



COMMISSION ON ATHLETICS BOARD

MINUTES

*February 17, 2010, 10AM–2PM
Via Conference Call*

A. CALL TO ORDERJackie Fisher, Sr., Chair

COA Board Chair Jackie Fisher, Sr., called the COA Board meeting via teleconference to order at 10:00AM. COA Board members on the call included: Dave Bolt, Bob Deegan, Tod Burnett, Dave Evans, Tom Fallo, Brian King, Gary Lewis, Logan McKechnie, Pal Walker, McKinley Williams, Rosa Carlson, Andrea Serban, and Carlyle Carter, and Guest from the Chancellors Office Dr. Barry Russell.

B. ADDITIONS TO AGENDA.

1. Santa Barbara City College Binding Arbitration Review (Item G.1)
2. Dr. Barry Russell, CCC Chancellor's Office (Item D)

C. APPROVAL OF MINUTES of October 30, 2009

It was moved (Williams), seconded (Walker), and carried (MSC) to approve the October 30, 2009, COA Board meeting minutes.

D. Dr. Barry Russell, California Community College Chancellor's Office

Dr. Barry Russell reported that because of the questions from legislators directed to the Chancellor's Office regarding athletics, and at Chancellor Scott's request, Dr. Russell was asked to become more involved and engage in increased communication with the COA Board. Therefore, he has met with the Executive Director and discussed some of the issues and ways that the Chancellor's Office can assist the Commission as it moves forward. One possible area of assistance mentioned was in a method of gathering and reporting academic performance data for student athletes.

Dr. Russell informed the Board that there is a memo on the Academic Affairs website recommending how each college may wish to respond to questions by legislators regarding avocational/recreational courses, as well as athletics. The memo also includes basic principles which colleges need to keep in mind as classes are scheduled.

Board members were encouraged to reach out to Dr. Russell should questions arise regarding the Chancellor's office. As the legislators ask for data from the California Community College Chancellor's office, it is possible to get an idea of their position. Although some items may not be directly related to athletics, they are tangential. Often the Chancellor's office does not know what the legislators are considering until a specific question is asked. At other times, the requested data may provide an understanding of the areas of interest by the Legislative Analyst Office (LAO). The LAO is requesting data on repeated athletic courses and patterns of enrollment by out-of-state students (which is a local control issue). Questions in general are directed to the number of athletic and PE classes that are offered on campuses. COA Executive Director Carter noted that increased communication regarding the direction legislators are taking would be helpful so that the COA might become more proactive, rather than reactive.

Tod Burnett stated that Saddleback College has completed a study which shows the benefit of athletics and the success of student athletes. The study includes data that the Chancellor's office might find helpful. He will provide a report of that study at the COA/CCCAA Convention.

Dr. Russell was invited to attend the upcoming spring and fall COA meetings.

E. REPORTS

1. COA Board Chair

COA Board Chair Jackie Fisher, Sr., stated that items to be covered in his report will be discussed under cost containment.

2. COA Executive Director

- a. COA/CCCAA Office**—COA Executive Director Carlyle Carter reported that the COA/CCCAA Office has been busy providing staff support to the Management Council and working with the COA Board Cost Containment/Conferencing Committee which will be reported later by Committee Chair McKinley Williams.
- b. NCAA Convention**—Mr. Carter represented the CCCAA at the NCAA Convention held in January where significant legislation that impacts the ability of our student athletes to transfer and be successful at the four-year institutions was considered. There was a session held regarding the NCAA Academic Performance Rating (APR) which is a program that has started to track the academic performance and graduation rates of student athletes. Some interesting patterns were identified regarding two-year college athletes. The NCAA has instituted a penalty to member institutions in which if you have a low APR score, a sport program may lose scholarships. This past year a 4yr. college located in California was severely penalized by a reduction in athletic scholarships for lack of success by student athletes. The former football coach stated that one of the ways to improve the APR score would be to stop recruiting two-year athletes. Mr. Carter was able to provide different viewpoint, informing the attendees that because of the economy, more CCC students are "qualifiers" who elect, for financial reasons, to attend two-year colleges. After the session, the coach pointed to transcripts that he had seen, and stated that his institution would no longer offer scholarships to two-year athletes unless those athletes come to the institution better prepared for success.
- c. Two-Year College Relations Panel**—Mr. Carter continues to serve on the NCAA Two-Year Relations Panel and raw data was presented during a meeting held in late January. This was the first year in which NCAA Division I institutions have been required to submit data on

