

3359-48-04 University of Akron athletic department drug education and testing.

(A) Purpose.

- (1) Substance abuse is a serious health and safety concern in our society, with negative and sometimes deadly effects. The use of illegal substances is a crime and the use of performance enhancing drugs is detrimental to student health and is a form of cheating. Alcohol use by student-athletes under the legal drinking age is illegal and the excessive use of alcohol by students who are of legal drinking age is strongly discouraged.
- (2) The department of athletics at the university of Akron firmly believes that substance abuse can have a negative effect on the performance of the student-athlete, both in the classroom and on the playing field. Increased drug and alcohol education and counseling, although critical, are not sufficient by themselves to prevent substance abuse. Drug testing is necessary both to deter drug use and to detect such use as it occurs. Therefore, the department of athletics has adopted a rigorous drug testing program, which strictly enforces the prohibition against the use of illegal and performance enhancing drugs.

Students who participate in intercollegiate athletics at the university of Akron are required to participate in the university's drug and alcohol education program and comply with its drug testing policy. Students-athletes also are subject to NCAA and conference regulations concerning prohibited drug and alcohol use and their respective drug testing requirements.

(B) Organization.

- (1) The NCAA executive committee has final authority over the procedures and implementation of the NCAA drug-testing program.
- (2) The athletics department has final authority over the university of Akron drug-testing program, which is conducted by a licensed drug-testing laboratory selected by the university.
- (3) The licensed drug-testing laboratory selected to conduct testing on behalf of the university will be required to demonstrate, to the satisfaction of the university, proficiency in detection and confirmation of the banned substance categories on the NCAA list of banned-drug classes.
- (4) All drug-testing results and reviews will be considered confidential student education records.

(C) Drug and alcohol education.

The department of athletics' drug and alcohol education program is an ongoing, comprehensive program designed to educate student-athletes about the adverse effects of substance abuse and to encourage them to engage in responsible behavior. Each member of every intercollegiate athletic team at the university of Akron is required annually to participate in drug education activities.

(D) Prohibited substances.

- (1) The university of Akron adopts and incorporates the NCAA banned substance list as of the date of drug testing, copies of which are available from the department of athletics at the university of Akron and on the NCAA website, www.ncaa.org. The student-athlete is responsible for knowing the banned substances identified on the NCAA site and, if uncertain whether a substance is banned, to consult with the team physician or the head athletic trainer.
- (2) Alcohol. Alcohol is a mood-altering substance that can cause significant health risks when used in excess. Alcohol consumption is illegal and unacceptable for individuals under the legal drinking age and excessive alcohol use by individuals of legal drinking age is strongly discouraged. Alcohol-related violations of the law, including but not limited to driving while impaired and underage possession or consumption of alcohol, shall constitute a violation of this policy.
- (3) Performance enhancing drugs. Performance enhancing drugs are medically harmful and are expressly prohibited by the university of Akron, the mid-American conference and the NCAA. Federal, state and local laws also prohibit the sale, distribution and/or use of many of these substances. Examples of performance enhancing drugs include, but are not limited to steroids and other anabolic agents that are identified annually on the NCAA banned-drug classes list, as well as agents used to block/mask detection, which also are identified annually on the NCAA banned-drug classes list.
- (4) Street drugs. Street drugs, including but not limited to schedule I, II and III drugs such as marijuana, amphetamines and opiates, have the potential to cause physical harm and dependence. The use of these drugs also may impair performance and reaction time, possibly resulting in injury to student-athletes or others during an athletic activity. Street drugs are expressly prohibited by the university of Akron, the mid-American conference and the NCAA. Federal, state and local laws also prohibit the sale, distribution and/or use of many of these substances.
- (5) Dietary/nutritional supplements. The university of Akron and its athletics personnel do not distribute or encourage the use of any dietary/nutritional supplements that have not been approved by the NCAA for distribution by member institutions. Student-athletes, who take a dietary/nutritional substance that contains banned substances or take permissible substances without proper physician supervision,

endanger their own health and safety and the health and safety of others during an athletic activity.

