



Bellevue School District #405 – Athletics and Activities Department

Dr. J. Tim Mills, Superintendent

John Harrison, Executive Director of Schools

Jeffrey R. Lowell, District Athletics and Activities Director

Bellevue School District Request for Clarification and Conclusion of the Fact Finding Investigation Procedure

Meeting Date: December 16, 2015

In Attendance for BSD:

Dr. J. Tim Mills, Superintendent

John Harrison, Executive Director of Schools

Jeff Lowell, District Athletics and Activities Director

Annie Cole, General Counsel

In Attendance for WIAA:

Mike Ottis, Athletic Director, Wilson Creek HS / Executive Board President

Tim Thomsen, Athletic Director, Sumner School District

Mike Colbrese, Executive Director, WIAA

John Miller, Assistant Executive Director, WIAA

John Olson, General Counsel, WIAA

On August 22, 2015, The Seattle Times released an article focusing on the Bellevue High School Football team (**Bellevue High's football success aided by 'diploma mill'**). Upon review of the article, which included allegations of potential WIAA violations, Jeff Lowell and John Harrison discussed the district's responsibility to review and respond to the allegations. Jeff Lowell was then contacted by Mike Colbrese to discuss the contents of the article.

Jeff Lowell and John Harrison spoke with Mike Colbrese over the phone on Monday August 24, 2015. During the August 24, 2015 phone conversation Mike shared with Jeff and John that the information contained in the article would cause concern amongst the athletic community outside of Bellevue, and that it was only a matter of time before the WIAA would be asked to investigate the program. Mike also shared that when a district asks for an investigation that they are provided an opportunity to request specific areas for a fact-finder to investigate. The Bellevue School District, after review of the article determined that there were five areas where a response was necessary. These areas as determined by the Bellevue School District are: Whether BHS (football) coaches directed athletes to attend the Academic Institute, whether BHS boosters paid for tuition of athletes at Academic Institute, whether athletes used false addresses to gain eligibility, whether athletes received subsidized housing to gain eligibility, and whether coaches are coordinating tuition payment for athletes.

Upon consideration of the information shared by Mike and a review of the fact-finding investigation procedure, the school district moved forward with a formal request for a fact-finding investigation relative to these identified areas of possible violation printed in the Seattle Times article. The district settled on requesting a WIAA fact-finding investigation as the district was comfortable with the WIAA procedure, viewed by the district as a fair and thorough means to gather relevant facts.

Since the request was made of the WIAA in August of 2015, concerns have been raised within the Bellevue School District regarding the procedure as it has been executed. It is the position of the Bellevue School District that the current fact-finding investigation is not utilizing the procedure as it was explained and as it reads in WIAA documentation. During the past three months, there has been considerable effort to determine a means to re-engage the existing fact-finding investigation procedure to guide the remainder of the investigation. Efforts through November have not been successful.

The Bellevue School District sent a letter on December 4, 2015, signed by John Harrison, to the WIAA Executive Board with the sole intention of receiving guidance and/or clarification from the board with respect to our repeated concerns specific to the fact finding investigative procedure. It is the district's hope that the Executive Board will be able to provide clear and executable action items at the conclusion of today's meeting that will lead to a fair and timely resolution to this fact-finding investigation.

There are four main areas where the Bellevue School District seeks clarification and guidance. Each area, along with supporting information is detailed on the following pages. The areas are: I. Investigation Scope, II. Roles and Responsibilities, III. Investigator Conduct, and IV. Timeframe and Expected Outcomes.

The following pages contain detailed information to provide context for each of the following points, the sum of which outline BSD's concerns. The Bellevue School District respectfully requests an opportunity to state these concerns in their entirety.

Summary: Points of Emphasis.

(Section I.A) There have been three in person meetings and additional contact with the WIAA requested by the Bellevue School District, all focused on either formally outlining or to provide clarification of fact-finding procedures.

(Section I.B) The WIAA handbook language which guides appointment and selection of investigators has not been utilized for the Bellevue School District fact-finding investigation. There is also a question regarding the omission of the fact-finding procedure (stated to be Appendix 12) in the 2015-2016 WIAA Handbook.

(Section I.C) The investigation immediately went beyond the requested scope, outside of the procedure outlined in the last printed procedure (Appendix 11 of the 2014-2015 Handbook) for fact-finding investigators.

(Section I.D) During the investigation, there have been reports made to the district that the investigators are interested in information that is not factual.

(Section I.E) During the investigation, there is concern that the fact-finders have not followed procedure (Appendix 11) by turning over information to the district of credible allegations 'which indicates a violation of WIAA rules has occurred.'

(Section II.A) Upon review of completed WIAA fact-finding investigations, there are concerns regarding the selection of the investigators. Each of the three investigations completed within Seaking District 2 over the past year have utilized former school based administrators. Additionally, there is concern with a possible conflict of interest with these Investigators.

(Section II.B) The investigators have also sent documentation to the school district which states they have been given no scope, but have been charged to investigate any and all allegations. The concern is that this is not in accordance with the procedure or past practice when examining past WIAA fact-finding case summaries.

(Section II.C) In the procedure (Appendix 11), it states that it is the responsibility of the association to provide the member school an opportunity to respond to any and all allegations 'which indicates a violation of WIAA rules has occurred.'

(Section II.D) The Bellevue School District, per the fact-finding procedure (Appendix 11) has cooperated with this investigation while remaining in compliance with FERPA regulations although there have been multiple allegations made by the investigators contrary to this fact.

(Section II.E) Although there has been cooperation on the part of the school district, there has not been 'total cooperation between the WIAA fact-finder and the involved member school,' as the fact-finders have not been forthcoming with information they state they have found 'which indicates a violation of WIAA rules has occurred.'

(Section II.A) The procedure (Appendix 11) provides the fact-finders guidance to utilize as they complete the investigation. These guidelines were not utilized by the fact-finders.

(Section III.B) The investigators requested that the Bellevue School District release detailed student information absent parent permission.

(Section III.C) The WIAA released the names of the investigators in a press release. This has not been past practice when conducting fact finding investigations.

(Section III.D) There is a concern within the Bellevue community that the investigators have been in close contact with reporters from the Seattle Times.

(Section IV.A) From the outset of the investigation, it was stated that typically a fact-finding investigation would take approximately four weeks. The current investigation has been on-going for thirteen weeks and it has been stated publically by the WIAA that it may continue for another month.

