

# North Coast Section

5 Crow Canyon Ct., Suite 209  
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(925) 263-2110 Fax (925) 263-2120

## Appellate Procedures Handbook

A resource to the NCS Constitution and Bylaws  
and NCS Sports and General Rulings Handbook

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*Revised: July 1, 2011*

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**North Coast Section, CIF**  
**5 Crow Canyon Ct., Suite 209**  
**San Ramon, CA 94583**  
**(925) 263-2110 Fax (925) 263-2120**

**NCS ADMINISTRATIVE REGULATIONS - APPELLATE PROCEDURES**

1101AR. **NORTH COAST SECTION ELIGIBILITY REVIEW AND APPEALS PROCEDURES FOR REQUESTS FOR EXEMPTIONS TO THE AGE REQUIREMENT (203), CHARGED SEMESTER OF ATTENDANCE (204) OR 20 SEMESTER CREDIT REQUIREMENT (205.E) BYLAWS.**

- A. **Principal's Responsibility**
1. All requests for athletic eligibility shall first be submitted to the school site principal/designee for a review of the student's athletic eligibility status.
  2. The site principal/designee is responsible to assist the parent/guardian with processing of the appropriate CIF 214 Hardship Waiver Application. Assistance in processing the application does not assume that the principal/designee support the merits of the application.
- B. **LEVEL 1 - Section Commissioner Determines Hardship Waiver**
1. All applications for a hardship eligibility determination must be submitted in writing to the Section Commissioner on the current NCS 214 Waiver Application Form. The applicant shall include all documentation or other information that supports the hardship waiver application.
  2. Applicants should allow 20 business days for investigation and review by the Section Commissioner. A student may miss some part of the season during review, evaluation and determination of eligibility. Applicants should be aware that applications received between the last published CIF sponsored activity until August 15, eligibility determinations will be made based upon school site or section staff availability.
  3. The Section Commissioner shall review the written documentation and other information and may request additional information deemed necessary to render a determination.
  4. After consideration of the record, the Section Commissioner shall issue a written decision to the site principal/designee and the student or his/her parent/legal guardian regarding the student's eligibility. If the Commissioner denies the hardship waiver request, the written decision shall state the basis for the denial of eligibility.
  5. An appeal of the Section Commissioner's final decision may be filed by a student or his or her parent/legal guardian to the North Coast Section Student Eligibility Committee in accordance with the provisions set forth below. With parent approval, a school may file an appeal on behalf of the student. An appeal of the Section Commissioner's final decision may also be filed by a CIF member school that opposes the Commissioner's decision to grant eligibility to the student.
  6. An appeal of the Section Commissioner's final decision must be submitted to the North Coast Section Student Eligibility Committee within 15 business days of the date the Section Commissioner's decision was postmark mailed to the school, to the student and/or his/her parent/legal guardian. If an appeal is not filed within the 15 business day period, the Section Commissioner's decision shall be final.
- C. **LEVEL 2 – North Coast Section Student Eligibility Committee**
1. All appeals filed with the North Coast Section Student Eligibility Committee must:
    - a. Be submitted within 15 business days of the date the Section Commissioner's decision was mailed (postmarked) to the school, the student or his or her parent/legal guardian.
    - b. Be on the current North Coast Section 214 Appeal Form and submitted to the North Coast Section Student Eligibility Committee. The form must be complete and accompanied by all documentation or other information that supports the appeal.

