

CONCORDIA UNIVERSITY, NEBRASKA
Department of Intercollegiate Athletics
Alcohol and Drug Education and Testing Policy

Student-Athlete Drug Testing Consent Form

I, _____, hereby acknowledge that I have read the Alcohol and Drug Education and Testing Policy of Concordia University, Nebraska (CUNE) that follows this form. I understand the policies, procedures and my responsibilities as described in the Policy.

As a condition to my participation in intercollegiate athletics at CUNE during this academic year, I consent to participate in the alcohol and drug education and testing program at CUNE. I understand that my participation in this program includes the collection and testing of my urine at various times during this academic year for drugs, alcohol, and/or other banned substances. Saliva and hair follicle test may also occur.

For health and safety reasons as well as to determine my eligibility, I further consent to the release of the results of any drug test, to the Director of Athletics, the VPSA, the Head Coach, the Team Physician, the Head Athletic Trainer, Assistant Athletic Trainers, and my parent(s) or guardian(s). I acknowledge and understand that a copy of this consent form may be sent to my parent(s) or guardian(s) along with a copy of the Alcohol and Drug Education and Testing Program Policy. To the extent set forth in this document, I waive any privilege I may have in connection with such information.

CUNE, its officers, employees, and agents are hereby released from legal responsibility or liability for the release of such information and records as authorized by this consent form. I fully and forever release and discharge the aforementioned parties from any claims, demands, rights of action, or causes of action, present or future, whether the same be known or unknown, anticipated or unanticipated, resulting from my participation in this program.

 Student-Athlete Signature

 Date

 Printed Name of Student-Athlete

 Date of Birth

 Sport(s)

IF 18 YEARS OF AGE OR YOUNGER, SIGNATURE OF PARENT/GUARDIAN IS ALSO REQUIRED

 Parent/Guardian Signature

 Date

Please enclose this form in the postage paid envelope.
 Concordia University Admission Office, 800 N. Columbia Avenue, Seward, NE 68434

Concordia University, Nebraska
Department of Intercollegiate Athletics

Alcohol and Drug Education and Testing Policy

July 2014

1. Overview

The Concordia University, Nebraska Department of Intercollegiate Athletics (Department) seeks to promote the health, safety, physical, emotional and spiritual well-being of the student-athletes who participate in its programs. In furtherance of this focus, the Department, on behalf of Concordia University, Nebraska (CUNE), has adopted this Alcohol and Drug Education and Testing Policy (Policy).

Substance abuse is an important issue facing athletics and society today. The use of illegal drugs, misuse of legal drugs and supplements, use of performance-enhancing substances and use of alcohol is inconsistent with the standards expected of student-athletes at CUNE. Substance use and abuse in sport can pose risks to the student-athlete's health and negatively affect his or her academic and athletic performance in addition to compromising the integrity of athletic competition and the values of CUNE.

2. Purpose

CUNE strives to have an environment where student-athletes can use and develop their gifts in a manner which brings glory to God and upholds the values of the university. Use of banned substances is not in keeping with the core values of CUNE, the Department or the National Association of Intercollegiate Athletics (NAIA) Champions of Character program. The Department believes that drug testing is appropriate to ensure the health, safety and welfare of our student-athletes, to promote fair competition in intercollegiate athletics, to affirm compliance with applicable rules and regulations on drug and alcohol abuse, to identify student-athletes who are improperly using drugs or alcohol and to assist them before such use becomes detrimental to themselves or others. Furthermore, the Department recognizes its responsibility to provide educational programming that will support a positive decision-making process. The Department reserves the right to amend this Policy as needed.

The intent of these policies is to prevent substance use and abuse by student-athletes through educational programming and accountability measures such as testing, and professional guidance.

- Education – provide student-athletes and Department staff with accurate information about issues associated with substance use in sport, promote health and safety in sport
- Testing – analyze biological specimens from student-athletes to detect prohibited substances
- Professional Guidance – refer and facilitate treatment and rehabilitation programs for student-athletes

3. Education

The purpose of education about alcohol and drug use and substance use in sport is to enable student-athletes to make informed and intelligent decisions about usage. CUNE will conduct a drug and alcohol education program for student-athletes each year. Educational programs will be

designed to review athletic department, institutional, conference and national governing body rules related to alcohol and drugs. Dietary supplements and their inherent risks will also be discussed. Educational materials will be made available to all participants including a list of banned drug classes. All student-athletes and Department staff members are required to participate in the education program. Make-up sessions will be made available for participants who must miss a scheduled educational session for an approved reason. Time will be allowed for questions from participants.

