

Concordia University Wisconsin
Department of Intercollegiate Athletics



Drug Education and Testing Policy

Concordia University Wisconsin Athletic Drug Education and Testing Policy

Overview

Substance abuse is one of the most important issues facing athletics and society today. The use of illegal drugs, misuse of legal drugs and supplements, use of performance-enhancing substances, misuse of alcohol and inappropriate use of tobacco are completely inconsistent with the standards expected of student-athletes at Concordia University. Because of this belief, Concordia University and the Athletic Department has chosen to take a strong and proactive stand against student-athlete use and/or involvement with alcohol, tobacco, performance enhancing and illicit drugs. Knowing the seriousness of drug abuse and how detrimental it is to an individual's physical and mental well being, the student-athlete's health, safety and welfare are our first priority.

Every member of the athletic community is responsible for knowing the risks associated with substance use and abuse. Medically and socially, the risks can seriously interfere with an individual's performance both as a student and as an athlete, and can endanger the well being of their teammates. Therefore, student-athletes, coaches, and staff are obligated to know the relevant college policies, federal, state, and local laws and are obligated to conduct themselves in accordance with these policies and laws.

This Policy does not represent a contract between the student-athlete and Concordia University, and is subject to change at any time without notice to the student-athlete. For the purposes of this Policy, "student-athlete" shall mean any Concordia University student who participates in any Concordia University Department of Athletics sanctioned sporting event and/or practice. Please note, this Policy represents the Concordia University policy on substance use/abuse and testing. Each student-athlete is also subject to the NCAA testing programs, which is separate and distinct from this Policy.

Purpose

The intent of these policies is to prevent substance use and abuse by student-athletes through education, testing, and professional guidance.

- 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: the Athletic Department carries the primary responsibility to provide this education;
- Testing – analyzing biological specimens to detect prohibited substances student-athletes may introduce to their bodies and punitive consequences resulting from use; and

- Professional Referral – facilitating appropriate treatment and rehabilitation of student-athletes.

Alcohol, Tobacco and Other Drug Education

Participants who are educated about substance use in sport are more likely to make informed and intelligent decisions about usage. Therefore, Concordia University will conduct a drug education program at least once a year. These programs will be designed to review individual team, athletic department, institutional, conference and NCAA alcohol, tobacco and other drug policies. Each head coach is annually responsible to inform the Athletic Director before practice begins of team rules regarding these substances. Appropriate educational materials, including the Concordia University Athletic Department Drug Education and Testing Policy as well as the list of banned substances, will be made available to all participants. All student-athletes and athletics staff members are required to attend the educational session unless prior arrangements have been made with the Director of Athletics or his/her designee. Make-up sessions are available for participants who must miss a scheduled educational session for an approved reason.

In addition to educating all parties about the various policies, a review of the institutional drug-testing program requirements will be conducted. Sessions will include a review of NCAA alcohol, tobacco and drug policies including the tobacco ban, list of banned drug classes and testing protocol, and an opportunity to view the NCAA drug-education and drug-testing video. Nutritional supplements and their inherent risks will also be discussed. Time will be allowed for questions from participants. Educational programs may be specially arranged to provide participants the opportunity to learn more about specific dangers of substance use and abuse.

Consent to Participate

Conditional to participation in intercollegiate athletics at Concordia University, each student-athlete will be required to sign a consent form agreeing to undergo drug testing and authorize release of test results in accordance with this Policy (See Appendix A). Failure to consent to or to comply with the requirements of this Policy may result in, suspension from practice and/or competition, or termination of eligibility to participate in intercollegiate athletics at Concordia University. Each student-athlete will be provided with a copy of this policy (responsibility of Head Coach), will be required to participate in an informative session describing the alcohol, tobacco and other drug education and drug-testing policies (responsibility of Athletic Director). Additionally, student-athletes will be given an opportunity to ask any questions regarding the information contained in the policy, the testing program, or other related issues prior to signing the drug-testing consent form.

Each head coach is responsible to have his/her athletes sign the required consent form before any equipment is issued and before the athlete becomes involved in any practice. The consent forms are to be turned into the Head Athletic Trainer before the first practice. The Head Athletic Trainer will report any violations of this policy to the Athletic Director and Vice President of Student Life.

Alcohol Policy

Concordia University does not condone the illegal or otherwise irresponsible use of alcohol. It is the responsibility of every member of the college community to know the risks associated with alcohol use and abuse. This responsibility obligates student-athletes to know relevant college policies and federal, state and local laws and to conduct themselves in accordance with these laws and policies. In addition, a "dry recruitment" policy exists. Prospective student-athletes visiting campus and socializing with current students are expected to participate in all activities without the influence of alcohol. It should be understood that possession or consumption of alcoholic beverages by individuals under the age of 21 is a violation of state liquor laws. Likewise, it is illegal for anyone to supply alcoholic beverages to persons under the age of 21. The discovery of a violation of this alcohol policy will result in established judicial proceedings as outlined by the Concordia University Student Life Office. Every coach is obligated to inform the Athletic Director when the coach has information that the alcohol policy has been violated by a student-athlete and/or coach.

