

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

(A) Purpose.

- (1) ~~Substance abuse of drugs and alcohol is currently a serious health and safety concern problem in our society, with nation. Drugs and alcohol have a 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. 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) The department of athletics at the university of Akron firmly believes that substance abuse 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. 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 does 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. 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 participate in intercollegiate athletics at the university of Akron ~~will be~~ are required to participate in the university's drug and alcohol education program and comply with its drug testing policy. Students-athletes also are ~~also~~ subject to NCAA and conference regulations concerning prohibited drug and alcohol use and their respective drug testing requirements, ~~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) 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) An ad hoc committee convened by the university president or the president's designee will hear drug-testing reviews.
- (5) 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.

~~(B)~~(E) Drug testing procedures.

- (1) The analytical goal for our testing component is to ensure the sensitivity and specificity necessary to detect even “occasional” drug users. This means that should an administered drug test evidence any level of use of a banned substance, even if that level is below the detection level used by the NCAA to trigger NCAA discipline, the university may institute discipline in accord with its own policy. ~~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 of athletics, through a licensed drug-testing laboratory, shall conduct testing for banned substances, including performance ~~has instituted a program of testing for illicit/sport~~ 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. Each student-athlete is subject to testing at any given time throughout the academic year, or other periods of official, organized practice and participation, in accord with this policy. 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 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, and football and track 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.

- ~~(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)~~(d) A copy of information concerning the testing procedures protocol is available from the sports medicine staff, which is incorporated into and made a part of this rule.
- (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.

~~(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.~~

(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, 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.

~~(E)~~(H) Penalties.

(1) Performance enhancing drugs. ~~First positive.~~

(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.

- ~~(b)~~(ii) The student-athlete will be suspended from all athletic activities for ~~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)~~(iii) The student-athlete must also undergo a counseling program designated by the university of Akron.
- ~~(d)~~(iv) At the conclusion of the suspension period, the student-athlete must pass a subsequent drug test to be eligible to return to athletic activities.
- ~~(e)~~(v) The student-athlete will be subject to future testing at the discretion of the department of athletics. ~~No notice of testing is required.~~

~~(2)~~(b) Second positive.

- ~~(a)~~(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.
- ~~(b)~~(ii) The student-athlete will be suspended from all athletic activities for ~~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)~~(iii) The student-athlete must again undergo a counseling program designated by the university of Akron.

~~(d)~~(iv) At the conclusion of the suspension period, the student-athlete must pass a subsequent drug test to be eligible to return to athletic activities.

~~(e)~~(v) Return to athletic activities is at the discretion of the athletic director and head coach.

~~(f)~~(vi) The student-athlete will be subject to future testing at the discretion of the department of athletics. ~~No notice of testing is required.~~

~~(3)~~(c) Third positive.

~~(a)~~(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.

~~(b)~~(ii) The student-athlete will be suspended from all athletic activities for a period of one year, commencing upon notification of test results.

~~(c)~~(iii) The student-athlete's scholarship (if applicable) will be revoked.

~~(d)~~(iv) The student-athlete must undergo a treatment program at the student-athlete's own expense.

~~(e)~~(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.

~~(f)~~(vi) At the conclusion of one year and completion of the treatment program, the student-athlete may request reinstatement into the athletic program.

~~(g)~~(vii) Return to athletic activities is at the discretion of the athletic director and head coach.

~~(h)~~(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 will be suspended from all athletic activities for a minimum of seven days to a maximum of fourteen days at the athletic director's discretion, 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 activities.

(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 all athletic activities for a minimum of fourteen days to a maximum of thirty days at the athletic director's discretion, commencing upon notification of test results.
- (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 activities.
- (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.
- (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.

~~(F)~~(I) Drug testing review procedure.

- (1) A The student-athlete may request a review of ~~has a right to challenge~~ 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 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. 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.~~

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

(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.

~~(G)~~(K) 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 regularly 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 selected randomly for testing ~~tested randomly~~ during the regular season and prior to, or immediately following, any post-season championship or certified football game.

