

participate in non-varsity competition.

c) A student ineligible under the provisions of Bylaw 4, Section 3 may not participate in non-varsity competition.

d) All other practice by ineligible student-athletes who are otherwise permitted to be on the sport or sport-activity roster of the member school shall be determined by the member school if applicable through these and other regulations.

#### SEC. 3) ASSUMED NAME

If a player enters a contest under an assumed name or when not properly certified, he or she shall be permanently ineligible, and his or her school shall be penalized in accordance with the provisions of Bylaw 27.

#### SEC. 4) PENALTY

a) Any violation of this bylaw may have any or all penalties detailed in Bylaw 27 applied as part of the final dispensation of the matter including a period of ineligibility.

b) Appeals or other considerations under this bylaw shall be considered Hearing Officer matters under the KHSAA Due Process Procedure.

### **BYLAW 15. REQUIREMENT FOR GENDER-BASED PARTICIPATION**

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#### SEC. 1) DESIGNATION OF SPORT LEVELS

a) Notwithstanding KRS 156.070(2)(c) and in compliance with KRS 156.070(2)(g), all athletic teams for sports and sport-activities for KHSAA member schools participating in grades 9-12 for those students enrolled in grades 7-12 shall be designated as Boys/Coed or Girls.

#### SEC. 2) GENDER DETERMINATION FOR SPORT AND SPORT-ACTIVITY PARTICIPATION

a) The sex of a student for the purpose of determining eligibility to participate in an athletic activity or sport shall be determined by:

(1) A student's biological sex as indicated on the student's original, unedited birth certificate issued at the time of birth; or

(2) An affidavit signed and sworn to by the physician, physician assistant, advanced practice registered nurse, or chiropractor that conducted the annual medical examination required by paragraph (e) of this subsection under penalty of perjury establishing the student's biological sex at the time of birth;

b) An athletic activity or sport designated as "girls" for students in grades six (6) through twelve (12) shall not be open to members of the male sex.

c) Nothing in this section shall be construed to restrict the eligibility of any student to participate in an athletic activity or sport designated as "boys" or "coed"; and

d) Neither the State Board of Education, nor the KHSAA, nor any school district, nor any member school shall entertain a complaint, open an investigation, or take any other adverse action against a school for maintaining separate interscholastic or intramural athletic teams, activities, or sports for students of the female sex.

#### SEC. 3) SUPERSEDEURE BY COURT OF COMPETENT JURISDICTION

a) In the event an order of a court of competent jurisdiction were to deem the provisions of KRS 156.070(g) to be stayed or otherwise eliminated, the Association policy would revert to the currently applicable provisions in force for the National Collegiate Athletic Association (NCAA) until such time as alternative policies could be appropriately promulgated.

#### SEC. 4) PENALTY

a) Any violation of this bylaw may have any or all penalties detailed in Bylaw 27 applied as part of the final dispensation of the matter including contest forfeiture.

b) By statute, the provisions of this bylaw are not appealable.

### **BYLAW 16. RECRUITMENT/UNDUE INFLUENCE**

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#### 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 to participate 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 to participate 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 or Designated Representative.

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, to recruit a student-athlete shall be in noncompliance.

f) An individual with a connection to a member school shall not give or promise a prospective or currently enrolled student-athlete compensation for the use of the name, image, or likeness of to recruit or induce the athlete to enroll at any member school.

g) An individual with a connection to a member school shall not give or promise compensation for the use of an athlete's name, image, or likeness;

#### SEC. 2) PENALTY

a) Any representative of a member school knowingly allowing the recruitment of a student to participate 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 the Designated Representative, an athletic director, an assistant principal, Principal or Designated Representative, an assistant Superintendent, a Superintendent or a school board