

As grounds for this opposition, the Defendant states as follows:

Facts

The following facts form the core of this matter and are not disputed.

1. The Plaintiff is a student at North Andover High School and plays on (and is a captain of) the school's volleyball team. Plaintiff is under 21 years of age. See Complaint, ¶ 3.

2. North Andover High School's Code of Conduct for Athletic Participation provides that students must not be "knowingly in the unlawful presence of" alcohol "whether or not they are on school property or at a school function." The school also has a longstanding athletic rule on "Chemical Health" that provides (in relevant part) that:

From the earliest fall practice date, to the conclusion of the academic year or final athletic event (whichever is latest), a student shall not, regardless of the quantity, use, consume, possess, buy/sell, or give away any beverage containing alcohol....

3. This same rule provides that a first violation of this rule is determined by the principal, following an opportunity for the student to be heard. Under this rule the penalty for a first violation is for the student to "lose eligibility for the next consecutive interscholastic contests totaling 40% of all interscholastic contests in that sport", although a student can