

Bowling Green State University Student Athlete Drug Testing Policy

October 2006

The abuse of drugs and alcohol is currently a serious problem in our nation. Drugs and alcohol have a negative and sometimes deadly effect on those who abuse them. This abuse is disruptive to individual lives and to our entire society. The Department of Intercollegiate Athletics at Bowling Green State University firmly believes that the use of drugs and alcohol can have a negative effect on the performance of the student-athlete, both in the classroom and in sport. The potential for drug abuse threatens the viability of collegiate athletics, the public's confidence in athletic departments and the academic reputation of colleges and universities. Increased drug and alcohol education and counseling, although critical, are not sufficient by themselves. Drug testing is necessary both to deter drug use and to detect use that does occur, so that drug abusers, and the threat of injury they represent to themselves and to others, may be removed from the athletics department. A principal motivation for drug testing, aside from a concern from the health of student-athletes, is that drug abusers are not fit physically or mentally for the rigors of intercollegiate sports and, therefore, pose a risk of serious injury to themselves and others in the course of practice and competition. Moreover, drug abuse undermines the integrity of the University's sports programs.

Students who choose to become involved in intercollegiate athletics at Bowling Green State University are also subject to NCAA regulations, which currently require that athletes submit to random drug testing. Accordingly, students who become involved in intercollegiate athletics at Bowling Green State University will be requested to consent to and participate in the University's Drug Testing Program.

Student-athletes, who recognize a problem with drug and/or alcohol use, are encouraged to seek confidential help at the Student Health Services and/or Counseling Center before violations of this policy occur. In the event of an admission of drug use/abuse a proper counseling/rehabilitation program will be designed on a case-by-case basis.

Individuals charged with the illegal possession and/or illegal distribution of drugs/alcohol through any means (transfer/sale) will be subject to immediate dismissal from all athletic teams and cancellation of all athletic aid as permitted by the NCAA Bylaws and Constitution. These individuals will also be referred to the Office of Student Life for disciplinary action.

A. DRUG EDUCATION

All student-athletes will be required to attend the athletic department's drug/alcohol awareness/education seminars. Attendance is mandatory. Failure to attend can result in disciplinary and/or financial aid sanctions and other penalties at the discretion of the athletics director and/or head coach. Additionally, student-athletes may find it useful to attend other university-sponsored drug/alcohol awareness programming and are encouraged to so.

B. DRUG TESTING PROGRAM

Although educational efforts will continue to be the major thrust of addressing drug and alcohol abuse by student-athletes, a clearly defined program of testing student-athletes is considered a reasonable, responsive and necessary element of the total program to deter and detect such use. Implementation and ongoing administration of the program shall be conducted in

such a manner as to ensure that the Drug Testing Program will reasonably address the following specific goals of the Program:

1. Serve as a deterrent to drug and alcohol use/abuse by student-athletes
2. Identify student-athletes who are drug or alcohol users/abusers who may need to be removed from athletic participation or competition, and to avoid risk of serious injury to themselves and others
3. Promote drug and alcohol use/abuse education and the availability of treatment or counseling for the student-athlete who needs and/or desires assistance.

Bowling Green State University has established a Drug Testing Program, with informed student-athlete consent. The Drug Testing Program is voluntary, but each student-athlete is encouraged to participate in the program. For purposes of this program, "student-athletes" shall include all students participating or intending to participate in intercollegiate athletics, as well as all students serving as cheerleaders, athletic trainers, coaches, managers, etc. in connection with the conduction of intercollegiate athletics. The program is designed to offer positive assistance to student-athletes in dealing with the issues raised with substance use and abuse, by utilizing the following testing approaches:

Bowling Green State University's Drug Testing Program shall include voluntary testing on a random basis and selective testing based on "reasonable suspicion" that a student-athlete is involved in drug or alcohol use/abuse. Whenever there is "reasonable suspicion" to believe that a student-athlete is using drugs or alcohol, the student-athlete shall be tested. Random testing shall be used to detect and deter the use of drugs of abuse, including performance-enhancing drugs that undermine the integrity of athletic competition, and whose use/abuse can reasonably be anticipated to affect performance, health or safety in athletic competition.

