



University of Dayton Athletics Substance Abuse Program Guidelines and Procedures

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1. Informational and Educational Activities

The Athletics Division may hold group and/or individual meetings with student-athletes; may offer and require participation in educational programs and may furnish informational and education materials to them. The intended objectives of these activities are:

- To provide student-athletes with an education that will enable them to approach the decision making process about the use of illegal substances and the use/misuse/abuse in a knowledgeable manner.
- To create an awareness of problems related to and resulting from use of illegal substances and the use/misuse/abuse of other substances in a knowledgeable manner.
- To decrease the social acceptance of substance abuse and to increase positive peer pressure that would argue against substance abuse.
- To present an overview of the social decisions facing student-athletes during and related to campus life and as may be relevant in future social settings. Student-athletes will be encouraged to self-identify substance use/misuse/abuse problems they may have and to

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seek out assistance to deal with such problems. Informal counseling by the staff of the Athletics Division and professional counseling at The University of Dayton Counseling Center will be available to provide such assistance.

2. Counseling Services

The University Counseling Center is available to all student-athletes who desire assistance through professional counseling in their efforts to cease the use/misuse/abuse of substances. Self-referral is encouraged and can be through the Athletics Division by contacting the Head Coach, Drug Testing Coordinator/Head Athletic Trainer, and their Sports Program Administrator or directly by contacting the Counseling Center. Required counseling occurs when a student-athlete has a confirmed positive test result. The Associate Director of Athletics in charge of the Substance Abuse Program shall refer the student athlete to the Counseling Center. The Counseling Center shall be furnished a copy of the Step 1 contract and any amendments thereto.

The relationship between a student-athlete and the University Counseling Center shall be the same as the Counseling Center has with all students of the University, and no distinction shall exist whether the student-athlete is a self-referral or is required to avail himself/herself of the Counseling Services because of a confirmed positive test result. Nothing in this Substance Abuse Program modifies the practices or procedures of the Counseling Center, and inclusion of reference to the Counseling Center is only to confirm approval of this program by the Counseling Center and its commitment to provide Counseling Services which are an integral part of this Program.

The University Counseling Center will, upon request of a student-athlete or notified parents, counsel the student-athlete and/or notified parent as to inpatient/outpatient substance abuse programs available to the student-athlete, and will provide recommendations with the respect thereto. Such outside services are at the option and expense of the student-athlete and/or notified parents.

3. Testing Procedure

1. The testing procedure will be administered by the Drug Testing Coordinator. All test results will be reported confidentially to the Associate Director of Athletics in charge of the Substance Abuse Program.
2. The University of Dayton Athletics Division may require any or all student-athletes to participate in the Testing Procedure submitting a specimen for analysis by the testing laboratory to ascertain the presence of a banned substance.
3. The Faculty Athletics Representative shall coordinate the random selection of student athletes to participate in the testing procedure. In addition to being required to

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participate in the testing procedure because of random selection, an individual student-athlete may be required to participate in the testing procedure upon an indication of use of banned substance, or may be required to submit additional specimens if the Athletics Division determines that a previously submitted specimen may have been altered or contaminated or that previous testing procedures or results may not have been proper or correct. The time or times at which a specimen may be required may be pre-scheduled or without prior notice. All results will be reported to the Associate Director of Athletics in charge of the Substance Abuse Program.

4. If any student-athlete refuses or otherwise fails to participate in the Testing Procedure by not providing a specimen when and where requested, the student-athlete shall be denied the opportunity to participate in intercollegiate athletic activities. Such denial shall be automatic and will be effective upon written notice by the Associate Director of Athletics in charge of the Substance Abuse Program to the student-athlete. A copy of this notice shall be furnished by the Associate Director of Athletics in charge of the Substance Abuse Program to the Head Coach, the appropriate Sports Program Administrator, and the Director of Athletics. Such denial will continue until the student-athlete denied participation is interviewed by the Director, and submits a specimen as required by the Testing procedure. Such interview and subsequent compliance with the Testing Procedure may be before or after the written notice denying participation.
5. If a student-athlete has a confirmed positive test result, he/she will be required to avail himself / herself of Counseling Services and will be subject to Administrative Procedures detailed in the following section.
6. Student-athletes with negative test results are not notified in any way.

