



To: NJSIAA Executive Committee

From: Paul Popadiuk, Chief Compliance Officer

Date: May 10, 2023

RE: NJSIAA Recruiting Violations Proposal

NJSIAA staff and the Transfer Committee recommend that guidelines be adopted to assist the Controversies Committee when issuing penalties for recruiting violations. NJSIAA staff and the Transfer Committee also recommend that the maximum fine available to the Controversies Committee be increased. This proposal will add a new section to the NJSIAA Guidelines, Policies and Procedures section of the NJSIAA Handbook – titled “Interpretive Guidelines for Recruiting Violations”.

PROPOSED BYLAWS & INTERPRETIVE GUIDELINES AMENDMENTS

[Additions are underlined, and deletions are ~~struck through~~.]

Bylaws, Article X, Section 2.E and 3 (Fines)

Article X PENALTIES

PENALTIES SHALL BE ASSESSED BY THE EXECUTIVE COMMITTEE OR THE CONTROVERSIES COMMITTEE FOR INFRACTIONS OF THE ASSOCIATION CONSTITUTION, BYLAWS OR RULES AND SHALL INCLUDE BUT NOT BE LIMITED TO:

Section 1

To ~~assure~~ ensure that member schools make certain that all Student-Athletes comply with eligibility standards or that they obtain appropriate waivers where necessary prior to competition, the following forfeiture penalties will be imposed. If the ineligible student participated in a TEAM SPORT, then that team will forfeit any games that it has won, irrespective of how long the ineligible student participated in that contest. This is so because it is impossible to calculate the impact made on a team contest by one or more individual players. In cases where the ineligible player participated in an INDIVIDUAL SPORT, then the team will only forfeit the events in which that player participated, since the impact of individual players can be calculated with some certainty. This penalty is mandatory and will not be subject to any appeal to the Executive Committee.

CL 1: Although the penalty of forfeiture for the use of an ineligible player is mandatory and not appealable to the Executive Committee, the school may appeal the determination of eligibility.

Section 2

After conducting a hearing and subject to an appeal to the Executive Committee, as set forth in Article XIII of the Bylaws, the Controversies Committee may impose the penalties set forth in this Section.

- A. A. Probation – A probationary period not to exceed two years may be imposed, which may include a requirement that a member school submit appropriate reports to the Association,

certifying that the violations are not continuing. The Controversies Committee may determine that an offending school may not participate in championship contests in the sport in which the violation occurred.

- B. Forfeit of Games – Under such terms and conditions as the Controversies Committee shall provide.
- C. Forfeit of Championship Rights – A school may be required to forfeit championship rights as determined by the Controversies Committee.
- D. Suspension of Coaches and Players – In addition to any disqualifications imposed for unsportsmanlike and flagrant verbal or physical misconduct during an interscholastic contest a coach or player may be suspended for a violation of the Constitution and Bylaws or Rules of this Association, or for violations of the rules of good sportsmanship or the rules of a particular game.
- E. Fines – Member schools, Principals, Athletic Directors, and/or coaches may be fined by the Controversies Committee in an amount not to exceed ~~\$1,000.00~~ \$5,000.00 per party. Member schools may also be required to pay any property damages caused by their improper behavior and for the transcript and court stenographer costs of the Controversies Committee hearing, which would be payable within sixty (60) days.

** This amendment approved by letter from Commissioner of Education dated July 6, 1987 and published in the September, 1987 NJSIAA Bulletin.*

Section 3

Major Fines and Expulsion:

The Controversies Committee may recommend for approval by the Executive Committee, the imposition of major fines against member schools, principals, athletic directors and coaches exceeding ~~\$1,000.00~~ \$5,000.00 per party for serious violations of the Bylaws or Rules of the Association and/or the expulsion of member schools and/or coaches for serious violations of the Constitution, Bylaws and Rules of the Association after a hearing or review on appeal by the Executive Committee, pursuant to Article XIII of the Bylaws.

Rationale: *The increase in the potential fine will increase the burden on the violating school and will hopefully serve as a deterrent for future violations. The \$1,000.00 maximum fine has been in place for over the past 20 years. NJSIAA staff and the Transfer Committee continue to focus their attention on holding adults responsible for recruiting-related violations. This position is consistent with the updated recruiting rule's emphasis on holding the schools, not students, accountable for recruiting violations which was recently passed by the NJSIAA membership at the May 2023 Annual Meeting.*

Interpretive Guidelines for Recruiting Violations

If the NJSIAA determines that there has been athletic recruitment by a member school, ~~then not only will the athletes be subject to be declared ineligible, but~~ the recruiting school will be subjected to appropriate disciplinary sanctions, including suspension or expulsion among other penalties. Consequently, the Principal of both the former school and the new school of a transferring student must verify that there has ~~not been neither athletic recruitment nor a transfer for athletic advantage~~ on the appropriate Transfer Forms, furnished by the NJSIAA.

