

DRUG TESTING POLICY

REVISED JULY 2009

Tennessee State University Drug Testing Policy

Introduction

The following policy has been adopted by Tennessee State University and is administered by the Athletic Department. TSU reserves the right to make changes to this policy as needed and this policy should not be construed to create a contract between the Athletic Department and the student athletes.

The Department of Athletics at TSU is concerned with the health, safety, and welfare of the student athletes that participate in its programs and represent the university in competitive athletics. Substance abuse is one of the most important issues facing athletics and society today. The use of illegal drugs, performance-enhancing substances and alcohol as well as the misuse of legal drugs and dietary supplements and the inappropriate use of tobacco are inconsistent with the standards expected of student-athletes at TSU. Substance use and abuse in sport can pose risks to the student-athlete's health and negatively affect his or her academic and athletic performance. It also can compromise the integrity of athletic competition and the ideals of Tennessee State University.

Purpose

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

The intent of this policy is to prevent substance use and abuse by student-athletes via education, testing, and professional guidance. As a result, drug testing, education and counseling combine to form the ground work of this policy.

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

- Testing –includes analyzing biological specimens to detect prohibited substances student-athletes may introduce to their bodies and associated punitive consequences resulting from use detailed in this policy; and
- Professional Referral- facilitating appropriate treatment and rehabilitation of student-athletes.

Consent to Participate

All student-athletes including cheerleaders, student-trainers and managers (collectively student-athletes), are required to participate in the Drug Education and Drug Testing Program. Student-athletes who are academically ineligible but practicing with the team, those who are being “red-shirted”, and those who have incurred a season or career ending injury may be drug tested.

As a condition of participation in intercollegiate athletics at TSU, each student-athlete will be required to sign a consent form agreeing to undergo drug and alcohol testing authorizing release of test results in accordance with this policy. Failure to consent to or to comply with the requirements of this policy may result in suspension from participation or termination of eligibility to participate in intercollegiate athletics at TSU. Each student-athlete annually will be given a copy of the institutional policy and will be required to participate in an informative session describing alcohol, tobacco, and other drug education and testing policies. Additionally, student-athletes will be given an opportunity to ask any questions regarding the information contained in the testing program, or other related issues prior to signing the drug-testing consent form.

Prohibited Substances

The drug screening process may exclude analysis of, but is not limited to, the NCAA list of banned-drug classes (See Appendix D). For an ongoing updated listing of the banned-drug classes view the NCAA’s web site at www.ncaa.org. Prohibited substances that TSU may screen for include alcohol (in any sport), marijuana, PCP, opiates, MDMA (Ecstasy), amphetamines, cocaine, flunitrazepam (Rohypnol) and anabolic steroids. TSU requires that all student-athletes keep the athletic training staff and/ or team physician aware of any prescribed drugs, over-the-counter medications, and dietary supplements that he or she may be taking.

Medical Exceptions Procedure

TSU recognizes that some banned substances are used for legitimate medical purposes. A medical examination may be granted for a student-athlete with a documented medical history demonstrating the need for the regular use of such a banned substance. Exceptions may be granted for substances in the following classes of banned substances: stimulants, beta-blockers, diuretics and peptide hormones.

A student-athlete is responsible for informing the Team Physician or Athletic Trainer of all prescribed and non-prescribed medications he/she is taking. A letter from the prescribing physician documenting the student-athlete's medical history and demonstrating the need for regular use of the substance should be included in the student-athlete's medical record. The letter should contain information related to the diagnosis, medical history and dosage information. It is the student-athlete's responsibility to keep his/her medical files up to date.

In the event that a student-athlete is tested by TSU and tests positive, the student-athlete may request a medical exception. Such requests will be reviewed and decided upon by the team physician.

Selected Types of Drug Testing

Unannounced Random Testing

All student-athletes who have signed the institutional drug-testing consent form and are listed on the institutional squad list are subject to unannounced random testing. Students listed on the squad list that have exhausted their eligibility or who have had a season-ending or career-ending injury may be selected for testing.

Pre-season Screening

Student-athletes are subject to pre-season drug testing and may be notified of such by the Director of Athletics or his/her designee at any time prior to their first competition.

