

**ELIZABETH CITY STATE UNIVERSITY
Drug Education Testing and Deterrence Program**

I. Introduction

The improper use of drugs is a matter of deep concern within our society and is particularly a focus of attention and importance at Elizabeth City State University. Many lives are being damaged and in some cases destroyed by drug use. In addition, the criminal behavior occurring simultaneously with such usage has reverberating consequences that damage and devastate family, colleagues and friends.

Of particular concern is drug use by student athletes. They are often subject to performance, social and personal pressures that may make them vulnerable victims of this dangerous activity. Particularly because they are involved in complex and demanding social activity, drug usage for them is a peril that must be avoided.

For these reasons, ECSU is committed and determined to help student athletes avoid these hazards and consequences. We establish here then a policy on drug education, testing and deterrence designed specifically for student athletes. It is based on the four purposes listed in II below and is structured on the four goals listed in III below. Finally its efficacy is grounded in the mandate specified in IV below.

To meet these purposes, goals and mandate, the components are listed in V, with the following sections.

II. Purposes Of The Program

Backed by our intention to deter the use of illegal drugs and the abuse of prescription drugs, there are four benchmark reasons for establishing this drug education and testing program.

A. Preservation and Enhancement of an Athlete's Health

Many drugs, when used in conjunction with athletic activities or physical conditioning programs pose serious risks to the health of the athlete. Periodic or sustained illness, temporary or permanent injury and even death can be caused by such drug usage.

B. Preservation of the Health of Other Athletes and Members of the University Community

Drug usage by an athlete can cause physical and mental damage to the athlete which may endanger other persons in contact with the drug user. These other individuals include but are not

limited to team members, residence hall neighbors, and faculty and staff in contact with the athlete. The health and safety of these persons is an important concern of the University.

C. Avoidance of Unfair Advantage

The use of certain drugs may temporarily or permanently improve some types of athletic performance and thereby create an unfair competitive advantage for the athlete using them. Such uses of drugs violate the basic principals of sportsmanship as well as the rules of this institution and the rules of conferences and associations dedicated to athletic competition.

D. Avoidance of Harmful Influence

Intercollegiate athletes frequently become highly publicized and emulated role models for both their college peers as well as numerous other young impressionable children and teenagers. The abuse of drugs by these athletes can negatively influence these young people as well as damage the reputation of their athletic program, the institution and the State of North Carolina. The avoidance of such damaging influence is an important of this institution.

III. Program Goals

There are four goals of this drug education, testing and deterrence program. These goals are: (1) to provide and promote an educational program that informs student athletes about drugs and drug abuse; (2) to assist on identifying the athlete who is a substance abuser through a screening program based on periodic testing to reveal the use of drugs; (3) to deter athletes from misusing drugs; and (4) in appropriate cases, to discipline or remove from the athletic program any student who is found to have violated the requirements of this policy.

IV. Program Mandate

All student athletes must comply with the terms and requirements of this policy and program. Both to become and remain a student athlete at this university then, the student athlete must agree to abide with all provisions of the drug education, testing and deterrence program. To signify agreement, an athlete must sign this policy in Section VI below; failure to sign the policy will result in a denial of athletic participation.

V. Program Components

A. Education

A critical part of this program is education provided to student athletes concerning the effects of drug usage and the importance of avoiding all involvement in prohibited drugs. Each member of every athletic team (and every student involved in related activities: trainees, student coaches, cheerleaders, etc.) will be required

to participate in specific drug education activities. These activities may be scheduled in large group, team or small group settings. Student athletes are encouraged to ask questions about this drug program, its components, or specific drugs or their effects. University staff will respond confidentially to an athlete's request to raise questions or seek answers in private. Failure to attend or participate in required education activities may result in the sanctions listed in D3.a below.

