

Appendix

ENACTED

Drug Testing Procedures for Student-Athletes

(A) Medical code

- (1) The presence in a student-athlete's urine of a substance and/or metabolite of such substance belonging to a class of drugs currently banned by the NCAA may be cause for loss of eligibility.
 - (a) Related compounds are included in the class due to their pharmacological action and/or chemical structure. No substance belonging to the prohibited class may be used, regardless of whether it is specifically listed as an example.
 - (b) The current NCAA list of banned-drug classes is available from the NCAA and at www.ncaa.org.
- (2) Evidence of the presence of a banned substance and/or metabolite will be from analysis of the student-athlete's urine and confirmation by gas chromatography/mass spectrometry by a university approved, licensed medical laboratory.

(B) Organization

- (1) The athletics department has final authority over the procedures and implementation of the university of Akron drug-testing program.
- (2) The NCAA executive committee has final authority over the procedures and implementation of the NCAA drug-testing program.
- (3) An ad hoc committee convened by the university president or the president's designee will hear drug-testing reviews.
- (4) All drug-testing results and reviews will be considered confidential educational records and all persons who handle such information will treat it as a confidential educational record at all times.
- (5) Any drug-testing laboratory will be required to demonstrate, to the satisfaction of the university, proficiency in detection and confirmation of the banned substance categories on the NCAA list of banned-drug classes. The university reserves the right to conduct periodic quality control checks of the laboratory.

(C) Causes for loss of eligibility

- (1) Each academic year the student-athlete shall sign a form prescribed by the university in which the student-athlete consents to be tested for the use of drugs prohibited by NCAA legislation. Failure to complete and sign the consent form prior to practice or competition in sports in which the NCAA conducts year-round drug testing and prior to competition in all other sports shall result in the student-athlete's ineligibility for participation (i.e., practice and competition) in all intercollegiate athletics.
 - (a) A non-recruited student-athlete in sports other than those involved in the NCAA's year-round drug-testing program may participate in preseason practice activities prior to the team's first contest or date of competition without signing the drug-testing consent form.
 - (b) The university shall administer the consent form individually, as it deems necessary, to each student-athlete (including recruited partial qualifiers and nonqualifiers) each academic year.
- (2) All student-athletes found to be positive for a banned substance and/or metabolite are subject to loss of eligibility consistent with university policies.
- (3) Student-athletes who fail to sign the notification form or signature form, fail to arrive at the collection station at the designated time without justification, fail to provide a urine sample according to protocol, leave the collection station before providing a specimen according to protocol, or attempt to alter the integrity or validity of the urine specimen and/or collection process will be subject to the same penalty as if the student-athlete had tested positive for a banned substance.
- (4) Under NCAA bylaw reference 10.2, athletic department staff members must inform the athletic director when they have knowledge that a student-athlete is using a substance on the list of banned drugs.

(D) Student-athlete selection

- (1) All student-athletes are subject to testing at any given time throughout the academic year, or other periods of official, organized practice and participation.
- (2) All student athletes are subject to NCAA testing at NCAA championships or in conjunction with post-season bowl events. Track and football student-athletes are subject to NCAA testing year-round.

- (3) Athletes will be randomly selected for drug-testing from the university's official team/squad roster.
 - (4) Student athletes listed on the team/squad list who have exhausted their eligibility or who have career-ending injuries will not be selected.
 - (5) Student athletes may also be tested individually or as part of a regularly scheduled test for just cause. This test will be used for student-athletes who demonstrate symptoms or behaviors that are indicative of substance abuse.
- (E) Student-athlete notification.
 - (1) No advance notice of testing is required.
 - (2) An athletic department staff member will notify the student-athlete in writing of a drug test during an athletic department sponsored function such as: practice, weight training, study table, etc. Student-athletes selected for testing must read and sign the written notification form.
 - (3) Student-athletes selected for testing must report to the designated collection station immediately.
 - (4) An athletic department staff member must be in the collection station to certify the identity of the student-athletes selected for testing.
 - (5) Student-athletes selected for testing must present picture identification to enter the collection station. In the event the student-athlete does not have picture identification available, the athletic department will use the media guide to certify the student's identity.
- (F) Specimen collection procedures
 - (1) Only those persons authorized by the collection station supervisor will be allowed in the collection station.
 - (2) The collection station supervisor may release a sick or injured student-athlete from the collection station or may release a student-athlete to return to competition or to meet academic obligations only after appropriate arrangements for having the student-athlete tested have been made and documented.
 - (3) Student-athletes selected for drug-testing, must sign in on arrival at the collection station.