(Section IV.B) As a district with four member schools, we are concerned with the precedent being set by the cost that is being assumed by the WIAA through commissioning fact-finding investigations in this manner.

(Section IV.C) The Bellevue School District respectfully submits for consideration a request that would allow for a conclusion to the investigation.

Supporting Documentation / Information

I. Investigation Scope: The BSD and the WIAA agreed to five items on which to focus a fact finding investigation. This is not in dispute and has been stated in documentation by BSD and the WIAA.

(Section I.A) There have been one phone call and three face to face meetings to date, all arranged to discuss or clarify the scope and procedure that would guide the investigation. The dates and attendees of the meeting are:

1. **Friday August 28, 2015** at Bellevue High School: Scott Powers (Principal), Lauren McDaniel (BHS AD), John Harrison (Executive Director of Schools), Jeff Lowell (District AD) / John Miller, John Olson were all present. Mike Colbrese was originally scheduled to be at the meeting but could not attend. The meeting on August 28 outlined procedure, which included assurances that any investigator would investigate both sides of the stated issues, and that any investigator could have no conflict of interest, but must have an appropriate background.
2. **Friday September 25, 2015** at the BSD ESC: John Harrison, Jeff Lowell / John Miller, John Olson. The meeting on September 25 after sharing concerns, ended with a decision to hold the third meeting.
3. **Wednesday September 30, 2015** at the BSD ESC: John Harrison, Jeff Lowell, Annie Cole / John Miller, John Olson, Carl Blackstone and Bob Westinghouse. The dual purpose of the meeting was to clarify scope and tenor of the investigation, and for the Bellevue School District to provide the WIAA our limitations when releasing student information to non-school personnel under FERPA. During the meeting, John Miller shared additional information with the district regarding the fact-finding procedure (Included in the September 28, 2015 Summary of Meeting, which was shared with the Executive Board December 6-7, 2015. This information included the following:
 - a. As the Bellevue School District requested the investigation, the report as prepared will come to the school district for review.

- b. The report will list any facts which bear a violation, any facts which raise question of violation, and any facts which lead to a dismissal of allegations.
 - c. The goal of the report is to determine whether there is a 'level playing field' as the rules in question help provide that level playing field for all participants.
 - d. Once facts are determined, ensuring that there is a level playing field is the only goal.
 - e. Once the report is received by the Bellevue School District, the district has time to respond to the findings. Responses may include:
 - i. Acceptance of facts as presented; whether dismissing allegations or bearing out violations
 - ii. Gathering additional information regarding facts; as a means to determine appropriate reaction to what is presented
 - iii. A report will then need to be given to the KingCo conference either as a self-report, or to provide information regarding the dismissal of allegations...or both.
4. **Thursday, October 22, 2015 phone conference:** John Harrison and Kevin O'Neill spoke with John Miller and John Olson. The meeting was necessary as an additional investigator, hired by Mr. Blackstone and Mr. Westinghouse, interviewed a current Bellevue High School student without receiving prior consent through the Bellevue School District.

(Section I.B) Upon review of the WIAA Handbook, Article 8.12.9 states the WIAA Executive Board selects fact finding investigators and refers to Appendix 12 for the procedure to follow. There is no Appendix 12 in the 2015-2016 handbook that deals with investigations. Appendix 12 in the 2015-2016 handbook is A Historical Perspective of the WIAA. A review of Appendix 11 in the 2014-2015 Handbook does reveal the published procedure for conducting fact-finding investigations. Appendix 11 states:

- a. **(Section II of Appendix 11: Initial Investigation) When this initial investigation indicates that a violation of WIAA rules has occurred and that the allegation comes from responsible sources and appears to be reasonably reliable, the matter may be assigned to a WIAA Fact-Finder by the WIAA Executive Director/District Director.**
 - i. The Handbook outlines that the Executive Director may assign a fact-finder, but the language in handbook states that it is the responsibility of the Executive Board to select a fact-finder: is this an accurate interpretation of how fact-finders are assigned and selected?

(Section I.C) As the investigation has worn on, there are many questions that have been asked and documentation requested which outside of the stated scope, including:

- a. Information about athletes in other programs (girls' soccer and track for example) where no allegations have been provided to the district which indicates that a violation of WIAA rules has occurred.
- b. Queries regarding the district HIB investigation conducted and completed in the spring of 2015. It was stated at the September 25, 2015 meeting that information arising from the HIB investigation which indicated a violation of WIAA rules occurred were resolved in their entirety. In spite of this clarification, there continues to be requests for access to the investigator hired by the Bellevue School District in January of 2015. Mr. Blackstone and Mr. Westinghouse continue to request access even though the district has provided them with all information from the Bellevue School District Harassment, Intimidation, and Bullying Investigation relative to violations of WIAA rules.
- c. At the September 25, 2015 meeting, John Miller raised two additional items the WIAA believe were requested by the school district to be included in the investigation. John shared that the following items should also be part of the investigation, however, the Bellevue School District clarified that neither item should be included.
 - i. **Investigating any connection between AAU basketball and the Bellevue Football program.** It is the position of the school district that this has no bearing on the current investigation. The investigation into allegations detailing ties between AAU and the Bellevue Football program was

investigated by district personnel in 2011. As information came to the school district, John Harrison completed a complete review of all relevant information, including interviews with relevant individuals and a review of the AAU team structure. At the conclusion of the investigation, it was determined that the information as presented did not constitute a violation of WIAA rules.

- ii. **Out-of-Season conditioning.** This item was discussed in context with sanctions which were applied by the KingCo League back on June 2, 2015. It is the position of the school district that the out-of-season violations which were uncovered during our investigation into a HIB complaint were resolved through the self-report procedure in June.

(Section I.D) As the procedure (Appendix 11) is written, "when information is received (either written or oral) by the WIAA State/District Office, which indicates that a violation of WIAA rules has occurred, a WIAA Director/District Representative conducts an initial investigation. This initial investigation is conducted to determine if the information is from responsible sources, appears to be reasonably reliable and indicates that a violation of WIAA rules has actually occurred." It is the district's interpretation of this language that the WIAA is to act upon allegations substantiated by fact. Is this an accurate interpretation?

(Section I.E) The procedure as listed in Appendix 11 states: "When information has been developed to indicate that a violation of the WIAA rules may have occurred that will require further in-person investigation, the WIAA State/District Office submits a letter to the superintendent and principal of the member school to notify them of the preliminary inquiry into that member school's athletic policies and practices."

