

ARTICLE 7

The COA/CCCAA Constitution and Bylaws

7.1 AUTHORITY

- 7.1.1 The *Constitution and Bylaws* govern the administration of California community college intercollegiate athletics. Sport championship handbooks control the play of the game.
- 7.1.2 The *Constitution and Bylaws* governs the conduct of the COA Board, the Office of the Executive Director, the MC, the conference commissioners, affiliate organizations, conferences, member colleges, student athletes, and all other institutions, persons or groups specified by this document.
- 7.1.3 The *Constitution and Bylaws* is intended to be consistent with governing federal, state, and/or local laws.
- 7.1.4 All policies and procedures of the *Constitution and Bylaws* prohibited to member institutions are also prohibited to the officers, agents, and employees of the member institutions and their related athletic associations. Any authority not vested in the COA is reserved to the conferences.
- 7.1.5 Any violation of the *Constitution and Bylaws* by any officer, agent, or employee of a member college constitutes a violation by the member institution.
- 7.1.6 An agent is any person who represents a college in dealings with third persons, including by direction or permission.
- 7.1.7 A college is responsible for the actions of any person acting as an agent of that college.
- 7.1.8 Sport championship handbooks are instructional and are intended to provide direction and basic playing rules for the conduct of the event.

7.2 INTERPRETATIONS

- 7.2.1 Interpretations of *Constitution and Bylaws*—The Constitution Committee is empowered to make interpretations of the *Constitution and Bylaws* and the sport championship handbooks. (Adopted April 3, 2009; effective July 1, 2009.)
- 7.2.2 Publication or Notification—Interpretations issued by the Constitution Committee shall be binding on all member institutions after publication and circulation to the membership. Members wishing to appeal an interpretation may do so following the appeal process as outlined in Article 7.4.9. (Adopted April 3, 2009; effective July 1, 2009.)

7.3 SANCTIONS

7.3.1 Each member college of the CCCAA is expected to know, to understand, and to apply and enforce the *Constitution and Bylaws* and the policies and procedures of its conference. Sanctions will be applied to a member college when it fails to fulfill any of these obligations.

7.3.2 Sanctions for violation of the *Constitution and Bylaws* or conference policies and procedures may be imposed upon member colleges, coaches, student athletes, college employees, and/or college representatives. In compliance with the due process procedures of the *Constitution and Bylaws*, such sanctions may be imposed by the colleges, conference commissioners, conferences, the COA Board, or the Arbitration Panel.

7.3.3 Sanctions may include:

- A. The violating member college's athletic department may be placed on a one (1)-year probation for the sport or sports that were involved in the violation. Supervision of the probation shall be by the college president and the conference commissioner.
- B. Games and/or matches may be forfeited.
- C. Players and/or coaches may be suspended or banned from participation.
- D. Postconference competition may be restricted.
- E. Violating sports programs may be terminated.
- F. Other penalties may be imposed by the conference commissioners, conferences, conference appeals board and/or the COA Board.

7.3.4 The Office of the Executive Director, on behalf of the COA Board or the conference, will assist the violating member college in its efforts to achieve full compliance with all rules and regulations.

7.4 DUE PROCESS PROCEDURES

7.4.1 The purpose of the COA/CCCAA Due Process, Appeals, and Penalties Program is to eliminate violations of COA/CCCAA rules and impose appropriate penalties or sanctions should violations occur. The COA/CCCAA and its member schools are committed to fairness of procedures and the timely and equitable resolution of violations of the *Constitution and Bylaws*. Consideration in imposing penalties is to provide fairness to uninvolved student athletes, coaches, administrators, competitors, and other institutions.

7.4.2 As a member institution of the CCCAA, the college and its representatives contract to resolve all disputes regarding rule violations and penalties through the appeals process as set forth herein. As the CCCAA is a voluntary membership organization, member colleges are urged to conduct the appeals process without legal counsel.

7.4.3 All appeals must have the support of the member college as indicated by the signature of the college president. This includes appeals brought forth by students, coaches, and college representatives. Individuals are afforded due process through their college procedures.

