

**SECTION 4**

**NEW BRUNSWICK INTERSCHOLASTIC  
ATHLETIC ASSOCIATION**



**BY-LAWS**

**Article 1 - Team Eligibility**

**Section 1.**

The school must be a member of the NBIAA in order for its teams or players to be eligible for NBIAA sanction events.

**Section 2.**

A school team shall consist entirely of eligible players who are students of the school and are under the authority of that school's principal.

**Section 3.**

A team **must** complete all conference / regional or provincial obligations and commitments. Failure to do this will result in a fine of up to **\$200**, removal from the playoff format and a possible suspension from participating in that activity in the succeeding season.

In Group A \* activities individuals who fail to compete in all conference / regional or provincial obligations may be suspended from participating for that school year and the next year (for that sport only) and the school may be fined \$20 per athlete to a maximum of \$200. \* Badminton, cheerleading, cross-country, golf, swimming, wrestling and track & field.

**Section 4.**

Compulsory play in provincial leagues shall be prohibited. The criteria for advancement to provincial championship events in all sanctioned activities shall be restricted to conference and regional (if required) leagues and tournaments.

**Section 5.**

The use of an ineligible player(s) shall cause the team concerned to forfeit all games and all points won in those games in which the player(s) participated. The Executive Committee may levy such additional penalties as it deems are warranted. The coach or coaches who utilize ineligible player(s) may also face suspensions.

**Section 6.**

High schools which repeatedly violate the Constitution and By-Laws of the Association shall be suspended from membership in the Association on a majority vote of the Executive Committee.

**Section 7.**

The full membership (all teams) shall be enrolled in a universal general accident insurance and a commercial general liability package, whereby, each individual team member is covered by the school, to be submitted with the team personnel registration form. All NBIAA insurance will be terminated once that sports season is completed.

## Article 2—Player Eligibility

### Section 1.

A player must be a student enrolled in a public or private high school in New Brunswick, which has become a member of the NBIAA and must be in regular attendance during the school year in which he/she wishes to compete as certified by the school Principal.

### Section 2.

A player is eligible:

- a) for five (5) years from entering into Grade 9.
- b) unless declared ineligible or suspended by his/her Principal.
- c) until he/she has graduated and/or received a high school diploma or its equivalent, (or the end of the school year in which the person attains the age of 21—Education Act).

### Section 3.

A student **must** carry a full complement of regular/credit courses during the first four (4) years of eligibility (Grades 9-12). Students in their 2<sup>nd</sup> semester of grade 12, with enough credits to graduate, are permitted to participate in interscholastic activities with a part time schedule. A fifth year student is required to enrol in the courses needed to fulfill graduation requirements.

### Section 4.

Transfer student eligibility:

The intent of this regulation is to prevent recruiting and the transfer of students for athletic purposes. All transfer students are ineligible for NBIAA activities until cleared by the NBIAA office. The NBIAA Transfer Form must be received by the appropriate group before a decision may be rendered.

A student's five years of eligibility begins upon entering grade 9. The school at which a student is registered in Grade 10 shall be the school in which they are eligible to participate in NBIAA activities for the remaining years of eligibility. Once a student transfers after establishing their school of eligibility, they are considered ineligible until approved by the NBIAA. Always check with the school principal and/or the NBIAA before a student transfers, to determine whether it will affect their eligibility. Disciplinary actions will follow the student-athlete to all schools in the province.

- I. A student is **eligible** to participate for an NBIAA member with the exception of any sport they participated in at their previous school in the current year if they meet one of the following 6 conditions:
  - i) **Family move:** the student has moved with the parent(s)/legal guardian(s) who has changed residence and resides within the normal boundaries of the school at which the student has registered. The change of residence must be made with the intent that it is permanent.
  - ii) **Parent to parent move:** the student moves to reside with the parent with whom they have NOT been living. (The student's parents are living apart during the school year). The student **has not** participated in any NBIAA

activities in the current school year before transferring. Only two such transfers are allowed in a student's four years of eligibility.

