

POL 09.00.01

UNC Pembroke Athletics Substance Education, Screening and Counseling Policy

Authority: Board of Trustees

History:

- First Issued: Prior to April 28, 2015
- Revised: April 28, 2015
- Last Revised: February 16, 2018

Related Policies:

- [UNC Policy Manual 1100.1 – Intercollegiate Athletics](#)
- [POL 04.25.01 – UNC Pembroke Drug and Alcohol Policy](#)
- [National Collegiate Athletic Association – 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 substance abuse using periodic, randomized testing with our intercollegiate athletic programs to be performed institutionally or by the National Collegiate Athletic Association (NCAA). This will include banned substances and performance enhancing drugs according to applicable governing bodies. In addition, this policy will outline sanctions pertaining to specific offense, along with mandatory rehabilitation through counseling to assist with recovery.

2. PROHIBITED SUBSTANCES

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 non-negative 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 non-negative test. Student-athletes are responsible for substances in their system. There is an NCAA list of banned substances (http://www.ncaa.org/sites/default/files/2017_18_NCAA_Banned_Drugs_20170605.pdf) 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 Substances

2.3.1 It is the responsibility of the student-athlete to reference the NCAA banned substances list then consult with their respective athletic trainer before using any substance.

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

3. DRUG TESTING SCREENING PROGRAM

3.1 Prior to participation, student-athletes are educated and sign a form, at the start of the year, consenting to the testing policy. By agreeing to participate in this program, a student-athlete agrees to submit to **any** tests scheduled by The University of North Carolina at Pembroke or NCAA 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:

3.2.1 Unannounced 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 year, 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 Drug Testing Coordinator, 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 for the student-athlete to provide a signature on acknowledgement of suspicion (See Appendix A), unless the student-athlete

provides an explanation for his/her behavior which is satisfactory to the Athletic Director or his/her designee. The suspected individual will be placed on the list for next in-house cohort. 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 (i.e. Aegis Sports Labs).

3.2.4 The suspected individual will be placed on the list for the next in-house cohort of testing.

3.2.4.a. The suspected will have to provide two consecutive negative random drug test results in order to be removed from the list.

3.2.4.b. In the event the individual is unable to complete two consecutive negative tests, the individual will be subject to additional drug testing per the policy.

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.

3.3.4 If the student-athlete is unable to produce any sample within the designated time it will be considered a non-negative test

3.3.5 If the student-athlete produces a diluted sample, they will have the remainder of the designated time to produce a concentrated sample. In the event that the individual is unable to produce a concentrated sample:

3.3.5.a. Specific gravity of the specimen must be 1.005 (the NCAA standard), if the sample is below this mark then it will be considered a diluted sample, the diluted sample will be submitted, but the individual will be added to the next in-house cohort of testing.

3.3.5.b. In the event of a diluted sample being submitted, there is potential that the banned substance's concentration is high enough for the specimen to come back as a non-negative and result in sanctions as outlined.

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

3.4.a. If the student-athlete leaves the testing site without authorization of the drug testing coordinator and a signature of departure before providing a specimen, it will be considered a non-negative test.

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 will be 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 Student-athletes are notified by their respective coaches the evening prior to the testing. There is no specific time notice required.

4.2 The student-athlete will report to the designated testing facility at the time specified with valid photo ID.

4.3 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.

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

4.5 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; the student-athlete will have a maximum of 3 hours from their first documented attempt of trying to produce a sample.

4.5.a. Student-athletes have to make their first attempt within the hour of the mandatory arrival time.

4.6 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.

4.7 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).

4.8 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.

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

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

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

4.12 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.

4.13 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. Respective team Athletic Trainer

5.1.c. Head Coach

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

5.1.e. Parent(s) or guardian(s) of student-athlete. Prior to participation, student-athletes consent to the drug testing policy notifications via form and have the option as to whether information will be shared with their parents or guardians related to injury.

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, 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. The departmental sanctions associated with a non-negative test are the following: minimum 10% suspension for athletic contests during championship season, complete four required counseling sessions (the first of which must be complete prior to returning to participation – including practice), and be subject to additional unannounced drug testing throughout athletic career. Individual team and program rules may dictate stricter penalties.

6.2.1.a. In the case of a student-athlete identified as a red shirt, the individual will carry out the counseling following the non-negative test, but will serve their 10% suspension the first competition season back to participation.

6.2.2 Notification of parent(s) or guardian(s). The drug-testing coordinator, in conjunction with the Athletic Director, will communicate known facts and the conditions for the student-athlete by the institution in response to those facts. Parent(s) or guardian(s) will be informed, regardless of legal age, of facts related to the testing using written notice.

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 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 non-negative 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 Parent(s) and guardian(s). The drug testing coordinator, in conjunction with Athletics Director, will communicate known facts and the conditions for the student-athlete by institution in response to those facts. Parent(s) or guardian(s) will be informed, regardless of legal age, of facts related to the testing using written notice.

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 parent(s) or guardian(s). The drug testing coordinator, in conjunction with Athletics Director, will communicate known facts and the conditions for the student-athlete by institution in response to those facts. Parent(s) or guardian(s) will be informed, regardless of legal age, of facts related to the testing using written notice.

6.5 NCAA administered drug test sanction

6.5.a If a student-athlete produces a non-negative test for a NCAA drug test, the sanctions are dictated by the NCAA and include penalties up to removal from participation for up to a year.

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 by a committee consisting of three (3) individuals not directly reporting to athletics (i.e. Faculty Athletics Representative, athletic trainer, campus safety or counseling).

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 drug testing coordinator 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 Athletics department 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 to the Director of Athletics, who shall communicate the findings to the athlete.

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 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.

Appendix A

Notification of Drug Testing Based on Individualized Reasonable Suspicion

By signing below, you acknowledge that you have been notified that, based on reasonable suspicion, you will be added to the next in-house drug testing cohort per Athletics' policy agreement.

In accordance to our policy, you will need to provide two consecutive, negative random drug test results in order to be removed from this list. Failure to do so, will lead to regular unannounced drug testing for the remainder of your athletic career.

Director of Athletics

Date

Student-Athlete

Date

Head Coach

Date

Drug Testing Coordinator

Date