4. Reports of Illegal Drug Use

Reports of illegal drug use from Student Development, UD Police, other law enforcement agencies, and other authoritative sources will be considered violations under this policy. These offenses will be treated by the Athletics Division as if they were positive drug tests for the purpose of counseling, sanctioning, etc.

5. Administrative Procedures

Step 1

- If a student-athlete has a confirmed positive test result, such fact will be reported by the Associate Director of Athletics in charge of the Substance Abuse Program to the student-athlete, the Head Coach and the Director of Athletics.
- The Head Coach shall establish a private meeting attended by himself/herself, the student-athlete and the Associate Director of Athletics in charge of the Substance Abuse

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Program to:

- Discuss the details of the Substance Abuse Program, discuss any input of notified parent, review the sanctions and implications of Step 2 and thereafter, and discuss any other matters desired by any of the participants in the meeting.
- Agree upon and sign (by student-athlete, Head Coach and Director of Athletics in charge of the Substance Abuse Program) a contract providing for:
 - A commitment by the student-athlete that he/she will avail himself/herself of Counseling Services and will meaningfully cooperate in problem awareness/assessment/counseling sessions as proposed by the Counseling Center.
 - Specific objectives or activities to be accomplished or discontinued by the student-athlete.
- Additional private meetings will be held at the direction of any party to the contract to discuss any matter or agree upon contract amendment(s) as may be recommended by the Counseling Center or otherwise as changing circumstances may warrant.
- During Step 1, at any time(s) with or without prior notice or cause, the student-athlete may be required to participate in the Testing Procedure.

Step 2

- If a student-athlete has a second confirmed positive test result, such fact will be reported by the Associate Director of Athletics in charge of the Substance Abuse Program to the student-athlete, the Head Coach, the appropriate Sports Program Administrator, the Director of Athletics and the Counseling Center.
- The Head Coach shall establish a private meeting attended by himself/herself, the student-athlete and the Associate Director of Athletics in charge of the Substance Abuse Program, and potentially the appropriate Sports Program Administrator. The Counseling Center shall be notified of the meeting and the Counselor assigned to the student-athlete may attend the meeting to discuss any matter desired by any participant, including any input of notified parents, review the sanctions of Step 2 and thereafter, and agree upon any amendment to the contract warranted by the fact that there has been a second confirmed positive test result.
- Additional private meetings will be held at the direction of any party to the contract, which may also be attended by the Counselor, to discuss any matter or agree upon contract amendment(s) as may be recommended by the Counseling Center or otherwise as changing circumstances may warrant.
- During Step 2, at any time(s) with or without prior notice or cause, the student-athlete may be required to participate in the Testing Procedure.

Step 3

- If a student-athlete has a third confirmed positive test result, such fact will be reported

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by the Associate Director of Athletics in charge of the Substance Abuse Program to the student-athlete, the Head Coach, the appropriate Sports Program Administrator, the Director of Athletics, and the Counseling Center.

- Upon such third confirmed positive test result, the student-athlete shall automatically and forthwith be dismissed from all athletic teams and shall lose his/her athletic scholarship.