- c. Include a \$150 administrative fee. The NCS may waive all or part of the \$150 administrative fee if the student who filed the appeal qualifies for the school free or reduced lunch program in accordance with 42 U.S.C. sections 1751, et seq. or that the payment of the fee will impose a substantial financial hardship on the student or his/her family.
  - 2. Within 5 business days of receipt of the appeal request, the North Coast Section Student Eligibility Committee Chairperson shall determine if the application is complete and meets the procedural criteria of this provision.
  - 3. If the North Coast Section Student Eligibility Committee Chairperson determines that the appeal is timely and complete, the North Coast Section staff shall then have ten business days to set a hearing date. Applicants should be aware that applications received between the last published CIF sponsored activity until August 15, eligibility determinations will be made based upon school site or section staff availability
  - 4. If the North Coast Section Student Eligibility Committee Chairperson determines that the appeal is incomplete, the application will not be considered and shall be returned. A complete, corrected application may be resubmitted prior to the expiration of the original appeal 15 day timeline (without an additional administrative fee).
  - 5. The administrative fee shall not be returned with any appeal application that is rejected by the North Coast Section Student Eligibility Committee Chairperson.
- D. LEVEL 3 – Appeals Panel/Review Officer**
- 1. The members of the Appeals Panel or a Review Officer shall be appointed in accordance with the guidelines published in the North Coast Section Appellate Procedure Handbook.
  - 2. The hearing shall be held at a location selected by the North Coast Section staff within geographical proximity of the schools of the members of the Appeals Panel/Review Officer.
  - 3. The Appeals Panel/Review Officer shall conduct the hearing in accordance with the hearing procedures outlined in the published North Coast Section Appellate Procedure Handbook.
  - 4. While legal counsel is not required, the student and the CIF Section may choose to be represented by legal counsel or advocate at a hearing.
  - 5. The technical rules of evidence do not apply to appeal hearings.
  - 6. Within 15 business days after closing the hearing, the Appeals Panel Chairperson/Review Officer shall prepare a written decision that includes findings of fact and conclusions, and shall postmark mail the decision to:
    - a. The North Coast Section Student Eligibility Committee Chairperson;
    - b. The student or parent/legal guardian or their legal representation;
    - c. The principal of the school; and
    - d. The North Coast Section Commissioner.
  - 7. The decision of the Appeals Panel/Review Officer issued pursuant to this provision is final and binding and may not be appealed.

**1102AR. STATE REVIEW PROCEDURE OF SECTION APPEAL PANEL DECISIONS**

Appeals of final decisions determined through the CIF Section appeals procedure concerning student eligibility may be presented to the CIF State Executive Director's office after the CIF Section decision has been made in accordance with the following, if the appellant believes that the Section violated one or more of the following procedural guidelines:

- A. Was the Section's decision or action lawful; i.e., did the decision or action violate Title V, the Education Code, etc. and did it extend appropriate due process to the parties?
- B. Was the Section's decision or action fraudulent?
- C. Did the Section act arbitrarily?
  - 1. Did the Section have rules and criteria by which it reached its decision?
  - 2. Were the Section's rules and criteria reasonable; i.e., do the Section's rules reasonably relate to a legitimate objective?
  - 3. Did the Section follow its own rules and criteria?

4. Does the Section's action or decision have a basis in reason, or in other words, a reasonable basis?  
The test to be employed in the application of these criteria is whether responsible people, acting in a thoughtful manner, could reasonably have reached the same decision as the Section and not whether others might personally believe the decision.  
The Executive Director, upon receiving such an appeal, may review the Section's decision based on the above guidelines to determine whether their action was a violation of any of the above. If, in his or her judgment, this is the case, the Executive Director may return this matter to the Section for further review or, if necessary, set aside the decision and take jurisdiction consistent with CIF Bylaw 1108 A.

D. **Dates and Deadlines for CIF State Student Eligibility Appeals**

1. An appeal to the Executive Director, under this bylaw, must be initiated within 30 calendar days after a written notice of a CIF Section's decision denying eligibility is sent (by postmarked mail) to the affected party.
2. If the affected party fails to file the appeal within the 30 calendar day period, the Executive Director will not hear the appeal and the CIF Section's decision, denying eligibility, shall be final.
3. If the appeal is filed within the 30 business day period, the Executive Director will send notice of the receipt of the appeal, within 10 calendar days after receiving the appeal, to the CIF Section, and to the appellant. The notice to the CIF Section shall include all documents filed by the appellant.
4. The CIF Section may file a response to the appeal within 15 business days. The response shall be served on the appellant. The appellant may have 5 days to file a reply with the Executive Director.
5. A written decision of the Executive Director shall be sent to the CIF Section and appellant within 15 business days of receipt of the final reply.

1103AR. **Penalty for Violations of NCS and/or CIF Bylaws OTHER THAN Use of an Ineligible Participant**

The penalties and proceedings as set forth in this section are to be applied by league committees of North Coast Section, CIF when applicable, or by the Section Commissioner, or his/her designee, when the alleged infraction(s) do not fall under the jurisdiction of the league.

A. **Forfeit of League Contest**

Should a school's team or teams fail to participate in any of its contests as per the league schedule, it's action would represent a breach of the implied contract and the school would be further guilty of breaking its faith with the member schools of its league and the North Coast Section, C.I.F. Member schools are expected to make every reasonable effort to fulfill their varsity schedule.

