

Drug Testing of Student Athletes

POLICY OVERVIEW

The following Drug Education and Testing Policy (Policy) has been adopted by the Alabama Community College Conference (ACCC) Board of Members. The ACCC reserves the right to make changes to this Policy as needed, with the approval of the ACCC's Board of Members. This policy is intended as a minimum ACCC policy and each institution has the right to enhance it via a local College policy and procedure.

PURPOSE AND MISSION

The ACCC believes that random drug testing is appropriate to ensure that the overall purpose and mission of this Policy is accomplished.

The overall mission of this Policy is to promote year-round banned substance free environment in the ACCC. With this mission in mind, the following goals have been established. The ACCC desires to:

1. Protect the health, safety, and welfare of our student-athletes;
2. Identify student-athletes who may have concerns and/or concerning behavior surrounding the use, abuse, and/or misuse of alcohol, illicit substances, prescribed medications, and nutritional supplements;
3. Uphold the responsibility of the ACCC member colleges to provide educational programming that will not only inform the student-athletes about issues surrounding the use, abuse, and/or misuse of alcohol, illicit substance, prescribed medication, and nutritional supplements, but also support a positive decision-making process.
4. Promote fair competition in competitive athletics by ensuring and encouraging compliance with applicable rules and regulations regarding drug abuse.

In an effort to ensure the health, welfare, and safety of the student-athlete, the intent of this Policy is to prevent substance abuse and dependence by student-athletes through the following objectives: prevention and education, testing to provide a timely diagnosis, and professional guidance, treatment, and rehabilitation.

PREVENTION AND EDUCATION

Participants who are educated about substance use in sport are more likely to make informed and intelligent decisions about usage. As part of the education component of this Policy, each ACCC member college will:

1. Provide an annual explanation of this Policy to student-athletes, prospective student-athletes, and those associated with athletic teams;
2. Disseminate information regarding alcohol and other drugs, their use and abuse, and effects of such use and abuse to all student-athletes and those associated with athletic teams;
3. Utilize health education programs to educate student-athletes who are cited for an alcohol incident or who test positive for drugs;
4. Conduct a drug and alcohol education program for student-athletes at least twice a year; and enhance their education of drug and alcohol use and abuse, such as: NCAA website - www.ncaa.org/health-safety; or the Dietary Supplement Resource Exchange Center website - www.drugfreesport.com

These educational programs will be designed to:

1. Review athletic department, institutional, conference and national governing body policies related to alcohol, tobacco and other drugs;
2. Inform those associated with intercollegiate athletics how to recognize the warning signs and side effects of specific drugs;
3. Educate the student-athlete and other appropriate personnel about the associated problems of drug and alcohol abuse, and how such use may adversely affect the student-athlete and his/her team and teammates;
4. Encourage discussion about the use of drugs, dietary supplements, performance enhancing drugs and consumption of alcohol;

5. Identify rehabilitation programs as well as referral centers; and
6. Distribute educational materials to participants, including a list of banned substances and how drug usage may affect athletic performance.

Failure by a student-athlete to attend these educational sessions shall be considered as a decision not to comply with this Policy and will result in the immediate suspension from all Athletic Department activities, conditioning, practices, and competitions.

TESTING TO PROVIDE A TIMELY DIAGNOSIS

CONSENT TO PARTICIPATE

As a condition of participation in intercollegiate athletics in the ACCC, each student-athlete will be required to sign a consent form agreeing to undergo drug testing and authorizing release of test results to the Athletic Director, Head Coach, College President, and ACCC Commissioner in accordance with this Policy. Failure to consent to or, in the case of consenting student-athlete, to comply with all requirements of this Policy will result in athlete being ineligible for participation in sport.

Student-athletes that are under the age of majority in Alabama (18) will be required to have parental or guardian consent to participate in this Policy. Failure of the parent to sign the consent form will result in the student-athlete being ruled ineligible for participation in sport.