"Reasonable suspicion" to believe a student-athlete is using drugs or alcohol shall be based upon the existence of one or more criteria warranting testing to confirm or abate the suspicion. Typical criteria would include, but are not limited to, alcohol on breath, slurred or confused speech, unsteady balance or coordination, information received from a reliable informant, unusual weight gain or loss, unusual redness of eyes, inability to focus attention, etc. A head coach, athletic trainer or other Athletics Department personnel may direct a written request to the athletics director to initiate a test based upon "reasonable suspicion." When a student has given consent and refuses to cooperate with voluntary random testing, such refusal shall be considered a sufficient basis to immediately suspend the student from participation in intercollegiate athletics for one (1) calendar year from the date of refusal. Additionally, his/her scholarship will be suspended effective with the end of the then current academic term, or as soon thereafter as permitted under NCAA regulations.

C. DRUGS OF ABUSE

The use or abuse of the following, generally regarded common drugs of abuse, by student-athletes competing or participating in intercollegiate athletics constitutes a violation of team and Athletic Department rules. Screening for these drugs, as well as those on the National Collegiate Athletic Association (NCAA) and/or United States Olympic Committee (USOC) lists is within the Bowling Green State University Drug Testing Program.

- Alcohol
 - Amphetamine (phenethylamine) group: Amphetamine, Methamphetamine, Ritalin, Adderal
 - Barbiturate group: Phenobarbital, Secobarb, etc.
 - Cannabinoids: THC, Marijuana
 - Cocaine metabolite
 - Doping - Any substance that, because of its nature, dosage or application is able to boost the athlete's performance in an artificial or unfair manner
 - Methaqualone: Quaalude
 - Opiate group: Morphine, Codeine, etc.
 - Phencyclidine: PCP
 - Propoxyphene: Darvon
 - Anabolic Steroids
 - Ephedrine
 - Growth hormone
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 - In accordance with this policy the abuse and/or dependence upon legally permitted substances such as alcohol, tobacco, prescription drugs, etc. is also prohibited. It is the student-athlete's responsibility to consult the list of NCAA banned drugs whenever they have a question about a possible banned substance. For interpretation or elaboration, the student-athlete should consult a member of the athletics training staff. This includes buying any over-the-counter non-prescription medications and any supplement use
- D. IMPLEMENTATION OF THE DRUG TESTING PROGRAM

All student-athletes participating in intercollegiate athletics, at Bowling Green State University are requested to consent to participation in the Drug Testing Program. No student shall be coerced or otherwise pressured by any representative of the University's athletics interests to participate in voluntary drug testing. Students who choose not to participate in voluntary drug testing shall not, on the basis of such choice, be denied the benefits of participating in intercollegiate athletics, nor shall their status be altered or other punitive action taken against them. The foregoing provision pertains only to random testing and shall not apply in situations involving "Reasonable Suspicion" of drug use in violation of this policy. The University retains the right to test any student-athlete based upon reasonable suspicion of drug use even if consent to the Drug Testing Program has not been given. Student-athletes will be required to consent to and participate in the NCAA drug testing program or forfeit their eligibility.

All such students shall be provided with a copy of this Policy and the Drug Testing Protocol; and shall, prior to participation or competition, confirm in writing that he/she has received, read and understands its provisions. A copy of this Policy shall also be provided or made available to the parent(s) or legal guardians(s) of all such students, as well as prospective student-athletes and their parent(s) or legal guardian(s) during student-athlete visit(s) in the recruitment process. This policy will also be available for review on the BGSU Athletic Department web site at www.bgsufalcons.cstv.com/school-bio/bgu-athletic-training-forms.html and on MyBGSU under the Student-Athlete Community document section. It is the intent of this requirement that there be full disclosure of all facts surrounding the testing program prior to participation or competition; and, in the case of athletic recruits, early in the recruitment process and before any recruit makes a decision upon any offer from the University.

Prior to participation or competition, each such student [and student's parent(s) or legal guardian(s) if the student is a minor] shall be provided with a Consent and Authorization Form which should be properly signed and filed with the office of the Athletics director. At a minimum, the form shall provide the following:

1. Acknowledgment that the student has been provided a copy, has read, and understands the Drug Testing Program, and agrees to be bound by its provisions;
2. Specific consent to the manner of collection and testing of urine samples or other testing procedure;
3. Specific authorization to release information from the student's education and medical records in the manner provided by the Drug Testing Program and pursuant to the provisions of Family Educational Rights and Privacy Act of 1974 (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA); and, acknowledgment that information from the Testing Program may be accessible to third parties to the extent required or authorized by state or federal law; and
4. Release of liability to the University, its Board of Trustees, officers, employees, agents and representatives, in connection with the implementation and administration of the Drug Testing Program.

