

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))
14 **DE Admin. Code** 1007

FINAL

REGULATORY IMPLEMENTING ORDER

1007 DIAA Sportsmanship

I. Summary of the Evidence and Information Submitted

The Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 1007 DIAA Sportsmanship. The amendments include: creating and implementing athletic policies relating to bullying, hazing and taunting; provision to allow an expedited investigation for violations of the sportsmanship code when warranted; clarifying language prohibiting suspended athletes and coaches from being present at athletic contests during their suspension; provision to appeal a suspension resulting from a game ejection and stipulating those decisions may not be appealed to the Board of Directors; and other changes intended to be editorial in nature.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on May 3, 2011, in the form hereto attached as *Exhibit "A"*. The State Board of Education made comment during their working session on May 19th. Changes were made in this implementing order to address the State Board of Education concerns. The Department did not receive any other comments. The changes to this regulation include the addition of "headmaster" to the definition of "Administrative Head of School"; adding the words "of Delaware" in the definition of "State Board"; and adding post season play to the provisions related to the process for investigations.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 1007 DIAA Sportsmanship in order to make several changes and amendments as noted in the summary above.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 1007 DIAA Sportsmanship. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 1007 DIAA Sportsmanship attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 1007 DIAA Sportsmanship hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. Text and Citation

The text of 14 **DE Admin. Code** 1007 DIAA Sportsmanship amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 1007 DIAA Sportsmanship in the *Administrative Code of Regulations* for the Department of Education.

V. Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on June 16, 2011. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 16th day of June 2011.

Department of Education

Lillian M. Lowery, Ed.D., Department of Education

Approved this 16th day of June 2011

State Board of Education

Teri Quinn Gray, Ph.D., President

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1007 DIAA Sportsmanship

1.0 Definitions and Sportsmanship

1.1 Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

“Administrative Head of School” means the chief or head individual in charge of the school traditionally referred to or generally known as the principal **[or headmaster]**.

“Board” means the Delaware Interscholastic Athletic Association Board of Directors established pursuant to 14 Del.C. Chapter 3.

“Department” means the Delaware Department of Education.

“Guardian or Legal Guardian” means an individual who legally has responsibility for the care and management of the student during the student’s minority. The relationship is a legal one and ~~shall~~ **must** be created by a court order signed by a judge, commissioner, or master of a court of competent jurisdiction.

“Individualized Education Program” or “IEP” means a written statement for a child with a disability as defined in 14 DE Admin. Code 922.

“Legally in attendance” means present at school as determined by a pre-established written policy adopted by the local school board or governing body of the school.

“Member school” means a full or associate member school of the DIAA.

“Principal” or “Headmaster” means the Administrative Head of School and includes but is not limited to Head of School, Administrator, Executive Director, or Charter Head.

“School day(s)” shall mean actual school attendance days during the regular academic school year including a partial day that children are in attendance at school for instructional purposes as adopted by the district or governing body of the school not to include weekends, holidays, summer school, etc.

“State Board” means the State Board of Education of the State **[of Delaware]** pursuant to 14 Del.C. §104.

1.2 Sportsmanship

1.2.1 Member schools are required to conduct all of their athletic affairs with other schools in a spirit of good sportsmanship. Acts which are prima facie evidence of a failure to abide by this rule are those which are noted below and others of a similar nature which transgress the usually accepted code for good sportsmanship.

1.2.1.1 Failure to provide for proper control of spectators at a contest. When the number of spectators is expected to be large in relation to the seating capacity of the facility, uniformed state, county, or local police shall be provided for crowd control. The host school is expected to take reasonable and proper steps to assure crowd control under any foreseeable conditions.

1.2.1.2 Failure of a team or competitor to stay in a contest until its normal end when failure to do so is related to dissatisfaction with the officiating of the contest, unless the physical safety of the team or competitor would have been endangered by continuing the contest.

