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July 28, 2016

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Seaking District 2 Board c/o  
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Board Members,

By this letter, Bellevue High School (BHS) and the Bellevue School District (BSD, or District) provide reasons, rationale, and supporting information to supplement the July 20, 2016, notice of intent to appeal sanctions imposed by the KingCo Principal's Executive Board Committee (KPEBC) on July 8, 2016. By reference here, BHS/BSD incorporate all facts and arguments presented during and after their June 7, 2016 presentation of findings to the KPEBC. After a full review of all relevant information, including the WIAA investigation report and subsequent investigative materials prepared by BSD, BHS/BSD admit to certain violations and have submitted the District to the self-report process and the penalties and consequences that flow from that process.

The stated purpose of the BSD Athletic and Activities Department is to provide guidance to students through athletics and activities as they develop into productive adults, who understand that dedication, resiliency, and respect translate into success in life. To this end, BHS/BSD have focused throughout the WIAA investigation and the subsequent sanctioning process on supporting student athletes who have not been found to have violated BSD, KingCo, or WIAA Rules and Policies. BHS/BSD remain steadfast in our belief that sanctions, as stated in RCW 28A.600.205 "must be proportional to the offense and must be imposed upon only the offending individual or individuals, including coaches, school district administrators, school administrators, and students."

BHS/BSD takes responsibility for the violations that have occurred and remain committed to ensuring that, as stated in WIAA Rule 28.5.1, internal processes are put in place "so that further violations do not occur."

To that end, BHS/BSD has:

- Taken appropriate employment action with coaches formerly associated with the football program.
- Created a new position, Registration Specialist, which will focus in part on consistent enrollment verification for all students including student-athlete transfers.
- Ended BHS' relationship with the Bellevue Wolverine Football Club (BWFC). A new club will be formed to support the football program, separate from the BWFC.
- Scheduled a booster club training session for August, to be led by Marty Fortin. This session will begin consistent, regular training for booster clubs, with a formal training plan for all clubs being developed and published after this initial session.
- Scheduled community forums for the 2016-2017 school year, with a focus on compliance of support groups and general education of BSD, KingCo, and WIAA Rules.
- Started the process of naming individuals to a Title IX committee at each comprehensive high school. This building based group will be in part responsible for a regular review of booster donations to ensure equity while implementing a budgeting process each spring to guide future booster fundraising efforts and donations.
- Started the policy review process for six pertinent school board policies, with an immediate focus on donations and enrollment.
- Scheduled the all-district coaches training for August 2015.

BHS/BSD has remained steadfast in the belief that when violations are found to have occurred in any district athletic program that the violations are addressed according to BSD, KingCo, SeaKing, and WIAA Rules. However, BHS/BSD also believe that it is imperative that the SeaKing District 2 Board (SDB) recognize that the investigation conducted by the WIAA, although requested by BHS/BSD, did not provide BHS/BSD with neutral fact-finding aligned with the three WIAA fact-finding investigations recently conducted within SeaKing District 2. Nevertheless, BHS/BSD accepts responsibility for violations of WIAA Rules that are supported by verified fact and evidence, not based on the lack of evidence or on innuendo, rumor, supposition, or adverse inference. BHS/BSD also believes that any sanction applied due to the finding of a violation based on fact should be consistent with WIAA precedent and should not exceed any hearing panel's authority under state law.

BHS/BSD should be afforded the same process when determining sanctions received by other SeaKing schools who utilized the fact-finding process. At a full and fair hearing to determine sanctions, *all facts* should be considered and weighed, with the hearing panel taking the approach that no fact is proven until it is held up against all other facts; the credibility of relevant facts should be determined by the hearing panel, a precedent that was set in the previous investigations conducted for SeaKing District 2 schools. Based on the WIAA's Fact-Finding procedures and past precedent, WIAA investigators have always been hired to neutrally find fact, not to draw conclusions or determine rule violations. Any appeal board must find a violation based on *evidence*, and not based on the lack of evidence or on innuendo, rumor, supposition, or adverse inference.

BHS/BSD includes here for review by the SDB a summary of sanctions BHS/BSD is appealing and items BHS/BSD request the SDB clarify.

### Sanctions BHS/BSD Appeals:

1. BHS/BSD appeals the sanction which limits the Varsity football team to 3A league games only (which is the same sanction as not allowing BHS football to play non-league games) for the 2016 season. BHS seeks to keep one (1) Varsity non-league game on its fall 2016 schedule. BHS is currently scheduled to play Tumwater High School. The additional game would mean a total of six games for 2016.
  - a. BHS/BSD respectfully requests the addition of this game as the loss of 50% of a season is the highest allowable restriction under the WIAA penalty table for a level 2 violation and this penalty is unduly imposed on students who have not been found to have violated BSD, KingCo, or WIAA Rules and Policies.
  - b. BHS/BSD respectfully requests the addition of this game as the loss of the game unduly imposes a penalty on Tumwater High School who is scheduled to play Bellevue during week #3. Tumwater has not been able to find a game to replace the week #3 game on their schedule. In essence, this would then mean a 10% restriction for Tumwater's football season.
  - c. A review of penalties to WIAA member schools between 2006 and 2015 shows that this penalty is rarely used with BHS/BSD being able to find two documented cases of a member school having a program's season schedule restricted.
    - i. Selah HS (2006): Selah Girls Soccer limited to 13 games for 2007 (3 game restriction or 18.7% of the season). The penalty was imposed for what is described as a willful violation of WIAA Rule 60.1.0, game limits as the team scheduled more than the 16 games allowed during previous seasons.
    - ii. Inglemoor High School football was restricted one (1) non-league game (10% of the season) during the 2015 season for a violation of WIAA Rule 17.5.0 – Out of Season coaching while the Inglemoor Athletic Department was on probation.
2. BHS/BSD appeals the recommendation to deny post-season play for the BHS Football team for 4 seasons (2016 through 2019). BHS believes that the SDB should reduce the number of years recommended by the KPEBC.
  - a. BHS/BSD respectfully requests the reconsideration of this recommendation as a 4-year penalty does not comply with RCW 28A.600.205 in that it is unduly imposed on students who were not in high school when infractions occurred.
  - b. A review of penalties to WIAA member schools between 2006 and 2015 shows that this penalty is rarely used with BHS/BSD being able to find five (5) documented cases of a member school being barred from post-season play.
    - i. Garfield High School (Feb. 2010): On appeal, KingCo limited sanctions to the Garfield Football team for the use of ineligible players to one (1) year, to be served in fall 2010.
    - ii. Battle Ground High School (May 3, 2011): The baseball coach played an ineligible player in violation of WIAA Rule 18.11. District 4 denied the baseball team post season in 2012.
    - iii. Hudson's Bay High School (October 22, 2010): The Hudson's Bay football coach played academically ineligible athletes in Varsity and JV games against Mt. View in violation of

- WIAA Rule 18.7.0. District 4 denied the football team participation in district and state events in football for the 2011 season.
- iv. Kalama High School (September 11, 2010): The girls' soccer coach removed the girls' varsity soccer team from the field in violation of WIAA Rule 17.31.0. District 4 denied the program district and state competition in 2010 and 2011.
  - v. Eastside Catholic (May 2015): The boys' basketball team was denied post season for the 2016 season for what was termed administrative issues.
3. BHS/BSD appeals the sanction to suspend donations to its football program from "any outside public or private entity" for four (4) years. It is important to review this request with BHS/BSD request for clarification #2 in mind (see page 6).
- a. BHS/BSD respectfully requests the SDB reduce or remove the condition of four (4) years. BHS/BSD believes that four (4) years is an excessive length of time to implement "standards, procedures, and safe-guards for accepting funds from outside entities, including booster clubs."
    - i. BHS/BSD respectfully submits that no time table be placed on this work, but the suspension of donations remains in place until such time that KingCo and the SeaKing District 2 Board both agree that the "standards, procedures, and safe-guards for accepting funds from outside entities" that have been implemented by BHS/BSD provide BHS, BSD, KingCo athletic directors and the SeaKing District 2 board with sufficient reassurance that "no future violations will take place." The earliest date when BHS/BSD can submit "standards, procedures, and safe-guards" for review is February 1, 2017.
4. BHS/BSD appeals the decision to create a new "eligibility" process for transfer students calling for the submission of packets to KingCo.
- a. BHS/BSD respectfully suggests an alternative process for consideration by the SDB. BHS/BSD welcomes a review of athletic eligibility paperwork each season for the next two years as described in (c.) below, an eligibility process that remains in compliance with KingCo and WIAA Rules.
  - b. BHS/BSD believes that the most qualified individual to review eligibility information for any SeaKing District 2 member school is the SeaKing District 2 Eligibility Chair.
  - c. BHS/BSD suggests the process for determining eligibility for transfers at BHS for the next two years (2016-2017, 2017-2018) would be:
    - i. BHS AD will complete WIAA eligibility packets for all transfers.
    - ii. BHS will contact the SeaKing Eligibility Chair and schedule time for the Eligibility Chair to come to BHS to review all completed eligibility packets prior to the beginning of each season/prior to a transfer athlete competing at the varsity level.
    - iii. The Eligibility Chair will review the BHS AD's work and will determine a required course of action for all transfer students.

- iv. After the review is complete, the SeaKing Eligibility Chair and BHS AD will summarize the completed work and the BHS AD will provide a seasonal report to the Bellevue School District Board of Directors, KingCo Athletic Directors, and the SeaKing District 2 Board.
  - d. A review of penalties to WIAA member schools between 2006 and 2015 shows that as any District board seeks to provide oversight for eligibility issues within a program, they rely on their eligibility chair.
- 5. BHS/BSD appeals the finding and recommendation to continue an on-going open investigation into recruitment and suggests an alternative to the SDB.
  - a. BHS/BSD respectfully restate the findings of the WIAA Investigators who include in their 68 page investigative report that there were no findings as to whether BHS had illegally recruited football players. This was also stated in a subsequent report dated May 18, 2016, a report requested by the WIAA after the WIAA was contacted by the KSRC with a request to evaluate the BHS/BSD self-report.
    - i. As presented by the KPEBC, the preponderance of evidence that supports the recommendation for further inquiry into recruiting are innuendo, rumor, and supposition. As detailed in Appendix 4, the WIAA maintains that there is no expectation for member schools to investigate anonymous complaints. This has been confirmed in writing by the WIAA Executives over the years.
  - b. Although the KPEBC states that "Appendix 11 was removed from the WIAA Handbook several years ago," The WIAA Handbook still references Procedures for WIAA Fact-Finding in the 2015-2016 Handbook in a number of places.
    - i. 19.14.0 Protests of Eligibility: (B) the District Eligibility Chairperson may appoint a Fact Finder to investigate matters pertaining to the protest. Refer to Appendix 11, Procedures for WIAA Fact-Finding.
    - ii. 8.12.9 (Responsibilities of the WIAA Executive Board): (9) Appoint a Fact Finder to investigate alleged WIAA rule(s) violations. Refer to Appendix 12, Procedure for WIAA Fact-Finding.
    - iii. As the 2015-2016 WIAA Handbook still referenced this fact-finding procedure, there must be an expectation that the stated procedure would guide any fact-finding investigation within a WIAA member school. A review of the last published set of this procedure, included in the 2014-2015 Handbook, states that any alleged rule violation to be investigated stems from information that is from "responsible sources, appears to be reasonably reliable and indicates that a violation of WIAA rules has actually occurred." Without a set procedure to follow, member schools are subject to arbitrary and capricious processes which in this instance infringed on BHS/BSD student and employee privacy rights. Unsubstantiated allegations of BHS/BSD employees obstructing the investigation were also a result of this lack of clear and understood process.
    - iv. As the WIAA investigators have submitted that there were no findings as to whether BHS had illegally recruited football players, BHS/BSD respectfully submits that any further

investigation would occur based on new information rather than past innuendo, rumor, supposition, or adverse inference.