Reasonable Suspicion Screening

A student-athlete may be subject to testing at any time when the Director of Athletics or his/her designee determines there is individualized reasonable suspicion to believe that participant is using a prohibited drug. Such reasonable suspicion may be based on objective information as determined by the Director of Athletics or by an Associate/Assistant Athletic Director, Head Coach, Assistant Coach, Head Athletic Trainer, Assistant Athletic Trainer, or Team Physician, and deemed reliable by the Director of Athletics or his/her designee. Reasonable suspicion may be found, but not limited to, 1) observed possession or use of substances appearing to be prohibited drugs, 2) arrest or conviction for a criminal offense related to the possession or transfer of prohibited drugs or substances, or 3) observed abnormal appearance, conduct or behavior reasonably interpretable as being caused by the use of prohibited drugs or substances. Among the indicators which may be in evaluating a student-athlete's abnormal appearance, conduct or performance are: class attendance, significant GPA changes, athletic practice attendance, increased injury rate or illness, physical appearance changes, academic/athletic motivation level, emotional condition, mood changes and legal involvement. If suspected, the Director of Athletics or his/her designee will notify the student-athlete and the student-athlete must stay with a member of their coaching staff, the athletics administration staff, or the sports medicine staff, until a adequate specimen is produced. Note: The possession and/or use of illegal substances may be determined by means other than urinalysis. When an individual is found to be in possession and/or using such substances, he/she will be subject to the same procedures that would be followed in the case of a positive urinalysis (e.g. using on-site saliva testing products to determine alcohol consumption).

Postseason/Championship Screening

Any participant or team likely to advance to post-season championship competition may be subject to additional testing. Testing may be required of all team members or individual student-athletes at any time within thirty (30) days prior to the post-season competition. If a student-athlete tests positive, he or she will not be allowed to compete at the post-season event unless he or she subsequently tests negative prior to departure for the event.

Re-entry Testing

A student athlete, who has had his or her eligibility to participate in intercollegiate sports suspended as a result of a drug and alcohol violation, may be required to undergo re-entry drug and/or alcohol testing prior to regaining eligibility. The Director of Athletics or his/her designee shall arrange for re-entry testing after the counselor or specialist involved in the student-athlete's case indicates that re-entry into the intercollegiate sports program is appropriate.

Follow-up Testing

A student-athlete who has returned to participation in intercollegiate sports following a positive drug test under this policy may be subject to follow-up testing. Testing will be unannounced and will be required at a frequency determined by the Athletic Director or his/her designee in consultation with the counselor or specialist involved in the student-athlete's case.

Notification and Reporting for Collections

The student-athlete will be notified of and scheduled for testing by a representative from the athletic department. A student-athlete will be given no more than 48 hours notice. In some cases, a student-athlete will be given little or no notice. The Director of Athletics or his/her designee will notify the student-athlete of the date and time to report to the collection station and will have the student-athlete sign the Student-Athlete Notification Form.

The Director of Athletics or his/her designee will be in the collection station to certify the identity of the student-athletes selected. Student-Athletes shall provide picture identification when entering the drug-testing station. The Director of Athletics or his/her designee must remain in the collection station until all student-athletes complete the collection process.

Reporting Results

Urine samples will be collected and sent to an independent, SAMSHA approved laboratory for urinalysis. Each sample will be tested to determine if banned drugs or substances are present. A test result confirmed as positive by the laboratory does not automatically identify the student-athlete as having engaged in prohibited drug or alcohol use. Results will be made available to the Director of Athletics. The Director of Athletics, in conjunction with the Head Athletic Trainer and/or Associate Head Athletic Trainer

will review the results and if there is a positive drug test, he/she will set up a meeting with the student-athlete. The Student-Athlete may present evidence of any mitigating circumstances that he/she feels may be important to the outcome of the drug test. The Director of Athletics in conjunction with the Head Athletic Trainer and/or Associate Head Athletic Trainer will then make the determination of the outcome of the drug test.

If the laboratory reports a specimen as substituted, manipulated or adulterated, the student-athlete will be deemed to have refused to submit to testing and treated as if the test were positive for a banned substance.

All student-athlete information and records associated with the TSU drug testing program will be confidential and will be released only to those individuals with a legitimate need to know.

Penalties

Refusal to sign a consent form prohibits a student-athlete from participating in any intercollegiate sport at TSU. Any student-athlete who tests positive for a banned substance, who refuses to submit to a required drug test as described in this policy, or who attempts to alter, manipulate, adulterate or intentionally dilute a urine specimen shall be subject to the sanctions identified in this policy. The institutional sanctions as listed below will be imposed if a student-athlete tests positive for an NCAA drug test. Furthermore, positive drug test results (NCAA and institutional) accumulate over the term of a student-athlete's eligibility.