two-year college students. It was pointed out that the actual academic performance was a better predictor of the student athlete's ability to be successful than the student's SAT scores. There were several questions that arose in reviewing the data and one was in comparing the success of first year students attending NCAA institutions compared to two-year transfers first semester upon transfer. Mr. Carter questioned how they could compare the success of an incoming student in beginning level course work with the transfer who potentially was doing 3rd year, upper level work.

- d. NCAA Academic Cabinet**— Mr. Carter reported that he was invited to attend a meeting of the NCAA Division I Academic Cabinet. This body will be reviewing the two-year transfer data with the possibility to propose legislation that will alter requirement(s) necessary to transfer in an attempt to improve academic success. It was the first opportunity that two-year college representatives have had to address the Cabinet directly. Mr. Carter presented the idea of the need for additional time for adequate remediation of the at-risk two-year college student-athlete. Many student athletes are moving through too quickly without adequate time for remediation because they are in a hurry to transfer to the four-year institution for a scholarship and that level of competition. At a four-year college, many incoming first-year student athletes receive the necessary academic support in making the adjustment from high school to college including tutorial assistance and required study hall. It was noted that data on the incoming two-year college student transfer indicates that little or no assessment or academic assistance is provided. Others in attendance were executive directors of the National Junior College Athletic Association and the Northwest Athletic Association, and the 3C4A and N4A two-year representative Dr. Wanda Wong (West Valley College).
- e. Convention Planning**—The CCCAA Convention will be held at the Doubletree Ontario Airport Hotel March 30-April 2, 2010. California Community College Board of Governors member Robert McDonald will present the Keynote Address entitled *California Community College Athletics Perspectives: Thriving in Challenging Times*. Mr. McDonald's address will take place on Wednesday, March 31, 2010, at 8:30AM. Diane Dickman, Managing Director of the NCAA Academic Affairs group will provide a presentation, also on March 31st 4:00pm on the data collected and how it may impact the two-year college student transfers.
- f. State Budget** -The COA continues to monitor the state budget and its impact on PE/athletics. Recently there was a meeting of the Joint Committee on the Master Plan for Higher Education. The following comments were made by Senator Mark Wyland:

“One observation that I have with California community colleges in terms of money is that most of them have pretty robust sports programs. The reality is that sports is part, in America, of high school, it is not in any other country with which we compete. There are enormous resources spent, money at K-12. Now we are not going to change that. That's built into our culture. But it costs a lot of money. To continue that at the community college level, to me, is absurd. There is a big distinction between sports at the UCLA's and Berkeley's and all the rest, and the community colleges—and we have never looked at that. That's a lot of money. Frankly, I think we ought to look at that and some of the other institutions that have not had long-standing sports programs but have created them just sort of so they have them. And I am not going to name them because I'm not going to tip them off. But we should look at that. The institutions with which we are competing in the entire rest of the world do not do that. If you want to play a sport, there are lots of opportunities to play sports. But they are not spending that money.”

The two California community colleges that are in the district of the Senator are MiraCosta and Palomar. Bob Deegan, Palomar College, contacted Senator Wyland's office to express concern regarding the Senator's comments. He was assured that Senator Wyland is not acting on those

comments, but that it is an area that the Senator wants to explore. Bob Deegan has another appointment to visit with him.

Antelope Valley College reported that over \$1.5 million in scholarships were acquired by student athletes to attend four-year institutions during the 2008-09 academic year. This is a proven benefit. The Senator's statements are reckless, with nothing to substantiate them.

It was requested that Tod Burnet send the data he has collected at Saddleback College to Carlyle Carter, and that its review be placed on the April Agenda. It was felt that this data will be a great tool to deal with the LAO. The study at Saddleback College found that student athletes transfer at higher rates than any other students on campus.

