

*obsolete  
valid Sept. 30, 1984  
to July 13, 1987*

**TITLE 127  
LEGISLATIVE RULES  
WEST VIRGINIA SECONDARY SCHOOL  
ACTIVITIES  
COMMISSION**

**SERIES 4  
VIOLATIONS OF THE ATHLETIC RULES**

**§127-4-1. General.**

1.1. Scope. -- These rules govern the procedures for protests, contested cases and waiver of rules.

1.2. Authority -- WV Code §18-2-25

1.3. Filing Date -- August 31, 1984

1.4. Effective Date. -- September 30, 1984

**§127-4-2. Powers of the Board of Appeals to impose penalties.**

2.1. All violations of rules and questions of dispute are within the power of the Board of Appeals to investigate, through the executive secretary or other authorized person or persons, and to impose such penalties as are prescribed elsewhere in these rules and regulations.

2.2. If the Board of Appeals finds a school guilty of violating the provisions of these rules and regulations, said Board of Appeals has the power to:

(a) Declare the school ineligible for championship honors for the current year in the sport in which the offense occurred.

(b) Place the school on probation for a period of time not to exceed three hundred sixty-five (365) days from the date of such finding. Such probation may include the loss of voting rights for the member and/or loss of the privilege of the member school to participate in any or all interscholastic events which are sanctioned, controlled or sponsored by this Commission, and/or the imposition of other restrictive measures as the Board of Appeals may deem advisable.

(c) Assess such fines as are deemed necessary and just.

(d) Impose such other additional penalties as may seem justifiable in the particular case considered.

**§127-4-3. Method for protests -- deputies.**

3.1. If charges against any member of the Commission cannot be satisfactorily resolved by the deputy board member in the region in which such charges originate, then the charges shall be submitted in writing to the executive secretary of the Board of Appeals

3.2. If the executive secretary is unable to resolve the charges in a manner satisfactory to the schools concerned, he shall submit the protest to the Board of Appeals and the decision of said Board shall be final except as provided in series 1, subsection 13.3(a) of these regulations.

3.3. In no case shall a protest be heard by said Board unless the principal bringing the charges notifies in writing the principal of the school being protested. A copy of such notification shall accompany the protest sent to the executive secretary.

3.4. The principal of a school against which charges have been preferred shall be permitted to appear before the Board of Appeals in defense of his school if he so desires.

**§127-4-4. Methods of protests -- executive secretary.**

4.1. If the executive secretary has reason to believe that any member of the West Virginia Secondary School Activities Commission has or is violating the rules of the Commission, he shall make such investigation as he deems necessary to determine the innocence or guilt of the suspected member.

4.2. The executive secretary shall then report his

findings to the principal of the offending school and set a time and place for a meeting with the principal of the school, at which meeting the principal shall be permitted to submit any pertinent evidence in defense of his school.

4.3. If the principal is not then satisfied with the decision of the executive secretary, he may request a hearing before the Board of Appeals at such time and place as is convenient for both the principal and the Board.

4.4. In no case shall the Board of Appeals hear charges and render a decision unless the principal is given an opportunity to appear in defense of his school. After all evidence has been submitted the Board of Appeals shall render a decision which shall be final except as provided in series 1, subsection 13.3(a) of these regulations.

4.5. Schools having information or doubt about the eligibility of players should have the facts investigated and established as early as possible in the season. It is not ethical or logical to withhold protests until serious problems are involved in so doing. Register protest before contests are played if possible.

4.6. Protests arising from conditions of eligibility or game arrangements too late to be adjusted before the date of the game, as well as those above which cannot be adjusted between schools, should be filed in accordance with procedures established by series 3 and 4.

4.7. Full responsibility for eligibility of his players rests with the principal. He should not certify players unless he knows them to be eligible. If in doubt, a ruling should be obtained in advance.

#### §127-4-5. Method of protests – contested cases.

5.1. Commencement of an appeal in a contested case by an aggrieved party hereinafter named the petitioner, shall be instituted by the filing of a verified petition which shall contain:

- (a) The name and address on the petitioner.
- (b) The interest of the petitioner.
- (c) A statement of facts.
- (d) A statement of jurisdiction.

(e) A designation of the applicable rule or rules involved.

(f) An assignment of errors relied upon.

(g) A statement of the relief requested.

5.2. Petitions for appeal shall be served upon the West Virginia Secondary School Activities Commission by registered or certified mail.

5.3. The executive secretary, or any other interested party, may file an answer, but failure to file an answer will be interpreted as a denial of the allegations contained in the petition. If they elect to file an answer, it shall contain the following:

(a) Allegation of facts with denials, additional facts or other pertinent data.

(b) A statement of other applicable rules and statutes.

(c) A statement of objections, if any, to the parties or other portion of the petition.

(d) Designation of other interested parties.

5.4. All answers shall be filed with the Board of Appeals within five (5) days after receipt of the petition for appeal and shall be served upon the petitioner in the same manner as required in subsection 5.2 of this rule.