Student-athletes are solely responsible for any dietary/nutritional supplement they ingest, (including supplements that are labeled as vitamins/minerals), which may contain banned substances. The discovery of banned substances through a drug test is a violation of this policy, even if the substance was ingested through a dietary/nutritional supplement. Student-athletes should not use any dietary/nutritional supplement without first consulting with their physician and the head athletic trainer.

- (6) Medical exceptions and prescription drugs. It is recognized that some banned substances may be necessary for legitimate medical purposes. The university allows for an exception to this policy if there is a documented medical history that demonstrates the need for use of the substance, including documentation of all relevant prescription information. Medical exceptions will be reviewed on an individual basis, but will not be granted unless all supporting documentation is provided to the team physician.

Student-athletes must have a current, valid prescription from a licensed physician to them in order to take prescription medications. The identification through a drug test of an otherwise banned prescription medication will result in the student-athlete receiving a positive drug test result under any of the following circumstances.

- (a) Taking prescription medications without a current, valid prescription.
- (b) Taking medication from an old prescription without knowledge of the head athletic trainer and without the supervision of a physician.

Student-athletes not under the care of the medical staff for an injury/illness (including rehabilitation) should not use medication from an earlier-issued prescription without permission from a physician and/or athletic trainer.

(E) Drug testing procedures.

- (1) The analytical goal for our testing component is to ensure the sensitivity and specificity necessary to detect drug users. The standard used for a positive test is the same standard used by the NCAA to trigger NCAA discipline. The exception to this testing standard is in the Opiate class of drugs. This means that should an administered drug test evidence any level of use, the university may institute discipline in accord with its own policy. The department of athletics, through a licensed drug-testing laboratory, shall conduct testing for banned substances, including performance enhancing substances. It is a mandatory condition for participation in the intercollegiate athletic program at the university of Akron that

each student-athlete who is on a team's roster participates in the testing procedures.

- (2) All student-athletes are eligible for testing at any time in accord with this policy. All student-athletes are eligible to be selected for every test. NCAA post season qualifying student-athletes may be subjected to additional drug testing at their post-season events. All student-athletes are subject to year round testing by the NCAA on the university of Akron campus. Any student-athlete who tests positive in the NCAA drug testing program is subject to discipline by both the NCAA and the university of Akron.
- (3) Student-athlete selection and notification.
 - (a) No advance notice of testing will be given. Types of testing include:
 - (i) Random testing. Periodic testing of a portion of the total student-athlete population for each sport. The list of students to be tested will be generated randomly by computer from each team roster. All student-athletes are eligible for each test; provided, however that student-athletes listed on the roster who have exhausted their eligibility or who have career-ending injuries will not be selected for random testing, but are eligible for reasonable suspicion testing.
 - (ii) Total team testing. The entire roster of a team may be selected for testing at any time or at the request of a department of athletics administrator or athletic coach.
 - (iii) Reasonable suspicion testing. All student-athletes may be tested individually or as part of a regularly scheduled test. This test will be used for student-athletes who demonstrate symptoms or behaviors that are indicative of the use of banned substances. Student-athletes who have exhausted their eligibility or who have career-ending injuries, but who remain on athletic scholarship, also will be eligible for individual, reasonable suspicion testing.
 - (b) An athletic department staff member will notify the student-athlete of a drug test during an athletic department sponsored function. Student-athletes selected for testing must report to the designated collection station at the assigned time.
 - (c) An athletic department staff member must be in the collection station to certify the identity of the student-athletes selected for testing. Student-athletes selected for testing must present picture identification to enter the collection station. In the event the student-athlete does not have picture identification available, the athletic department will use other means to certify the student's identity.

(4) Student testing.