1.2.1.3 Harassment of game officials by a coach. Going onto the playing surface to interrupt a contest in protest of a decision by an official; conduct by a coach, team member, or any individual in the official party which invokes a penalty against the team; continued and visible actions by a coach which indicate to the team and to the spectators that the coach believes the game is being improperly officiated; public demonstrations with game officials which indicate to others extreme dissatisfaction with the officiating; and such related actions when exhibited in aggravated form are evidence of poor sportsmanship.

1.2.1.4 Failure of a school to use every means at its disposal to impress upon its faculty, student body, team members, coaching staff, and spectators the importance of good sportsmanship before, during, and after athletic contests. The host school is encouraged to read a brief statement concerning sportsmanship prior to the start of each athletic contest.

1.2.1.5 Failure of an administrator, athletic director, coach, athlete, official, or spectator to comply with the directions stipulated in the following Code of Interscholastic Athletics:

1.2.1.5.1 The School Administrator and Athletic Director shall:

1.2.1.5.1.1 Encourage and promote friendly relations and good sportsmanship throughout the school by requiring courtesy and proper decorum at all times, by familiarizing students and others in the community with the ideals of good sportsmanship, and by publicizing these concepts and

attitudes so that all members of the school community understand and appreciate their meaning.

1.2.1.5.1.2 Review the Sportsmanship Rule with all athletic staff.

1.2.1.5.1.3 Insist upon strict compliance with all DIAA rules and regulations.

1.2.1.5.1.4 Insist upon adequate safety provisions for both participants and spectators in all activities.

1.2.1.5.1.5 Encourage all to judge the success of the interscholastic athletic program based on the attitude of the participants and spectators rather than on the number of games won or lost.

1.2.1.5.1.6 Insist that all participants adhere to the highest standards of good sportsmanship as a means of ensuring desirable spectator attitudes.

1.2.1.5.1.7 Provide sanitary and attractive facilities for the dressing and housing of visiting teams and officials.

1.2.1.5.1.8 Develop and implement policies for their interscholastic athletic programs to discourage acts of bullying, hazing, and taunting.

1.2.1.5.2 The Coach shall:

1.2.1.5.2.1 Demonstrate high ideals, good habits, and desirable attitudes in his/ her personal and professional behavior and demand the same of his/her players.

1.2.1.5.2.2 Recognize that the purpose of competition is to promote the physical, mental, social, and emotional well being of the individual players and that the most important values of competition are derived from playing the game fairly.

1.2.1.5.2.3 Be a modest winner and a gracious loser.

1.2.1.5.2.4 Maintain self control at all times and accept adverse decisions without public display of emotion or dissatisfaction with the officials. Register disagreement through proper channels.

1.2.1.5.2.5 Employ accepted educational methods in coaching and give his/her players an opportunity to develop and use initiative, leadership, and judgement.

1.2.1.5.2.6 Pay close attention to the physical well being of his/her players, refusing to jeopardize the health of an individual for the sake of improving his/her team's chances to win.

1.2.1.5.2.7 Teach athletes that it is better to lose fairly than to win unfairly.

1.2.1.5.2.8 Discourage gambling, profanity, abusive language, and similar violations of the true sportsman's or sportswoman's code.

1.2.1.5.2.9 Refuse to disparage an opponent, an official, or others associated with interscholastic athletics and discourage gossip and rumors about them.

1.2.1.5.2.10 Properly supervise the athletes under his/her immediate care.

1.2.1.5.2.11 Enforce school policies regarding bullying, hazing, and taunting.

1.2.1.5.3 The Participant (athletes and cheerleaders) shall:

1.2.1.5.3.1 Be responsible for the perpetuation of interscholastic athletics. Strive to enhance the image of athletics not only as a member of a team but also as a member of your school and community.

1.2.1.5.3.2 Be courteous to the visiting team. Your opponents wish to excel as much as you do. Respect their efforts.

1.2.1.5.3.3 Play hard to the limit of your ability regardless of discouragement. The true athlete does not give up, quarrel, cheat, bet, or grandstand.

1.2.1.5.3.4 Be modest when successful and be gracious in defeat. A true sportsman or sportswoman does not offer excuses for failure.