Mr. Carter stated that in the past, California community colleges provided some justification for athletics by noting that athletics bring students to campus. With current over-enrollments, that is no longer a viable justification.

g. New Legislation Process—The COA has adopted a new voting procedure that will be in place for the Spring Convention. Only certified delegates will vote during the legislative session. All member colleges received numerous emails and phone calls regarding the deadline for certification (February 1) and five colleges did not submit forms to identify their delegates prior to the deadline.

h. Online Compliance Exam— Completion of the online compliance exam is in the final stages. There was some delay in completing the exam due to programming issues. It is anticipated that the issues will be addressed soon and the test will be available. *Post meeting note: The Online Compliance Exam was unveiled March 8, 2010.*

3. Management Council Representative

Management Council Chair Dave Evans reported that the Management Council has held ongoing discussions on cost containment and conferencing. There has been a lot of work done on both issues. The data and tools that Rina Kasim and Carlyle Carter have provided will serve us well and demonstrate that there will be a significant savings with regard to mileage and travel. The Management Council is eagerly awaiting the conferencing recommendation from the COA Board Cost Containment and Conferencing Committee. Once a decision is made to re-conference, a lot of work will need to be done in terms of scheduling. It is anticipated that the new conference structures will reduce travel and that the money saved will save some intercollegiate sport offerings at our colleges.

F. COMMITTEE REPORTS

1. Academic and Athletic Standards Review Committee

Academic and Athletic Standards Review Committee Chair Dave Bolt reported that the Committee has not met recently. He expressed the Committee's frustration to Dr. Barry Russell regarding the difficulty in accessing data. Dr. Russell later met with Executive Director Carter, and stated that the California Community College Chancellor's Office will be able to assist the Committee with needed data.

The Committee has been trying to develop a mechanism in which it can gather system-wide data on the academic performance of California community college student athletes. The variety of data bases that are in use by the community colleges is a problem. The Chancellor's Office noted concern about confidentiality, and Dave Bolt assured the Chancellor's Office that the COA Board

would not publish any protected individual student athlete's information; rather it would be a system-wide report. Pam Walker stated concern that athletes are currently permitted to attend summer school to regain their eligibility. Some colleges may need to suspend classes or summer sessions. If this occurs, Bylaws 3.5 and 3.6 will impact how coaches may work with their students during the summer. This might cause an imbalance in the practice schedule or the student meetings. Chair Dave Bolt agreed to place this item on the Committee's agenda.

2. Awards Committee

Awards Committee Chair Pam Walker reported that the Committee has reviewed all of the scholar athlete award nominations, and an announcement will be made public soon, and presented at the Spring Convention. An announcement of the Committee selections will be posted online.

3. Finance Committee

Finance Committee Chair Thomas Fallow reported that the Committee had met via teleconference, during which it reviewed legislation and discussed cost containment items that will be reviewed later in the agenda.

4. Constitution Committee

Constitution Committee Chair Rosa Carlson reported that the Committee also met via teleconference and approved a number of editorial items that cleaned up much language. The Committee spent some time discussing the number of forms currently in use. The Committee recently received a request to review Bylaw 3.1.4.2 which pertains to the splitting of squads for contests, and whether that counts as one or two contests; for instance, track and field may split its squads in order to attend multiple events on the same weekend.

The Committee is responsible for the language in the Constitution and must also be engaged in providing official interpretations or clarifications of intent within the Constitution. Conference commissioners receive an official copy of the interpretations and distribute this information to their athletic directors. Athletic Directors are requested to make sure everyone on their staff has the information.

5. Policy Committee

Policy Committee Chair Ned Doffoney had no report.

6. Cost Containment and Conferencing Committee

Cost Containment and Conferencing Committee Chair McKinley Williams reported that the Committee has met twice via conference calls. It first reviewed the history of conferencing issues from records dating back to 1949. A subcommittee was formed to establish criteria for the Committee to use when examining the composition of conferences.