Parent Involvement

- Unless prohibited by law, parents (including legal guardians) of a student-athlete will be notified as to matters involving participation of such student-athlete in his Substance Abuse Program under the following circumstances:
 - If a student-athlete is denied the opportunity to participate in intercollegiate activities for the reason that he/she refused or otherwise failed to participate in the Testing Procedure by not providing a specimen when and where requested, the parents will be notified of such fact when the Director of Athletics determines that the student-athlete denied participation has not availed himself/herself of the interview opportunity or in the discretion of the Director of Athletics after the interview.
 - If the student-athlete who is not then availing himself/herself of Counseling Services by self-referral has the first confirmed positive test result, the parents may be notified of such fact at the discretion of the Director of Athletics after consultation with the Counseling Center.
 - If a student-athlete has a second or third confirmed positive test result during the same academic year, the parents will be notified of such fact at the time of each such result.
- Such parent notification will be by the Associate Director of Athletics in charge of the Substance of Abuse Program and notified parents are encouraged to thereafter initiate discussions of the matter with the Head Coach and/or the Director of Athletics and provide any input which might be of assistance in achieving the objectives of the Substance Abuse Program.
- Notified parents will be furnished, upon request, a copy of the Step 1 contract and any amendments thereto.

6. Sanctions

- A first confirmed positive test result or a report from any authoritative agency (see sect 4) will result in a minimum of 10 hours of community service. This sanction may increase depending on the history of the student-athlete involved and/or the nature and type of substance abuse participated in.
- A second confirmed positive test result or a report from any authoritative agency

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(see sect. 4) will result in a minimum of 20 hours of community service or a suspension of a minimum of one contest (if in-season). Additional counseling/treatment may also be ordered.

- The student-athlete will be dismissed from all athletic teams and will lose his/her athletic scholarship under the following circumstances:
 - A third confirmed positive test result.
 - A material and substantial failure to participate in the Substance Abuse Program, including the refusal or failure to provide a specimen when and where requested as provided above under Testing Procedures, Paragraph 4.
- Coaches may add appropriate sanctions to those of the Athletics Division for first and second offenses
- Failure to participate in Testing Procedures: A student-athlete will be denied the opportunity to participate in intercollegiate athletic activities, as provided in Test Procedures, Paragraph 4.

Nothing herein contained supersedes or modifies any other procedure which may be applicable or sanction which may be imposed by the University of the Athletics Division or University disciplinary process resulting from the sale, transfer, or use of illegal substance or the use/ misuse/abuse of any substance.

7. Appeal Procedures

1. A student-athlete shall have the right to appeal to the Director of Athletics any matter involving interpretation or application of the Substance Abuse Program deemed by the student-athlete to be adverse to his/her personal best interests.
 - a. Such appeal shall be in writing and state the facts and reasons upon which it is based and must be received by the Director of Athletics, or the person in charge of his/her office in his/her absence, within three (3) school days after occurrence of the matter being appealed. A copy of this appeal shall be furnished by the Director to the Associate Director of Athletics in charge of the Substance Abuse Program.
 - b. The Director of Athletics shall, forthwith upon his/her receipt of the appeal, make a determination, based solely on the contents of the appeal and his/her familiarity with the objectives of the Substance Abuse Program, as to whether any actions then involving the student-athlete should be suspended during the appeal. If the Director of Athletics determines that some action should be so suspended, he/she shall cause to be taken such action as is appropriate to affect such suspension.
 - c. The Director of Athletics shall investigate, to the extent he/she deems appropriate, the facts and circumstances involved in the subject matter of the appeal to determine whether, in his/her opinion, the student-athlete is entitled to the relief requested in the appeal.
 - i. Such investigative activity, to the extent reasonably possible, shall be conducted so as to maintain the confidentiality of the Substance Abuse Program except to the