- iii) **Short term Transfer & Return to Home:** the student is transferring from one NBIAA member school to another school for a period of one school year or less for the purpose of playing a non-NBIAA sport activity and **did not** participated in any NBIAA activities while attending that school. That student will not be eligible for the sport activity in which they transferred, with the exception of hockey.
  - iv) **Incoming Exchange or Out of Province Students:** the student is transferring to an NBIAA member school and has not received a high school diploma.
  - v) **Boarding School Students:** the student is transferring from a school outside of New Brunswick to a NBIAA member boarding school as a boarder and did not participate in any NBIAA activities. The boarding school assumes responsibility as the students' parents have not relocated. Returning to the parents' home - the student did not participate in any NBIAA activities.
  - vi) **District waiting list students:** A district waitlist student had transferred by September 30th. The onus is on the parents to provide supporting documents from the District or School that the transfer has occurred 3 weeks prior to the fall sports season. The waitlist student may participate in NBIAA activities prior to transferring, but there is no guarantee that they will make a team at the new school. If a waiting list transfer occurs after September 30th, the student will be ineligible until the next season of play.
- II. A transfer student is **ineligible** to participate for a member school for forty-five (45) school days from the date of enrolment if :
    - i) **Non-family move:** the student transfers without a change of residence by the parent(s) or legal guardian(s).
    - ii) **Parent to parent move:** the student moves to reside with the parent with whom they have not been living (where a student's parents are living apart during the school year) and the student **HAS** participated in NBIAA activities during the current school year. Only two such transfers are allowed in a student's four years of eligibility.
    - iii) **School to school transfer:** the student is transferring from one NBIAA member school to another school and participated in NBIAA activities at the previous school.
    - iv) **Boarding School Students:** the student is transferring from a New Brunswick school to a NBIAA member boarding school (boarder or day student) and **HAS** participated in NBIAA activities. The student is transferring back to their parents' home from a boarding school and **HAS** participated in NBIAA activities.

### Notes:

1. Once a student has changed schools they are considered a transfer student and must comply with the NBIAA Transfer Rules.

2. The word ‘participate’ in these regulations means competing for your school in an NBIAA activity. This includes practices/try-outs, exhibition games, tournaments and league play.
3. Students transferring from other provinces, states or countries, who have graduated from their respective high school programs or equivalent, are ineligible for NBIAA activities.
4. Transfer students can **ONLY** be added to an NBIAA team personnel form after they have been deemed eligible by the NBIAA.
5. In calculating the required forty-five (45) school days, only days of instruction from Monday to Friday may be counted. Any holidays are not considered to be “days of instruction”.

**Legal Guardian** - A legal guardian shall be defined as:

- A person who has been appointed legal guardian of the child by will and has supported, maintained or cared for the child since the death of the parent(s) with whom the child was previously residing.
- An adult who is under a legal duty to support or maintain the child under a court order or under a written agreement and has supported or maintained the child for the previous twelve (12) months.
- An adult who has signed a Statutory Declaration stating that they consider themselves to be the parent of the child and who has maintained, cared for and financially supported the child for the previous twelve (12) months. A statutory Declaration is a Declaration sworn before a Notary Public or Commissioner of Oaths, and has the same effect as an oath given in a courtroom. A declaration is considered to be sworn evidence.
- Boarding School: Where the administration of the school has assumed legal responsibility of the student while in attendance of their school.

**Penalties and Sanctions:**

The use of an ineligible player(s) shall cause the team concerned to forfeit all games and points won in those games in which the player(s) participated. The Executive Committee may levy additional penalties as it deems appropriate.

### Article 3 – Competition with Non-Members

**Section 1.**

No member school shall compete in activities with non-member schools unless the contest has been sanctioned by the NBIAA.