7.4.4 Each college, as a member of the CCCAA and on behalf of the college, its officers, employees, agents, governing bodies, and associated persons; agrees that any action or proceeding brought by a college(s) and/or its employees, representatives, or agents against the CCCAA, the COA, or the CCLC, or any of their employees, officers, directors, or agents regarding the subject matter of this *Constitution and Bylaws*, or other rules and regulations relating to intercollegiate athletics shall be commenced and tried in the County of Sacramento, unless all the defendants/respondents agree in writing to a different venue. In the event that such a court action or proceeding is filed in a court located outside of the County of Sacramento, the plaintiff/petitioner agrees to immediately have the matter transferred, at no cost to the COA, the CCCAA, or its affiliates, to a court located in the County of Sacramento which has jurisdiction over the matter.

7.4.5 **RESPONSIBILITY FOR RULES IMPLEMENTATION**

7.4.5.1 The primary entity responsible for the application and implementation of COA/CCCAA *Constitution and Bylaws*, rules, regulations, and procedures is the member college. The next level of enforcement of the rules, regulations, and procedures is the responsibility of the conference commissioner.

7.4.5.2 The role of the COA Executive Director includes interpreting COA/CCCAA rules and imposing statewide penalties. The COA Executive Director will rule on disputes of interpretation between conference commissioners.

7.4.5.3 When a conference commissioner and the COA Executive Director disagree on a rule interpretation, the decision of the COA Executive Director shall prevail until an appeals board or the Binding Arbitration Panel rules on the question.

7.4.5.4 When an appeal is requested, the COA Executive Director will refer the requesting party to the appropriate appellate level. When an alleged violation is brought directly to the COA Executive Director, the COA Executive Director will refer the complaint to the appropriate conference commissioner for investigation and ruling.

7.4.6 **APPEALS PROCESS**

7.4.6.1 An appeal is a written request by the college president requesting a review of an inferior body's interpretation of the rules and/or the enforcement of a penalty. The appellate process is as follows (*except Disabilities Appeals Board, see Article 7.4.14.*):

- A. Conference appeals board.
- B. COA appeals board.
- C. COA Board.
- D. Binding Arbitration (See Article 7.4.11.)

- 7.4.6.2 Hearings are defined as:
- A. HEARINGS SUBMITTED—the appellate body rules based on submitted materials.
 - B. HEARING TESTIMONIAL—after a vote by the board, the appellate body invites the parties to present evidence in person.

7.4.7 **APPEALS PROCESS—THE CONFERENCE COMMISSIONER**

7.4.7.1 All requests for formal interpretation of the *Constitution and Bylaws* and/or appeals shall be submitted in writing to the conference commissioner. All appeals of rulings by the conference commissioner must be submitted in writing and must include pertinent support information such as up-to-date transcripts, factual medical records, sport schedules, and records of previous rulings. The request for an appeal must state if the appellant is seeking a testimonial hearing. The decision to hold a testimonial hearing is, however, at the sole discretion of the appeals boards. All appeals are to be submitted first to the conference commissioner who will see that all submitted appeal materials and rulings by the conference are submitted to each level of appeal. The COA Executive Director will be responsible for all material submitted to the Binding Arbitration Panel. Each appeals board will decide upon original materials as submitted. No additional materials may be provided to a higher authority. Should either party believe that additional materials are required in order to obtain a just decision, that party may request a return to the previous level with a written request to the conference commissioner. The question of a reconsideration of the issue shall be put to the last ruling panel. A decision not to reconsider the matter is not subject to appeal and is final.

7.4.7.2 Alleged conference or *Constitution and Bylaws* violations shall be reported to the conference commissioner within two (2) working days after discovery of the alleged violation. Failure to report alleged violations may result in the imposition of penalties on the school or individual who failed to report. Failure to report does not bar investigations, rulings or impositions of sanctions against those who should have been reported for violation of the *Constitution and Bylaws*.

7.4.7.3 The conference commissioner shall interpret and rule on the provisions of the *Constitution and Bylaws* for colleges, students, college administrators, and employees of member schools in his/her conference.