Pursuant to NCAA Bylaw 31.1.13, alcoholic beverages shall not be sold or otherwise made available for public consumption at any championship event sponsored by or administered by the NCAA, nor shall any such beverages be brought to the site during the championship.

Tobacco Policy

The NCAA, pursuant to NCAA Bylaw 11.1.5, prohibits the use of tobacco products by all game personnel (e.g., coaches, trainers, managers and game officials) in all sports during practice and competition. Uniform penalties (as determined by the applicable rules-making committees and sports committees with rules-making responsibilities) shall be established for such use. Every coach is obligated to inform the Athletic Director when the coach has information that the tobacco policy has been violated by a student-athlete and/or coach.

Other Prohibited Drugs/Substances

The drug screening process may include analysis of, but is not limited to, the NCAA list of banned-drug classes, which can be found in Appendix B. The NCAA list of banned-drug classes is subject to change by the NCAA Executive Committee. An updated listing of the NCAA banned-drug list can be found on the NCAA's web site at www.ncaa.org. Other prohibited substances that Concordia University may screen for include hallucinogens, opiates, barbiturates, tranquilizers, MDMA (Ecstasy) and flunitrazepam (Rohypnol). Concordia University may test at detection cutoff levels which are lower than NCAA levels (e.g., marijuana will be confirmed at 5 ng/ml in the Concordia University Policy). Concordia University requires that all student-athletes keep the athletic training staff and/or team physician aware of any prescribed drugs and/or nutritional supplements that he or she may be taking. Student-athletes also are encouraged to contact The National Center for Drug Free Sport for questions or concerns regarding banned substances, including nutritional supplements. The Center's web site is <http://www.drugfreesport.com>.

Selected Types of Drug Testing at Concordia University

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 NCAA or institutional squad list that have exhausted their eligibility or who have career-ending injuries will not be selected. Student-athletes will be selected for testing from the official institutional squad list by using a computerized random number program.

Reasonable Suspicion Screening

A student-athlete may be subject to testing at any time when, in the judgement of the Vice President of Student Life, the Director of Athletics or his/her designee, there is a reasonable belief to suspect the student-athlete is using or has used a prohibited substance. Such reasonable suspicion may be based on information presented to the Vice President of Student Life or Director of Athletics or his/her designee by the Associate/Assistant Director of Athletics, Head Athletic Trainer, Assistant Athletic Trainer, Head Coach, Assistant Coach, Team Physician, Student Life Staff, or faculty member. 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 - not necessarily for profit, or 3) observed abnormal appearance, conduct or behavior that may cause someone to suspect the use or abuse of a banned substance. Examples of such abnormal appearance, conduct or behavior may include, but is not limited to the following: significant decline in academic or athletic performance, missing class, falling asleep in class, significant weight gain or loss, increased injury rate or illness, lethargy, agitation or nervousness, short temper, acts of violence, loss of friendships or legal involvement.

If suspected, the Vice President of Student Life or Director of Athletics or his or her designee will meet with the student and will provide the participant with the student-athlete Drug Testing Notification Form (See Appendix C). Once notified, the participant must stay with a member of their coaching staff, the athletics administration staff, or the sports medicine staff, until an 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.

NCAA Qualifier Screening

Concordia University may drug test any student-athlete or team likely to qualify for NCAA championship competition. If a student-athlete tests positive he/she will not be allowed to participate in the NCAA event until the athlete subsequently has produced a negative test 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 by Concordia University will be required to undergo a re-entry drug test, at the student-athlete's expense, 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 Vice President of Student Life in consultation with 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 the institution. 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 read and sign the Student-Athlete Drug Testing Notification Form (See Appendix C).

The Director of Athletics or his/her designee will be present in the collection station to certify the identity of student-athletes and will be responsible for security of the collection station. 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.

Specimen Collection Procedures

1. Upon entering the collection station, the athlete will provide photo identification and/or a client representative/site coordinator will identify the athlete and the athlete will be officially signed into the station.
2. The athlete will select a sealed collection beaker from a supply of such and will record his/her initials on the collection beaker's lid or attach a unique bar code to the beaker.
3. A collector, serving as validator, will monitor the furnishing of the specimen by observation in order to assure the integrity of the specimen until a volume of at least 85 mL is provided (volume may vary and is dependent upon client protocol and drugs being tested).

