



# Idaho State University

## POLICIES AND PROCEDURES

### DRUG AND ALCOHOL TESTING FOR STUDENT ATHLETES

#### ISUPP 8190

#### *POLICY INFORMATION*

**Policy Section:** *Athletics*

**Policy Title:** *Drug and Alcohol Testing for Student Athletes*

**Responsible Executive (RE):** *Director of Athletics*

**Sponsoring Organization (SO):** *Department of Athletics*

**Dates: Effective Date:** *December 2, 2020*

**Revised:** *N/A*

**Review Date:** *December 2025*

## I. INTRODUCTION

Idaho State University (University) has a compelling interest in prohibiting and deterring drug use by student-athletes. The University educates its student-athletes about the detrimental effects of drug use on health, safety, academic work, and careers.

## II. DEFINITIONS

- A. **Illicit Substance:** is one that is illegal for the student-athlete to possess, use, be under the influence of, or manufacture, including but not limited to narcotic pain medications that have not been prescribed to the student-athlete and substances such as heroin, methamphetamines, cocaine, marijuana, T.H.C., or "ecstasy."
- B. **Performance Enhancing Drug:** is one that gives a student-athlete an unfair advantage, including but not limited to those substances listed as banned in NCAA Bylaw 31.2.3.1. The use of a Performance Enhancing Drug is a form of cheating. The use of such a drug may also pose significant health and safety risks for the student-athlete and those in competition with the student-athlete. A current list of Performance Enhancing Drugs will be provided to each student-athlete before the start of the playing season or when the name of the student-athlete is first entered upon the team roster, whichever is later.

- C. **Related Compounds:** means substances that are included in the class of Performance Enhancing Drugs by their pharmacological action or chemical structure or their derivatives. No substance belonging to the prohibited class may be used, regardless of whether it is specifically listed.

### **III. POLICY STATEMENT**

The University and its Department of Intercollegiate Athletics (Department) prohibit illegal drug and illegal alcohol use; the abuse of alcohol, drugs and other substances; and the use of performance-enhancing drugs by student-athletes.

### **IV. AUTHORITY AND RESPONSIBILITIES**

The University abides by National Collegiate Athletic Association (NCAA) rules regarding drug use. Because student-athletes are viewed as University representatives, the University has an interest in promoting drug-free and healthful lifestyles to the community through its athletic program. The University:

- A. must minimize the risk of injury caused by student-athlete drug use in intercollegiate athletics;
- B. must be able to identify present or potential substance use and provide treatment and rehabilitation for its student-athletes;
- C. must maintain fair and drug-free sports, in which no student-athlete uses or feels pressured to use Performance Enhancing Drugs or any other illegal substances.

### **V. PROCEDURES TO IMPLEMENT**

The use of Illicit Substances and Performance Enhancing Drugs by student-athletes is prohibited. All student-athletes are subject to drug testing from the day they arrive on campus and should attend all drug education programs provided by the Department. Graduate assistant coaches, graduate assistant trainers or graduate assistants assigned to a team, student managers, student coaches, and student trainers who may or may not be receiving compensation from the Department will also be subject to random testing or reasonable suspicion testing in accordance with the procedures set out in this policy.

The procedures set forth below include random testing, testing based on reasonable suspicion, educational programs, substance abuse evaluation, treatment, and disciplinary measures. The testing process may be initiated on the basis of 1) random testing, 2) documented reasonable suspicion testing, or 3) failing a previous test in the previous twelve months.

