

Bowling Green State University Drug Testing Policy

Revised Fall 2003 - OLD

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 found to be involved in 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 TESTING PROGRAM

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, for example, 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 who having first given consent, refuses to cooperate with voluntary random testing, any 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 such 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.

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

B. DRUGS OF ABUSE

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

- Alcohol
- Amphetamine (phenethylamine) group: Amphetamine, Methamphetamine
- Barbiturate group: Phenobarbital, Secobarb, etc.
- Cannabinoids: THC
- Cocaine metabolite
- Doping
- Marijuana
- Methaqualone: Quaalude
- Opiate group: Morphine, Codeine, etc.
- Phencyclidine: PCP
- Propoxyphene: Darvon

- Anabolic Steroids
- Ephedrine
- Growth hormone

In accordance with this policy the abuse and/or dependence upon legally permitted substances such as alcohol, tobacco, prescription drugs, etc. is also prohibited.

C. 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, as well as all students serving as student cheerleaders, athletic trainers, managers, coaches, etc., in connection with intercollegiate athletics. 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 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.com.ocsn/athletictraining. 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 executed 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; and
2. Specific consent to the manner of collection and testing of urine samples or other testing procedure; and
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 and the Health Insurance Portability and Accountability Act (HIPPA); 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, officers, employees, agents and Representatives, in connection with the implementation and administration of the Drug Testing Program.

Students who do not wish to execute 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 designate 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.)

D. GUIDELINES FOR DEALING WITH POSITIVE TESTS

The following guidelines will be used in dealing with a positive test result. (for student-athletes who execute 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 the Bowling Green State University Student Health Services or an accredited laboratory.

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 a team physician or designee of the university will determine whether it would be advisable for the student-athlete to participate in training, conditioning, practice, or competition. The Athletics Director (or designee) will inform the student of the positive test result and the decision regarding the student's ability to continue to participate in athletic competition. 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) may 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 will notify the parent(s) or legal guardian(s) of the student-athlete and the Head Coach in the student's sport of the positive results. The student will be notified that mandatory random testing at their expense will be initiated. The Athletics Director or designee may require the student to participate in counseling or other treatment procedures as may be deemed warranted, on a case-by-case basis. The team physician shall determine whether it would be medically advisable for the student not to practice, compete, or otherwise participate. The Athletics Director or head coach may impose a sanction or suspension from all participation for a specified time or until one or more "negative" test results are confirmed. 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 or suspension from the team, he/she retains the right to appeal 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 matters arising out of the Drug Testing Program shall be through appeal to the Intercollegiate Athletics Advisory Committee and the Subcommittee for Student-Athlete Welfare and Appeals (the "Subcommittee"). Such appeal should be in writing and directed to:

Chair, Intercollegiate Athletics Advisory 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) 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 notice received by the student shall provide him/her with timely notice of the hearing. That notice shall also provide the student with pertinent information regarding the Third Positive Test; including, but not limited to, the urinalysis results, and an

outline of the procedure to be followed by the Subcommittee in conducting the hearing.

Proceedings before the Subcommittee shall be informal; provided, however, the proceedings will 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 Subcommittee shall schedule and conduct the hearing with the student as soon as reasonably possible after receipt of the Notice of Appeal. Within ten (10) 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 Advisory Committee, and the student. The Vice President for Student Affairs of the University shall thereafter affirm, reverse or modify the recommendation of the Subcommittee or refer the recommendation for further action. The Office of the Vice President for Student Affairs shall notify the student, the Chair of the Subcommittee, the Chair of the Intercollegiate Athletics Advisory Committee, the Athletics Director, and other appropriate parties of the final decision in the matter.

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 re-admission 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, or when asked to provide a sample based on reasonable suspicion refusal or failure to be subjected to, or complete any phase of the testing and/or counseling rehabilitation procedure, will be considered to be a sufficient basis to immediately suspend the student from participation in intercollegiate athletics for one (1) calendar year from the date of such refusal; and his or her scholarship will be suspended effective with the end of the then current academic term, or as soon thereafter as permitted un-

der NCAA regulations. Non-compliance can also include producing non-testable samples, suspected/actual tampering with urine samples, or any other action deemed to be intended to affect the result of any drug test or sample.

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.

E. BOWLING GREEN STATE UNIVERSITY TESTING PROTOCOL

1. All student-athletes and students participating in intercollegiate athletics (cheerleading, coaches, athletic trainers, managers, etc.) shall receive a copy of the Drug Testing Program and the Consent Form to be read and signed in advance of testing. In the case of individuals less than 18 years of age, a Consent Form must be signed by at least one parent or legal guardian.
2. Such students may be tested at random intervals throughout the academic year and 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.
3. 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 affected by 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. In the event of a positive test result the head athletic trainer will be responsible for matching the sample to the appropriate individual. In the event of a reasonable suspicion test, the student-athlete will be sent to the Student Health Service to produce a sample under the supervision of the lab technician. All test results will be delivered directly to 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.
4. Students will be summoned 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 and/or 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 Student Health Service 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.

5. 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 (BGSU Student Health Service Laboratory or laboratory that they utilize). Results shall be delivered to the head athletic trainer. A chain of custody shall be documented and maintained by the Athletics Director or designee.
6. 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 arrange contact of student-athletes with positive test results and proceed pursuant to this Policy.
7. All requests for testing of individual students, other than mass random, unannounced tests shall be initiated at the reasonable discretion of the Athletics Director. A head coach, assistant coach or staff member may direct "reasonable suspicion"; provided, however, that such request shall set forth the basis for asserting "reasonable suspicion." The determination of the existence of "reasonable suspicion" shall be at the (reasonable) discretion of the Athletics Director, pursuant to this Policy.

8. 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. This includes buying any over-the-counter non-prescription medications and any supplement use.

F. 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/financial aid sanctions and other penalties at the discretion of the Athletics Director and/or head coach.