

INITIALS

- _____ The Hope College Department of Kinesiology recognizes the use of alcohol and illegal drugs as significant problems on college campuses and wishes to proactively address this issue through this policy;
- _____ This drug and alcohol policy has been designed to assist student-athletes in making healthy, safety decisions;
- _____ Each spring the kinesiology department revisits this policy at an April meeting, and I have the opportunity to attend this meeting if I advise my coaches of my desire to do so;
- _____ If I am found in the presence of alcohol on-campus but have not been consuming, I must inform a college official at the scene and report to Campus Safety within 30 minutes for a breath test;
- _____ Alcohol consumption in-season is always a violation of this policy regardless of my age, while alcohol consumption in the off-season is permitted only if I am 21 or older. In addition, the use of tobacco is prohibited in season and strongly discouraged out of season. Illegal drugs and NCAA-banned substances are prohibited at all times;
- _____ If found in violation of this policy, I must meet with my coach and athletic director to describe the violations and review the consequences;
- _____ The first in-season violation makes me ineligible for one week of competition or two consecutive dates of competition, whichever is less. This is the minimum consequence;
- _____ The second violation results in ineligibility from all intercollegiate competition for one-third of a playing season and this percentage is calculated in the season(s) the penalty occurred. This is the minimum consequence;
- _____ The third violation means I am ineligible indefinitely but may petition for eligibility after one calendar year with four letters of recommendation as described above;
- _____ If I am serving a violation for this policy I may not travel with the team to competition because I am ineligible; and,
- _____ If I participate in split seasons (traditional and non-traditional), this policy is in effect for both.

SIGNATURE: _____ SPORT: _____ DATE: _____

Michigan State Laws and Regulations

Drug Free Schools and Communities Act of 1989

The following information identifies resources for assistance with alcohol and drugs as well as the legal definitions and possible outcomes.

College Actions

Hope College policies clearly prohibit the illegal use of alcohol and drugs. The college will impose sanctions on students or employees ranging from warning up to and including expulsion or referral for prosecution for violations of college standards of conduct. See page 52 for information pertaining to the student behavior policies. Information concerning the Hope College Drug Free Workplace Policy can be found at http://www.hope.edu/admin/hr/employment/handbooks/admin_drugfree.pdf

Good Faith

The college, in adopting and implementing this policy pursuant to the Drug Free Schools and Communities Act,

further certifies that it will make a good faith effort to continue to maintain a safe, drug-free community and to respect the privacy of its students and employees. The Hope College Drug Free Workplace Policy can be found at http://www.hope.edu/admin/hr/employment/handbooks/admin_drugfree.pdf

College and Community Assistance

The unlawful possession, use, or distribution of drugs or alcoholic beverages on college property, in college housing units, or as any part of College activities is prohibited. Hope College counseling services provide substance abuse counseling for students and referrals for longer term treatment. The Counseling Center has an affiliation with the following agencies which may provide treatment:

- Careunit Program (243-2273)
- Chemical Dependency Clinic of North Ottawa Community Hospital (842-9140)
- Child and Family Services of Michigan (396-2301).
- Mercy Glen Family Recovery Center (392-9833)
- Pine Rest Counseling and Consultation Services (392-1853)
- Ottagan Addictions Rehabilitation, Inc. (396-5284)

Also available are a variety of college programs including Adult Children of Alcoholics and residence hall programs.

Legal Responsibilities

Legal statutes under local, state, and federal law provide sanctions as recourse against illicit drugs and alcohol. In addition to the following excerpts, it is important that the student be aware of the potential for legal responsibility when furnishing alcoholic beverages to other persons. If the individual to whom the beverage was furnished subsequently has an accident attributable to the beverage, then the furnisher may be found legally liable. The summary provided by the College does not intend to itemize all of the offenses that are otherwise applicable to the conduct of a student while enrolled at Hope College. A copy of the Ordinance Code of the City of Holland is available for inspection at the City Clerks Office, City Hall, Holland, MI. Relevant legal policy may include the following:

Holland City Code

Section 20-2 *Disorderly persons*—Prohibited.

No person shall be a disorderly person in the city.

Section 20-3(1) *Disorderly intoxication*. Be intoxicated or under the influence of any substance regulated by the state Controlled Substance Act of 1971, as amended, in any public street, park or place, and who is endangering directly the safety of another person or of property, or is acting in a manner which causes a public disturbance.