- A. Random Testing. Each student-athlete is subject to unannounced random drug testing throughout the entire calendar year. A student-athlete will be selected for testing using a random number system. Little or no notice may be given for a forthcoming test.
- B. Reasonable Suspicion Testing. A student-athlete may also be subject to testing at any time the Director of Athletics or Head Athletic Trainer determines there is individualized reasonable suspicion to believe the student-athlete is using an Illicit Substance or Performance Enhancing Drug. "Reasonable suspicion" must be based upon a specific event or occurrence which has led to the belief that a student-athlete has used any drugs or substances which are specified in this Policy and which could have had an effect during a period of organized practice, conditioning, or competition, or during a period of counseling for substance abuse, or, in the case of steroids, during any period of preseason conditioning or weight training.
  - 1. Reasonable suspicion may be engendered by direct observation by coaches, trainers, or other appropriate personnel of physical or mental deficiency, medically indicated symptomology of drug use, aberrant or otherwise patently suspicious conduct, or of unexplained absenteeism.
  - 2. Reasonable suspicion may also be engendered by information from reliable third parties if the information is corroborated by objective, specific, and articulable facts, including but not limited to equivocal, contradictory, or unlikely and unsubstantiated explanation by the student-athlete. Such information may include arrests or citations for drug-related offenses, driving under the influence, public intoxication, or other involvement with the criminal justice system.
  - 3. Anyone with reasonable suspicion should communicate to the Sr. Associate Director of Athletics for Internal Operations and Sports Performance / SWA, circumstances that give rise to such reasonable suspicion. The circumstances giving rise to reasonable suspicion and the source thereof shall be recorded in writing by the Head Athletic Trainer who shall be the only person to authorize and initiate the drug testing process. This record shall be deemed a confidential record to the extent permitted by law and shall be kept in a secure place.

If the Head Athletic Trainer is the person with reasonable suspicion, the circumstances giving rise to such reasonable suspicion should be recorded in writing by the Sr. Associate Director of Athletics for Internal Operations and Sports Performance/SWA.

- C. Previous Positive Test. Each student-athlete with a previous positive test under these procedures within the preceding twelve months is subject to periodic retesting as determined by the Head Athletic Trainer.
- D. Testing Method
1. Testing for drug use shall primarily be through independent laboratory analysis of urine samples provided by the student-athlete, however the University reserves the right to use other methods of drug testing when appropriate. Urine specimens shall be collected in the proximity of a trained monitor of the same sex who is assigned for that purpose by the Department. Each sample will be collected as a split specimen, such that each tested student will have a sample A bottle and a sample B bottle of the specimen for testing.
  2. Results of the test shall be available only to the student-athlete, the head coach in the athlete's sport, the Athletic Director, the Head Athletic Trainer and to others who have a legitimate educational, health or medical reason to know. This record is a confidential record and will be disclosed to individuals other than those named above only with the student-athlete's written consent or when required by law. Should any challenge to the test results, consequences of the test, or the test procedures be raised in relation to a particular student-athlete, other appropriate University officials may have access to the information in order to carry out their responsibilities in relation to the challenge. A record indicating that a student-athlete was tested and the basis for the decision to conduct the test shall be retained in the student-athlete's medical file.
  3. Each student-athlete shall be provided with a copy of this policy before the start of the playing season or when the name of the student-athlete is first entered upon the team roster, whichever is later.
  4. The substances for which the student-athlete will be tested are any Illicit Substances or Performance Enhancing Drugs and their Related Compounds and derivative compounds.
  5. The student-athlete need not be given prior notice that a urine sample will be collected. A student-athlete who refuses to provide, including by failure to appear for a test, or impermissibly alters a sample during the testing process shall be deemed to be in violation of this policy and shall be subject to sanction under this policy as if the test was positive.
  6. Sample B Testing
    - a. Any student-athlete whose sample A results in a positive test may request testing of sample B at the expense of the student-athlete.

- b. The student-athlete must request the sample B testing within 72 hours of being notified that sample A test was positive. The request must be submitted in writing by the student-athlete to the Head Athletic Trainer. If requested, the Head Athletic Trainer will authorize the testing of sample B by the approved laboratory for testing. The Department may initiate temporary sanctions and corrective measures while awaiting results of the sample B test.

#### E. Testing Procedure

1. The Department shall follow protocols required by the testing laboratory and the NCAA for testing student-athletes that respect the student-athlete's reasonable expectation of privacy, minimize the chances of accidental error or cheating, and preserve the appropriate chain of custody and integrity of urine or saliva samples. A copy of the protocol shall be provided to each student-athlete along with a copy of this policy.