5.5. The Board of Appeals may at its election hold a prehearing conference with the parties to define the issues and to consider the informal disposition of such appeal without further hearing.

5.6. In the event that the parties are unable to dispose of the issues without a hearing or if the Board of Appeals elects to proceed without a prehearing conference, the executive secretary shall notify all parties by certified mail, return receipt requested, of the date, time and place set for a hearing on the appeal. The notice shall be given at least seven (7) days in advance of the time set for the hearing and shall contain a short and plain statement of the issues involved. Said hearing shall be conducted in conjunction with a regularly scheduled meeting of the Board of Appeals. In this event, costs for such a meeting shall not be taxed against the petitioner(s).

5.7. The matter may be heard at a special meeting of the Board of Appeals provided the petitioner(s) agree in writing to pay all costs incidental to such meeting. Such costs shall not exceed the actual expenses incurred. The Board of Appeals, in its discretion, may require the petitioner(s) to post adequate security for such costs with the executive secretary.

5.8. If the petitioner(s) appeal should prevail at the special meeting of the Board of Appeals or at a subsequent hearing before the Review Board, the security deposit or the posted costs shall be returned to the petitioner(s).

5.9. All parties in any appeal may represent themselves or be represented by an attorney licensed to practice law in the State of West Virginia.

5.10. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. Objections to evidentiary offers shall be noted in the record. Any party to such hearings may vouch the record as to any excluded testimony or other evidence.

5.11. All evidence, including papers, records, Commission staff memoranda and documents, in the possession of the Commission, of which it desires to avail itself, shall be offered and made a part of the record in the case. Documentary evidence may be received in the form of copies of excerpts or by incorporation by reference.

5.12. Every party shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence.

5.13. All of the testimony and evidence of any such hearing shall be reported by stenographic notes and characters or by mechanical means. All rulings on the admissibility of testimony and evidence shall also be reported. The Board of Appeals shall prepare an official record, which shall include reported testimony and exhibits in each contested case, and all Commission staff memoranda and data used in consideration of the case, but it shall not be necessary to transcribe the reported testimony unless required for purpose of rehearing or review. Informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order or default.

#### **§127-4-6. Game Protested.**

6.1. A game played under protest may, by action of

the Board of Appeals, be declared forfeited to the team making the protest, provided such protest is sustained.

6.2. Protests arising during the progress of a contest and as a result of the playing of said contest should be registered with the chief game official and the opponent at the time in order to receive consideration. After the start of a game only the game official can rule on the conduct of a game.

6.3. In general the protest of a game will not be allowed by the Board of Appeals when it is based on judgment decisions on the part of an official or even on misinterpretation or misapplication of the rules.

6.4. As the rules of this Commission do not give the Board of Appeals authority to order games replayed, protests arising from the decision of officials will not be considered.

#### **§127-4-7. Waiver of rules.**

7.1. A member school, through its principal, coach or other officials is not permitted to enter into an agreement with any other member school to waive the eligibility of students or to waive, or change, any other requirement established in these rules and regulations.

7.2. This section shall in no way interfere with the constitutional right of the member schools, through their principals to amend these rules and regulations as prescribed by section 10 of series 1.

7.3. Mutual agreements to violate the rules of this Commission shall result, upon conviction, in the suspension of all schools concerned.

#### **§127-4-8. Travel and sanction rule.**

8.1. A member school shall not enter a meet or tournament involving more than three (3) schools, or an interscholastic game involving a round-trip of more than 600 miles, unless it has been sanctioned by the West Virginia Secondary School Activities Commission, and if more than one state is involved, by the National Federation.

8.2. A school may enter track meets, volleyball and wrestling matches involving more than three (3) schools if awards are not given.

**§127-4-9. Invitation meets or tournaments.**

9.1. A member school shall not compete in any of the following contest unless such contest has been sanctioned by each of the interested states through the National Federation.

(a) Any interstate tournament or meet in which three (3) or more schools participate;

(b) Any interstate two (2) school contest which involves a round-trip exceeding 600 miles;

(c) Any interstate contest (regardless of distance to be traveled) which is sponsored by an individual or an organization other than a member high school of a state association affiliated with the National Federation.

9.2. A member school of the West Virginia Secondary School Activities Commission shall not enter any kind of meet or tournament held outside the State, unless it has been approved both by the National Federation of State High School Associations and the West Virginia Secondary School Activities Commis-

sion; and before entering such meets each member of the West Virginia Secondary School Activities Commission must make sure that the meet has received National sanction.

9.3. A member school of the West Virginia Secondary School Activities Commission shall not enter any kind of meet or tournament held within the State, unless approved by the West Virginia Secondary School Activities Commission at least thirty (30) days prior to the date of such activity.

9.4. The underlying principal for the above regulation is that high school athletes are provided enough competition by their own conferences and interschool schedules.

**§127-4-10. All-star contests.**

10.1. As a member of the National Federation, the West Virginia Secondary School Activities Commission subscribes to its policy and disapproves of participation of any high school athlete in an all-star contest in any sport.