1. League contests that are canceled for legitimate administrative cause by mutual agreement of the competing schools with authority granted by the respective league(s) would not be subject to sanctions or penalty. Examples of reasons for cause are listed below:
  - a. Inadequate sign-ups of students to field a team. Schools are expected to encourage additional students to participate, but should notify the league one week after the starting date of practice if they are unable to field a team.
  - b. Loss of an adequate number of participating students due to the imposition of school disciplinary action.
  - c. Loss of an adequate number of participating students due to scholastic ineligibility.
  - d. Student and spectator safety due to unforeseen circumstances such as travel conditions or field conditions.
  - e. School, state or national tragedies or emergencies (ex. the death of a student or teacher at the school, State of Emergency by the Governor of California or a Homeland Security Red Alert).
2. League contests that are forfeited due to actions of intent or neglect that creates a competitive advantage for the school forfeiting the contests or a disadvantage to the other

schools in the league shall be subject to sanctions and penalties. Examples of actions of intent or neglect are listed below:

- a. Over-scheduling to exceed the maximum number of contests permitted by NCS rules.
- b. Cancellation due to travel inconvenience or lack of travel preparation.
- c. Over-scheduling by making conflicting commitments for the same time period.

#### FIRST OFFENSE

- a. Forfeitures of contest(s) in which the offending school did not compete shall count as contests played against the final season record,
- b. Exclusion from participation in the league's post-season championship (playoff) competition in that sport for a period of one year from the date of determination of the violation,
- c. Exclusion from participation in NCS post-season championship competition in the specific sport in which the school did not fulfill its league scheduling responsibility for a period of one year from the date of determination of the violation.

#### SECOND OFFENSE WITHIN THREE SCHOOL YEARS OF THE FIRST OFFENSE

(Items above plus):

- a. The school will be placed on probation with the conditions of probation to be determined by the member league. Failure to follow all NCS and CIF rules during the term of probation may subject the school to THIRD OFFENSE PENALTIES.
- b. Exclusion from participation in the league's post-season championship (playoff) competition in the specific sport(s) for a minimum of two years or more as determined by the league,
- c. Possible suspension from the league and any other NCS league in the specific sport(s) for a period of time to be determined by the league.

#### THIRD OFFENSE WITHIN FIVE SCHOOL YEARS OF THE FIRST OFFENSE

(Items above plus):

- a. Possible placement on non-league affiliated membership status for a period of time to be determined by the league.
3. The actions of the league in all matters stated above would be subject to appeal to the NCS President. A NCS member school, NCS Commissioner of Athletics, affected students, or parents of affected students may appeal a league hearing panel's decision on appropriate school remedies for violation of CIF or NCS rules or regulations other than the use of an ineligible student to the NCS President. The NCS President will assign a three-person hearing panel or a single hearing officer who will review the action of the league a formal hearing and may affirm, deny, reduce, or increase the remedies ordered by the school's league hearing panel.
- a. An appeal of a league hearing panel shall be filed with the NCS Office in writing and shall detail the nature of the appeal and outline the position as to why the league hearing panel determination or remedy is in error or why an appeal to the NCS President is necessary at this time.
  - b. The appeal must be submitted to the Section President within 20 working days of the decision by the league.
  - c. The hearing will be conducted in accordance with the guidelines in the North Coast Section Appellate Procedures Handbook.
  - d. The hearing panel or a single hearing officer shall make its determination by evaluating the evidence presented and applying the guidelines found in the North Coast Section Appellate Procedures Handbook.

#### B. For Violations that are Self-Reported by the Offending School

When a school violates NCS and/or CIF Bylaws, and self-reports the violation within a 10 working day period of time, the school shall immediately:

1. Report the violation to:
  - a. Its league
  - b. Schools against which the violation occurred

- c. And the NCS Commissioner
    - 2. Send written notice of the violation(s) to:
      - a. Its league
      - b. Schools against which the violation occurred
      - c. And the NCS Commissioner
    - 3. Recommend to its league one or more of the penalties/remedies listed in 221.6.
    - 4. League Responsibilities for Self-Reported Violations by the Offending School
 

For violations that are self-reported by the offending school, the school's league shall review the circumstances of the school's violation and its recommended penalties/remedies. The league will determine which of the stated penalties/remedies (NCS Constitution and General Bylaw 221.6) shall be implemented except when the bylaw specifically states the penalties for violation of that bylaw. In those cases the penalties required in the bylaw are the minimum consequences. The league may increase the mandated penalties but the league may not reduce or waive the mandated penalties.