B. Testing

To participate in athletics at ECSU, each athlete must submit to drug screening tests designed to reveal the use of prohibited drugs. The particular drugs which are prescribed and which will be tested for are listed in Appendix A. The test itself will be a urinalysis or other drug occasions listed below. The urinalysis may be observed or unobserved. Prior to the testing, each athlete must sign a testing notification form.

C. Testing Occasions

Random Testing Procedure:

Every student athlete will be subject to periodic random testing. The testing occasion may be announced or unannounced and athletes to be tested will be selected by a blind drawing from the athletic department roster. Student athletes who are to be tested will be notified in writing as to the time and location of the test. The student athlete must sign this notification and present it to a testing official at the testing site. The protocol for the test is listed in Appendix B.

D. Testing Consequences

1. Failure to submit to the required random testing, failure to sign the written notification, or intentional avoidance of the test may result in sanctions including but not limited to suspension of eligibility or cancellation of eligibility for the balance of the academic year. The student athlete may also be required to undergo additional drug testing, required counseling or required education programs. The procedures specified in Section G below will be followed prior to the imposition of sanctions exceeding a one-week suspension.
2. Failure to produce a urine specimen in a reasonable period of time may be considered a violation of this policy and may result in the following sanctions: suspension of eligibility until the specimen is produced under conditions prescribed by the university testing official; suspension of eligibility for one week; or indefinite suspension for continual failure to produce a specimen. Failure to produce a urine specimen may also result in required additional urine testing, required counseling or required educational programs. The procedures specified in Section G below will be followed prior to any suspension longer than one week.
3. Production of an adulterated sample is considered to be a violation of this policy and may result in the following sanctions: suspension of eligibility until an unadulterated specimen is produced under conditions prescribed by the university testing official; suspension of eligibility for one week; or indefinite suspension for continual failure to produce an unadulterated

specimen. Failure to produce a urine specimen may also result in required additional urine testing, required counseling or required educational programs. The procedures specified in Section G below will be followed prior to any suspension longer than one week.

4. Production of a diluted sample may be considered a violation of this policy and may result in the following sanctions: suspension of eligibility until an unadulterated specimen is produced under conditions prescribed by the university testing official; suspension of eligibility for one week; or indefinite suspension for continual failure to produce an unadulterated specimen. Failure to produce a urine specimen may also result in required additional urine testing, required counseling or required educational programs. The procedures specified in Section G below will be followed prior to any suspension longer than one week.
5. If a student athlete, with a positive drug test, is able to establish that the prohibited substance was administered under the care of a physician the positive test result shall not be counted against the student athlete as a violation of this policy.
6. Drug usage as verified by a positive test from the urinalysis, without sufficient proof that the prohibited substance was administered under the care of a physician, will result in one or more of the following sanctions:
 - a. For a first positive drug test, one or more of the following sanctions may be imposed:
 1. Confidential meeting: the student athlete will be required to attend and participate in a meeting with the head coach, in which the nature, extent and history of drug usage will be discussed forthrightly and completely. The student athlete may also be required to notify his or her parents or guardians by telephone or other means and to inform them of the positive test results. Verification of this notification may be required. In lieu of this method of notification athletic officials may notify the parents of the student athlete.
 2. Counseling, education and rehabilitation: the student athlete may be required to attend counseling sessions, education programs and/or rehabilitation activities.
 3. Additional drug testing: the student athlete may be required to undergo additional testing.
 4. Failure to comply with any of these sanctions may result in the imposition of additional sanctions including but not limited to removal from the intercollegiate activities, dismissal from the athletic team and/or loss of

eligibility. These additional sanctions will be imposed in accordance with the procedures set out in Section G below.