Effective: ~~November 17, 2002~~

Certification:

Ted A. Mallo
Secretary
Board of Trustees

Prom. Under: 111.15

Statutory Auth.: 3359.01

Rule Amp.: 3359.01

Prior Effective Date: 9/6/02, 11/17/02

Appendix

ENACTED 11/17/02

Drug-Testing Procedures for Student-Athletes

~~(A) — Medical code~~

- ~~(1) — The presence in a student athlete's urine of a substance and/or metabolite of such substance belonging to a class of drugs currently banned by the NCAA may be cause for loss of eligibility.~~
- ~~(a) — Related compounds are included in the class due to 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.~~
- ~~(b) — The current NCAA list of banned drug classes is available from the NCAA and at www.ncaa.org.~~
- ~~(2) — Evidence of the presence of a banned substance and/or metabolite will be from analysis of the student athlete's urine and confirmation by gas chromatography/mass spectrometry by a university approved, licensed medical laboratory.~~

~~(B) — Organization~~

- ~~(1) — The athletics department has final authority over the procedures and implementation of the university of Akron drug testing program.~~
- ~~(2) — The NCAA executive committee has final authority over the procedures and implementation of the NCAA drug testing program.~~
- ~~(3) — An ad hoc committee convened by the university president or the president's designee will hear drug testing reviews.~~
- ~~(4) — All drug testing results and reviews will be considered confidential educational records and all persons who handle such information will treat it as a confidential educational record at all times.~~

~~(5) — Any drug testing laboratory 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. The university reserves the right to conduct periodic quality control checks of the laboratory.~~

~~(C) — Causes for loss of eligibility~~

~~(1) — Each academic year the student athlete shall sign a form prescribed by the university in which the student athlete consents to be tested for the use of drugs prohibited by NCAA legislation. Failure to complete and sign the consent form prior to practice or competition in sports in which the NCAA conducts year round drug testing and prior to competition in all other sports shall result in the student athlete's ineligibility for participation (i.e., practice and competition) in all intercollegiate athletics.~~

~~(a) — 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.~~

~~(b) — The university shall administer the consent form individually, as it deems necessary, to each student athlete (including recruited partial qualifiers and nonqualifiers) each academic year.~~

~~(2) — All student athletes found to be positive for a banned substance and/or metabolite are subject to loss of eligibility consistent with university policies.~~

~~(3) — Student athletes who fail to sign the notification form or signature form, fail to arrive at the collection station at the designated time without justification, fail to provide a urine sample according to protocol, leave the collection station before providing a specimen according to protocol, or attempt to alter the integrity or validity of the urine specimen and/or collection process will be subject to the same penalty as if the student athlete had tested positive for a banned substance.~~

~~(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.~~

~~(D) Student athlete selection~~

~~(1) All student athletes are subject to testing at any given time throughout the academic year, or other periods of official, organized practice and participation.~~

~~(2) All student athletes are subject to NCAA testing at NCAA championships or in conjunction with post season bowl events. Track and football student athletes are subject to NCAA testing year-round.~~

~~(3) Athletes will be randomly selected for drug testing from the university's official team/squad roster.~~

~~(4) Student athletes listed on the team/squad list who have exhausted their eligibility or who have career ending injuries will not be selected.~~

~~(5) Student athletes may also be tested individually or as 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.~~

~~(E) Student athlete notification.~~

~~(1) No advance notice of testing is required.~~

~~(2) An athletic department staff member will notify the student athlete in writing of a drug test during an athletic department sponsored function such as: practice, weight training, study table, etc. Student athletes selected for testing must read and sign the written notification form.~~

~~(3) Student athletes selected for testing must report to the designated collection station immediately.~~

~~(4) — An athletic department staff member must be in the collection station to certify the identity of the student athletes selected for testing.~~

~~(5) — 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 the media guide to certify the student's identity.~~

~~(F) — Specimen collection procedures~~

~~(1) — Only those persons authorized by the collection station supervisor will be allowed in the collection station.~~

~~(2) — 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.~~

~~(3) — Student athletes selected for drug testing, must sign in on arrival at the collection station.~~

~~(4) — The student athlete will select a set of sealed, coded containers from a supply of such. A crew member will record the selected containers' code with the student athlete's name. The student athlete will initial the roster to authenticate that the code listed in the roster corresponds to that on the student athlete's coded collection container.~~

~~(5) — The collection station supervisor will then prepare three rosters: one listing the codes together with the names of the corresponding student athletes, one with the code numbers used for the university's chain of custody, and another listing the codes for the selected specimen containers used for the laboratory's chain of custody. The roster containing the codes together with the names of the corresponding student athletes will be given to the director of sports medicine.~~