7.4.7.4 The conference commissioner is responsible for the first level interpretation, ruling, and enforcement of this *Constitution and Bylaws*.

7.4.7.5 The conference commissioner *shall not* modify, extend, waive, or disregard any provision of the *Constitution and Bylaws*. His/her ruling may be appealed to the conference appeals board, which may modify, reverse, or ratify the conference commissioner’s ruling. Decisions by the conference commissioner on injury illness waivers, reporting error waivers, and dropped sports are not subject to appeal and are final.

7.4.7.6 Reports of alleged violations that occur after the end of the regular season but prior to the end of the postconference competition in that sport and involving a team that is participating in postconference competition, shall be resolved by the respective conference commissioner, chair of the respective appeals board, and the COA Executive Director by majority vote of these three persons.

7.4.8 **APPEALS PROCESS—THE CONFERENCE APPEALS BOARD**

- 7.4.8.1 Each conference shall establish a conference appeals board. The conference appeals board shall be composed of a representative from each college in the conference. However, a conference may establish a different conference appeals board membership composition with the approval of the COA Board. This approval shall be for the conference appeals board’s operation for the following year. The COA Board must act on the request for a change in the composition of a conference appeals board by its final meeting of the school year preceding the year that the new composition would go into effect.
- 7.4.8.2 The function of the conference appeals board shall be to consider written appeals of the rulings by the conference commissioner.
- 7.4.8.3 A member college, a student of the member college, or employees of the college shall have the right to appeal decisions rendered by the conference commissioner. No person who has been suspended or has received a “strike” (see Bylaw 4.3) shall be permitted to participate during the appeals board deliberations, or until such time that the appeal is granted, or the period of suspension has been served. Appeals shall be made to the conference appeals board of the conference in which the college, student of the college, or employee of the college is a member. (See Appeals Flow Chart at end of Bylaw 4.) All such appeals must be submitted to the conference commissioner in writing and signed by the college president within ten (10) days of the conference commissioner’s ruling. Within three (3) working days, the conference commissioner shall inform the conference appeals board of the appeal of the conference commissioner’s ruling. All materials to be the basis of the appeal shall be submitted with the written request to the conference commissioner. There shall be no direct contact by any interested party with any member of the appeals board. Direct contact shall result in automatic denial or approval of the appeal, as appropriate.
- 7.4.8.4 Appeals directed to the conference appeals board must be made in writing and signed by the college president within ten (10) working days of receiving the conference commissioner’s ruling. After receiving an appeal, the conference appeals board shall review the appeal within ten (10) working days. However, if the conference appeals board votes to hold a testimonial hearing, the appellant shall have an additional five (5) working days notice of the hearing.
- 7.4.8.5 The conference appeals board may call for testimony from those it deems appropriate and seek other information at the hearing or by way of independent investigation. The conference appeals board shall reach its decisions by a majority vote conducted by written ballot. In case of a tie vote, the appeal is denied. The conference appeals board shall make its decision in writing which shall be retained for a three (3)-year period by the appropriate conference commissioner. If the conference appeals board schedules a testimonial hearing, the appellant shall have the right to:
- A. Appear and be heard.
 - B. Present all relevant information, which may, at the discretion of the conference appeals board, include other persons’ declarations.
 - C. Request the attendance of any person to testify at the hearing.

D. Question any witnesses. All witnesses are subject to examination by the parties and the members of the conference appeals board.

7.4.8.6 A conference appeals board member who is affiliated with the college or directly with the individual involved in the appeal shall not participate in the hearing or the conference appeals board's deliberation or voting.

7.4.8.7 The conference appeals board shall have the right to take the following action:

A. Grant or deny the appeal.

B. Modify, reverse, or ratify decisions of the conference commissioner.

C. Request the attendance of any person to testify at the hearing.

D. Question any witness.

7.4.8.8 The decision of the conference appeals board shall be distributed by the conference commissioner in writing to the appealing party, the appellant school's athletic director, the appellant school's college president, and the Executive Director.

