

SECTION 4

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. A school that has a preparatory team participating outside of the NBIAA will be ineligible to compete in championship play in that sport (gender specific) for that season of play.

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.

When there are a maximum of 12 teams registered in a classification, a provincial league shall be permitted. League structure shall be determined as per By-Law Article 8.

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 60% 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

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 they wish 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 their Principal.
- c) until they have 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 four years of eligibility (Grades 9-12). Students in their 2nd 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 enroll in the courses needed to fulfill graduation requirements.

Section 4.

Transfer student eligibility:

A NBIAA student transfer policy has been in existence since 1980, with the intent to promote fairness in athletic competition. This policy is meant to restrict students transferring schools for athletic purposes and to prevent recruiting. Students attend school first and foremost for an education and they have the privilege to complement their education by taking part in interscholastic activities offered at that school. There is always the concern that the athletic-motivated transfer simply puts athletics above academics, which is inappropriate in educational athletics.

A student's five years of eligibility begins upon entering grade 9. The school at which a student is registered and attending their 1st day in Grade 10 shall be the school in which they are eligible to participate in NBIAA Championship 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. Before a decision is rendered, the online NBIAA Transfer Form must be fully completed and submitted along with supporting documents as required. 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.

I. A student is **eligible** to participate for a NBIAA member school if they meet one of the following conditions (with the exception of any sport they participated in at their previous school in the current school year):

- i) **Family move:** the student has moved with the parent(s)/legal guardian(s) who has changed residence and resides within the catchment area of the school at which the student has registered. The student and their immediate family must completely and permanently move from the former residence. Documents may be requested to confirm the new residence and that they have permanently moved from the former residence.
- ii) **Parent to parent move (separated / divorced and permanently living apart):** the student moves to reside with a parent/legal guardian within the catchment area of the school at which the student has registered. Written confirmation will be requested from the Principal of the previous school in order to determine sport eligibility. Only two such transfers are allowed in a student's years of eligibility.
- iii) **Short term Transfer & Return to Home:** the student is transferring from one school to another school for the purpose of playing a non-NBIAA sport activity and **did not** participate in any NBIAA activities while attending that school. That student will not be eligible for the sport activity in which they transferred during that school year.*

*Exception for hockey - If a player is registered in any Hockey Canada/USA Seniors, Juniors, U18 Major AAA on December 1st or later, they are ineligible for NBIAA hockey for the remainder of the season.

- iv) **Independent / Private Schools:** the student is transferring to a NBIAA member school and did not participate in any NBIAA activities at the previous school. Or, the student is transferring back to their previous catchment area school and residing with their parent(s)/legal guardian(s).

- v) **District waiting list students (Saint John city schools):** 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 been requested at least 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. If the above conditions in Part I cannot be met, the transfer student is ineligible (for a period of up to 12 months). Transfers that do not meet the eligibility criteria may be reviewed by the NBIAA Transfer Committee, if supported by both the sending and receiving schools (Principals).

Notes:

1. Once a student has changed schools they are considered a transfer student and must comply with the NBIAA Transfer Rules.
2. Students who transfer into the New Brunswick public school system without parent(s)/legal guardian(s) are ineligible to participate in NBIAA activities for 12 months from the first day of attendance at their new school or until the eligibility of the student to participate in NBIAA activities is approved. (Exceptions to approved EECD international programs.)
3. Any grade 9 student that has changed schools during the school year is ineligible to participate in any sport that they participated in at the previous school.
4. 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.
5. Under no circumstance can a student have more than one residence for the purpose of eligibility.
6. Only students who transfer during the **summer months**, outside of the school year and **meet** one of the Part I conditions become eligible to participate in practices and tryouts during the 3 weeks prior to the fall season. The NBIAA transfer form must be completed and submitted to the NBIAA **before** the student may participate in their first game. In order to continue to be eligible to participate for the regular season beginning the 1st day of school, **all** summer transfers must be approved by the NBIAA.
7. International students, who have not graduated from their home country, who are participating through an approved EECD international program and who meet all NBIAA eligibility criteria are not considered a NBIAA transfer student and are eligible for all sports immediately.
8. Students transferring from other provinces, states or countries, who have graduated from their respective high school programs or equivalent, are ineligible for NBIAA activities.
9. Transfer students can **ONLY** be added to an NBIAA team personnel form after they have been deemed eligible by the NBIAA.