1.2.1.5.3.5 Understand and observe the playing rules of the game and the standards of eligibility.

1.2.1.5.3.6 Respect the integrity and judgment of the officials and accept their decisions without complaint.

1.2.1.5.3.7 Respect the facilities of the host school and do not violate the trust entailed in being a guest.

1.2.1.5.3.8 Refrain from participating in or encouraging the acts of bullying, hazing, and taunting.

1.2.1.5.4 The Official shall:

1.2.1.5.4.1 Know the rules and interpretations and be thoroughly trained to administer them.

1.2.1.5.4.2 Maintain self control in all situations.

1.2.1.5.4.3 When enforcing the rules, do not make gestures or comments that will embarrass the players or coaches.

- 1.2.1.5.4.4 Be impartial and fair, yet firm, in all decisions. A good official will not attempt to compensate later for an unpopular decision.
- 1.2.1.5.4.5 Refrain from commenting upon or discussing a team, player, or game situation with those not immediately concerned.
- 1.2.1.5.4.6 Conduct the game so as to enlist the cooperation of the players, coaches, and spectators in promoting good sportsmanship.
- 1.2.1.5.4.7 Refrain from participating in or encouraging the acts of bullying, hazing, and taunting.
- 1.2.1.5.5 The Spectator shall:
 - 1.2.1.5.5.1 Realize that he/she represents the school just as definitely as does a member of the team, and that he/she has an obligation to be a true sportsman or sportswoman and to encourage through his/her behavior the practice of good sportsmanship by others.
 - 1.2.1.5.5.2 Recognize that good sportsmanship is more important than victory by approving and applauding good team play, individual skill, and outstanding examples of sportsmanship and fair play exhibited by either team. The following are some examples of poor sportsmanship which shall not be tolerated:
 - 1.2.1.5.5.2.1 Profanity, vulgarity, obscene gestures, abusive language, or derogatory remarks.
 - 1.2.1.5.5.2.2 Throwing objects.
 - 1.2.1.5.5.2.3 Going onto the playing surface and interrupting a contest.
 - 1.2.1.5.5.2.4 Use of alcohol or other controlled substances.
 - 1.2.1.5.5.3 Respect the judgement and integrity of the officials, recognizing that their decisions are based upon game conditions as they observe them.
 - 1.2.1.5.5.4 Treat visiting teams and officials as guests extending to them every courtesy.
 - 1.2.1.5.5.5 Be modest in victory and gracious in defeat.
 - 1.2.1.5.5.6 Refrain from participating in or encouraging the acts of bullying, hazing, and taunting.

11 DE Reg. 1635 (06/01/08)

2.0 Processing Violations

2.1 Procedures

- 2.1.1 The Executive Director is specifically authorized to pursue any matter which, on the surface, has indications of being a sportsmanship violation.
- 2.1.2 Within twenty (20) calendar days of the incident, an alleged sportsmanship violation must be reported in writing to the Executive Director by the administrative head of a member school or by the Executive Board of an officials' association.
 - 2.1.2.1 However, investigations involving contest ejections or altercations involving students or coaches may require an expedited procedure and must be reported to the Executive Director within 24 hours. The Executive Director is authorized to expedite the procedure in order to assure a ruling prior to the next contest played at that level of competition [including post season play].
- 2.1.3 The Executive Director shall transmit a copy of the report to the principal or headmaster or official designee of the school(s) involved.
- 2.1.4 Each principal or headmaster concerned shall investigate and provide such information or answers to the report as are appropriate.
- 2.1.5 The Executive Director shall provide member schools and officials' associations with a specially designed form to facilitate the proper reporting of sportsmanship related incidents.
- 2.1.6 Upon receipt of all reports, the Executive Director shall review the documents and inform the school(s) involved of his/her disposition of the matter. The Executive Director may, in turn, refer the matter to the Sportsmanship Committee to investigate and adjudicate what appears to be a violation of the Sportsmanship Rule.
- 2.1.7 The Sportsmanship Committee shall review such available evidence as it deems necessary to reach a conclusion. Actions such as requesting reports and conducting interviews should not be interpreted as casting aspersions on a school adhering to DIAA regulations, but as an effort to keep all parties properly informed. Penalties up to and including suspensions of member schools may be imposed by the Sportsmanship Committee.
- 2.1.8 A copy of the Sportsmanship Committee's action shall be filed with the Executive Director and the administrative head of the school(s) involved.