- (a) Student-athletes are required to annually execute a consent to testing form provided by the department of athletics. Student-athletes will be tested in accordance with the protocol developed by the licensed drug-testing laboratory with which the university contracts to conduct student-athlete drug testing.
- (b) Only those persons authorized by the collection station supervisor will be allowed in the collection station.
- (c) The collection station supervisor may release a sick or injured student-athlete from the collection station or may release a student-athlete to return to competition or to meet academic obligations only after appropriate arrangements for having the student-athlete tested have been made and documented.
- (d) A copy of information concerning the testing procedures is available from the sports medicine staff.
- (e) Failure to comply with the collection process; to arrive at the collection station at the designated time without justification; to provide a specimen according to protocol; to attempt to dilute, tamper with or falsify a sample; or to use a masking agent will be deemed as a positive test result.
- (f) Student-athletes who refuse to execute the required consent to testing shall be prohibited from participating in intercollegiate athletics for the remainder of the academic year. A non-recruited student-athlete in sports other than those involved in the NCAA's year-round drug-testing program may participate in preseason practice activities prior to the team's first contest or date of competition without signing the drug-testing consent form. The failure of a student-athlete to participate in any phase of testing and/or required counseling procedures will be considered, for disciplinary purposes, to be a positive test result.

(F) Voluntary disclosure/safe harbor.

- (1) Any student-athlete who has engaged in the use of prohibited substances is encouraged to seek assistance from the athletics department by voluntarily disclosing such use. The student-athlete may initiate evaluation or counseling by contacting a coach, athletic trainer or team physician. This arrangement is confidential and if the student-athlete seeks assistance prior to being identified as having violated this policy or being notified that s/he must undergo drug testing, the impermissible use will not be deemed a violation for the purpose of assessing sanctions under this policy. Notwithstanding the foregoing, a student-athlete still may be subject to sanction by the NCAA or the conference if the student-athlete

tests positive for a banned substance during an NCAA administered drug test.

- (2) A student-athlete may remain in the safe harbor program for a reasonable period of time, (not to exceed thirty days) as determined by the treatment plan. The treatment plan will be developed by the athletic department drug policy management team ("management team"), in consultation with the student-athlete. The management team consists of: a senior associate athletic director, the administrator for the student-athlete's sport (or designee), the head athletic trainer, the team physician and a counselor approved by the athletic department. However, the student-athlete may not be permitted to continue participation in intercollegiate athletics if the athletic director and the team physician determine that there is an associated health risk, and may return only when it has been determined by the athletic director, in consultation with the management team, that re-entry into intercollegiate sports is safe and appropriate. In order to exit the safe harbor program, the student-athlete will be required to undergo and successfully pass a drug test. Positive test results from drug tests that are administered as part of the safe harbor program shall not count as a positive test result for purposes of section G. While complying with the plan of the Safe Harbor Program, the student-athlete would not be included in the list of student-athletes eligible for institutional drug testing. However, the student-athlete in the safe harbor program will be eligible for selection for NCAA drug testing. If any obligation required by the safe harbor program is violated or if continued drug use is detected, this will be deemed a second positive drug test under this policy and the student-athlete will be removed from the safe harbor program.
 - (3) While in the safe harbor program, if the student-athlete regains eligibility to participate in intercollegiate sports, that student-athlete may be required to undergo periodic unannounced follow-up tests at the discretion of the athletics director (or designee) and the consulting physician or head athletics trainer.
 - (4) The voluntary safe harbor program provisions apply only one time per student-athlete, and only for the first disclosure of personal use of banned substances.
- (G) Notification and secondary testing requests.
- (1) Notification of specimen A positive test results.
 - (a) For student-athletes who have a positive finding, the laboratory will contact the director of sports medicine. The director of sports medicine will make a written notation of the test results and may, in the director's discretion, request written notification from the lab.

- (b) The athletic department shall notify the student-athlete of the finding. Upon informing the student-athlete of a positive test result, the athletic department will notify the student, in writing, of the right to request that specimen B be tested to review the accuracy of the positive finding. The student-athlete must make the request to the director of athletics in writing within seven days after receipt of the specimen A results.

(2) Specimen B testing.

- (a) A laboratory other than the one that analyzed the student-athlete's specimen A must conduct the testing and analysis of specimen B. The laboratory chosen by the student-athlete must meet industry standards for drug testing. The department of athletics will notify the original lab to release specimen B for testing by the lab selected by the student-athlete.
- (b) The student-athlete will be required to pay the university for the cost of the testing in advance. In the event that the specimen B findings are negative, the university will cause the student to be reimbursed in full for the cost of the test.
- (c) Sanctions will remain in place until the results of specimen B are received. These results will be shared with the student-athlete upon receipt by the department of athletics.

