

Bylaw 1100.19

Issue – The appeals this past month have brought to attention, the question as to whether students who are appealing a rule violation are eligible while their appeal is being heard.

Background information-

This is currently in the NSCIF Constitution,

1100.19 *When appeal concerns a question of athletic eligibility the student is considered ineligible until the final determination is made.*

Exception: *If there exists compelling and extenuating circumstances that warrant an interim eligibility decision, the Section Commissioner shall so inform the Section President and the president-elect. If these three are unanimous in support of granting eligibility, the student may be so declared; but only until such time as the due process decision is reached.*

When students are appealing a ruling of the Commissioner to retain eligibility (ejections and suspensions), we have said that they continue to be eligible and play, because they are entitled to their due process rights.

Consideration for change-

1100.19 When an appeal concerns a question of athletic eligibility:

A. when a student is trying to gain athletic eligibility, the student is considered ineligible until the final determination is made.

B. when a student is trying to retain athletic eligibility, the student is considered eligible until the appeal hearing and a final determination is made.

Discussion points-

What is considered final determination, *verbal* notification or *written* notification?

Does this put the Appeal Chair in a time crunch?

Does it meet all our needs or does it create more confusion?

Recommendation-

Our Constitution needs to clearly state whether student/athletes are eligible to play while appealing a Commissioner's decision, but we need to consider all of the situations we face when determining the appropriate language.