Students who do not wish to sign the Consent and Authorization Form may refuse to do so; however, as noted above, the University retains the right to test any student-athlete based upon reasonable suspicion of drug use. Consent forms and all other student records pertaining to the Policy qualify as "Educational Records" under The Family Educational Rights and Privacy Act of 1974, and shall not be released except as provided by law. The President of the University or his or her designee shall indicate those school officials who have legitimate interests in personally identifiable information from such records. It is the responsibility of all student-athletes to provide and maintain current and accurate medical information to team and/or university physicians and athletic training staff (i.e., use of prescription drugs, supplements, asthma inhalers, etc.)

E. BOWLING GREEN STATE UNIVERSITY TESTING PROTOCOL

1. All student-athletes participating in intercollegiate athletics may be tested at random intervals throughout the academic year and/or when there is "reasonable suspicion" to believe that an individual student is using/abusing drugs or alcohol in violation of University policy. These random tests will not be announced in advance. The schedule for the tests will be developed by the University's Department of Intercollegiate Athletics.
2. Once selected for mass random testing, individuals will be informed either verbally or in writing when and where to report for the test. The length of notification will vary depending on the circumstances of the test and will be determined by the Athletics director and/or head athletic trainer. All students participating in the Drug Testing Program will be asked to confirm as accurate the Drug Test Master Sheet, pairing their name with their P00 number to be used on the sample as an identification number to protect identity. These identification numbers will be used to label urine bottles and Lab Request Forms. This master identification sheet will be kept and maintained by the head athletic trainer. Although drug testing will generally be performed through

analysis of urine samples, the University reserves the right to use other appropriate methods including, but not limited to breathalyzer tests. For purposes of determining a positive test, in the event a breathalyzer is used, current State of Ohio law for determining intoxication shall be utilized.

3. Students to be tested will be asked to report to the University campus to provide urine samples under direct supervision of the athletic training staff or other professionals designated by the Athletics director. All students will be supervised and directly observed throughout the urine collection process to ensure against dilution, switching of samples, or other tampering.

Direct observation means that the specimen collection will be directly or indirectly witnessed by the Drug Test Administrator (or designee) in the following manner to insure integrity of the sample (provided, however, that at all times reasonable additional or alternative steps may be necessary to maintain the integrity of the urine specimen and may be implemented)

- a. The student-athlete will immediately enter a closed bathroom stall to provide the urine sample. The stall shall have been previously examined by the Drug Test Administrator (or designee) to ensure the integrity of the process.
- b. In the presence of the Drug Test Administrator (or designee), the student-athlete will produce a urine sample.
- c. In the event of a test of reasonable suspicion the lab technician at the designated testing facility will conduct the collection of the specimen to assure integrity of the sample.

The Drug Testing Administrator (or designee) may, upon request from the student-athlete, modify the collection process provided, however, additional or alternative steps do not result in loss of integrity of the urine sample.

The student-athlete's request to modify the collection process, as described above, shall not be unreasonably denied. However, if the Drug Testing Administrator (or designee) determines that there are reasonable grounds to believe that a student-athlete intends to adulterate, dilute, or otherwise tamper with his/her specimen, the Drug Testing Administrator (designee) may require the student-athlete to be directly witnessed during the specimen collection and refuse any alteration of the collection process.

4. All samples shall remain under the full control of the athletic training staff or designee until processed for transportation to the laboratory or released to the laboratory for testing. Results shall be delivered to the head athletic trainer. A chain of custody shall be documented and maintained by the Athletics director or designee.
5. The Master List shall be kept by the head athletic trainer and will be used to identify student-athletes' positive test results. The list and results shall be maintained confidentially to the extent permitted by law and released only as required by law. The Athletics director (or designee) will contact student-athletes with positive test results and proceed pursuant to this Policy.

