

Concerns about the Due Process Procedures employed by the WIAA over the last two years.

Process/Procedure Examples:

1. Eastside Catholic

a. Should we be adding levels of due process hearings that don't exist in our WIAA Handbook?

i. WIAA (John Olson) asked District 2 to hold an eligibility hearing appeal for a student who had been denied eligibility by ECHS. There is no procedure/policy that allows a student to appeal eligibility when his own school denies it. But we were ordered to do it because WIAA thought it might help a court case.

b. Should evidence discovered as a result of an extraordinary hearing be considered?

i. During the appeal to the WIAA, apparently WIAA received access to all materials from the court case and determined that an email indicated that recruiting had taken place.

ii. WIAA made the determination that there was a recruiting violation based upon this.

c. Should a WIAA Board interpretation of a rule be applied retroactively?

i. Based on discussions, the WIAA Board was asked to provide an interpretation of the recruiting rule, which they did on Mar 23, 2014.

ii. This interpretation was then used retroactively to prove that a recruiting violation occurred even if a kid doesn't come to that school or play for the team.

d. Should the WIAA Board or Executive Staff be making a final determination of a violation prior to the lower levels of hearing decisions?

i. WIAA required the MAEC to hear and rule on the case.

ii. At the hearing, the WIAA Executive Director and one of the Asst. Exec Directors testified that ECHS had indeed violated the recruiting rules.

iii. Does it fit with Due Process rules when the WIAA declares something to be a violation?

iv. Is it possible to challenge or dispute such a charge?

e. Can an investigation be independent and fair if guilt has been determined by the WIAA prior to the investigation?

i. After this hearing, the league and ECHS requested an investigation.

ii. Is it possible that investigators could come to a different conclusion than the one the Exec Director, the person who hired them, already provided?

2. Aaron Maul/Seattle Prep

a. Should schools be allowed to determine schedule of appeals that fits their needs?

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i. The Past practice is, that on the day of the appeal when the WIAA Exec Board is in session, that it will go directly to the board the same day if appealed.

ii. Aaron Maul/Seattle Prep got to choose a different date in June.

iii. Later they asked to move it to the April meeting and were approved; then did not show for the hearing causing the board to only be able to question one side.

b. Are the WIAA Board Minutes an accurate reflection of what motions are made or is there room for interpretation there?

i. At the April Board meeting, Aaron Maul and Seattle Prep chose not to attend. The District 2 Director did address the board.

ii. April Board minutes indicate: "Kredit/Thomsen moved to uphold the decision of the District Director's Appeals Board. MOTION PASSED. NOTE: Eric McCurdy abstained from voting. "

iii. Mike Colbrese's letter to Aaron Maul indicates the board upheld the District 2 decision, but then goes on to state: "In relation to this matter, the WIAA Board is willing to listen to a counter proposal from Seattle Prep and/or Aaron Maul to address the two game suspension. Aaron should contact WIAA Executive Director Mike Colbrese to discuss this matter."

c. How many opportunities to appeal a decision can be made after the WIAA board makes a decision?

i. Aaron Maul came to the June WIAA Board meeting to talk about a "counter proposal" as indicated above.

ii. He did not, however, bring one with him. He made a presentation to the board.

iii. The District 2 Director was present, had asked and been granted permission to speak to the "counter proposal", then was denied the opportunity to address the board.

iv. The board m/s/p "...suspend the deliberations on the request to waive the two game suspension for Aaron Maul until such time that a plan of improvement provided by Aaron Maul and Seattle Prep with input and involvement by WIAA staff member Brian Smith could be presented to the board."

d. Where is "mitigation" described in the WIAA Handbook or in WIAA Board Policy?

i. Since Aaron did not bring a "counter proposal" to the June meeting, he was allowed another opportunity at the August meeting to appeal his penalty of a two game restriction. The WIAA Exec Director described this as a "mitigation" of the penalty, not an appeal of the penalty.

ii. The board then chose to grant relief from the two game suspension imposed by District 2 and put Aaron on probation for two years.

iii. Aaron appealed to the WIAA, then was provided an opportunity to appear again, and was offered the opportunity to appeal for the third time to the board for relief from his penalty.

iv. What is the precedent the WIAA Board is setting by allowing so many appeals for exactly the same thing - in this case, relief from a two game

restriction?

v. Why would a League or District ever apply a tough penalty on a coach or school if the WIAA is going to allow at least three opportunities to overturn that decision?

3. **Bellevue High School**

a. Why and when was Appendix 11 (12) removed from the WIAA Handbook.

i. Is this change recorded in the Executive Board Minutes? If so, When? If not, why not?

ii. Is it in the Executive Board Manual? If so, when was it added?

iii. Why was it moved from one to the other?

iv. If it is still in the Exec Board Manual, is it still the procedure we are using? If not, what written procedures and guidelines are we following for investigations?

v. What procedures were followed for this hearing? Are they in writing? Are they the same procedures used for the other investigations (ECHS, BBHS, LKSD)?

b. What due process procedures should be followed during the appeal hearings taking place at the league or district level?

i. During the Kingco AD hearing, Bellevue's response to the 68 page investigative report was sent to the WIAA, who forwarded it to the two prosecutors so they could respond to Bellevue's report.

ii. Is this standard due process procedure?

iii. Should Bellevue have had the opportunity to see this second document and respond to it before their hearing? Since WIAA had involved themselves in the process, should they have told Kingco ADs what the proper procedure should have been?

c. Should the WIAA be directly involved in the hearing process at the League or district level?

i. Several days prior to the SeaKing District 2 Hearing, John Olson called three of the board members to convince them the district needed a lawyer present and that the District Director should not have been involved in any way.

ii. Is it appropriate for the lawyer for the WIAA to involve himself in lower appeal body decisions without ever having had a discussion with the District reps on the WIAA executive board or with the District Director himself?

iii. District Board members thought it was very odd (at best) that the WIAA Lawyer was involved at this level at the same time he told us he couldn't represent us because the appeal was headed his way.

4. **Should we pass an amendment so we can find out what is in it?**

a. Amendment 4. No discussion took place at the Rep Assembly because it was the first time the members had seen it and there was no time for reflection.

b. I opposed amendment 4 following the Rep Assembly because it was too vague and gave too much power to individuals without guaranteeing due process

rights.

c. Mike's response was:

1. "While one way to address your concerns would be to defeat the amendment, I do believe that there are other ways to address them.

ii. You/we could make suggestions on editing the language that would be seen as a directive to edit the language if it passes;

iii. The WIAA Executive Board could enter into an agreement that if the amendment passes, then the language would be edited with your being involved with that process.

d. The amendment was passed and there has been no follow-up discussion.