- c. BHS/BSD respectfully submits as an alternative to the KPEBC recommendation that from 2016 through 2020 for all new allegations of rule violations by the BHS football program, the suggested process for investigating such allegations would be:
  - i. BHS/BSD will conduct an initial investigation to determine if an allegation 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 is reasonably reliable, BHS/BSD will fully investigate the allegation to further verify, substantiate or corroborate the initial information.
  - ii. Once complete, BHS/BSD will document the allegation and findings. Any report will include:
    1. Specific 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;
    2. The approximate time period during which the alleged violations occurred; and
    3. The identity of the individuals involved;
      - a. For each individual interviewed, each interview will be reduced to a typed, written report that accurately reflects the interview. To ensure accuracy, the person interviewed will review the written report.
  - iii. Prior to any self-report BHS will confer with the WIAA's Penalty Review Council to review the report and assist in establishing a penalty appropriate to the findings.
  - iv. Once the self-reporting process is complete, BHS will make public the results of any investigation through a submission of the report to the Bellevue School District Board of Directors.

**BHS/BSD requests for clarification from the SDB:**

1. BHS/BSD respectfully seeks to have the SDB clarify the statement "not limited to Football team coaches, but would apply to any coaching position in the KingCo League" as it is written in the KPEBC sanction to suspend coaches.
  - a. Does this refer to only WIAA sanctioned activities, or is the intent of the sanction to prohibit said coaches from coaching in any capacity?
  - b. Also, please confirm that this sanction does not prohibit coaches from being employed in BSD in any other capacity
2. BHS/BSD respectfully seeks to have the SDB define "any outside public or private entity," as referenced in the sanction concerning BWFC. Neither the KSRC nor the KPEBC provided a definition for BHS/BSD.
  - a. What is the intent of the broad based statement? Does this mean BHS/BSD cannot accept any money from the state of Washington?

b. Does this mean that a parent or parents are not able to provide a pre-game "team dinner" at the school during season? Any clarification that can be provided is much appreciated.

3. BHS/BSD accepts as written the sanction to place the BHS Football Program on probation until 2020. However, BHS/BSD believe that the SDB has the authority to "rule on whether the entire BHS Athletic Department be placed on probation based on previous rules and decisions."

Again, BHS/BSD accepts certain violations and have, according to KingCo and WIAA regulations, followed the self-reporting process, and the penalties and consequences that flow from that process. BHS/BSD seek an objective, impartial review through this appeal to SDB to bring sense and reason to the sanctioning phase of this WIAA investigation.

Sincerely,

Lauren McDaniel  
Athletic Director  
Bellevue High School

Dr. Vic Anderson  
Principal  
Bellevue High School

Jeff Lowell  
District Athletic and Activities Director  
Bellevue School District

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**Appendix 1: Chart: A Review of sanctions applied to BHS Football by KSRC and KPEBC - BHS/BSD response**

KingCo Self Reporting Committee Sanction	KingCo Principal Executive Board's Decision Regarding Sanctions	BHS/BSD response to KingCo Executive Board's Decision Regarding Sanctions	
<b>CONTESTS AND GAMES</b>			
BHS Varsity and Junior Varsity football teams are limited to 3A league games only for the 2016 and 2017 seasons (2 years).	<p>This sanction is reduced to lessen the impact on student athletes.</p> <ul style="list-style-type: none"> <li>➤ The sanction shall apply to only the Varsity Team and not the Junior Varsity</li> <li>➤ The sanction regarding participation in 3A games is reduced from two seasons to one.</li> </ul>	BHS/BSD appeals this decision to the SDB.	BHS/BSD seeks to keep one Varsity non-league game on its Fall 2016 schedule.
BHS will not be allowed to play non-league football games in the 2016 and 2017 seasons.	<p>This sanction is reduced to lessen the impact on student athletes.</p> <ul style="list-style-type: none"> <li>➤ The sanction shall apply to only the Varsity Team and not the Junior Varsity</li> <li>➤ The sanction is reduced from two seasons to one. (2016 season only)</li> </ul>	<p>BHS/BSD appeals this decision to the SDB.</p> <p>BHS/BSD also contend that this is the same sanction as limiting the football program to 3A league games during a season.</p>	BHS/BSD seeks to keep one Varsity non-league game on its Fall 2016 schedule.
BHS Football teams will not be allowed to play out of state opponents in home or away contests during the 2016 through 2019 seasons (4 years)	The sanction is upheld as is.	BHS/BSD accepts the sanction as written.	
BHS Football is not eligible for a KingCo Title for seasons 2016 through 2019 (4 years).	The sanction is upheld as is.	BHS/BSD accepts the sanction as written.	
BHS Football is denied post-season play for season 2016 through 2019 (4 years).	<p>This sanction is reduced to a recommendation.</p> <ul style="list-style-type: none"> <li>➤ KPEBC does not have authority to ban post season play</li> <li>➤ KPEBC recommends that BHS not be eligible for post-season play for 4 years</li> </ul>	BHS/BSD appeals this decision to the SDB.	BHS/BSD believes that the SDB should reduce the number of years recommended by the KPEBC, as 4 years does not comply with RCW 28A.600.205 since it sanctions students who were not in high school when infractions occurred.
Freshmen and Sophomore teams that include on 9 <sup>th</sup> and 10 <sup>th</sup> graders may play a regular season including league and non-league contests.	KPEBC makes no modification to this provision.	BHS/BSD accepts the provision as written.	

KingCo Self Reporting Committee Sanction	KingCo Principal Executive Board's Decision Regarding Sanctions	BHS/BSD response to KingCo Executive Board's Decision Regarding Sanctions	
<b>COACHES</b>			
The BSD's resolution 2016-03 is accepted, mandating that the contracts for coaches involved in violations of WIAA Rule 23.1.1, will not be renewed for 2 years. This resolution is expected to be applied to any	<p>This sanction is increased in order to hold the adults involved in the violations accountable, rather than the students.</p> <p>The non-renewal period for contracts of coaches involved in violations of WIAA</p>	BHS/BSD accepts the sanction that the non-renewal period for contracts of coaches involved in violations of WIAA Rule 23.1.1 shall be increased from two years to four years. However, the BHS/BSD maintains that this sanction has no applicability to BSD resolution 2016-03, which pertains only to violations of BSD policies.	

coach the BSD determines to have violated this Rule.	Rule 23.1.1 shall be increased from two years to four under Resolution 2016-03.		
These coaches shall be suspended from all aspects of BHS Football and feeder programs. This includes, but is not limited to, clinics, speaking engagements, strength training, drills, coaching, contact with players or future players, recruiting, practices, practice plans, scouting and reviewing film, etc. These coaches would serve two years suspensions imposed by the KingCo League concurrently.	<p>This sanction is increased in order to hold the adults involved in the violations accountable, rather than the students.</p> <ul style="list-style-type: none"> <li>➤ The suspension period for coaches shall be increased from two years to four.</li> <li>➤ Suspensions are not limited to Football team coaches, but would apply to any coaching position in the KingCo League</li> <li>➤ The coaches identified in the Investigative Report re: Bellevue High School football program, whether a past coach or currently on staff, shall be suspended from coaching any KingCo event for 4 years.</li> </ul>	BHS/BSD seeks clarification from the SDB regarding this sanction.	<p>In the third bulleted item, are the coaches being referenced coaches who have been found to have violated WIAA Rule 23.1.1?</p> <p>If so, is the sanction stating that each of the coaches found to have violated WIAA Rule 23.1.1 is to be suspended from coaching a KingCo event in any sport for a period of 4 years?</p>

KingCo Self-Reporting Committee Sanction	KingCo Principal Executive Board's Decision Regarding Sanctions	BHS/BSD response to KingCo Executive Board's Decision Regarding Sanctions	
<b>BOOSTER CLUBS</b>			
For the 2016 through 2019 seasons (4 years) the BHS Football Program may not receive any donations (including but not limited to: money, services, equipment, products, etc.) from any outside public or private entity. BHS will be limited to funds provided them by their district approved budgetary process.	The sanction is upheld as is.	<p>BHS/BSD appeals this decision to the SDB.</p> <p>Additionally, BHS seeks clarification from the SDB regarding this sanction.</p>	<p>BHS/BSD believes that the SDB should reduce the number of years recommended by the KPEBC.</p> <p>BHS seeks a definition from the SDB of "any outside public or private entity." Neither the KSRC nor the KPEBC defined this statement.</p>
In Spring 2018, the Bellevue Athletic Director may appeal to the KingCo League for these sanctions to be dropped. If the League determines that BHS has put in place standards, procedures, and safe-guards for accepting funds from outside entities, including booster clubs, the League may reinstate the acceptance of these funds.	The sanction is upheld as is.	BHS/BSD appeals this decision to the SDB.	BHS/BSD believes that the SDB should reduce the number of years recommended by the KPEBC. BHS believes that 4 years is an excessive length of time to implement "standards, procedures, and safe-guards for accepting funds from outside entities, including booster clubs."