The subcommittee took a look at the work done by the previous Management Council Conferencing Committee for Cost Containment. Location and travel and costs were major items discussed. The Committee looked at particular issues relative to conferencing and determined that during these difficult financial times the most important issues to be considered were geographic location, travel costs, and sport offerings.

Rina Kasim was commended for her work developing a program that shows mileage from college-to-college, each with a link to display directions from college to college. The program is

interactive and will be very helpful when considering conference composition. As soon as that information is complete, it will be posted and distributed to the membership.

The Committee feels that it should not be obligating colleges to travel extreme distances, and is trying to benefit all colleges. However, ultimately, the Committee will need to do what is best for the whole body of athletics in the state, knowing that everyone will not be in accord with the outcome. Every multiple sport conference commissioner is a member of the committee which also includes Dave Evans (MC Chair), Pam Walker (Student Services), Paul Moore (4CA), and is chaired by McKinley Williams.

The Committee understands the COA Board's commitment to the distribution of any proposals to the membership one month prior to any action taken by the Committee. The Committee has been working to meet a March 2, 2010, deadline to develop and send its recommendations to the Board.

It was noted that the Committee is focusing first on the issue of conferencing and will address the broader ongoing issue of cost containment as its next priority.

Concern was expressed that there be cost analysis/quantification associated with the conferencing proposal, and that some in the field disagree that this has been an ongoing issue. Documents (past meeting minutes) were provided to the COA Board demonstrating that conferencing committees have been in place working to resolve conferencing issues at least once each decade back to 1949. Southern California football was re-conferenced three years ago—with the cost of travel being a force behind the change.

Concern was also noted that Bylaws 5.1 through 5.3 seem to have been lost in this process and that the "good of the whole" should not make some colleges suffer unnecessarily. It was noted that the COA Board has the ultimate authority for placing Colleges in Conferences. (Bylaw 5.1.2)

The information provided by the COA/CCCAA Office shows a real dollar savings when colleges are placed in conferences that are geographically close. A few colleges may end up with more travel.

The Committee was commended for identifying consistent criteria and having integrity in the process.

The COA Board chair requested that the COA Board be given the opportunity to review the Committee recommendations prior to the recommendations being posted online. All commissioners should be communicating with their membership as the committee work progresses. Comments from the membership have been solicited during various stages of this project.

G. OLD BUSINESS

1. Management Council Cost Containment Recommendation Item 2 (Approved on December 4, 2009): Discussion on Football Mileage Reimbursement

The COA Board received a recommendation from the Management Council Cost Containment Committee to have football go to a four-team playoff in both Northern and Southern California. That recommendation was later rescinded, and the California Community College Football Coaches Association (CCCFCA) was asked to provide some recommendations for cost containment for their sport. Both the North and South have put in some significant work toward

that end, and it is anticipated that there will be a proposal before the Board in April. The North is talking about eliminating 6,000 miles in travel, as well as adopting a schedule that eliminates a “bye” week. The CCCFCA has some concern regarding language in Bylaw 8 and has proposed a revision. A detailed explanation of the proposal is on the Final Notice for the 2010 Convention legislation session. (*Post meeting note: The CCCFCA withdrew its proposal on March 11, 2010.*)

Gary Lewis stated that having different policies for different sports can greatly impact gender equity, so it would be necessary to review the reimbursement policies for all sports. The maximum allotments for meals, lodging, and travel reimbursement have all been increased. The Board was reminded that the ability to reimburse is tied to the ability of the sport to have a net profit. The COA Board denied the Management Council recommendation to have the COA cover entry fees for individual sports—which have no income or net profit available for reimbursement, in preference to reducing dues to colleges. The Finance Committee continues to review and evaluate reimbursement.

2. Management Council Cost Containment Recommendation Item 10 (Tabled on December 4, 2009): Encourage cross country, golf, and wrestling tournaments to be scheduled in an invitational as opposed to a round-robin format.

No action.