4. Department Staff Responsibility

All Department staff members are expected to endorse and be knowledgeable of the drug education and drug-testing program. Department staff members are prohibited from encouraging or advising any student-athlete to take performance-enhancing or non-therapeutic drugs or assisting student-athletes in obtaining any performance-enhancing or non-therapeutic drugs. Staff members are expected to advise and educate student-athletes about these types of substances and substance abuse. Staff members shall report the use, or suspected use, of performance-enhancing and/or non-therapeutic drugs by a student-athlete to the Director of Athletics. Any staff member found to be in violation of this Policy shall be subject to discipline, including potential termination of employment, in accordance with the then applicable employment policies of CUNE.

5. Consent to Participate

As a condition for participation in intercollegiate athletics at CUNE, all student-athletes are required to sign a consent form agreeing to undergo drug and alcohol testing and authorizing release of test results in accordance with this Policy (see Appendix I). Refusal to sign a consent form prohibits a student-athlete from participating in any intercollegiate sport at CUNE until the consent is signed. Failure to comply with the requirements of this Policy will result in suspension from participation and possible termination of eligibility to participate in intercollegiate athletics at CUNE. Student-athletes may view this Policy on the Athletic Department website and/or request a copy at the Athletic Office. Student Athletes will be required to participate in an information meeting about this Policy at the beginning of the year and will be given an opportunity to ask any questions about the Policy, the testing program, or other related issues during this meeting.

6. Alcohol Policy

It is the responsibility of every member of the university community to know the risks associated with alcohol use and abuse. Student-athletes are obligated to know university policies and federal, state and local laws and to conduct themselves in accordance with these laws and policies.

CUNE does not permit the use of alcohol on-campus by any student, even those of legal drinking age. Possession or consumption of alcoholic beverages by individuals under the age of 21 is a violation of state liquor laws and a violation of this Policy. Students who are 21 years of age or over are prohibited from providing, delivering to, hosting the serving of, or being present where alcoholic beverages are available to persons under 21 years of age.

This Policy extends to the recruitment of prospective CUNE student-athletes. Prospective student-athletes visiting campus and socializing with current students are expected to participate in all activities without the presence or influence of alcohol.

A student-athlete who engages in or is responsible for the following conduct will be subject to discipline in accordance with this Policy:

1. Driving under the influence (DUI/DWI) or other motor vehicle violations involving alcohol or drugs
2. Public intoxication
3. Drunk and disorderly, including vandalism
4. Other violations of law or university policy involving alcohol or drugs, including possession
5. Violations involving the purchasing, provision, delivering to, or hosting the serving of minors
6. Violations of the CUNE Student Code of Conduct involving alcohol or drugs

In-Season or Out-of-Season Violations

Student-athletes will be subject to discipline for alcohol violations whether they occur in-season or out-of-season. In-season violations may have immediate consequences for the current season. Out-of-season violations could have consequences for the upcoming season.

Alcohol Violation Sanctions

First Offense

1. Disciplinary probation
2. Suspension 10% of intercollegiate competition season (scrimmages, practices and exhibitions will not count toward the 10% suspension)
3. Parental or guardian notification, if found necessary by the Vice President for Student Affairs (VPSA)
4. Referral to counseling will be on a case-by-case basis
5. All offenses are reviewable by the VPSA and the Director of Athletics and may result in more severe consequences

Second Offense

1. Extended disciplinary probation
2. Referral for substance abuse assessment
3. Parental or guardian notification
4. Suspension from all intercollegiate sport competition will be determined by the Director of Athletics or the Department Student-Athlete Conduct Committee and could entail up to one year suspension

Third Offense

1. Completion of outpatient substance abuse program
2. Parental or guardian notification
3. Suspension from participating in all intercollegiate sport competition at CUNE indefinitely or permanent removal from the athletic program; loss of athletic financial aid