- a. The district maintains that for any information that has been or will be found during the fact-finding investigation we requested which indicates that a violation of the WIAA rules may have occurred, that the procedure (Appendix 11) as defined by the WIAA Handbook must be utilized. Therefore, if the WIAA has information which indicates that a violation of WIAA rules has occurred outside of the five stated areas of the fact-finding investigation, the procedure (Appendix 11) states that the WIAA will prepare a letter (separate from the investigation the district requested) to share the "information (that) has been developed to indicate that a violation of the WIAA rules may have occurred."
 - i. In the September 30, 2015 meeting, it was stated that "since being commissioned that this is exactly what has happened (information that indicates that a violation of WIAA rules has occurred has come to light). Mr. Blackstone shared that there have been interviews conducted that provided them (the two investigators) with credible allegations about coaches being paid. John Harrison asked why these allegations have not come to the district. Mr. Blackstone stated that he does not know why, but that they (Mr. Blackstone and Mr. Westinghouse) have been beating the bushes and people have spoken to them." According to the procedure (Appendix 11), the information gathered by the investigators must be shared with the district so the district may act upon what Mr. Blackstone and Mr. Westinghouse state is information which indicates that a violation of WIAA rules has occurred.
- b. As stated in the procedure (Appendix 11), prior to a fact-finder being commissioned to investigate allegations, a member school is to be provided an opportunity to respond to allegations, which the district is prepared to do as outlined in the procedure (Appendix 11). The district understands our obligation to respond to information which indicates that a violation of WIAA rules has occurred, while providing, where appropriate, documented evidence relevant to the allegations in one of three ways:
 - i. Admit the facts but deny that those facts, as alleged, led to a violation of WIAA rules;
 - ii. Admit the violations and provide reasons why they occurred;
 - iii. Provide other information in mitigation of the admitted violations.

It is imperative to understand that any allegations outside of the scope requested by the district have not been shared, so the district has not been provided an opportunity to respond to the allegations. Rather, a fact-finding investigation has been launched into allegations of WIAA violations that have not been shared with the district as required by the procedure (Appendix 11).

- c. Mr. Blackstone and Mr. Westinghouse state in their letter dated November 4 that 'WIAA representatives explained that while these five areas were the primary focus of the investigation, WIAA was committed to following the facts, wherever they might lead.'
 - i. What Mr. Blackstone and Mr. Westinghouse do not address in their letter is how the WIAA will inform the school and district of the allegations that indicate that a violation of the WIAA rules may have occurred and how they will provide the school and district with the information outlined in Appendix 11 which allows for the school and district to address the allegations. The items that are required to be shared with the district and school are:
 - A. Specify the WIAA rules or regulations alleged to have been violated and in substantial detail each allegation which, if supported by sufficient information, can be expected to support a finding of a rules violation;
 - B. The involved activity;
 - C. The approximate time period during which the alleged violations occurred;
 - D. The identity of the individuals involved;
 - E. An approximate time frame for the investigation; and
 - F. A statement regarding the obligation of the institution to cooperate in the case.

II. Roles & Responsibilities: The district has questions regarding the role of WIAA staff and Executive Board members relating to the ownership of an investigation, the role and involvement of Executive Board members in investigations, communication and transparency during an investigation for all parties, what is done with the case summary upon completion of the investigation, and when investigations are commissioned.

(Section II.A) In past investigations, a retired school administrator has been commissioned by the WIAA. In this investigation, a law firm with two former federal prosecutors have been commissioned. As stated in the August 28 meeting, there also can be no conflict of interest when selecting investigators. In this case, information has been provided to the district which raise concerns of a possible conflict of interest.

- a. It has come to the attention of the Bellevue School District that one of the investigators is married to a high school counselor who recently retired from John F. Kennedy High School. Was the potential conflict of the investigator having a connection to another member school within the same classification vetted prior to commissioning the investigation?
- b. Is it common practice for the WIAA to accept solicitations from individuals pertaining to investigations that are going to be commissioned by the association?
 - i. Lakeside Investigation: Completed by Dele Gunnerson, former school administrator. Did he solicit the investigation?
 - ii. Eastside Catholic Investigation: It is our understanding that this investigation was completed by two investigators, both of whom were former school administrators. Did these investigators solicit the investigation?
 - iii. Bishop Blanchet Investigation: Completed by Karst Brandsma, former school administrator. Did he solicit the investigation?
 - iv. Bellevue High School Investigation: Completed by Carl Blackstone and Robert Westinghouse – two attorneys and former federal prosecutors, who called multiple people stating their desire to investigate the allegations in the newspaper? Why did they solicit the investigation?
- c. Why is there such a stark difference in who was chosen to investigate allegations, allegations which were brought to the association by the school district?
- d. What precedence does this difference in selection of investigators mean for ALL future investigations? If it means none, why is this investigation being treated differently?

(Section II.B) It remains the district's position that we requested an investigation into the five areas previously stated. Of concern to the district are the repeated statements by the investigators that they have no scope and the fact that this has not been the practice during previous investigations.

- a. Lakeside Investigation: Lakeside requested a fact-finding investigation into five allegations outlined in the Seattle Times in the fall of 2014. These included: recruitment, conflict of interest with A Plus Youth Program, the relaxation of academic standards, amateur status, and supplemental income for coaches. The case summary outlines findings focused solely on those five areas.
- b. Eastside Catholic Investigation: Eastside Catholic requested a fact finding investigation into recruiting within the boys' basketball program. It is the district's understanding that the case summary outlines findings focused solely on recruiting in the boys' basketball program.
- c. Bishop Blanchet Investigation: Bishop Blanchet requested a formal fact finding review of their self-reported WIAA rule violations (Rule 27.0.0 Illegal Recruiting and Rule 17.5.0 Out of Season). The case summary outlines findings focused solely on those two areas.
- d. Why is the investigation requested by the Bellevue School District being treated differently? The investigators (stated in their November 4, 2015 letter to John Harrison) have been "instructed by WIAA to conduct a fair, thorough, and independent investigation and to follow the facts wherever they might lead. In this regard we were told to "look under rocks, under rocks, under rocks." Other member schools were afforded an opportunity to define their fact-finding investigation while the WIAA gave instructions to investigate Bellevue High School outside of a defined scope, instructions at odds with the written and published procedure for fact-finding investigations. Is there an explanation for this discrepancy?

(Section II.C) In the procedure there are multiple references to the member school having opportunity to address any allegations which indicates a WIAA rule violation has occurred. This was stated in the three meetings held between the Bellevue School District and the WIAA shared above as well. This has also been past practice in previous fact finding investigations.

