

Bylaw 33. Imposition of Penalties

When Association rules and regulations have been violated, penalties may be imposed on the offending schools or individual by the Commissioner's office, the KHSAA Hearing Officer and/or the Board of Control. Each member school of the KHSAA through its Principal shall ensure that its athletic program remains compliant with KHSAA rules.

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

- 1) FINE - 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. The Board of Control shall adopt a schedule of fines and publish said schedule annually in the Association Handbook. The fine schedule shall also include any amounts paid by the Association and/or received by the school as a result of postseason competition. 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.
- 2) FORFEIT - The forfeit of contests/meets may be included in penalties assessed for violation of Association rules.
- 3) WARNING - A warning is written notification that a violation, or an inexcusable or unethical action, has occurred, is a matter of record, and that such action must not be repeated.
- 4) LETTER OF REPRIMAND - A written reprimand of the individual, program, or school may be issued if a violation of the rules has occurred which was preventable. The action is a matter of record, and warnings that repeat actions of this type will be cause for further penalty.
- 5) PROBATION - 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 engage in their/its regular schedule, sanctioned events, and district, regional and state championships. This is provided that the individual and/or school has taken steps to insure the problem which placed the individual, sport or school on probation has taken steps to alleviate the problem which caused the probation. Additionally, a school on probation may be restricted to limits on contests/scrimmages as may be deemed appropriate.
- 6) SUSPENSION - An individual participant, coach, specific sport or school may be suspended from competition or from scrimmage participation. This penalty may range from the elimination of individual and/or team(s) participation in games, tournaments, meets or state championship competition, to suspension of the school from the Association. Individuals and/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.
- 7) RESTITUTION - 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. 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 such other person is employed or is otherwise associated or connected, is involved in the legal challenge. The presumption of involvement may be rebutted by clear and convincing evidence. Such involvement includes but is not limited to, providing testimony, staff, staff legal counsel and/or funds for such counsel, or direct filings by or on behalf of the school or school system.
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 such investigation. Such costs may include, but are not limited to, the costs, fees and expenses charged by an investigator, and the costs, fees and expenses charged by the Association's legal counsel.

- 8) 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.
- 9) REDISTRIBUTION – If a school is found to have used an ineligible competitor and as an extension to the fine penalty listed above, the Commissioner may direct that a portion or all of the net proceeds received from a postseason contest or tournament be returned to the host and/or redistributed to the other contest or tournament participants.
- 10) VACATE / STRIKE – If a school is found to have used an ineligible competitor, the Commissioner may direct that 1) Individual records and performances be vacated or stricken; 2) Team records and performances including place finishes be vacated or stricken; and/or 3) Individual or team awards be returned to the Association.

(Case situations related to this bylaw appear on pages 19 through 43 of this Handbook)

CASE SITUATIONS RELATED TO THE BYLAWS of the KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION

Contained in this section of the KHSAA Handbook are interpretations and rulings which have been made in accordance with applicable provisions of the KHSAA Bylaws. This section is printed as a supplement to the actual printed rules and does not in any manner substitute for the actual rule. Many of these rulings have established precedent for the interpretation or enforcement of these provisions, and remain in place until further altered, re-interpreted, or otherwise set aside. Specific inquiries not addressed by these interpretations should be submitted in writing to the Commissioner of the KHSAA, 2280 Executive Drive, Lexington, KY 40505. Interpretive questions or eligibility rulings will not be addressed via electronic mail and must be requested and issued in writing. The following table represents cross-referencing to the relevant portions of the KHSAA Handbook.

Case BL-33-1- What is the Bylaw 33 fine schedule?

In accordance with Bylaw 33, the Commissioner may assess a monetary fine against an individual or member school. This penalty is in addition to others that may be prescribed for the same or similar violations of the particular bylaw, rule or tournament regulation.

A maximum fine of \$50 per occurrence for

- Failure to notify game officials of change in game site or time in a timely manner.
- Late membership dues payment
- Late reporting of participation list for catastrophic insurance verification
- Ejection of a player or coach for unsportsmanlike conduct.