H. NEW BUSINESS

1. Santa Barbara Binding Arbitration Case (See Attachment)

COA Executive Director Carter reported that an attachment to the agenda was provided to the COA Board regarding the findings of the Binding Arbitration Panel. David Viar and Walt Rilliet served on the Panel. Chancellor Rosa Perez was initially part of the panel, but became unavailable. President Serban, Santa Barbara City College, consented to the makeup of the two-member panel. The Panel made the following recommendations: 1) The Constitution Committee needs to review the process policies that determine the responsibilities of the Executive Director to review rulings of the commissioners. 2) The Arbitration Panel did overturn the action of the COA Board that added two years to the probation period, therefore the probation period of one year would remain the same as identified by the SCFA Commissioner. 3) The COA Board should reconsider the rescission of the extended permissible recruiting area pertaining to all sports as opposed to affecting only the football program.

Dr. Serban commented that she hoped that the COA Board members had read the findings of the Arbitration Panel. She felt that there is a lack of clarity regarding the process and responsibilities that led to the decision made by the Board, and that the Board took action it was not entitled to take. She stated that she was glad that the Panel agreed that the process was not followed and that the Bylaws need clarification. She further stated that this has been an expensive process for Santa Barbara City College, which she felt was unfair. She would like to see the Board move forward, holding open discussions, and developing a clear way to make improvements for the credibility of the Association.

Executive Director Carter spoke to the numerous failures that occurred throughout a number of levels during the process. At the conference level, there was a failure to look at the history of sanctions when dealing with major violations, including a violation of state law. At the conference hearing board level, there was a failure to actually cause some reconsideration. He also stated that there needs to be more clarity in the process. He asked, “What was the intent of placing in the Bylaws the responsibility of the Executive Director to ‘review conference actions

to ensure fairness and equity?" Executive Director Carter does not agree with Dr. Serban's assessment that it was outside of the process because, when it was being addressed by the COA Board, he asked specifically if it was going to be reviewed as part of the process. He was told it would not. It would be beneficial for the Constitution Committee to look at how this is going to be corrected. He is uncomfortable with the mandate to review commissioner's rulings, without a process to do that. The COA Board recommended that the Constitution Committee work with the COA Board to identify a process to be incorporated into Bylaw 7 that would address the Executive Director's review of the commissioners' rulings prior to any decision being sent to the college. This will require a Form 5 to be written and submitted through the legislative process.

Dr. Serban requested that the COA Board reconsider its action to rescind the extended recruiting area.

It was moved (Williams) and seconded (Lewis) that the Board reconsider its action to rescind the extended recruiting area for all sports. It was noted that a student could be recruited by track and field coach and then permitted to participate in football, which would be one of the inherent complexities of limiting the rescission to one sport. Because it felt further discussion is needed, Williams withdrew his motion, and Lewis withdrew his second. Dr. Serban's request to remove sanctions from sports other than football will be on the April 2, 2010, COA Board agenda. The COA Board decision to rescind the extended recruiting area for all sports will stand until reconsidered.

2. Board Member Vacancy–Big Eight Representative (Sacramento City College)

It was reported that there is a vacancy of representation from the Big Eight Conference which is a result of Richard Rose no longer being in the position at Modesto Jr. College. Although the Big Eight Conference did not follow policy to provide two recommendations, it did recommend President Kathryn Jefferies, Sacramento City College.

It was moved (Doffoney), seconded (Fallo), and carried (**MSC**) to appoint President Kathryn Jeffery, Sacramento City College, to the COA Board.

3. 2010 CCCAA Convention Program

Executive Director Carter reported that the CCCAA Convention schedule is posted online at www.coasports.org on the meetings page under "resources" on the left side bar of the home page, or it may be accessed as follows:

http://www.coasports.org/Convention/2010/Convention_schedule.pdf

I. FUTURE MEETING DATES

1. Friday, April 2, 2010 (8:00AM–10:30AM), in conjunction with the COA/CCCAA 13th Annual Convention, Doubletree Hotel, Ontario (March 30–April 2, 2010)
2. Thursday, June 17, 2010 (10:15 AM–2:15PM), COA/CCCAA Office, Sacramento

J. ANNOUNCEMENTS

It was noted that some meetings, like the COA Board Retreat, are by invitation only. This is to provide committees an opportunity to do their work. However, COA Board members are welcome to attend all meetings.

