

BLACK HILLS STATE UNIVERSITY
Policy and Procedure Manual

SUBJECT: Substance Abuse Policy
NUMBER: 8:2

Office: Office of Athletics
Source: [NCAA Compliance: Rules and Regulations](#)

1. Purpose

- a. This policy implements and sets forth the process for substance abuse by BHSU student athletes in addition to the University's Alcohol and Drug policy and the NCAA Drug Testing program. The Black Hills State University (BHSU) Athletic Department is committed to the physical and mental health and well-being of its student athletes. BHSU recognizes that the use of certain drugs is harmful and damaging to the health and safety of its student athletes. In an effort to combat the use of illicit and performance enhancing drugs, the BHSU Athletic Department has set forth the following Student Athlete Substance Abuse Policy.
- b. The goals of this policy are to:
 - i. Deter the use of illegal substances by student athletes.
 - ii. Identify in a confidential manner any student athlete who may be using or abusing a substance.
 - iii. Encourage proper treatment of any substance dependencies.
 - iv. Provide an additional safeguard that student athletes at BHSU are medically fit to engage in intercollegiate athletics.
- c. This policy is based on the premise that the use of harmful drugs, excluding the prescribed medication provided by a licensed physician, creates a greater possibility of injury to its student athletes and presents a serious threat to the student athletes' health and welfare. This policy is not intended to interfere with the privacy of the student athlete but rather to aid the student athlete through a possible drug problem with the assistance of the BHSU Athletic Department and other university and community resources. This policy is applicable to BHSU

student athletes and is in addition to the University's Alcohol and Drug policy and the NCAA Drug Testing program.

2. Definitions

- a. Student-athlete: any full-time or part-time BHSU student currently listed on the official squad list of any of BHSU's 16 sports programs.
- b. Substance abuse: use of or addiction to illicit and performance enhancing drugs.
- c. Substance Abuse Committee: an independent group comprised of the Faculty Athletics Representative (FAR) and two BHSU faculty/staff members from outside the athletic department.
- d. Reasonable cause: may be based on information received in good faith and deemed reliable by the Athletic Director and Head Athletic Trainer, to include but not limited to:
 - i. observed possession or use of substances that appear to be prohibited drugs/substances;
 - ii. arrest or conviction for a criminal offense related to the possession, use, or trafficking of prohibited drugs/substances;
 - iii. observed abnormal appearance, conduct, or behavior, including unusual patterns of absence from training or competition, reasonably interpretable as being caused by the use of prohibited drugs/substances; or
 - iv. the student athlete appearing to present a dangerous situation to themselves or their fellow student athletes that suggests the use of prohibited drugs/substances.

3. Policy

- a. Any student who makes the decision to participate in intercollegiate athletics at Black Hills State University is subject to the drug testing described in the Substance Abuse Policy. Student athletes will be selected for drug testing either randomly or for reasonable cause by the BHSU Substance Abuse Committee.
 - i. Random Drug Testing

1. Random drug testing selections by the Substance Abuse Committee may occur at any time during the academic year. All student athletes are eligible for each test. The same student-athlete may be tested more than once per year.
- ii. Drug Testing Based on Reasonable Cause
 1. In addition to random drug testing, the Substance Abuse Committee may select a student athlete for drug testing at any time if there is reasonable cause that he/she is engaged in the use of NCAA banned and/or illegal substances.
- iii. What is Being Tested For/Banned Substances
 1. BHSU utilizes the most current NCAA Banned Drug List for its substance abuse testing program. This list may be obtained through the NCAA at: <http://www.ncaa.org/sport-science-institute/topics/2019-20-ncaa-banned-substances>
 2. A comprehensive banned/prohibited drug data base, with up-to-date confidential information and educational materials can be obtained through Drug Free Sport at: <https://dfsaxis.com/users/login>
- iv. Select NCAA Division II for your organization. Password is ncaa2.
- b. A positive drug test is a violation of the Substance Abuse Policy.
 - i. Disciplinary actions for violations will be as follows:
 - ii. 1st violation – Requires a mandatory meeting with the Athletic Director and an outsourced drug and alcohol evaluation. Further treatment may be required based on the evaluation.
 - iii. 2nd violation - Will be considered an Alcohol, Drug and Criminal Offence Policy Level III Infraction with disciplinary actions as described in the Student Athlete Handbook, including suspension from competition and drug and alcohol evaluation. Additional disciplinary action may also be taken by other entities within the University.
 - iv. 3rd violation - Will be considered an Alcohol, Drug and Criminal Offence Policy Level III Infraction with disciplinary actions as