- a. Lakeside Investigation: The findings were given to the school to determine appropriate steps to resolve issues as presented in the case summary. The school provided a letter of remedy per WIAA procedure.
- b. Eastside Catholic Investigation: It is the district's understanding that the findings were given to the Metro League, as the league requested the fact finding investigation. It is also the district's understanding that the league provided a letter of remedy per WIAA procedure.
- c. Bishop Blanchet Investigation: The findings were given to the school to determine appropriate steps to resolve issues as presented in the case summary. It is the district's understanding that it is now the school's responsibility to prepare a letter of response after a review of the case summary to be heard by the Metro League, and then by the SeaKing District Executive board to accept, reject, or amend proposed remedies.
- d. There has been no written verification provided to the Bellevue School District regarding the case summary and who 'owns' the document. Is Bellevue High School and the school district going to have the same consideration as the other three member schools?

(Section II.D) There have been concerns raised regarding the Bellevue School District's cooperation with the investigation. These concerns were raised in Mr. Westinghouse and Mr. Blackstone's letter to John Harrison dated November 4. In the letter, Mr. Blackstone and Mr. Westinghouse highlight the fundamental issues which warrant a swift resolution.

- a. Mr. Blackstone and Mr. Westinghouse state in their November 4 letter to John Harrison that it is 'not the case' that BSD controls the scope of the investigation. As interpreted by the Bellevue School District, the procedure as outlined in the procedure (Appendix 11) states that this is precisely the case. The procedure (Appendix 11) refers to specific information being the basis of a fact-finding investigation. The procedure (Appendix 11) does not state that an investigation should be launched into any and all pieces of information. Why is it that the investigators continue to alter the requested scope of the investigation while refusing to reveal the additional information that they purport to having received which indicate that a violation of the WIAA rules may have occurred? All information that has been gathered to date by the investigators must be handled according to the procedure (Appendix 11), and to date, this has not occurred.

- b. Mr. Westinghouse and Mr. Blackstone include in their November 4 letter that the Bellevue School District is not cooperating with the investigation. This is simply untrue. To date, the school district has responded to sixty-five separate requests for documentation which have been or are being completed. This has added up to thousands of pages of documentation. Additionally, the district has made available for interview eighteen separate district employees. There are three additional interviews that are being scheduled with the investigators. The district also contacted nine families of student-athletes to be interviewed, per Appendix 11 and school district procedure, and one of the nine agreed to be interviewed. This number of interviews is in line with previous investigations.
- i. Lakeside Investigation: As reported in the case summary, Mr. Gunnerson conducted a total of sixteen interviews and a review of information relative to the five stated areas of concern. The information Mr. Gunnerson reviewed was provided by the school and was specific to the five stated areas of concern outlined by Lakeside school.
 - ii. Eastside Catholic: the case summary has not been released publically.
 - iii. Bishop Blanchet: As reported in the case summary, Mr. Brandsma conducted twenty-nine interviews, which were the primary source of information for the investigation. Mr. Brandsma also received a comprehensive packet of information prepared by the school, containing information relative to the two stated areas of concern outlined by Bishop Blanchet High School.
 - iv. During the investigation there has been a lack of transparency on the part of the investigators as they continue to request items seemingly unrelated to the five stated areas of concern as outlined by the Bellevue School District. When asked for clarification regarding how the information is germane to the investigation, the school district is accused of non-cooperation.

(Section I.E) Appendix 11, Section V. Fact-Finding Investigation, states: "The fact-finding procedures provide that the WIAA Fact-Finder and the involved member school(s) should conduct separate investigations of specific allegations..... This procedure is designed to place responsibility for investigating the facts on all parties in an effort to assist the WIAA State/District Office in making the appropriate decision, if a violation has occurred. While there are usually separate investigations, it is also normal for there to be total cooperation between the WIAA Fact-Finder and the involved member school(s). Even though the member school(s) is required to assist in the investigation, the burden of proof to show that the violations of WIAA regulations have occurred still rests with the WIAA Fact-Finder. Any and all information, which the Fact-Finder has available concerning the member school violation(s), will be made available to the member school involved." As stated, the district has been and will continue to cooperate with the investigation as requested. What needs to be resolved is the additional information which the investigators state they possess to which the district has not been given an opportunity to respond. The district has not received any, let alone all the information the fact-finder has purported to have uncovered regarding possible violations.

- a. Can the district expect that the allegations related to '(1) the recruitment of football players; (2) payments and other benefits to coaches, and (3) payments and other benefits to coaches, football players, and their parents' (as stated in the fact-finder's November 4 letter) will be shared with the district and the school in a letter of inquiry as outlined in the procedure (Appendix 11)?'
- b. Although Mr. Blackstone and Mr. Westinghouse state that they and the WIAA will continue to investigate these allegations, the procedure (Appendix 11) precludes them from investigating until the school has received the allegations and has been informed that a fact-finder may be commissioned to review the allegations, and the school has received an opportunity to respond to the allegations as well.

Ultimately, in this instance, the Bellevue School District has maintained its position, outlined in the initial request. The Bellevue School District has also maintained a stance that if allegations arise that indicate that a violation of the WIAA rules may have occurred, it is imperative that the procedure (Appendix 11) is followed, meaning the allegation is returned to the school for a response. As stated in the procedure (Appendix 11), investigations may be assigned to a fact finder if information is from responsible sources, appears to be reasonably reliable and indicates that a violation of WIAA rules has actually occurred? Do the WIAA, the Executive Board, and/or member schools want to set a precedent

in not following the procedure (Appendix 11) as outlined; in essence launching an investigation without providing a member school an opportunity to respond to the allegations?

III. The district has questions regarding the tone of the investigation, the tone used by the investigators during the interview process, accusations that have been leveled, and the perception of bias that has been shown during the investigation.