2.2 Policies

2.2.1 The basis for the following policy statement is that a member school shall not be represented by individuals whose conduct reflects discredit upon the school. Insofar as unsportsmanlike actions by participants and spectators are concerned, the Sportsmanship Committee shall refer to the items previously identified in the Code of Interscholastic Athletics as well as the following guidelines:

2.2.1.1 The school whose administrator or athletic director behaves in a manner likely to have an adverse influence on the attitudes of the players or spectators may be provided with a choice of:

2.2.1.1.1 Reprimanding its administrator or athletic director and providing written documentation to the Executive Director, or

2.2.1.1.2 Suspending its administrator or athletic director from representing the school in athletic events for a specified period of time not to exceed 180 school days, or

2.2.1.1.3 Having the entire school disciplined by DIAA.

2.2.1.2 An athlete shall not strike an official, opponent, coach, or spectator or display gross misconduct before, during, or after an athletic event. The athlete, depending on the seriousness of the act, may be declared ineligible by the principal, headmaster, Executive Director, or Sportsmanship Committee for a specified period of time not to exceed 180 school days.

2.2.1.3 In the case of spectators physically assaulting an official, coach, or player, the school may be given the option of either taking punitive action against the offender or accepting discipline from DIAA.

2.2.1.4 Schools that do not fully cooperate in promoting the spirit of the Sportsmanship Rule may be disciplined by DIAA.

2.2.1.5 The school whose coach behaves in a manner likely to have an adverse influence on the attitudes of the players or spectators may be provided with a choice of:

2.2.1.5.1 Reprimanding its coach and providing written documentation to the Executive Director, or

2.2.1.5.2 Suspending its coach from representing the school in athletic events for a specified period of time not to exceed 180 school days, or

2.2.1.5.3 Having the entire school disciplined by DIAA.

2.2.1.6 An administrator, athletic director, or coach may be considered as having committed an unsportsmanlike act if:

2.2.1.6.1 He/she makes disparaging remarks about the officials during or after a game either on the field of play, from the bench, or through any public news media, or

2.2.1.6.2 He/she argues with the official or indicates with gestures or other physical actions his/her dislike for a decision, or

2.2.1.6.3 He/she detains the official on the field of play following a game to request a ruling or explanation of some phase of the game, or

2.2.1.6.4 He/she makes disparaging or unprofessional remarks about another school's personnel.

2.2.1.7 All actions by a member school resulting from an investigation relative to the above policies shall be subject to approval by the Executive Director or the Sportsmanship Committee.

2.3 Penalties

2.3.1 Game Ejection

2.3.1.1 A player or coach disqualified before, during, or after a contest for unsportsmanlike and flagrant verbal or physical misconduct shall be suspended from the next complete (a winner is determined or a tie is declared) contest at that level of competition and all other complete or suspended contests in the interim at any level of competition in addition to any other penalties which DIAA or a conference may impose. During the suspension, the coach or player may not be present at any game at any level of competition in that sport involving his/her school. In addition, the coach or player may not be present at any game-related activities immediately before the contest, during the intermission, or immediately after the contest. The coach or player must be "out of sight and sound" of the game and game-related activities regardless of whether the coach or player is physically on school premises. If the offending coach or player is present at a game or game-related activity during the suspension in any capacity, including but not limited to: manager, statistician, site worker, spectator, etc., the individual will be suspended for one additional game at that level of competition.

