POL 09.00.01

UNC Pembroke Athletics Substance Education, Screening and Counseling Policy

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**Authority:** Board of Trustees

**History:**

* First Issued: Prior to April 28, 2015
* Last Revised: April 28, 2015

**Related Policies:**

* [UNC Policy Manual 1100.1 – Intercollegiate Athletics](http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=s312)
* [POL 04.25.01 – UNC Pembroke Drug and Alcohol Policy](http://www.uncp.edu/about-uncp/administration/policies-and-regulations/all-policies/pol-042501-drug-and-alcohol-policy)
* [National Collegiate Athletic Association – Banned Drugs](http://www.ncaa.org/health-and-safety/policy/2014-15-ncaa-banned-drugs)

**Additional References:**

* UNC Pembroke Athletics Drug Testing Consent Form

**Contact Information:** Director of Athletics 910.521.6227

**1. INTRODUCTION**

1.1 This program will be for detecting drug/substance abuse using periodic, randomized testing with our intercollegiate athletic programs. This will include banned substances and performance enhancing drugs according to applicable governing bodies. In addition, this policy will outline mandatory rehabilitation through counseling to assist with recovery.

**2. PROHIBITED DRUGS**

2.1 Some of the drugs outlined by the National Collegiate Athletic Association (NCAA) are illegal while others may be obtained by medical prescription. The NCAA offers the following Nutritional/Dietary Supplements Warning. Be advised that products sold in health food stores as “natural” products are not under the regulation of the Federal Drug Administration and manufacturers are under no obligation to specify every ingredient.

2.1.1 Dietary supplements are not well regulated and may cause a positive drug test result.

2.1.2 Student-athletes have tested positive and lost their eligibility using dietary supplements.

2.1.3 Many dietary supplements are contaminated with banned drugs not listed on the label.

2.1.4 Any product containing a dietary supplement ingredients is taken at your own risk.

2.2 Ignorance that you are taking a banned substance will not be an excuse for a positive test. Student-athletes are responsible for substances in their system. There is an NCAA banned list of drugs that student-athletes are NOT allowed to take while participating in intercollegiate athletics.Any medical exemptions for the use of ADHD medication or other banned prescriptions, prescribed by a physician, must be included in the medical records on file with his or her Athletic Trainer.

2.3 NCAA Banned Drugs

2.3.1 It is the responsibility of the student-athlete to check with the appropriate athletics staff before using any substance.

2.3.2 The NCAA bans the following classes of drugs:

2.3.2.a. Stimulants;

2.3.2.b. Anabolic Agents;

2.3.2.c. Alcohol and Beta Blockers (banned for rifle only);

2.3.2.d. Diuretics and Other Masking Agents;

2.3.2.e. Street Drugs;

2.3.2.f. Peptide Hormones and Analogues;

2.3.2.g. Anti-estrogens; and

2.3.2.h. Beta-2 Agonists

2.3.3 Note: Any substance chemically related to these classes is also banned.

2.3.4 The student-athlete shall be held accountable for all drugs within the banned drug class regardless of whether they have been specifically identified.

2.3.5 Additionally Banned Drugs and Restricted Procedures

2.3.5.a. Blood Doping;

2.3.5.b. Local Anesthetics (under some conditions);

2.3.5.c. Manipulation of Urine Samples;

2.3.5.d. Beta-2 Agonists permitted only by prescription and inhalation; and

2.3.5.e. Caffeine if concentrations in urine exceed 15 micrograms/ml

**3. DRUG TESTING SCREENING PROGRAM**

3.1 By agreeing to participate in this program, a student-athlete agrees to submit to **any** tests prescribed by The University of North Carolina at Pembroke to reveal the use of any of the drugs banned by the NCAA. No such test will be administered unless the affected person first has signed an individual notification form which expressly identifies the specific test that he or she will be asked to undergo. The basic test to be used for drug screening is a urinalysis. However, other types of tests from time to time may be utilized to determine the presence of banned substances.