(Section III.A) The procedure (Appendix 11) provides guidelines for the Fact-Finder. The guidelines provide information for member schools on what they should expect from the fact-finder(s). These guidelines are:

- a. Contact the superintendent of the school district in question to schedule a pre-investigation meeting. At the meeting with the superintendent, the Fact-Finder should provide copies of all materials previously accumulated for his/her review and ask for any additional material that the superintendent may have. The Fact-Finder should review with the superintendent those individuals who are to be interviewed and seek prior approval from the superintendent to interview those individuals who are school district employees;
 - i. A concern rises out of the lack of cooperation on the part of the investigators at the beginning of the investigation. The investigators did not begin the investigation with the superintendent's (designee) office. As shared in the September 30, 2015 meeting summary: "The meeting ended with Bob and Carl apologizing for contacting and meeting with Nancy Larson prior to John H. and all emphasizing a belief that the investigation will be most effective if BSD and WIAA (including Bob and Carl) are working cooperatively." Also, there was no initial information provided to the district by the investigators at the outset of the investigation.
- b. Prior to any interview, the Fact-Finder should outline those facts or circumstances that the Fact-Finder hopes to obtain through the interview. During any interview, the Fact-Finder should avoid using leading questions (questions that suggest an answer, usually questions that can be answered with a yes or no).
 - i. It is this guideline that has caused the most difficulty. At the outset of the investigation, all relevant employees were informed of the scope of the investigation and that they should be ready to answer questions relative to that scope. Questions not directly related to the scope, but to other "credible allegations" caused confusion and concern – has this been past practice?
 1. Bishop Blanchet Investigation: In the case summary it is stated that the 'fact-finder developed a two-page handout used in all interviews. The handout insured consistency in all the interviews and contained an introduction, a list of ten questions and closing remarks.'
 2. There have been concerns shared with the district regarding the types of questions raised in interviews during the current investigation. Individuals being interviewed have been asked to speculate on how individuals make their money, how they have come to drive their car, how individuals afford to live in Bellevue, and how specific events have made them feel. Questions on topics such as these do not provide fact, but speculation and innuendo. If this did not happen in previous investigations, why is it happening in the current investigation?
- c. Interview only those individuals who have first-hand information or may lead to other individuals with firsthand information relative to the alleged violation. The Fact-Finder should always introduce him/herself prior to any interview, identifying who he/she is, who he/she represents, and the purpose of the investigation. The interview may be taped, but only with prior knowledge and approval of the person being interviewed. In addition, parental approval must be obtained, if the individual being interviewed is under eighteen years of age. At the conclusion of the interview, the Fact-Finder should reduce the interview to a typed, written report that accurately reflects the interview. To ensure accuracy, the person interviewed should review the written report.
 - i. It has been reported to the district that the families who did not wish to be interviewed were concerned about the aggressive nature of the questioning of individuals, which led to them refusing interviews.
 - ii. There has also been stated concern to the district from the community of disparate treatment of individuals through interviews.

- iii. To the district's knowledge, there has been no request for any person interviewed to review a summary of the notes taken in the interview to ensure accuracy of the interview notes.
- iv. There have also been requests for interviews with individuals where there is no apparent connection to the scope of the investigation. When asked for clarification regarding the reason for setting up the interview (see b. above) there has been a lack of transparency in communicating with the district regarding the relevance of the interview pursuant to the requested investigation.
- d. Once all interviews have been completed, the Fact-Finder should have all the written reports compiled for presentation to the WIAA Executive Board/District Board. Each written report should contain a brief summary from the Fact-Finder as to believability of the person interviewed and any corroborating witnesses or evidence reviewed pertinent to the specific interview. The Fact-Finder should review for accuracy all reports and relevant material that have been compiled. This matter is then submitted to the WIAA Executive Board/District Board for a formal review and/or hearing. These reports are known as the Case Summary.
 - i. A case summary must remain focused on 'relevant material.' The Bellevue School District maintains that this means focused on what we have requested and that any additional information the fact-finders may have received through their investigation must be dealt with according to the procedure as outlined, through a letter of inquiry to the school.
- e. The Fact-Finder is not to make a determination as to whether a rule violation has occurred but rather to provide as much credible evidence as possible to the WIAA Executive Board/District Board to make such a determination.
 - i. In the WIAA Core Principles, the first principle is to 'Ensure respect for all individuals and communities by valuing others, treating them with dignity, and promoting ethical behavior in all activities. During interviews there have been statements made to personnel directly accusing them of lying. As interpreted by the Bellevue School District, this interviewing tactic seems to be in direct conflict with this Core Principle.
 - 1. During interviews, there have also been statements made that raise additional concerns that the WIAA Core Principles are not being followed. Mr. Blackstone and Mr. Westinghouse have made statements that they are willing to alter their report based on information that they receive, rather than share report all of the information received.
 - a. During an interview on November 18, Mr. Blackstone and Mr. Westinghouse, in an interview with Jeff Lowell made concerning statements:
 - i. Mr. Blackstone and Mr. Westinghouse stated that there is a belief that the district is trying to outwait the WIAA but the district can be assured that the WIAA and they are not going anywhere. They (Mr. Blackstone and Mr. Westinghouse) are committed to seeing this through. During the interview Mr. Westinghouse asked if Mr. Lowell had heard the saying 'death by 1000 papercuts.' Mr. Westinghouse stated that the outcome of the investigation could come quickly or could be death by 1000 papercuts.
 - ii. Mr. Blackstone also stated that at this time they had begun their report and that the school district, as the report was being written will look as bad as the booster club, but it doesn't have to be that way. If the district cooperates, then the report could still reflect that fact.
 - iii. Both Mr. Blackstone and Mr. Westinghouse shared that they had read through the coaches training materials used in the August 2015 training. Mr. Westinghouse stated that he wondered how Mr. Lowell could stand in front of coaches and share the purpose of the department, centered on fair play and following regulations and guidelines knowing that there are coaches in violation of these regulations and guidelines. Mr. Westinghouse also added that Mr. Lowell must feel some hypocrisy when presenting.
 - iv. They both encouraged Mr. Lowell to speak to whomever he could, be it Dr. Mills, Mr. Harrison, or Ms. Annie Cole to see if there could be a 'do-over,'

while creating a structure around student records to allow more access to these records for the investigators.

- v. Mr. Blackstone and Mr. Westinghouse also asked Mr. Lowell if the WIAA provided immunity for all athletes whether it would alleviate the concerns for those who had been requested for interviews and would assure cooperation with the investigation. Mr. Lowell stated that he didn't know if it would – but was sure that the WIAA would not be interested in such action as it would create issues for the association with all member schools in the future.
- vi. The exchange left Mr. Lowell with the impression that Mr. Blackstone and Mr. Westinghouse would alter their reporting of the facts as they have been gathered if they were provided with every piece of information requested, including student information in violation of FERPA, without any question from the school district.

