

WASHINGTON INTERSCHOLASTIC ACTIVITIES ASSOCIATION

HANDBOOK



2014-15

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

I. Introduction

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

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

II. Initial Investigation

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

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

III. Letter of Inquiry

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

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

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

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

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

IV. Member School Response

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

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

V. Fact-Finding Investigation

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

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

VI. Fact-Finding Guidelines

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

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

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

VII. Case Summary

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

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

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

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

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

IX. Infraction Report

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

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

X. Summary Disposition

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

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

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

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

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

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

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

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

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

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

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

XI. Reconsideration

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

Bellevue School District Individuals, Interviewed for the Fact-Finding Investigation

1. John Harrison, Executive Director of Schools
2. Jeff Lowell, District Athletic and Activity Director (twice)
3. Scott Powers, Principal, Bellevue High School
4. Nancy Larson, Facilities and Maintenance Manager
5. Betty Takahashi, McKinney-Vento Liaison
6. Glenn Hasslinger, Supervisor of Pupil Management
7. Lauren McDaniel, Bellevue High School Athletic Director
8. Liz Roloff, Interlake High School Athletic Director
9. Gill James, Newport High School Athletic Director
10. Pat McCarthy, Sammamish High School Athletic Director
11. Todd Craig, Head Football Coach, Sammamish High
12. Mike Miller, Former Head Football Coach, Newport High
13. Mike Rogers, Volunteer Football Coach, Bellevue High (did not submit to an interview)
14. Elana Jimenez, Bellevue High School Counselor (A-De)
15. Mary Beth Smith, Bellevue High School Counselor (DI-II)
16. Richard Brown, Bellevue High School Counselor (Jo-MI)
17. Kelly Troisi, Bellevue High School Counselor (Mo-She)
18. Maureen Travaille, Bellevue High School Counselor (Shi-Z)
19. - Bellevue High School parent and player
20. - Bellevue High School student

Additional Interviews with Bellevue School District Personnel, yet to be completed

1. Butch Goncharoff, Head Coach, Bellevue High School Football
2. Pat Jones, Assistant Coach, Bellevue High School Football
3. Rick Brown, Assistant Coach, Bellevue High School Football

Additional Interviews Completed by the Investigators as reported to the Bellevue School District

1. Art Kuehn, former Athletic Director, Interlake High School
2. Sam Reed, District Athletic Director, Tacoma Schools
3. Jason Rimkus, Head Football Coach Redmond (former Interlake Head Coach)
4. Yonni Mills, Bothell Athletic Director
5. Chris Hoffman, Former Bellevue High School Athletic Director
6. Lance Gatter, Inglemoor Athletic Director, Former Bellevue High Athletic Director
7. parent of former player, contacted by the investigator
8. , parent of former player, contacted by the investigator
9. Neighbors of who is the parent of a former player and the guardian of a current player
10. Jennifer Vice, School Director, The Academic Institute
11. John Connors, Wolverines Football Club president

Requested Interviews for which no specific reason was provided to the school district

1. Susan Day, Bellevue High School PE Teacher
2. Dan Desmond, Bellevue High School PE Teacher
3. Darryl Gonyea, Bellevue High School PE Teacher
4. Sarah Major, Bellevue High School PE Teacher