PROHIBITED DRUGS/SUBSTANCES

The drug testing process may include analysis of, but not limited to, the NCAA list of banned drug classes. No substance belonging to the prohibited class may be used, regardless of whether it is specifically listed as an example on the NCAA list of banned-drug classes. For an ongoing updated list of the banned-drug list view the NCAA's website at www.ncaa.org.

Prohibited substances that ACCC schools will screen any sport for include, but are not limited to, marijuana, PCP, opiates, MDMA (Ecstasy), amphetamines, and cocaine. All student-athletes are required to keep their respective athletic director aware of any prescribed drugs and dietary supplements that he or she may be taking.

The ACCC Drug Education and Testing Policy testing component shall consist of two (2) types of drug testing.

Any attempt to circumvent or tamper with drug testing collection process will result in the test being considered a positive test.

1. UNANNOUNCED RANDOM TESTING

All student-athletes who have signed the ACCC drug testing consent form (*Appendix A*) are subject to unannounced random testing. Testing of the student-athlete will be conducted throughout the year at unannounced random intervals, utilizing an on-site testing device. Individuals conducting drug testing must be certified by a licensed drug testing distributor or lab.

Random individual and/or random team testing will be done at least twice a semester (fall and spring). Each college will test at least ten percent of its total student-athletes at each random testing, and this testing can be conducted outside of the student-athlete's particular competitive season. For random testing, all student-athletes will be included in a pool of names from which they may be selected by a computerized method of random selection. This selection shall be done by each institution by utilizing random number selection. Each institution shall be responsible for maintaining an updated listing of student-athletes to provide an accurate random selection pool.

The unannounced random drug testing will be conducted on a zero to 24-hour notification basis, meaning that the student-athlete may be provided with zero to no more than 24 hours' notice of pending drug screen. Once notified, they are required to report for drug testing at the assigned time and place. Failure to report at the assigned time and follow appropriate procedures will result in the sanctions outlined below for a positive test.

2. FOLLOW-UP TESTING

A student-athlete who has returned to participation in intercollegiate sports following a confirmed positive drug test under this policy will be subject to a follow-up test. Any and all costs associated with the assessment and any subsequent treatment or counseling resulting from a positive screen will be the responsibility of the student-athlete. Testing will be unannounced and will be required at a frequency determined by the Athletic Director or his/her designee.

NOTIFICATION AND REPORTING FOR COLLECTIONS

The student-athlete will be notified of and scheduled for testing by the Athletic Director. Failure to report at the designated time without justification and/or failure to follow appropriate procedures will result in the sanctions outlined below for a positive test. Student-athletes shall provide picture identification when entering the drug testing station.

SPECIMEN COLLECTION PROCEDURES

All specimens will be collected following the ACCC's Specimen Collection Procedures.

Any attempt to circumvent or tamper with the drug testing collection process will result in the test being considered a positive test. The student-athlete that tries to circumvent or tamper with the drug testing collection process will still be required to provide a sample within their three-hour time frame.

An athlete that leaves the testing room without providing a testable sample will automatically receive a positive test result.

REPORTING RESULTS

All results will be made available to the Athletic Director. The Athletic Director will then notify the Head Coach. The student-athlete may present evidence of any mitigating circumstances that he/she feels may be important to the outcome of the drug test prior to imposition of any intervention or required treatment or counseling program consistent with the appeals process described within the document.

If the laboratory reports a specimen as substituted, manipulated or adulterated, the student-athlete will be deemed to have refused to submit to testing and treated as if the test were positive for a banned substance.

Any confirmed positive drug test results are to be communicated by the Athletic Director within 24 hours to the College President and ACCC Commissioner.

Individual records shall not be released to any other person, other than the student-athlete, without first obtaining a specific written authorization from the student-athlete.

MEDICAL REVIEW OF POSITIVE TEST RESULTS

All specimens identified as positive on the initial test shall be confirmed by the testing laboratory. A Medical Review Officer (MRO), who shall be a licensed physician with knowledge of substance abuse disorders, shall review and interpret positive test results obtained from the testing laboratory. The MRO shall:

1. Examine alternate medical explanations for any positive test results. This action may include conducting a medical interview and review of the student-athlete's medical history, or review of any other relevant biomedical factors.
2. Review all medical records made available by the tested student-athlete when a confirmed positive test could have resulted from legally prescribed medication. Prior to making a final decision on the results of the confirmed positive test, the MRO shall give the student-athlete an opportunity to discuss the result. The MRO will contact the student-athlete directly to discuss the results of the test or if unsuccessful in contacting the student-athlete directly, the MRO shall contact the designated representative who shall have the student-athlete contact the MRO as soon as possible.