7.4.8.9 If a decision of the conference appeals board appears to modify, extend, or disregard any provision of the *Constitution and Bylaws*, that decision shall be forwarded through the Office of the Executive Director to the appropriate appeals board for modification, reversal, or ratification. No decision by the conference appeals board is final until reviewed by the appropriate appeals board if the Executive Director states in writing and notifies the appropriate conference commissioner that the decision appears to modify, extend, or disregard any provision of the *Constitution and Bylaws*. The determination of whether a conference appeals board decision appears to modify, extend, or disregard any provision of the *Constitution and Bylaws* shall be solely determined by the Executive Director.

7.4.8.10 In no event shall additional eligibility be granted to a student athlete until the conference appeals board's decision is modified, reversed, or ratified by the appropriate appeals board, with the exception of injury/illness and reporting error decisions by the conference commissioner. A student athlete shall not be allowed to participate in intercollegiate competition until the appeals board authorizes such participation.

7.4.8.11 Decisions of the conference appeals board are final unless timely appealed to the Executive Director or the COA Appeals Board as set forth hereafter.

7.4.9 **APPEALS PROCESS—THE COA APPEALS BOARD**

7.4.9.1 Two (2) appeals boards shall be established by the COA Board. (COA Appeals Board and the COA Disabilities Appeals Board). The COA Appeals Board members and alternates shall be appointed by the COA Board chair. The COA Appeals Board shall consist of three (3) members of the COA Board. Two (2) alternate members shall be appointed to the COA Appeals Board by the COA Board chair. Alternates shall be used when a member is from the college that brought allegations against the appealing college and/or a college appealing a decision by a conference appeals board, conference commissioner, or COA Executive Director; or when an appointee is unavailable to

participate in an appeal's hearing in a timely manner. A minimum of three (3) individuals will rule on appeals. (Disabilities Appeals Board: see Article 7.4.14.)

The COA Appeals Board shall only hear appeals from rulings by conference appeals boards. All appeals shall be based upon the same materials presented to the conference appeals board as submitted to the Executive Director by the conference commissioner. No additional materials or information shall be permissible. There shall be no direct contact with any member of the COA Appeals Board. Direct contact shall result in automatic denial or approval of the appeal.

- 7.4.9.2 Special meetings may be called upon reasonable notice by the COA Appeals Board chair or the Executive Director. The COA Appeals Board chair shall be appointed by the COA Board chair. The COA Appeals Board may conduct business by the following means: telephone, teleconference, videoconference, email, mail, or in person.
- 7.4.9.3 The COA Appeals Board may seek other information as necessary. The COA Appeals Board shall reach its decisions by a majority vote. The COA Appeals Board shall deliver its decision in writing to the Executive Director.
- 7.4.9.4 The COA Appeals Board shall have the power to consider any matter concerning the Constitution and Bylaws, including, but not limited to:
 - A. Appeals from a conference appeals board.
 - B. Appeals of interpretation of the COA Executive Director.
 - C. Matters referred to the COA Appeals Board by the COA Executive Director.
- 7.4.9.5 A COA Appeals Board member who is affiliated with a college involved in the appeal shall not participate in the COA Appeals Board deliberation or cast a vote.
- 7.4.9.6 An appeal to the COA Appeals Board must be presented in writing to the Executive Director within ten (10) working days of notification of denial of an appeal by the conference appeals board. All communications from the conference or any appealing party must be initiated through the conference commissioner or the COA Executive Director, and then from the COA Executive Director to the COA Appeals Board.
- 7.4.9.7 Using FORM 4A, or 4B, Request for Appeal, as a cover page, such appeal shall briefly state the factual basis for the appeal. This statement should include all information pertinent to the case including, if relevant, transcripts, medical records, copies of schedules, confirming statements by the student and athletic director, and any other materials that will assist the COA Appeals Board to act.
- 7.4.9.8 Within five (5) working days of receiving a written appeal, the Executive Director shall notify the COA Appeals Board chair of the appeal.
- 7.4.9.9 Within ten (10) working days after the COA Appeals Board chair receives notice of the appeal, the COA Appeals Board shall review the appeal. A written decision shall be provided to the affected parties within ten (10) days of the review.
- 7.4.9.10 The COA Appeals Board shall have the right to take any of the following actions:

- A. Grant or deny the appeal.
- B. Refer the matter to the COA Board for review.
- C. Waive any provision of the *Constitution and Bylaws*.
- D. Take other action, which it considers necessary or appropriate.