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- extent that the student-athlete waives confidentiality.
- ii. Such determination shall be in writing and shall be delivered or mailed within seven (7) school days after receipt of the appeal by the Director of Athletics to the Liaison Officer and the student-athlete. If mailed to the student-athlete, same shall be by certified mail to the local address of the student-athlete as shown on University of Dayton Bursar Office records.
 - d. If the Director of Athletics determines the appeal in favor of the student-athlete, he/she shall cause to be taken such action as is appropriate to correct the situation. This determination shall be final.
 - e. If the Director of Athletics determines the appeal in whole or in part against the student-athlete, the determination of the Director of Athletics shall be final except to the extent that the student-athlete has appeal rights to the Athletic Substance Abuse Appeals committee as hereinafter provided.
2. If determination of the Director of Athletics does not grant to the student-athlete the full relief sought, he/she may appeal such determination to the Substance Abuse Appeals committee.
- a. Such appeal must be in writing and must be received by the Associate Director of Athletics in charge of the Substance Abuse Program or the person in charge of his/her office in his/her absence, within three (3) school days, after the determination of the Director of Athletics is delivered to the student-athlete, or within seven (7) calendar days after the determination has been deposited in the US Mail.
 - b. The Associate Director of Athletics in charge of the Substance Abuse Program shall promptly furnish a copy of said appeal, together with a copy of the initial appeal to the Director of Athletics and the determination of the Director of Athletics with respect to such appeal, to each member of the Substance Abuse Appeals Committee.
 - c. If the appeal requests such relief, any three (3) members of the committee by a writing signed by them may, based solely on the contents of the appeal, the determination of the Director of Athletics being appealed from, and their familiarity with the objectives of the Substance Abuse program, order that the actions involving the student-athlete being appealed be suspended. If such order of suspension is issued, the Director of Athletics shall cause to be taken such action as is appropriate to affect such suspension.
 - d. Upon receipt for such appeal, a hearing will be set before the Committee in order to take all evidence relevant to the subject matter of the appeal. Three members of the Committee shall constitute a quorum for the hearing provided that at least one of the members present at the hearing shall be either the Chairman or the Vice Chairman of the Committee. Concurrence by a majority of the members present at the hearing shall be required to render a decision.
 - e. The following procedures shall govern the conduct of the hearing:

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- i. Notice of the date of hearing will be served upon the student-athlete at least five (5) school days prior to the date of the hearing.
 - ii. The hearing will be transcribed or recorded, and the student-athlete will be provided with a copy of the transcription or record.
 - iii. The hearing will be closed to the public. Notified parents may attend the hearing.
 - iv. The Director of Athletics, who shall be deemed to be the party adverse to the student-athlete for the purposes of the hearing, may be accompanied and assisted by members of his/her staff. The Director of Athletics shall have the burden of proof of more likely than not to show that the procedures of the Substance Abuse Program, to the extent relevant to the appeal, were substantially followed and that any deviation did not materially, substantially, and adversely affect the student-athlete, and that the facts which were the basis of the action being appealed were true.
 - v. Prior to the hearing, the student-athlete will have the opportunity to obtain necessary witnesses and documents and other evidence, and the University will cooperate in such opportunity.
 - vi. The Director of Athletics and the student-athlete shall each have the right to confront and cross-examine the witnesses of the other. Where a witness does not appear, in the interest of justice, the Committee may accept a written statement into the record which will be disclosed to the other party who will then be given the opportunity to submit written questions to be answered by the witness and placed into the record.
 - vii. The committee is not bound by rules of evidence applicable in a court trial. It may admit any evidence which has probative value in determining the issues involved. Effort will be made to admit the most reliable evidence.
 - f. Based on evidence and record, the committee must decide whether or not the action taken which is the subject matter of the appeal was properly taken pursuant to the Substance Abuse program. If it finds that the action was properly taken, the appeal shall be dismissed. If it finds that the action was not properly taken, the Committee shall order such relief in favor of the student-athlete as it deems proper and equitable in the circumstances.
 - g. The findings and decision of the committee shall be final and binding on both the Director of Athletics and the student-athlete.
3. It is intended that an appeal to the Committee be only with respect to matters which involve the imposition of sanctions or the imminent probability that sanctions may be imposed. Accordingly, notwithstanding the foregoing, an appeal may be summarily dismissed without a hearing if four members of the committee by a writing signed by them, determines that the appeal is not consistent with such intent.
 4. An appeal pending at the end of an academic year, except with respect of loss of athletic scholarship, shall be dismissed as being moot. An appeal pending at the end of an

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academic year involving loss of athletic scholarship shall continue and be disposed of as soon as possible after the end of the academic year. If necessary, the President of the University shall reconstitute the Committee so that the appeal can proceed.