Section 20-3(12) *Disturbing peace*.

(a) Commit any act which is of a nature to corrupt public morals, outrage the sense of public decency or affect the peace and quiet of persons who may witness them.

(b) Disturb the public peace and quiet by loud, boisterous or vulgar conduct.

(c) Disturb or interfere with, by noisy or boisterous conduct, the quiet or good order of any public or private place of assembly, school, church, library.

(d) Disturb the public peace and quiet by permitting, suffering, or neglecting to prevent any place occupied or controlled by him to be a resort or place of loud noise, or loud, boisterous or vulgar persons.

(e) Disturb the public peace and quiet, except as provided in section 19-6, by playing, using, operating, or permitting to be played, used or operated, any radio, “boom box,” receiving set, stereo, musical instrument, or other electronic sound device inside or outside of a building or structure or in a parked or moving motor vehicle. The operation of any device described herein in a manner which is plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle shall be prima facie evidence of violation of this section.

Section 20-3(25) *Possession or consumption of alcoholic liquor in a public place.* Possess or consume any alcoholic liquor in any public park, public place of amusement, or publicly owned area that is owned or administered, or both, by the City of Holland or the School District of the City of Holland, except as allowed under Section 22-10.

Section 20-7. *Minor in possession.* Minors alcoholic beverages purchase, transportation or consumption by, sales to, etc., violations and penalties.

(a) A person less than twenty-one (21) years of age (“minor”) shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is guilty of a misdemeanor punishable by the following fines and sanctions and is not subject to the penalties prescribed in MCL 436.1909....

(b) A person who furnishes fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(c) No person shall offer to buy or obtain, sell, offer or give any beer, wine or other alcoholic liquor to or obtain the same for any person under the age of twenty– one party shall be prima facie [first glance] evidence that the adults having control of the premises failed to take reasonable steps to prevent such possession or consumption.

(d) Any person who violates the provisions of subsection (a) of this section, except when in a motor vehicle, shall be responsible for a civil infraction, subject to the fines for first, second and third offenses as provided in Michigan Statutes Annotated, section 18.1004(2), and the court may direct a person to participate in a substance abuse prevention service as defined in Michigan Statutes Annotated, section 14.15(6107) and designated by the administrator of the substance abuse services for a second or subsequent offense. A person who violates subsections (b) or violates subsection (a) in a motor vehicle shall be guilty of a misdemeanor, subject to the penalties set forth in section 1–10. (Ord. No. 835; Ord. No. 887.)

Sec. 20–13. *Controlled substances possession.*

(a) Except as authorized by article 7 of the Public Health Code of the State of Michigan, Act 368 of the Public Acts of 1978, as amended, a person shall not knowingly or intentionally possess a controlled substance unless the controlled substance was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioners professional practice.

(b) Except as authorized by article 7 of the Public Health Code of the State of Michigan, Act 368 of the Public Acts of 1978, as amended, a person shall not use a controlled substance unless the controlled substance was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioners professional practice. Controlled substance means a drug, substance or immediate precursor listed in schedules 1 to 5 of part 72, article 7 of the Public Health Code of the State of Michigan, Act 368 of the Public Acts of 1978, as amended, being MCLA 333.7101, MSA 14–15(7101) et seq. (Ord. No. 802)

750.411t. added hazing prohibited; violation; penalty; exceptions; certain defenses barred; definitions; section title.

Sec. 411t. (1) Except as provided in subsection (4), a person who attends, is employed by, or is a volunteer of an educational institution shall not engage in or participate in the hazing of an individual.

(2) A person who violates subsection (1) is guilty of a crime punishable as follows:

(a) If the violation results in physical injury, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00 or both.

(b) If the violation results in serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$2,500.00 or both.