7.4.9.11 Each decision of the COA Appeals Board shall be made within ten (10) working days of the date of the hearing and shall be in writing. The COA Executive Director shall send the written decision to the appealing party, the involved conference commissioner, and the COA Appeals Board. The decision of the COA Appeals Board shall be final, unless the provision of Article 7.4.10 is implemented.

7.4.10 **APPEALS PROCESS—COA BOARD**

7.4.10.1 The COA Board may affirm, overrule, or modify any decision of the COA Appeals Board.

7.4.10.2 The appealing party shall send a request for review to the conference commissioner who shall notify the COA Executive Director within ten (10) working days including a cover letter requesting the appeal and signed by the college president, and all the material that the appealing parties have previously presented to the conference commissioner or the hearing and appeals boards. No new material is acceptable.

7.4.10.3 The COA Executive Director shall distribute all of the information presented to the appeals board by the parties. There shall be no direct contact with any member of the COA Board. Direct contact shall result in automatic denial or approval of the appeal.

7.4.10.4 A ballot will be mailed to each COA Board member, along with the distribution of materials, requesting the decision of each member to be returned to the Office of the Executive Director within 18 working days.

7.4.11 **BINDING ARBITRATION**

7.4.11.1 A binding arbitration panel (“Panel”) shall be established. The Panel shall include approximately twelve individuals who are familiar with the California Community Colleges, their procedures, their intercollegiate athletic programs and the COA/CCCAA. The COA Executive Director and the CCLC Executive Director shall nominate the Panel members. The colleges shall be entitled to also nominate—in writing—persons to serve on the Panel and shall have a reasonable voice in the selection of the persons appointed to the Panel. The COA and CCLC Executive Directors shall make the final decision regarding appointment. Panel members shall be appointed for a three (3)-year term in a rotating manner. (The first appointments shall be divided into three [3] groups of four [4] each and shall be designated for one [1]-year, two [2]-year or three [3]-year appoints. All further appointments shall be for the required three [3]-year term.)

7.4.11.2 The Panel will serve without salary, but may be reimbursed for out-of-pocket expenses. However, if an appealing college does not prevail in its arbitration, the three (3)-member Arbitration Panel shall be authorized to award costs and fees against the college in favor of the COA/CCCAA.

- 7.4.11.3 A party to arbitration has a right to be represented by an attorney at any proceeding or hearing. However, to minimize the expense and to encourage cooperation and collegiality it is desired that the services of legal counsel not be over-utilized.
- 7.4.11.4 Those wishing to use binding arbitration (Appellant) shall notify the COA Executive Director of their wishes in writing within five (5) working days of the denial of an appeal by the COA Board.
- 7.4.11.5 A college requesting arbitration shall give written notice of the facts and issues to be determined at the time of notification.
- 7.4.11.6 Within five (5) working days after receiving a request for arbitration, the COA Executive Director shall notify the COA Board chair and the president of the appealing college of the request for binding arbitration. Simultaneously, a list of the members of the Panel shall be presented to the COA Board chair and the appealing college president.
- 7.4.11.7 From the Panel, the COA Board chair and the president of the appealing college shall, within five (5) working days, agree to the three (3) persons who will hear the case (Arbitration Panel). If the parties cannot identify three (3) neutral persons from the twelve (12), then each party shall select one (1) individual from the twelve (12). Those two (2) persons shall select a third person to serve on the arbitration panel of three (3). If the two (2) sides can agree on only one (1) person from the twelve (12), then that one (1) person shall select the other two (2) to serve on the Arbitration Panel of three (3). If only one (1) person of the twelve (12) is acceptable to either of the parties, then that person shall select the other two (2) members of the Arbitration Panel of three (3), but only after consultation with each party. If the appealing college does not timely participate in this selection process, the COA Board chair shall appoint the Arbitration Panel of three (3). Within five (5) working days after the selection of an Arbitration Panel, the members shall select the chair.
- 7.4.11.8 The three (3)-person Arbitration Panel shall meet to hear the appeal no later than 18 working days after the Arbitration Panel chair is selected.
- 7.4.11.9 The colleges agree that they have waived the right to a testimonial hearing, to present evidence, and to cross-examine witnesses at the arbitration hearing. The Arbitration Panel may, at its discretion, declare the hearing not to be a testimonial hearing, call for testimony from those it deems appropriate, and seek other information as necessary. The Arbitration Panel shall, at its sole discretion, decide if it wishes any material in addition to that which has been previously submitted by the parties. There shall be no direct contact with any member of the Arbitration Panel by an interested party. Direct contact shall result in automatic denial or granting of the requested relief, as appropriate.
- 7.4.11.10 If there is a testimonial hearing, the Appellant shall have the right to:
- A. Appear and be heard.
 - B. Present all relevant information, which may, at the discretion of the Panel, include statements from other persons.
 - C. Question witnesses in attendance.