      - a. When allowed in the bylaws, the league has the authority to affirm, deny, reduce or increase the penalties/remedies recommended by the school, based upon the following criteria:
        - 1) Does the school's action appropriately address the severity of the violation and, if appropriate, violations repeated within four calendar years of the last violation?
        - 2) Does the school's action cause remediation of the problem to preclude violations in the future?
        - 3) Does the school's action address problems that caused or led to the violation?
        - 4) Does the school's recommendation recognize its diminished culpability in cases where the student or his/her family or legal guardian intentionally provided fraudulent information?
- C. For Violations that are Not Self-Reported by the Offending School
- For violations that are not self-reported by the offending school, or are alleged charges reported by another school the NCS Commissioner or his/her designee shall review and investigate the alleged infractions and/or violations of CIF and NCS bylaws. Offended schools must report the alleged infractions within 10 working days of the alleged event.
- 1. Procedures for review, investigation of alleged infractions
    - a. The Commissioner or his/her designee shall investigate and collect all pertinent documentation, reports, pictures, etc. from all involved parties regarding the alleged infractions.
    - b. Develop a decision letter outlining all findings and listing of any penalties as listed in 221.6.
    - c. The Commissioner or his/her designee shall have the authority to revise their decision if new information is presented that in the opinion of the Commissioner or his/her designee changes the decision and penalties.
  - 2. The party penalized in any decision by the Commissioner or his/her designee shall have the right to appeal the decision.
  - 3. Appeal of Decisions of a League or NCS Commissioner or his/her designee
 

A NCS member school, NCS member league, NCS Commissioner of Athletics, affected students, or parents of affected students may appeal a league hearing panel's decision or the NCS Commissioner's or his/her designees' decision on appropriate school remedies for violation of CIF or NCS rules or regulations other than the use of an ineligible student to the NCS President. The NCS President will assign a three-person hearing panel or a single hearing officer who will review the action of the league or NCS Commissioner or his/her designee at a formal hearing and may affirm, deny, reduce, or increase the remedies ordered by the school's league hearing panel or the NCS Commissioner or his/her designee.

- a. An appeal of a league hearing panel or NCS Commissioner's or his/her designees' decision shall be filed with the NCS Office in writing and shall detail the nature of the appeal and outline the position as to why the league hearing panel or NCS Commissioner's or his/her designees' determination or remedy is in error or why an appeal to the NCS President is necessary at this time.
- b. The appeal must be submitted to the Section President within 20 working days of the decision by the League, Section Commissioner or his/her designee.
- c. The hearing will be conducted in accordance with the guidelines in the North Coast Section Appellate Procedures Handbook.
- d. The hearing panel or a single hearing officer shall make its determination by evaluating the evidence presented and applying the guidelines found in the North Coast Section Appellate Procedures Handbook.

**D. NORTH COAST SECTION APPEALS PROCEDUES INVOLVING MATTERS OTHER THAN STUDENT ELIGIBILITY OR SECTION PLAYOFFS**

1. Procedure for appealing rulings on matters other than student eligibility or section playoffs pursuant to CIF and/or NCS bylaws to an NCS Hearing Panel.
  - a. **Request for Review of League Ruling**
    - 1) A NCS member school, NCS member league, NCS Commissioner of Athletics, affected students, or parents of affected students may appeal a league hearing panel's decision or the NCS Commissioner's or his/her designees' decision on appropriate school remedies for violation of CIF or NCS rules or regulations other than the use of an ineligible student to the NCS President., or the President-elect in the President's absence, within 20 working days of the league's, Section Commissioner's or Section Commissioner designee's decision. Typewritten fax or email copies of the request shall be sent to the NCS Commissioner and to all parties to the league proceedings. The request for review and must set forth, in ordinary and concise language, the following:
      - i.) The facts which led to the decision that is being appealed, including the record of any lower level proceeding, if any,
      - ii.) The exact nature of the decision including a copy of such decision, if one exists,
      - iii.) The reasons the appellant believes the lower decision is in error, including citations to laws and rules that are applicable,
      - iv.) The names, addresses, and home and office phone numbers of parties known to have knowledge of the matter, who the hearing panel might want to call to testify,
      - v.) The exact nature of the relief requested, and
      - vi.) A recommended time and place for a hearing, if any.
  - b. **Appeals Procedures**  
The NCS appeals procedures are found in the **NCS Appellate Procedures Handbook** that is available from the North Coast Section office or on the NCS website ([www.cifnco.org](http://www.cifnco.org)).
  - c. **Request for Shortening of Time**
    - 1) If the appellant believes that the period of time allowed to pass before a hearing need be held is too long and would render irreparable harm to the appellant, then the request should also set forth:
      - i.) A request for a hearing not later than a stated date and,
      - ii.) The facts upon which such a request is made.
  - d. **New evidence**
    - 1) If new evidence is introduced at an appeal, the new evidence must be sent back to the league of jurisdiction, Section Commissioner or Section Commissioner's designee prior to the NCS appeals body making a

decision. The league, Section Commissioner or Section Commissioner's designee may, upon review of new evidence, revise their decision.