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.

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.

Transfer Reviews:

1. A student who is not eligible under this policy must have their school request a review with the NBIAA Transfer Committee, which consists of a minimum of 3 NBIAA Executive Members not in conflict. Reviews will be conducted once every season of play.
2. The school must submit in writing the grounds of a review and the reasons why the student claims to be eligible by presenting additional information not previously submitted in the transfer request.
3. The NBIAA Transfer Committee decision shall be final.

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. All sanctioned tournaments must meet all NBIAA requirements as per the by-laws.

Section 4.

No student or team from member schools shall compete in any tournament or exhibition play (alumni & fundraising games included) unless the contest has been sanctioned by the Association. Schools or teams are responsible for verification of sanction approval by the NBIAA, prior to accepting an invitation.

Section 5.

Application deadlines by member schools for tournaments or exhibition games with teams within the 'Region' (Maritime Provinces and Maine) must be submitted at least two (2) weeks prior to the event and at least four (4) weeks prior to the event when involving teams outside the "Region". The applications must be submitted using the NBIAA online sanction request. Schools will be assessed a fee of \$100 in order to approve a sanction request received after the deadline.

Section 6.

Post-Secondary Institutions must apply to the NBIAA through a member school for sanction of competition involving teams or players of member schools. The application must be submitted using the NBIAA online sanction request at least four (4) weeks prior to the season of play. This member school must act as a co-sponsor with the non-member organization. Schools will be assessed a fee of \$500 to submit a sanction request and a fee of \$100 in order to approve a request received after the deadline.

Section 7.

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 8.

Any student or team from a member school violating the provisions of this article may be declared ineligible from further interscholastic competition in that season and the following

season and may be fined up to \$1000. The Executive Committee may levy additional penalties as it deems are warranted.

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 and exhibition levels.

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 and volleyball. Teams are permitted to have a total of three (3) third year students. If more than three third year students are required, permission must be granted by the NBIAA office.

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, Exhibition Division and the Provincial Championship teams, as they are considered separate teams.

ARTICLE 6 - CALENDAR SPORTS

Criteria for the dropping or adopting of a calendar sport:

- a) There must be at least six (6) schools registered in order for an activity to be sanctioned for a Provincial Championship. If there are less than six (6) registered in an activity, that activity in that division, 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 be covered under the NBIAA existing insurance policies.
- iv. The Executive Committee will place the activity in a 'season of play'.
- v. The activity must follow all NBIAA policies and regulations and including any NBIAA modifications.
- vi. The activity must have certified officials available.
- vii. Upon review, the Executive Committee can allow the activity to continue or discontinue at any time.

The proposed new activity must be introduced as an Exhibition league:

- The activity must have a governing body – Provincial Sport Organization (PSO) or National Sport Organization (NSO).
- The activity must have conference support.
- The activity must have 8 schools in a division.
- The activity must have Executive support.

A final detailed report must be submitted to the Executive Committee for review.

Championship league:

- The activity must have 3 years as an exhibition league.
- The activity must have growth to a minimum of 12 schools in a division.
- The activity must have a geographical representation across the province.

Upon recommendation from the Executive Committee with appropriate notice given to member schools, a calendar sport may be dropped by 60% of those present and entitled to 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 regional to provincial championships.

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 to 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 to 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

The judgement of the game official is not considered grounds for protest.

Section 1.

All protests must be written on the game sheet before the conclusion of the game and must be received from a NBIAA member school.

Section 2.

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

Section 3.

All protests of activities involving regional to provincial competition or matters shall be resolved by three (3) Executive Committee representatives. Exception: the Executive Committee may delegate authority to a Tournament Committee to resolve issues associated with provincial tournament. All decisions are final.

Section 4.

A statement signifying your protest (which may be made by telephone or email) must be received by the NBIAA Executive within twenty-four (24) hours of the event in question. A letter fully outlining the details of the protest must be received within 72 hours following the incident in question. All such communication must be signed by the school.

Section 5.

All denied protests will result in a fee of \$200. 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 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 72 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.

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|--------------------------|------------|
| President/Vice president | (1) |
| Conference members | <u>(2)</u> |
| 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.