- 7.4.11.11 The Panel shall have the right to take the following action:
- A. Grant or deny the requested relief.
 - B. Take other action it considers necessary or appropriate consistent with the *Constitution and Bylaws*.
- 7.4.11.12 The decision of the three (3)-member Arbitration Panel shall be final and binding on the parties. There will be no further appeals and no court proceeding. While the vote on the decision may be by secret ballot, the award shall be in writing and signed by the members of the Arbitration Panel. It shall include a determination of all of the questions submitted. The decision shall be rendered in writing within ten (10) working days following the conclusion of the hearing.
- 7.4.11.13 If a college does not exhaust its rights under the stated appellate process, including binding arbitration, and instead commences litigation, it shall be liable for COA/CCCAA's fees and costs of that litigation, unless the college is the prevailing party.

7.4.12 **PENALTIES**

- 7.4.12.1 Penalties for violation of the *Constitution and Bylaws* may be imposed on colleges, students, conferences, coaches, or other college employees. A college, conference, conference commissioner, or the COA Board may impose such penalties. Each penalty shall be enforced by the conference and conference commissioner or, in the case of penalties against a conference, by the COA Executive Director.
- 7.4.12.2 Disciplinary actions may include, but are not limited to, the following penalties: loss of right to participate in scheduled games, meets, or matches; loss of eligibility; forfeiture of contests; return of any awards won during periods of forfeiture; probation, suspension, exclusion from participation in any COA/CCCAA-sanctioned sport or postconference competition; and recommendation of exclusion from a coaching assignment.
- 7.4.12.3 The penalty for the participation of an ineligible athlete in any contest shall include, but need not be limited to, the forfeiture of the contest(s) (game, meet, or match) in which the athlete participated. (See Bylaw 1.)
- 7.4.12.4 A conference commissioner may place a college on:
- PROBATION—A conference college may be placed on probation for failure to abide by COA/CCCAA or conference rules and regulations. Probation may include appropriate sanctions, including loss of eligibility for postconference competition.
- 7.4.12.4.1 A conference may, by a vote of the member colleges, place a college on:
- A. **SUSPENSION**—A conference may suspend a member college by a three-quarters ($\frac{3}{4}$) vote of conference members for willful failure to abide by COA/CCCAA and conference rules and regulations. Suspension shall mean the loss of participation rights in one or more sports. (See Bylaw 5.7.)
 - B. **EXPULSION**—A conference may recommend expulsion from the conference according to the provisions of the following subsection.

