



# NEW MEXICO MILITARY INSTITUTE

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COMMANDANT OF CADETS  
DEAN OF STUDENTS

1 August 2020

**Memorandum For:** Corps of Cadets

**Subject:** NMMI Comprehensive Drug Testing Program

1. **Objective.** Discourage the use of illegal drugs as defined in the Blue Book and provide for random urinalysis testing for all NMMI cadets.
2. **Facts.**
  - a. NMMI has a no tolerance drug use policy and positive results may subject a cadet to a suspension or dismissal.
  - b. Cadets will be tested twice per academic year and be selected by a random roster generation.
  - c. Positive random test results will begin the normal Serious Incident Report process.
  - d. Parents or guardians of minor cadets who test positive will be contacted under the same protocols covering any critical offense.
  - e. Adult cadets will be encouraged to contact parents or guardians under the direction of the Commandant's staff.
3. **Discussion.**
  - a. Current program exists for randomly screening cadets.
  - b. Ensure all drug issues are handled in a consistent manner.
  - c. Same program can be used to separately randomly select athletes.
  - d. Testing is scheduled by the Commandant's office ICW the Infirmary nurse administrator.
  - e. Cadets on status or not available for random testing may be tested immediately upon return or when status expires at the discretion of the Commandant.
4. **Drug test for cause.**
  - a. The infirmary will administer the drug testing program. Commandant's staff will supervise cadet compliance and movement to the Infirmary.
  - b. Refusal to submit to testing or failure to show up when scheduled for a drug test unless on a legitimate status report or excused absence shall be counted as a positive test.
  - c. Cadets who may be absent will be tested as soon as they return from status. Refusal to submit to testing or failure to show up when scheduled for a drug test upon return from status, furlough, or excused absence shall be counted as a positive test

**5. Reasonable Suspicion.**

- a. The Commandant, DCO or DCS may direct drug testing of any cadet for reasonable suspicion, outside the scope of the random testing program. The results will be dealt with as a disciplinary issue, which could result in an immediate suspension or dismissal.
  - b. Reasonable suspicion means that the facts together with all rational inferences that can be drawn suggest a cadet improperly used a prohibited substance. Reasonable suspicion may also include the following:
    - 1) Any arrest for drug related offense.
    - 2) Observation of drug paraphernalia as described in the Blue Book.
    - 3) Odor or behavior consistent with that of using drugs or alcohol about the person.
    - 4) Physical or emotional symptoms suggestive of drug or alcohol abuse as determined by staff, faculty or coaches.
    - 5) Information received in good faith from reliable sources given to any member of the staff, faculty, or coaches regarding cadet's use of a banned substance.
- 6.** In the event of a positive test result under testing for cause or reasonable suspicion Serious Incident Report protocols will be followed.

Encl. 1 NMMI Athletic Dept Policy

Arthur C. Houghtby II  
Lieutenant Colonel, USMCR  
Acting Commandant of Cadets

Encl. 1

### **Athletic Department Policy for all cadet-athletes**

This policy has been approved by the Commandant of Cadets and Athletic Director. NMMI reserves the right to amend this policy from time to time as needed and each cadet-athlete will be given reasonable notice of all important changes. Furthermore, this policy is not to be construed as a contract between NMMI and the cadet-athlete.

NMMI is concerned with the health, safety and welfare of the cadet-athletes who participate in its programs and represent the institute in competitive athletics. Substance use and abuse is one of the most important issues facing athletics and society today. The use of illegal drugs, misuse of legal drugs and over-the-counter dietary supplements, use of performance-enhancing substances, use of alcohol and inappropriate use of tobacco are completely inconsistent with the standards expected of cadet-athletes at NMMI. Substance use and abuse in sport can pose risks to the cadet-athlete's health and negatively affect his or her academic and athletic performance. It can also compromise the integrity of athletic competition and the ideals of NMMI.

#### **Purpose**

The Athletic Department believes that random drug testing and testing based on reasonable suspicion are appropriate to ensure the health, safety and welfare of our cadet-athletes, to promote fair competition in intercollegiate athletics, to affirm compliance with applicable rules and regulations on drug and alcohol abuse, to identify cadet-athletes who are improperly using drugs or alcohol and to assist them before they harm themselves or others. Furthermore, the Athletic Department recognizes its responsibility to provide educational programming that will support a positive decision-making process.