3.2 The testing based on a urinalysis will be implemented as follows:

3.2.1Unannounced Random Testing **–** All student-athletes may be subject to periodic unannounced random testing, which includes NCAA-mandated testing and institutional testing. Each intercollegiate athletic team will be subjected to this testing throughout the school, including the summer months. The selection of individuals will be made through a random, computer-generated, drawing. The drug-testing notification shall include the time and location of the test.

3.2.2 Testing In Response to Individualized Reasonable Suspicion– A student-athlete may be subject to testing at any time when, in the judgment of the Athletic Director, head coach, and Head Athletic Trainer, there is reasonable cause to suspect the student-athlete is engaged in the use of any of the drugs prohibited by this policy. Upon receipt of such information, the Athletic Director shall confer with University General Counsel and medical representatives in determining whether there is reasonable cause to suspect that the student-athlete is engaged in prohibited drug use. If individualized reasonable suspicion is found to exist, the Athletic Director, or his/her designee, will meet with the student-athlete. At that meeting, the Athletic Director, or his/her designee, will provide written notice specifying the date, time and place at which the student will be tested unless the student provides an explanation for his/her behavior which is satisfactory to the Athletic Director or his/her designee. Such individualized reasonable suspicion may be based on information from any source deemed reliable by the Athletic Director, including but not limited to:

3.2.2.a. Observed possession or use of substances that reasonably appear to be drugs of the type prohibited;

3.2.2.b. Arrest or conviction for a criminal offense related to the possession, use or trafficking of drugs of the type prohibited; or

3.2.2.c. Observed abnormal appearance, conduct, or behavior, including unusual patterns of absence from training or competition, reasonably interpretable as being caused by the use of prohibited drugs.

3.2.3 The testing will be conducted in accordance with the procedures established in the University of North Carolina system’s contract with the testing agency (Aegis Sports Labs).

3.3 Consequences of failure to participate in or cooperate with testing.

3.3.1 If the student-athlete declines to execute the required individual notification form, eligibility to participate in intercollegiate athletics will be canceled for the remainder of the academic year.

3.3.2 If the student-athlete fails to appear at the designated time and place for testing without verified excuse acceptable to the drug-testing coordinator, eligibility to participate in intercollegiate athletics will be canceled for the remainder of the academic year.

3.3.3 If the student-athlete tampers with the drug-testing sample in any way, as determined by the collectors or the laboratory, he/she will be considered to have tested positive and will be subject to the sanctions associated with a NON-negative test.

3.4 The student-athlete will be required to stay at the testing site until a valid urine sample is given.

3.5 Safe Harbor Exemption

3.5.1 Any student-athlete may voluntarily admit to having a substance abuse problem prior to the notification of selection for drug-testing without the sanctions associated with a NON-negative drug-test. The student-athlete willbe required to meet privately with the Athletic Director, head coach, and drug-testing coordinator to ascertain the facts about the nature, extent**,** and history of the problem. In eliciting information from the student-athlete, responses are to be oral, and are to be revealed only to University officials, persons authorized by the student, and the parents of the student-athlete if he or she is a minor. In addition, the student-athlete will be referred for counseling and any additional drug testing for a period of 30 days. During this 30-day period a positive test will not count against the athlete. This exemption may be used ONLY once during the student-athlete’s intercollegiate athletic career.

**4.** **ADMINISTRATION PROCEDURES AND CONFIRMATION OF THE DRUG-TESTING PROGRAM**

4.1 The student-athlete will report to the designated testing facility at the time specified with valid photo ID. There is no specific time notice required before the testing notification.

4.2 The student-athlete will sign the notification and complete the chain of custody forms prior to providing a urine sample and confirm that the information is accurate and correct.

4.3 The student-athlete will select a sealed drug-testing kit; which is assigned a specific number for each individual test.

4.4 The certified drug-testing collector from Aegis will take the chain of custody form and drug-testing kit into the designated testing facility where the student-athlete will provide a urine sample.

4.5 The designated testing facility will be secured and the certified drug-testing collector will be the only other individual present at the time of collection to witness and ensure tampering does not occur.