4. Only members of the drug-testing crew should serve as validators. Validators who are of the same gender as the athlete must observe the voiding process. The procedure does not allow for validators to stand outside the immediate area or outside the restroom. The athlete must urinate in full view of the validator (validator must observe flow of urine). The validator must request the athlete raise his/her shirt high enough to observe the midsection area completely to rule out any attempt to manipulate or substitute a sample.
5. Validators and other collectors must never handle the athlete's beaker or specimen until after the specimen is enclosed in the appropriate vials.
6. Athletes may not carry any item other than his/her beaker into the restroom when providing a specimen. Any problem or concern should be brought to the attention of the crew chief for documentation.
7. Once a specimen is provided, the athlete is responsible for keeping the collection beaker closed and controlled.
8. Fluids and food given to athletes who have difficulty voiding must be from sealed containers (approved by the collector) that are opened and consumed in the station. These items must be caffeine- and alcohol-free and free of any other banned substances.
9. If the specimen is incomplete, the athlete must remain in the collection station until the sample is completed. During this period, the athlete is responsible for keeping the collection beaker closed and controlled.
10. If the specimen is incomplete and the athlete must leave the collection station for a reason approved by the collector, specimen must be discarded.
11. Upon return to the collection station, the athlete will begin the collection procedure again.
12. Once an adequate volume of the specimen is provided, the collector who monitored the furnishing of the specimen by observation will sign that the specimen was directly validated and a collector will check the specific gravity and if in range measure the pH of the urine in the presence of the student athlete.
13. If the urine has a specific gravity below 1.005 (1.010 if measured with a reagent strip), the specimen will be discarded by the athlete. The athlete must remain in the collection station until another specimen is provided. The athlete will provide another specimen.
14. 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 athlete. The athlete must remain in the collection station until another specimen is provided. The athlete will provide another specimen.
15. If the urine has a specific gravity above 1.005 (1.010 if measured with a reagent strip) and the urine has a pH between 4.5 and 7.5 inclusive, the specimen will be processed and sent to the laboratory.

16. The laboratory will make final determination of specimen adequacy.
17. If the laboratory determines that an athlete's specimen is inadequate for analysis, at the client's discretion, another specimen may be collected.
18. If an athlete is suspected of manipulating specimens (e.g., via dilution), the client will have the authority to perform additional tests on the athlete.
19. Once a specimen has been provided that meets the on-site specific gravity and pH parameters, the athlete will select a specimen collection kit and a uniquely numbered Chain of Custody Form or set of Specimen Bar Code Seals from a supply of such.
20. A collector will record the specific gravity and pH values.
21. The collector will pour approximately 60 mL of the specimen into the "A vial" and the remaining amount (approximately 25 mL) into the "B vial" (required volume is determined by client and/or laboratory) in the presence of the athlete
22. The collector will place the cap on each vial in the presence of the athlete; the collector will then seal each vial in the required manner under the observation of the athlete and witness (if present).
23. Vials and forms (if any) sent to the laboratory shall not contain the name of the athlete.
24. All sealed specimens will be secured in a shipping case. The collector will prepare the case for forwarding.
25. The athlete, collector and witness (if present) will sign certifying that the procedures were followed as described in the protocol. Any deviation from the procedures must be described and recorded. If deviations are alleged, the athlete will be required to provide another specimen.
26. After the collection has been completed, the specimens will be forwarded to the laboratory and copies of any forms forwarded to the designated persons.
27. The specimens become the property of the client.
28. If the athlete does not comply with the collection process, the collector will notify the Director of Athletics and the Vice President of Student Life.
29. On occasion, a client may choose to test using a single specimen kit. The collector will follow the split specimen procedures up to the point where the athlete selects a sealed kit. With a single specimen kit, the collector beaker may serve as the secured vial for transporting the specimen to the laboratory. The collector will instruct the athlete to provide at least 35 mL of urine allowing for a 5 mL pour-off to measure specific gravity and pH on site. A single vial will be processed and transported to the laboratory for analysis.

Reporting Results

Urine samples will be collected and sent to an independent, SAMSHA approved laboratory for analysis. Each sample will be tested to determine if banned drugs are present. In the event of a positive drug test, the results will be made available to the Vice President of Student Life and the Director of Athletics or his/her designee (e.g., institutional team physician, MRO ???).

A test result confirmed as positive by the laboratory does not automatically identify the student-athlete as having engaged in prohibited drug use. Each positive test result will therefore be reviewed by the MRO who will determine if there is an acceptable explanation for the test result.

If the laboratory reports a specimen as substituted or adulterated, the student-athlete will be deemed to have refused to submit to testing.

All positive tests that are verified by the MRO and all reports of specimen adulteration or substitution shall be reported to the Athletic Director or his/her designee, the student-athlete's head coach, and the Dean of Students. The Director of Athletics will notify the student-athlete of the findings. In addition, the Director of Athletics will notify the student-athlete's parent(s) and/or guardian(s) of the positive drug test.

