

**ARTICLE 110  
APPEALS AND DELEGATED POWERS**

**1100. CIF STUDENT TRANSFER ELIGIBILITY APPEALS PROCEDURES (BYLAWS 206, 207, 208)**

An appeal of a Section's decision to grant limited transfer eligibility shall be reviewed only in accordance with the policies, provisions and procedures set forth in the "Policy and Procedures for Appeal of the Section Decision on Transfer Eligibility for Athletic Participation" which is available on the CIF website ([www.cifstate.org](http://www.cifstate.org)) in Parent Handbook II - Understanding the Transfer Appeal Process. Sections are not permitted, and have no authority, to determine an appeal of a Section's decision regarding transfer eligibility.

(Revised February 2000 Federated Council/Revised May 2003 Federated Council/Revised May 2007 Federated Council)

**NOTE:** All eligibility determinations made by the respective CIF Section office under the provisions of 207.B.(5)c. (unlimited eligibility applications) are final as all of these hardship circumstances are factual in nature and can/must be documented. Only students whose eligibility status was determined due to any violations listed below may appeal the Section's decision. The details and timelines of the appeal process is available on the CIF website as outlined in the "Parents Handbook II – Understanding the Transfer Appeal Process."

A. 207.B.(5)a.(iv) or b.(v) or c.(iii)-Following Coach

B. 510 – Undue Influence, Pre-enrollment contact, Failure to Disclose Pre-enrollment contact and Athletically Motivated Transfers

(Revised April 2017 Federated Council)

**1101. SECTION STUDENT ELIGIBILITY APPEALS PROCEDURES (BYLAWS 203, 204.C, 205.C.)**

Each Section shall establish appellate procedures for review of a Section's decision regarding waiver of the age requirement (Bylaw 203); waiver of a charge of a semester of attendance (Bylaw 204.C.) and waiver of the requirement to be passing 20 semester credits of work (Bylaw 205.C.), which incorporate the following requirements in final Section determination of student athletic eligibility. In an appeal of any decision that includes not only a transfer request but also a request for waiver of the age requirement, charge of a semester, and/or passing 20 semester credits of work, the transfer request issue will be held in abeyance until all other issues are determined in accordance with Section appeal policies and procedures to a final determination. The procedural requirements for determination of the transfer request under the "Policy and Procedures for Appeal of the Section Decision on Transfer Eligibility for Athletic Participation" will be tolled until that final determination of other issues is made by the Section.

Upon written appeal of Bylaws 203, 204.C. or 205.C. the Section shall appoint either:

A. A hearing panel; OR

B. A single hearing officer.

The panel or hearing officer shall be empowered to hear the matter under consideration and rule on the eligibility status of the appellant under Section and CIF eligibility requirements. Neither members of the hearing panel, nor a single hearing officer can have been directly associated with the matter under consideration or directly associated with the schools involved in the matter or have any other interest, personal or professional, that would preclude a fair and impartial hearing. If it is apparent from the facts that the panel or the hearing officer have no authority to adjudicate the matter under the rules, the Section may find the appeal to be without merit and deny a hearing. The Section hearing need not be conducted according to the rules of evidence and those related to witnesses. Any relevant evidence including hearsay evidence shall be admitted. All testimony shall be given under oath or affirmation administered by hearing officer (a member of the panel or a single hearing officer).

**Dates and Deadlines for Section Student Eligibility Appeals**

- (1) A final appeal to the Section, under this Bylaw, must be initiated within 30 calendar days after a written notice of a Commissioner, hearing panel or single hearing officer's decision denying eligibility is sent (by postmarked mail) to the affected party.
- (2) If the affected party fails to file the appeal within the 30-calendar day period, the Section's hearing panel or hearing officer will not hear the appeal, and the Commissioner's decision, or hearing panel or hearing officer's decision, denying eligibility, shall be final.
- (3) Within 10 business days after receiving the appeal, the Section will send notice of the receipt of the appeal to the Section's panel or hearing officer, and to the appellant.
- (4) Within 30 business days after notifying both parties, a hearing shall take place at a time and place determined by the Section's panel or hearing officer. Any continuance of the timelines must be agreed upon and documented.
- (5) A written decision of the Section's panel or hearing officer shall be sent to the Section Commissioner and appellant within 10 business days after the hearing.
- (6) From the last published CIF sponsored activity until August 15, appeal hearings may be held if the State or Section can accommodate such a request with available personnel.

(Approved May 2003 Federated Council/Revised May 2007 Federated Council)

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

Appeals of final decisions determined through the Section appeals procedure concerning student eligibility involving requests for waiver of the age requirement, waiver of a charged semester of attendance and/or waiver of the requirement to pass 20 semester credits of work may be presented to the Executive Director after the Section decision has been made in accordance with the following, if the appellant believes that the Section violated one (1) or more of the following procedural guidelines:

- A. Was the Section's decision or action lawful; i.e., did the decision or action violate Title V, the Education Code, etc. and did it extend appropriate due process to the parties?
- B. Was the Section's decision or action fraudulent?
- C. Did the Section act arbitrarily?
  - (1) Did the Section have rules and criteria by which it reached its decision?
  - (2) Were the Section's rules and criteria reasonable; i.e., do the Section's rules reasonably relate to a legitimate objective?
  - (3) Did the Section follow its own rules and criteria?
  - (4) Does the Section's action or decision have a basis in reason, or in other words, a reasonable basis? The test to be employed in the application of these criteria is whether responsible people, acting in a thoughtful manner, could reasonably have reached the same decision as the Section and not whether others might personally agree with the decision. The Executive Director, upon receiving such an appeal, may review the Section's decision based on the above guidelines to determine whether its action was a violation of any of the above. If, in his or her judgment, this is the case, the Executive Director may return this matter to the Section for further review, or, if necessary, set aside the decision and take jurisdiction consistent with Bylaw 1109.A.
- D. **Dates and Deadlines for CIF Student Eligibility Appeals**
  - (1) An appeal to the Executive Director, under this Bylaw, must be initiated within 30 calendar days after a written notice of a Section's decision denying eligibility is sent (by postmarked mail) to the affected party.
  - (2) If the affected party fails to file the appeal within the 30-calendar day period, the Executive Director will not hear the appeal and the Section's decision, denying eligibility, shall be final.
  - (3) If the appeal is filed within the 30-business day period, the Executive Director will send notice of the receipt of the appeal, within 10 calendar days after receiving the appeal, to the Section, and to the appellant. The notice to the Section shall include all documents filed by the appellant.
  - (4) The Section may file a response to the appeal within 15 business days after receiving the notice of appeal. The response shall be served on the appellant. The appellant may have five (5) days to file a reply with the Executive Director.
  - (5) A written decision of the Executive Director shall be sent to the Section and appellant within 15 business days of receipt of the final reply.

(Revised May 2007 Federated Council)

**1103. SECTION APPEALS PROCEDURES INVOLVING MATTERS OTHER THAN STUDENT ELIGIBILITY OR SECTION PLAYOFFS**

In the final Section determination of rules questions other than student eligibility or Section playoffs, each Section shall establish appellate procedures, which incorporate the following requirements:

- A. Upon written appeal, the Section shall cause a hearing body to be convened. The body shall be empowered to hear the matter under consideration and rule on the matter at hand;
- B. Sections shall publish appeal procedures and provide appropriate due process for schools engaged in any appeal under the Section and/or State Bylaws;
- C. Sections shall provide for timely notice of appeals, time schedule of such appeals, and written notice for determination of the matter being appealed;
- D. Section appellate procedures shall allow for written and verbal presentations by the appellant to hearing bodies and testimony by knowledgeable parties.

**1104. CIF SECTION PLAYOFF APPEALS PROCEDURES INVOLVING SECTION RULES AND REGULATIONS ONLY**

Each Section shall establish, to the greatest extent possible, a fair procedure to ensure a review of such matters, consistent with the time constraints involved. The decision of the Section on such matters will be final.

**1105. CIF PLAYOFF APPEALS PROCEDURES**

The Executive Director shall have full authority to rule on any appeal directly involving State playoffs or to delegate such authority to game or meet authorities. Such a delegation of authority would not prevent the Executive Director from subsequently assuming jurisdiction if the Executive Director believed conditions warranted.

**1106. INTER-SECTIONAL DISPUTES PROCEDURE**

In the event that two (2) Sections cannot come to a mutual agreement on an issue, a three (3)-person committee composed of the President, President-Elect and Past-President, along with the Executive Director, is authorized to hear the issue and render a decision which would be binding. If any member of the Committee is a representative of a Section involved in the dispute, the President shall select another member of the Federated Council to serve on the Committee for that particular issue.

**1107. EXECUTIVE DIRECTOR'S AUTHORITY TO INTERPRET**

The CIF Executive Director is authorized to interpret the CIF Constitution, Bylaws, and Federated Council regulations, and to issue such official interpretations in writing to all Sections. The Executive Director will report any official interpretations issued at subsequent Executive Committee meetings for their review and consideration. The State Executive Director may review decisions of the State Appeals Office before issuance for compliance with the CIF Constitution and Bylaws and compliance with Title V, the Education Code, etc., and whether it extended the appropriate due process to the parties.

(Revised May 2007 Federated Council)

**1108. DELEGATED POWERS**

- A. In emergency situations, the CIF President or Executive Director or his/her authorized designee may act for the Federated Council in the best interest of the organization. This action will be reviewed by the Executive Committee as soon as possible.
- B. Between meetings of the Federated Council, the Executive Committee shall be empowered to act for the Federated Council when necessary. This action will be subject to the approval of the Federated Council at its next meeting.

**1109. SETTING ASIDE THE EFFECT OF A RULE FOR WHICH THERE IS NO PROVISION FOR WAIVER**

The Executive Director and a Section appeals committee may, on a case-by-case basis, upon evaluation of the evidence, set aside the effect of any Bylaw when, in their joint opinion all of the following criteria are met:

- A. There exists a hardship as defined by Bylaw 213;
- B. The rationale of the rule being waived will not be offended or compromised;
- C. The principle of the educational balance (over athletics) will not be offended or compromised;
- D. The waiver will not result in a safety risk to teammates or competitors;
- E. The waiver will not result in an unfair displacement of another student from athletic competition;
- F. Competitive equity among competitors will not, as a result of the waiver, be skewed in favor of the student or

the student's team.

(Approved May 1997 Federated Council)

**NOTE:** In practice, this Bylaw is initiated by a Section appeals committee. However, the Bylaw may be initiated by the Executive Director upon review of an appeal.