7. Department Student-Athlete Conduct Committee

Administration of disciplinary sanctions for student-athletes may be determined in one of three ways. First, and in most cases, sanctions will be applied as prescribed in this Policy. In other cases where discretion is given to the Director of Athletics for determining sanctions, he may choose to make those determinations, or he may elect to bring the matter before the Department Student-Athlete Conduct Committee. This committee shall consist of the Director of Athletics,

who will serve as the Chair, a full-time CUNE faculty member who is not a coach or the Faculty Athletic Representative, a sport administrator appointed by the Director of Athletics and a head coach. The head coach shall not be the coach of the sport in which the student-athlete in question participates in. The Department Student-Athlete Conduct Committee shall also serve as the Reinstatement Committee when needed. In cases involving drugs and/or alcohol, a substance abuse counselor may be added to the membership of either committee.

8. Use of Dietary Supplements

Department personnel will not distribute or encourage the use of any dietary supplements or ergogenic aids. Several dietary supplements or ergogenic aids contain banned substances. In numerous instances the labeling of dietary supplements is not accurate and/or is misleading. Often, a supplement may contain a banned substance which is not safe to take and yet terms such as “healthy” or “all natural” may be used in the labeling. Use of dietary supplements may result in a positive drug test. Student-athletes who are currently taking dietary supplements or intend to take any are encouraged to seek advice from their physician. Student-athletes who take dietary supplements do so at their own risk. Additional information about dietary supplements may be found at www.drugfreesport.com/rec

9. Prohibited Drugs/Substances

CUNE drug screening process may include analysis of, but is not limited to:

1. the National Collegiate Athletic Association (NCAA) list of banned-drug classes in effect at the time of the drug screen test, which includes, but is not limited to, stimulants, anabolic agents, alcohol and beta blockers, diuretics and other masking agents, street drugs, peptide hormones and analogues, anti-estrogens and beta-2 agonists [for a list of NCAA banned-drug classes, go to www.ncaa.org/wps/wcm/connect/public/ncaa/student-athlete+experience/ncaa+banned+drugs+list] (NCAA Banned Drug Classes); and
2. CUNE’s list of banned-drugs opiates, hallucinogens, barbiturates, tranquilizers, oxycodone (OxyContin), flunitrazepam (Rohypnol), ephedrine, synephrine, marijuana and synthetic cannabinoids. (CUNE Banned Drugs) (Collectively, the NCAA Banned Drug Classes and the CUNE Banned Drugs are referred to in this Policy as “Banned Substances.”)

CUNE explicitly reserves the right to test for substances not listed on the NCAA Banned Drug Classes List or as a CUNE Banned Drug, including alcohol, and to test at detection levels that vary from those of the NCAA.

10. Medical Exception Process

CUNE recognizes that some Banned Substances may be used for legitimate medical purposes. The Department allows exceptions to be made for those student-athletes with a documented medical history demonstrating a need for use of such a substance provided that the medical use of such substance is legal in the State of Nebraska, the County of Seward and the City of Seward. Exceptions to this Policy may be granted by the Director of Athletics for Banned Substances included in the following classes: stimulants, beta-blockers, diuretics and peptide hormones. **No exception shall be granted for any Banned Substance which is not permitted by applicable state or local law to be used for medical purposes and the use of any such Banned Substance shall be a violation of this Policy.**

Student-athletes are required to inform their athletic trainer, in writing, of all medications (prescribed and over-the-counter) he or she is taking within one week from the time the

prescription is made. CUNE should maintain, in the student-athlete's medical record, documentation from the prescribing physician of the student-athlete's medical history that demonstrates the need for regular use of such medication. The documentation should contain information as to the diagnosis (including appropriate verification), medical history and dosage information and prescribed length of time for usage.

In the event a student-athlete tests positive, the Athletic Trainer Staff in consultation with the Team Physician, will review the student-athlete's medical record to determine whether a medical exception should be granted.

11. Types of Testing

Random Testing

All student-athletes who have signed the institutional drug-testing consent form and are listed on the eligibility certificate and roster are subject to unannounced, random testing at any time. Students who have exhausted their eligibility or who have had a career-ending injury will not be selected for testing.