KingCo Self-Reporting Committee Sanction	KingCo Principal Executive Board's Decision Regarding Sanctions	BHS/BSD response to KingCo Executive Board's Decision Regarding Sanctions	
<b>TRANSFER STUDENTS</b>			
All transfer student athletes to BHS will submit a paper "residency packet" to the Bellevue AD which includes:	This sanction is upheld with the following recommendation made by KPEBC.	BHS/BSD appeals this decision to the SDB and provides an alternative sanction to the SDB.	The sanction as it is written violates KingCo General Policy #2 and WIAA Rule 18 which states that eligibility is a function of

<ol style="list-style-type: none"> <li>1. A completed WIAA residency contract</li> <li>2. A copy of a purchase/sales agreement or rental contract from a residence located within the BHS service areas. This document shall be signed by the athlete's parent or legal guardian.</li> <li>3. A utility bill for the residence showing the student's parent or legal guardian's name on the bill.</li> </ol>	<p>➤ THE BHS and BSD shall utilize the WIAA's definition of "transfer student" as set forth under Rule 18.11.0.</p>		<p>WIAA and member school district standards.</p> <p>BHS/BSD currently utilizes and will continue to utilize the WIAA definition of "transfer student" as set forth under Rule 18.11.0.</p> <p>BHS/BSD reaffirms its commitment to its continued practice of completing WIAA eligibility paperwork for all WIAA transfer students, in compliance with WIAA Rule 18.11.0.</p>
<p>All transfer packets will be reviewed and approved by the KingCo League for 2016-2017 and 2017-2018 school years (2 years) prior to an athlete competing at the Varsity level.</p>	<p>The sanction is upheld with the following modification and recommendation made by KPEBC.</p> <ol style="list-style-type: none"> <li>1. The current BHS and BSD Athletic Directors shall recuse themselves from review of transfer students for 4 years.</li> <li>2. BSD is strongly encouraged to re-examine its open enrollment policy for student athletes to ensure there is equitable athletic programs among all Bellevue schools.</li> </ol>	<p>BHS/BSD appeals this decision to the SDB and provides an alternative sanction to the SDB as the sanction as written is contradictory in nature:</p> <p>As written, "eligibility packets" will be submitted to KingCo.</p> <ol style="list-style-type: none"> <li>1. This means packets are submitted to the President of the Athletic Directors, in 2016-2017 this is Lauren McDaniel.</li> <li>2. If the packets are not sent to Lauren McDaniel, then they would be sent to the President-Elect, Lance Gatter.</li> <li>3. The process as outlined is not in compliance with current KingCo or WIAA Rules.</li> </ol>	<p>BSD reviews school board policy on a consistent basis and is currently reviewing district policies which relate to enrollment as originally stated in the BHS letter of remedy.</p> <p>The BHS and BSD Athletic Directors cannot recuse themselves from fulfilling the responsibilities required by their employment.</p> <p>Therefore, BHS suggests an alternative eligibility "process" and welcomes a review of athletic eligibility paperwork for BHS each season for the next two years.</p>

KingCo Self Reporting Committee Sanction	KingCo Principal Executive Board's Decision Regarding Sanctions	BHS/BSD response to KingCo Executive Board's Decision Regarding Sanctions
<b>PROBATION</b>		
<p>BHS Athletic Department is placed on probation for the 2016-2017 through 2019-2020 school years (4 years).</p>	<p>This sanction is reduced to apply to the BHS Football Program and not the entire BHS Athletic Department. The KPEBC defers to the WIAA to rule on whether the entire BHS Athletic Department be placed on probation based on previous rules and decisions.</p>	<p>BHS/BSD accepts the sanction as written with the understanding that the SDB has the authority to "rule on whether the entire BHS Athletic Department be placed on probation based on previous rules and decisions."</p>
<p>BHS's sanction from the June 2015 Self-Report provided for no league shares for 3 years. As BHS has already served 1 year, there are 2 years remaining to this restriction. Bellevue will also have an additional 2 years.</p>	<p>The sanction is upheld as is.</p>	<p>BHS/BSD accepts the sanction as written.</p>

KingCo Self Reporting Committee Sanction	KingCo Principal Executive Board's Decision Regarding Sanctions	BHS/BSD response to KingCo Executive Board's Decision Regarding Sanctions	
TITLES			
<p>THE KSRC finds by a preponderance of the evidence that athletes were illegally recruited to the BHS Football Team. The committee believes that illegally recruited athletes are ineligible athletes.</p>	<p>KPEBC upholds this finding. It is supported by a preponderance of the evidence, in particular the Appellants violation report of June 1, 2015 indicating additional recruiting violations.</p>	<p>BHS/BSD disagrees with the KPEBC finding that there is a preponderance of evidence of illegal recruiting. However, BHS remains committed to investigate any and all allegations found to be reasonably reliable and indicates that a violation of WIAA rules has actually occurred.</p>	<p>BHS/BSD appeals the finding and recommendation to continue an on-going open investigation into recruitment and suggests an alternative to the SDB.</p>
<p>BSD and the WIAA should continue an on-going, open investigation to determine the participation of the illegally recruited and ineligible athlete's participation in contests.</p>	<p>KPEBC upholds this sanction as is.</p>	<p>BHS/BSD appeals this decision to the SDB and provides an alternative sanction to the SDB.</p>	<p>From 2016 through 2020 for all allegations of rule violations by the BHS football program, there will be a specific agreed upon process for investigating the allegation.</p>
<p>Corresponding KingCo Titles shall be forfeited if the WIAA determines through these investigations that there is evidence to forfeit State Titles for the same year or years.</p>	<p>KPEBC upholds this sanction with the modification that if WIAA demonstrates by a preponderance of the evidence that BHS knew or should have known that students use false residence addresses to gain eligibility at BHS, the corresponding KingCo titles shall be forfeited.</p>	<p>BHS/BSD appeals this decision to the SDB and provides an alternative sanction to the SDB.</p>	<p>From 2016 through 2020 for all allegations of rule violations by the BHS football program, there will be a specific agreed upon process for investigating the allegation.</p>

**Appendix 2: BHS/BSD response to inaccurate information from the KPEBC Report, upon which sanctions were decided:**

**KPEBC Report P.11:** *"The KPEBC finds that Appendix 11 was removed from the WIAA Handbook several years ago, prior to Bellevue High School and School District even being an issue....In addition, even if Appendix 11 were still part of the Handbook, it was merely a guideline suggesting a course of conduct and not a set of rules mandating a course of conduct."*

Appendix 11 was included in the 2014-2015 Handbook and a note in the on-line version of the 2015-2016 Handbook shows that the WIAA "Deleted fact finding procedure and moved it into the WIAA Executive Board policy book." (Appendix 3 and Appendix 4) The KPEBC mistakenly refers to this procedure as merely a guideline, however, as a procedure is a set structure to follow when an investigation is undertaken. Furthermore, when BHS/BSD requested the investigation, Appendix 11 was still in place.

There is no mention of this change to the WIAA Handbook in any WIAA Executive Board minutes during the 2014-2015 school year, leaving no record of when and why the Appendix 11 language was removed. In the on-line handbook, the "notes" page mentions the language was moved to the Executive Board Policy Book, information that was not included in the printed copies of the 2015-2016 WIAA Handbook. After a search of WIAA documentation stored on-line, no Executive Board policy book was found. This raises the question of where the Executive Board policy book is found and why the procedure was moved to a document that is not readily available to member schools.

The removal of the investigative procedure from the WIAA Handbook is a critical point as there were two reasons that formed the basis of the BSD decision to request a fact finding investigation from the WIAA:

1. The Executive Director of the WIAA contacted the BSD Athletic Director and suggested that the BSD make the request for an investigation, stating that if the BSD made the request, the BSD could define the investigation's scope, and;
2. Appendix 11, which the BSD believes was part of the WIAA Handbook when the BSD requested the investigation, described a fair and thorough process with which the BSD was comfortable.
3. The previous three fact-finding investigations in SeaKing District 2 were conducted in a manner that fell within the guidelines of the printed WIAA fact-finding procedures.
4. Without this set procedure to follow, member schools are subject to arbitrary and capricious processes which in this instance infringed on BHS/BSD student and employee privacy rights. Unsubstantiated allegations of BHS/BSD employees obstructing the investigation were also a result of this lack of clear and understood process.

**KPEBC Report P. 16:** *"The KPEBC upholds the finding of a violation of recruiting violations as BHS has already admitted to violations of the rule which was initially underreported by Bellevue High School....Specifically, the Appellants failure to cooperate with the WIAA investigation and/or obstruct the WIAA investigation and failure or refusal to investigate allegations of illegal recruiting themselves."*

**KPEBC Report P. 16:** *"Appellants' continued failure and refusal to fully and adequately investigate allegations and evidence of recruiting violations within its football program can no longer be tolerated. The KPEBC now mandates that a thorough, formal investigation take place into the recruiting activities of BHS football players. THE KPEBC agrees with the WIAA that a formal investigation by BSD would be beneficial to the BHS program, the league as a whole and to students."*

BSD takes allegations regarding its employees seriously. Throughout the investigation BHS/BSD employees made every effort to provide investigators the information they requested while at the same time balancing their responsibility to comply with all applicable district policies, procedures, federal and state laws with regards to student privacy and employee rights. In response to the allegations regarding non-cooperation and obstruction, BSD commissioned a review of its employee's response to the WIAA investigation. The summary of this review is included to highlight that BHS/BSD did respond appropriately to the WIAA investigation. In addition the summary provides relevant information which demonstrates the confirmation bias that has followed allegations levied against the BHS football program. **(Appendix 5)**

In their report, the KPEBC state that the BSD was negligent in not completing an independent, in-depth investigation into the entire BHS football program or the broad range of allegations of rules violations. The KPEBC also suggest that there have been a multitude of rumors and accusations that the program's success was achieved by violating a host of WIAA rules. This is a critical point because although it is true that the BSD has not conducted an investigation into the entire BHS football program, it is also true that unsubstantiated rumors, unfounded accusations, and anonymous complaints do not provide the basis for a program-wide investigation. In fact, the WIAA itself maintains that there is no expectation for member schools to investigate anonymous complaints. This has been confirmed in writing by the WIAA Executives over the years. Even though this fact has been confirmed by WIAA executives, BHS/BSD has investigated all reasonably reliable allegations of wrongdoing within the BHS football program. **(Appendix 6)**

In their report, the KPEBC demonstrates that it is their belief that BHS/BSD "obstructed and/or failed to cooperate with the current and prior investigations into recruiting violations." This false conclusion is based upon information that is not complete. As such, BHS/BSD believes that these unsubstantiated allegations of BHS/BSD employees obstructing the investigation were inaccurate and reliant upon incomplete information. What follows is information relevant to each claim of obstruction or failure to cooperate made by the KPEBC.

**KPEBC Report P. 17-20: KPEBC finds that there is sufficient evidence that Appellants have**

- **"Obstructed and/or failed to cooperate with the current and prior investigations into recruiting violations";**

1. No follow up to Karin Cathey investigation in 2006

In 2006, the BSD conducted an internal investigation into recruiting violations which found that the allegations could not be substantiated. As a result of the discovery by the investigator that the head coach was being paid by the booster club, the BSD requested that the WIAA consider adopting a rule to provide guidance to schools on booster club support for WIAA programs. This request resulted in the WIAA Representative Assembly enacting a new rule in 2007 that any payment to coaches in excess of \$500 in a season above any salary or stipend paid by the BSD be approved by School District Boards of Directors. The BSD exercised due diligence and this investigation ultimately resulted in positive changes to WIAA rules.

2. BSD requested and sought clarification of the investigation's scope

The BSD requested a fact-finding investigation into five specific allegations and fully understands and accepts that that other information which may have come to light may require further investigation. Furthermore, the BSD expected and consistently requested that any information related to potential WIAA violations that WIAA investigators may have identified be provided so the BSD could carry out its responsibilities as identified in past fact-finding investigations conducted within SeaKing District 2. The fact-finders, however, refused to share information they obtained and conducted their investigation with no limitations or specific oversight from the WIAA. From the outset they were directed to "look under rocks, under rocks, under rocks" to find evidence.

The investigation went far beyond the scope requested by the BSD. The investigators repeatedly insisted, both orally and in writing, that the WIAA had not limited the scope of their investigation and that they were expected to investigate any and all allegations regarding the BHS football program. The BSD immediately expressed its concern that the investigators' understanding of their mandate was not what the BSD had requested and was agreed to by the WIAA in a meeting, requested by the BSD to clarify the scope of the investigation, on September 25, 2015.