- ~~(6) — The collector will monitor the furnishing of the specimen by observation in order to assure the integrity of the specimen until a specimen of at least 85 mL is provided.~~
- ~~(7) — Once a specimen (at least 85 mL) is provided, the student athlete is responsible for keeping the collection container closed and controlled.~~
- ~~(8) — Fluids and food given to student athletes who have difficulty voiding must be from sealed containers (certified by the collection station supervisor) that are opened and consumed in the station. These items must be caffeine and alcohol free and free of any other banned substances.~~
- ~~(9) — Incomplete specimen samples:~~
- ~~(a) — If the specimen is incomplete, the student athlete must remain in the collection station until the sample is completed unless other arrangements are made with the collection station manager. During this period, the student athlete is responsible for keeping the collection beaker closed and controlled.~~
- ~~(b) — If the specimen is incomplete and the student athlete must leave the collection station for a reason approved by the collection station supervisor, the specimen must be discarded.~~
- ~~(i) — Upon return to the collection station, the student athlete will begin the collection procedure again.~~
- ~~(10) — Once a specimen (at least 85 mL) is provided, the collector who monitored the furnishing of the specimen by observation will sign that the specimen was directly validated and a crew member will check the pH of the urine in the presence of the student athlete.~~
- ~~(11) — Adequacy of specimen provided:~~
- ~~(a) — If the urine has a pH greater than 7.5 (with reagent strip) or less than 4.5 (with reagent strip), the specimen will be discarded by the student athlete. The student athlete must~~

~~remain in the collection station until another specimen is provided. The student athlete will provide another specimen according to the procedures in paragraph (F) above.~~

~~(b) The laboratory will test for specific gravity. If the urine has a specific gravity below 1.003, the lab will notify the director of sports medicine who will obtain another specimen from the student athlete.~~

~~(c) If the urine has a specific gravity above 1.003 and the urine has a pH between 4.5 and 7.5 inclusive, the specimen will be processed and sent to the laboratory.~~

~~(d) If the laboratory determines that a student athlete's specimen is inadequate for analysis, at the athletic department's discretion, another specimen may be collected.~~

~~(e) The laboratory will make final determination of specimen adequacy.~~

~~(f) If a student athlete is suspected of manipulating specimens (e.g., via dilution), the athletic department will have the authority to perform additional tests on the student athlete, not to exceed two separate consecutive negative tests.~~

~~(12) A crew member will record the pH values.~~

~~(13) The student athlete will pour approximately 25 mL of the specimen from the "A container" into the "B container" in the presence of the crew member.~~

~~(14) The student athlete will place the cap on each vial in the presence of the crew member; the student athlete will then seal each vial in the required manner under the observation of the crew member.~~

~~(15) Containers and forms sent to the laboratory shall not contain the name of the student athlete.~~

~~(16) — All sealed specimens will be secured in a cooler for transfer to the laboratory's courier. The collection station supervisor will transfer the specimens to the courier for delivery to the laboratory.~~

~~(17) — The student athlete and crew member will sign the signature form and master sheet certifying that the procedures were followed as described in the protocol. Any deviation from the procedures must be described and recorded at that time. If deviations are alleged, the student athlete will be required to provide another specimen.~~

~~(18) — 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.~~

~~(19) — The specimens become the property of the athletic department.~~

~~(20) — Penalties for failure to comply.~~

~~(a) — Failure to certify compliance with the collection process, to arrive at the collection station at the designated time without justification or to provide a urine specimen according to protocol is cause for the same action(s) as evidence of use of a banned substance. The collection station supervisor will inform the student athlete of these implications (in the presence of witnesses) and record such. If the student athlete is not available, the collection station supervisor will notify the athletic department. The student athlete will be considered to have withdrawn consent and will be ineligible on that basis.~~

~~(G) — Chain of custody~~

~~(1) — An athletic department staff member will deliver and record the code for each sample delivered to the courier. The courier will initial to indicate receipt of each sample.~~

~~(2) — A laboratory employee will initial that the shipping cooler has been received from the courier.~~

~~(3) — The laboratory will record whether the code and seal on each vial arrived intact.~~

~~(4) — If a specimen arrives at the laboratory with security seals not intact, the athletic department may collect another specimen.~~

~~(H) — Lab analysis~~

~~(1) — The laboratory will use a portion of specimen A for its initial analysis.~~

~~(a) — Analysis will consist of sample preparation, instrument analysis and data interpretation.~~

~~(2) — For any specimen that indicates the presence of a banned substance or metabolite(s), the laboratory will use another portion of specimen A to re-test for banned substances and/or metabolite(s).~~

~~(a) — Analysis will consist of sample preparation, instrument analysis and data interpretation.~~

~~(3) — The laboratory will test any specimen that twice indicated the presence of a banned substance or metabolite(s) to confirm the amount of the banned substance or metabolite(s) present in the sample.~~

~~(4) — The laboratory director or designated certifying scientist will review all results showing a banned substance and/or metabolite(s) in specimen A.~~