#### F. Safe Harbor and Self-Reporting

1. Any student-athlete may seek evaluation or counseling for the use of Illegal Substance or Performance Enhancing Drug use by contacting a coach, athletic trainer, Head Athletic Trainer, Faculty Athletics Representative, or administrator for the Department. These people will share this information only with persons who have a need to know, except to the extent that further disclosure is required by law. No Department sanctions for a positive test will be imposed upon a student-athlete who has sought evaluation or counseling under this section. The student-athlete will receive counseling and education about substance abuse and undergo a mandatory assessment by an appropriate medical professional to discern the severity of the student-athlete's substance use and other factors that may influence the student-athlete's recovery as required by this policy. The student-athlete may be required to attend additional sessions of counseling.
2. A student-athlete may seek evaluation or counseling under this section one time without the student-athlete being deemed to have a positive test result if the student-athlete completes the Plan (defined below) required by this policy. Accordingly, if the student-athlete tests positive for an Illicit Substance or Performance Enhancing Drug after taking advantage of the remedies in this safe harbor provision, the student-athlete will start at the sanction level outlined in Sections (E)(3)(a) or (E)(4)(a) of this policy.
3. The Safe Harbor Provision may not be invoked after a student-athlete is notified of an impending drug test.
4. A student-athlete invoking Safe Harbor may be temporarily medically ineligible during any period that he or she is deemed by the team physician unfit to continue participation safely.

5. The Safe Harbor Provision does not prevent the NCAA from testing a student-athlete. A student-athlete remains subject to sanctions imposed by the NCAA in the event of a positive drug test.

#### G. Drug Education and Counseling Services

1. The Department shall provide a mandatory program of drug education and information and counseling referral for student-athletes.

#### H. Positive Test Results Sanctions

1. The Head Athletic Trainer, the Athletic Director, the Head Coach, the Dean of Students, and other appropriate personnel shall review a positive test result and shall, bearing in mind the type of drugs identified, the recency of use, and the medical, safety and performance-enhancing effects of the use, formulate an appropriate treatment plan, management plan, and/or behavior modification contract (Plan) for the student-athlete. Such Plan may include but is not limited to, abstention from further use and periodic retesting and may include counseling, reduced playing time, and withdrawal from drills, scrimmages, or competitions. The Plan shall also describe potential sanctions for repeated use or abuse of substances for which tests are conducted. However, a student-athlete may be dismissed from the team and lose all athletic financial aid, at the discretion of the Department, beginning with the next academic term after a single positive test result.
2. Repeated positive tests, admissions, or other information that disclose continued use of Illicit Substances or Performance Enhancing Drugs may cause a student-athlete to be dismissed from the team and lose all athletic financial aid beginning with the next academic term. A student-athlete who refuses to provide a urine sample as part of the testing process, by failing to appear for a test or otherwise, shall be deemed to have provided information that discloses use of Illicit Substances or Performance Enhancing Drugs.
3. Illicit Substances. If the student-athlete tests positive for the use of an Illicit Substance, the sanctions will be consistent with the sanctions listed in this subsection. These sanctions define the least severe sanctions that may be taken after each positive test. Notwithstanding the sanctions outlined in this subsection, if concluded to be appropriate, a student-athlete may be dismissed from the team and lose all athletic financial aid after a single positive test.
  - a. First positive test. The student-athlete will receive counseling and education about substance abuse. The student-athlete will undergo a mandatory assessment by an appropriate medical professional to discern the severity of the student-athlete's substance use and other factors that may influence the student-athlete's recovery.

If concluded to be necessary, the student-athlete may be referred for additional sessions of counseling.