The Director of Athletics or his/her designee will select student-athletes from the official institutional squad lists/eligibility roster by using a computerized random number program. Urinalysis and/or on-site saliva testing procedures or hair follicle tests may be used for unannounced random testing.

Reasonable Suspicion Screening

A student-athlete may be subject to testing at any time when the Director of Athletics or VPSA determines, in his or her sole discretion and judgment, that reasonable suspicion exists to believe the participant is using a Banned Substance in violation of this policy. The basis for such reasonable suspicion may be information personally known to the Director of Athletics or VPSA or presented to them by an individual or individuals and deemed reliable by the Director of Athletics or VPSA.

Reasonable suspicion includes, but is not limited to 1) observed possession or use of substances appearing to be prohibited drugs, 2) arrest or conviction for a criminal offense related to the possession or transfer of prohibited drugs or substances, 3) information submitted from the Student Life Office that raises suspicion (smoke smells from residence hall room, presence of drug paraphernalia, etc.) or 4) observed abnormal appearance, conduct or behavior reasonably interpretable as being caused by the use of prohibited drugs or substances. Among the indicators which may be used in evaluating a student-athlete's abnormal appearance, conduct or performance are: class attendance, significant GPA changes, athletic practice attendance, increased injury rate or illness, physical appearance changes, academic/athletic motivational level, emotional condition, mood changes, and legal involvement.

If suspected, the Director of Athletics or his/her designee shall notify the student-athlete and the student-athlete must stay with a member of their coaching staff, the Department administration staff, or the sports medicine staff, until an adequate specimen is produced.

The possession and/or use of illegal substances may be determined by means other than urinalysis. When an individual is found to be in possession and/or using such substances, he/she will be subject to the same procedures that would be followed in the case of a positive urinalysis (e.g., using on-site saliva testing products to determine alcohol consumption).

Postseason/Championship Screening

Any participant or team likely to advance to post-season championship competition may be subject to additional testing. Testing may be required of all team members or individual student-

athletes at any time within thirty (30) days prior to the post-season competition. If a student-athlete tests positive, he or she will not be allowed to compete at the post-season event unless he or she subsequently tests negative prior to departure for the event and receives permission to participate by the Director of Athletics.

Re-entry Testing

A student-athlete who has had his or her eligibility to participate in intercollegiate sports suspended shall be required to undergo re-entry drug and/or alcohol testing, and not test positive, prior to regaining eligibility. The Director of Athletics or his/her designee shall arrange for re-entry testing after the counselor or specialist involved in the student-athlete's case indicates that re-entry into the intercollegiate sports program is appropriate.

Follow-up Testing

A student-athlete who has returned to participation in intercollegiate sports following a positive drug test under this Policy may be subject to follow-up testing. Testing will be unannounced and will be required at a frequency determined by the Director of Athletics in consultation with the counselor or specialist involved in the student-athlete's case. Student Athletes who must undergo a follow-up test, as a result of a prior positive test, will be responsible for the cost of the test(s).

12. Notification and Reporting for Collections

The student-athlete will be notified of and scheduled for testing by CUNE. The Director of Athletics or his/her designee will notify the student-athlete of the date and time to report to the collection station and will have the student-athlete read and sign the Student-Athlete Notification Form (See Appendix II). Notification must be made in-person or by direct telephone communication with the student-athlete (e.g. no emails, no voice mails). No specific time period is required for notification of a student-athlete prior to the administration of a drug test.

The Director of Athletics or his/her designee will be in the collection station to certify the identity of the student-athletes selected. Student-athletes shall provide picture identification when entering the drug-testing station. The Director of Athletics or his/her designee must remain in the collection station until all student-athletes complete the collection process.

13. Specimen Collection

Collection and testing of the specimen will be conducted in accordance with the then applicable Specimen Collection Policy of the Department. A copy of the policy will be provided upon request and may be obtained at the CUNE Athletic Office.

