

Athletic Department Alcohol and Other Drug Testing Policy

Southeast Missouri State University

The following outlines Southeast Missouri State University's official Athletics Drug Screening Program. The "consent to be tested" form is to be signed during the team meetings held at the beginning of the fall semester. All student-participants are required to complete and sign certain NCAA-mandated forms, as well as several institutional forms. All forms must be completed before a student-participant will be eligible to participate.

PURPOSE

The Department of Intercollegiate Athletics conducts a mandatory Drug Screening Program. The program is instituted to promote excellence in athletic and academic performance, protect the health, safety, and well-being of all student-participants, and provide fair competition. Student-athletes in all sports are subject to NCAA drug testing if required either during post-season play or through an NCAA grant. Finally, the Department of Athletics reserves the right to test any student-athlete based on reasonable suspicion as determined by the athletics training staff and/or head coach, with the approval of the Director of Athletics.

I. Scope of Policy

A. Definition of Terms

- a. Athletic Administrators: Director of Athletics, SWA, Athletic Trainers, Coaches, and Professional Staff
- b. Drug Policy Grievance: Director of Athletics, Faculty Athletics Representative, Head Athletic Trainer
- c. Student-Athlete: Any participant in an NCAA-sponsored intercollegiate sport, regardless of whether he/she receives an athletic grant-in-aid award
- d. Student-Participant: Includes student-athletes, cheerleaders, spirit group members, student-athletic trainers, and student-managers

B. Individuals Subject to the Drug Policy (including drug testing)

- a. All student-athletes, cheerleaders, spirit group members, student-athletic trainers, and student managers
- b. Athletic Administrators, staff, and coaches where specified

C. Participation and Right of Refusal

- a. As consideration for the privilege of participation in intercollegiate athletics at Southeast Missouri State University, student-participants shall participate in the drug education and testing program described in this document.
Student-participants are free to refuse to participate in any aspect of this program. However, any student-participant who so refuses will not be allowed to participate in intercollegiate athletics at Southeast Missouri State University and shall be subject to forfeiture of all athletic grant-in-aid he/she is receiving.

D. Athletic Administrators

- a. No athletic administrator shall furnish or provide to any student-participant any illegal drug or drug paraphernalia, or encourage any student-participant, directly or indirectly, to use an illegal drug or controlled substance.

II. Educational Program

A. Drug Awareness and Health-Related Seminars

- a. All student-participants and coaches will be required to participate in drug awareness and health-related seminars. Additional seminars may be required at the discretion of the Director of Athletics

B. Substance Abuse

- a. Substance abuse can include legal and illegal drugs and substances, including alcohol and tobacco. Southeast Missouri State University will provide an educational program to inform our student-participants of the inherent hazards of abusing these substances. It is our goal to promote the physical and psychological wellbeing of Southeast Missouri State University student-participants.

III. Prohibited Drugs

A. Illegal Use of Controlled Substances

B. NCAA banned substances can be found at the following link:

[2023-24 NCAA Banned Substances](#)

- C. It is prohibited under this policy to illegally use any controlled substance as defined by the current Southeast Missouri State University Drug Policy which can be found on each athlete's Teamworks software Dashboard under the Files link.
- D. Also, it is prohibited to use any mind- or mood-altering controlled substance or substances that affect athletic performance, other than those being taken properly pursuant to a medical doctor's prescription.
- E. The following NCAA by-laws concerning the use of tobacco products are hereby adopted and incorporated as part of this Drug Policy.
 - a. NCAA Bylaw 11.1.7. Use of Tobacco Products. The use of tobacco products is prohibited by all game personnel (e.g., coaches, trainers, managers, and game officials) in all sports during practice and competition. Uniform penalties shall be established for such use.
 - b. NCAA Bylaw 17.1.8. Use of Tobacco Products. The use of tobacco products by a student-athlete is prohibited during practice and competition. A student-athlete who uses tobacco products during practice or competition shall be disqualified for the remainder of that practice or competition.
- F. The following Southeast Missouri State University rule, as stated on each athlete's entitled State of Student Rights, Code of Student Conduct and Judicial Procedures, under Chemical Use and Abuse, shall be adopted and incorporated as part of this Drug Program: "Some students violate the Code of Student Conduct when they are under the influence of alcohol and/or drugs in a setting in which abuse is taking place. Behavior while under the influence of any drug, including alcohol, will not be accepted as an excuse or an explanation for a violation of the standards for student conduct. Any violation of this Code, which occurs under such circumstances, will be treated as any other violation. Individuals found to have violated any provisions of this Code while under the influence of alcohol or other drugs will be required to participate in a chemical awareness program in addition to any other sanction applied." Illegal alcohol use, whether resulting in a misdemeanor, may subject a student-participant to the sanctions outlined in Section VI A and B at the discretion of the Director of Athletics which may include consultation