F. GUIDELINES FOR DEALING WITH POSITIVE TESTS

The following guidelines will be used in dealing with a positive test result (for student-athletes who sign the Consent and Authorization Form or, for student-athletes who subsequently consent and cooperate with testing when confronted with reasonable suspicion of drug use). However, nothing herein shall limit or affect any coach's authority to administer reasonable and appropriate discipline or sanctions for violation of team rules. All samples will be tested by the reference lab utilized by an accredited laboratory. In the case of a positive drug test, the student-athlete is referred to the Student Discipline Program where an investigation will take place regarding the possibility of a violation of the BGSU Student Code of Conduct (Section 61 which prohibits the use, possession, or distribution of illegal substances).

- 1. Positive Test Number One:** The head athletic trainer will be informed of any positive test result. At this time the Athletics director, Team Physician, and head coach will be informed of the positive test result. In the event of a positive test, the student-athlete will be suspended for at least 10% of regular season contests effective immediately. If no further competitions remain that year, sanctions will apply to post-season play and/or the following season. In the case of a student-athlete receiving athletics grant-in-aid, his/her scholarship may be reduced or removed upon the recommendation of the head coach, team physician, head athletic trainer, and/or the athletic director/designee. The athletics director or designee will notify the student and the Head Coach of the student's sport, of the positive results. The athletics director/designee will also notify the parent(s) or legal guardian(s) of the student-athlete, of the positive results. At this time, the student will be reminded of the consequences of future positive tests, and will be informed that he/she may be tested on a regular basis. The Athletics director (or designee) will require the student-athlete to participate in counseling or other procedures as deemed warranted, on a case-by-case basis. Refusal or failure to comply with the directions of the team physician, head athletic trainer or the Athletics director shall be deemed a Second Positive Test.
- 2. Positive Test Number Two:** The student will be requested to participate in further consultation with the Athletics director. The Athletics director or designee will notify the parent(s) or legal guardian(s) of the student-athlete and the Head Coach of the student's sport of the positive results. The student will be notified that mandatory random testing will be initiated. The Athletics director or designee will require the student to participate in counseling or other treatment procedures as may be deemed warranted, on a case-by-case basis. The student-athlete will be suspended for at least 50% of regular season contests effective immediately. If no further competitions remain that year, sanctions will apply to post-season play and or the following season (corrected October 2006). In the case of a student-athlete receiving athletics grant-in-aid, his/her scholarship may be reduced or removed upon the recommendation of the head coach, team physician, head athletic trainer, and/or the athletic director/designee. Refusal or failure to comply with prescribed counseling, treatment or other rehabilitation programs shall be deemed a Third Positive Test. The student-athlete will be made aware that a Third Positive Test will result in suspension from the team, and, in the case of student-athletes receiving grants-in-aid, loss of financial aid.
- 3. Positive Test Number Three:** The student will be suspended immediately from any participation in intercollegiate athletics for a period of one (1) calendar year from the

date of the test, and, in the case of a student-athlete receiving grants-in-aid, his/her scholarship will be suspended effective with the end of the then current academic term, or as soon thereafter as permitted under NCAA regulations. Depending upon eligibility status, the suspension may preclude any further participation in intercollegiate athletics. Counseling and a rehabilitation program will be recommended in consultation with the team physician and Athletics director. The Athletics director will notify the Head Coach, and parent(s) of the student.

4. **Rehabilitation Program:** The cost of an individual independent drug/alcohol rehabilitation program will not be covered by the University, but shall be the responsibility of the student.

5. **Appeals:** If a student believes that he/she has been treated unfairly in terms of their withdrawal of athletic grant-in-aid, he/she retains the right to appeal his/her loss of aid to the Student Financial Aid Office through the established procedures as required by the NCAA. However, the student's right to challenge the accuracy of a positive urinalysis test or any other procedural matters arising out of the Drug Testing Program shall be through appeal to the Intercollegiate Athletics Committee and the Subcommittee for Student-Athlete Welfare and Appeals (the "Subcommittee"). Length of suspension may not serve as a basis for appeal. Such appeal should be in writing and directed to:

Chair, Intercollegiate Athletics Committee
Department of Athletics
Bowling Green State University
Bowling Green, Ohio 43403

The written appeal shall include the student's reasons or basis of the appeal, in detail, and shall be submitted by the student within five (5) class days from the date of the receipt of written notice informing the student of his or her loss of grant-in-aid and/or suspension from participation in intercollegiate athletics with this Policy.