2.3.1.1.1 A player who leaves the team bench area and enters the playing field, court, or mat during a fight or other physical confrontation shall be ejected from the contest. A player who commits such an offense and is ejected by the game officials shall also be suspended from the next complete contest at that level of competition and all other complete or suspended contests at

- any level of competition in the interim. Additional penalties may be imposed if a player leaving the bench area becomes involved in the altercation.
- 2.3.1.2 A disqualified player or coach may not be physically present at any contest in that sport during ~~his/~~ her the suspension.
- 2.3.1.3 If a coach is disqualified from the final contest of the season, ~~his/her~~ the suspension shall carry over to the next year in that sport. In the case of an athlete, the same penalty shall apply if said athlete retains eligibility in that sport.
- 2.3.1.3.1 Coaches who do not fulfill their penalty in the same sport shall be disqualified for the appropriate length of time in their subsequent coaching assignment.
- 2.3.1.3.2 Seniors shall fulfill their penalty in the post season all star game in that sport. If not chosen to participate in the all star game, they shall fulfill their penalty in another sport during the same season or another sport during a subsequent season. When a senior is disqualified from the last game of his/her high school career, the member school is requested to take appropriate administrative action to discipline the offending student.
- 2.3.1.4 A player or coach ejected for a second time during the same season shall be subjected to a two game suspension and meet, in a timely fashion, with the Sportsmanship Committee accompanied by ~~his/her~~ the principal or designee and, in the case of an athlete, by ~~his/her~~ the coach.
- 2.3.1.5 Appeal of a contest suspension resulting from a game ejection.
- 2.3.1.5.1 A coach or player may appeal a contest suspension resulting from a game ejection to the DIAA Executive Director. Contest suspensions that may be appealed include suspensions from game ejections under the individual sport playing rules, other DIAA policies, or a suspension under section 2.3.1.1 or 2.3.1.1.1. The Executive Director may decide the appeal or in his discretion refer it to the Sportsmanship Committee or subcommittee.
- 2.3.1.5.2 If the Executive Director is unable to make a decision before the next contest, the suspension remains in effect. The Executive Director's, or Sportsmanship Committee's, or subcommittee's decision to uphold or rescind the suspension resulting from a game ejection is final and may not be appealed.
- 2.3.2 Unless otherwise limited, the Executive Director and Sportsmanship Committee may impose any penalties as deemed necessary based on the particular circumstances. The following are examples of possible penalties and represent degrees of discipline in enforcing the Sportsmanship Rule:
- 2.3.2.1 Reprimand, a reprimand may be given by the Executive Director or the Sportsmanship Committee. It is official notice that an unethical or unsportsmanlike action has occurred, is a matter of record and that such an occurrence must not be repeated.
- 2.3.2.2 Probation, probation is a more severe penalty and may be imposed by the Executive Director or the Sportsmanship Committee on a member school, a particular team of a member school, a particular coach or athlete of a member school, or an official. Probation may be expressed in one of the following ways:
- 2.3.2.2.1 Conditional probation wherein the offending party may participate in regular season contests, sanctioned events, and conference and state championships provided he or she or the school files with DIAA a plan indicating the measures that shall be taken to alleviate the problem which caused him or her or the school to be placed on probation, or
- 2.3.2.2.2 Restrictive probation wherein a member school or a particular team of a member school may engage in its regular season schedule but may not enter any sanctioned events, participate in any playoff toward a conference or state championship, or be awarded a conference or state championship.
- 2.3.2.3 Suspension, a member school, a particular team of a member school, a particular coach or athlete of a member school, or an official may not participate in any DIAA sanctioned interscholastic competition.

2.4 Appeals

- 2.4.1 Decisions of the Executive Director or Sportsmanship Committee with the exception of those to uphold or rescind the suspension resulting from a game ejection may be appealed to the DIAA Board of Directors in accordance with the procedure found in 14 **DE Admin. Code** 1006.10. In accordance with subsection 1006.10.1.1.3.1, the notice of appeal shall be served by certified mail within ten (10) calendar days after the appellant's receipt of the written notice that official action has been taken by the Executive Director or Sportsmanship Committee. An appeal shall not stay the decision of the Executive Director, the Sportsmanship Committee, or any other subordinate.

6 DE Reg. 285 (9/1/02)
7 DE Reg. 1692 (6/1/04)
11 DE Reg. 1635 (6/1/08)
14 DE Reg. 1177 (05/01/11)
15 DE Reg. 72 (07/01/11) (Final)