- e. **Effective Date of Decision - Stay of Execution**
  - 1) The decision shall become effective immediately, unless:
    - i.) A stay of execution is granted.
    - ii.) The hearing panel orders that it shall become effective retroactively.
  - 2) A stay of execution may be included in the decision.
- f. **Reconsideration**
  - 1) The hearing panel of the NCS may order a reconsideration of all or part of the case on its own volition or on petition of any party with proper standing. The power to order a reconsideration shall expire ten (10) days after the mailing of the decision, or at the termination of a stay of execution of not to exceed ten (10) days which the hearing panel may grant for the purpose of filing a petition for reconsideration. If no action is taken on the petition within the time allowed for ordering reconsideration the petition shall be deemed denied.
  - 2) The hearing panel may reconsider the case on all the pertinent parts of the record and such additional evidence and argument as may be permitted.

2. **New evidence**

- a. The only new evidence that may be submitted is evidence that was discovered since the ruling in question, or after the time for the exchange of documents. That new evidence may be considered at the appeal hearing by the sole discretion of the Appeals Panel Chair. If late documents or new evidence are submitted, the Section or another party may request that the hearing be postponed so it can review the documents and response. However, if the Appeals Panel Chair and all the parties agree, the documents may be considered and the hearing go on as scheduled.

3. **Effective Date of Decision - Stay of Execution**

- a. The decision shall become effective immediately, unless:
  - 1) A stay of execution is granted.
  - 2) The hearing panel orders that it shall become effective retroactively.
- b. A stay of execution may be included in the decision.

4. **Reconsideration**

- a. The hearing panel of the NCS may order a reconsideration of all or part of the case on its own volition or on petition of any party with proper standing. The power to order a reconsideration shall expire ten (10) days after the mailing of the decision, or at the termination of a stay of execution of not to exceed ten (10) days which the hearing panel may grant for the purpose of filing a petition for reconsideration. If no action is taken on the petition within the time allowed for ordering reconsideration the petition shall be deemed denied.
- b. The hearing panel may reconsider the case on all the pertinent parts of the record and such additional evidence and argument as may be permitted by the hearing panel.

1104AR. **CIF APPEAL PROCEDURES INVOLVING MATTERS OTHER THAN STUDENT ELIGIBILITY OR SECTION PLAYOFFS**

- A. Appeals of final decisions determined through the CIF Section appeals procedure concerning the Constitution and Bylaws of the CIF State or Section may be presented to the CIF State Executive Director's office for mediation after the CIF Section decision has been made in accordance with the following:
  - 1. Was the Section's decision or action lawful, i.e., did the decision or action violate Title V, the Education Code, etc. and did it extend appropriate due process to the parties?
  - 2. Was the Section's decision or action fraudulent?

3. Did the Section act arbitrarily?
  - a. Did the Section have rules and criteria by which it reached its decision?
  - b. Were the Section's rules and criteria reasonable; i.e., do the Section's rules reasonably relate to a legitimate objective?
  - c. Did the Section follow its own rules and criteria?
  - d. Does the Section's action or decision have a basis in reason, or in other words, a reasonable basis? The test to be employed in the application of this criterion is whether responsible people, acting in a thoughtful manner, could reasonably have reached the same decision as the Section and not whether others might personally believe the decision.
- B. Upon receiving such an appeal, the Executive Director may, after consultation with the parties to the appeal, schedule mediation process if, in the judgment of the Executive Director, there is a likelihood of success for this process.

## **GUIDELINES FOR APPEALS OF A LEAGUE'S DETERMINATION OF APPROPRIATE SCHOOL REMEDIES FOR USE OF AN INELIGIBLE STUDENT**

- I. **Appeal To The North Coast Section Of A League Determination Of Appropriate School Remedies For Use Of An Ineligible Student**
  - A. Appeals of the league's decision to the NCS Eligibility Committee hearing panel or a single hearing officer will be evaluated using the following guidelines (stated in question form).
    1. Did the league have rules and criteria by which it reached its decision?
    2. Were the league's rules and criteria reasonable, e.g., do the league's rules reasonably relate to a legitimate objective?
    3. Did the league follow its own rules and criteria?
    4. Does the league's action or decision have a basis in reason, or in other words, a reasonable basis? The test to be employed in the application of this criterion is whether reasonable people acting in a thoughtful manner, could reasonably have reached the same decision as the league and not whether the Eligibility Committee members personally believe the decision.
    5. Does the league's action appropriately address the severity of the violation and, if appropriate, repeated violations within four calendar years of the last violation?
    6. Does the league's action remedy the problem to preclude violations in the future?
    7. Does the league's action address problems that caused or led to the violation?
    8. Does the league's action recognize the school's diminished culpability in cases when the student or his/her parents or legal guardian intentionally provided fraudulent information?

