

# BLINN COLLEGE ADMINISTRATIVE REGULATIONS MANUAL

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**SUBJECT:** *Athletic Department Drug Testing*

**EFFECTIVE DATE:** September 14, 2010; amended August 28, 2012

**BOARD POLICY REFERENCE:** FLC

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## **PURPOSE**

The Blinn College Administration and the Athletic Department in keeping with the philosophies, ideals and goals of the National Junior College Athletic Association (NJCAA), strongly believe the use and abuse of drugs can be detrimental to the health of individuals, including student athletes. Therefore, the College has an important responsibility to prevent, assist and correct any drug-related activity that might be present among the student athlete population and has established the following drug abuse prevention and testing program.

When considering intercollegiate athletics as a co-curricular activity, a student athlete has the choice to participate or not participate. Student participation in intercollegiate athletics is a privilege. Moreover, Blinn College has an interest in maintaining the health and safety of those students representing the College in these activities and drug testing furthers that interest.

The following procedure has been instituted as the Blinn College drug abuse prevention and testing program. This procedure does not diminish the rights and responsibilities which exist pursuant to other Blinn College policies including, but not limited to, those set forth in the student handbook and/or Blinn College Board Policy Manual.

## **I. GENERAL PRINCIPLES**

- a. Student athletes will be given an opportunity to read and ask questions concerning this procedure. Each student athlete will be asked to acknowledge receipt and review of this procedure, as well as, acknowledge their voluntary participation in said procedure as a condition of the right to participate in Blinn College's co-curricular student athletic program(s), with a signed statement (see end of procedure document). The acknowledgement by signature, of the receipt and review, by athlete, shall be deemed the first and only warning that the use of illegal drugs is prohibited by Blinn College student athletes.
- b. At the discretion of the Blinn College Judicial Office, any student athlete testing positive for a prohibited substance or is convicted by a Court of competent jurisdiction for an offense related to the sale or distribution of a prohibited substance as per the NJCAA shall be immediately suspended from participation in the athletic program(s) and may lose their scholarship. Any athlete found possessing a prohibited substance shall be immediately reported to the proper law enforcement authority and based on the facts of the criminal investigation the criminal findings will be referred to the proper criminal justice division and the Blinn College Judicial Office and shall be immediately suspended from participation in the athletic program(s). This procedure is not intended to diminish or alter any sanctions or procedures which would otherwise apply to the student athlete as an enrollee of Blinn

College, including but not limited to, any penalty and/or procedure provided for under the Student Handbook and Blinn College Board of Trustees Policy Manual.

- c. A judicial disciplinary and any athletic sanction report shall be completed and included with all disciplinary procedures for each offense and these reports shall become a part of the student athlete's permanent file.

## II. PURPOSE

- a. Education - The Blinn College drug testing procedure is to provide educational guidance to student athletes and to ensure awareness of the physical, mental and legal consequences of illegal drug use. All student athletes shall be required to complete a Drug Education program administered by an outside source their first semester at Blinn College, before an athlete can participate in games.
- b. Prevention - Preventative measures have been developed with the intent of discouraging any student athlete from drug experimentation and possible drug abuse and dependency. A drug testing program, coupled with disciplinary action for those who test positive, increases the possibility of success in preventative efforts.
- c. Rehabilitation - Rehabilitation through drug counseling programs is available through a referral list within the Blinn College Counseling Service.

