

CHEMICAL VIOLATIONS AND PENALTIES –

1. At any time during the calendar year, a student shall not, regardless of the quantity;
 - A. Use or consume, have in possession a beverage containing alcohol;
 - B. Use or consumer, have in possession tobacco; or,
 - C. Use or consume, have in possession, buy, sell or give away any other controlled or drug paraphernalia.
 - D. Use or consume, have in possession, buy sell or give away products containing or products used to deliver nicotine, tobacco products and other chemicals.

“ Tobacco products” means: any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part or accessory of a tobacco product.
 - E. Use or consume, have in possession, buy sell or give away any substance or product where the intent of such use of the substance or product is to induce intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor. Such substances or products shall include, but are not limited to synthetic drugs, gasoline, glue, aerosol, devices, bath salts, and any substances addressed by Minnesota or Federal Law.

2. Penalties for Category I Activities

Definition – Category I Activities: Those League-sponsored activities in which a member school has a schedule of interscholastic contests, exclusive of League sponsored tournaments

- Athletic Activities
- Fine Arts Activities
 - Debate
 - Speech Activities including One Act Play- when a school schedules a season of interscholastic contests.

A. First Violation Penalty

The student shall lose eligibility for the next two consecutive interscholastic contests or two weeks, 14 calendar days, whichever is greater, of a season in which the student is a participant in. The student is required to meet with a school chemical support professional before they are allowed to participate in a contest.

B. Second Violation Penalty

The student shall lose eligibility for the next six consecutive interscholastic contests or three weeks, 21 calendar days, whichever is greater, in which the student is a participant. The student and parent/guardian is required to meet with a school chemical support professional before they are allowed to participate in a contest.

C. Third or Subsequent Violation Penalty

1. The student shall lose eligibility for the next 12 consecutive interscholastic contests or four weeks, 28 calendar days, whichever is greater, in which the student is a participant
2. A student who chooses to become a participant in a treatment program may become eligible for participation after a minimum period of six weeks after entering treatment if all the following conditions are met:
 - a. The student is assessed as chemically dependent,
 - b. Enters treatment voluntarily, and
 - c. The director of the treatment center certifies that the student has successfully completed the treatment program.
 - d. The treatment option cannot be used for the first or second violation.

Successful completion of a chemical dependency treatment program will satisfy only the most recent violation. Any other violations for which the penalty has not been satisfied must still be served.

D. Applying the Penalty

1. Penalties shall be applied 7-12 with the student's first violation and continuing through the student's high school career. Penalties shall be served consecutively.
2. Violation Confirmation Definition: The violation shall be confirmed when the administrator responsible for the athletics/activities program has informed the student that the student has violated a bylaw and is now under the penalty. The notification shall be verbal and in writing.
3. Counting Weeks:
 - a. The weeks shall begin on the date that the violations is confirmed by the school administrator and extend for the required number of calendar days
 - b. For this bylaw, a week is seven calendar days. The week starts the date the violation is confirmed and the student/student's parents or guardians are notified.
 - c. The student must participate in and complete the entire season in which the penalty has been applied for the penalty to count. As examples: a student cannot begin participation in a program at the start of the season, serve the penalty and then quit after the suspension has been served; nor can a student join a program after the season has begun, and serve the penalty.
4. A student who is under penalty for violation of a League bylaw may not join a second sport in the same season to fulfill a penalty.
5. Practices, jamborees, inter-school scrimmages and previews are not interscholastic contests and may not be counted, however, the student is eligible to participate.
6. A student who participates in both Category I, Category II and Category III activities shall serve the penalty prescribed for that violation in both Category I and II activities in which the student participates.
7. Denial disqualification: A student shall be disqualified from all inter-scholastic athletics for nine additional weeks beyond the student's original period of ineligibility when the student denies violation of the rule, is allowed to participate and then is subsequently found guilty of the violation.

8. Student Athlete serving their penalty is not eligible to be a captain during the season they serve their penalty.
9. Student Athlete serving their penalty is not eligible to be all Big 9 during the season they serve their penalty.

3. Penalties for Category II and Category III

Definition – Category II Activities: Those League sponsored activities in which a member school does not have a schedule of interscholastic contests, exclusive of League sponsored tournaments

Fine Arts Activities

- 1) Speech activities including One Act Play when a school schedules no interscholastic contests and participants in only the League -sponsored tournament series.
- 2) Music Activities
- 3) Visual Arts Activities.

Definition – Category III Activities: Those clubs or activities that are non MSHSL league sponsored.

- 1) First Violation – After confirmation of the first violation, the student shall lose eligibility for the next event of a season for which the student is a participant.
- 2) Second Violation – After confirmation of the second violation, the student shall lose eligibility for the next three consecutive events of a season in which a student is a participant.
- 3) Third and Subsequent Violations – After confirmation of the third violation, the student shall lose the right of participation for the next six events.

Process for appealing a chemical violation:

If a student athlete would like to appeal their actual chemical violation, they should use the Fair Hearing Procedure, #1-2, on Page 50-51 of the 2016-17 MSHSL Official Handbook. (Attachment below)

Process for appealing the application of the chemical violation penalty:

If a student athlete would like to appeal the penalty for the violation they would need to request a local hearing.

The Local Hearing steps are as follows:

- a. Student athlete/parent or guardian can request a local hearing within 10 days of the violation
- b. The local hearing committee would consist of a designated school board member, an Austin High School Administrator (other than the Activities Director) and 2 faculty representatives

- c. Once the hearing is requested, the district will have 3 business days to respond with a date and time for the hearing

The Local Hearing Process is as follows:

- d. The Activities Director would outline to the hearing committee the steps the district takes to notify student athletes/parents/guardians of the chemical policies of the district, as well as outline the violations of the student athlete as well as any other relevant information.
- e. The student athlete/parent/guardian would have the opportunity to share why they feel the policy should be adjusted for the current situation.
- f. The local hearing committee would let the student athlete/parent/guardian know their decision, in writing, within 3 business days of the hearing.