4.6 The student-athlete will produce an appropriate sample and remain in the testing facility until provided (specific amount required for testing and valid specific gravity).

4.7 The temperature and specific gravity will be assessed following the completion of the collection of each sample. This testing will be completed in view of the student-athlete. An additional sample may be required at the discretion of the certified drug-testing collector. All samples will be screened for banned drugs.

4.8 The urine specimen bottle is sealed by the drug-testing collector per the laboratory testing protocol.

4.9 The drug-testing collector validates the number of the specimen bottle and chain of custody forms; which the student-athlete then confirms.

4.10 The sealed urine specimen bottle is placed in a plastic bag that is sealed in view of the student-athlete.

4.11 The student-athlete is provided with a copy of the chain of custody form and the drug-testing coordinator is also given a copy to identify the individual with the drug-testing results.

4.12 Non-negative tests are screened for any banned drugs (street) and confirmation is obtained by gas chromatography and mass spectrometry according to the drug thresholds.

**5. NOTIFICATION OF RESULTS**

5.1 The results will be correlated using the chain of custody forms to the respective student-athlete. The campus drug-testing coordinator will communicate non-negative results to the following individuals as needed:

5.1.a. Athletic Director

5.1.b. Head Athletic Trainer/Drug-testing coordinator

5.1.c. Head Coach

5.1.d. UNC Pembroke Counseling and Psychological Services (CAPS)

5.1.e. Parents of student-athlete

**6. CONSEQUENCES OF A NON-NEGATIVE TEST RESULT**

6.1 When a student-athlete produces a NON-negative test result, the following institutional provisions will apply.

6.2 First Occasion

6.2.1 Upon notification of a NON-negative test result, the student-athlete will be suspended from team participation until a confidential meeting is scheduled. The student-athlete will be required to meet privately with the Athletic Director, head coach, and drug-testing coordinator to ascertain the facts about the nature, extent**,** andhistory of the problem. In eliciting information from the student-athlete, responses are to be oral, and are to be revealed only to University officials, persons authorized by the student, and the parents of the student-athlete if he or she is a minor. The departmental sanctions associated with a NON-negative test are the following: minimum 10% suspension for athletic contests during championship season, complete three required counseling sessions (the first of which must be complete prior to returning to participation), and be subject to additional unannounced drug testing throughout athletic career. Individual team and program rules may dictate stricter penalties.

6.2.2 Notification of parents. If the student-athlete is a minor, his or her parents will be informed. The drug-testing coordinator, in conjunction with the Athletic Director, will communicate known facts and the conditions to be imposed by the institution in response to those facts. Parents will be informed, regardless of legal age, of facts using written notice signed by the Athletic Director, drug-testing coordinator, head coach, and student-athlete.

6.2.3 Conditions for Reinstatement. At the conclusion of the confidential meeting, the student-athlete will sign a letter to be sent to the parents outlining the counseling, rehabilitation and other provisions that must be met in order for the student-athlete to be reinstated. At a minimum, the student-athlete will be required to complete the first counseling session within two weeks of the initial meeting between the student-athlete, Athletic Director, head coach, and drug-testing coordinator. The subsequent two sessions are to be completed within three months of that same initial meeting.

6.2.4 Suspension or Permanent Cancellation of Athletic Eligibility. Even with respect to a first known occasion, the student will be suspended from athletic participation in accordance with NCAA legislation, and the institution may permanently cancel his or her eligibility. If eligibility is canceled, a student-athlete will not be eligible for renewal of any athletic scholarship, and an existing scholarship may be subject to cancellation. The parents of minor students and dependent students will be notified of any such cancellation of eligibility.

