

**AMENDMENTS TO LHSAA CONSTITUTION AND BYLAWS
TO COMPLY WITH ACT 476 OF 2014 REGARDING THIRD PARTY
ARBITRATION ON ELIGIBILITY RULES**

(Words in **boldface type and underscored** are additions)

Amend Article 4.4.6 of LHSAA Constitution to read as follows and add Article 4.4.7 and 4.4.8:

- 4.4.6** Constitute a board of appeals which shall consider complaints or appeals filed on the decision(s) of the Executive Director and interpret the Constitution and Bylaws of the Association. **When such appeals are heard, it is the Committee's duty to: determine whether the Executive Director correctly found the facts; determine whether the Executive Director correctly interpreted the Constitution and Bylaws of the Association, and if not, make its own interpretation; and determine whether the Executive Director correctly applied the Constitutional and Bylaw provisions to the facts of the case.**
1. To consider an appeal, the request must be made in writing within 15 days from the date of the ruling.
 2. A least 24 hours' notice shall be given to the school prior to its appeal being heard by the Committee.
 3. No member of the Executive Committee shall serve on the Committee if a case involves his/her school or parish.
 4. The decision of the Executive Committee is final, except that the **Executive Committee's decision on a ruling regarding eligibility will become final 15 days after the ruling unless, within those 15 days, the school applies for third party arbitration. When a school applies for third party arbitration, the Executive Committee's decision will remain in effect until such time as the arbitrator's decision is rendered. For 2013-14 eligibility rulings appealed and denied by the Executive Committee or Hardship Committee that affect a student's eligibility for the 2014-15 school year, a member school, upon official notification by the LHSAA shall be have a 15-day period (ending 4:00 p.m., July 11, 2014) to send written notification to the LHSAA of its desire to seek third-party arbitration on the case.**
- 4.4.7** **Only that portion of an Executive Committee's decision determining whether a student is eligible or ineligible may be submitted to a third party arbitrator. New information shall not be permitted to be introduced to the arbitrator that was not presented to the Executive Committee at the time of their decision. The only issue to be submitted to the arbitrator is whether the LHSAA correctly applied its rules on eligibility in the case being arbitrated. Any decision or issue involving the Executive Committee's decision as to a penalty for a school playing an ineligible student is not referable to the third party arbitrator.**

4.4.8 The provisions of LHSAA's Constitution dealing with third party arbitration and the provision of any LHSAA Bylaw providing third party arbitration shall be in effect only while ACT 476 of the Louisiana Legislature, Regular Session of 2014, is law. Upon repeal of said act, or a court ruling that it is unconstitutional or otherwise invalid, or not applicable to LHSAA and/or its member schools, all provisions of the LHSAA Constitution and Bylaws dealing with third party arbitration shall cease to be in effect. Any student declared eligible by third party arbitration while ACT 476 is law shall be honored and shall not be deemed as participating as an ineligible student-athlete. *Note: The Executive Committee exercised its powers as dictated by Article 4.4.2 in the Constitution to allow for third party arbitration. This rule is effective immediately and shall be valid until January 30, 2015 unless otherwise declared invalid. The Executive Committee shall submit a proposal on the January 2015 annual meeting agenda to allow the entire membership to decide if the LHSAA shall continue to offer third party arbitration.*

Amend LHSAA Bylaw 1.2 by adding the following provisions 1.2.4 and 1.2.5:

1.2.4 If a school is dissatisfied with a eligibility ruling made by the Executive Director, the principal may appeal the decision to the Executive Committee. The appeal should be submitted in writing within 15 calendar days of the ruling. While the Executive Director's ruling of ineligibility on a student is appealed to the Executive Committee, the student on whose eligibility on appeal is pending shall not participate in any athletic contests until his/her case is ruled on by the Committee. The Committee ruling is final unless a school applies for third party arbitration within 15 days of the Executive Committee's decision. When a school applies for third party arbitration, the Executive Committee's decision will remain in effect until such time as the arbitrator's decision is rendered.

1.2.5 The arbitration procedure shall be as follows:

1. The arbitration shall generally comply with the spirit of the rules and procedures of the American Arbitration Association.
2. The arbitrator shall be approved by the American Arbitration Association and the parties.
3. Arbitration shall be implemented only after all LHSAA remedies have been exhausted, including appeals to the Executive Committee.
4. Each party (that is the school that applies for arbitration and the LHSAA) shall bear the cost of its own representation and other costs for presenting its case to the arbitrator.
5. The school applying for arbitration shall pay the initial fee to the arbitration association. Except as provided in subparagraph 4 of this article, the losing party shall bear the costs of the arbitration proceeding paid to the arbitration association. A member school seeking arbitration shall be required to deposit \$5,000 with the LHSAA to be held in trust. Should the member school prevail in arbitration the initial fee and the deposit shall be refunded to the school. Should the LHSAA prevail the LHSAA shall use the deposited amount to pay the

arbitration association and any remaining deposited monies shall be returned to the member school. Should the cost of arbitration exceed \$5,000, the school shall be invoiced for the additional cost. The invoice shall be paid within 30 days from the date of the invoice. Failure to pay in a timely manner shall result in the school being placed on restrictive probation and shall not be eligible for championship honors in all sports until the outstanding balance and a ten percent penalty are paid.

6. The arbitrator's decision will be final and non-appealable to any court.

Amend Bylaw 1.35.21 to read as follows:

The decisions of the Hardship Committee shall be final, **unless a school seeks review of the decision of the Hardship Committee on the student's eligibility to a third party arbitrator. The procedure for applying for third party arbitration from the Hardship Committee shall be the same as provided for applying for third party arbitration on an issue of eligibility from the Executive Committee as provided in LHSAA's Constitution 4.4.6 and 4.4.7, Bylaws 1.2.4 and 1.2.5. New information shall not be permitted to be introduced to the arbitrator that was not presented to the Hardship Committee at the time of their decision. The only issue to be submitted to the arbitrator is whether the Hardship Committee correctly followed LHSAA's rules for granting a hardship exception to LHSAA's eligibility rules. If there is no application for third party arbitration, the decision of the Hardship Committee is final, and there shall be no further appeal to the Executive Committee.**

Amend Article 3.6.2 to read as follows:

3.6.2 Membership dues for each school year are due September 15. Schools failing to pay membership dues by this date shall not be considered for championship honors in any branch of athletics until dues and a ten (10) percent penalty are paid. **ACT 476 of the Louisiana Legislature Regular Session of 2014 requires the LHSAA to provide for third party arbitration. As per their authority in Article 4.4.5, the Executive Committee has approved for a reserve fund of \$100,000 to be set aside each year to fund LHSAA costs associated with third party arbitration. Every year the administration is to assign an arbitration assessment to each member school on an equal basis regardless of school size to allow for the reserve fund to begin the school year with \$100,000. The money shall be held in a restricted account and can only be used for expenses related to third party arbitration. The initial year's assessment shall be \$257 per school. The assessment in future year's shall be based on the amount needed to begin each year with a balance of \$100,000.**