**(Appendix 7)** Items agreed upon during the initial BSD-WIAA meeting on August 28, 2015, included:

1. Investigating whether coaches directed athletes to attend the Academic Institute.
2. Investigating whether boosters had paid for tuition of athletes at Academic Institute.
3. Investigating whether athletes used false addresses to gain eligibility.
4. Investigating whether athletes received subsidized housing to gain eligibility.
5. Investigating whether coaches are coordinating tuition payments for athletes.

In fact, the WIAA investigators state in the second paragraph of their investigation report, "When we were retained, WIAA Executive Director Mike Colbrese defined the objective of the investigation as to ensure that the playing field is level for high school football competitors. He instructed us to look under rocks, under rocks, under rocks." The investigators' understanding of the scope was not aligned with what the BSD asked the WIAA to investigate nor was it consistent with the BSD's understanding of the scope. The BSD requested clarification in writing on October 23, 2015, immediately after an investigator acted outside of agreed to student interview protocols and WIAA Counsel, John Olson and Assistant Director John Miller agreed. This clarification was never provided and the investigators continued to conduct their investigation with an open-ended scope. The BSD wrote a letter directly to the WIAA Executive Board on December 4, 2015, seeking their help to arbitrate the agreement reached in August and bring a conclusion to the investigation. **(Appendix 8)**

3. Letter BSD sent to families to instruct what to discuss

The KPEBC references letters sent to the families of football players "criticizing the investigation and its scope. (Rather than encouraging cooperation with the investigation). About three months later the BSD sent a more positive letter but only to nine of the families the investigators had previously requested to interview."

It is imperative to point out that the initial letter, sent in October 2015, became necessary when an investigator, hired by the lead investigators, contacted and interviewed a minor student without parental consent. Subsequently, the community expressed concerns with the conduct of the investigators. The letter sent by the BSD to families of football players was crafted to ensure all students and their parents that their rights would be protected, and was necessitated by the furor created by the WIAA's investigator. The BSD's intent in sending the letter was to ensure that the investigator's previous conduct did not derail the entire investigation.

The BSD sent its second letter to the families of football players towards the end of the investigation, at the request of the investigators; and as a result of the letter, multiple interviews were arranged.

Neither letter was critical of the investigation and in fact, emphasized the importance of the investigation.

4. John Connors, Tracy Ford, and Jeff Razore refusal to be interviewed.

The BSD has made numerous attempts to meet with the Bellevue Wolverines Football Club (BWFC) leadership over the past 18 months with limited success. John Connors is a private citizen whom the BSD cannot compel to be interviewed. However, such refusals to cooperate with the investigation helped inform the BSD's decision to sever its relationship with the BWFC.

The KPEBC stated that Tracy Ford should have been compelled to be interviewed. The KPEBC also references a January 2015 letter that bans Mr. Ford from all school district property, in part because of a concern over recruiting athletes through his business. As Mr. Ford is a private citizen and had been banned from school district property, he was another individual whom BHS/BSD could not compel to be interviewed. Mr. Ford was severely sanctioned for his behavior, an example of BHS/BSD responding appropriately to allegations of recruitment.

The KPEBC stated that Jeff Razore should also have been compelled to be interviewed. At the time of the investigation, Mr. Razore was no longer a volunteer coach for BHS, nor did he have any other role with BSD. As Mr. Razore is a private citizen, BHS/BSD could not compel to be interviewed.

##### 5. Working Notes vs. Self-Report from June 2015

The KPEBC make reference to "a copy of the draft self-report (from June 2015) from BSD. They (investigators) were told that no draft existed, yet in response to a request for all documents relevant to the report, the BSD ultimately provided a copy of the draft violation report."

The so-called "draft-report" was characterized as such by the WIAA investigators, but was in reality a copy of working notes and was never considered nor intended to be a draft report. The working notes included information collected through the Spring 2015 Harassment, Intimidation, and Bullying investigation. The pertinent information is summarized here:

During Spring 2015, the family of a Bellevue High School football player made a statement during an investigation regarding allegations of harassment, intimidation, and bullying that Coach Goncharoff directly provided the family monetary assistance.

The family reported receiving \$1200 from the Coach. When questioned about the original allegation, Coach Goncharoff stated he had provided the family with \$300 after they asked him for assistance. To date, Coach Goncharoff has not wavered on his original statement.

Neither during nor after the investigation in Spring 2015 did the family or Coach Goncharoff provide additional documentation specific to the allegation. Coach Goncharoff admitted to providing the family money in violation of WIAA Rule 27.1 (A) (1). The amount as reported by the family could not be corroborated, but as Coach Goncharoff made an admission of a violation, no additional corroboration was necessary.

Therefore, since WIAA Rule 28.1.0 states, "When a school or the WIAA staff becomes aware that a rule has been violated, the offending school principal (or designee) must report the infraction," the admission of an infraction by the coach was reported and Coach Goncharoff received a sanction from the KingCo Conference for the violation, which was served at the beginning of the 2015 WIAA football season. During the oral presentation to KingCo and to the SeaKing District, the differing stories from Coach Goncharoff and the football player's family were shared with each panel.

The same family who received monetary assistance from Coach Goncharoff also received \$3000 through another coach associated with the program. When initially asked about this monetary assistance during an interview with the third-party investigator, the coach referred to the money as a "gift." Later in the spring, when questioned about the payment to the family by the Bellevue High School athletic director, the coach stated that additional questions should have been asked during the initial interview. The coach stated that he was angry at the family when interviewed and had used the word "gift" sarcastically. The coach provided a lengthy letter to the school and district



detailing the series of events which led to the financial payment to the family, including further information regarding the payment as a loan rather than a gift. Bellevue High School felt that this additional information, which included corroborating emails, was relevant and credible. The report of this violation to a KingCo hearing panel was specific in that the coach provided the family with money in violation of WIAA Rule 27.1 (A) (1) – whether gift or loan, the fact that the family received monetary consideration through this coach is undisputed.

BHS disagrees with the finding that there was a failure to self-report this information in June 2015 as the violation of WIAA Rule 27.1.0 was reported and each coach received and served a sanction from the KingCo Conference for this violation.

- ***“Ignored evidence of recruiting violations reported by investigators”***

All confirmed allegations of recruiting have been investigated, as well as many unsubstantiated rumors of recruiting. Unsubstantiated rumors, accusations without actionable information, and anonymous complaints do not provide the basis for a program-wide investigation. In fact, the WIAA maintains that there is no expectation for member schools to investigate anonymous complaints. This has been confirmed in writing by the WIAA Executives over the years. (Appendix 6)

- ***“Failed to investigate claims of recruiting violations”***

1. *Allegations regarding BHS Football by a “high level” BSD official*

The KPEBC decision references a “high level District employee” who supposedly met with the BSD Superintendent, Dr. J. Tim Mills, shortly after Dr. Mills began serving as Superintendent in July 2012. This employee allegedly told Dr. Mills that there were “problems with the BHS football program that he needed to address.” Dr. Mills cannot recall any such meeting taking place, yet the KPEBC referenced it as fact in its report, implying that the BSD was negligent in not undertaking any investigation as a result of the conversation.

2. *Investigation of Concern expressed by Dr. Gary Plano*

The KPEBC included a reference to Dr. Plano, Mercer Island School District Superintendent, who supposedly encouraged Dr. Mills to initiate an investigation into the BHS football program shortly after he began serving as the BSD Superintendent in July 2012. The report indicates that Dr. Plano informed the investigators that as far as he knew, his suggestion marked the end of all inquiry.

Mr. John Harrison was advised by Dr. Mills that Dr. Plano had informed Dr. Mills that Mercer Island School District School Board Director Brian Emanuels had concerns about the BHS football program. Harrison offered to meet with Director Emanuels who expressed concerns about recruiting, subsidized housing for player’s families, and payment to coaches above the BSD’s compensation to them. Harrison subsequently met with Director Emanuels who was unable to substantiate any of his allegations with supporting evidence; Mr. Harrison told the Director Emanuels that any allegation supported with evidence would be thoroughly investigated by the BSD. Director Emanuels expressed gratitude and satisfaction with the outcome of the meeting.

3. *Anonymous complaint in August 2012*

In August 2012, the BSD received an anonymous complaint alleging that four recent transfer students had been recruited. Mr. Harrison and the BHS Athletic Director at the time, Lance Gatter, investigated the anonymous complaint which did not yield any evidence of player recruitment. At the time, as part of the investigation into this complaint, Mr. Harrison interviewed coaches and Mr. Gatter interviewed the players’ families. There remains criticism of their investigation for not sufficiently determining if the players were residing at the addresses they provided the BSD, i.e., whether they met residency requirements. Such criticism is inappropriate, as the anonymous

complaint was not related to player residency at all and, in fact, the first sentence of the complaint states, “Four players have moved into the area to play football at BHS.” It is also important to note that anonymous complaints are very challenging to investigate since the investigator cannot identify, much less speak with, the complainant. Furthermore, this anonymous complaint provided no actual evidence of any wrongdoing, and the WIAA maintains that there is no expectation that member schools respond to anonymous allegations.

4. December 2012 anonymous letter to Mills

The BSD received another anonymous complaint directed to Dr. Mills alleging that 20 players on the BHS football team had been illegally recruited, used false addresses, or lived outside the BHS attendance area. The only specific information included in this anonymous letter related to the four players named in the August 2012 complaint that previously had been investigated and found to be unsubstantiated. This was another anonymous complaint that provided no evidence of any wrongdoing, and again. The WIAA maintains that there is no expectation that member schools respond to anonymous allegations.

5. Dec. 2, 2015 Seattle Times report – students implicated in Facebook exchange refused to be interviewed.

The students implicated in the Facebook exchange were interviewed by the WIAA investigators with their mother on March 8, 2016 and this exchange was addressed in the interview.

• ***“Concealed evidence of recruiting violations”***

This has been explained, as the KPEBC is referring to the June 1, 2015 self-report.

• ***“Generally turned a ‘blind eye’ to the suspicious recruiting activities within the BHS program.”***

As explained above, BHS and the BSD have an obligation like every WIAA member school to investigate any and all allegations 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. Suggesting that the BSD “turned a blind eye to suspicious recruiting activities within the BHS program” is factually inaccurate and fundamentally unfair.

