

Dickinson Baseball Club, Inc.

Substance Abuse Policy

1. INTRODUCTION

Dickinson Baseball Club, Inc. recognizes a responsibility to ensure that each Participant (as defined below) has a safe, healthy, and supportive environment in which to participate in baseball. Included in this responsibility is to take the necessary precautions to provide for the welfare and safety of its Participants (as defined below). Drug and alcohol use can be detrimental to the physical and mental well-being of the Participants (as defined below). It is the desire of Dickinson Baseball Club, Inc. to discourage the use of drugs and alcohol. To that end, Dickinson Baseball Club, Inc. has elected to adopt and institute this Substance Abuse Policy.

2. DEFINITIONS

2.1. Participant – Any person who participates in American Legion or Babe Ruth league baseball.

2.2. The Board – The board of directors of Dickinson Baseball Club, Inc.

2.3. The Club – Dickinson Baseball Club, Inc.

2.4. Controlled Substance – Any substance as defined by North Dakota Century Code Section 19-03.1-01(6), and identified by North Dakota Century Code Sections 19-03.1-5, 7, 9, 11, and 13.

2.5. Drug Paraphernalia – Any object as defined by North Dakota Century Code Section 19-03.4-01.

2.6. Failure to Submit to Testing – Shall include:

2.6.1. Failure to provide an adequate sample for prohibited substances without a valid medical explanation after the Participant has received notice of the requirement for testing;

2.6.2. Engaging in conduct that obstructs or interferes with the testing process;

2.6.3. Failure or refusal to execute the required forms provided in conjunction with the receipt of this policy or which are part of the testing;

2.6.4. Failure to be available for testing without reasonable explanation; and/or

2.6.5. Failure to report to, and undergo prohibited substances testing as required without reasonable explanation.

- 2.7. Failure to Execute Drug Testing Consent Form** – A Participant over the age of eighteen (18) who fails to execute a Drug Testing Consent Form shall be deemed to have Failed to Submit to Testing. In the event that the Participant is under the age of eighteen (18) and Participant’s parent or legal guardian refuses to execute a Drug Testing Consent Form or other paperwork for necessary for testing, the Participant will be deemed to have Failed to Submit to Testing.
- 2.8. Violation of Substance Abuse Policy** – Use of, possession of, or a positive test for alcohol, Controlled Substance, or Drug Paraphernalia. In the event that a Participant is found to be in possession of Drug Paraphernalia, the Board will consider the guidelines set forth in North Dakota Century Code Section 19-03.4-02, to determine whether or not the object is Drug Paraphernalia in violation of this Substance Abuse Policy. In the event that a Participant is found to be in possession of a Controlled Substance the Participant shall not be in violation of this Substance Abuse Policy provided that the Participant has been prescribed the Controlled Substance by a person entitled to prescribe Controlled Substances. In the event that a Participant is found to have tested positive for a Controlled Substance the Participant shall not be in violation of this Substance Abuse Policy provided that the Participant has been prescribed the Controlled Substance by a person entitled to prescribe Controlled Substances and the positive test is within a range expected for proper consumption of the Controlled Substance pursuant to the dosage prescribe to the Participant.

3. DRUG TESTING

- 3.1. Participants Subject to Drug Testing** – All Participants shall be subject to drug testing.
- 3.2. Frequency of Drug Testing** – All Participants may be drug tested one (1) time each season. All Participants shall be subject to additional drug testing pursuant to Article 4 of this Substance Abuse Policy. All Participants shall be subject to additional drug testing in the event that the Board has a reasonable suspicion of a violation of this Substance Abuse Policy or receives a credible report of a violation of this Substance Abuse Policy.
- 3.3. Drug Testing Location** – All drug testing shall be administered at the drug testing agency’s place of business, the Club’s facilities, or other location designated by the drug testing agency or Club.
- 3.4. Drug Testing Procedure** – All drug testing shall be done in accordance with the standard procedure of the drug testing agency.
- 3.5. Cost of Drug Testing** – Fees incurred for the drug testing of Participants shall be paid by the Club, unless the fees are incurred as a result of a requested retest following a positive test and subsequent appeal authorized by the Board. Any fees incurred as part of the appeals process shall be paid by Participant.

3.6. Failure to Appear for or Submit to Testing – Any Participant who fails to appear for or submit to scheduled drug testing shall be deemed to have submitted a positive drug test, and shall be subject to the appropriate disciplinary procedures as set forth in Article 4 of this Substance Abuse Policy.

4. DISCIPLINARY PROCEDURES

4.1. First Violation of Substance Abuse Policy.

4.1.1. Any Participant who has been found to have violated the Substance Abuse Policy shall receive a five (5) game suspension. The suspended Participant shall be required to attend all practices during the five (5) game suspension. The suspended Participant shall also attend all home games during the suspension. When attending home games during the suspension the suspended Participant shall not wear Participant's uniform.

4.1.2. Any Participant who has been found to have violated the Substance Abuse Policy shall not be permitted to travel with Participant's team during the suspension.

4.1.3. Any Participant who has been found to have violated the Substance Abuse Policy shall be subject to random drug testing thereafter, as approved by the majority of the Board.

4.2. Second Violation of Substance Abuse Policy.

4.2.1. Any Participant who has been found to have violated the Substance Abuse Policy for a second time shall receive a suspension for the remainder of the season. The suspended Participant shall not be permitted to attend any practices or games during the suspension.

4.2.2. Any Participant who has been found to have violated the Substance Abuse Policy for a second time shall be subject to random drug testing thereafter, as approved by the majority of the Board, for the remainder of Participant's participation in the Club.

4.3. Third Violation of Substance Abuse Policy.

4.3.1. Any Participant who has been found to have violated the Substance Abuse Policy for a third time shall receive a life time ban from participation in the Club.

5. APPEALS PROCESS

- 5.1.** In the event that a Participant tests positive for drugs or alcohol, the Participant may request a retest within 48 hours of the original test of the same sample which produced the positive result for drugs or alcohol. All fees incurred for the retest shall be paid by Participant. All appeals must be approved by the Board.