- (4) The student-athlete will select a set of sealed, coded containers from a supply of such. A crew member will record the selected containers' code with the student-athlete's name. The student-athlete will initial the roster to authenticate that the code listed in the roster corresponds to that on the student athlete's coded collection container.
- (5) The collection station supervisor will then prepare three rosters: one listing the codes together with the names of the corresponding student-athletes, one with the code numbers used for the university's chain of custody, and another listing the codes for the selected specimen containers used for the laboratory's chain of custody. The roster containing the codes together with the names of the corresponding student-athletes will be given to the director of sports medicine.
- (6) The collector will monitor the furnishing of the specimen by observation in order to assure the integrity of the specimen until a specimen of at least 85 mL is provided.
- (7) Once a specimen (at least 85 mL) is provided, the student-athlete is responsible for keeping the collection container closed and controlled.
- (8) Fluids and food given to student-athletes who have difficulty voiding must be from sealed containers (certified by the collection station supervisor) that are opened and consumed in the station. These items must be caffeine- and alcohol-free and free of any other banned substances.
- (9) Incomplete specimen samples.
 - (a) If the specimen is incomplete, the student-athlete must remain in the collection station until the sample is completed unless other arrangements are made with the collection station manager. During this period, the student-athlete is responsible for keeping the collection beaker closed and controlled.
 - (b) If the specimen is incomplete and the student-athlete must leave the collection station for a reason approved by the collection station supervisor, the specimen must be discarded.
 - (i) Upon return to the collection station, the student-athlete will begin the collection procedure again.
- (10) Once a specimen (at least 85 mL) is provided, the collector who monitored the furnishing of the specimen by observation will sign that the specimen was directly validated and a crew member will check the pH of the urine in the presence of the student-athlete.

- (11) Adequacy of specimen provided.
- (a) 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 student-athlete. The student-athlete must remain in the collection station until another specimen is provided. The student-athlete will provide another specimen according to the procedures in paragraph (F) above.
 - (b) The laboratory will test for specific gravity. If the urine has a specific gravity below 1.003, the lab will notify the director of sports medicine who will obtain another specimen from the student-athlete.
 - (c) If the urine has a specific gravity above 1.003 and the urine has a pH between 4.5 and 7.5 inclusive, the specimen will be processed and sent to the laboratory.
 - (d) If the laboratory determines that a student-athlete's specimen is inadequate for analysis, at the athletic department's discretion, another specimen may be collected.
 - (e) The laboratory will make final determination of specimen adequacy.
 - (f) If a student-athlete is suspected of manipulating specimens (e.g., via dilution), the athletic department will have the authority to perform additional tests on the student-athlete, not to exceed two separate consecutive negative tests.
- (12) A crew member will record the pH values.
- (13) The student-athlete will pour approximately 25 mL of the specimen from the "A container" into the "B container" in the presence of the crew member.
- (14) The student-athlete will place the cap on each vial in the presence of the crew member; the student athlete will then seal each vial in the required manner under the observation of the crew member.
- (15) Containers and forms sent to the laboratory shall not contain the name of the student-athlete.
- (16) All sealed specimens will be secured in a cooler for transfer to the laboratory's courier. The collection station supervisor will transfer the specimens to the courier for delivery to the laboratory.
- (17) The student-athlete and crew member will sign the signature form and master sheet certifying that the procedures were followed as

described in the protocol. Any deviation from the procedures must be described and recorded at that time. If deviations are alleged, the student-athlete will be required to provide another specimen.

(18) After the collection has been completed, the specimens will be forwarded to the laboratory and all copies of all forms forwarded to the designated persons.

(19) The specimens become the property of the athletic department.

(20) Penalties for failure to comply.

(a) Failure to certify compliance with the collection process, to arrive at the collection station at the designated time without justification or to provide a urine specimen according to protocol is cause for the same action(s) as evidence of use of a banned substance. The collection station supervisor will inform the student-athlete of these implications (in the presence of witnesses) and record such. If the student-athlete is not available, the collection station supervisor will notify the athletic department. The student-athlete will be considered to have withdrawn consent and will be ineligible on that basis.

(G) Chain of custody

(1) An athletic department staff member will deliver and record the code for each sample delivered to the courier. The courier will initial to indicate receipt of each sample.

(2) A laboratory employee will initial that the shipping cooler has been received from the courier.

(3) The laboratory will record whether the code and seal on each vial arrived intact.

(4) If a specimen arrives at the laboratory with security seals not intact, the athletic department may collect another specimen.

(H) Lab analysis

(1) The laboratory will use a portion of specimen A for its initial analysis.

(a) Analysis will consist of sample preparation, instrument analysis and data interpretation.

- (2) For any specimen that indicates the presence of a banned substance or metabolite(s), the laboratory will use another portion of specimen A to re-test for banned substances and/or metabolite(s).
 - (a) Analysis will consist of sample preparation, instrument analysis and data interpretation.
- (3) The laboratory will test any specimen that twice indicated the presence of a banned substance or metabolite(s) to confirm the amount of the banned substance or metabolite(s) present in the sample.
- (4) The laboratory director or designated certifying scientist will review all results showing a banned substance and/or metabolite(s) in specimen A.
- (5) The laboratory will hold and freeze the specimen A and specimen B containers for any specimens testing positive for banned substance(s) or metabolite(s).