~~(5) — The laboratory will hold and freeze the specimen A and specimen B containers for any specimens testing positive for banned substance(s) or metabolite(s).~~

~~(I) — Notification~~

~~(1) — Notification of specimen A positive test results~~

~~(b) — For student athletes who have a positive finding, the laboratory will contact the director of sports medicine by telephone as soon as possible. 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 laboratory will, during the telephone conversation, advise the athletic director that specimen B may be tested by an independent laboratory upon the student athlete's request.~~

~~(c) The athletic department shall notify the student athlete of the finding. Upon informing the student athlete of the positive finding, the athletic department will notify the student, in writing, of the right to request that specimen B be tested and of the right to request a review of the accuracy of the positive finding. The student athlete must respond to the athletic department in writing within seven days, indicating whether or not the student intends to request that specimen B be tested or to request a review of the accuracy of the positive finding.~~

~~(2) Specimen B testing~~

~~(a) The athletic department will act as follows in the event a student requests or declines to request that specimen B be tested:~~

~~(i) If the student chooses to have specimen B tested, the student athlete will be suspended from all intercollegiate athletic participation pending specimen B testing, in the interest of the student athlete's safety and the safety of other participants in the sport.~~

~~(ii) If the student athlete chooses to have specimen B tested, the athletic department shall declare the student athlete ineligible and the department will withhold the student athlete from all intercollegiate activity in accordance with the university drug education and testing policy upon notification of the specimen B positive finding.~~

- ~~(iii) — If the student athlete chooses to have specimen B tested, the athletic department shall declare the student eligible and the department will reinstate the student athlete to all intercollegiate activity upon notification of the specimen B negative finding. The records from both tests will be kept confidential and the student will be treated as though the first positive never occurred.~~
 - ~~(iv) — If the student athlete chooses not to have specimen B tested, the athletic department shall declare the student athlete ineligible and the department will withhold the student athlete from all intercollegiate activity in accordance with the university drug education and testing policy based upon the specimen A positive finding.~~
 - ~~(b) — A laboratory other than the one that analyzed the student athlete's specimen A will conduct specimen preparation and testing for specimen B analysis.~~
 - ~~(c) — To the extent possible, analysis of specimen B will be conducted according to the protocol set forth in paragraph (H)(1) to (H)(4) of this appendix.~~
 - ~~(d) — Specimen B findings will be final. The laboratory will inform the director of sports medicine of the results by telephone as soon as possible. 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.~~
 - ~~(e) — A student athlete who chooses to request that specimen B be tested will be required to pay the university, by cash or money order, 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.~~
- (3) — Notification of specimen B positive test results.

- ~~(a) — For student athletes who have a specimen B positive finding, the laboratory will contact the director of sports medicine by telephone as soon as possible. The athletic department shall notify the student athlete of the finding. At this point, normal NCAA eligibility procedures will apply.~~
- ~~(b) — Upon informing the student athlete of the positive finding, the athletic department will notify the student, in writing, of the right to request a review of the accuracy of the positive finding.~~

~~(4) — Review.~~

- ~~(a) — The student athlete may request a review of the accuracy of a positive finding in a writing, including supporting evidence, directed to the university president within seven days from the date of notification of a positive finding. Pending the outcome of the review, the student athlete will be suspended from all intercollegiate athletic participation in the interest of the student athlete's safety and the safety of other participants in the sport.~~
- ~~(b) — At the time a student athlete submits a written request for review of the accuracy of a positive finding to the university president, the student athlete must provide the athletics department with a copy of the request for review.~~
- ~~(c) — The review of the positive finding must be based on one of the following:
 - ~~(i) — Evidence of procedural error; or~~
 - ~~(ii) — Evidence that refutes the positive finding.~~~~
- ~~(d) — All drug testing results and reviews will be considered confidential educational records and all persons who handle such information will treat it as a confidential educational record at all times.~~

~~(e) The committee may request the student's presence, if deemed necessary, at a review meeting to discuss the evidence presented.~~

~~(f) The committee will notify the athletic director and student of the result of any appeal within seven days. This notification will be initiated by "overnight/signature required" letter (marked "confidential") to the student.~~

~~(5) The following is a recommended statement concerning positive testing that results in a student athlete's ineligibility. If inquiries are received, this statement could be released:~~

~~"The student athlete in question was found in violation of eligibility rules and has been declared ineligible."~~

~~(J) Restoration of eligibility.~~

~~(1) Before a student is considered for eligibility restoration, the athletic department will test the student athletes for the presence of banned substances in order to be considered for eligibility restoration.~~

~~(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 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.~~