A. FIRST OFFENSE

The Third Party Administrator will report the first positive drug test finding(s) to the Director of Athletics or his/her designee. The Director of Athletics will schedule a confidential meeting with the student-athlete, the Head Coach, the Team Physician, and/or Head athletic trainer and/or Associate Head Athletic Trainer to review the positive drug test results. The student athlete will be responsible for scheduling an appointment with Counseling Services within 48 hours of the confidential meeting. The student-athlete will be required to attend or continue attending drug-counseling sessions as determined by the counselor. The student-athlete will be suspended from **10%** of all exhibition games, scrimmages, regularly scheduled and post-season competitions. If this **10%** does not finish with the end of the season, the suspension will be carried over to next sport season. In addition, the student-athlete will not be permitted to return to competition in intercollegiate sports until he/she has complied with the counselor's directions for treatment and has had a negative result on a re-entry drug and/or alcohol test. Failing to comply with the counselor's directions for treatment, having a positive result on a re-entry drug and/or alcohol test will be classified as a third offense. The student-athlete will be subject to follow-up testing for the remainder of his/her eligibility at TSU.

Testing will be unannounced and will be required at a frequency determined by the Director of Athletics or his/her designee.

The 10% suspension may be altered and other requirements added on a case-by-case basis as deemed necessary by the Director of Athletics.

B. SECOND OFFENSE

The Third Party Administrator will report the second positive drug test finding(s) to the Director of Athletics or his/her designee. The Director of Athletics will schedule a confidential meeting with the student-athlete, the Head Coach, the Team Physician, and/or Head Athletic Trainer and/or Associate Head Athletic Trainer to review the positive drug test results. Once again the student athlete will be responsible for scheduling an appointment with Counseling Services within 48 hours of the confidential meeting. The Director of Athletics or his/her designee will notify the student athlete's parent(s) or legal guardian(s) by telephone and in writing. The student-athlete will be required to attend or continue attending drug-counseling sessions as determined by the counselor. The student-athlete will be suspended from **25%** of all exhibition games, scrimmages, regularly scheduled and post-season competitions. If this **25%** does not finish with the end of the season, the suspension will be carried over to next sport season. In addition, the student-athlete will not be permitted to return to competition in intercollegiate sports until he/she has complied with the counselor's directions for treatment and has had a negative result on a re-entry drug and/or alcohol test. Failing to comply with the counselor's directions for treatment, having a positive result on a re-entry drug and/or alcohol test will be classified as a third offense. The student-athlete will be subject to follow-up testing for the remainder of his/her eligibility at TSU.

Testing will be unannounced and will be required at a frequency determined by the Director of Athletics or his/her designee.

The **25%** suspension may be altered and other requirements added on a case-by-case basis as deemed necessary by the Director of Athletics.

C. THIRD OFFENSE

The Third Party Administrator will report the third positive drug test finding(s) to the Director of Athletics or his/her designee. The Director of Athletics will schedule a confidential meeting with the student-athlete, the Head Coach, the Team Physician, and/or the Head Athletic Trainer and/or Associate Head Athletic Trainer, and the counselor to review the positive drug test results. The Director of Athletics or his/her designee will notify the student-athlete's parent(s) or legal guardian(s) by telephone and in writing. The student-athlete will be immediately suspended from participation in all intercollegiate sports at Tennessee State University for a minimum of one calendar year and will lose one season of eligibility at Tennessee State University. Consistent with all university, conference and NCAA regulations, the student-athlete will be subject to cancellation of athletic financial aid for the subsequent semester, if any, in the current academic year and non-renewal of the athletic financial aid for the ensuing academic year. The student-athlete will not be reinstated for athletic participation at TSU until providing the Director of Athletics with verification of the successful completion of a certified alcohol and/or drug rehabilitation program. The student-athlete also will have to provide a negative result on a re-entry and/or alcohol test prior to reinstatement.

The student-athlete will be subject to follow-up testing for the remainder of his/her eligibility at TSU. Testing will be unannounced and will be required at a frequency determined by the Director of Athletics or his/he designee.

Refusal to participate in the required counseling or treatment program may subject the student-athlete to an indefinite suspension from intercollegiate athletic participation.

Out of Season

If the student-athlete has tested positive out of season for any offenses, then they will have to adhere to the penalties with that offense in their upcoming season.