with the University President. A felony conviction, will subject a student-participant to the sanctions outlined in Section VI A and B.

IV. Drug Testing

- A. Consent Statement and Random Testing
 - a. Copies of this program will be made available to all student-participants in the Director of Athletics' office and the Athletic Training room. This program will also be reviewed at the team meetings held at the beginning of the fall semester. At that time, the student-participants will be required to sign a consent statement indicating they understand the program and are willing to comply with its provisions, including drug testing. If a student-participant is under the age of 18, his/her parents/guardians will also be required to sign the consent statement. Additionally, by signing the consent statement, student-participants consent to parents/legal guardians being notified of the results of a positive drug test.
- B. Student-participants will be tested periodically on a random basis or based on reasonable suspicion of illegal drug use.
- C. Reasonable Suspicion
 - a. In addition to the random testing provided for in Section IV A. a, specific individuals may be tested when reasonable suspicion exists to suspect illegal drug use/substance abuse. The Director of Athletics, Head Coach, or Head Athletic Trainer will determine whether reasonable suspicion exists before testing is required. The University's determination of reasonable suspicion is final.
 - b. Selection for reasonable suspicion testing may occur at any period during the academic year, whether a student-participant is actively engaged in/or supporting intercollegiate competition at the time.
- D. Drug Test Notification and Failure to Appear
 - a. All student-participants, including the individuals to be tested when reasonable suspicion exists, will be notified by the athletic training staff either personally or by direct telephone conversation, at least twelve (12) hours prior to the drug test. Failure to appear for testing or an unreasonable delay in appearing for testing (as determined by the Head Athletic Trainer) will be considered willful refusal to comply with this program and will count as a positive drug test. Failure to provide a sample within three (3) hours after reporting for testing constitutes a "shy bladder" and the Head Athletic Trainer will determine whether to provide the student-participant with additional time or whether to require the student-participant to return at another time to provide a sample.
- E. Specimen Collection
 - a. Collection and analysis of urine samples shall be performed by Southeast Health contracted by the University to do such testing.
 - b. Drug testing shall consist of the collection of urine from the student-participant under the supervision of trained personnel.
 - c. Southeast Health follows the Urine Specimen Collection Guidelines (NOT the Directly Observed Process) for the United States Department of Transportation. These guidelines are provided via this link.

<https://www.transportation.gov/sites/dot.gov/files/docs/resources/partners/drug-and-alcohol-testing/2567/urine-specimen-collection-guidelines-january-2018.pdf>

- d. A student participant that does not provide a testable sample, leaves the testing area before testing is complete, does not follow tester's instructions, attempts to cheat the test will be considered a refusal to test. Refusals are considered a positive test.
- e. Each urine sample shall be analyzed for the presence of prohibited drugs using initial Amino Acid Metabolite testing.
- f. All samples having positive results, indicating the presence of prohibited drugs or their metabolites, will be further analyzed using a gas chromatography/mass spectrometry (GC/SS) confirmation test.
- g. The testing laboratory shall report all test results to the Medical Review Officer (MRO). The MRO reviews all test results and reports to the Head Athletic Trainer. A positive result shall mean a test indicating, in the opinion of the laboratory performing such testing and the MRO, the presence of prohibited drugs or their metabolites in the student-participant's urine. In the event of a positive result, the MRO will ask the donor to verify why the test was positive. The MRO will request the donor to bring in any prescriptions that may have been taken. After review, the MRO will determine if the test is a true positive.
- h. All results of testing are to be considered confidential student records and, with the exceptions stated in this policy, will not be released except as allowed or required by law.

