

## **DRUG SCREENING AND SUBSTANCE ABUSE PROGRAM**

### **Purpose**

West Virginia University (WVU) supports the policies of the Big 12 Conference and the National Collegiate Athletic Association (NCAA) prohibiting student-athletes from using performance enhancing drugs and/or other illegal substances. WVU and its Department of Intercollegiate Athletics are committed to maintaining a safe and healthy environment for student-athletes to develop athletically, socially and academically to their fullest potential. WVU requires that each student-athlete comply with NCAA, Big 12 Conference and WVU policies regarding substance use and substance abuse.

The use of Banned Substances, as that term is defined below, including performance-enhancing drugs, as well as alcohol abuse can compromise the integrity of athletic competition and the ideals of WVU, can pose risks to the student-athlete's health and safety and negatively affect a student-athlete's academic and athletic performance. Additionally, use or abuse of Banned Substances can be extremely injurious to student-athletes and their teammates, particularly when participating in athletic competition or practice.

The WVU Drug Screening and Substance Abuse Program (Program) is a mandatory program developed by the Department of Intercollegiate Athletics to provide drug education, testing and treatment (counseling/rehabilitation) to assist and benefit its student-athletes. The Program seeks to protect student-athletes from the risks and dangers of drug abuse through such measures as sanctions for violations of the Program.

This Program represents the WVU policy on substance use/abuse and testing for its student-athletes. Each student-athlete also is subject to NCAA and Big 12 Conference testing programs, which are separate and distinct from this Program. Sanctions imposed for violations of the NCAA and Big 12 Conference testing program are also separate and distinct from this Program, and compliance with all such policies is the responsibility of each student-athlete. The NCAA and Big 12 Conference sanctions are subject to change at any time without notice.

The Program is subject to change at any time; in the event of a change, advanced notice will be provided to the student-athlete before the effective date of any changes. For purposes of this Program "student-athlete(s)" shall mean any WVU student including cheerleaders and mascot who participates in any event, practice or game sponsored by the Department of Intercollegiate Athletics.

## **Goals**

Goals of the Program are to enhance the health and well-being of all student-athletes and safeguard student-athletes participating in WVU intercollegiate athletics. Because WVU believes drug use can destructively affect the physical and emotional well-being of student-athletes, no matter when such use should occur during the year, drug screening tests randomly occur throughout the year for all student-athletes.

## **Education**

Student-athletes will be provided with information regarding the use of illegal substances, misuse of alcohol and the dangers of using performance-enhancing substances such as anabolic steroids and nutritional supplements. The education programs will utilize the resources of University personnel as well as additional assets outside the University to educate student-athletes concerning the physical and psychological consequence of drug use and abuse.

## **Drug Advisory Committee**

The Drug Advisory Committee for the Department of Intercollegiate Athletics at West Virginia University shall meet semi-annually to review and evaluate all aspects of the Program. Meetings will be scheduled at the conclusion of the fall and spring academic semesters.

The Committee shall consist of the following personnel:

1. Medical Director, chair
2. Coordinator of Athletic Training Services
3. Head Football Athletic Trainer
4. Executive Senior Associate Athletic Director
5. Senior Associate Athletic Director for Sports Administration
6. Associate Athletic Director for Sports Performance
7. Head Coach - men's sport
8. Head Coach - women's sport
9. Football Staff Representative
10. Substance Abuse Professional
11. President, Student Athlete Advisory Committee (advisory only)
12. Faculty Athletic Representative
13. Athletics Compliance Staff Member
14. Deputy Athletic Director

The term for the head coaches shall be four (4) years with the possibility of reappointment. Appointments to the Committee are upon the recommendation of the Chair and approved

by the Director of Intercollegiate Athletics.

Any and all actions of the Committee are forwarded to the Director of Intercollegiate Athletics for approval and/or appropriate action, including review by the Athletic Council and/or other applicable University officials.

The Medical Director will serve as the Medical Review Officer (MRO) and will be the only person who may accept results of the drug screening from the contracted laboratory. The WVU Athletic Training staff and Athletic Compliance designee will work cooperatively with the Committee to help supervise the Program. The Athletic Compliance staff will collect from each student-athlete, a signed copy of the WVU Department of Intercollegiate Athletics' Consent to Participate in Drug Screening and Substance Abuse Program Form (Attachment A) to participate in the Program. A member of the Athletic Training staff will contact the contracted laboratory to monitor and collect urine samples during the testing procedure.