(I) Notification

(1) Notification of specimen A positive test results

- (a) For student-athletes who have a positive finding, the laboratory will contact the director of sports medicine by telephone as soon as possible. The director of sports medicine will make a written notation of the test results and may, in the director's discretion, request written notification from the lab.
- (b) The laboratory will, during the telephone conversation, advise the athletic director that specimen B may be tested by an independent laboratory upon the student-athlete's request.
- (c) The athletic department shall notify the student-athlete of the finding. Upon informing the student-athlete of the positive finding, the athletic department will notify the student, in writing, of the right to request that specimen B be tested and of the right to request a review of the accuracy of the positive finding. The student-athlete must respond to the athletic department in writing within seven days, indicating whether or not the student intends to request that specimen B be tested or to request a review of the accuracy of the positive finding.

(2) Specimen B testing

- (a) The athletic department will act as follows in the event a student requests or declines to request that specimen B be tested:

- (i) If the student chooses to have specimen B tested, the student-athlete will be suspended from all intercollegiate athletic participation pending specimen B testing, in the interest of the student-athlete's safety and the safety of other participants in the sport.
- (ii) If the student-athlete chooses to have specimen B tested, the athletic department shall declare the student-athlete ineligible and the department will withhold the student-athlete from all intercollegiate activity in accordance with the university drug education and testing policy upon notification of the specimen B positive finding.
- (iii) If the student-athlete chooses to have specimen B tested, the athletic department shall declare the student eligible and the department will reinstate the student-athlete to all intercollegiate activity upon notification of the specimen B negative finding. The records from both tests will be kept confidential and the student will be treated as though the first positive never occurred.
- (iii) If the student-athlete chooses not to have specimen B tested, the athletic department shall declare the student-athlete ineligible and the department will withhold the student-athlete from all intercollegiate activity in accordance with the university drug education and testing policy based upon the specimen A positive finding.
- (b) A laboratory other than the one that analyzed the student-athlete's specimen A will conduct specimen preparation and testing for specimen B analysis.
- (c) To the extent possible, analysis of specimen B will be conducted according to the protocol set forth in paragraph (H)(1) to (H)(4) of this appendix.
- (d) Specimen B findings will be final. The laboratory will inform the director of sports medicine of the results by telephone as soon as possible. The director of sports medicine will make a written notation of the test results and may, in the director's discretion, request written notification from the lab.
- (e) A student-athlete who chooses to request that specimen B be tested will be required to pay the university, by cash or money order, for the cost of the testing in advance. In the event that the specimen B findings are negative, the university will cause the student to be reimbursed in full for the cost of the test.

(3) Notification of specimen B positive test results.

- (a) For student-athletes who have a specimen B positive finding, the laboratory will contact the director of sports medicine by telephone as soon as possible. The athletic department shall notify the student-athlete of the finding. At this point, normal NCAA eligibility procedures will apply.
- (b) Upon informing the student-athlete of the positive finding, the athletic department will notify the student, in writing, of the right to request a review of the accuracy of the positive finding.

(4) Review.

- (a) The student-athlete may request a review of the accuracy of a positive finding in a writing, including supporting evidence, directed to the university president within seven days from the date of notification of a positive finding. Pending the outcome of the review, the student-athlete will be suspended from all intercollegiate athletic participation in the interest of the student-athlete's safety and the safety of other participants in the sport.
- (b) At the time a student-athlete submits a written request for review of the accuracy of a positive finding to the university president, the student-athlete must provide the athletics department with a copy of the request for review.
- (c) The review of the positive finding must be based on one of the following:
 - (i) Evidence of procedural error; or
 - (ii) Evidence that refutes the positive finding.
- (d) All drug-testing results and reviews will be considered confidential educational records and all persons who handle such information will treat it as a confidential educational record at all times.
- (e) The committee may request the student's presence, if deemed necessary, at a review meeting to discuss the evidence presented.
- (f) The committee will notify the athletic director and student of the result of any appeal within seven days. This notification will be initiated by

“overnight/signature required” letter (marked “confidential”) to the student.

- (5) The following is a recommended statement concerning positive testing that results in a student-athlete’s ineligibility. If inquiries are received, this statement could be released:

“The student-athlete in question was found in violation of eligibility rules and has been declared ineligible.”

(J) Restoration of eligibility.

- (1) Before a student is considered for eligibility restoration, the athletic department will test the student-athletes for the presence of banned substances in order to be considered for eligibility restoration.
- (2) Student-athletes who are ineligible as a result of a positive drug test shall be subject to testing by the athletic department at any time during their period of ineligibility.
- (3) Student-athlete requests for reinstatement of eligibility will not be considered until after the student-athlete retests negative and the athletic director has received the results.