The intent of these policies is to prevent substance use and abuse by cadet-athletes through education, testing, and professional guidance.

**Education** – providing cadet-athletes and athletics staff with accurate information about the problems associated with substance use in sport, promoting health and safety in sport;

**Testing** – analyzing biological specimens to detect prohibited substances cadet-athletes may introduce to their bodies and punitive consequences resulting from use; and

**Professional Referral** – facilitating appropriate counseling of cadet-athletes.

#### **Alcohol, Tobacco and Other Drug Education**

Participants who are educated about substance use in sport are more likely to make informed and intelligent decisions about usage. NMMI will conduct a drug and alcohol education program for cadet-athletes on an on-going basis.

#### **Consent to Participate**

All cadets are subject to the NMMI drug policy as outlined in the Blue Book.

#### **Alcohol Policy**

All cadets are subject to the NMMI alcohol policy as outlined in the Blue Book.

NMMI does not condone the use of alcohol. It is the responsibility of every member of the college community to know the risks associated with alcohol use and abuse. This responsibility obligates cadet-athletes to know relevant college policies and federal, state and local laws and to conduct themselves in accordance with these laws and the policies of NMMI. This policy

extends to the recruitment of prospective NMMI cadet-athletes. Prospective cadet-athletes visiting campus and socializing with current cadets are expected to participate in all activities without the influence of alcohol. In addition to the drug and alcohol policy at NMMI the use or abuse of drugs, alcohol, tobacco, or vaping materials of ANY kind is prohibited.

A positive test for alcohol for any cadet-athlete will result in the sanctions set forth in the Blue Book.

The Commandant will issue a positive test result to any cadet-athlete upon conviction or plea of guilty to the following:

1. Driving under the influence (DUI/DWI) or other motor vehicle violations involving alcohol or drugs
2. Public intoxication
3. Drunk and disorderly
4. Other violations of law involving alcohol or drugs, including possession
5. Tobacco Policy

### **Tobacco Policy.**

All cadets are subject to the tobacco policy as outlined in the Blue Book.

The use of tobacco products is prohibited by all game personnel in all sports during practice, competition, travel and in any other capacity while officially representing NMMI in accordance with the Blue Book and the NMMI O&P. A cadet-athlete who violates the tobacco policy will be sanctioned for a “first offense” as outlined in the penalty section of this policy and the Blue Book.

### **Dietary Supplements**

Cadet-athletes who are currently taking dietary supplements or intend to take any are required to review the product with the Head Athletic Trainer. Cadet-athletes are encouraged to contact The National Center for Drug Free Sport at [www.drugfreesport.com](http://www.drugfreesport.com) or the Dietary Supplement Resource Exchange Center (REC) at [www.drugfreesport.com/rec](http://www.drugfreesport.com/rec) for additional information on dietary supplements and other banned substances.

### **Prohibited Drugs/Substances**

The drug screening process may include analysis of, but is not limited to the National Collegiate Athletic Association’s (NCAA) list of banned-drug classes. For an ongoing updated listing of the banned-drug list view the NCAA’s web site at [www.ncaa.org](http://www.ncaa.org). NMMI requires that all cadet-athletes keep the athletic training staff and/or team physician and NMMI infirmary personnel aware of any prescribed drugs and dietary supplements that he or she may be taking.

### **Selected Types of Drug Testing:**

#### **Unannounced Random Testing**

All cadets who have signed the institutional drug-testing consent statement in the matriculation forms and are listed on the institutional squad list are subject to unannounced random testing.

All cadet-athletes are subject to testing.

The Commandant or his/her designee will select all cadets, including cadet-athletes, for random testing by using a computerized random number program. Urinalysis and/or on-site saliva testing procedures may also be used for unannounced random testing.

### **Pre-season Screening**

Cadet-athletes are subject to pre-season drug testing and may be notified of such by the Director of Athletics or his/her designee at any time prior to their first competition. Random testing will also take place throughout the year.