SAMPLE NOTICE OF HEARING

**North Coast Section, CIF**

5 Crow Canyon Ct., Suite 209

San Ramon, CA 94583

(925) 263-2110

Fax: (925) 263-2120

Web: www.cifncs.org

**MEMO**

TO:

FROM:

DATE:

SUBJECT: Notice of Hearing – Student Name

=====

You are hereby notified that a hearing will be held before a three-person panel, to consider the appeal by

\_\_\_\_\_ on behalf of \_\_\_\_\_, a student at \_\_\_\_\_  
\_\_\_\_\_ High School.

The hearing has been scheduled for \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_.

Your presence at the hearing is requested. You may present relevant evidence and will be given full opportunity to cross-examine witnesses.

**North Coast Section, CIF**  
**5 Crow Canyon Ct., Suite 209**  
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**(925) 263-2110 Fax (925) 263-2120**

**MODEL HEARING PROCEDURES**

**A. Orientation of the Hearing Panel Members**

**1. Welcome and thank panel members**

- a. Thank you to each of our hearing panel members (or single hearing officer) for agreeing to participate in this process of determining eligibility. You have taken time out of your schedule to volunteer your service in this process.
- b. **QUALIFICATIONS** - Hearing panel members or a single hearing officer must not have a vested interest in the outcome or result.
- c. Disclosure by hearing panel members.

**2. Role of Section/League Staff**

- a. Resource person and interpreter of NCS and CIF rules. The resource person is not authorized to interpret the evidence or to influence the hearing panel.

**3. Purpose of this hearing**

- a. The purpose of the hearing is to hear a concise description of the case to be considered with potential course of action(s) that the hearing panel may render, based on the evidence presented.
  - 1) If the hearing panel or single hearing officer grants the request of the petitioner, then the student may be declared eligible.
  - 2) If the hearing panel or single hearing officer denies the petitioner's request, the administrative remedy available is an appeal to the Section/State CIF Executive Committee.
  - 3) Either the petitioner or the person making the challenge may request an appeal to the next higher authority, either the North Coast Section or State CIF.

**4. Responsibilities of the Panel**

Panel members will be responsible for conducting the hearing, recording of the findings, evaluating the evidence and reaching a decision based on the findings. Before the hearing begins the hearing panel must select a chairperson (if not selected in advance), who will run the hearing. The hearing panel will also select a recorder of the findings, the person who will write each fact of the case.

**5. Definition of Terms**

- a. **Appellant**  
The appellant is the individual or school petitioning for student eligibility or is appealing a league decision to the section.
- b. **Respondent**  
The respondent is the individual, school or league taking a position of student ineligibility or defending a league decision during an appeal to the section.
- c. **Evidence/Findings**  
Findings are the evidence presented during a hearing. The CIF does not require that parents, students and schools abide by the technical rules of evidence. That would be procedurally burdensome and unfair to them. Instead, they are permitted to submit any relevant information they may have including hearsay if it is the type of hearsay that responsible people rely upon in the conduct of serious affairs. However, the hearing panel or single hearing officer cannot base their findings solely on hearsay. There must be some relevant information, in addition to the hearsay, to support the finding. Findings should be recorded during the hearing. Findings should be listed in chronological order. The decision(s) of the hearing panel may only be made based on the evidence presented.