***During suspension, the student athlete will be allowed to practice but not compete/travel with any athletic team.**

Missing a Counseling Session

Student-athletes are required to comply with the appointment policy developed by the Tennessee State University Counseling Services. It is the responsibility of the student-athlete who makes an appointment with a counselor to keep that appointment. If the student-athlete is not able to keep the appointment he or she is expected to cancel the appointment by telephone, preferably 24 hours in advance but by at least by 8:30 a.m. on the day of the appointment. Prior to the appointment the student-athlete will read and sign an informed consent for evaluation and treatment, which includes an agreement to follow the appointment policies.

Failure to keep or cancel an appointment as stated above may result in suspension from practice and/or competition as determined by the Director of Athletics or his/her designee.

Voluntary Disclosure/Safe Harbor

- (a) A student-athlete who has engaged in prohibited drug or alcohol use is encouraged to seek assistance from the Athletic Department by voluntarily disclosing his or her use.
- (b) If the student-athlete seeks assistance prior to being identified as having violated this policy or *prior* to being notified that he or she must undergo screening, the impermissible use will not be deemed as offense for purposes of determining sanctions under this policy; however the student-athlete will be ineligible to participate in intercollegiate sports pending an evaluation. A student-athlete will not be permitted to enter the Safe Harbor Program thirty (30) days prior to NCAA or Conference postseason competition.
- (c) A student-athlete may use the Safe Harbor Program only one time during his or her period of eligibility at TSU.
- (d) The student-athlete will be required to undergo an evaluation as deemed appropriate by a counseling professional. The counseling professional shall determine the appropriate form(s) of intervention and rehabilitation needed by the student-athlete, based on the circumstances of the case. The counselor will provide a summary of his or her findings and recommendations to the Athletic Director.

- (e) A student-athlete will be permitted to remain in the Safe Harbor Program for a reasonable period of time, not to exceed thirty (30) days, as determined by the treatment plan. However, the student-athlete will not be permitted to return to participation in intercollegiate sports until the counselor has interviewed the student-athlete following the conclusion of the recommended treatment (or stage of treatment, as applicable) and has determined that re-entry into intercollegiate sports is appropriate. If the counselor deems it necessary, the student-athlete will be required to undergo drug and/ or alcohol testing as part of the re-entry evaluation.
- (f) Failing to complete the treatment recommended by the counselor, having a positive test for any banned substance after entering the Safe Harbor Program, or having a positive test for any banned substance after entering the Safe Harbor Program will be deemed a second offense under this policy.
- (g) If the student-athlete regains his or her eligibility to participate in intercollegiate sports, he or she may be required to undergo unannounced follow-up tests as the discretion of the Athletic Director in consultation with the counselor.

Appeals Process

Student-athletes who test positive for a banned substance by the laboratory retained by the university may, within 72 hours following receipt of notice of the laboratory finding, contest the finding. Upon the student-athlete's request for additional testing of the sample, the Director of Athletics will formally request the laboratory retained by the university to perform testing on specimen B. The student-athlete may choose to be present at the opening of specimen B at the laboratory. If the student-athlete does not wish to be present at the opening of specimen B, but does desire to be represented, arrangements will be made for a surrogate to attend the opening of specimen B. The surrogate will not be involved with any other aspect of the analysis of the specimen. The student-athlete or his/her surrogate will attest to the sample number and the integrity of the security seal prior to the laboratory opening of specimen B. Specimen B findings will be final, subject to the results of any appeal. If specimen B results are negative, the drug test will be considered negative.

Student-athletes who test positive under the terms of the TSU Intercollegiate Athletics Alcohol, Tobacco, and Other Drug Education and Testing Policy will be entitled to a hearing with the Council of Appeals. The Council of Appeals is comprised of:

1. The Director of Athletics or his/her designee
2. The Faculty Athletic Representative
3. The Senior Women's Administrator
4. The Head and/or Associate Head Athletic Trainer
5. One individual of the student-athletes choice that is a current Tennessee State University athlete or staff member.

Requests for such a hearing must be made within forty-eight (48) hours of notification of a positive test result. If the forty-eight hours would end on a weekend, the request must be made by noon on the next business day. Requests must be made in writing and received by the Director of Athletics.

The student-athlete may have an advocate or other representative present if the student so desires. However, the student-athlete must present his or her own case. The meeting should take place no more than seventy-two (72) hours after the written request is received. Either the student-athlete or the other parties involved may request an extension of time to the Director of Athletics, who will consider granting the extension upon a showing of good cause. These proceedings shall include an opportunity for the student-athlete to present evidence, as well as to review the results of the drug test. The proceedings shall be confidential. The decision by the Council of Appeals regarding the sanction to be imposed shall be final.