(H) Penalties.

(1) Performance enhancing drugs.

- (a) First positive.
 - (i) The team physician, director of sports medicine, athletic director, and head coach will be notified. At the athletic director's discretion, the parents of a student-athlete who is under twenty-one years of age may be notified.
 - (ii) The student-athlete will be suspended from twenty-five per cent of all regularly scheduled competition (standard rounding rules apply [e.g., greater than 1.5 equals 2 games]) during the current or upcoming playing and practice season commencing from notification of test results.
 - (iii) The student-athlete must also undergo a counseling program designated by the university of Akron.
 - (iv) At the conclusion of the suspension period, the student-athlete must pass a subsequent drug test to be eligible to return to athletic competition.
 - (v) The student-athlete will be subject to future testing at the discretion of the

department of athletics.

(b) Second positive.

- (i) The team physician, director of sports medicine, athletic director, and head coach will be notified. At the athletic director's discretion, the parents of a student-athlete who is under twenty-one years of age may be notified.
- (ii) The student-athlete will be suspended from fifty per cent of all regularly scheduled competition (standard rounding rules apply [e.g., greater than 1.5 equals 2 games]) during the current or upcoming playing and practice season commencing upon notification of test results. Suspension may be carried over to the next seasons regularly scheduled competition.
- (iii) The student-athlete must again undergo a counseling program designated by the university of Akron.
- (iv) At the conclusion of the suspension period, the student-athlete must pass a subsequent drug test to be eligible to return to athletic competition.
- (v) Return to athletic activities is at the discretion of the athletic director and head coach.
- (vi) The student-athlete will be subject to future testing at the discretion of the department of athletics.

(c) Third positive.

- (i) The team physician, director of sports medicine, athletic director, head coach and parents of a student-athlete who is under twenty-one years of age will be notified.
- (ii) The student-athlete will be suspended from all athletic activities for a period of one year, commencing upon notification of test results.
- (iii) The student-athlete's scholarship (if applicable) will be revoked.
- (iv) The student-athlete must undergo a treatment program at the student-athlete's own expense.
- (v) At the conclusion of the one-year period, the student-athlete must pass a subsequent drug test to be eligible to return to athletic activities.
- (vi) At the conclusion of one year and completion of the treatment program, the student-athlete may request reinstatement into the athletic program.
- (vii) Return to athletic activities is at the discretion of the athletic director and

head coach.

- (viii) Reinstatement to athletic activities will not include reinstatement of the student-athlete's scholarship (if applicable) unless otherwise determined by the athletics director in the exercise of the athletics director's discretion.

(2) Street drugs or other substances.

(a) First positive.

- (i) The team physician, director of sports medicine, athletic director, and head coach will be notified. At the athletic director's discretion, the parents of a student-athlete who is under twenty-one years of age may be notified.
- (ii) The student-athlete must undergo a counseling program designated by the university of Akron.
- (iii) The student-athlete will be subject to future testing at the discretion of the department of athletics.

(b) Second positive.

- (i) The team physician, director of sports medicine, athletic director, and head coach will be notified. At the athletic director's discretion, the parents of a student-athlete who is under twenty-one years of age may be notified.
- (ii) The student-athlete will be suspended from twenty per cent of all regularly scheduled competition (standard rounding rules apply [e.g., greater than 1.5 equals 2 games]) during the current or upcoming playing and practice season commencing upon notification of test results. Suspension may be carried over to the next seasons regularly scheduled competition.
- (iii) The student-athlete must again undergo a counseling program designated by the university of Akron.
- (iv) At the conclusion of the suspension period, the student-athlete must pass a subsequent drug test to be eligible to return to athletic competition.
- (v) The student-athlete will be subject to future testing at the discretion of the department of athletics.

(c) Third positive.

- (i) The team physician, director of sports medicine, athletic director, and head coach will be notified. At the athletic director's discretion, the parents of

a student-athlete who is under twenty-one years of age may be notified.