### **Reasonable Suspicion Screening (“for cause”)**

A cadet-athlete may be subject to testing at any time when the Commandant, his/her staff, or the Director of Athletics or his/her designee determines there is individualized reasonable suspicion to believe the participant is using a banned substance. Such reasonable suspicion may be based on objective information as determined by the Director of Athletics or by an Associate/Assistant Athletic Director, Head Coach, Assistant Coach, Head Athletic Trainer, Assistant Athletic Trainer, Commandant’s department staff, Infirmary staff, or Team Physician, and deemed reliable by the Director of Athletics or his/her designee. Reasonable suspicion may be found, but 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, or 3) observed abnormal appearance, conduct or behavior reasonably interpretable as being caused by the use of prohibited drugs or substances, or as a result of an investigation or room, vehicle, or personal property search. Among the indicators which may be used in evaluating a cadet-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 will notify the cadet-athlete and the cadet-athlete must stay with a member of his/her coaching staff, the athletics administration staff, or the sports medicine staff, until an adequate specimen is produced. Note: 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 cadet-athletes at any time within thirty (30) days prior to the post-season competition.

### **Re-entry Testing**

A cadet-athlete who has had his or her eligibility to participate in intercollegiate athletics at NMMI suspended may, at the discretion of the Commandant and/or Director of Athletics, be required to undergo re-entry drug and/or alcohol testing prior to regaining eligibility or re-admission by the Admissions Committee. The Director of Athletics or his/her designee shall arrange for re-entry testing after the counselor or specialist involved in the cadet-athlete’s case indicates that re-entry into the intercollegiate sports program is appropriate. Re-admission to NMMI does not automatically assure re-admission to NMMI inter-collegiate athletics programs.

### **Suspected Manipulation**

A cadet-athlete who is suspected of manipulating his/her urine sample will be subject to immediate dismissal. Manipulation can include the ingestion of substances (e.g. herbal remedies) or over-hydrating to mask a banned substance, or attempting to submit another person’s urine.

### **Notification and Reporting for Collections**

The Commandant's staff will notify the cadet-athlete of the date and time to report to the collection station. As a general rule, cadet-athletes will be notified no more than 4 hours prior to testing. However, under the terms of this policy "no notice" testing is permissible. Cadet-athletes shall provide picture identification when entering the drug-testing station; however if the cadet-athlete fails to produce an I.D. he/she will still be tested.

### **Specimen Collection Procedures**

Only the Infirmary staff or Commandant's staff member and those persons authorized by the approved collector will be allowed in the collection station.

The approved collector may release a sick or injured cadet-athlete from the collection station or may release a cadet-athlete to return to competition or to meet academic obligations only after appropriate arrangements for having the cadet-athlete tested have been made.

Upon entering the collection station, the cadet-athlete will be identified by a member of the Commandant's.

When ready to urinate, the cadet-athlete will select a sealed beaker from a supply of such and will record his/her initials on the beaker's lid.

An approved collector will monitor the furnishing of the specimen in order to assure the integrity of the specimen until a specimen of at least 85 mL is provided.

Once a specimen (at least 85 mL) is provided, the cadet-athlete is responsible for keeping the collection beaker closed and controlled.

Fluids and food given cadet-athletes who have difficulty voiding must be from sealed containers (approved by the Director of Athletics or his/her designee) that are opened and consumed in the station. These items must be free of any banned substances.

If the specimen is incomplete, the cadet-athlete must remain in the collection station until the sample is completed. During this period, the cadet-athlete is responsible for keeping the collection beaker closed and controlled.

If the specimen is incomplete and the cadet-athlete must leave the collection station for a reason approved by the Director of Athletics or his/her designee, the specimen must be discarded.

Upon return to the collection station, the cadet-athlete will begin the collection procedure again. Once a specimen (at least 85 mL) is provided, the collector will pour a small amount of urine into an approved container. An approved collector will check the specific gravity and pH of the urine in the presence of the student athlete.

If the urine has a specific gravity below 1.005 (1.010 if measured with a reagent strip), the specimen will be discarded by the cadet-athlete. The cadet-athlete must remain in the collection station until another specimen is provided. The cadet-athlete will provide another specimen.

If the urine has a pH greater than 7.5 (with reagent strip) or less than 4.5 (with reagent strip), the cadet-athlete will discard the specimen. The cadet-athlete must remain in the collection station until another specimen is provided.

If the urine has a specific gravity above 1.005 (1.010 if measured with a reagent strip) and the urine has a pH between 4.5 and 7.5 inclusive, the specimen will be processed by the collector and sent to the laboratory.

The laboratory will make final determination of specimen adequacy.

If the laboratory determines that a cadet-athlete's specimen is inadequate for analysis, at the institution's discretion, another specimen may be collected.