14. Reporting Results

Urine samples will be collected and sent to an independent, certified laboratory for analysis. Each sample will be tested to determine if Banned Substances are present. A test result confirmed as positive by the laboratory does not automatically identify the student-athlete as having engaged in prohibited drug or alcohol use. Results will be made available to the Head Athletic Trainer. The Head Athletic Trainer will review the results and if there is a positive drug test, he/she will set up a meeting with the student-athlete to inform him/her of the results. The Director of Athletics will then be notified of the results and schedule a meeting with the student-athlete and head coach. The student-athlete may present evidence of any mitigating circumstances that he/she feels may be important to the outcome of the drug test. The Director of Athletics, in consultation with the VPSA, Athletic Training Staff and, if necessary, the Team Physician will then make the determination of the outcome of the drug test based on screening and confirmation cut-off standards. If a student-athlete presents evidence of some mitigating circumstance (excluding drug test results from another entity, which is impermissible) after a

confirmed positive test, an additional test or different type of test may be required as specified by the Director of Athletics or VPSA.

If the laboratory reports a specimen as substituted, manipulated or adulterated, the student-athlete will be deemed to have refused to submit to testing and treated as if the test were positive for a banned substance.

15. Positive Drug Test Sanctions

Positive drug test results are cumulative for the student-athlete's athletic career at CUNE.

Not meeting any or all of the sanction requirements will be considered another violation of this Policy and the applicable sanction for the next subsequent offense set forth below shall apply.

The following sanctions shall apply when a student-athlete tests positive for the use of any Banned Substance:

First Offense

The first time a student-athlete tests positive for a Banned Substance, the Director of Athletics will report the positive drug test finding(s) to the VPSA. The Director of Athletics will hold a private meeting with the student-athlete and the head coach. The Director of Athletics or the VPSA will notify the student-athlete's parent(s) or legal guardian(s) by telephone and in writing. Upon receipt of a positive drug test finding, the student-athlete will be suspended immediately from participation in any intercollegiate sports at CUNE for a minimum of 30% of contests in the upcoming or current season.

The student-athlete will be required to complete a drug evaluation and any subsequent recommendations made by the evaluator/counselor. The counselor shall determine the appropriate form(s) of intervention and rehabilitation needed by the student-athlete, based on the circumstances of the case. The student-athlete will not be permitted to return to practice and/or competition in intercollegiate sports until he/she has complied with the counselor's directions for treatment, has not had a positive result on a re-entry drug test, and has made a request for reinstatement, which has been granted.

Treatment and rehabilitation costs are the responsibility of the student-athlete. The student-athlete may be subject to follow-up testing. Testing will be unannounced and will be required at a frequency determined by the Director of Athletics or his/her designee. Failing to comply with the counselor's directions for treatment, having a positive result on a re-entry drug test will be classified as a second offense.

Second Offense

The second time a student-athlete tests positive for a Banned Substance, the student-athlete will be immediately suspended from participation in any intercollegiate sports at CUNE for a minimum of 365 days.

The student-athlete will be required to attend drug-counseling sessions as recommended by the CUNE Counseling Center. The counselor shall determine the appropriate form(s) of intervention and rehabilitation needed by the student-athlete, based on the circumstances of the case. The student-athlete will not be permitted to return to practice and/or competition in intercollegiate sports until he/she has complied with the counselor's directions for treatment, has not had a positive result on a re-entry drug test, and has made a request for reinstatement, which has been granted.

Treatment and rehabilitation costs are the responsibility of the student-athlete. The student-athlete may be subject to follow-up testing. Testing will be unannounced and will be required at a frequency determined by the Director of Athletics or his/her designee. Failing to comply with the counselor's directions for treatment, having a positive result on a reentry drug test will be classified as a third offense.

Third Offense

The third time a student-athlete test positive for a Banned Substance, he/she shall lose all remaining regular and post-season eligibility in all intercollegiate sports at CUNE.

16. Self-Referral Program

A student-athlete eligible for the CUNE Self-Referral Program may refer himself or herself to the Self-Referral Program for voluntary evaluation and counseling by contacting his/her Head Coach or any member of the Department.