SANCTIONS

A student-athlete who is found to have used of a prohibited substance will be sanctioned according to this Policy.

Member colleges may have rules and sanctions that are more stringent than those outlined in this Policy. These rules, when applied, shall be recognized and supported. However, at no time, shall a team policy, rule, or sanction minimize the requirements and sanctions of this Policy.

FIRST OFFENSE

1. The Athletic Director will report the confirmed positive drug test finding(s) to the ACCC Commissioner and College President.
2. The Athletic Director or his/her designee will schedule a confidential meeting with the student-athlete and the head coach.
3. The Athletic Director or his/her designee may notify the student-athlete's parent(s) or legal guardian(s) by telephone and in writing.
4. The student-athlete will be suspended from 25% of the maximum number of NJCAA-allowable dates/games (number of dates/games will round up). The suspension will be enforced during the current regular and/or postseason season or the subsequent regular season (if the confirmed positive test occurs during the offseason). If the confirmed positive test occurs at such a time that the 25% suspension is not completed by the end of the season in which the test occurred, the suspension from competition will be carried over to the regular season of the next academic year.
5. The student-athlete will be required to attend an alcohol/drug assessment course scheduled by the Athletic Director or his/her designee. This course will be scheduled for the student-athlete once a positive test is confirmed. This class will be at the expense of the student-athlete. This course must be completed before student-athlete will be allowed to return to competition.
6. The student-athlete will not be allowed to participate in practices and team workouts for a minimum of two weeks AND will only be allowed to return to practice/team workouts after an alcohol/drug assessment course has been completed.
7. A student-athlete must receive a negative follow-up drug test before he/she will be permitted to return to participation in the athletic program. A student-athlete is financially responsible for this follow-up test.
8. Student-athletes who are suspended for a confirmed positive drug test and successfully complete a substance abuse program will be required to submit to follow-up drug testing for the duration of his/her time while in the athletic program.

SECOND OFFENSE

The Athletic Director or his/her designee will report the confirmed positive drug test finding(s) to the ACCC Commissioner and College President.

1. The Athletic Director or his/her designee will schedule a confidential meeting with the student-athlete and head coach to review the confirmed positive drug test results.
2. The Athletic Director or his/her designee will notify the student-athlete's parent(s) or legal guardian(s) by telephone and in writing.
3. The student-athlete will be immediately dismissed from their respective athletic team and will forfeit their athletic scholarship.

PROHIBITION FROM ENROLLING AT OTHER MEMBER COLLEGE

Students who are permanently suspended from an ACCC member college for failing to comply with this Policy will be prohibited from competing at any other ACCC member college until such student is in compliance with the drug policy.

MEDICAL EXCEPTIONS

The ACCC recognizes that some banned substances are used for legitimate medical purposes. Accordingly, the ACCC allows exception to be made for those student-athletes with a documented medical history demonstrating the need for regular use of such a drug. In order to be considered for a medical exception, the student-athlete must present this request to the Athletic Director prior to or at the time of any drug tests.

Student-athletes who test positive for a banned substance by the laboratory retained by the college may, within 72 hours following receipt of notice of the laboratory finding, contest the findings. The student-athlete must write (letter, email, etc.) his/her contest with the initial test.

Upon the student-athlete's request for additional testing of the sample, the Athletic Director or his/her designee will formally request the laboratory retained by the college 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, and no further appeals may be made.