K. FUTURE AGENDA ITEMS

1. Santa Barbara City College request that the COA Board reconsider its decision that the recruiting sanction implemented by the conference for football be extended to all sports.
2. Review of Saddleback College Study on the Academic Progress of Student Athletes

L. ADJOURNMENT

There being no further business to come before the COA Board, the meeting was adjourned.

Respectfully submitted by

Carlyle Carter
COA Executive Director

COA/CCCAA Binding Arbitration Panel
In re: Santa Barbara City College Request of October 8, 2009

Process:

Following COA/CCCAA Constitution and Bylaws provisions of Article 7.4.11, Santa Barbara City College (SBCC) submitted a request for binding arbitration on October 8, 2009 to appeal the imposition of additional sanctions against the college approved by the COA Board on September 29, 2009.

Following appropriate processes, Rosa Perez, Walt Rilliet, and David Viar were named to serve as the three-person Arbitration Panel. Rilliet was selected as the chair.

With agreement of Santa Barbara City College a testimonial hearing was conducted by telephone on November 19, 2009. Appellant Santa Barbara City College was represented by President Andreea Serban. Others participating in the telephone hearing were Arbitration Panel Chair Rilliet, Panel Member Viar, and COA/CCCAA Executive Director Carlyle Carter. Panel Member Perez was not available, but with agreement of Santa Barbara City College, her direct participation was waived and the hearing was taped.

Ultimately, Panel Member Perez was not able to participate in the discussions and vote of the Binding Arbitration Panel. Appellant Santa Barbara City College and COA Executive Director agreed to accept a unanimous 2 person decision of the Binding Arbitration Panel should that be achieved.

Facts:

The following are facts that are not in dispute:

1. SBCC officials became aware of possible violations of recruiting rules in its football program, informed the Southern California Football Association (SCFA) Commissioner on October 30, 2008 of its suspicions, and hired a firm to investigate.
2. The investigation determined SBCC employees and an agent engaged in several violations related to COA rules (Bylaws 2.2, 2.4, 2.9.4.3, 2.11, 2.11.1, 2.11.2.B, 2.11.2.C, 2.11.4, 2.11.4.B.3) regarding “subsidizing, inducements, and special privileges,” “attendance at all-star practices,” and “contact outside a recruiting area,” and California Education Code section 67360.
3. SBCC reported the infractions in a letter dated March 31, 2009 to the COA Executive Director and SCFA Conference Commissioner.
4. The SCFA Commissioner assessed penalties/sanctions on May 26, 2009. The sanctions included forfeiture of all football games in the 2008 season and the American Pacific 2008 co-championship and placing the SBCC football program on probation for one year with seven conditions to be followed during the one year probation related to an oversight plan and monitoring.
5. The COA Executive Director acted to establish additional sanctions as outlined in his letter of June 29, 2009 sent to SBCC.
6. SBCC on July 14, 2009 appealed to the COA Appeals Board the actions of the COA Executive Director.
7. The COA Appeals Board determined on August 5, 2009 the Executive Director did not have authority to assess additional sanctions based on an interpretation received from the COA Constitution Committee.
8. The COA Executive Director made a recommendation to the COA Board at its August 28 meeting to levy additional penalties/sanctions against SBCC.
9. The COA Board acted at the August 28 meeting to request additional information and postponed action until its October meeting.
10. At a September 29, 2009 meeting via conference call the COA Board adopted the recommendations of the COA Executive Director to impose additional sanctions on SBCC beyond those assessed by the SCFA Commissioner. The additional sanctions included placing the SBCC football program on three-year probation and rescinding the COA Board’s redefinition of permissible recruiting area beyond the Santa Barbara CCD and contiguous community college districts applicable to all SBCC sports.

Issue:

Should the imposition of further sanctions against SBCC by the COA Board beyond those previously imposed by the SCFA Commissioner be overturned?

