

**Malone Central School District**  
**Alcohol, Tobacco and Illegal Drug Policy for Student-Athletes**

There will be no possession and/or consumption of tobacco products, alcohol, illegal drugs, performance enhancing drugs, or other mood or mind altering substances for which the individual does not have a valid prescription, nor will there be attendance at any location or event where the same are being used illegally.

If a student-athlete attends a gathering or function where alcohol, drugs, or other controlled substances are illegally present, being consumed, or being dispensed, he or she must immediately leave the gathering or function. To remain in the presence of such illegal activities shall constitute a violation of the policy

If a student-athlete is hosting a legal gathering or function and others arrive with alcohol, drugs, or other controlled substances covered by this policy, the student must contact a parent, guardian, or law enforcement agency and have the person removed from the gathering. To continue the gathering or function in the presence of alcohol, drugs, or other illegal substances shall constitute a violation of this policy.

Student-athletes must be aware that any material on social networking websites which indicates a violation of this policy will be investigated.

**PENALTIES**

1st Offense

The student-athlete will be ineligible to participate in interscholastic athletics for the remainder of the current season or a period of eight (8) weeks within the school year from the date of the underlying incident, whichever is longer. If the eight (8) week period within the school year ends after the approved Section X start date for that season, the student will not be permitted to participate in an interscholastic sport until the start of the next season. If the eight (8) week period within the school year ends during the first ten calendar days of the approved Section X start date, the coach and Athletic Director will determine if the student will be permitted to participate during that season,

In order for the student-athlete to return to participation in interscholastic sports, he or she must complete 20 hours of community service approved by his or her building principal, and participate in a counseling/education/evaluation program as determined by the Director of Athletics.

2nd Offense

The student-athlete will be ineligible to participate in interscholastic athletics for one (1) calendar year from the date of the underlying incident. If the one (1) calendar year period ends after the approved Section X start date for that season, the student will not be permitted to participate in an interscholastic sport until the start of the next season. If the one (1) calendar year ends during the first ten calendar days of the approved Section X start date, the coach and Athletic Director will determine if the student will be permitted to participate during that season,

In order for the student-athlete to return to participation in interscholastic sports, he or she must complete 100 hours of community service approved by his or her building principal, and participate in a counseling/education/evaluation program as determined by the Director of Athletics.

3rd Offense

The student-athlete will not be permitted to participate in interscholastic athletics for the remainder of his or her high school career.

After one (1) calendar year from the date of the incident giving rise to the student-athlete's permanent exclusion from interscholastic sports, he or she may request to be reinstated by a committee comprised of the Director of Athletics, the building principal, and the coaches involved. If such committee determines that the student-athlete should be permitted to return to participation in interscholastic athletics, it must prepare a return to participation plan including, but not limited to, the following components: counseling, community service, an improvement plan, and a peer education program.

#### 4th Offense

The student-athlete will not be permitted to participate in inter-scholastic athletics for the Malone Central School District. There will be no opportunity for reinstatement.

#### Additional Considerations

Violations of this policy that occur on school property or at any school function or event will be considered two infractions for the purposes of determining the penalty imposed on the student-athlete. For example: A student-athlete who commits a violation of this policy on school property, and who has no prior history of alcohol or drug-related discipline, will be treated as if the infraction is his second offense.

If it is determined that a student-athlete has violated this policy by participating in the organization, facilitation, promotion, or hosting of a gathering or social event where alcohol and drugs are available, a committee comprised of the Director of Athletics, the building principal, and the coaches involved will be convened to determine if additional penalties are warranted.

Should a student be the victim of a crime and alleged to have also violated this policy, the Superintendent and Principal in consultation with law enforcement and the Director of Athletics may propose separate sanctions or an adjournment of any proceedings. This action would be permissible only if a student is deemed by the Superintendent, Principal and law enforcement as a genuine victim of a crime act and they further determine the sanctions could jeopardize a criminal prosecution or further victimize or traumatize the student.

#### **DRUG TESTING**

If a staff member has reasonable suspicion that a student on school property, at a supervised school function, on a school bus, or in a school vehicle, is using or is under the influence of an illegal drug, alcohol, or a prescribed medication not his/her own, the staff member has the right to request that the student take a saliva-based drug test, a Breathalyzer Alcohol sensor test, or to smell the student's breath. Should the student refuse to comply with this request, the student shall be subject to the same disciplinary action under this policy as if guilty.

#### **DURATION OF POLICY**

The policy will be in effect from the start of practice in the fall season through the day of graduation.

#### **DUE PROCESS AND APPEAL**

In the event an athlete is accused of violating the Athletic Code of Conduct, the following steps will be taken:

1. The violation will be reported to the relevant building principal.
2. The principal will investigate the matter and allow the accused student-athlete to hear the charges and evidence against him/her, and to present pertinent facts.
3. The principal will make a determination as to whether the student-athlete violated the Athletic Code of Conduct. The student-athlete, his or her parent or guardian, and his or her coach will be notified of the decision as soon as is practicable.
4. The student and/or his/her parent or guardian has the right to appeal any penalty imposed for a violation of the Code of Conduct. The student remains suspended during the course of the appeal process.
5. Such appeal must be directed to the Superintendent of Schools, in writing, within (1) school day of the principal's determination.
6. The Superintendent will issue his or her decision within three (3) school days.