- (c) If the violation results in death, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.
- (3) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct.
- (4) This section does not apply to an individual who is the subject of the hazing, regardless of whether the individual voluntarily allowed himself or herself to be hazed.
- (5) This section does not apply to an activity that is normal and customary in an athletic, physical education, military training, or similar program sanctioned by the educational institution.
- (6) It is not a defense to a prosecution for a crime under this section that the individual against whom the hazing was directed consented to or acquiesced in the hazing.
- (7) As used in this section:
 - (a) "Educational institution" means a public or private school that is a middle school, junior high school, vocational school, college, or university located in this state.
 - (b) "Hazing" means an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization. Subject to subsection (5), hazing includes any of the following that is done for such a purpose:
 - (i) Physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
 - (ii) Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual.
 - (iii) Activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual.
 - (iv) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.
 - (c) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, athletic team, or similar group whose members are primarily students at an educational institution.
 - (d) "Pledge" means an individual who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in any organization.
 - (e) "Pledging" means any action or activity related to becoming a member of an organization.
 - (f) "Serious impairment of a body function" means that term as defined in section 479a.

State of Michigan Legal Excerpts

State Liquor Control Act 436.33.33a(1) and 33b(1), amended by Public Act 531, 1978. Sect. 1: Section 33 Alcoholic liquor shall not be sold to a person unless the person has attained 21 years of age.

Sec. 33a(1). A person less section 33a(1) of this act. A person less than 21 years of age who violates this subsection is liable for the following civil fines and shall not be subject to the penalties prescribed in section 50. State Penal Code 750.141a. Any person, who willfully gives or furnishes any alcoholic beverages to a minor except upon authority of and pursuant to a prescription of a duly licensed physician, shall be guilty of a misdemeanor.

State Liquor Control Act 436.2. Sale shall include exchange, barter or traffic, furnishing or giving away of any alcoholic liquor. In case of a sale in which a shipment or delivery of any alcoholic liquor is made by a common or

other carrier, the sale thereof shall be deemed to be made in the county wherein the delivery thereof is made by such carrier to the consignee, his agent or employee, and the prosecution of such sale may be had in the county or city where the seller resides, or from which the shipment is made or at the place of delivery. (The giving away of alcoholic beverages to another is interpreted as sale and as such is prohibited by law.)

State Liquor Control Act 436.44. Any person engaged in the business of selling or keeping for sale alcoholic liquor in violation of the provision of this act, whether as owner, clerk, agent servant or employee, shall be equally liable, as principal, both civilly and criminally, for the violation of the provision of this act, or any person or principal shall be liable, both civilly and criminally, for the acts of his clerk, servant, agent, or employee, for the violation of the provision of this act.

M.C.L.A. & 436.33B

Sec. 33b(1) A person less than 21 years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, except as provided in this section and section 33a(1). Notwithstanding section 50, a person less than 21 years of age who violates this subsection is guilty of a misdemeanor punishable by the following fines and sanctions, and is not subject to the penalties prescribed in section 50:

- (a) For the first violation a fine of not more than \$100.00 and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (4).
- (b) For a second violation a fine of not more than \$200.00, and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code.

Act No. 368 of the Public Acts of 1978, being section 333.6107 of the Michigan Compiled Laws, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (4). The person is also subject to sanctions against his or her operator's or chauffeur's license imposed in subsection (5).

- (c) For a third or subsequent violation a fine of not more than \$500.00, and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in section 6107 of Act No. 368 of the Public Acts of 1978, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (4). The person is also subject to sanctions against his or her operator's or chauffeur's license imposed in subsection (5).

(2) Fifty percent of the fines collected under subsection (1) shall be deposited with the state treasurer for deposit in the general fund to the credit of the department of public health for substance abuse prevention, treatment, and rehabilitation services.

(3) A person who furnishes fraudulent identification to a person less than 21 years of age, or notwithstanding subsection (1) a person less than 21 years of age who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor. The court shall order the secretary of state to suspend, pursuant to section 319(5) of Act No. 300 of the Public Acts of 1949, being section 257.319 of the Michigan Compiled Laws, for a period of 90 days, the operator or chauffeur license of a person who is convicted of furnishing or using fraudulent identification in violation of this subsection and the operator or chauffeur license of that person shall be surrendered to the court. The court shall immediately forward the surrendered license and an abstract of conviction to the secretary of state. A suspension ordered under this subsection shall be in addition to any other suspension of the person's operator or chauffeur license.

(4) The court may order the person found violating subsection (1) to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in section 6103 of Act No.

