

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, Principal or Designated Representative, an assistant 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 another 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 instead 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 approved fine schedule.

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, region 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 scrimmage participation, including suspension for receipt of improper benefits.
- (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 administrative review or outside investigation regarding any player, coach, assistant coach,

paraprofessional, booster, supporter or other person associated with a team, program or member school, and the administrative review results in any penalty being imposed by the Association, the school may be required to pay all costs of that administrative review.

- (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

As an extension to the fine penalty listed above, a school 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

A school may be directed to vacate or strike individual records and performances; team records and performances including place finishes, and individual or team awards be returned to the Association.

k) 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.

l) DISASSOCIATION

(1) If an individual or entity not under the direct control of a member school is found to have contributed to or been causal to, a violation of KHSAA bylaws, the disassociation of relations in all phases of interscholastic athletics may be imposed on a permanent basis, for the duration of the applicable period or for another specified period of time.

(2) When a member school is required to disassociate with an individual or entity, such disassociation shall require that the institution:

- (a) Refrain from accepting any assistance from the individual that would aid in support of enrolled or non-enrolled student-athletes;
 - (b) Not accept financial assistance for the member school's athletics program from the individual;
 - (c) Ensure that no athletics benefit or privilege be provided to the individual that is not generally available to the public at large, and
 - (d) Take such other actions against the individual that the institution determines to be within its authority to eliminate the involvement of the individual in the member school's athletics program.
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