

BYLAW 16. RECRUITMENT/UNDUE INFLUENCE

Sec. 1) PROVISIONS ON RECRUITING/UNDUE INFLUENCE

- a) A pupil (domestic or foreign) at any grade level shall not be recruited to a member school of the KHSAA for the purpose of participating in athletics. Recruiting is defined as an act, on behalf of, or for the benefit of, a school, including impermissible contact, which attempts to influence a student to transfer to a member school for the purpose of participating in athletics, including the offer of improper benefits not available to all members of the student body.
- b) It shall also be defined as recruiting to provide improper benefits not available to all members of the student body to an already enrolled student to influence that student to remain at a member school including recruitment under the guise of academics.
- c) An athletic coach or any other member of the school staff or team member (including parents and boosters) shall not influence a student even if the student, his or her parents or any intermediary from another school, makes the initial contact. In this situation, a coach or staff member (paid or unpaid) should immediately refer the person(s) to the school principal.
- d) Influencing a student shall include the promise or instilling the expectation of an athletic advantage, playing time, employment of the student or the student's parents or relatives, housing for the student or the student's parents, scholarships or financial aid for which other members of the student body are not generally eligible, providing other improper benefits, making improper contacts or any other material or athletic reward for which other members of the student body are not generally eligible.
- e) A school official utilizing an intermediary including a peer, another school employee, a student, a parent or a citizen, for the purpose of recruiting a student-athlete shall be in noncompliance.

Sec. 2) PENALTY

- a) Any representative of a member school knowingly allowing the recruitment of a student for the purpose of participating in athletics or who should have known of this recruitment shall be guilty of willful neglect of duty, misconduct, or breach of contract.
- b) This 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.
- c) This requirement shall also apply to students or their parents.

Case BL-16-1- Why does Bylaw 16 (Recruitment) exist?

The major reason for Bylaw 16 and its interpretations is to attempt to maintain as level a playing field as possible. The major enforcement theme is not only "initial contact", but rather is "exceeding what is normal and appropriate."

Initial contact as it applies to student-athletes can be a violation, but is only one of many things that can exceed what is normal and appropriate. One of the primary keys is not treating "athletes" or "prospective student-athletes" differently than students who are not athletes. Students are not to be singled out based on their potential athletic ability.

High school athletics is not the same as colleges recruiting high school athletes for college athletics. High school athletics exist for an entirely different reason. High school coaches should not view high school students in the same manner as college coaches view high school seniors. All administrators and coaches shall realize that they have more responsibilities than the general public to understand the purpose of high school athletics, the principles behind KHSAA rules etc., and to maintain a level of understanding and purpose when dealing with the general public and students.

Case BL-16-2- Who are considered school representatives or those with a direct connection to a member school?

School representatives or those with a "direct connection" include, but are not limited to: coaches or others connected with the high school or high school team to include booster club parents and members, alumni, school board members and officers, parents of high school players, booster club representatives and students.

Case BL-16-3- What is a feeder school as used when reviewing permissible contact?

For a school to be considered a "feeder" school (and therefore "connected"), it must be under the same local board of education as the member school, and enroll students exclusively below grade nine.

A student enrolled at a nonfeeder school shall not be considered to be enrolled at a feeder school irrespective of past enrollment patterns of that nonfeeder school.

Applying for admission to a school does not waive this definition as there is a clear line between applying and actually being enrolled. School and school districts may choose to define a more restrictive feeder pattern for its middle schools to high schools which if violated, constitute the student not being "connected". In a school district with multiple high schools, absent a specific otherwise adopted feeder pattern, the residence of the student-athlete within the district student assignment plan shall determine the school at which the student may participate, if such participation is permitted by local policy. School districts with multiple schools may not establish an "open choice" option for the purpose of athletics.

Case BL-16-4- When is a student enrolled at a KHSAA member school for the purposes of Bylaw 16?

A student is enrolled at a KHSAA member school when that student sits for class in the new school.

In addition, a student may be considered enrolled at a KHSAA member school when the student registers at the new school, is on the student enrollment listing of a member school, and not on the listing of another school.

In the case of enrollment during periods when classes are not being held (i.e. summer), the student may be considered to be enrolled at the new school when formal application has been made and accepted, as verified by the new Principal, and the student is officially withdrawn and off the enrollment listing of the former school.

Case BL-16-5- What are permissible contacts by coaches, athletic directors and other individuals with a connection (direct or indirect) to the athletic program or school?

Permissible contacts include:

- (1) Public high school representatives contacting students at feeder public schools (elementary, middle school, junior high school) where there is a defined feeder pattern;
- (2) Nonpublic school representatives contacting students at feeder nonpublic schools (elementary, middle school/junior high school) where there is a defined feeder pattern;
- (3) A representative of the school initiating a meeting with students at a school that is defined as a feeder school or meet with students who are zoned to attend that school the following year provided such is approved by the Principal of the school at which the student is currently enrolled. This visit shall be cleared by principals of both schools and shall not be specific to athletic opportunities;
- (4) Any student or family or individual that contacts a coach about attending a school where he or she coaches who is then informed that they are being referred to the principal, admissions department or guidance department; and
- (5) Any meeting with coaches regarding athletes or prospective athletes or their families which is at the request of the family to the individual(s) responsible for admissions and takes place at the school in the presence of the Principal or Designated Representative.

Case BL-16-6- What is impermissible contact and what are some examples by coaches, athletic directors and other individuals with a connection (direct or indirect) to the athletic program or school whether or not the prospective student has an athletic participation record?

A person or persons exceeding what is appropriate or normal, or offering any incentive or inducement to a student or the student's family, with or without that student having an athletic participation record shall be considered to have had impermissible contact and be in violation of this bylaw.