6.3 Second Occasion

6.3.1 Suspension, Loss of Eligibility and Conditions for Reinstatement. The student-athlete will be suspended from participation in team activities for a minimum of the remainder of the academic semester and the subsequent fall/spring term (i.e. A February positive test would result in suspension for the remainder of spring semester and all fall semester). For team standing to be restored, the student-athlete must satisfactorily complete all terms of the original contract and any additional amendments deemed necessary by the Athletic Director, head coach and drug-testing coordinator. Counseling and follow-up testing will be required of the student-athlete for the duration of any period of suspension, and thereafter for as long as the Athletic Director, head coach and drug-testing coordinator deem appropriate. Upon completion of this contract and follow-up testing, the student-athlete can petition for a hearing with the Athletic Director and head coach to have eligibility restored for the following season. If a student-athlete chooses not to complete the contract prior to the last day of class during the academic year in which the second occasion takes place, he or she will be suspended indefinitely and eligibility for renewal of athletic scholarship will be voided and an existing scholarship may be subject to cancellation.

6.3.2 Notification of Parents*.* If the student-athlete is a minor, his or her parents will be informed by the Athletic Director and drug-testing coordinator of the known facts and of the conditions to be imposed by the institution in response to those facts. Parents will be informed, regardless of legal age, of facts using written notice signed by the Athletic Director, drug-testing coordinator, head coach, and student-athlete.

6.3.3 Counseling and Rehabilitation*.* A student-athlete whose eligibility has been canceled may seek assistance from established University counseling and medical resources otherwise available to students concurrent to their enrollment at The University of North Carolina at Pembroke. Such services will not be initiated or supervised by the Athletic Department, since the student-athlete’s affiliation with the athletic programs of the institution will have ended.

6.4 Third Occasion

6.4.1 Cancellation of eligibility. The athletic eligibility of the student-athlete will be canceled permanently; the student-athlete will not be eligible for renewal of any athletic scholarship, and an existing scholarship may be subject to cancellation

6.4.2 Notification of parents. If the student-athlete is a minor, his or her parents will be informed by the Athletic Director and drug-testing coordinator of the known facts and of the conditions to be imposed by the institution in response to those facts. Parents will be informed, regardless of legal age, of facts using written notice signed by the Athletic Director, drug-testing coordinator, head coach, and student-athlete.

**7. APPEALS AND HEARINGS**

7.1 Request for hearing or waiver of hearing

7.1.1 A student-athlete may obtain a hearing by addressing a request in writing to the Director of Athletics within three (3) calendar days.

7.2 Hearing

7.2.1 Hearing Committee. If an affected student-athlete requests a hearing, the hearing shall be presided over a standing committee consisting of the Campus Safety Officer, Faculty Athletics Representative, and Head Athletic Trainer.

7.2.2 Conduct of Hearing. The hearing shall be convened within five (5) days after it is requested. The hearing shall be conducted in private, attended only by the members of the committee, the affected student- athlete and a person of his or her choice, and any witnesses who are present to give testimony. The Director of Athletics, or his or her designee, shall present evidence in support of the proposed suspension or cancellation. The affected student-athlete, accompanied by a person of his or her choice, may be present to hear and review all evidence presented in support of the proposed sanction, to challenge such evidence, and to present other evidence in his or her own defense. The burden shall be on the Director of Athletics to prove, by preponderance of the evidence that violations of the program occurred. After hearing all such evidence as it deems relevant, the committee shall deliberate in private for the purpose of making findings of fact. The findings and conclusions shall be based exclusively on information supplied in the hearing. Within three (3) days after it concludes its inquiry, the committee shall report its conclusions concerning the facts, as well as any advice concerning the severity of the sanctions proposed, to the Director of Athletics, who shall decide what sanction, if any, shall be imposed.

**8. CONFIDENTIALITY OF INFORMATION**

8.1 Any information concerning a student-athlete’s alleged or confirmed improper use of drugs, solicited or received pursuant to implementation of this program, shall be restricted to institutional personnel and to parents of minors or dependent student-athletes. No other release of such information will be made without the student-athlete’s written consent, unless in response to appropriate judicial process. The institution cannot guarantee that law enforcement or prosecutorial authorities will not gain access to information in the possession of the institution, since valid subpoena or other enabling court order might be issued to compel disclosure.