Findings:

1. The penalties/sanctions imposed by the SFCFA Commissioner were not consistent or comparable with penalties/sanctions provided by other commissioners regarding infractions of a similar nature of significant and major violations of the COA/CCCA Constitution and Bylaws. They were not “onerous” as described by SBCC and the violations merited more severe penalties/sanctions even though the violations were discovered and reported by the college. However, once those penalties/sanctions have been issued by the Conference Commissioner the only way to change those penalties/sanctions is through an appeals process as set forth in the Constitution and Bylaws.
2. The Constitution and Bylaws do not grant authority to the COA Executive Director to independently act to overturn decisions of the various parties recognized as having authority to impose penalties (college, conference, conference commissioner, the COA Board, or the Arbitration Panel).
 - Articles 7.3.2 and 7.4.12.1 list those with authority to impose penalties and the COA Executive Director is not listed.
 - Article 3.2 M speaks to a responsibility of the Executive Director to review rulings to ensure consistency and equity but this is a responsibility of influence and guidance not one of action.
 - Article 3.2P speaks to the responsibility of the Executive Director to recommend penalties but does not reference direct action to impose penalties.
3. The Constitution and Bylaws do not grant authority to the Executive Director to independently act to appeal a decision of the COA Appeals Board.
 - Article 7.4.10.2 speaks of an appealing party request coming through a college president.
 - Article 7.4.8.11 speaks of appeals coming “to” the Executive Director, not “from.”
 - Article 7.4.9.4 addresses matters concerning the Constitution and Bylaws being referred to the Appeals Board by the Executive Director
4. The COA Executive Director has authority to refer matters to the COA Appeals Board under Article 7.4.9.4C. Although the type of matters referred is not defined it is reasonable to conclude such matters would be those deemed necessary by the Executive Director to assist the Appeals Board render a decision that requires interpretation of the Constitution and Bylaws.
5. The COA Board does not have authority to act to overturn or expand penalties/sanctions unless brought forward through the official appeals process outlined in the Constitution and Bylaws.
 - The defined purpose and responsibilities of the COA Board listed in the Constitution and Bylaws provide no clarity as to the authority of the Board to act independently, outside of the formal appeals process detailed in the Constitution and Bylaws.
 - Although Articles 7.3.2 and 7.4.12.1 state the COA Board may impose penalties/sanctions, a reading of the subsequent sections speak of recommendations on penalties being presented to the COA Board by a Conference at which time the COA Board would have authority to act. Further the reference to the Arbitration Panel shows the listing is not intended to say each of the bodies mentioned has an independent authority to act but all are part of a process.
 - If the COA/CCCAA believed it was important to have the COA Board have authority outside of the appeals process listed in the Constitution and Bylaws it is reasonable to assume this power of the Board would be delineated clearly in those documents. It is not. It is only on appeal and through the other due process steps outlined in the Constitution and Bylaws that the COA Board can use its ultimate authority and overturn or expand penalties/sanctions.

6. The COA Board is granted authority under Bylaws 2.3.C to make a final decision to redefine a district's recruiting area based on a request from the district and a recommendation to the COA Board by the Executive Director. Although the Bylaws do not speak to an authority of the Board to act at a later date to void that action, it is reasonable to conclude the Board can act to make a change when circumstances require without waiting for the district itself to request a redefinition.

Decision:

The additional penalty/sanction imposed by the COA Board to add 2 years to the 1 year probation period for the Santa Barbara City College Football program is overturned, as its action was beyond its authority under the *processes* followed. The penalties/sanctions imposed on Santa Barbara City College by the Southern California Football Association stand.

The COA Board rescission of SBCC's redefined permissible recruiting area applicable to all SBCC sport programs stands, as its action is within its authority.

Recommendations to COA Board:

The Binding Arbitration Panel urges the COA Board to reconsider its action to rescind the redefined permissible recruiting area as it affects all SBCC sport programs and narrow the action to affect only the SBCC football program.

The appropriate COA bodies should review the COA Constitution and Bylaws and act to provide clarity regarding who has direct authority to render penalties to colleges, conferences, and/or individuals.

Walter Rilliet
Binding Arbitration Panel Chair

David Viar
Binding Arbitration Panel Member

December 4, 2009