## Appendix 3: WIAA On-Line Handbook, All Changes Page

Web Address: <http://www.wiaa.com/ConDocs/Con1544/Changes.pdf>

<b>30.0.0 APPEALS OF LEAGUE, OR DISTRICT OR DISTRICT DIRECTOR APPEALS BOARD DECISIONS</b>	
<b>30.1.0</b>	<b>APPEALS</b> -- Appeals of decisions rendered by a league shall be heard by the WIAA district board in which the league is located. The WIAA Executive Board shall hear appeals of decisions rendered by the District Board. Reconsideration of decisions rendered by the WIAA Executive Board or an interpretation by the WIAA Executive Board relative to the provisions of the WIAA Rules and Regulations may be appealed to the WIAA Executive Board. Such appeals shall be conducted in accordance with WIAA Due Process Procedures.
30.1.1	Appeals of decisions rendered by a WIAA district board or disputes between WIAA District boards may be appealed to the District Directors' Appeals Board.
30.1.2	The WIAA Executive Board shall hear appeals of decisions rendered by the District Directors' Appeals Board.
30.1.3	Reconsideration of decisions rendered by the WIAA Executive Board or an interpretation by the WIAA Executive Board relative to the provisions of the WIAA Rules and Regulations may be appealed to the WIAA Executive Board. Such appeals shall be conducted in accordance with WIAA Due Process Procedures.
51.3.4	Subvarsity basketball players may play in two (2) subvarsity games, a total of up to eight (8) subvarsity quarters, in one (1) day, on eight (8) different occasions, provided there is a minimum of 45 minutes rest between games and at least two other schools involved. Athletes would still be limited to 80 quarters in a season.
52.4.1	Varsity players from all classifications of schools except 1B schools may appear in a maximum of four (4) quarters in one (1) day.
54.2.2	<del>5'-10" or 5'-8"</del> A nonskid surface mat(s) of at least 6' x 8' are required for performing basket tosses and other similar multi-base tosses on a hard surface. (Folding panel mats and yoga mats are neither acceptable nor appropriate).
<del>57.3.5</del>	<del>If an eighth grader has participated in a middle level or junior high team, that player may participate in a maximum of forty quarters.</del>
65.5.2	Each squad and each player is limited to schedule and to participate in only two (2) one-day invitational tournaments or one (1) two-day invitation tournament.
65.64.2	Extra Sets: Two (2) extra sets may be played following the regular contest. The additional games sets are for players who were not starters and played in only one set during the regular contest.
	Appendix 7 Week 39 - 50% rule date of 8A and 1D seasons Week 40 - 50% rule date of 8A, 8B, 9D 1E, and 1F seasons
Appendix 11	Deleted fact finding procedure and moved it into the WIAA Executive Board policy book.
Page 109	Added Jim Caughlin for Brinkland Service Award and Don Kopitz as a Gareth Gülex recipient
Page 100	Added Bill Bittel and Ed Fiebel as Gareth Gülex recipients
Appendix 14	2015-16 WIAA-WOIA Agreement
Appendix 14.1	2015-16 officials fees
Index	Added crowd management

## Appendix 4: 2014-2015 handbook p.101: Appendix 11- PROCEDURE FOR WIAA FACT-FINDING

philosophy and purpose.

Being one of the most recognizable representatives of a school, Dance/Drill Team members are in a position of influence; therefore high standards of conduct are essential. Positive personal behavior and team cohesiveness demonstrate these standards.

Appropriate behavior will help earn the respect of the student body which is the core of developing effective school spirit and student involvement.

### THE PURPOSE OF DANCE/DRILL TEAMS:

- A. Dance/Drill sports teams compete as athletes. Members must condition, practice and warm up the same as other athletes in preparation for a performance.
- B. Dance/Drill team competition requires the development of physical skills, performed in a choreographed routine. During a competition the team's performance is judged. Dance/Drill Team competition is a part of the total educational program. Dance/Drill Team competition serves to develop leadership, confidence and skill.
- C. Dance/Drill activities teams serve as support groups for the interscholastic athletic programs within the school. Each team strives to boost school spirit, promote good sportsmanship and help student participants achieve the most worthwhile educational objectives of the interscholastic program.
- D. The role of Dance/Drill Teams as an activity is one of entertainment. Dance/Drill activity teams focus on creating a cooperative spirit among members and other groups within the schools, contributing to school spirit through performances and promoting good sportsmanship.

## APPENDIX 11 – PROCEDURE FOR WIAA FACT-FINDING

### 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 process 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 recurrence 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 first-hand 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.

**VI. 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.

**VII. 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 representative 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 of 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" process. 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.

**Appendix 5: Orrick Herrington & Sutcliffe LLP Analysis and Memo**





**MEMORANDUM**

**TO** Dr. Tim Mills  
Superintendent, Bellevue School District

**FROM** Rob McKenna and Brian Moran

**DATE** July 29, 2016

**RE** Review of the Washington Interscholastic Activities Association (WIAA) Report and KingCo Principal Executive Board (KPEB) Decision

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**I. Summary**

This memorandum discusses (1) how the WIAA investigators' approach to the investigation produced a skewed report; (2) how the KPEB's Decision has given unjustified credence to the WIAA Report as the definitive take on the investigation; and (3) why the investigators' and KPEB's allegations that Bellevue School District (BSD) administrators somehow obstructed the investigation and did not adequately cooperate with it are not supported by evidence either within or outside the Report or Decision.

**II. Independent Review of the WIAA Report**

We reviewed the WIAA Report, dated March 22, 2016. We also reviewed thousands of pages of documents that the BSD produced upon WIAA's request, along with other relevant materials such as hundreds of emails between BSD and the investigators.

Our review assessed the WIAA investigators' claims that BSD administrators did not cooperate with the WIAA investigation and, at times, interfered with or obstructed it. We find these claims of BSD obstruction and inadequate cooperation to be inaccurate and unfair but, unfortunately, they are repeated by KPEB in its Decision without any independent verification or analysis of the claims.

For reference, we attach an index which categorizes and summarizes allegations that the investigators made in the WIAA Report. In the same index, we comment on each allegation and provide alternative considerations. Reading the Report alongside (1) the underlying evidence; (2) ongoing extensive communications from the investigation; and (3) the guidelines provided for WIAA investigations, our view is that the investigators assumed an advocacy role when they should have maintained one of a neutral fact-finder. We also conclude that any objective, thorough review of the Report's evidence and of the BSD administrators' communications with the investigators



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validates BSD's contention that its administrators cooperated with the investigation to the full extent permitted by law.

**A. The investigators failed to maintain a neutral fact-finding role, and the Report suffered fatal flaws because of that failure.**

Specifically, the Report shows how investigator bias skews an investigation's process. When that happens, the investigation typically ends with an unbalanced and unhelpful product, such as the Report here. The investigators stated that WIAA directed them to look "under rocks, under rocks, under rocks" and to address all allegations, rumors, and innuendo lobbed at the Bellevue High School (BHS) football program over several years.

In our view, the investigators should have followed the guidelines for neutral fact-finders from Appendix 11 of the 2014-15 WIAA Handbook,<sup>1</sup> because that fact-finding procedure was at all relevant times part of the WIAA's investigative procedures or policies. Adhering to Appendix 11's guidelines and procedures likely would have kept the investigators focused on neutral fact-finding. Adhering to Appendix 11 also likely would have resulted in fewer adverse inference-based conclusions,<sup>2</sup> which are inappropriate to draw during an investigation of the type at issue here.

**B. The investigators unfairly accused BSD officials of obstructing the investigation.**

Throughout the investigation, as the investigators developed their theory of improper activities within the BHS football program, the investigators disparaged BSD administrators and employees, accusing them of interfering with the investigation. Typically, these accusations were made when BSD officials raised concerns over matters including (1) student privacy; (2) the school district's duty to follow state and federal law; and (3) concern for students' and parents' well-being once students and parents told investigators that they felt interrogated, abused, and bullied. For example, when Mr. John Harrison raised concerns about the Federal Educational and Privacy Rights Act (FERPA), 20 U.S.C. 1232(g), and student privacy, the investigators accused him of obstructing the investigation, despite conceding that they were not FERPA experts. In another example, the investigators, in a meeting with BSD officials, requested full access – including a password – to a database containing records for *all* BSD students, not just BHS student athletes. *See* JLNNotes at 4. Mr. Jeff Lowell explained that legal compliance requirements would have to be satisfied before the investigators could be allowed access to all BSD student records. *See id.* On September 18, 2015, Mr. Lowell emailed the investigators and informed them that he was "[d]etermining how to facilitate" the investigators' access to the student records database. WBE\_00016.

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<sup>1</sup> The WIAA moved Appendix 11 from the WIAA Handbook to the WIAA Executive Board policy book in June 2015. Among other things, Appendix 11 (1) requires that parents of minor students be notified if their children would be contacted for an investigation; (2) allows only witnesses with firsthand knowledge to be interviewed; (3) directs investigators to engage in fact-finding and to avoid conclusions about those facts; and (4) advises that witnesses would be given a written summary of the interview and a chance to verify its accuracy.

<sup>2</sup> Drawing an adverse inference is only proper when a party has relevant evidence *within its control* and refuses to produce it. Throughout the Report, information that was solely within the control of others (not BSD) and deemed unjustifiably withheld was adversely interpreted against BSD. This is an improper application of an adverse inference doctrine.



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Yet another example involves the investigators insisting on interviewing all physical education teachers. Since the investigators had provided no reason for the need to disrupt so many teachers, none of whom likely had any relevant information, Mr. Harrison suggested that the investigators pick one physical education teacher to interview. The investigators called Mr. Harrison's suggestion "interference."

The Report enshrines the investigators' interference accusations. Presumably, the Report incorporates such accusations to try to support the investigators' adverse-inference approach. The evidence, however, does not support (and at times contradicts) the Report's obstruction, interference, and lack of cooperation accusations. The attached index identifies specific evidence which contradicts these accusations. We include a few examples here to illustrate the point.

First, we reviewed hundreds of emails between the investigators and BSD employees, primarily Mr. Harrison. Each of the emails we reviewed from Mr. Harrison and other BSD employees was professional, helpful, and responsive. Where BSD and the investigators disagreed, however, no matter how professionally BSD expressed its disagreement, the investigators deemed the questions they raised as obstruction and interference.

Second, from the start, BSD understood that it would work with WIAA to define the investigation's scope. The investigators' claim that WIAA told them to look "under rocks, under rocks, under rocks" might accurately describe a conversation or email between WIAA and the investigators. The investigators' claim that BSD attempted to narrow the investigation's scope, and consequently interfered with the investigation, gets the order wrong, however. We think it is clear that BSD's acceptance of WIAA's recommendation that BSD request an investigation was based on the *Seattle Times's* "Diploma Mill" article from August 22, 2015. That article covers the same five general areas that John Harrison thought the investigation would cover. *Compare* Report, Ex. 1 *with id.* Ex. 3. While it appears that the newspaper article's subject matter drove BSD's request that WIAA investigate, it also appears that WIAA simply disregarded BSD's original scope request.

Both evidence and common sense, then, support the conclusion that the investigation was supposed to cover specific areas of concern and not become essentially boundless. The Report nowhere addresses BSD's and WIAA's original understanding about the investigation's scope, which is both important and relevant to the investigation's and the Report's legitimacy and helpfulness. Further, at least acknowledging that a genuine misunderstanding existed about initial impressions of the investigation's scope may have prevented accusations that BSD was trying to narrow the investigation's scope. Such an acknowledgment, however, would have cut against the investigators' preferred theme that BSD interfered with the investigation.