described in the Student Athlete Handbook, including permanent suspension from participation in BHSU athletics and revocation of athletically related financial aid.

c. Procedures

i. Who is Covered by This Policy

1. All student-athletes will be made aware of the drug testing policy prior to or during the start of their sport season or participation on the sports team. The student athlete will sign a BHSU Student Athlete Substance Abuse Policy Consent Form, in which they agree to submit to drug testing in order to detect illegal substances. Student athletes are free to decline or refuse to consent to the policy; however, the student athlete will not be permitted to participate in any collegiate athletic activity at BHSU. Other Considerations
2. Any student athlete who refuses to consent to the policy or refuses to test for any substance covered by the policy will have made the decision not to participate in athletics at BHSU.

ii. Drug Testing Procedure

1. The Substance Abuse Committee will select student athletes to be tested, and will select the date and time of the drug testing.
2. The Substance Abuse Committee will notify the Athletic Director and the Head Athletic Trainer of the names of student athletes selected for drug testing, and the date and time of the drug testing.
3. The Athletic Training staff will notify the selected student athletes no later than 24 hours prior to the scheduled drug test. Notification may be by phone, campus email, and/or in person.
4. Upon notification, the student-athlete must read and sign a BHSU Substance Abuse Testing Notification Form, notifying him/her of the date and time of testing and other information pertinent to the test.

5. The student athlete will report to The Donald Young Sports and Fitness Center at the time listed on the BHSU Substance Abuse Testing Notification Form.
6. The student-athlete will be required to show photographic identification at the time of testing.
7. The drug test will be administered by the BHSU Athletic Training staff and may include collecting a urine and/or saliva sample.
8. The student athlete will be informed of the results of the test, and all drug testing results will be sent to the Athletic Director.
9. A negative drug test indicates the absence of drugs being screened for. A positive drug test indicates the presence of a banned substance and a violation of the Substance Abuse Policy.
10. Failure to report for drug testing, or failure to cooperate with the testing procedure, will be viewed as a positive drug test.

iii. Disputing a Positive Test

1. If a positive test is indicated and the student athlete wishes to dispute the positive test, then a second test will be conducted by the BHSU Athletic Training staff within 24 hours of the initial test. If the second test is also positive and the student athlete disputes the second test, they will be directed to an outsourced drug testing clinic for a third test. This third test will be scheduled by the athletic department and administered at the drug testing clinic by clinic staff using urine, saliva, blood, and/or hair samples according to their testing protocol. The results of the third test are final. If the third test is positive, the student athlete will be in violation of the Substance Abuse Policy, and the monetary cost of this testing will be the responsibility of the student athlete. If the third test is negative, the cost of the testing will be the responsibility of the BHSU athletic department.
2. **Results of a positive test may be disseminated to the Substance Abuse Committee, Athletic Director, Head Athletic Trainer,**

Compliance Officer, Team Physician, Head Coach, Vice-President for Student Life, Dean of Students, the Counseling Center Director, University personnel who need the information for eligibility purposes, and those persons authorized by the medical staff for the purpose of evaluation and treatment.

iv. Black Hills State University has the right to alter, amend, or modify the Substance Abuse Policy as necessary. Changes to the policy will be reviewed by the Student Athlete Advisory Council (SAAC) and approved by the BHSU Substance Abuse Committee.

e. Responsible Administrator

The Director of Athletics, or designee, is responsible for the ad hoc and annual review of this policy and its procedures. The University President is responsible for approval of this policy.

SOURCE: Approved by President Laurie Nichols on 5/11/2020 .