
An investigative look at NDHSAA hardship applications

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Students who transfer to another school and want to continue playing varsity sports have to submit a hardship application to the North Dakota High School Activities Association. If the association denies that application, the student cannot play varsity sports for a full year.

The Activities Association defines a hardship as something beyond the control of a student or the student's parents, and it must involve undue hardship or emergency.

NDHSAA Executive Director Matt Fetsch said that they have received about 100 hardship applications over the past five years, and bullying was listed as the reason in about a quarter of those--which one might think fills the criteria of a hardship that is "Beyond the control of a student."

KX News looked into one hardship case where a student-athlete was denied their varsity eligibility because the association did not have evidence of the bullying.

So we put North Dakota first and found out the protocol for investigating bullying claims, and what evidence the NDHSAA has access to before making a decision.

School counselors like Mandan's Callie Schnell are the first line of defense in bullying claims.

"They're going to give me the version of what happened, and then first and foremost, we have to go through choices," Schnell said. "How do you want this problem solved? Because sometimes there are students who absolutely refuse to report any more than just to the counselor. Of course, if I think it's imminent danger for anybody, I have to go above and beyond, and I have to report that anyways."

A 2012 state law mandated that school districts "Establish procedures for reporting and

A 2012 state law mandated that school districts "establish procedures for reporting and documenting alleged acts of bullying."

Thanks to that state law, forms like these are available to students to begin the formal process of a bullying investigation.

"They'll fill it out and turn it into administration as a referral and concern," Mandan principal Mark Andresen said. "Once they have that information, they turn it into administration, counselor and/or teacher, from there it's taken into our hands. Then we actually act on the policy."

These forms are an important step in providing a potential solution.

"Any form of good documentation serves as a means for reporting back to families and also the professionals that are working in the school," said Gerald Vetter, President of Light of Christ Catholic Schools.

If a varsity athlete at a school has been bullied to the point of wanting a transfer, the hardship application must have a few things: the new school explaining why they believe that student has suffered a hardship, a letter from the student's parents saying why they believe the same, and a form the old school principal fills out, saying whether he or she thinks the hardship should be approved.

KX News got permission to view a past application that the NDHSAA denied due to a lack of bullying evidence. When I looked through all the documents the NDHSAA used to make their decision, the state-mandated bullying reporting form was nowhere to be found. The parent of the denied athlete said their school never presented them that form.

What KX News did see were the other necessary forms, parent letters describing meetings with the original principal, letters from former players alleging a culture of bullying, and doctor's letters saying the student being bullied was clinically depressed and needed medication. There were also questionnaires which Matt Fetsch appears to have used to investigate himself, but no state-mandated reporting documents from the school's administration.

When KX News noticed this, we offered to sit down with Mr. Fetsch and discuss his investigation and this lack of documentation. Matt Fetsch denied KX News' request for an interview.

A licensed counselor says sports can be therapeutic and a return to normal, so having a hardship denied can make healing more difficult.

Said Schnell, "I also coach sports, and I just think it's a good outlet for them to meet new people, expand their friend circles, something else they have as a motivator that they feel good doing

expand their friend circles, something else they have as a motivator, that they feel good doing, and that they feel supported while they're doing it."

The student appealed the denied hardship to the NDHSAA Eligibility Committee, and that appeal was also denied.

The committee's notes from that appeal say that it was "concerning there was no communication with the original school's administration throughout the process," but they still "have no authority to overrule a member school that has no record or verification of bullying."

State law mandates that schools should use the necessary reporting forms for bullying cases, but when the NDHSAA investigates a hardship at a school that didn't use the forms that help provide evidence, they have no choice but to rule against the student.

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