### III. Review of KingCo Principal Executive Board Decision

We were pleased to attend the KPEB hearing on June 16, 2016, to explain BSD's concerns with the WIAA investigators' process and its disagreement with the KingCo Self-Report Committee's findings and sanctions from June 7, 2016. We are disappointed, though, with the KPEB decision's (Decision) reasoning and outcome. Initially, we were pleased that the KPEB asked many questions



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and carefully listened to the responses at their June 16 hearing, which appeared to be the first time during this process that BSD and BHS had an opportunity to present their views in any meaningful way. However, the gulf between the hearing itself and the Decision is wide enough that it almost appears as if one group heard the appeal and someone else wrote the Decision. We suspect this disparity might be the latest reflection of a flawed review process that had to rely on a biased investigation and report.<sup>3</sup>

No one has critically examined this tainted investigation process's fundamentally unfair foundations. Rather than scrutinize the Report, the Decision (1) extensively and uncritically relied on the Report; (2) chastised one of us for "disparaging" the investigative report's authors when we simply tried to explain why the Report failed as an even-handed, independent factual review; and (3) dismissed the importance of a fact-finding procedure that the WIAA has retained for many years.

As noted above, the WIAA's fact-finding procedure has not disappeared, and it has never been a mere suggestion. At the June 16 hearing, we referred to the WIAA's fact-finding procedure as "Appendix 11," because that is how the WIAA labeled the fact-finding procedure in the 2014-2015 WIAA Handbook. In June 2015, the WIAA moved the fact-finding procedure from the WIAA Handbook to the WIAA Executive policy book. We cannot see, then, how the Decision could conclude that Appendix 11 was removed from the WIAA Handbook several years ago, and that Appendix 11's fact-finding procedure is not used by the WIAA when the WIAA moved the fact-finding procedure from the WIAA Handbook to its policy book just one year ago. *See* Decision at 11. And to say that the fact-finding procedure "is not relevant and does not apply to this investigation or appeal" further supports our view that this process continues to move along a predetermined path that is unalterably adverse to BSD and its officials and is gaining momentum as the Report unjustifiably is treated as a neutral, objective document. *Id.*

Even more difficult to understand is the Decision's characterization of Appendix 11 as "merely a guideline suggesting a course of conduct and not a set of rules mandating a course of conduct." *Id.* While the first sentence of Appendix 11 from the 2014-2015 WIAA Handbook refers to the fact-finding procedure as a "guideline," isolating that word places Appendix 11 out of context, given that it otherwise details a comprehensive fact-finding procedure. Indeed, if one were to parse Appendix 11 word-by-word and ignore the detailed procedure it describes, one would still see that Appendix 11 mandates that a "formal investigation process involving a WIAA Fact-Finder *will* occur in the following manner . . ." (emphasis added). The Decision's treatment of guidelines versus rules is important. Aside from the fact that applying Appendix 11 (or not) at a fact-finder's discretion would likely produce wildly different results in any given WIAA investigation, it is also worth asking why anyone would insist on accepting the investigators' word when they never followed any neutral fact-finding procedure. Accepting the results of an investigation that followed no procedure, other than what the investigators decided was appropriate at any given time, legitimizes an unfair process.

In affirming the allegations that BSD challenged in its appeal, the Decision simply repeats much of the Report; it cites, for example, directly to the Report to affirm the KSRC on Allegations 2, 5, 9,

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<sup>3</sup> We do not discuss the KingCo Self-Report Committee's (KSRC) consideration and issuance of sanctions, because as we understand it, the KSRC asked no questions during BSD's presentation before it.



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and 10.<sup>4</sup> We are perhaps most concerned by the Decision's affirmance of KSRC's finding related to Allegation 10. The Report itself made no findings regarding whether BHS had illegally recruited football players. The KSRC, without evidence from the Report, BSD, or BHS, nevertheless concluded BHS had illegally recruited football players. The Decision affirmed the KSRC's conclusion because "BHS has already admitted to violations of the rule which was initially underreported by [BHS]" and that a "failure to cooperate with," and alleged obstruction of, the WIAA investigation somehow supports both a finding that illegal recruiting occurred at BHS *and* further investigation into illegal recruiting is warranted. Decision at 16. We cannot understand how the Decision could affirm otherwise inconclusive illegal recruiting allegations based only on (1) past violations, for which sanctions were already imposed, and (2) an alleged, unproven failure to cooperate with illegal recruiting investigations.

Further, the Decision endorses the Report's theories of BSD and BHS obstruction, lack of cooperation, and failure to investigate prior allegations. *Id.* at 17-20. In our view, the KPEB simply relied on the Report and did not consider that BSD and BHS, as public entities, have additional duties that a statewide interscholastic investigation cannot simply suspend. In perhaps the most radical recommendation from the Decision—that BSD pay for "all of the costs and expenses for the [Report] and the attorneys' fees for KingCo"—the KPEB hit on something important: "This is the most expensive investigation in the history of the WIAA. . . ." *Id.* at 23. This may very well be true. But what drew this investigation out was not an attempt to limit the investigation. Rather, the investigators tried to gain improper and unnecessary access to legally protected information and to students themselves, all without appreciating BSD's and BHS's duties outside of high school sports. BHS and BSD officials, then, tried to accommodate both the investigators' often opaque requests and federal and state laws that prohibit, for example, freely distributing student information to anyone who simply demands it. Despite the effort, the Report, and now the Decision, have unfairly painted BSD and its officials as obstructionist.

#### IV. Conclusion

The investigators apparently approached their task determined to support their initial hypothesis — that the BHS football program was cheating, and BSD helped. Further, the Report fails to reflect the high level of cooperation and professionalism that BSD and its employees showed during the investigation. Finally, the investigators' conduct, unchecked by the investigative procedures in Appendix 11, yielded a result that shows they abandoned the role of objective and neutral fact finding. The Decision's endorsement of the Report, combined with and the investigators' conduct, compound what we view as an unfair process from the beginning of the investigation.

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<sup>4</sup> Further, the Decision shows less than perfect attention to your appeal by affirming Allegation 8. Specifically, at the hearing and in the appeal letter, BSD admitted that the conduct underlying Allegation 8 occurred, but noted that the relevant rule was not cited. Rather than being a violation of WIAA Rule 27.1.0 (related to illegal recruiting), the conduct is a violation of WIAA Rule 23.1.1 (related to excessive payments to coaches). This is important, because sanctions associated with violations of Rule 27.1.0 are harsher than those associated with Rule 23.1.1 and can result in championship titles being stripped. Nevertheless, the Decision, without addressing your arguments, simply affirmed a violation of Rule 27.1.0.

**Appendix 6: Emails from WIAA regarding anonymous complaints**

**Hume, Lauren B.**

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**From:** Cindy Adsit <cadsit@wiaa.com>  
**Sent:** Monday, May 05, 2014 4:20 PM  
**To:** Hume, Lauren B  
**Cc:** Mike Colbrese  
**Subject:** Out-of-season allegations

Lauren,

This email is being sent as a follow-up to the phone conversation we had a few minutes ago regarding an anonymous letter claiming out-of-season allegations by Bellevue baseball coaches Peter Wilkinson and Tate Seefried.

While the anonymous letter writer believes a high school coach can not coach both a high school team and a Connie Mack team with the same players, there are no WIAA rules to prevent it, provided the coaching takes place between the first day of the high school baseball season (which this year was March 3) and July 31.

The anonymous letter writer also believes a high school coach could not form a corporation for the Connie Mack team, but there are no WIAA rules to prevent it.

While the anonymous letter writer alleges that coaching took place during 2013 winter training and conditioning, without proof including names of the students involved, dates, sites, names of the coaches involved and what specific coaching took place, there is nothing to investigate. The writer merely states that "it has been relayed" that the coaches were coaching during the winter training and conditioning. Without knowing relayed by whom and to whom, there is nothing to investigate.

And since this person did not include his/her name or contact information, there is no way for me to provide him/her with this information.

Since several people were cc'd on this letter, feel free to forward this email to any and all of them.

---

Cindy Adsit | Assistant Executive Director | WIAA  
435 Main Avenue South, Renton, WA 98057  
office: (425) 282-5232 | fax: (425) 687-9476

[www.wiaa.com](http://www.wiaa.com) | [facebook.com/wiaawa](https://www.facebook.com/wiaawa) | [twitter.com/wiaawa](https://twitter.com/wiaawa)



May 1, 2014

WIAA

Attn: Cindy Adsit  
435 Main Ave South  
Renton, WA 98057

RE: Bellevue High School, Peter Wilkinson & Tate Seefried

Dear Cindy Adsit,

This letter is to inform the WIAA of Coaches Peter Wilkinson's and Tate Seefried's violation of WIAA rules; specific rules against "out of season involvement". (Section 17.5.0 page 20 in the WIAA handbook)

The research on Wilkinson Baseball Club has revealed Bellevue High School players are on the 2014 roster, the enclosed roster also list Coach Wilkinson and Seefried. It has been relayed that Coach Wilkinson believes he is exempt from this specific rule. It has been also relayed they have been coaching during 2013 winter training and conditioning session.

Coach Wilkinson has been aggressively recruiting Bellevue High School Baseball players since the end of the 2012-2013 baseball seasons for his Wilkinson Baseball Club. There are now Bellevue High School Baseball players on the 2014 Wilkinson Baseball Club roster. As Mr. Wilkinson's recruiting process continues he will have many more Bellevue High School players on his Wilkinson Baseball Club. Majority of his effectors are with the incoming freshman players. It also has been evident that the Wilkinson Baseball Club players have had preferential play time and team assignments on the Bellevue High School Baseball team roster.

In conclusion Pete Wilkinson and his Wilkinson Baseball Club need to be investigate to ensure he and his coaching staff is following the WIAA rules and regulations.

Enclosed are: 2014 Wilkinson Baseball Club Roster  
Section 17.50 of the WIAA handbook  
Washington State Business License for Wilkinson Baseball Club  
Washington Secretary of State Corporate for Wilkinson Baseball Club

Please review, investigate and advise Mr. Wilkinson and Mr. Seefried.

cc: Lauren Hume, Bellevue High School Athletic Director  
J. Tim Mills, Bellevue School District Superintendent  
Jeff Neely, Bellevue Baseball Booster Club President  
Steve Savard, Bellevue Baseball Booster Club V-President  
Jeff Pratt, Bellevue Baseball Booster Club Treasurer



**JUNO** Message Center

From: Mike Colbresi <colbresi@wiaa.com>

To: Kent Hickey <khickey@seaprep.org>

Cc: tom doyle <seaking2@juno.com>, Maureen Reid <mreid@seaprep.org>, Brian Elsner <belsner@seaprep.org>, "ecmccurdy@seattleschools.org" <ecmccurdy@seattleschools.org>, "piccolodist1@frontier.com" <piccolodist1@frontier.com>, "odad@odea.org" <odad@odea.org>, "jdwalker@odea.org" <jdwalker@odea.org>

Sent: Thu, Apr 14, 2016 12:48 PM

Subject: Re: Inquiry to WIAA per 8.12.2

Good morning, all.

I apologize for not getting back to you sooner.

I have reviewed all of the emails in this string to date. I truly appreciate the open, honest dialogue that I've been reading. I understand the concerns center around WIAA Rules 8.12.2 and 28.2.1.

My review of the rules mentioned above reveal that a district director does not have a role in initiating or processing allegations, accusations, or investigations. I agree with your concern, Kent, when you stipulate... "To my mind, the district director cannot serve in a lead investigative role while possibly also serving later in a penalty phase and then later still in an appeals phase. That is too much mixing of roles and risks conflict of interest."