8. Amendments

This Substance Abuse Program will be under constant evaluation and may be amended from time to time at the discretion of the University of Dayton Athletics Division. Amendments will be distributed to all student athletes and no amendment will be retroactively applied.

9. Appendix I – Definitions

1. “Banned substance” means a substance on the list attached hereto as Appendix III.
2. “Confirmed positive” means a test result in which the presence of a banned substance was indicated by screening tests such as Enzyme-Multiplied Immunoassay Test (EMIT) and verified by secondary detection and identification on techniques such as Gas Chromatography/Mass Spectrometer (GC/MS)
3. “Illegal substance” means a substance which cannot be legally purchased, used, or consumed in the State of Ohio, including so-called “street drugs;” a banned substance, and a substance whose use is prohibited by NCAA legislation.
4. “Over-the-counter substance” means a drug, medicine, alcohol, or other substance which is neither an illegal substance nor a prescription drug.
5. “Prescription drug” means a substance which can be purchased only upon a prescription of a licensed physician.
6. “Specimen” means a urine specimen used to test for the presence of a banned substance.
7. “Student-athlete” means a student who participates or who is a prospective participant in any capacity in any intercollegiate athletic activity administered by the University of Dayton Athletics Division, including as athlete, manager, trainer, or cheerleader.
8. “Substance” means anything ingested, injected or absorbed into the body which is generally considered to be potentially harmful to health and safety or which generally purports to be performance enhancing.
9. “Substance Abuse Appeals Committee” or “Committee” means a committee established to consider, investigate and take action with respect to alleged discrepancies or unfair treatment of any person involved in the Substance Abuse Program. The committee will consist of five (5) voting members. The Chairman shall be the University Vice President for Student Development and the Vice-chairman shall be the Chairman of the University Athletic Advisory Committee. The remaining three (3) members of and designed by the Athletic Advisory committee representing the student, the faculty and the administration.

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10. “Testing laboratory” means an independent testing facility selected by the Drug Testing Coordinator which will analyze specimens and report results. Such selection will be based upon the Drug Testing Coordinator satisfying himself/herself that the testing facility is staffed with qualified personnel and has and follows appropriate “chain-of-custody” and confidentiality practices and procedures.

Adopted for issuance and implementation by the University of Dayton: August 6, 1987.
Modified: January, 1995, August 2000.

10. Appendix II – Testing Procedure

1. The Associate Director of Athletics in charge of the Substance Abuse Program or their designee identifies student-athletes to be tested using a randomly generated list of numbers provided by the Faculty Athletics Rep.
2. The list of student-athletes to be tested is turned over to the Drug Testing Coordinator for notification.
3. Student-athletes report at the designated place and time and provide a urine sample.
4. A representative from the designated testing lab handles all paperwork and assures that every effort is made to maintain a proper chain of custody for the sample. Results are reported only to the Associate Director of Athletics in charge of the Substance Abuse Program who takes appropriate action based on the principles and guidelines of the Division’s Substance Abuse Policies.

11. Appendix III – NCAA Banned Drug Classes 2011-2012

The NCAA list of banned-drug classes is subject to change by the NCAA Executive Committee. Contact NCAA education services or www.ncaa.org/health-safety for the current list. The term “related compounds” comprises substances that are included in the class by their pharmacological action and/or chemical structure. **No substance belonging to the prohibited class may be used, regardless of whether it is specifically listed as an example.**

Many nutritional/dietary supplements contain NCAA banned substances. In addition, the U.S. Food and Drug Administration (FDA) does not strictly regulate the supplement industry; therefore purity and safety of nutritional dietary supplements cannot be guaranteed. Impure supplements may lead to a positive NCAA drug test. The use of supplements is at the student-athlete’s own risk. Student-athletes should contact their institution’s team physician or athletic trainer for further information.