V. Notification to Participant of Positive Test Result and Grievance Procedure

A. Written Notification

- a. A student-participant who has tested positive during either a first positive test or a second positive test, will be notified in writing of the test results and of the proposed action to be taken by the Director of Athletics as described in Section VI, Effects of Positive Test Results.

B. Drug Policy Grievance Committee

- a. Prior to other remedial action detailed in Section VI, Effects of Positive Test Results, student-participants who dispute the test results and/or actions will have an opportunity to be heard by personal appearance before the Drug Program Grievance Committee.
- b. The Drug Program Grievance Committee shall consist of the Director of Athletics, the Faculty Athletics Representative, and the Head Athletic Trainer.

C. Request for Hearing to Dispute Test Results

A student-participant must notify the Director of Athletics of his/her desire to be heard within 24 hours after receipt of the notification of positive test results. The Director of Athletics will then arrange a closed hearing before the Drug Program Grievance Committee and notify all parties of the time and location of the hearing. All members of the committee must be present for the hearing to proceed. The student-participant's parent/guardians will not be notified of the hearing by the University but may attend at the request of the student-participant.

D. Drug Program Grievance Committee Hearing Procedures

- a. At the hearing, the student-participant will have the opportunity to present information or evidence relevant to the charge of a positive test result, which may include circumstances or information refuting use or possession of an illegal drug.

- E. After hearing all information, the committee will deliberate in private to arrive at a final decision.
- F. The decision of the committee will be provided in writing to the student-participant. The Director of Athletics shall then take the appropriate action as described in Section VI, Effects of Positive Test Results.
- G. Due Process
 - a. The student-participant shall be accorded all rights as described in the “Judicial Philosophy” statement contained within the Southeast Missouri State University Drug Policy which can be found on each athlete’s Teamworks software Dashboard under the Files link., including the right to appeal the decision of the committee to the Director of Athletics.

VI. Effects of Positive Test Results

- A. First Positive Test
 - a. The Director of Athletics, the Head Coach, the parents, and the student-participant will be made aware of the first positive test result. The student-participant will be afforded an opportunity to inform his/her parents/legal guardians of the positive test result prior to the University contacting the parents/legal guardians.
 - b. The student-participant will be required to seek professional counseling independent of the Department of Athletics. The student-participant may utilize the services of the Southeast Missouri State University’s Center for Health and Counseling, the Office of Substance Abuse Prevention, or an off-campus service. Financing for said counseling at off-campus sites shall be the student-participant’s responsibility.
 - c. Student participants required to seek professional counseling must verify their participation with written documentation from the provider presented to the Director of Athletics.
 - d. The student-participant will be tested periodically for a period of one calendar year from the date of the positive test and may be required to undergo random testing at the direction of the Director of Athletics.
 - e. Should a student-participant fail to participate in the required counseling or refuse subsequent testing following a first positive test, it shall be treated as a second positive test.
- B. Second Positive Test
 - a. The Director of Athletics, the Head Coach, the parents/legal guardians, and the student-participant will be made aware of the second positive test result. The student-participant will be afforded an opportunity to inform his/her parents/legal guardians of the positive test result prior to the University contacting the parents/legal guardians.
 - b. Student-participant will be required to seek professional counseling independent of the Department of Athletics. The student-participant may utilize the services of the Southeast Missouri State University’s Center for Health and Counseling, the Office of Substance Abuse Prevention, or an off-campus service. Financing for said counseling at off-campus sites shall be the student-participant’s responsibility.