368 of the Public Acts of 1978, being section 333.6103 of the Michigan Compiled Laws, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

(5) Immediately upon the entry of a conviction or a probate court disposition for a violation of subsection (1), the court shall consider all prior convictions or probate court dispositions of subsection (1), or a local ordinance or law of another state substantially corresponding to subsection (1), and shall impose the following sanctions:

- (a) If the court finds that the person has 1 such prior conviction or probate court disposition, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 90 days or more than 180 days. The court may order the secretary of state to issue to the person a restricted license after the first 30 days of the period of suspension in the manner described in subsection (6) and provided for in section 319 of Act No. 300 of the Public Acts of 1949, being section 257.319 of the Michigan Compiled Laws. In the case of a person who does not possess an operator's or chauffeur's license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.
- (b) If the court finds that the person has 2 or more such prior convictions or probate court dispositions, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than 180 days or more than 1 year. The court may order the secretary of state to issue to the person a restricted license after the first 60 days of the period of suspension in the manner described in subsection (6) and provided for in section 319 of Act No. 300 of the Public Acts of 1949, being section 257.319 of the Michigan Compiled Laws.

In the case of a person who does not possess an operator's or chauffeur's license, the secretary of state shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(6) In those cases in which a restricted license is allowed under this section, the court shall not order the secretary of state to issue a restricted license unless the person states under oath, and the court finds based upon the record in open court, that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education treatment, probation department, court-ordered community service program, or educational institution, and does not have any family members or others able to provide transportation. The court order under subsection (5) and the restricted license shall indicate the work location of the person to whom it is issued, the approved route or routes and permitted times of travel, and shall permit the person to whom it is issued only to do 1 or more of the following:

- (a) Drive to and from the person's residence and work location.
- (b) Drive in the course of the person's employment or occupation.
- (c) Drive to and from the person's residence and an alcohol or drug education or treatment program as ordered by the court.
- (d) Drive to and from the person's residence and the court probation department, or a court-ordered community service program, or both.
- (e) Drive to and from the person's residence and an educational institution at which the person is enrolled as a student.

(7) If license sanctions are imposed, immediately upon the entry of a court-ordered sanction pursuant to subsection (5), the court shall order the person convicted for the violation to surrender to the court his or her operator's or chauffeur's license. The court shall immediately forward a notice of court-ordered license sanctions to the secretary of state. If the license is not forwarded to the secretary of state, an explanation of the reason why the license is absent shall be attached. If the finding is reviewed by the circuit court, the court may, ex parte, order the secretary of state to rescind the suspension or restricted license issued pursuant to this section. Immediately following imposition of the sanction, the court shall forward a notice to the secretary of state indicating the sanction imposed.

(8) A peace officer who has reasonable cause to believe a person less than 21 years of age has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis. A legal presumption shall be made by the court that the person less than 21 years of age has consumed or possessed alcoholic liquor if a preliminary chemical breath analysis or other acceptable blood alcohol test indicates the person's blood contained .02%, or more by weight of alcohol. A person less than 21 years of age who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for state civil infraction.

(9) A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated pursuant to Act No. 293 of the Public Acts of 1968, being sections 772.1 to 772.6 of the Michigan Compiled Laws, allegedly consumed, possessed, purchased, or attempted to consume, possess, or purchase alcoholic liquor in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated subsection (1) is less than 18 years of age and not emancipated pursuant to Act No. 293 of the Public Acts of 1968. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If a person less than 17 years of age is incarcerated for violating subsection (1), then his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(10) This section does not prohibit a person less than 21 years of age from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(11) This section shall not be construed to limit or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of this act.

(12) The consumption of alcoholic liquor by a person less than 21 years of age who is enrolled in a course offered by an accredited post secondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a necessary ingredient of the course.

(13) The consumption by a person less than 21 years of age of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(14) Subsection (1) does not apply to a person less than 21 years of age who participates in either or both of the following:

- (a) An undercover operation in which the person less than 21 years of age purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
- (b) An undercover operation in which the person less than 21 years of age purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action except that any initial or contemporaneous purchase or receipt of alcoholic liquor by the person less than 21 years of age is under the direction of the state police, the commission, or the local police agency and is part of the undercover operation. The state police, the commission, or a local police agency shall not recruit or attempt to recruit a person less than 21 years of age for participation in an undercover operation at the scene of a violation of subsection (1), section 22(3) or section 33(1).

(15) As used in this section:

- (a) "Probate court disposition" means a probate court order of disposition for a child found to be within the