A maximum fine of \$100 per occurrence for

- Failure to attend the required KHSAA rules clinic for coaches and/or officials. Payment of this fine entitles attendance at makeup clinic but does not prevent further penalties already prescribed for failure to attend clinic from being imposed.
- Failure to provide proper game administration personnel at contest site.
- Non sanctioned contest against out of state schools
- Coaches criticizing specific contest officials by name or position to media.
- Use of non-registered officials.
- Late tournament information from schools including team pictures
- Late submission of tournament manager results, financial report and/or tournament proceeds.
- Late school information sheet or roster, delinquency in requested reports, or other required documents to association
- Tournament managers may be fined against the receipts of the event for failure to report a tournament bracket in a timely manner or for failing to report results as requested,

A maximum of \$300 per occurrence for

- Filming or videotaping of a scrimmage or contest by nonparticipating schools without approval of competing teams and/or tournament manager.
- Arrangement for a makeup rules clinic following last scheduled makeup clinic.
- Removal of team from field or court prior to completion of game.
- Failure to attend the required KHSAA medical symposium for head varsity coaches. Payment of this fine entitles attendance at makeup clinic (if one is held) but does not prevent further penalties already prescribed for failure to attend symposium from being imposed.

A maximum fine of \$500 per occurrence for

- Use of athlete without proper physical examination or parental permission.
- Violation of the provisions of Bylaw 25 that mandate competition may not be held on four consecutive days.
- Failure of a member school to adhere to Bylaw 20 with respect to school representatives accompanying athletes to

competition.

- Failure to attend required annual Medical Symposium (fine applicable per coach) when no make-up is available and when the coach in question has had two years of scheduled symposia and failed to attend.
- Ejection of player for fight/unsportsmanlike conduct in games when athlete's eligibility in that sport has been exhausted.

A maximum fine of \$1000 per occurrence for

- Use of an ineligible player when the facts were present to prevent such usage.
- Each violation of KHSAA rules not specifically addressed by this schedule.
- Failure to properly certify athletes with respect to age.
- A cheerleading coach or squad teaching or performing an illegal stunt (National Federation rules) during a competition subject to the limitations of Bylaw 25.
- Team leaving bench and coming into playing area during altercation/fight.
- Team involved in fighting before or after scrimmage or contest (from time of arrival to time of departure).
- Illegal practice or scrimmage.
- Violation of sports season (Bylaw 25) by any sport team or cheerleading squad.

Additional Fines and Penalties

- A fine may be levied against specific documented receipts or reimbursed expenses when violations are discovered.
- In the case of restitution, the full amount may be assessed as a fine.

Case BL-33-2- What level of institutional control is the principal of each member school expected to maintain?

There are several principles that go into the concept of maintaining institutional control. Control must first be defined in common sense terms and is best summarized by the school having in place the proper policies to ensure that violations do not occur, and if they do occur, the Principal exhibiting the leadership and duty to correct the problems and prevent recurrence. In general violations do not result from a lack of institutional control if there are adequate preventive measures in place that are properly monitored and followed, and if swift action is taken.

However, there are several things that demonstrate a lack of institutional control including the failure to implement proper preventive procedures; failure by members of the designated athletic staff to thoroughly investigate and report violations; failure to adequately disseminate and distribute compliance information; failure to adequately distribute compliance duties to allow for effective control; failing to make clear to all coaches and participants that rules violations will not be tolerated, failing to fully investigate and file reports as requested when potential violations are reported; a head coach failing to create a compliant atmosphere with the assistant coaches.

The KHSAA enforces its rules based on the following premises-KHSAA regulations and information are readily available to the member schools and general public; the Principal or Designated Representative properly distributes information, rules manuals, communication, forms, and other needed materials to the members of the athletics staff; that meaningful education programs are conducted within the schools to ensure compliance; student-athletes are properly informed about rules prior to and during participation. Certainly the compliance history of a school and its cooperative spirit during any investigation or inquiry will factor into any penalty decision regarding violations.

Case BL-33-3- If a student is found to be ineligible after exhausting the Due Process Procedure, but the student was allowed to play under a court injunction or other order that is determined improper, can a school be penalized?

Yes. The courts have held that the KHSAA is a voluntary membership organization and its members agree to abide by the rules. Even if a student was eligible due to injunctive relief, schools are not obligated to allow that student to participate, thereby breaking the rules that the members themselves pass.

See National Collegiate Athletic Association v. Lasege, KY, 53 S.W. 3d 77 (2001)

Case BL-33-4- 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-33-5- 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 action is necessary.