- (ii) The student-athlete will be suspended from fifty per cent of all regularly scheduled competition (standard rounding rules apply [e.g., greater than 1.5 equals 2 games]) during the current or upcoming playing and practice season commencing upon notification of test results. Suspension may be carried over to the next seasons regularly scheduled competition.
- (iii) The student-athlete must again undergo a counseling program designated by the university of Akron.
- (iv) At the conclusion of the suspension period, the student-athlete must pass a subsequent drug test to be eligible to return to competition.

(d) Fourth positive.

- (i) The team physician, director of sports medicine, athletic director, head coach and parents of student-athlete who is under twenty-one years of age will be notified.
- (ii) The student-athlete will be suspended from all athletic activities for a period of one year, commencing upon notification of test results.
- (iii) The student-athlete's scholarship (if applicable) will be revoked.
- (iv) The student-athlete must undergo a treatment program at the student-athlete's own expense.
- (v) At the conclusion of the one-year period, the student-athlete must pass subsequent drug test to be eligible to return to athletic activities.
- (vi) At the conclusion of one year and completion of the treatment program, the student-athlete may request reinstatement into the athletic program.
- (vii) Return to athletic activities is at the discretion of the athletic director and head coach.
- (viii) Reinstatement to athletic activities will not include reinstatement of the student-athlete's scholarship (if applicable) unless otherwise determined by the athletics director in the exercise of the athletics director's discretion.

(3) Positive test results are not negated at the end of each academic year. Positive test results accumulate over the student-athlete's career at the university of Akron. A positive test result in the student-athlete's first year followed by another positive test result in the student-athlete's second year would invoke procedures listed in

"second positive" in the penalty section.

- (4) Any encouragement, persuasion, or assistance to the student-athletes in the use or procurement of illicit drugs or sport-enhancing substances by university employees is strictly prohibited. A student-athlete having knowledge of such activity should inform either the university physician or an athletic administrator.
- (5) Under NCAA bylaw reference 10.2, athletic department staff members must inform the athletic director when they have knowledge that a student-athlete is using a substance on the list of banned drugs.

(I) Drug testing review procedure.

- (1) A The student-athlete may request a review of the accuracy of a positive finding in writing, including supporting evidence, directed to the university president within five business days from the date of notification of a positive finding.

The university president or the president's designee will convene an ad hoc committee to review the request as well as the supporting evidence. No members of the department of athletics may participate as members of the committee. The committee may request the student's presence, if deemed necessary, at a review meeting to discuss the evidence presented.

- (2) The committee will notify the athletic director and the student of its decision within seven days of the committee meeting.

(J) Restoration of eligibility.

- (1) Before a student-athlete is considered for eligibility restoration, the athletic department will test the student-athlete for the presence of banned substances.
- (2) Student-athletes who are ineligible as a result of a positive drug test shall be subject to testing by the athletic department at any time during their remaining period of ineligibility.
- (3) Student-athlete requests for reinstatement of eligibility will not be considered until after the student-athlete retests negative and the athletic director has received the results.

(K) NCAA drug testing.

- (1) The university of Akron adopts the list of banned substances as determined by the NCAA.
- (2) Use of banned substances:
 - (a) The NCAA regularly establishes a list of banned substances. Failure to share with appropriate university authorities the knowledge of use of any banned

substance is improper. Student-athletes should not assume that the list is limited to street drugs. Some of the banned substances can be found in prescription and over-the-counter medications such as cold remedies and nutritional supplements. Therefore, before taking any medication or nutritional supplement, student-athletes are advised to consult with their team trainer or team doctor.

- (b) Strict penalties have been established for first and subsequent violations of the NCAA banned substances rules. In addition, student-athletes who refuse to participate in drug testing or who attempt to manipulate a drug test to cause an incorrect result will also receive a penalty.
- (c) The NCAA executive committee has been authorized to determine the time and methods for drug testing of student-athletes. Students-athletes are selected randomly for testing during the regular season and prior to, or immediately following, any post-season championship or certified football game.

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