(Section III.B) As stated in the procedure, parent permission for students under 18 is part of the procedure. Mr. Blackstone and Mr. Westinghouse, as well as the WIAA have gone on record asking the district to go one step beyond student interviews by requesting student records absent parent permission. In their November 4 letter, Mr. Blackstone and Mr. Westinghouse stated that 'if BSD wants WIAA to conduct an independent investigation, then BSD must provide us with the same unrestricted access to documents which would be available to investigators employed by or working for BSD.' In a review of the Lakeside and Bishop Blanchet case summaries, it does not appear that either investigator requested, received, nor needed this level of access to student records for similar issues. Is this accurate?

- a. Lakeside Investigation: "The investigator reviewed written materials provided by the school...." There is no statement in the case study of specific student information being requested, additional information being requested, nor of the school being accused of hiding information.
- b. Bishop Blanchet Investigation: 'The fact-finder received a comprehensive packet containing information from the school's investigation.' There is no statement in the case study of additional information being requested, nor of the school being accused of hiding documentation.
- c. In both instances, the fact-finder utilized documentation that the school was able to prepare ahead of the investigation as the school outlined what was being investigated and the investigators remained focused on determining facts relative to the request made by the school. In the current investigation, the fact-finders were immediately investigating allegations outside of the procedural guidelines set by the WIAA.

(Section III.C) As the Lakeside investigation was commissioned, there was an article by the Seattle Times outlining this fact. However, the WIAA would not name the investigator although it was requested by the Seattle Times. (Interscholastic activities group to investigate Lakeside School tactics, Sept 2014) When the investigation was requested by the Bellevue School District and fact-finders were commissioned, there was a press release from the WIAA announcing their names. Stories ran in many media outlets, including in the Seattle Times and the Bellevue Reporter. There was no press release announcing the names of the investigators in the Eastside Catholic or Bishop Blanchet investigation. Why was there a different media practice in this case?

(Section III.D) The Bellevue community and school district is concerned that Seattle Times reporters have been following the same path as the investigators. There have been reported phone calls to individuals from the investigators, which have been followed (sometimes minutes, sometimes hours later) by a phone call from the Seattle Times. This has raised concerns regarding the confidentiality of the interviews.

IV. The district has questions regarding the timeframe and expected outcomes of the investigation including; an end date to the investigation, the plan for the case summary, an agreed upon communication strategy, and the cost of the investigation.

(Section IV.A) A primary concern as the Bellevue School District entered into this investigation was the length of time it would take to complete the procedure. The WIAA shared at the onset that past investigations have taken approximately four weeks. This investigation was requested on August 28 and began the week of September 14. It has been ongoing for over three months.

1. In a radio interview on KJR-AM on December 4, 2015, Mr. Colbrese stated to the radio host that the investigation would be going on for another month – into January of 2016.
2. In a conversation with Scott Powers on December 4, 2015, Mr. Colbrese stated that the hope is to close the investigation by Christmas.
3. We request that an end date be set that we are able to communicate with our community.

(Section IV.B) As a district with four member schools, the precedent that has been set by commissioning an investigation which has been executed as this one has is troubling. Has the Executive Board determined means to support the investigation financially in a manner that will not ultimately impact member schools through higher dues?

(Section IV.C) At odds are opinions regarding what should happen with the information gathered by the fact-finders through the investigation. The Bellevue School District requests that the Executive Board provide clarity on how the information gathered through the fall is to be documented and shared within the district. The Bellevue School District believes that the information must be shared as outlined in Appendix 11.

1. The case summary of the investigation requested by the Bellevue School District should be completed, written specific to the five areas of concern raised by the Bellevue School District. It is the Bellevue School District's understanding, as it is written in the procedure, that the case summary is a presentation of fact, and therefore the fact finders should be concluding their summary without a 'conference with Executive Staff' and without any recommendation for sanctions. Is this accurate? This has been past practice.
 - i. Lakeside Investigation: The case summary was accompanied by a cover letter addressed to Mr. Bernie Noe, Headmaster, Lakeside.
 - ii. Bishop Blanchet Investigation: 'That Bishop Blanchet High School submit these findings to the Metro League for review of the girls' basketball and boys football MAEC sanctions.'
 - iii. Will Bellevue High School and the Bellevue School District have the same consideration?

(Section IV.D) Summary and Request: The procedures, rules, and regulations included in the WIAA Handbook are designed and implemented to strengthen all member school's ability to oversee their programs, while aligning them with WIAA rules. A fact-finding investigation is one means for a school and district to ensure that their program(s) are operating in a manner consistent with the procedures, rules, and regulations included in the WIAA Handbook. At this time, the compilation of the information gathered during the past three months to be presented to the Bellevue School District in the manner outlined below will make that possible.

The procedure (Appendix 11) outlines what needs to occur for any additional credible information which indicates that a violation of WIAA rules has occurred. This procedure (Appendix 11) should guide what happens with the information that Mr. Blackstone and Mr. Westinghouse state they have in their possession. The following must take place to bring a resolution to the investigation:

1. A case summary must be completed specific to the five areas requested by the Bellevue School District for this investigation according to procedure (Appendix 11). Of import are two items as this summary is concluded:
 - a. As stated in the guidelines in procedure (Appendix 11): **The Fact-Finder is not to make a determination as to whether a rule violation has occurred but rather to provide as much credible evidence as possible.**

- b. As stated in Section VII. Case Summary of procedure (Appendix 11): The Fact-Finder will provide no additional information to the WIAA Executive Board/District Board until the review hearing.
2. A Letter of Inquiry must be drafted by the WIAA and submitted to the school detailing any additional information which indicates that a violation of WIAA rules has occurred, while providing, where appropriate, documented evidence relevant to the allegations, noting that the school and district have every intention of dealing with any issues that warrant attention.

To this end, we respectfully request that the WIAA:

1. Provide a specific deadline for concluding the investigation that may be amended by mutual agreement.
2. Direct the investigators to:
 - a. Provide a list of documents, information, and interviews necessary to complete the investigation in a timely fashion.
 - b. Provide a case summary in compliance with the procedure (Appendix 11) of the investigation as requested by the Bellevue School District in August 2015.
 - c. Provide a letter of inquiry in compliance with the procedure (Appendix 11) detailing any information that has been developed to indicate that a violation of WIAA rules may have occurred.

The Bellevue School District appreciates your attention and assistance in this matter.