Impermissible contact includes, but is not limited to, any contact between a non-enrolled parent or student and a member school coach or other athletic representative without an immediate referral to the appropriate school personnel (Principal, Guidance Counselor, Admissions Personnel or other non-athletically related school administration).

The fact that an unenrolled student or that student's family has shown an initial interest in attending a school or playing for a team (such as signing up for mentoring, shadowing, testing or a facility tour) does not allow any member of the coaching staff or anyone else affiliated with that athletic program to be involved with that student until the student is fully enrolled at the school.

Specific examples of impermissible contact with students include:

- (1) Contact or communication concerning potential enrollment or athletic participation at the school, other than the initial referral to school administration if approached by the family or the student in the school's defined feeder pattern;
- (2) Contact with any student not enrolled in the school's defined feeder pattern concerning potential enrollment at the school which is initiated by a coach or any others with a connection to the athletic program;
- (3) Contact with any student not enrolled in the school's defined feeder pattern by individuals (including the parent of a current player) who might be interested in the school's athletic program that attempts to influence a student or his/her parents;
- (4) Coaching, managing and/or otherwise directing sports-specific athletic activities in which the non-enrolled student is a participant outside of the scope and allowable contact periods contained in Bylaw 23;
- (5) The use of school facilities, uniforms, transportation or equipment including other "school team opportunities", such as tournaments and leagues by students not enrolled in the school's defined feeder pattern;
- (6) High school exhibit and/or promotion space or materials specific to the school's athletic program or a specific athletic team including mass mailings or communication (electronic or otherwise) that cannot be restricted to exclude non-feeder pattern individuals;
- (7) School representatives attending grade school, junior high or middle school games for the purpose of evaluating specific student-athletes not enrolled in the school's defined feeder pattern, or for the purpose of promoting the member school's athletic program or at a time when not permitted by Bylaw 23;
- (8) Contact prior to, during, or after practices, scrimmages or contests at elementary schools, middle and junior high schools except where there is the same defined feeder pattern involving the schools;
- (9) Requesting students, parents, boosters or alumni from a school to discuss the merits of a school's athletic program with a prospective student-athlete not enrolled in the school's defined feeder pattern or member of his/her family;
- (10) Providing transportation for a student not enrolled in the school's defined feeder pattern or other inducement to take a qualifying examination at a school or to meet with school officials, etc.;
- (11) Entering into discussions or offers of financial aid with a student not enrolled in the school's defined feeder pattern, or the student's family, whether or not that aid is available to the general student body;
- (12) Contacting any prospective student-athlete not enrolled in the school's defined feeder pattern (at any grade level above, in or below grade 9) or his/her parents/family by phone, email, text, social media, fax, in person, by letter or by other means;
- (13) Making athletic facilities (including weight rooms and other training facilities) available to students not enrolled in the school's defined feeder pattern during the school year;
- (14) Nonpublic school representatives contacting students enrolled at the public schools (or his/her family) or enrolled at any school not in the school's defined feeder pattern without permission of the public school principal. Permission for such contact in any case, shall come from the feeder school

principal and shall be approved by the KHSAA member school principal; and

- (15) Public schools representatives contacting students enrolled at nonpublic schools (or his/her family) or enrolled at any school not in the school's defined feeder pattern without permission of the private school principal. Permission for such contact in any case, shall come from the feeder school principal and shall be approved by the KHSAA member school principal.

NOTE: It is not considered a violation for a coach or other school representative to have normal community contact with a student who attends a junior high or middle school of the same system that is a feeder to the high school at which the coach is employed to coach.

Case BL-16-7- What are some examples of improper benefits that may not be provided to enrolled student-athletes or non-enrolled prospective student-athletes (or family members) by coaches, athletic directors and other individuals with a connection (direct or indirect) to the athletic program including the booster organization?

No special benefit may be given to student-athletes or prospective student-athletes (below grade 9, or grades 9-12) including:

- (1) Money or any item of tangible benefit or other valuable consideration such as free or reduced tuition, room, board, textbooks, or clothing during the regular school year or summer school;
- (2) Offer or acceptance of any benefit (financial or otherwise), or privilege not afforded to non-athletes;
- (3) Offer or acceptance of employment opportunity (including summer or nonschool period work), or pay for work that is not performed or that is in excess of the amount regularly paid for such service;
- (4) Offer or acceptance of free transportation;
- (5) Offer or acceptance of a residence or housing provisions, free or reduced rent, moving expenses, or assistance in locating housing;
- (6) Offer or acceptance of help in securing a college athletic scholarship;
- (7) The host family or other community representative paying for the housing of a nondomestic student except for the host family's primary domicile or paying any required fees for the transportation, registration or placement of a nondomestic student;
- (8) Underwriting travel fees or providing transportation to a non-enrolled student to a school function;
- (9) Special gifts including apparel representative of the school or school's athletic interests;
- (10) Paying the entry fee for camps or competition events for students to participate who are not enrolled within that school's defined feeder pattern; and
- (11) Offering opportunities for non-enrolled students outside the defined feeder pattern to use free passes or tickets or complimentary admission to attend high school athletic practices, scrimmages or contests without a previous affirmative request for admission. As an example, schools could offer students a voucher to attend a contest after they have taken the initiative to participate in an otherwise permissible voluntary activity (tour, open house, meeting, school visit) but cannot summarily ignore charged admission without such voucher. However, schools could not use mass mailings or communication (electronic or otherwise) that cannot be restricted to exclude non-feeder pattern individuals and offer admission to contests. Another allowable example would be to permit all members of a specific league/school/team to attend a game in uniform or with some other means of general identification and admission without regard to any selective means of identifying the recipient.