- b. Second positive test for the same or a different Illicit Substance. A formal behavior modification contract will be produced by the Head Athletic Trainer and/or Senior Women's Administrator, if not implemented after the first positive test. The Athletic Director shall have discretion to approve the behavior modification contract or require that terms be added. Upon approval by the Athletic Director, the behavior modification contract shall be reviewed and signed by the head coach and the student-athlete. A copy of the behavior modification contract will be kept on file with the Head Athletic Trainer and/or Senior Woman Administrator. The behavior modification contract will define sanctions, the behaviors or discontinuation of certain behaviors expected from the student-athlete, and the consequences for noncompliance.
  - c. Third positive test for the same or a different Illicit Substance. The student-athlete will be immediately ineligible for competition. The student-athlete will remain ineligible until he or she has missed the equivalent of 50% of a season.
  - d. Fourth positive test for the same or a different Illicit Substance. The student-athlete will be dismissed from the team and lose all athletic financial aid, beginning with the next academic term, to the extent permitted under NCAA rules.
4. Performance Enhancing Drugs. If a student-athlete tests positive for the use of a Performance Enhancing Drug, the sanctions will be consistent with the sanctions listed in this subsection. These sanctions define the least severe sanctions that may be taken after each positive test. Notwithstanding the sanctions outlined in this subsection, if concluded to be appropriate, a student-athlete may be dismissed from the team and lose all athletic financial aid after a single positive test.
- a. First positive test. A student-athlete who tests positive for the use of a Performance Enhancing Drug is ineligible to represent the University in intercollegiate competition during the time period starting with the date of the positive drug test and ending one calendar year later. In addition, the Head Athletic Trainer and/or Senior Woman Administrator will determine a Plan for the student-athlete which will include education or counseling. A first positive test result for a Performance Enhancing Drug is also deemed to be a first positive test for an Illicit Substance.
  - b. Second positive test for the same or a different Performance Enhancing Drug. A student-athlete who tests positive for the use of the same or a different Performance Enhancing Drug shall be declared permanently ineligible for intercollegiate competition. The student shall be immediately and permanently

dismissed from the team and all athletic financial aid shall be terminated beginning with the next academic term, to the extent permitted under NCAA rules.

5. Failure of a student-athlete to comply with a Plan mandated under this policy may result in immediate suspension from all practices, games and Department functions until the Head Athletic Trainer determines sustained compliance with the Plan. If the Head Athletic Trainer determines that the student-athlete is not in compliance after one competitive season for the sport, the student-athlete will be immediately dismissed from the team and all athletic financial aid shall be terminated beginning with the next academic term, to the extent permitted under NCAA rules.
6. Selling or Providing Illegal Drugs. Any student-athlete convicted of or otherwise found responsible for selling or providing an illegal drug to another person is subject to immediate and permanent dismissal from any team on which the student-athlete participates and, to the extent permitted under NCAA rules, the termination of any athletic financial aid.
7. A student-athlete who loses athletic financial aid under this policy may appeal that decision under the established procedures regarding non-renewal of financial aid.

#### I. Appeals

A student-athlete may appeal a positive test/violation of this policy by writing to the Athletics Director within three business days (Monday thru Friday) following the written notification of failure of a drug test/violation of this policy. The letter of appeal must specifically allege and factually support the student-athlete's assertion that the positive test was inaccurate or there was an error in the procedure or the interpretation of this Policy which substantially affected the student's rights under this Policy. The student-athlete remains ineligible to compete during the period of appeal.

The Athletic Director may request additional information or a meeting with the student-athlete if, in the Athletic Director's discretion, such information or meeting is necessary. The Athletic Director will render a decision within three business days of receiving all information requested. The decision by the Director of Athletics regarding the sanction to be imposed shall be final.

#### J. Records Security

The purpose of this policy does not include enforcement of the criminal laws or the Student Conduct Code.

The University is not acting in aid of, or as an agent for, law enforcement officials, nor are those administering the tests acting as, for, or on behalf of the Division of Student Affairs.

The Student Conduct Code applies to drug or substance use by a student-athlete under the same circumstances as other students.

Test results are part of a student's educational and medical records protected from disclosure under state and federal law. However, records may be subject to disclosure pursuant to a lawfully issued subpoena or court order. In such an instance, the University will take reasonable steps to notify the student-athlete in advance of compliance with any such subpoena or order. The student-athlete, or in some instances the University, may petition a relevant court or agency to quash any portion of the subpoena which pertains to a student's educational or medical record, including drug testing records.