## III. PARTICIPANTS AND TESTING METHODS

- a. All student athletes (male and female, scholarship and non-scholarship) including cheerleaders, student athletic trainers and dance team members who participate in Blinn College athletics shall be tested for illegal drugs.
- b. The random drug screenings will be through an independent qualified laboratory. The independent qualified laboratory will be responsible for the selection of student athletes who are selected for each screening.
- c. If a student athlete tests positive for illegal drugs in any previous test, this student athlete will be included in any subsequent drug tests while participating in athletics at the College.
- d. A student athlete may be selected for testing based on the reasonable suspicion of a coach, the Athletic Director, or the Judicial Office.
- e. The Blinn College Athletic Department shall submit the identification numbers (no names) of each student athlete to the independent qualified laboratory.
- f. The designated independent collection laboratory shall administer multiple on-site random tests. The testing laboratory will provide male and female technicians for all tests.
- g. On the day of the drug testing, the independent qualified laboratory will arrive to a

designated testing site, and will provide a list of identification numbers of the athletes to the Blinn College Judicial and Athletic Directors office. The offices will work jointly to contact each selected student athlete and may select to seek assistance from other coaches or the Blinn College Police in contacting each selected student athletes. These offices will have one hour to bring all student athletes to the designated testing site.

- h. Each student athlete selected for testing shall be required to provide a hair or urine sample (upon request) to the designated collection agent, during the time constraints. Student athletes will be monitored outside closed bathroom stalls while producing urine samples. Student athletes will be prohibited from taking any personal belongings into the stall while producing urine samples.
- i. All results, from the independent qualified laboratory, shall be returned to the Judicial Office. Before all results are returned, all positive results shall be retested again by the independent laboratory, to confirm the positive results.

#### **IV. PROHIBITED DRUGS AND SUBSTANCES**

- a. The drugs and/or other substances which are prohibited for use by Blinn College student athletes include:
  - i. Amphetamines, Barbiturates, Benzodiazepine, cocaine, Methaqualone,
  - ii. Opiates (codeine, heroin, morphine, papaverine), Phencyclidine (PCP),
  - iii. Steroids,
  - iv. Tetrahydrocannabinols (THC or Marijuana)
  - v. Any other drug specified in the Blinn College Policy FLBE (Local) as well as those specified by the NCAA and/or NJCAA (including both performance enhancing and recreational drugs).
- b. Accepted immunological screening procedures and confirmation techniques will be used before positive results are reported.
- c. It is the student athletes' responsibility to keep abreast of any new substances added.
- d. Many nutritional/dietary substances contain NCAA banned substances. In addition, the U.S. Food and Drug Administration (FDA) do not strictly regulate the supplement industry; therefore purity and safety of nutritional dietary supplements cannot be guaranteed. Impure supplements might lead to a positive drug test. The use of these supplements will be at the student- athlete's own risk.
- e. It is the student athletes' responsibility to know what they are putting into their bodies.

- f. All prohibited substances are treated equally under the terms of this procedure.

## **V. CONFIDENTIALITY**

- a. The collection and coding of specimen samples are executed in a manner insuring total confidentiality and proper identification.
- b. These results shall be made known only to College's Judicial Office, the Athletic Director, and then to the student athlete. Testing results shall not be reported to law enforcement authorities and shall be maintained separately from the student athlete's educational records.
- c. The results shall be reported to the parent or guardian, if the student athlete is considered a juvenile and if the student athlete has signed the release of information form.

## **VI. TESTING PROCEDURES AND PROTOCOL**

- a. Random Testing Program
  - i. Unannounced, multiple random tests will be conducted throughout each fall and spring semester.
  - ii. The number of tests per semester will vary.
  - iii. Each sport will have participants who are tested.
  - iv. The entire team may be selected for testing.
  - v. All student athletes selected for testing shall be monitored outside a closed bathroom stalls during the production of urine samples. Student athletes will be prohibited from taking any personal belongings into the stall while producing urine samples.
  - vi. All drug testing will be arranged by the Judicial Office.
- b. Reasonable Suspicion
  - i. Any student athlete may be required to be tested based upon reasonable suspicion of the use, possession or the distribution of a prohibited substance.
  - ii. Reasonable suspicion is an articulable belief, based on specific facts or incidents and reasonable conclusions drawn from those facts or incidents. Facts or incidents that constitute reasonable suspicion may include, but are not limited to, the following:
    - 1. Observed use, possession, or sale of illegal drugs and/or possession, sale, or abuse of alcohol and/or the illegal use of prescription drugs.