- d. Exhibits  
Any evidence presented where the information or testimony is written is considered an exhibit. Exhibits must be copied and distributed to all panel members, the appellant(s) and the respondent(s).
  - e. Witnesses  
A witness is any individual who provides direct testimony of information about which they have personal knowledge. A witness will be subject to questioning by the appellant, the respondent, and the members of the hearing panel.
6. **Hearing Procedures**
- a. **Introductions** (or re-introductions for the tape recording)
  - b. **Oath**
  - c. **Materials**
    - 1) Identify information distributed
    - 2) Identify new writings
    - 3) Note pad, pencil, etc.
  - d. **Description of the Case**
  - e. **Opening Statements**
    - 1) Appellant (petitioner)
    - 2) Respondent (person making the challenge)
  - f. **Presentation of the case**
    - 1) Appellant (petitioner)
      - a) State case (calls witnesses, present documents, and introduces evidence)
      - b) Questioning by the respondent of witnesses for the appellant or the appellant regarding evidence introduced
      - c) Questioning by panel members of witnesses for the appellant or the appellant regarding evidence introduced
    - 2) Respondent (person making the challenge)
      - a) State case (calls witnesses, present documents, and introduces evidence)
      - b) Questioning by the appellant of witnesses for the respondent or the respondent regarding evidence introduced
      - c) Questioning by panel members of witnesses for the respondent or the respondent regarding evidence introduced
  - g. **Rebuttals**
    - 1) Respondent
      - a) Rebuttal of the appellant's position as stated in the opening statement and presentation of the case
    - 2) Appellant
      - a) Rebuttal of the respondent's position as stated in the opening statement and presentation of the case
  - h. **Closing Statements**
    - 1) Respondent
    - 2) Appellant
  - i. **Adjourn the Hearing**  
NOTE: The Hearing Panel may reconvene the hearing and ask questions, for the purpose of clarification, of the appellant, respondent and/or witnesses.
  - j. **Deliberations:**  
Deliberations are conducted in closed session. However, an Eligibility Hearing Panel may, by unanimous consent of the panel members, deliberate in public. During public deliberations, the Hearing Panel is permitted -- and should -- restrict discussion to the members of the panel. No participant, attorney, staff member or anyone other than the Hearing Panel member are permitted to speak during the deliberations. The deliberations and ultimate decision is the province of the Hearing Panel alone.
    - The documents and oral information that will be submitted to the Hearing Panel is the evidence produced at this hearing.

- The findings are the conclusions that the Hearing Panel draws from the evidence.
- Conclusions are inferences that the Hearing Panel logically draws from the evidence that they believe to be more likely than any other inference that may be drawn from the evidence.

The opening statements and the closing statements are not evidence. These proceedings are intended only to provide the parties with an opportunity to inform the Hearing Panel of the reasons the conclusions that they advocate should be drawn from the evidence. The actual formation of the conclusion is the job and province of the Hearing Panel, which will use only the evidence to guide it.

- k. The Hearing Panel will establish and define findings.  
List all of the evidence received. From the items of evidence listed, separate those items that are conflicting and, then, decide which items are more likely than other conflicting items of evidence. These are the findings -- the factual conclusions.
- l. The Hearing Panel will establish the sequence of findings.
- m. The Hearing Panel will compare the findings with NCS Eligibility Bylaws  
Reasonable certainty is all that is necessary. A statute will not be held void for uncertainty where any reasonable and practical construction can be given to the language and will be upheld where its terms may be made reasonably certain by references to other sources and it is the CIF's position that its rules should be viewed from the same perspective.
- n. The Hearing Panel will make a motion to grant or deny the request and vote on that motion.
  - ✓ Do the findings reasonably compel a decision of granting the request?
  - ✓ Do the findings reasonably permit a decision of denial of the request?
- o. The Resource person or Hearing Panel Chairperson will contact the parties by telephone to inform them of the decision.
- p. The Hearing Panel will review the written findings and hearing information. A majority of the panel will approve the decision letter and authorize the league or NCS staff resource person to sign and mail the decision letter.
- q. The Hearing Panel shall mail its decision within four (4) working days.
- 8. Following the hearing the panel members meet to discuss the hearing and make recommendations for procedural improvements or bylaw considerations.
- 9. At this time the Hearing Panel selects a presiding officer and findings recorder
- 10. The hearing is being recorded:  
Because this hearing is being recorded the hearing will be stopped when necessary to change the tape. I apologize in advance for the inconvenience. A copy of the tape will be available for cost of the tape, time to re-record and postage. See staff after the meeting to make arrangements for a tape or call the office at your convenience.

## **B. Conduct of the Hearing**

- 1. (Chair) **Introduction of individuals present** (identify themselves by name, school, appellant and respondent). We appreciate your participation today.
- 2. (Chair) **Oath** (any individual who may testify or present information for either the appellant [Petitioner] or the respondent [Person making the challenge]):  
*(Please raise your right hand) "You do solemnly swear (or affirm as the case may be) that the evidence you shall give in this matter pending between the appellant (Petitioner) and respondent (Person making the challenge), shall be the truth".*
- 3. (Chair) **Materials**
  - a. Identifying information distributed in the hearing packet.