**Section 2.**

No student or team from member schools shall compete in interprovincial or international competition unless the contest has been sanctioned by all participating provincial and/or state school associations.

**Section 3.**

No student or team from member schools shall compete in any tournament or exhibition play (*alumni & fundraising games included*) unless:

- a) the contest has been sanctioned by the Association: or
- b) in accordance with these by-laws the contest does not require written sanction.

**Section 4.**

Tournaments hosted by member schools and involving only New Brunswick teams and players from member schools do not require written sanction.

**Section 5.**

All tournaments and exhibition play involving teams or players from out of province schools must obtain written sanction from the NBIAA.

**Section 6.**

Applications by member schools for tournaments or exhibition games with teams within the ‘Region’ (Maritime Provinces and Maine) must be made in writing (NBIAA sanction forms) to the Executive Director at least two (2) weeks prior to the event. Applications by member schools for tournaments or exhibition games with teams outside the “Region” must be made in writing to the Executive Director at least four (4) weeks prior to the event. Schools will be assessed a fee of \$100 in order to approve a sanction request received after the deadline.

**Section 7.**

Non-member organizations must apply to the NBIAA through a member school for sanction of competition involving teams or players of member schools. The application must be received by the NBIAA office at least four (4) weeks prior to the event. This member school must act as a co-sponsor with the non-member organization. Schools will be assessed a fee of \$100 in order to approve a sanction request received after the deadline.

**Section 8.**

Application for sanction by a non member organization must indicate the site, teams to be invited, schedule of games and the type of awards to be presented.

**Section 9.**

All tournaments to be sanctioned must meet all NBIAA requirements as set out in the by-laws.

**Section 10.**

The NBIAA will sanction International Athletic Competition if the conditions of the competition as outlined on the International Application Sanction Form are met. (Contact the NBIAA office for the application form.)

**Section 11.**

- a) All teams from member schools which are invited to interprovincial or non-member tournaments will be sent notification of the sanction once it has been granted by the Executive Director.
- b) If a sanction is not received, the onus of checking for approval is on the team, an invitation should not be accepted until sanction has been received.

**Section 12.**

Notwithstanding anything above, Canadian border area schools may compete with out of province teams within a 100 km radius of the school concerned,

with the exception of hockey. Beyond this radius permission must be obtained from the Executive Director.

### Section 13.

Any member school violating the provisions of this article may be fined up to \$1000 and the Executive Committee may levy additional penalties as it deems are warranted.

### Section 14.

Any student that is a member of an NBIAA school team who participates in an unsanctioned interprovincial or international competition will be declared ineligible from further interscholastic competition in that season and the following season.

## Article 4 - Classification of Schools

The Executive Committee shall classify schools for competition; such classification to be based on total school population - Grades 9-12 inclusive (based on a grade average of the previous three (3) years).

Class A Schools - 299 students and under

Class AA Schools - 300 - 699 students

Class AAA Schools - 700 + students

Each "classification period" shall be three years duration; with a review of the same after the second year.

Note:

1. Where there is a significant increase or decrease in enrollment during a "classification period", a school may be reclassified upon such a change in enrollment.
2. A school may register one (1) team only in a division leading to a provincial championship.
3. Schools with students of one gender only shall have their enrollment doubled for classification purposes.

## Article 5 - Divisions of Play

The Executive Committee sanctions competition at the championship level and exhibition level.

### For all schools in Class AAA, AA & A:

**Junior** - (Only in those schools comprised of students in grade 9 to 12)

- Students in their first and second year of high school for group A activities.
- Students in their first, second and third year of high school for soccer, basketball, volleyball and rugby.

Students in a NBIAA member high school comprised of grade 8 and below under the authority of the same school Principal may participate in NBIAA activities.

**Senior** - Students primarily in grades 9 to 12

**Exhibition** – An exhibition team is one that will not compete for a Provincial Championship banner and does not have a set league schedule they must follow.

