

## BYLAW 33. IMPOSITION OF PENALTIES

### Sec. 1) Authority to Penalize

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. Each member school of the KHSAA through its Principal shall ensure that its athletic program remains compliant with KHSAA rules.

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.

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

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 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.

#### b) FORFEIT

The forfeit of contests or meets may be included in penalties assessed for violation of Association rules.

#### 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

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 may be cause for further penalty.

#### e) 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 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. Additionally, a school on probation may be restricted to limits on scrimmages, regular season contests or post season competition as may be deemed appropriate.

#### f) 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 or team(s) participation in games, tournaments, meets or state championship competition, to suspension of the school from the Association. 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) 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 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. 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.

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. 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 1) Individual records and performances be vacated or stricken; 2) Team records and performances including place finishes be vacated or stricken; or 3) Individual or team awards be returned to the Association.

### **Case BL-33-1- 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 shall 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-33-2- What are the possible penalties under Bylaw 33 for the violations of KHSAA rules?**

*Through the Due Process Procedure, the Commissioner may impose penalties under Bylaw 33, including each of the ten 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, Restitution, Permanent Suspension, Redistribution and Vacating/Striking. Each of these is described in detail in Bylaw 33.

**Case BL-33-3- 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-33-4- 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.

**Case BL-33-5- What are the penalties and how does the forfeit rule apply to games cancelled due to violation of the provisions of the KHSAA Title IX plan and the prime-time play initiative in basketball?**

Each year, the KHSAA shall audit all girls' regular season basketball schedules (hereinafter "current schedule"). These annual audits shall begin with the first legal regular season playing date. Schools that are not in compliance with the forty (40) percent requirement on the first playing date shall be contacted on or before December 31 of the playing season in an effort to allow for schedule corrections or revisions to comply with the forty (40) percent requirement. The school shall be notified of the potential penalties for non compliance with this correspondence.

Schedules shall be posted on the KHSAA website in the manner as instructed by the Commissioner's office prior to the published deadline. Schedules shall be accurate and include entry and designation of games that are involved in tournaments, classics, festivals and other multi-game events.

At the end of the regular playing season, the schedules shall be audited for final compliance with the requirement.

Based on the final audit at the end of regular season, if a member school's total home games for girls' do not comply with the forty (40) percent requirement, the following penalty shall be applied:

- 1) The boys' regular season total game schedule for the following school year's basketball season shall be reduced by two games as compared to the current boys' schedule;
- 2) The overall two contest reduction shall be achieved by reducing boys' home games;
- 3) In the case that a school does not have any home games, the two game penalty shall be applied to away games;
- 4) In the event that this penalty is imposed, the offending school shall count the game as a forfeit with respect to KHSAA Bylaws and shall comply with the provisions of Bylaw 24 as it relates to forfeit fees and other penalties. The game may not be replaced on the offending team's schedule but may be replaced on the opponent schedule;
- 5) Schools may not schedule or enter additional tournaments from the benchmark year as a means of circumventing the penalties within this policy; and
- 6) Schools will be notified of the reduction in the allowable boys' games for the following season after the conclusion of the current season.

As an example:

On the first legal playing date for the season, Jones High School's regular season girls' basketball schedule reflects they are not playing forty (40) percent of their girls' total number of home games on Friday night, Saturday or Sunday. Jones High School is audited again at the end of the season, and does not meet the forty (40) percent requirement.

During that same season, the boys' total number of regular season games played is 23. Within this 23 count, there are 21 single games being played and two tournaments counted in a reduced fashion per the rule. The boys' team played six regular season home single games.

Due to non-compliance with the forty (40) percent requirement for girls', Jones High School's total number of allowable boys' regular season single games for the following regular season shall be reduced to 21. This reduction would not apply to the allowable two tournaments that may be counted in a reduced fashion.

In this example, the total allowable number of regular season home games for the following season may not exceed four single games.

Should this reduction occur, the KHSAA Staff shall work with member schools to accomplish the identified contractual game reductions.