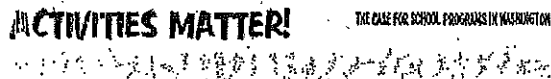
However, from a review of the email exchange, I do not believe that Mr. Doyle was "advancing false violations." As I said in my email to Brian Elsner earlier this week... "I've always felt that a district director is a facilitator of information to, from, and between schools. A district director could always take information they received over to another school that school could, in turn, give it to the alleged offending school. I guess I've always felt that a similar situation rests with this staff. If someone turns information over to us, we let the alleged offending school know as a courtesy. If it's anonymous, we do not expect a follow up. If someone's name is attached, we expect follow up. I think that's what Tom was doing--in addition to not having one school mad at another for passing it on--or mad at Tom for not going directly to the alleged offending school. (Sort of a "Well, why didn't you just tell us instead of having another school come to us.") I'm pretty certain that other district directors would have handled it the way Tom has."

In summary, you are correct. WIAA rules do not specifically state that the district director has a role in reporting an initial accusation to a member school. However, in practice, there are times when because of their position, district directors receive information from non-school people that has to be shared with the accused school. It makes more sense that the director is able to go directly to the school. The given is that the district director acts simply as a facilitator--not as an investigator unless directed by their WIAA District board of directors. If a situation were to make its way up to the panel of district directors, the district director, who has been involved, is required to remove him or herself from the decision making.

To bring more clarity to the situation, I can take this concern to the WIAA Executive Board and propose an editing of WIAA Rule 28.2.1 to included district directors, and/or I can ask them for any interpretation of that rule. I prefer the former.

~ ~ ~ ~ ~

Mike Colbresi | Executive Director | WIAA  
435 Main Avenue South, Renton, WA 98057  
office: (425) 687-8585 | fax: (425) 687-9478  
www.wiaa.com | facebook.com/wiaawa | twitter.com/wiaawa



On Wed, Apr 13, 2016 at 6:08 PM, Kent Hickey <khickey@seaprep.org> wrote:  
Tom

Fortunately we have an email that preserves the record and in that email you clearly referenced Monte's involvement in the basketball matter. Whether that reference is accurate or not is something between you and Monte. Regarding your investigation of the January parent meeting at Prep - the reference you inexplicably decided to include in materials to district directors prior to the district director appeal hearing - that concern came from Monte as you acknowledge below. It was you who decided to make it a district matter.

To be abundantly clear, my inquiry isn't about Monte or Odea. We have a longstanding, positive relationship with Odea and Monte is a wonderful, cherished colleague. This will be worked out well between us. The question/concern I posed to Mike Colbresi relates to the role of the district director in initiating and processing accusations and investigations under WIAA rules. To my mind, the district director cannot serve in a lead investigative role while possibly also serving later in a penalty phase and then later still in an appeals phase. That is too much mixing of roles and risks conflict of interest. I think the rule itself speaks to this in the process that is outlined. This is a legitimate inquiry on my part that I believe is worthy of consideration. I firmly believe there is a pattern of inconsistencies in the application of WIAA rules, a pattern reflected by the recent actions referenced in my communication today as well as the actions taken against Aaron Maul and Seattle Prep by you and your district some months ago. All of this is cut from the same cloth and will be discussed at our June hearing.

It is indeed difficult to encounter challenging questions, but they can be a good way to reach clarity and understanding. I encourage you to not take such questions personally. They are certainly not intended as such.

Kent

Kent Hickey  
Theology Teacher & President  
Seattle Preparatory School  
(206) 577-2141

Ad Majorem Dei Gloriam

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On Apr 13, 2016, at 4:55 PM, tom doyle <seaking2@juno.com> wrote:

Kent,

Just for clarification purposes.

O'Dea and Monte Kohler did not contact me at any time and ask me to initiate contact with Seattle Prep or anyone else about either of the concerns presented below. As I understand it, Monte did contact you directly about the first incident after he had received several phone calls about the meeting. He went directly to the source so that you knew about the rumors and could address them as agreed to in the Private School agreement that you co-authored and signed. I was also contacted by several people about the meeting at about that same time. None of them included O'Dea or Monte prior to when he spoke with you.

Monte's only involvement in the second incident you cite was that the person who sent the pictures to me also included Monte on the email list. Monte made no accusations nor sought out any information. The only reason he is mentioned at all is that when Brian questioned what school he should respond to, I told him he could send it to O'Dea since Monte was cc'd on the email and knew about it already. Other than that, Monte had nothing to do with the situation.

If you would like to be upset with me, that is OK. Please do not accuse O'Dea or Monte of joining in a conspiracy with me to go after Seattle Prep or its coaches. That would be simply false!

tom

On Wed, 13 Apr 2016 19:10:53 +0000 Kent Hickey <khickey@seaprep.org> writes:

Dear Mike:

I am not sure if the question I ask here and the concern I express would be best addressed by you as the WAA Director or the WAA Board. I leave that to your discretion.

Within the past few months we have been subjected to two accusations, both initiated by Monte Kohler at O'Dea and processed through District 2 Director, Tom Doyle. A full description of both accusations is not necessary, but the context for each is as follows:

Per the email I had sent to you and Jim Pjocolo below, O'Dea had accused Seattle Prep and our Head Football Coach, Aaron Maul, of hosting a meeting on our campus in January in which we tried to recruit middle school football players to our school. This accusation was false and O'Dea was advised of this and provided with an explanation and documentation. The meeting invite had been sent to current Prep football parents (which was documented) and a small number of those current parents did attend the meeting. That's it. Yet, this matter, again per the email below, was brought to the attention of District Director Doyle by O'Dea and, per his communication with our AD, Brian Elsner, Mr. Doyle then decided to communicate the groundless accusation to District Directors prior to the District Appeal Hearing regarding Aaron Maul. This action, in turn, required us to submit results from our investigation of the groundless accusation. Tom Doyle did not assert upon what authority he was acting under WAA rules, but I believe this is answered in the second accusation he required us to investigate.

The second accusation, one that was brought by O'Dea to Tom Doyle this week, is described in the email that I asked Brian Elsner to send to you earlier today. This was another completely false accusation. The target for this accusation shifted from Aaron Maul to our head basketball coach, Mike Kelly. O'Dea asserted that a video showed Mike Kelly passing basketballs to one of our players, a violation of the out of season coaching rule. This was also a baseless accusation (the passer was the player's father who, though balding, was certainly not Mike Kelly). Tom Doyle directed Prep to respond to the allegation. He asserted authority in the matter by virtue of WAA rule 28.2.

Which brings me to my question and then my concern:

Question: Does 28.2 give a District Director the authority to initiate an investigation against a member school? It seems to me that under 28.2.1 that it does not because the District Director is not a school nor do the matters referenced here pertain to eligibility. It seems under 28.2 that the process is school to school (principal to principal) with the reporting then going to the District Director and League in a subsequent stage. This process seems to be a reasonable one and, more importantly, is the process actually described in the rule. But what we have seen in these two accusations is that the process is initiated by a school (O'Dea) to the District Director (Tom Doyle) who then assumes responsibility for addressing the accusation. This appears to be outside the scope of the rule. Your assistance in providing clarity is appreciated.

Concern: The two examples cited here indicate that the investigative process in this District is grounded in the personalities involved and not the actual rules. Monte Kohler has a complaint and Tom Doyle processes the complaint for him. I recall a constitutional law professor once asking, "Are we a nation of laws or a nation of men?" It does not escape my notice that Seattle Prep has been subjected to two investigations by District 2 in the months after we appealed the District's decision to impose additional sanctions on Aaron Maul. That's a fact, not speculation (and I will keep my speculations to myself). It appears that the rules unfortunately do allow a member school to allege false violations against another member school without consequences, so O'Dea can apparently act with impunity in this regard. However, I do not believe there is language in the rules that would allow the District Director to use his authority to advance false violations on behalf of a member school.

Let me add a final thought please: Reputations matter. It is not right that attempts to damage Aaron Maul's reputation continue and that Mike Kelly has now been targeted. These are two outstanding, ethical people. I hope that those who have so enthusiastically attempted to tear down their reputations will now expend equal effort to build them back up.

Sincerely,

Kent

Kent P. Hickey  
President  
Seattle Preparatory School  
Ad Majorem Dei Gloriam

khickey@seaprep.org  
206.577.2141

<image004.jpg>

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From: Kent Hickey <khickey@seaprep.org>  
Date: March 17, 2016 at 2:23:06 PM PDT

**Appendix 7: Email Summary of September 25, 2015 meeting between BSD and WIAA**

## Lowell, Jeff (Jeffrey R)

---

**From:** Lowell, Jeff (Jeffrey R)  
**Sent:** Friday, September 25, 2015 5:18 PM  
**To:** John Olson; John Miller; Harrison, John R  
**Subject:** Summary of today's meeting

John, John, and John:

Thank you for meeting today to discuss the current WIAA fact-finding investigation into allegations made against the Bellevue High football program in the Seattle Times article on August 22 (Bellevue High's football success aided by 'diploma mill'). We appreciate your willingness to meet to discuss the fact-finding and its scope.

The four of us (John Harrison, John Miller, John Olson, and Jeff Lowell) met this afternoon at the Bellevue School District offices with a goal of clarifying the charge given to the investigators and the articles the guide all fact-finding investigations conducted by the WIAA.

John Harrison began the meeting with a short explanation of why the meeting was called. After four initial interviews were conducted (with John Harrison, Jeff Lowell, Scott Powers, and Lauren McDaniel) there were questions that arose regarding the some of the documentation requested. Also at issue was the feeling that Scott Powers and Lauren McDaniel had that they should have our general counsel present when being questioned, due to the nature of some lines of questioning.

John Harrison asked for clarification regarding what charge that Carl Blackstone and Bob Westinghouse were provided as they began their investigation. John Miller and Jeff Lowell compared their lists from the initial meeting from August 28, 2015. On both lists were:

1. Investigating whether coaches directed athletes to attend the Academic Institute
2. Investigating whether boosters had paid for tuition of athletes at Academic Institute
3. Investigating whether athletes used false addresses to gain eligibility
4. Investigating whether athletes received subsidized housing to gain eligibility
5. Investigating whether coaches are coordinating tuition payments for athletes

John Miller also had the following two items on his list:

1. **Investigating any connection between AAU basketball and the Bellevue Football program.** It is the position of the school district that this has no bearing on the current investigation. The investigation into allegations between AAU and the Bellevue Football program was dealt with in 2011.
2. **Out-of-Season conditioning.** This item was discussed in context with sanctions which were applied by the KingCo League back on June 2, 2015. It is the position of the school district that the out-of-season violations which were uncovered during our investigation into a HIB complaint were resolved through the self-report process in June.

John Miller shared some additional information regarding the fact-finding process.

- As the Bellevue School District requested the investigation, the report as prepared will come to the school district for review.
- The report will list any facts which bear a violation, any facts which raise question of violation, and any facts which lead to a dismissal of allegations.
- The goal of the report is to determine whether there is a 'level playing field' as the rules in question help provide that level playing field for all participants.
- Once facts are determined – ensuring that there is a level playing field is the only goal.
- Once the report is received by the Bellevue School District, the district has time to respond to the findings. Responses may include:

- Acceptance of facts as presented – whether dismissing allegations or bearing out violations
- Gathering additional information regarding facts – as a means to determine appropriate reaction to what is presented
- A report will then need to be given to the KingCo conference either as a self-report, or to provide information regarding the dismissal of allegations...or both.