Respectfully Submitted,

John Harrison, Executive Director of Schools
Jeff Lowell, District Athletics and Activities Director

APPENDIX 11 – PROCEDURE FOR WIAA FACT-FINDING (From 2014-2015 Handbook, no Appendix 12 as referenced in 2015-2016 handbook)

I. Introduction

This is intended as a guideline for cases where the WIAA Executive Director/District Director has determined the need to appoint a WIAA Fact-Finder. The purpose is to clearly outline WIAA fact-finding procedures and expectations. Fact-finding investigations can proceed to either a Review Hearing before the WIAA Executive Board/District Board, to a Summary Disposition, where the member school admits the violation, or to an Expedited Hearing. The formal investigation procedure involving a WIAA Fact-Finder will occur in the following manner:

- A. Initial Investigation – Information is received and verified by the WIAA State/District Office indicating that a potential violation has occurred.
- B. Letter of Inquiry – Superintendent and principal of the member school are put on notice that a WIAA rule violation has been alleged and that a WIAA Fact-Finder may be conducting an investigation.
- C. Member School Response – Member school responds to the official inquiry, and if the allegations are admitted, the member school indicates what corrective action has been taken.
- D. Fact-finding Investigation – Fact-finding investigation is conducted by the WIAA Fact-Finder.
- E. Case Summary – Written summary prepared by the Fact-Finder pertaining to alleged WIAA violations.
- F. Review Hearing – Formal presentation to the WIAA Executive Board/District Board of all information gathered by the WIAA Fact-Finder.
- G. Infraction Report – Written findings and penalties are submitted to the superintendent of the member school subject to the official inquiry.
- H. Reconsideration – The member school subject to the official inquiry may appeal the WIAA Executive Board’s/District Board’s findings, penalties, or both.

II. Initial Investigation

When information is received (either written or oral) by the WIAA State/District Office, which indicates that a violation of WIAA rules has occurred, a WIAA Director/District Representative conducts an initial investigation. This initial investigation is conducted to determine if the information is from responsible sources, appears to be reasonably reliable and indicates that a violation of WIAA rules has actually occurred.

When this initial investigation indicates that a violation of WIAA rules has occurred and that the allegation comes from responsible sources and appears to be reasonably reliable, the matter may be assigned to a WIAA Fact-Finder by the WIAA Executive Director/District Director. The Fact-Finder conducts the interviews necessary to further verify, substantiate or corroborate the initial information.

III. Letter of Inquiry

When information has been developed to indicate that a violation of the WIAA rules may have occurred that will require further in-person investigation, the WIAA State/District Office submits a letter to the superintendent and principal of the member school to notify them of the preliminary inquiry into that member school’s athletic policies and practices.

The letter of inquiry advises the superintendent and principal that a Fact-Finder may be undertaking an investigation, that the investigation will be conducted under the direction of the WIAA Executive Director/District Director and that the Fact-Finder will want to meet with the superintendent or principal to discuss the nature of the violation. The member school will also be advised that, if the allegations are not confirmed, the matter will be closed. The letter of inquiry shall contain the following information:

- A. Specify the WIAA rules or regulations alleged to have been violated and in substantial detail each allegation which, if supported by sufficient information, can be expected to support a finding of a rules violation;
- B. The involved activity;
- C. The approximate time period during which the alleged violations occurred;
- D. The identity of the individuals involved;

- E. An approximate time frame for the investigation; and
- F. A statement regarding the obligation of the institution to cooperate in the case.

The purpose of the letter of inquiry is to advise the member school as soon as possible that an investigation has been started and to provide the member school an opportunity to address the situation in lieu of a formal fact-finding investigation.

IV. Member School Response

After the member school receives the letter of inquiry, it will prepare its response. The member school's response may deny the facts on which the alleged violations are based; admit the facts but deny that those facts, as alleged, led to a violation of WIAA rules; or admit the violations and provide reasons why they occurred; or provide other information in mitigation of the admitted violations. In the response, the member school will provide, where appropriate, documented evidence relevant to the allegations.

If the member school admits that violations of WIAA rules or regulations have occurred, the member school's response should focus on the corrective actions that the member school has taken to prevent a reoccurrence of the violations and any penalties that it has self-imposed upon its program as a result of the violation. The member school is required to file its response to the letter of inquiry within ten (10) school business days of receiving the letter of inquiry. For good cause, the WIAA Executive Director/District Director may extend this time period.

V. Fact-Finding Investigation

The fact-finding procedures provide that the WIAA Fact-Finder and the involved member school(s) should conduct separate investigations of specific allegations. This is done in order to develop as much information as possible concerning the issues in question. This procedure is designed to place responsibility for investigating the facts on all parties in an effort to assist the WIAA State/District Office in making the appropriate decision, if a violation has occurred. While there are usually separate investigations, it is also normal for there to be total cooperation between the WIAA Fact-Finder and the involved member school(s). Even though the member school(s) is required to assist in the investigation, the burden of proof to show that the violations of WIAA regulations have occurred still rests with the WIAA Fact-Finder.

Any and all information, which the Fact-Finder has available concerning the member school violation(s), will be made available to the member school involved.

VI. Fact-Finding Guidelines

The sole purpose of the Fact-Finder is to act in an independent and unbiased manner and gather all relevant and pertinent information relative to an alleged violation. This information will enable the WIAA Executive Board/District Board to make a decision on whether a rule violation has occurred, and if so, what appropriate penalty should be imposed. To accomplish this goal the Fact-Finder should:

1. Meet with the WIAA Executive Director/District Director or Board President to obtain a written summary of the alleged violation(s) and any other materials accumulated by that date;
2. Contact the superintendent of the school district in question to schedule a pre-investigation meeting. At the meeting with the superintendent, the Fact-Finder should provide copies of all materials previously accumulated for his/her review and ask for any additional material that the superintendent may have. The Fact-Finder should review with the superintendent those individuals who are to be interviewed and seek prior approval from the superintendent to interview those individuals who are school district employees;
3. Prior to any interview, the Fact-Finder should outline those facts or circumstances that the Fact-Finder hopes to obtain through the interview. During any interview, the Fact-Finder should avoid using leading questions (questions that suggest an answer, usually questions that can be answered with a yes or no).
4. Interview only those individuals who have first-hand information or may lead to other individuals with firsthand information relative to the alleged violation. The Fact-Finder should always introduce him/herself prior to any

- interview, identifying who he/she is, who he/she represents, and the purpose of the investigation. The interview may be taped, but only with prior knowledge and approval of the person being interviewed. In addition, parental approval must be obtained, if the individual being interviewed is under eighteen years of age. At the conclusion of the interview, the Fact-Finder should reduce the interview to a typed, written report that accurately reflects the interview. To ensure accuracy, the person interviewed should review the written report.
5. Once all interviews have been completed, the Fact-Finder should have all the written reports compiled for presentation to the WIAA Executive Board/District Board. Each written report should contain a brief summary from the Fact-Finder as to believability of the person interviewed and any corroborating witnesses or evidence reviewed pertinent to the specific interview. The Fact-Finder should review for accuracy all reports and relevant material that have been compiled. This matter is then submitted to the WIAA Executive Board/District Board for a formal review and/or hearing. These reports are known as the Case Summary.
 6. The Fact-Finder is not to make a determination as to whether a rule violation has occurred but rather to provide as much credible evidence as possible to the WIAA Executive Board/District Board to make such a determination.