CUNE will work with the student to prepare a Self-Referral treatment plan, which may include confidential drug testing. If the student tests positive for a banned substance upon entering the Self-Referral Program, that positive test will not result in any drug test sanction unless the student tests positive in a subsequent retest or the student fails to comply with the treatment plan. A student will be permitted to remain in the Self-Referral Program for a reasonable period of time, not to exceed thirty (30) days, as determined by the treatment plan.

If a student-athlete tests positive for any Banned Substance after entering the Self-Referral Program or fails to comply with the Self-Referral treatment plan, the student will be removed from the Self-Referral Program and an initial Self-Referral positive test, if any, will be treated as a first positive drug result test, subject to the sanctions explained in this Policy. While in compliance with the Self-Referral Program treatment plan, the student will not be included in the list of students eligible for random drug testing by CUNE.

The Director of Athletics, VPSA, the Head Athletic Trainer, the student-athlete's Head Coach and the Team Physician will be informed of the student's participation in the Self-Referral Program. The athletic trainer assigned to that sport also may, if medically appropriate, be notified. Assistant coach(es) also may be informed at the discretion of the head coach. Other CUNE employees may be informed only to the extent necessary for the implementation of this Policy.

17. Confirmation of Test

Student-athletes who test positive for a Banned Substance may request confirmation of the positive finding with a written request to the Director of Athletics within 24 hours following receipt of written notice of the positive finding. Upon the student-athlete's request for confirmation of the positive finding, the Director of Athletics will request the laboratory to perform confirmation testing on the student-athlete's specimen B, if applicable. The student-athlete may choose to be present at the opening of specimen B at the laboratory. If the student-athlete does not wish to be present at the opening of specimen B, but desires to be represented, arrangements will be made for a surrogate to attend the opening of specimen B. The surrogate will not be involved with any other aspect of the analysis of the specimen. The student-athlete or his/her surrogate will attest to the sample number and the integrity of the security seal prior to the laboratory opening of specimen B. Specimen B findings will be final. If specimen B results are negative, the drug test will be considered negative.

18. Right to Appeal

Student-athletes who test positive under the terms of this Policy will be entitled to an appeal hearing. Requests for such an appeal hearing must be made in writing to the Director of Athletics within 48 hours of: a) receipt of written notice of a positive finding; b) notification of a positive B sample test result; or c) within 48 hours of notice of a positive finding if no B sample was collected. If the 48 hours would end on a weekend, the request must be made by noon on the next business day. The Director of Athletics will forward the request for an appeal hearing to the VPSA, who will hear the appeal.

The student-athlete may have an advocate, character witness or other representative present at the appeal hearing if the student so desires but must provide an additional written release for the individual. The advocate/character witness will be permitted to make a statement but otherwise is not permitted to speak during the proceedings. The student-athlete must present his or her own case and answer questions for himself/herself. Representation by legal counsel is not permitted during an appeal hearing.

The hearing should take place no more than 48 hours after the written request is received. Either the student-athlete or the other parties involved may request an extension of time to the Director of Athletics, who will consider whether to grant the extension upon a showing of good cause.

These proceedings shall include an opportunity for the student-athlete to present evidence, to question adverse testimony, as well as to review the results of the drug test. Note: drug tests results submitted from entities other than those specifically prescribed by CUNE will not be permitted as part of the proceedings or considered as part of the final record.

To the extent permitted by law, the proceedings shall be kept confidential. The decision by the VPSA regarding the sanction to be imposed, if any, shall be communicated to the student-athlete in writing. A formal record, a tape recording, or a verbatim transcript of the hearing shall be kept.

A student-athlete may appeal the decision of the VPSA to the University President, who will serve as the final line of appeal.

19. Request for Reinstatement

At the end of the period of suspension (after a first positive drug test result) and after satisfactory completion of an appropriate treatment and aftercare program, the student-athlete may apply for reinstatement to the intercollegiate athletic department. Reinstatement shall not be considered automatic and will be addressed on a case-by-case basis.

The request for reinstatement shall be filed with the Director of Athletics. The request shall be made in writing and must state the grounds on which the student-athlete believes he/she should be reinstated. The Director of Athletics will forward requests for reinstatement to the Reinstatement Committee. The committee shall review the request for reinstatement and make a determination within ten (10) days of receiving the request.