

BYLAW 27. IMPOSITION OF PENALTIES

Sec. 1) AUTHORITY TO PENALIZE

- a) If Association rules and regulations have been violated, penalties may be imposed on the offending schools or individual within the defined parameters of this bylaw, the KHSAA Due Process Procedure, and KRS Chapter 13B. These penalties may be by the Commissioner's office, the KHSAA Hearing Officer or the Board of Control dependent upon the specifics of the bylaw, KHSAA Due Process Procedure, or KRS Chapter 13B.
- b) Each member school of the KHSAA, through its Principal, shall ensure that its athletic program remains compliant with KHSAA rules and that there is institutional control over the interscholastic athletic program.

Sec. 2) EXCEPTION TO PENALTY AUTHORITY FOR COURT ORDERED PLAY

A member school, student, coach, or administrator shall not be punished or sanctioned, in any manner, by the KHSAA for allowing a student to play in an athletic contest or practice with the team during a time when an order of a court of competent jurisdiction permits the student to participate or otherwise stays or enjoins enforcement of a final KHSAA decision on eligibility.

Sec. 3) RESPONSIBLE PARTIES

Any member elementary or secondary school or school employee or official who knowingly allows participation of an ineligible player under the provisions of this bylaw, or who, through reasonable diligence, should have known of that ineligibility, shall be considered in noncompliance with state accreditation standards or guilty of willful neglect of duty or breach of contract. This provision shall apply not only to coaches, but also to personnel supervising coaches including an athletic director, an assistant principal, a principal, an assistant superintendent, a superintendent, or a school board member.

Sec. 4) PENALTY OPTIONS

For violation of any rule or regulation by any member school or school designated staff, student-athlete, official, or other representative, the penalty as may be called for under the specific rule or regulation, or, in case no specific penalty is called for, disciplinary action, including warning, reprimand, probation, suspension, or payment of a fine may be imposed.

a) FINE

- (1) A fine may be levied in lieu of, or in addition to, any other penalty imposed upon the school and may only be levied against a member school.
- (2) The Board of Control shall adopt a schedule of fines and publish said schedule annually in the Association Handbook.
- (3) The fine schedule shall also include any amounts paid by the Association or received by the school as a result of postseason competition.
- (4) A fine shall not be levied against any individual within the interscholastic athletic program but may only be levied against the member school and only for selected violations as determined by the Board of Control.

b) FORFEIT

- (1) The forfeit of contests or meets may be included in penalties assessed for violation of Association rules.
- (2) In addition, if a student is declared ineligible, all contests in which he or she has played while ineligible shall be forfeited to the opposing team.

c) WARNING

A warning may be issued which is written notification that a violation, or an inexcusable or unethical action, has occurred, is a matter of record, and that the action shall not be repeated.

d) LETTER OF REPRIMAND

- (1) A written reprimand of the individual, program, or school may be issued if a violation of the rules has occurred which was preventable.
- (2) The action is a matter of record, and warnings that repeat actions of this type may be cause for further penalty.

e) PROBATION

- (1) Probation is a more severe penalty and may be described in the following manner. Normally, an individual or a school on probation is on conditional Association membership, but may be permitted to engage in a regular schedule, sanctioned events, or district, regional and state championships. This

is provided that the individual or school has taken steps to ensure the problem which placed the individual or school on probation has been alleviated and will not re-occur.

- (2) Additionally, a school on probation may be restricted to limits on scrimmages, regular season contests or postseason competition as may be deemed appropriate.

f) SUSPENSION

- (1) An individual participant, coach, specific sport or school may be suspended from competition or from scrimmage participation.
- (2) This penalty may range from the elimination of individual or team(s) participation in games, tournaments, meets or state championship competition, to suspension of the school from the Association.
- (3) Individuals or teams suspended may not engage in contests with member schools of the Association, or with any other school that is a member of another state associated with the National Federation of State High School Associations.