**Exhibition Division** – An exhibition division team is one that will not compete for a Provincial Championship banner and does not have a set league schedule they must follow. An Exhibition Division team is for schools that enter a second team in the same sport category ( Ex – AAA Sr. Girls Volleyball). Students are not permitted to move freely from the Exhibition Division team and the Provincial Championship team, as they are considered two separate teams.

## Article 6 - Calendar Sports

Criteria for the dropping or adopting of a calendar sport:

- a) At the AAA level there must be at least eight (8) schools registered in order for an activity to be sanctioned for a Provincial Championship at the senior and junior level. If there are less than eight (8) registered in an activity, that activity in that division, will become an exhibition sport for one year. At the AA level there must be at least eight (8) schools registered at the senior level and six (6) at the junior level in order for an activity to be sanctioned for a Provincial Championship. If there are less than eight (8) at the senior level and six (6) at the junior level registered in an activity, that activity in that division, will become an exhibition sport for one year. At the A level there must be at least six (6) schools registered in order for an activity to be sanctioned for a Provincial Championship at the senior and junior level. If there are less than six (6) registered in an activity, that activity in that division will become an exhibition sport for one year. The category of 10 A-side football, must have at least 6 schools registered in order to be sanctioned for a Provincial Championship. If there are less than 6 registered, then the teams registered will become an exhibition sport for one year.
- b) In classification activities if the number of registered schools is less than the required number of teams registered for a sanctioned Provincial Championship, then those schools may compete in a higher operational classification.
- c) New activities to be sanctioned by the NBIAA shall be adopted according to the following procedures:
  - i. The safety of the student-athlete must be the highest priority in establishing an activity.
  - ii. The activity must be proposed in writing by a member school not less than forty-five (45) calendar days in advance of the Annual General Meeting.
  - iii. The activity must have at least eight (8) member schools willing to participate on a trial basis, if accepted by the Executive Committee.
  - iv. The activity must be covered under the NBIAA existing insurance policies.
  - v. The Executive Committee will place the activity in a 'season of play'.

- vi. The participating member schools will operate the activity by a committee which must follow all NBIAA policies and regulations.
  - vii. A final detailed report must be submitted to the Executive Committee for review.
  - viii. On review the Executive Committee can allow the activity to proceed to a second year or it can delete the activity.
  - ix. The Executive Committee will make the final decision to add or not to add the proposed activity.
- d) Upon recommendation from the Executive Committee with appropriate notice given to member schools, a calendar sport may be dropped by majority vote at the NBIAA AGM.

## Article 7 - Officials

### Section 1.

Certified officials must be used for all NBIAA sanctioned competitions.

### Section 2.

Top level certified officials must be given first consideration for provincial playoffs, tournaments and meets.

### Section 3.

Whenever possible, neutral certified officials shall be secured to officiate competitions.

### Section 4.

"Officials' Associations" will not be compensated for costs associated with assignment of officials for any of the association's activities.

## Article 8 - Activities and Championships

### Section 1.

League play, exhibition games and scheduling are the responsibility of the conference. Make up of the league schedule, number of games played within the league and league structure are conference responsibilities. Leagues may have unbalanced schedules with divisions (often determined by geography and distance travelled); however, whether a league has a single, double, triple home and away schedule or an unbalanced schedule, league play will be determined by league members based on the following schedule. The structure of the league will be reported to the league chair who will forward the information to the conference president.

League structure will be determined by a majority of schools comprising the league:

- 3 team league (2 of 3 schools must agree to the structure)
- 4 team league (3 of 4 schools must agree to the structure)
- 5 team league (3 of 5 schools must agree to the structure)
- 6 team league (4 of 6 schools must agree to the structure)
- 7 team league (5 of 7 schools must agree to the structure)
- 8 team league (5 of 8 schools must agree to the structure)
- 9 team league (6 of 9 schools must agree to the structure)

- 10 team league (7 of 10 schools must agree to the structure)
- 11 team league (8 of 11 schools must agree to the structure)
- 12 team league (9 of 12 schools must agree to the structure) Etc.