- b. Identify new writings - Are there any new documents which the appellant or respondent plan to present as evidence today?
  - c. Identify witnesses and their affiliation or connection to the case.
4. (Chair) **Purpose of the Hearing**  
This hearing shall be conducted under the procedure adopted by the North Coast Section. The NCS and CIF rules are intended to provide a maximum opportunity for all of our students to compete on an even footing and to teach respect for the rights of others. This hearing panel is charged with the responsibility of determining the facts of this case as they relate to the rules. The ultimate decision must address the unique circumstances of this case and also protect the interests of all the students within the North Coast Section and California Interscholastic Federation.
5. (Chair) **Description of the Case:** \_\_\_\_\_  
\_\_\_\_\_
6. **Opening Statements**
- a. Appellant (petitioner)
  - b. Respondent (person making the challenge)
7. **Presentation of the case**
- a. Appellant (petitioner)
    - 1) State case (calls witnesses, present documents, and introduces evidence)
    - 2) Questioning by the respondent of witnesses for the appellant or the appellant regarding evidence introduced
    - 3) Questioning by panel members of witnesses for the appellant or the appellant regarding evidence introduced
  - b. Respondent (person making the challenge)
    - 1) State case (calls witnesses, present documents, and introduces evidence)
    - 2) Questioning by the appellant of witnesses for the respondent or the respondent regarding evidence introduced
    - 3) Questioning by panel members of witnesses for the respondent or the respondent regarding evidence introduced
8. **Rebuttals**
- a. Respondent
    - 1) Rebuttal of the appellant's position as stated in the opening statement and presentation of the case
  - b. Appellant
    - 1) Rebuttal of the respondent's position as stated in the opening statement and presentation of the case
9. **Closing Statements**
- a. Respondent
  - b. Appellant
10. **Adjourn the Hearing**  
NOTE: The Hearing Panel may reconvene the hearing and ask questions, for the purpose of clarification, of the appellant, respondent and/or witnesses.
11. **Deliberations:**  
Deliberations are conducted in closed session. However, an Eligibility Hearing Panel may, by unanimous consent of the panel members, deliberate in public.  
The Hearing Panel:
- a. Shall establish and define findings
  - b. Shall establish sequence of findings
  - c. Shall compare findings with NCS Eligibility Bylaws
  - d. Shall act on a motion to accept or deny the appeal (see C and D below)
  - e. May grant a stay of execution of the decision
  - f. May grant a petition for reconsideration

12. The resource person or Hearing Panel Chairperson will contact the parties by telephone to inform them of the decision.
  13. Hearing Panel shall authorize the mailing of its decision within four (4) working days.
- C. If the panel grants the request:
1. The Respondent may appeal to the next higher authority. Procedures for appeal to the NCS or State CIF are outlined in previous sections of the NCS Appellant Procedures Handbook.
- D. If the panel denies the request:
1. The Appellant may appeal to the next higher authority. Procedures for Appeal to the NCS or State CIF are outlined in previous sections of the NCS Appellant Procedures Handbook.

North Coast Section, CIF  
5 Crow Canyon Ct., Suite 209  
San Ramon, CA 94583  
(925) 263-2110 Fax (925) 263-2120

**HEARING PROCEDURES – CHECK-OFF SHEET**

- Introductions***  
*(Panel members, individuals in the room introduce themselves)*
- Oath (Will be administered by the chairperson)***
- Materials – Identifying and labeling information distributed***  
*(Exhibit A, B, etc.)*
- Purpose of the Hearing***
- Relevant Bylaws to the appeal***
- Opening Statement of the Appellant***
- Questions by the Respondent***
- Opening Statement of the Respondent***
- Questions by the Appellant***
- Rebuttal of the Respondent***
- Rebuttal of the Appellant***
- Closing Statement of the Respondent***
- Closing Statement of the Appellant***
- Adjourn the Hearing***
- Establish and define the findings***
- Establish sequence of the findings***
- Compare the findings with the NCS Eligibility Bylaws***
- Motion to accept or deny the appeal***
- Other actions as determined by the motion to accept or deny the appeal***

## FINDINGS

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**SAMPLE SECTION DECISION LETTER**

**North Coast Section, CIF**

5 Crow Canyon Ct., Suite 209

San Ramon, CA 94583

(925) 263-2110 Fax: (925) 263-2120 Website: [www.cifncs.org](http://www.cifncs.org)

DATE:

TO:

FROM: (Eligibility Hearing Chairperson)

RE: (Name of Student, School)

The panel was composed of:

The North Coast Section Eligibility Hearing Panel has voted to (grant/deny) the appeal of (students name), reinstating immediate eligibility to participate in the athletic programs of (High School) effective (date).

The findings are as follows:

- 1.
- 2.
- 3.

This action represents the final step of the North Coast Section, CIF.

Sincerely,

Hearing Panel Chairperson  
North Coast Section Student Eligibility Committee

Copy: NCS Commissioner