

## (A) Purpose.

- (1) The abuse of drugs and alcohol is currently a serious problem in our nation. Drugs and alcohol have a negative and sometimes deadly effect on those who abuse them. This abuse is disruptive to individual lives and to our entire society. The department of athletics at the university of Akron firmly believes that the use of drugs and alcohol can have a negative effect on the performance of the student-athlete, both in the classroom and on the playing field. The potential for drug abuse threatens the viability of collegiate athletes, the public's confidence in Athletic departments and the academic reputation of colleges and universities.
- (2) Increased drug and alcohol education and counseling, although critical, are not sufficient by themselves. Drug testing is necessary both to deter drug use and to detect such use as it does occur, so that drug abusers, and the threat of injury they represent to themselves and others, may be removed from the Athletic department. A principal motivation for drug testing, aside from a concern for the health of student-athletes, is that drug abusers are not physically fit for the rigors of intercollegiate sports and, therefore, pose a risk of serious injury to themselves and others in the course of practice and competition. Moreover, drug abuse undermines the integrity of the university's sports programs. The university of Akron expects all of its student-athletes to be medically certified for competition, to be appropriately conditioned for competition, to be outfitted with the appropriate safety equipment, and to be provided medical supervision.
- (3) Students who do become involved in intercollegiate athletics at the university of Akron will be required to participate in the university's drug education and testing policy. Students are also subject to NCAA regulations, which currently require student-athletes to submit to drug testing requirements for post-season play and track and football student-athletes are also subject to year round testing.

## (B) Drug testing procedures.

- (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 in the department of athletics at the university of Akron. The department has instituted a program of testing for illicit/sport enhancing substances. It is a condition for participation in the intercollegiate athletic program at the university of Akron that each student-athlete participates in the testing procedures.

- (2) Each student-athlete is subject to testing at any given time throughout the academic year, or other periods of official, organized practice and participation. Tests are conducted periodically with the randomly selected student-athletes being tested for specified substances, which appear on the most current NCAA banned substance list. All student-athletes are eligible for every test. NCAA post season qualifying student-athletes may be subjected to additional drug testing at their post-season events, and football and track student-athletes are subject to year round testing by the NCAA on the university of Akron campus.
  - (3) Student-athletes may be tested individually or as a part of a regularly scheduled test for just cause. This test will be used for student-athletes who demonstrate symptoms or behaviors that are indicative of substance abuse. No notice of testing is required.
  - (4) Student-athletes must notify the sports medicine staff of any medication usage (prescribed or over-the-counter) at the time of testing.
  - (5) All urine sample testing is accomplished through a licensed medical laboratory. If a test proves positive, additional testing will be automatically done to confirm the results. At the time of collection, the urine sample must register within acceptable ranges in regards to pH and specific gravity in order to be considered a valid sample. An invalid sample will be counted as a positive test result. If a positive test result occurs, the athletic director will inform the student-athlete.
    - (a) Banned drug classes:
      - (i) A complete list of drugs in each of the categories is available electronically via the “World Wide Web” or hard copy in the athletic training room, or from the team physician.
  - (6) Any attempt to dilute a sample or detection of a masking agent in the sample will result in a positive test result.
  - (7) A copy of the testing protocol is available from the sports medicine staff, which is incorporated into and made a part of this rule.
- (C) Failure to cooperate.
- (1) Refusal to be subjected to any phase of testing and/or counseling procedure will be considered, for discipline purposes, to be a positive test result, and the same procedures as a resultant positive test will be followed.

(D) Procedural Regulations.

- (1) Any student-athlete unable to produce a sample at the collection site during the designated time period shall be required to remain at the collection station until a complete sample is provided unless other arrangements are made with the collection station supervisor. Failure to report without justification to the training facility at the designated time on that day will result in a positive test result.
- (2) Positive test results are not negated at the end of each academic year whether they be the result of failure to appear or true chemical positives. 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.
- (3) Any encouragement, persuasion, or assistance to the student-athletes in the use or procurement of illicit drugs or sport-enhancing substances by the university staff members is strictly prohibited. A student-athlete having knowledge of such activity should inform either the university physician or an athletic administrator.
- (4) 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.

(E) Penalties.

- (1) First positive.
  - (a) 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.
  - (b) The student-athlete will be suspended from all athletic activities for ~~the period of~~ a minimum of seven days up to a maximum of thirty days at the athletic director's discretion, commencing from notification of test results.
  - (c) The student-athlete must also undergo a counseling program designated by the university of Akron.

- (d) At the conclusion of the ~~thirty-day~~ suspension period, the student-athlete must pass a subsequent drug test to be eligible to return to athletic activities.
  - (e) The student-athlete will be subject to future testing at the discretion of the department of athletics. No notice of testing is required
- (2) Second positive.
- (a) 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.
  - (b) The student-athlete will be suspended from all athletic activities for ~~the period of a minimum of fourteen days up to a maximum of sixty days~~ at the athletic director's discretion, commencing upon notification of test results.
  - (c) The student-athlete must again undergo a counseling program designated by the university of Akron.
  - (d) At the conclusion of the ~~sixty-day~~ suspension period, the student-athlete must pass a subsequent drug test to be eligible to return to athletic activities.
  - (e) Return to athletic activities is at the discretion of the athletic director and head coach.
  - (f) The student-athlete will be subject to future testing at the discretion of the department of athletics. No notice of testing is required.
- (3) Third positive.
- (a) 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.
  - (b) The student-athlete will be suspended from all athletic activities for a period of one year, commencing upon notification of test results.
  - (c) The student-athlete's scholarship (if applicable) will be revoked.
  - (d) The student-athlete must undergo a treatment program at the student-athlete's own expense.

- (e) 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.
  - (f) At the conclusion of one year and completion of the treatment program, the student-athlete may request reinstatement into the athletic program.
  - (g) Return to athletic activities is at the discretion of the athletic director and head coach.
  - (h) 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.
- (F) Drug testing review procedure.
- (1) A student-athlete has a right to challenge the accuracy of a positive finding. The review of the positive finding must be based on one of the following:
    - a) Evidence of procedural error; or
    - b) Evidence that refutes the positive finding.
  - (2) To request a review of a positive finding the following steps must be taken:
    - a) Written request for review must be forwarded to the university president, within seven days from the date of notification of a positive finding, and must include supporting evidence.
    - b) The university president or the president's designee will convene an ad hoc committee (no members of the department of athletics will be considered) to review the request as well as the supporting evidence. The committee may request the student's presence, if deemed necessary, at a review meeting to discuss the evidence presented.
    - c) The decision of the review committee will be forwarded in writing to the student-athlete and the director of athletics within seven days of the committee meeting.

## (G) NCAA drug testing.

- (1) The university of Akron adopts the list of currently banned substances as determined by the NCAA.
- (2) Use of banned substances:
  - (a) The NCAA has established 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 mandatory 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 tested randomly during the regular season and prior to, or immediately following, any post-season championship or certified football game.

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Certification:

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Ted A. Mallo  
Secretary  
Board of Trustees

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