### Section 2.

Regional and Provincial playoff schedules shall be arranged by the Executive Committee.

### Section 3.

Officials for all NBIAA competition shall be appointed by assigners of the officials association.

### Section 4.

The official rules for each NBIAA sponsored activity shall be those sanctioned by the Sports Governing Body for that activity. These rules shall be followed with the exception of such modifications as are outlined in the Operating Regulations pertaining to each sponsored activity.

### Section 5.

The individual charged with coordinating a regional or provincial championship shall be responsible for providing all involved schools and the Executive Director with a detailed report of the event. Failure to comply shall warrant a fine.

## Article 9 - Protests

### Section 1.

No individual protests shall be recognized by the Conference or Executive Committee of the NBIAA.

### Section 2.

All protests of activities involving conference competition or matters shall be resolved by the Executive or Appeal Committee of that Conference.

### Section 3.

All protests of activities involving regional competition or matters shall be resolved by Committee A or if necessary, Committee B.

Composition of Committees:

A - three (3) Executive Committee representatives selected from the region not in conflict. Representatives in the same classification as a contesting school shall not be eligible for selection.

B - in the event that the Executive Committee has previously rendered a decision on a matter being protested, the protest shall be resolved by a committee consisting of three Conference Presidents.

### Section 4.

All protests of activities involving provincial competition or matters shall be resolved as outlined in section 3. (Exception: The Executive Committee may delegate authority to a Tournament Committee to resolve issues associated with a provincial tournament).

**Section 5.**

A statement signifying intention to protest (which may be made by telephone or fax) must be received by the appropriate authority within forty-eight (48) hours of the event in question. A letter fully outlining the details of the protest must be received within seven (7) calendar days following the incident in question. All such communication must be over the signature of the school.

**Section 6.**

A decision rendered by the third party of authority as established in Section 3B is final.

**Section 7.**

All protests under Section 2 shall be accompanied by a fee fixed at the Conference level. Protests under Sections 3 and 4 shall be accompanied by a fee of **\$250.00**. If the protest is upheld, the fee shall be returned and the offending school may be required to pay a fine of up to **\$250.00**.

Failure to pay the fine will disqualify the school from all NBIAA activities until the fine is paid.

### **Article 10—Appeal of NBIAA Ruling**

There is no appeal of any suspensions up to 5 games or suspensions which *meet minimum guidelines*.

**Section 1.**

The member school may appeal the ruling of the NBIAA to the Executive Appeal Committee (EAC) by filing a written Appeal Request Form (J-1) with the Executive Committee within thirty (30) days from the date of the ruling.

The EAC is comprised of three members of the NBIAA Executive Committee who are not in conflict with the incident.

Appeals will be granted when evidence illustrates one or more of the following:

1. An error in fact;
2. A lack of procedural fairness;
3. The suspension committee exceeding its authority;
4. Evidence of excessive/harsh suspension.

**Section 2.**

The Notice of Appeal shall:

- a) include a non-refundable appeal fee of \$500;
- b) clearly set out the bylaw and/or policy at issue;
- c) clearly and concisely state the grounds upon which the applicant requests an interpretation of, or an exemption from, the bylaw and/or policy at issue;
- d) clearly and concisely state the grounds upon which the applicant member appeals the ruling of the NBIAA;
- e) specify whether the applicant member school wishes to proceed by video conferencing or by special EAC meeting;
- f) submit all documentation that will be presented in support of the appeal;
- g) be signed by the school principal.

The sanctioned individual must be present at the appeal hearing with the administrator or their designate. If the parties cannot be present, the original sanction will stand until the hearing takes place.

**Section 3.**

Upon receipt of the Notice of Appeal in compliance with 1 and 2 of this section, the EAC shall hear the member's appeal.

**Section 4.**

During the course of the appeal, the EAC may consider materials not previously considered by the Conference Executive and/or the Executive Director.