ALCOHOL POSSESSION/USE AND DRUG POSSESSION POLICY

Student-athletes are required to conduct themselves in accordance with member policies, in addition to federal, state and local laws. To the latter, possession or consumption of alcoholic beverages by individuals under the age of 21 is a violation of state liquor laws (Minor in Possession/MIP). Additionally, possession or use of illegal drugs is a violation of state law. As such, a student-athlete who is caught on or off campus with any type of alcohol or in possession of drugs/drug paraphernalia will be suspended for 10% of the maximum number of NJCAA-allowable dates/games (number of dates/games will round up). The suspension will be enforced during the current regular and/or postseason season or the subsequent regular season (if the confirmed positive test occurs during the offseason).

Any student-athlete receiving a DUI/OWI shall be suspended for 25% of the maximum number of NJCAA-allowable dates/games (number of dates/games will round up). The suspension will be enforced during the current regular and/or postseason season or the subsequent regular season (if the confirmed positive test occurs during the offseason).

ENFORCEMENT OF ACCC DRUG EDUCATION AND TESTING POLICY

The following protocol will be utilized to ensure institutions comply with the ACCC Drug Education and Testing Policy:

NOTIFICATION OF CONFIRMED POSITIVE DRUG TEST RESULTS

The ACCC must be notified of all confirmed positive drug test results within 24 hours of member institutions being notified of such results. Colleges failing to notify the ACCC of confirmed positive drug tests will be fined \$500 on the first occurrence, and will be ruled ineligible for postseason play in all sports on the second occurrence.

RANDOM AUDITS BY ACCC OFFICIALS

The ACCC will randomly audit 25% of the teams during the athletic year. At the time of the audit, member institutions will have 48 hours to deliver all drug test results to the ACCC Commissioner for review. Institutions will be deemed in non-compliance if:

1. Drug test results are not submitted within the 48-hour timeframe; or
2. After review of materials submitted, teams are found to not be in compliance with the ACCC's Drug Education and Testing Policy.

Schools not in compliance with the ACCC's Drug Education and Testing Policy will be fined \$500 on the first occurrence and will be ruled ineligible for postseason play in all sports on the second occurrence.

If member institutions have teams that do not qualify in the current year for postseason play, those teams will be ineligible the following year.

SPECIMEN COLLECTION PROCEDURES

A copy of these guidelines must be provided to each collection site person, prior to the collection of the specimen, to ensure that all specimens are collected and tested within these requirements. A specimen collection should not be initiated until the collection site has been made aware of the requirements of these procedures. Collection site personnel should contact the Athletic Director, head coach, or other designated college representative to obtain a copy of these guidelines before any specimen collection is performed.

1. The collection site person shall be a licensed medical professional or technician who has been trained for collection in accordance with chain of custody and control procedures – not a coach, Athletic Director, or any other College employee who is a non-licensed medical professional.

2. Specimen collection procedures shall provide for the designated collection site to be secured in accordance with chain of custody and control procedures. Security during collection may be maintained by effective restriction of access to the collection materials and specimens.
3. When the student-athlete arrives at the collection site, the collection site person shall ensure that the student-athlete is positively identified as the individual selected for testing. This identification can be done through the presentation of photo identification or by an authorized institution representative. If the student- athlete's identity cannot be established, the collection site person shall not proceed with the collection until such identification can be made.
4. If providing a urine sample, the student shall remove any unnecessary outer garments, such as a coat or jacket. The collection site person shall ensure that all personal belongings such as bags, backpacks, purses, etc. remain with the outer garments. Through a visual check, the collection site person will make an effort to ensure that no concealed containers are on the student-athlete's person.
5. If providing a saliva sample, the student shall provide two samples to the collection site person. The second sample collected will serve as specimen B in the event of a student-athlete appealing a positive test result of specimen A (the first sample collected).
6. Once the specimen has been collected, the student-athlete and the collection site person shall keep the specimen in view at all times prior to its being sealed and labeled. The collection site person and the student-athlete will complete the necessary information on the custody and control form. The student-athlete will sign the custody and control form certifying that the specimen identified as having been collected from him or her is in fact the specimen he or she provided. The specimen and the chain of custody and control form shall then be sealed in a plastic bag and labeled in the presence of the student-athlete. The student- athlete's participation in the specimen collection process is complete.