The remainder of the discussion centered on the questioning that seemed to take the investigation away from the scope outlined above. Items requested included information about:

- A former volunteer who has not been part of the program for approximately four years
- Athletes on teams other than football, including track, soccer, basketball, and other programs that were deemed good
- Information regarding the districts HIB investigation
- All student Optional Learning requests for the district going back to 2008
- Access to the student information system

The four participants agreed that an additional meeting to include Carl Blackstone and Bob Westinghouse would be beneficial. That meeting has since been set for Wednesday, September 30, 2015 at 2:30pm at the Bellevue Educational Services Center.

The meeting ended with the four participants agreeing that being expedient with clarification regarding the scope of the investigation benefits the Bellevue School District, Bellevue High School, Bellevue football, and the WIAA.

Sincerely,

**Jeff Lowell**

**District Activities and Athletics Director**

BELLEVUE SCHOOL DISTRICT

12111 NE 1<sup>ST</sup> STREET

BELLEVUE, WA 98005

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**Appendix 8: Letter from John Harrison to the WIAA Executive Board, December 4, 2015**



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12111 NE First Street, Bellevue, Washington 98005 /P.O. Box 90010  
Bellevue, Washington 98009-9010

December 4, 2015

WIAA Executive Board  
435 Main Avenue South  
Renton, WA 98057

Dear WIAA Executive Board:

I am writing this letter to express concerns regarding the tone and direction of the current investigation being conducted by Carl Blackstone and Robert Westinghouse on behalf of the WIAA into the Bellevue High School (BHS) football program. As you know, the Bellevue School District received a complaint alleging that a Bellevue High football player had been the subject of harassment, intimidation or bullying. The investigation concluded that the evidence supported the athlete's claim. The report also contained information regarding other behaviors which the District viewed as violations of WIAA regulations. In keeping with its self-reporting obligation, BHS informed the KingCo conference of these violations.

The Seattle Times ran an article on August 22, 2015 which raised some additional allegations. BHS and the District wanted to ensure that these allegations were investigated and felt that it would be prudent to request that the WIAA conduct a fact finding investigation. To that end, I along with Jeff Lowell, District Athletic Director; Lauren McDaniel, BHS Athletic Director and Scott Powers, BHS Principal, met with John Miller, Assistant Executive Director and John Olson, WIAA General Counsel on August 28, 2015 to discuss the scope of the investigation. At this meeting, the District requested that the WIAA conduct a fact finding investigation of the following allegations that were in the Seattle Times article:

- 1) Whether BHS (football) coaches directed athletes to attend the Academic Institute
- 2) Whether BHS boosters paid for tuition of athletes at Academic Institute
- 3) Whether athletes used false addresses to gain eligibility
- 4) Whether athletes received subsidized housing to gain eligibility
- 5) Whether coaches are coordinating tuition payment for athletes

Mr. Miller and Mr. Olson explained that the WIAA would select investigators and vet them to ensure that they had no connections to Bellevue High School or the football program and that this investigation would be conducted by independent and unbiased investigators. The investigators

were selected and I met with them on September 16, 2015. I had requested to do this prior to the investigators beginning their investigation. I later found out that the investigators had already met with Nancy Larsen, a District employee who was responsible for high school athletics before that responsibility was assigned to me. I was informed by WIAA Executive Director, Mike Colbrese that he had suggested this to the investigators.

The investigators met with Ms. McDaniel and Mr. Powers after which there were some concerns about the scope of the investigation and the manner in which the interviews were conducted. As a result, I informed Mr. Miller and Mr. Olson, by email, that I was placing the investigation on hold until the District received clarification from the WIAA as to the scope of the investigation and the charge given to the investigators (see tab A). Jeff Lowell and I met with Mr. Miller and Mr. Olson on September 25, 2015 to discuss our concerns (see tab B).

Because the investigators were requesting student contact information, they were informed that the District would be willing to provide this information, but only after it contacted parents to inform them relative to the request. Mr. Westinghouse and Mr. Blackstone vehemently disagreed with this approach. On September 30, 2015, Mr. Lowell and I met with Annie Cole, Bellevue School District General Counsel; Mr. Miller; Mr. Olson; and the investigators. Ms. Cole confirmed that this was the approach the District would be taking. After this clarification, Ms. Cole excused herself and the meeting continued (see tab C). On October 19, 2015 I sent a letter to Mr. Blackstone and Mr. Westinghouse to again clarify the scope of the investigation (see tab D). Mr. Blackstone and Westinghouse complained that they have not received a response to their email dated October 28, 2015 which they sent to Ms. Cole in which they stated that they advised her that BSD can provide them with student information without obtaining parental consent. They fail however, to acknowledge that this was covered at the September 30, 2015 meeting. At that meeting, when the investigators stated that they wanted Ms. Cole to defend her position in writing to them, she made it clear to them that she did not work for the investigators and that any discussions she would be having would be with her client, the Bellevue School District. This has been one of the frustrations with this investigation. The investigators will ask the District questions, they will receive a response and if it goes against whatever they want, they insist that they have not been provided with a response.

Our concerns relative to the manner in which the investigation is unfolding were further heightened when the District learned, that a third investigator had contacted a student directly, contrary the agreement that all requests for interviews with students and/or staff come to me. The District learned of this contact because the BHS community was outraged and, assuming that the investigator was provided with the student's contact information by the District, made it very clear through contacts with District staff and our School Board that they did not want their student's information shared. As a result of this misunderstanding, I sent a letter to BHS football families to explain that the District heard the concerns and shared them with the WIAA and would be protecting their student's privacy (see tab E).

The District held a telephone conference with Mr. Miller and Mr. Olson to discuss this matter and to, yet again, clarify the scope of the investigation. During this October 22, 2015 discussion, Mr. Miller and Mr. Olson once again agreed with the District's definition of the scope. However, because the investigators continue to insist that they have been hired to investigate as fully and broadly as they deem necessary and were encouraged to "leave no stone unturned," the District asked the WIAA,



specifically Mr. Miller, to put in writing their agreement as to the scope of the investigation. To date, the District has received no such letter, despite additional requests for such (see tab G).

Rather than issue the letter as agreed at the October 22, 2015 meeting, Mr. Olson sent the District a letter in which he takes up the argument of the investigators in requesting access to Shawn Flood, the investigator that the District used to look into the HIB complaint (see tab I). The District has repeatedly explained that the investigators have been provided with the report and that any drafts of such report, should any exist, are not relevant in that a draft is not the document upon which action is taken. The clear implication is that there is something in the draft which would serve as a *smoking gun*. Nothing could be further from the truth and the District believes that it is inappropriate to insist that any draft document would serve as a basis for decision making. Mr. Olson additionally leveled the following accusation against the District "Our investigators have repeatedly been denied access to information that they believe is crucial to this investigation" (see tab I). Again, this could not be further from the truth. Numerous individuals have been asked to provide literally thousands of pages of documents which the investigators "believe" are pertinent to their investigation. The District received its first request for records on September 16 (see tab J), and provided a records request update on November 3, 2015 (see tab K) and continues to provide documents including the most recent requests that appear to be part of a *fishing expedition* (see Tab L). The District can provide a copy of the full set of documents which have been provided to date should the Board so desire.

As this investigation has proceeded, the District finds itself being either accused or threatened based on whether the investigators deem that they have received cooperation as defined by them. This does not evidence a fair and balanced approach to the investigation as promised. The investigators continue to maintain the position that they have not been given parameters limiting the scope of their investigations to the five areas outline above, in fact the investigators have stated "we are certainly not precluded from investigating other matters involving possible violations of WIAA regulations" (see tab H). This approach has led to what we were told would be a two to four week investigation, into one which currently has no end in sight and one which has led the investigators to continue to ask for information about a significant number of other matters, including information about the 2012 District Title IX review and information about a variety of other sports at Bellevue High School. The District has not denied information to the investigators as Mr. Olson accused us of in his November 4, 2015 letter (see tab I). Instead we have asked the investigators for clarification as to why they are asking for information that does not fall within the scope of the investigation. Additionally, the investigators have been provided with the report of the HIB investigation conducted by Shawn Flood. What was redacted from the report is student identifiable information, in keeping with FERPA regulations. This in no way hampers an ordinary person's ability to understand what was being investigated and the investigation findings.

The number of documents and scope to which the investigators have decided to investigate, the tone and demeanor of the investigators both in meetings and in the written communications (see tab H for just one example) and the tone and accusations contained in Mr. Olson's November 4<sup>th</sup> letter, lead the District to believe that the investigation was not intended to be one in which the District is going to be provided with a full and fair investigation but rather one in which allows the investigators to "look under rocks, under rocks, under rocks" (see tab H) in an effort to get at what appears, based on questions being asked, many of the accusations which BHS has faced and responded to over the years.

Instead, the investigators have said that the "WIAA fully intends to continue investigating these matters and any matters which arise during the course of the investigation" (see tab H). While the District does not disagree that if as the investigation was unfolding, information surfaced related to the areas which the District asked the WIAA to look into, that it would be appropriate to follow that lead. We disagree, however, that the investigators should have unfettered access to pursue any and all areas which they believe need to be investigated. The District does not believe that this approach is appropriate nor will it result in a timely end to the investigation.

At this time, believing that the investigation has become one in which the investigators intend to look into issues based on the community gossip about the BHS football program for years, rather than conduct an unbiased investigation which would focus on facts, we are turning to you to ask for your help in achieving perspective on this investigation. This was supposed to be an investigation and not a trial with accusations of guilt and threats of what the investigators will do if they do not get "cooperation," which appears to be defined as the District telling the investigators what they want to hear rather than providing them with factual information.

It is untenable for the investigators to accuse and or threaten as they conduct their investigation. They have been hostile and rude to many with whom they have engaged. The District is aware that the investigators have spoken to not only individuals that they have asked us to schedule, but to others both in and outside of the Bellevue community. Their approach has been discussed by people within the community and it has led people to decline to meet with them. The District had reached out to students who had agreed to meet with the investigators who subsequently let us know that they were declining the meeting. When people, other than District employees decline to meet, the investigators turn this into a charge that the District is refusing to cooperate.

While charges such as this may serve the purposes of the investigators, they are neither factual nor representative of unbiased fact finding. Furthermore, assuming that Mr. Westinghouse's comments were accurately quoted in the December 3 Seattle Times article, it is disturbing that he would make any comment at all, given that the investigation is ongoing. That he said, "I think you can assume that we are attempting to fully investigate any all allegations that suggest violations of WIAA rules," is particularly disturbing. This is not what we asked the WIAA to investigate.

We are asking for the Executive Board's help in getting confirmation in writing that the scope of the investigation is that which has been outlined in the District's request for investigation; that the investigators will discontinue threatening to color their investigation report based on whether they feel they have received cooperation and that an investigation deadline be established.

Sincerely,

John Harrison  
Executive Director of Schools  
Bellevue School District

cc: Mike Colbrese, WIAA Executive Director  
John Miller, WIAA Assistant Executive Director