**Section 5.**

In the event that the applicant member wishes to proceed by video conferencing, the applicant member shall be responsible for charges that may occur. In the event that the applicant member fails to reimburse the NBIAA for the actual cost of the video conferencing as aforesaid, the appeal shall be dismissed.

**Section 6.**

Before issuing a decision, the EAC shall consider:

- a) all written materials submitted by the applicant member;
- b) the written decision of the ruling;
- c) any other written materials or documents that the EAC deems relevant;
- d) the NBIAA policy and/or by-law at issue, or any other NBIAA by-law and/or policy and the EAC deems relevant;
- e) all legislation and regulations the EAC deems relevant; and
- f) all verbal submissions made by or on behalf of the applicant member and the Executive Director, in the event that the applicant member elects to proceed by video conferencing.

**Section 7.**

Appeal hearings of the EAC shall be called by the Chair. The Chair shall be responsible for arranging the agenda in consultation with the Executive Director. The Chair controls the meeting and is responsible for outlining the specific procedures to be followed at the hearing.

**Section 8.**

The Executive Director will coordinate hearing times and locations and is responsible for distribution of the agendas and relevant information. In appropriate cases the Executive Director will make the necessary arrangements for video conferencing.

**Section 9.**

The EAC members will be selected to serve on a particular appeal hearing committee as the need arises. Members of the EAC are responsible for reviewing and familiarizing themselves with the agenda/information provided to them by the Executive Director in advance of the appeal hearing date. They must advise the Executive Director as early as possible if circumstances no longer permit them to attend a scheduled appeal hearing.

**Section 10.**

With the exception of the applicable charges as set out herein and paid by the applicant for video conferencing, the administrative costs of the EAC shall be the responsibility of the NBIAA. Each party appearing before an EAC shall be responsible for its own costs regardless of the decision of the EAC.

**Section 11.**

Within seven (7) days of the hearing of the appeal, the EAC shall issue a written decision detailing its reasons. A copy of the written decision shall be sent to the school principal. The decision of the EAC shall be final.

### **Article 11 – Discipline Process**

The following procedures as outlined below will be followed for all suspensions:

- I. Conference *& Inter Conference Discipline* Committee Duties and Obligations
- II. NBIAA Discipline Duties and Obligations

#### **I. Conference *& Inter Conference Discipline* Discipline Committee Duties and Obligations**

1. Each conference will establish a conference discipline committee.
2. The incident must be reported either on a game sheet by an official or by filling out the NBIAA Incident Report Form (I-1). The incident must be sent to the conference president and /or league coordinator within 48 hours of the incident.
3. The Conference President(s) / league coordinator(s) will review the incident report and if clarification is required, they will request additional information from those involved.
4. Once all information has been gathered and reviewed, the Conference President(s) / league coordinator(s) or the Discipline Committee(s) will consult and collaborate for input on sanctions.
5. The Conference will render their decision and inform the school administration, as well as the NBIAA Executive Director of the decision.
6. The Conference(s) can impose *the NBIAA minimum* suspensions, which cannot be appealed.
7. The Conference(s) can recommend further suspension be imposed by the NBIAA office.

The conference discipline committee is comprised of the conference president/vice president, plus 2 other members of the conference committee. Committee members will have no affiliation with the party schools directly involved in the incident.

President/Vice president	(1)
Conference members	(2)
Total	(3)

**II. NBIAA Discipline Duties and Obligations**

Two Executive Officers shall consult with each other on the incident in question to render a decision.

It is expected that Committee members will have no affiliation to the party schools directly involved in the incident.

- The incident is reported to the NBIAA Executive Director by the Conference President / League Coordinator with all pertinent information.
- The school principal /designate will be given the opportunity to provide further information.
- The office of the NBIAA will inform in writing the decision rendered to the school administration.

## HIGH SCHOOL ATHLETICS

An integral part of the curriculum