- c. Student-participant will be suspended from athletics competition for up to 10% of the NCAA annual maximum number of allowable regular season contests/dates of competition. Exhibition games and scrimmages are not included in the calculation. Suspensions may include regular season and/or postseason competition and may carry over to the next championship season. Student-participant will also be subject to NCAA regulations during the remainder of his/her career at Southeast Missouri State University.
 - d. Student-participant will be tested periodically for the remainder of his/her intercollegiate athletics career at Southeast Missouri State University and may be required to undergo random testing at the direction of the Director of Athletics.
 - e. Should a student-participant fail to participate in the required counseling or refuse subsequent testing following a second positive test, it shall be treated as a third positive test.
- C. Third Positive Test
- a. A student-participant who tests positive for a third time for prohibited use of drugs will lose the privilege of participating in intercollegiate athletics at Southeast Missouri State University. In addition, the student-participant's athletic grant-in-aid may be canceled immediately. If a student-participant's aid is continued through the semester in which the violation occurred, the student will be required to fulfill all academic obligations as outlined by the department of athletics. If a student-participant fails to meet academic obligations financial aid may be removed immediately.
- D. NCAA Drug Testing
- a. If a student-athlete participates in a drug test administered by the NCAA as part of their year-round or championship drug testing program, and tests positive, that test will count as a positive test under the Southeast Missouri State University Athletic Drug Screening Program and the appropriate sanctions will be applied.

VII. Marijuana Policy

A. Threshold

- a. Positive test results when THC level is 150 ng/ml or above. Additionally, individuals who fail to provide a sample will be considered to have tested positive. Individuals who provide a sample that contains a THC level between 50 ng/ml and 150 ng/ml will be notified of the presence of THC in their sample, but it does not count as a positive test result.

B. Effects of Positive Test Results

- a. The same three strike policy from section VI will be utilized for positive marijuana tests.

C. Previous Positives

- a. Consistent with the NCAA Drug Testing Policy, any individual who tested positive during the 2021-22 academic year, but whose result was below the 150 ng/ml threshold will no longer be considered to have a positive test and will not be subject to the penalties associated with a positive test.

Appendix 1

Protocol if a student – athlete has a positive drug test.

1. The student-athlete will be required to complete the SAPE program with SEMO Counseling and Disability services. This includes an initial interview, completion of the SAPE webinar, and follow counseling.
2. Have the student-athlete call Counseling and Disability Services (573) 986-6191 to enroll in the SAPE Program.
3. Have the student-athlete schedule an appointment for initial interview.
4. Webinar and Follow counseling will be scheduled at initial interview.
5. Have the student-athlete sign, SAPE Enrollment form and SAPE disclosure form.
6. Students have 45 days to complete SAPE Program.
7. Co-Head Athletic Trainer will inform Athletic Director and Senior Women's Administrator who has tested positive and who is attending required drug counseling.
6. The Athletic Director will provide a letter to the student athlete stating the results of the positive test and eligibility implications of the test.

Appendix 2

Agreement/Waiver

I understand and agree that I am required to know, understand, and follow the standards contained in the Southeast Missouri State University Department of Athletics Drug Screening Program. In addition, I understand and agree that I am responsible for knowing, understanding, and following the rules, policies, and procedures contained in the complete Athletics Drug Screening Program.

I understand the possible individual and team sanctions which could be imposed due to a violation of any of the policies listed above. I understand this Athletics Drug Screening Program will be posted on the Southeast Missouri State University Teamworks software on each athlete's Dashboard under the Files link for future reference. If I have further questions regarding this Athletics Drug Screening Program, I can ask my coach, Co-Director of Sports Medicine, Associate Athletic Director/SWA, or the Director of Athletics.

Sport: _____

Print Name: _____

Date: _____

Signature of Student-Athlete: _____