- b. For a second positive drug test, one or more of the following five sanctions may be imposed:
 1. Notification of parents: the student may be required to notify his parents or guardians by telephone or other means and to inform them of the positive test results. Verification of this notification may be required. In lieu of this method of notification athletic officials may notify the parents of the student athlete.
 2. Counseling, education and rehabilitation: the student athlete may be required to attend counseling sessions, education programs and/or rehabilitation activities.
 3. Additional drug testing: the student athlete may be required to undergo additional testing.
 4. Suspension from participation in intercollegiate athletic activities; any suspension in excess of one week will be imposed in accordance with the procedures set out in Section G below.
 5. Dismissal from the athletic team and/or loss of eligibility; any dismissal or loss of eligibility will be imposed in accordance with the procedures set out in Section G below.
 6. Failure to comply with any of these sanctions may result in the imposition of additional sanctions including but not limited to removal from the intercollegiate activities, dismissal from the athletic team and/or loss of eligibility. These additional sanctions will be imposed in accordance with the procedures set out in Section G below.
- c. For a third positive drug test, one or more of the following five sanctions may be imposed:
 1. Removal from all intercollegiate activities
 2. Dismissal from the athletic team
 3. Permanent loss of eligibility
 4. Cancellation of any athletic scholarship
 5. Notification of parents

The first four sanctions above, they will be imposed in accordance with the procedures set out in Section G below.

E. Reasonable Suspicion Testing

1. Basis for Testing:

A student athlete may be subject to testing at any time when, in the judgment of athletic officials, there is a reasonable basis to suspect the student is engaging in the use of any drugs or substances prohibited by this policy (see Appendix B for the list of prohibited drugs and substances). This reasonable suspicion may be based on information from any source deemed reliable by athletic officials including but not limited to:

- a. Observed possession or use of substances that reasonably appear to be those prohibited by this policy.
- b. Conviction or criminal offense related to the possession, use or trafficking of drugs or substances prohibited by this policy.
- c. Arrest for a criminal offense as specified above where these is a factual basis for the arrest.
- d. Observed abnormal appearance, conduct or behavior reasonably interpretable as being caused by the use of drugs or substances prohibited by this policy; such behavior can include repeated absences from training or competition.
- e. Credible reports of usage or possession of drugs or substances prohibited by this policy.
- f. Prior positive test results for drugs or substances prohibited by this policy.

2. Notice of Testing:

If reasonable suspicion exists, athletic officials will notify the student of the need for testing. The specifics of the notice and the testing protocol will be those steps specified in Appendix A.

3. Consequences of failure to participate, failure to produce a specimen or for a positive test result will be those specified above. The procedure for imposition of these sanctions will be those specified on Section G below.

F. Follow-up Testing

1. Basis for Test:

When a student athlete has tested positive for drugs or substances prohibited by this policy, athletic officials may require the student athlete to be tested again at any time.

2. Notice of Testing and Protocol:

For follow-up test the specifics of the notice and the testing protocol will be those steps specified in Appendix A.

3. Consequences for failure to participate, failure to produce a specimen or for a positive test result will be those specified above. The procedure for imposition of these sanctions will be those specified in Section G below.

G. Procedures for Imposing Serious Sanctions

Before the imposition of a sanction of suspension longer than one week, removal from participation in intercollegiate athletic activities, removal from the athletic team, loss of eligibility or cancellation of an athletic scholarship, the procedures below will be provided to the student athlete.

1. Written Notice:

Before the imposition of any of the penalties listed above, the student will be given written notice of the intention to impose such penalty. The notice must contain the following statements:

- a. The intention to impose a specific penalty(s);
- b. The reasons for the proposed action; and
- c. The right of the student to request a hearing on the proposed sanction and the time for making this request.

2. Exception to the Notice Requirement:

If the proposed sanction is based on a preliminary determination of improper drug use or other behavior that may threaten the health of the student athlete, other student athletes or other members of the institutional community, all athletic participation shall be stopped immediately. (Athletic participation includes training, practice and competition.) A medical determination designed to protect the health of the student athlete, other athletes or other members of the athletic community, shall be conducted to determine whether the athlete is fit and able to resume safe participation in athletic activities. This medical determination shall be made as promptly as possible. Any information supplied by the student athlete to medical personnel shall not be admissible in any institutional disciplinary process.

