHOULD ONLY PARTICIPATE BY PROVIDING WITNESSES AND ACTING AS A SOURCE OF INFORMATION DURING ANY HEARING OR DELIBERATION ON THE CASE IN QUESTION.

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

This amendment should not have a significant 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, 2018, if approved by the Commissioner of Education.