If a cadet-athlete is suspected of manipulating specimens (e.g., via dilution, adulteration, substitution), the institution will have the authority to perform additional tests on the cadet-athlete.

Once a specimen has been provided that meets the on-site specific gravity and pH parameters, the cadet-athlete will select a specimen collection kit and a uniquely numbered Cadet-athlete Signature Form from a supply of such.

The approved collector who monitored the furnishing of the specimen by observation will sign the Cadet-athlete Signature Form.

An approved collector will record the specific gravity and pH values on the Cadet-athlete Signature Form.

The cadet-athlete will pour approximately 60 mL of the specimen into the “A vial” and the remaining amount (approximately 25 mL) into the “B vial.”

The cadet-athlete will place the cap on each vial; the approved collector will then seal each vial in the required manner under the observation of the cadet-athlete and witness (if present).

The laboratory’s copy of the Cadet-athlete Signature Form shall not contain the name of the cadet-athlete.

All sealed specimens will be placed in a shipping case. The approved collector will put the laboratory copy of the Cadet-athlete Signature Form in the case, and prepare the case for forwarding.

The cadet-athlete and witness (if present) will sign the Cadet-athlete Signature Form, certifying that the procedures were followed as described in the protocol. Any deviation from the procedures must be described and recorded on the Cadet-athlete Signature Form at that time. If deviations are alleged, the cadet-athlete will be required to provide another specimen.

The approved collector will sign the Cadet-athlete Signature Form, give the cadet-athlete or a designee a copy and secure all remaining copies. The compiled Cadet-athlete Signature Forms constitute the “Master Code” for that drug testing.

After the collection has been completed, the specimens will be forwarded to the laboratory and all copies of all forms forwarded to the designated persons.

Refusal to sign the Cadet-athlete Notification Form or the Cadet-athlete Signature Form, arrive at the collection station at the designated time without justification, or provide a urine specimen according to protocol is cause for the same action(s) as evidence of use of a banned substance.

The Commandant or his/her designee will inform the cadet-athlete of these implications (in the presence of a witness) and record such on the Cadet-athlete Notification Form. If the cadet-athlete is not available, he/she will be considered to have withdrawn consent and will be ineligible on that basis.

## **Reporting Results**

Urine samples will be collected and sent to an independent, SAMHSA approved laboratory for analysis. Each sample will be tested to determine if banned drugs or substances are present. A test result confirmed as positive by the laboratory automatically identifies the cadet-athlete as having engaged in prohibited drug or alcohol use. Results will be made available to the Deputy Commandant for Operations (DCO) or the Deputy Commandant for Support (DCS), the Commandant, and the Athletic Director. 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 cadet-athlete. The cadet-athlete may present evidence of any mitigating circumstances that he/she feels may be important to the outcome of the drug test. The Head Athletic Trainer will then make the determination of the outcome of the drug test. If the laboratory reports a specimen as substituted, manipulated or adulterated, the cadet-athlete will be deemed to have refused to submit to testing and treated as if the test were positive for a banned substance.

## **Penalties**

Refusal to sign a consent form prohibits a cadet-athlete from participating in any intercollegiate sport at or admission to NMMI.

Any cadet-athlete who is found guilty of serious criminal misconduct (e.g., drug trafficking; driving while impaired resulting in serious injury or death) will not be permitted to participate in any intercollegiate sport at NMMI.

Any cadet-athlete who tests positive for a banned substance or who refuses to submit to a required drug test as described in this policy shall be subject to suspension or dismissal.

### **Appeal Process**

The Appeal process for any cadet or cadet-athlete will follow the same protocols as established in the Blue Book for any critical offense as defined in the Blue Book.

### **Medical Exception Process**

NMMI recognizes that some banned substances are used for legitimate medical purposes.

Accordingly, NMMI allows exceptions to be made for those cadet-athletes with a documented medical history demonstrating a need for regular use of such a substance. Exceptions may be granted for certain substances as approved by the NMMI physician.

The cadet-athlete is required to inform the Infirmary and Head Athletic Trainer of all medications he or she is taking. NMMI should maintain in the cadet-athlete's medical records a letter from the prescribing physician that documents the cadet-athlete's medical history demonstrating the need for regular use of such a drug. The letter should contain information as to the diagnosis (including appropriate verification), medical history and dosage information.

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