- 7.4.12.5 A conference may recommend to the COA Board expulsion of a member college by a three-quarters ($\frac{3}{4}$) vote of the member colleges for continual willful failure to abide by COA/CCCAA or conference rules and regulations. Such a recommendation shall be made to the COA Board through the COA Executive Director. Expulsion may only be recommended following a period of either probation or suspension for the college in question. (See Bylaw 5.7.)
- 7.4.12.6 In each case of expulsion, the COA Board shall act only after having taken testimony from the college proposed for expulsion and having received the report and the recommendation of the Executive Director. The COA Board shall act at its next regularly scheduled meeting. Such a decision is final and may not be appealed.
- 7.4.12.7 When the COA Board approves expulsion of a college from a conference, that college shall not be eligible for membership in another conference for the period of time from the date of the expulsion through the end of the succeeding academic year. (See Bylaw 5.7.)
- 7.4.12.8 For purposes of voting, as in Articles 7.4.12.4.1 and 7.4.12.5, each member college shall have one (1) vote. For purposes of determining how many votes equal a three-quarters ($\frac{3}{4}$) majority, the minimum number of votes to equal or exceed an absolute numerical three-quarters ($\frac{3}{4}$) shall be required.
- 7.4.12.9 Each conference, in applying the sanctions listed above, shall provide due process procedures.
- 7.4.12.10 Penalties for violation of any Bylaw may be imposed on colleges and their coaches, students, employees, and/or college representatives. The college, the conference commissioner, conference, or the COA Board may impose such penalties.
- 7.4.12.10.1 Probation penalties shall include:
- A. The violating college athletic department shall be placed on minimum one (1) year probation for the sport(s) concerned. Supervisors of the probation shall be the college president and the conference commissioner.
 - B. The conference commissioner shall write a letter of notification to the college and forward it to the college president.
 - C. The college on probation shall develop a written policy statement on the violation activity(ies) to be presented by the college president at the first scheduled conference meeting following the penalty ruling.
 - D. The college shall provide the conference commissioner with a monthly written report summarizing the college's activities in the area of the rules for which the penalty was invoked. If a recruitment rule has been violated, this report shall include all out-of-recruiting area first-contact reports.
 - E. The conference commissioner shall review the college's compliance with the sanctions of the probation at least twice during the probation year. At the end of the probation, the conference shall vote to terminate or extend the probation.

- F. The college may receive further penalties, including but not limited to the loss of postconference competition, imposed by the conference commissioner, the conference, or the COA Board, in accordance with Article 7.4 (Due Process Procedures) of the *Constitution and Bylaws*.

7.4.12.10.2 Penalties for additional violations, which would result in probation, by a college, which occur during the year of formal probation or within three (3) years following the probation year, shall include:

- A. The college shall be again placed on probation or its probation extended and shall be banned from participation in any postconference competition in one (1), some, or all intercollegiate sports of the college.
- B. The commissioner or the conference shall notify in writing the college president of the names of those administrators and/or staff members who are believed to be responsible for repeated violations. Colleges are urged to reassign repeat offenders.
- C. The conference shall, upon the call of the commissioner, meet to evaluate and consider recommending the suspension and/or expulsion of the college from the conference.
- D. Other penalties as shall be imposed by the conference commissioner, the conference, or the COA Board.

7.4.13 **FORM A: DUE PROCESS PROCEDURES**

7.4.13.1 The following procedure is to be used by the Office of the COA Executive Director involving cases initiated by the use of a FORM A, Request for Investigation:

- A. Initiators will use FORM A, Request for Investigation. The athletic director and president of the college making the request must submit FORM A to the COA Executive Director. Attached with the FORM A must be an objective explanation reporting the exact dates, times, location, and names of those people involved. Any other pertinent information should be included.
- B. Upon receiving the FORM A and its attachments, the COA Executive Director will send copies of the materials and procedures to the president of the college against whom the allegation has been made and the conference commissioners involved.
- C. The college will be given forty-eight (48) hours to respond verbally to the COA Executive Director with respect to the allegations.
- D. At that time, it will be the responsibility of the COA Executive Director to use one (1) or more of the following options:
 - 1. Accept the college's proposal for responding to the allegation.
 - 2. Refer the matter in its entirety to the appropriate conference commissioner for action.
 - 3. Appoint an investigator to establish and/or clarify the facts of the case.