2. Apparent physical state of impairment of motor functions.
3. Marked changes in personal behavior not attributable to other factors.
4. Student involvement or contribution to an accident where the use of alcohol or drugs is reasonably suspected or student involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.
5. Violations of criminal and/or alcohol statutes.

The determination of whether reasonable suspicion exists may be made by a coach, the Athletic Director or the Judicial Office.

The student athlete identification number will be submitted to the Judicial Office to be used for the next testing.

c. Non-compliance

- i. Non-compliance by any student athlete that has been selected for testing with the above listed procedures will be considered a refusal and all procedures and sanctions for the non-compliance (refusal) will be followed according to the Procedure (Part VII).
- ii. Non-compliance will also be reported to the Athletic Director by the Judicial Office.

## **VII. SANCTIONS FOR POSITIVE TESTING**

- a. Confirmation of a positive test by standard methods of testing by an independent laboratory and/or a voluntary admission of the use of a prohibited substance by a student athlete will constitute a positive test.
- b. Student athletes who test positive for a prohibited substance or have voluntarily admitted the use of a prohibited substance will be charged with a first offense drug use through the Judicial office and shall be suspended from their respective program for three weeks or fifteen class days.
- c. Student athletes may not travel to games with their program during this suspension period.
- d. Student athletes who test positive or voluntarily admit the use of a prohibited substance will be required to take online drug awareness course and meet with a personal counselor prior to resuming participation with their respective program.
- e. Any student athlete testing positive for the second time will be immediately suspended from participation of any activity at the College.
- f. All prohibited substances are treated equally under the terms of this procedure.

## VIII. APPEALS

- a. Appeal Procedure - The purpose of the appeal is to secure a prompt and equitable resolution concerning possible disputed findings of a positive test result of a prohibited substance under this procedure. The procedure for appealing a finding will include the following:
  - i. Submit a written request to the Judicial Office within three (3) class days after being notified of the positive result.
  - ii. Upon notification that a student athlete wishes to appeal the positive result, the student athlete will receive a notification that a date has been set for the disciplinary hearing. The date for the appeal shall be within the next five (5) class days after the Judicial office has received the notice of appeal.
  - iii. Within the appeal process the student athlete must bring forth new and additional evidence that may overturn the reported positive results. Without additional new evidence, the appeal will be denied.
  - iv. All additional and new evidence must be presented to the Judicial Office prior to the actual appeals hearing. If no new evidence is found, the Judicial Office will contact the student athlete and advise that additional evidence has not been provided and the appeal has been denied.
  - v. If the student athlete has new and additional evidence, the Judicial Office will call together the Blinn College Drug Abuse Appeals Committee (BCAD). This committee will consist of the following:
    1. College Judicial Officer
    2. Athlete Director
    3. College Nurse
    4. Faculty member (appointed on each appeal)
  - vi. The decision of this committee is final.
- b. Non-participation - The student athlete may not participate in any team practices, events, or travel to games during a pending appeal or suspension.
- c. Rights and Representation - The student athlete shall be afforded the following rights and representation during the appeals process:
  - i. The student athlete has the right to discontinue the appeals process at any time.

- ii. The student athlete has the right to reasonable access to the file relating to the pending matter. (Information concerning other students who may be involved with this matter will be made accessible.)
- iii. The student athlete will be permitted to photocopy relevant items from the files which are directly related to this appeal and this does not include information on other students.
- iv. The student athlete has the right to appeal alone or with the assistance of legal counsel. The student may not be represented by an attorney unless three (3) days advance written notice is provided to the Judicial Office detailing the name, address, and telephone number of the student athlete's intended counsel of record. This notice shall be within the five (5) class day period. The College reserves the right, upon receipt of such written notification, to have its legal representative present or notified during the appeal process.