3. Request for Hearing; Waiver of Hearing:

To obtain a hearing the student athlete must submit a request to the Athletic Director within five (5) calendar days after receiving the written notice specified in paragraph 1 above. If the student athlete does not request a hearing within this five (5) day time or if the student wishes to waive the hearing and so signifies in writing, the proposed sanctions may be imposed immediately. No institutional hearings or appeals will thereafter be available.

H. The Hearing

1. The Hearing Committee:

Upon receiving a request for a hearing, the Athletic Director will notify the Vice Chancellor for Student Affairs. He or she will appoint a committee of three persons from the university community. No officer, administrator, employee or agent of the Athletic Department shall be eligible to serve on such committee.

2. Hearing Procedure:

- a. The hearing will be convened within seven (7) days after it is requested.
- b. The hearing will be closed to the public.
- c. The student may be accompanied by a person of his or her choice.
- d. The Athletic Director or his delegate will attend the hearing and may be accompanied by a person of his or her choice;
- e. No attorneys may participate in the hearing.
- f. The Athletic Director or his delegate shall present evidence in support of the alleged violation.
- g. The student athlete must be given an opportunity to question this evidence and to present witnesses and/or documentary evidence, including drug test results from an independent drug testing facility obtained at the student's own expense, provided that the evidence is relevant to the alleged violation.
- h. The Athletic Director shall have the burden to prove by a preponderance of the evidence that a violation of this policy did in fact occur.
- i. At the conclusion of the evidence, the committee will excuse all parties and witnesses and then will deliberate to determine whether the violation occurred. This determination must be based solely on the evidence presented at the hearing.
- j. Within three (3) days after the conclusion of the hearing, the committee shall report its recommended findings of fact and evidence as to sanction to the VC for Student Affairs.
- k. The Vice Chancellor for Student Affairs shall make the final determination of whether a violation occurred and if so what sanction should be imposed.
- l. One level of appeal shall be provided to the student athlete. (To Chancellor or Board of Trustees.) No further appeals are permissible.

VI. Consent

The student athlete shall receive, read, and consent to this policy prior to participation in athletic activities. This consent will be signified by the statement below.

I have received and read the University's Drug Education, Intervention and Testing Program. I have been given the opportunity to ask questions about this policy. I understand this policy, its important basics and my responsibilities under its provisions. I agree to abide by all of the requirements listed above and this decision is voluntary on my part. I further understand that my participation in intercollegiate athletics is contingent on my adherence to this policy.

Drug Education Testing and Deterrence Program**APPENDIX A****TESTING PROTOCOL**

1. Introduction: the basic test to be used for drug screening is a urinalysis, which is designed to reveal the presence of the drugs listed in Appendix B. However, other types of tests may be used from time to time to determine the presence of these substances. Before a drug test is administered the student athlete will sign a notice similar to that presented in Appendix C.
2. Notification: the student athlete will receive a notice to appear for a drug test at least 48 hours before the start time of the test. The notification will specify the time and place of the testing procedure.
3. Collection Procedure: a third party contractor, under an agreement with the University, will coordinate the collection process. Urine specimens will be collected, maintained and tested under this agreement. Names of student athletes will not be transmitted to the contractor by the University.
4. Test Processing: after specimens have been collected, they will be transmitted to an approved laboratory which will screen the specimens for the drugs listed in Appendix B. The screening procedure will comply with the contractual agreement between the third party contractor and the University.
5. Test Results: the third party contractor will notify the University of the test results. Any positive test results will be confirmed by the third party contractor.
6. Notification to the Student Athlete: the student athlete will receive notice of the positive test result from the Athletic Director (University official). If the student athlete contests the positive result or offers an explanation for this finding, he/she will be offered an opportunity to consult with a medical review officer. Consistent with Section V. D. 5, a positive drug test result shall not be counted against a student athlete who is able to establish that the prohibited substance was administered under the care of a physician.
7. Findings of Medical Review Officer: after conferring with the student athlete and reviewing the test results, the medical review officer will transmit the findings to the Athletic Director (University official) and the student athlete.
8. Consequences of a Positive Result: once a positive result has been confirmed by a third party contractor and, if requested, reviewed by the medical review officer, the University may begin the disciplinary process specified in the policy document (to which this Appendix is attached).

