

BY-LAW ARTICLE V
Due Process Procedures
Preamble to Due Process Section

The intent of establishing "Due Process Procedures" is to provide:

- A. The opportunity as required By-Law and as an integral part of the philosophy of the Association to a due process procedure for appeals for members of the Association; and,
- B. To provide a process for receiving input for the good of the Association through a concept of "meet and confer" with other interested parties.

Since some of the responsibilities of the Association, such as eligibility and school violations, have great impact on students and member schools; procedures are spelled out for these areas. However, this is not intended to exclude any functions of the Association from the concept of due process through "meeting and conferring" with interested parties.

Sect. 1: This section is to assure that decisions rendered by any official of the NHIAA or committee representing the NHIAA may be reviewed by using the following procedures:

- A. All requests for review must be in writing from the principal of the school and must include the charges, evidence, and previous rulings.
- B. There normally will be three steps involved in this procedure and in the following order:
 - 1. Review by the Executive Director - decision within 14 days. The decision may include a referral of the issue to the appropriate committee(s).
 - 2. Review by the appropriate committee(s) - decision within 14 days.
 - 3. Review by the NHIAA Council Appeals Board - decision within 14 days.

In each of the above steps, decisions are final unless appealed within 14 days.

School Violations

The due process procedures adopted by the Council to be applied to the school violations of provisions contained in the Constitution and By-Laws and opinions by the Executive Director are outlined below. The current NHIAA Handbook and addendum are the instruments for informing schools of the regulations they have adopted and are committed to uphold.

The Executive Director is authorized by the Constitution to give rulings in response to requests and to take action whenever necessary to uphold the Association's rules and regulations. Unless appealed, or the Council Appeals Board determines a wrong decision and/or penalty was assessed, the decision rendered and the penalty assessed by the Executive Director shall be final. Any decision, or action taken, may be appealed to the Council Appeals Board in accordance with the procedures outlined herein. In considering school violations these steps will be followed:

- A. The principal of the school will be informed of the charge and the evidence supporting it, and will discuss the issue with the Executive Director. A decision will be rendered in writing by the Executive Director within 14 days. This decision may include a referral to the appropriate committee(s) for further review.
- B. An appeal of the Executive Director's decision may be made in writing within 14 calendar days after the hearing.
- C. The principal of the school will appear at a hearing of the appropriate committee(s) to discuss the charges. A decision will be rendered in writing to the principal within 14 calendar days after the hearing.
- D. An appeal of the committee(s) decision(s) may be made in writing within 14 calendar days and then forwarded to the Council Appeals Board through the Executive Director.
- E. The decision of the Council Appeals Board and a copy of its ruling will be forwarded to the appellant within 14 days. The Council Appeals Board's decision shall be final.