Sanctions

Refusal to sign a consent form or refusal to participate in drug testing prohibits a student-athlete from participating in any intercollegiate sport at Concordia University for one year. At the end of this one-year period, the athlete will be required to submit to a drug test at the athlete's expense. If the athlete once again refuses to participate in the drug test, he/she will be permanently dismissed from the athletic program.

Any student-athlete who is found guilty of serious criminal misconduct (*e.g.*, drug trafficking, driving while impaired resulting in serious injury or death) will not be permitted to participate in any intercollegiate sport at Concordia University. All test results accumulate during the entire time that an individual is a student-athlete at Concordia University. Any student-athlete who tests positive for a banned substance as described in this policy shall be subject to the following sanction:

First Offense

The student-athlete shall be declared ineligible for further participation in all sports for all practices, team meetings, off-season training sessions, regular season, and post-season competition during the time period ending one calendar year after the student-athlete's positive drug test. An NCAA positive drug test will count as a Concordia University positive drug test.

The student-athlete will be required to attend a confidential meeting with the Athletic Director, the student-athlete's coach, and the Vice President of Student Life. The student-athlete will be asked to discuss the nature and extent of his or her involvement with prohibited drugs.

The Vice President of Student Life shall determine the appropriate form(s) of intervention and rehabilitation needed by the student-athlete, based on the circumstances of the case. The student-athlete will not be permitted to return to participation in intercollegiate sports until he or she has complied with the counselor's directions for treatment. Treatment and rehabilitation costs are the responsibility of the student-athlete.

If the student-athlete regains his or her eligibility to participate in intercollegiate sports, he or she will be required to undergo unannounced follow-up testing.

Failing to comply with the Vice President of Student Life's directions for treatment, having a positive result on a reentry drug test will be deemed an additional offense for purposes of determining sanctions under this policy.

Second Offense

If a student-athlete tests positive a second time for the use of any banned substance, he/she shall lose all remaining regular and post-season eligibility in all sports at Concordia University.

Appeals Process

Student-athletes who test positive under the terms of the Concordia University Athletic Department Drug Testing Policy will be entitled to a hearing before the Appeals Committee. The Appeals Committee is composed of the Vice President of Student Life (Chair), The Athletic Director or Senior Women's Administrator, and the Faculty Athletic Representative. Requests for such a hearing must be made to the Chair 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 in writing and received by the Chair. The student-athlete may have a coach, faculty or staff or present if the student so desires. However, the student-athlete must present his or her own case. The hearing should take place no more than seventy-two (72) hours after the written request is received. Either the student-athlete or other parties involved may request an extension of this time to the Chair, who will consider whether to grant 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 Director of Athletics or his/her designee regarding the sanction to be imposed will be final.

A student-athlete who tests positive for a banned substance 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 desires 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. The athlete will be responsible for all costs associated with specimen B analysis (e.g., laboratory cost, travel costs).

Safe Harbor Program

A student-athlete eligible for the Concordia University Safe Harbor Program may refer himself or herself to the Program for voluntary evaluation and counseling by contacting his/her Head Coach or any member of the Appeals Committee. A student is not eligible for the Program after he or she has been informed of an impending drug test or after having received a positive Concordia University or NCAA drug test.

Concordia University will work with the student to prepare a Safe Harbor treatment plan, which may include confidential drug testing. If the student tests positive for a banned substance upon entering the Safe Harbor Program, that positive test will not result in any administrative sanction unless the student tests positive in a subsequent retest or the student fails to comply with the treatment plan. (The team physician may suspend the student from play or practice if medically indicated). A student 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. A student will not be permitted to enter the Safe Harbor Program thirty (30) days prior to NCAA or Conference postseason competition.

If a student-athlete tests positive for any banned substance after entering the Safe Harbor Program or fails to comply with the Safe Harbor treatment plan, the student will be removed from the Safe Harbor Program, an initial Safe Harbor positive test will be treated as a first positive and a subsequent positive as a second positive, subject the sanctions explained in this policy.

While in compliance with the Safe Harbor Program treatment plan, the student will not be included in the list of students eligible for random drug testing by Concordia University. Students in the Safe Harbor Program may be selected for drug testing by the NCAA.

The Director of Athletics, the Vice President of Student Life, the Head Athletic Trainer, the student-athlete's Head Coach and the Team Physician will be informed of the student's participation in the Safe Harbor Program. The athletic trainer assigned to that sport also may be notified, if medically appropriate. The assistant coach(es) also may be informed at the discretion of the head coach. Other Concordia University employees may be informed only the extent necessary for the implementation of this Policy. By signing the attached consent form, the student-athlete acknowledges and agrees that a Concordia University Athletic Department representative may notify student-athletes parents of a positive result.