**Drug Education Testing and Deterrence Program
APPENDIX B**

(List of Drugs)

(Be very specific, include all possible substances to be tested)

(A) Stimulants

amiphenazole	ethamivan	phenylephrine
amphetamine	fencamfamine	phentermine
bemigrade	meclofenoxate	picrotoxine
benzphetamine	methamphetamine	pipradol
bromantan	methylene-	prolintane
caffine ² (guarana)	dioxymethamphetamine	strychnine
chlorphentermine	(MDMA (ecstasy))	synephrine
cocainecropropamide	methylphenidate	(citrus
crothetamide	nikethamide	aurantium, zhi
diethylpropion	pemoline	shi, bitter orange)
dimethylamphetamine	pentetrazol	and related compounds
doxapram	phendimetrazine	
ephedrine (ephedra, ma huang)	phenmetrazine	
ethamivan	phenylpropanolamine	

(B) Anabolic Agents

<u>anabolic steroids</u>				
	gestrinone	fluoxymesterone	oxymetholone	oxymesterone androstenedoil
androstenedione		mesterolone		stanozolol
boldenone		methandienone		testosterone ³
clostebol		methenolone		tetrahydro-
dehydrochlormethyl-		methyltestosterone		gestrinone (THG)
testosterone		nandrolone		trenbolone
dehydroepiandrosterone		norandrostenediol		and related compounds
(DHEA)		norandrostenedione		
dihydrotestosterone (DHT)		norethandrolone		
dromostanolone		oxandrolone		

(C) Diuretics

acetazolamide	flumethiazide	quinethazone
bendroflumethiazide	furosemide	spironolactone
benzthiazide	hydrochlorothiazide	triamterene
bumetanide	hydroflumethiazid	trichlor-
chlorothiazide	methylclothiazide	methiazide
chlorthalidone	metolazone	and related compounds
ethacrynic acid	polythiazide	

(D) Street Drugs

herorin
marijuana⁴

² Caffeine – if the concentration in urine exceeds 15 micrograms/ml

³ Testosterone – if the administration of testosterone or use of any other manipulation has the result of increasing the ratio of the total concentration of testosterone than of epitestosterone in the urine to greater than 6:1, unless there is evidence that the ratio is due to a physiological or pathological condition.

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THC (tetrahydrocannabinol)

(E) Peptide Hormones and Analogues

chorionic gonadotrophin (HCG – Human Chorionic Gonadotrophin)

corticotrophin (ACTH)

growth hormone (HGH, somatotrophin)

All the respective releasing factors of the above mentioned substances also are banned.

erythropoietin (EPO)

⁴ Marijuana and THC – if the concentration in the urine of THC metabolite exceeds 15 nanograms/ml.

Drug Education Testing and Deterrence Program

**APPENDIX C
NOTIFICATION OF SCHEDULED DRUG TESTING**

To:

From:

Date:

Re: Scheduled Drug Test

Your name has been selected for a drug test as a student athlete at _____ University.

You are to report to _____ on _____ at _____ . You must present a picture I.D.

It is mandatory that you report this scheduled drug test on the date specified above. Failure to report may be considered a violation of the Drug Education and Testing Program.

You will be required to provide a urine specimen at that time. Failure to provide a specimen in sufficient quantity to be tested may be considered a violation of the Drug Education and Testing Program.

The drug test will be observed by approved collection personnel (if relevant).

I understand the specifics of this notice and the consequences as specified above.