VII. Case Summary

The WIAA Fact-Finder will submit a written summary of the issues remaining in each case to all parties and the WIAA Executive Board/District Board. This is referred to as the "case summary." It will contain a brief history of the investigation, a statement of all the alleged violations and a detailed summary of all the evidence and the identity of all individuals whom the Fact-Finder will rely upon in presenting each allegation. The Fact-Finder will provide no additional information to the WIAA Executive Board/District Board until the review hearing.

VIII. Fact-Finder's Review Hearing by the WIAA Executive Board/District Board

During the presentation of information regarding a potential rules violation, the WIAA Executive Board/District Board will review all information from individuals who have been interviewed by the Fact-Finder or the member school. During the Fact-Finder's presentation to the WIAA Executive Board/District Board, the Fact-Finder will indicate whether, and to what extent, the information being considered has been corroborated or verified. The Fact-Finder should also provide any mitigating facts that exist. A full description of all information available is presented for the WIAA Executive Board's/District Board's review. The member school involved may present any evidence it may desire that is relevant to the inquiry. This may be presented in the form of oral testimony, written statements or other documented evidence.

In reviewing information during a Fact-Finding review hearing, the WIAA Executive Board/District Board may question the representatives of the member institution and the Fact-Finder, as well as any other persons appearing before it, in order to determine the facts of the case.

Following a hearing, the WIAA Executive Board/District Board is responsible for determining if a violation of WIAA rules occurred. The Board's decision must be based upon information that is credible, persuasive and of a kind upon which reasonably prudent persons rely in the conduct of serious affairs.

IX. Infraction Report

Following a Fact-Finding hearing, the WIAA Executive Board/District Board submits an infraction report, which sets forth its findings and penalties to be imposed, if any, to the superintendent and principal of the member school that has been subject of the official inquiry.

If the WIAA Executive Board/District Board determines that there have been violations WIAA rules, the infraction report must contain a consolidated statement of all of the violations of WIAA rules found by the WIAA Executive Board/District Board, its penalties, corrective actions, requirements, and other conditions imposed upon a member institution. The infraction report will contain a summary of the case, the findings of fact and violations, and the penalties imposed upon the member school. It may also include eligibility rules to be applied, applicable rules and regulations, the adjustment of individual and team standings in WIAA championship events, and the request for the return of any awards and net receipts received for participation in WIAA postseason play. The hearing board's infraction report is forwarded to the involved member school.

X. Summary Disposition

There is one other type of procedure that may be used, instead of the regular hearing before the WIAA Executive Board/District Board. This is referred to as "summary disposition."

Before a case has proceeded to a Fact-Finding hearing for an alleged rule violation, the member school may elect to dispose of the case through the "summary disposition" procedure. This procedure is utilized when the institution is willing to admit the alleged violations have, in fact, occurred.

Under this procedure, the WIAA Executive Board/District Board must be satisfied that there has been a complete and thorough investigation. The WIAA Executive Board/District Board must agree with the member school that there was a complete and thorough investigation and report this to the Fact-Finder. The WIAA Executive Board/District Board must also report that there has been full and complete cooperation by the member school in the investigation.

The report by the Fact-Finder will usually be contained in the summary disposition report, which is prepared jointly by the institution, any involved individuals, and the Fact-Finder. This report will contain the following information:

- A. The proposed findings of fact;
- B. The summary of information on which the findings are based;
- C. A stipulation that the proposed findings are substantially correct;
- D. The findings that represent violations of WIAA rules; and
- E. A statement of unresolved issues that are not considered substantial enough to affect the outcome of the case.

In addition to these findings of fact and admitted violations, the member school will also propose the penalties to be imposed. The penalties proposed must be included in those set forth in the WIAA rules and regulations for penalties for violations. In this report, the member school may also submit any evidence of mitigation that it wants the hearing board to consider.

Under the summary disposition procedure, the WIAA Executive Board/District Board considers only the written record in the form of the summary disposition report. Neither the member school nor the Fact-Finder makes any personal appearance.

If the WIAA Executive Board/District Board accepts and approves the proposed findings of fact, admitted violations, and the proposed penalties, the WIAA Executive Board/District Board prepares an infractions report in similar form to the one prepared following a hearing. The report is sent to the superintendent of the member school. In the event that the WIAA Executive Board/District Board does not approve the findings of fact and admitted violations, the case is then scheduled for a regular hearing before the WIAA Executive Board/District Board.

If the WIAA Executive Board/District Board accepts the findings of fact and the admitted violations, but does not approve the penalties, then one of two procedures can be followed. The member school may elect to follow the normal hearing procedure, and the WIAA Executive Board/District Board will hear the entire case at a regular hearing and then determine penalties. The member school may also elect to utilize what is referred to as an "expedited hearing" on penalties. This is an option available solely at the discretion of the member school. The member school will present evidence why it believes the proposed penalties were appropriate. Specifically, it may present additional information concerning the uniqueness of the case and any mitigating factors that may exist to justify the proposed penalties.

Following the "expedited hearing," the WIAA Executive Board/District Board will release its report in the same format as a regular infraction report that will include the findings of fact, admitted violations, and the penalties actually imposed by the WIAA Executive Board/District Board following the expedited hearing.

While a case decided on a summary disposition, in which the WIAA Executive Board/District Board accepts the findings and the penalties, cannot be appealed, a case decided following an expedited hearing can be appealed, since the institution may never have agreed to the penalties imposed by the WIAA Executive Board/District Board.

XI. Reconsideration

A member school may appeal the WIAA Executive Board's/District Board's findings or the penalty, or both, through a request for reconsideration, which must be received by the WIAA Executive Director/District Director within five (5) school business days after the member school has received the infraction report.