4. Establish a date for a visit by the COA Executive Director with those identified as being involved in the case. The Executive Director may wish to interview all parties including students, staff, and any other individuals involved in the case.
- E. Upon completion of the investigation, the COA Executive Director will report the findings and recommendations directly to the COA Board. The COA Board may:
1. Grant or deny the recommendation of the COA Executive Director.
 2. Render its own interpretation.
 3. Impose penalties on the involved college(s), its employee(s), and/or its student(s).
 4. Refer the matter to the conference for review.
 5. Waive any provision of the *Constitution and Bylaws*.
 6. Take other action that it considers necessary or appropriate.

Throughout the process, Article 7 will be used. Whenever possible, problems should be resolved at college and conference levels.

7.4.14 STUDENTS WHO QUALIFY UNDER THE AMERICANS WITH DISABILITIES ACT

7.4.14.1 A Disabilities Appeals Board shall be established by the COA Board. Members and alternates shall be appointed by the COA Board chair. The Disabilities Appeals Board shall consist of five (5) members, none of whom shall be required to be members of the COA/CCCAA. Members shall, however, be individuals who either have had or shall immediately receive training concerning member school’s obligations under Title II, who shall be familiar with how students with learning disabilities are taught and how curriculum is developed and some understanding of how to predict academic success in a community college for students with learning disabilities and who are familiar with Section 504 of the Rehabilitation Act of 1973. At least two (2) alternate members shall be appointed. Alternates shall be used only when a member is from a conference that is submitting a request to the Disabilities Appeals Board or when an appointee is unavailable to participate in a hearing in a timely manner. A minimum of three (3) members shall rule on all issues. The COA Board chair shall appoint the chair of the Disabilities Appeals Board.

7.4.14.1.1 Appointment and tenure on the Disabilities Appeals Board shall be at the sole discretion of the COA Board. Membership on the Disabilities Appeals Board shall continue until the member resigns or is removed by the COA Board.

7.4.14.2 The Disabilities Appeals Board shall meet as needed. Meetings may be called upon reasonable notice by the Disabilities Appeals Board chair or the COA Executive Director. The Disabilities Appeals Board may conduct business by the following means: telephone, teleconference, videoconference, e-mail, mail, or in person.

- 7.4.14.3 The COA Executive Director shall notify the Disabilities Appeals Board within five (5) working days of the receipt of an endorsed notification from a conference commissioner and the Disabilities Appeals Board shall meet and act within seven (7) working days of notification from the COA Executive Director.
- 7.4.14.4 The Disabilities Appeals Board may require any information reasonably required to reach a decision. Decisions shall be by a majority vote. All final decisions shall be in writing and shall be delivered to the Executive Director within seven (7) days of a vote.
- 7.4.14.5 The Disabilities Appeals Board shall have the power to create eligibility for any student for one semester only by allowing modification, extension, waiving, or disregarding any of the provisions which does not adversely effect the purpose behind the provisions or which is reasonably necessary for operation of the COA/CCCAA.
- 7.4.14.6 A request for a hearing before the Disabilities Appeals Board must be presented in writing to the COA Executive Director within ten (10) working days of endorsed notification from a conference commissioner on a FORM 4C. All communications with the Disabilities Appeals Board shall be initiated through the COA Executive Director.
- 7.4.14.7 All decisions of the Disabilities Appeals Board are final unless the student/institution requests to implement the provisions of Article 7.4.10.

APPEALS PROCESS FLOW CHART

APPEALS

1) FORM 4A & 4B	Conference Commissioner	Ruling: appeal resolved, or
2) or Appealed to	Conference Appeals Board	Ruling: appeal resolved, or
3) or Referred to	COA Executive Director	Who directs
4) Appeal to	COA Appeals Board	Appeal resolved, or
5) Appeal may be reviewed by the COA Board at its discretion		Appeal resolved, or

6) Request Binding Arbitration

DISABILITIES APPEALS

1) FORM 4C	Conference Commissioner	Endorsed notification
2) Referred to	COA Executive Director	Who directs
3) Appeal to	Disabilities Appeals Board	Ruling: appeal resolved, or
4) Appeal may be reviewed by the COA Board at its discretion		Ruling: appeal resolved, or

5) Request Binding Arbitration