g) REIMBURSEMENT

- (1) A fine may be levied equal to the amount of itemized legal fees expended by the Association in defense of its rules in a court of law in cases where a school or school system is directly or indirectly involved in the legal challenge of an association rule which has passed via the proper Constitutional process and in which case, the Association prevails in court.
- (2) If the Association, its Commissioner, or other persons associated or employed by the Association are named as a party, or if the Association intervenes in any action to enforce a ruling, bylaw or other provision, it shall be presumed that the school where the student attends or the coach or other person is employed or is otherwise associated or connected, is involved in the legal challenge.
- (3) The presumption of involvement may be rebutted by clear and convincing evidence.
- (4) Involvement includes providing testimony, staff, staff legal counsel or funds for counsel, or direct filings by or on behalf of the school or school system.
- (5) If the Association conducts an investigation regarding any player, coach, assistant coach, paraprofessional, booster, supporter or other person associated with a team, program or member school, and the investigation results in any penalty being imposed by the Association, the school may be required to pay all costs of that investigation.
- (6) The costs may include the costs, fees and expenses charged by an investigator, and the costs, fees and expenses charged by the Association's legal counsel.

h) PERMANENT SUSPENSION

Any coach, participant or other school representative may be permanently suspended from involvement in interscholastic athletics in this state if found by competent and conclusive evidence to be guilty of assaulting a sports official.

i) REDISTRIBUTION

If a school is found to have used an ineligible competitor and, as an extension to the fine penalty listed above, it may be directed that a portion or all of the net proceeds received from a postseason contest or tournament be returned to the host or redistributed to the other contest or tournament participants.

j) VACATE/STRIKE

If a school is found to have used an ineligible competitor, it may be directed that individual records and performances be vacated or stricken; team records and performances including place finishes be vacated or stricken; or individual or team awards be returned to the Association.

k) SHOW CAUSE ORDER

- (1) An individual coach (head or assistant, paid or unpaid) or athletic department representative (including all school employed personnel) may be issued a show-cause order for violations of KHSAA bylaws.
- (2) Such order may also be issued for coaches, athletic department representatives or other personnel who fail to file complete information as requested, file false, misleading or inaccurate information or otherwise impede the discovery of facts related to a matter under review.
- (3) This order may specify that for a period of time, any KHSAA imposed penalties against the coach, athletic department

representative or school employed personnel will remain in force if the person is hired by another KHSAA member school.
(4) The Principal or Designated Representative of the new school desiring to hire the individual must submit in writing, the acceptance of these sanctions. If the member school wishes to avoid the sanctions imposed on that individual, the Principal or Designated Representative of the member school must appear before the Board of Control and show cause as to why the member school should not be penalized.

I) SCHOOL EXCLUSION

If a school has been found to have unduly influenced a student to enroll, or there is a documented finding of Bylaw 6, Sec. 3, Bylaw 7, Sec. 5, or Bylaw 8, Sec. 8 of Athletic Advantage, the student may be restricted from enrolling at a specific school due to the influence. In this matter, a student would have the option to enroll at another school provided influence could not be documented.

Case BL-27-1- What are the possible penalties under Bylaw 27 for the violations of KHSAA rules?

Through the Due Process Procedure, the Commissioner may impose penalties under Bylaw 27, including each of the eleven listed options. When cases are before the Board of Control, the Board has the same penalty options available.

Suspension, either of an individual or a program, is one of those penalties and could involve removal and restriction from contests or a reduction in schedule.

Other penalty options include Fine, Forfeit, Warning, Letter of Reprimand, Probation, Reimbursement, Permanent Suspension, Redistribution, Vacating/Striking and Show Cause Order. Each of these is described in detail in Bylaw 27.

Case BL-27-2- What is a contest official as described in the permanent suspension provisions?

A contest official could be one of the game officials (referees), scorers, timers, or other game management personnel working in an official capacity at the contest.

Case BL-27-3- Are penalties from the KHSAA necessary when schools violate rules that are more stringent than KHSAA standards?

No. This is a situation between the member schools and is not a matter for Association review. For example, if a school has a more stringent academic requirement than the KHSAA minimum standard and then inadvertently allows a player to compete who is eligible by KHSAA rules, but not by local rules, KHSAA penalties do not apply. However, the offending school should report these situations to the opponents and take whatever agreed-upon action is necessary.