Upon receiving the student's written notice of appeal challenging the accuracy of a positive urinalysis test or any other matter arising out of the Drug Testing Program, the Chair of the Subcommittee shall inform the Athletics director of the student's appeal and request from the team physician, head athletic trainer, and the Athletics director all information available regarding the urinalysis test results of the student. The Chair shall also notify the members of the Subcommittee that an appeal has been filed. It will be the Chair's responsibility to schedule a timely hearing on the student's appeal, and to provide notice of the hearing to the student and other Subcommittee members.

The student shall be provided with timely, written notice of the hearing. That notice shall provide the student with the location, time, and date of the hearing, an outline of the procedure to be followed by the Subcommittee in conducting the hearing, and pertinent information regarding the Third Positive Test; including, but not limited to, the urinalysis results.

The Subcommittee shall schedule and conduct the hearing with the student as soon as reasonably possible after receipt of the Notice of Appeal. Prior to the hearing, the student-athlete has the right to review all written information that will be submitted at the

hearing. The student-athlete has the right to be accompanied by an advisor of their choice. Advisors are not permitted to speak or to participate in a hearing. Student-athletes who choose an attorney as their advisor must notify the Chair of the Subcommittee of the attorney's name and phone number no later than three (3) University working days prior to the hearing. If the University chooses to proceed through an attorney, the student-athlete will be notified within three (3) working days prior to the hearing. Should the student-athlete fail to appear at the indicated date and time, the hearing may proceed in his/her absence.

Within ten (10) working days of the hearing, the Chair of the Subcommittee shall forward the recommendation of the Subcommittee to the Vice President for Student Affairs of the University, the Athletics director, the Chair of the Intercollegiate Athletics Committee, and the student. The Vice President for Student Affairs shall thereafter affirm, reverse or modify the recommendation of the Subcommittee or refer the recommendation for further action. The Vice President for Student Affairs or designee shall notify the student, the Chair of the Subcommittee, the Chair of the Intercollegiate Athletics Advisory Committee, the Director of Athletics, and other appropriate parties of the final decision in writing.

Proceedings before the Subcommittee shall be informal; provided, however, the proceedings provide minimum procedural safeguards to ensure that a student-athlete is afforded a fair opportunity to seek and receive redress if he/she feels he/she has been the subject of unfair, unjust or unequal treatment under the provisions of this policy.

The Chair of the Subcommittee may extend the time limits contained herein for good cause shown.

6. **Reinstatement:** At the completion of any suspension, the potential for readmission and renewal of athletic scholarship (if applicable) will be based on the following:
 - a. Affirmative recommendation of the Head Coach.
 - b. Affirmative recommendation of the University team physician, head athletic trainer and Athletics director.
 - c. Retest with negative results.
 - d. Consent to random testing at own expense.
 - e. Satisfactory completion of any and all counseling/rehabilitation program at own expense.

Any positive test after re-admission to the athletic program following a one-year suspension shall be cause for immediate and permanent suspension from future participation in any intercollegiate athletics activity at Bowling Green State University and permanent loss of athletics scholarship.

7. **Effect of Non-Compliance With Testing Program:** After consent to the program has been given, a student will be immediately suspended from participation in intercollegiate athletics for one (1) calendar year from the date of non-compliance if the student-

athlete: 1) refuses to provide a sample based on reasonable suspicion; 2) fails to complete any phase of the testing and/or counseling rehabilitation procedure; 3) produces non-testable samples; 4) is suspected of or tampers with urine samples; ; and/or 5) any other action deemed to be intended to affect the result of any drug test or sample. His or her scholarship will be suspended effective with the end of the then current academic term, or as soon thereafter as permitted under NCAA regulations.

8. **Athletic Department Employee Responsibilities:** Any encouragement, persuasion, or assistance to student-athletes in the use or procurement of "drugs of abuse" as set forth herein, illicit, or performance enhancing substances by University employees is strictly prohibited and may subject such employee to disciplinary action, up to and including dismissal. Athletic Department staff members shall inform the University team physician, head athletic trainer, or the Athletics director when they have knowledge or reason to believe that a student-athlete is using a substance on the list of banned drugs, contrary to Bylaw (31.2.3.1) of the NCAA.