The following chart will be used to assist the Controversies Committee in issuing penalties for violation of Article V, Section 4.D, Athletic Recruitment. The following penalties may be fully or in part enacted by the Committee:

| Recruitment Violation Chart | | |
|-----------------------------|--|---|
| Infraction Level | Types of Infractions | Penalties |
| Level 1 | <ul style="list-style-type: none"> Use of general advertising for recruitment of 9-12 grade high school students, including but not limited to: social media, flyers, advertisements, brochures, booster/donor sites, etc. There is no student contact involved in level one. | <ul style="list-style-type: none"> School must remediate issue immediately by removing, editing or rescinding advertisement. School (all sports) placed on probation for one year. AD and/or coach will take NFHS Course and attend appropriate NJSIAA workshop at own or district expense. |
| Level 2 | <ul style="list-style-type: none"> Repeating a Level 1 offense. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> Recruiting contact/communication with a 9-12 grade student-athlete from another high school by a non-district approved person including, but not limited to: parents, boosters, alumni, former coaches, and recently hired coaches who may have recruited athletes just prior to being approved by the district. | <ul style="list-style-type: none"> Person(s) guilty will be banned from all NJSIAA sporting events for three years. Head coach of program will be suspended for $\frac{1}{4}$ of the season's maximum contests for that sport (scheduled contests if sport has no max.) Head coach will take NFHS Course and attend appropriate NJSIAA workshop at own or district expense. School (all sports) placed on probation for one year for 1st violation; 2 years if a level 1 violation has previously occurred. |
| Level 3 | <ul style="list-style-type: none"> Repeating a Level 2 offense. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> Direct recruiting contact/communication with a 9-12 grade student-athlete from another high school by a district approved person including, but not limited to: paid coaches, volunteer coaches, students at the behest of their coach, or any district employee. | <ul style="list-style-type: none"> Violating program is ineligible to compete in NJSIAA Championship Tournament for one year or removed from tournament if in progress. Vacating previously earned championships due to this recruiting violation. Head coach of program, if not directly involved, will be suspended for $\frac{1}{3}$ of the season's maximum contests for that sport (scheduled contests if sport has no max.) Any coach involved will be suspended in all sports for 1 year. AD, head coach and all other coaches involved will take NFHS Course and attend appropriate NJSIAA workshop at own or district expense. School (all sports) placed on probation for 1 year for 1st violation; 2 years if a repeat level 2 violation. School will be fined $\frac{1}{2}$ of the maximum amount allowed in Article 10, Section 2. |

| | | |
|---------|---|--|
| Level 4 | <ul style="list-style-type: none"> Repeating a Level 3 offense. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> An egregious violation of direct recruiting of a 9-12 grade student-athlete from another high school by a district approved person. The violation may include, but is not limited to: recruitment of multiple student-athletes, recruitment that endangers the health, wellness and safety of student athletes, recruitment violations that showed persistent and ongoing recruitment efforts by a district approved coach or employee. | <ul style="list-style-type: none"> Violating program is ineligible to compete in NJSIAA Championship Tournament for 2 years (removed from current tournament if in progress plus an additional year). Vacating previously earned championships due to this recruiting violation. Head coach of program, if not directly involved, will be suspended for 1 year. Any coach involved will be suspended in all sports for 2 years. AD, head coach and all other coaches involved will take NFHS Course and attend appropriate NJSIAA workshop at own or district expense. School (all sports) placed on probation for 2 years. School will be fined the maximum amount allowed in Article 10, Section 2. |
|---------|---|--|

Rationale: This chart will serve as a guideline so that consistent penalties may be administered by the Controversies Committee. It will also clearly outline potential penalties to schools for each violation level, which will provide transparency to member schools while also continuing to hold adults and schools responsible for recruiting violations, not the student-athletes. Additionally, this proposal strikes athletic advantage and student ineligibility from this section which is consistent with the adoption of a new transfer rule by the NJSIAA membership at the May 2023 Annual Meeting.