### **Banned Substances**

The use of Banned Substances are prohibited by the NCAA, Big 12 Conference and WVU before, during, and after the sport season, except as may be prescribed by a physician qualified to treat the medical condition for which the prescription is made. As used in reference to the Program, Banned Substances shall mean the drugs, chemicals, or other substances identified annually as being prohibited by the NCAA and/or the Big 12 Conference. The most recent list of NCAA banned substances may be located on the NCAA web site at:

<http://www.ncaa.org/wps/wcm/connect/public/ncaa/health+and+safety/drug+testing/resources/ncaa+banned+drugs+list>

The list of Banned Substances includes, but is not limited to: **Amphetamines, Benzodiazepines, Anabolic Steroids, Cocaine, Barbiturates, Cannabinoid or Synthetics, Methaqualone, Opiates and Phencyclidine.**

### **Use of Tobacco**

The use of tobacco products by all game personnel (e.g. coaches, student-athletes, athletic trainers, managers and game officials) of all sports during practice and competition is prohibited.

### **Use of Alcohol**

It is the responsibility of every member of the University community to be aware of the risks associated with alcohol use and abuse. The Department of Intercollegiate Athletics views

the use of alcohol to be incompatible with the goals of athletic excellence. Student-athletes are required to conduct themselves in accordance with University policies, and federal, state and local laws regarding alcohol consumption. This extends to the recruitment of prospective student-athletes. Prospective student-athletes visiting campus and socializing with current students are not permitted to participate in any activities that will permit the use 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 provide alcoholic beverages to persons under the age of 21.

An alcohol-related conviction or plea of guilty to any alcohol-related offense by any student-athlete will be treated as a positive result pursuant to this Program. Each conviction or plea of guilty will be viewed as a separate offense and are cumulative.

### **Procedure**

The WVU Drug Screening and Substance Abuse Program is provided to each student-athlete at the annual preseason team meetings.

A WVU Drug Screening Consent Form (Attachment A) stating that the student-athlete has read this policy and Program statement, and has agreed to participate in the Program will be required of each student-athlete prior to participation in any athletic event or activity.

The Consent Form grants to the Department of Intercollegiate Athletics permission to test the student-athlete for Banned Substances as defined above and contact various individuals to discuss the results of the described test(s) for Banned Substances.

An independent laboratory is contracted by WVU to collect the urine samples for analysis and to report the results in a timely manner to the MRO.

### **Screening for Use of Banned Drugs**

Randomization and testing will be performed throughout the year. Official team rosters, procured from the Athletics Compliance Office, will be used to compose a list of student-athletes eligible to be randomly selected by computer for the test. This computerized list will be generated at various times throughout the year. As further described below, additional testing may also occur as a result of reasonable suspicion.

Upon selection for testing, student-athletes will be notified by direct phone contact or face-to-face prior to testing by the student-athlete's Head Coach. Notification will take place no more than twenty-four (24) hours before the scheduled test.

At the test site, the student-athlete will be required to present a photo ID and sign a Chain of Custody Form provided by the Laboratory. All urine specimens are secured in the

presence of a laboratory technician.

A student-athlete's failure to appear at the testing site will be considered a positive result, which will result in a violation pursuant to this Program. Any request to be excused from appearing at a test must originate from the student-athlete to the Coordinator of Athletic Training or the Head Football Athletic Trainer who will forward the request to the Medical Director. Only the Medical Director may approve the excuse to a student-athlete.

In the event that a student-athlete appears at a testing site and is unable to produce a specimen or produces an insufficient volume for testing, the student-athlete will be instructed to drink eight ounces of fluid every fifteen (15) minutes for the remainder of the testing period. Failure to produce a specimen will be treated as a positive result pursuant to this Program.

Any attempt to alter the integrity or validity of the urine specimen and/or collection process will be treated as a positive result pursuant to this Program. If the specimen is not within the acceptable temperature range, another sample must be provided immediately.

Those student-athletes, who have dilute urine specimens that are negative for Banned Substances, as determined by the contracted laboratory, will be re-tested at the next scheduled testing session. If a student-athlete produces a second dilute specimen that is negative for Banned Substances, the respective Head Coach will be notified. The student-athlete will then be subject to a surprise test. If the subsequent surprise test results in a dilute specimen that is negative for Banned Substances, the results of that test will be considered valid.

Identification of those participating in a test for Banned Substances and the results thereof will be strictly confidential. The contracted laboratory will notify the MRO of all results. The MRO will be the only member of the Committee capable of matching test results with individual identification numbers and will in turn notify individuals of their results; provided, however, positive reports are also communicated to the Director of Athletics, the Head Coach, the Compliance Administrator, the supervising Athletic Trainer and the Substance Abuse Professional.

Any retesting for Banned Substances following the first, second, and/or third violation will be ordered by the Substance Abuse Professional.

## **General Results**

In accordance with the purpose of this Program, the Department of Intercollegiate Athletics assumes that all student-athletes will test negative for the use of the Banned Substances as listed above. There will be no maximum number of times a student-athlete may be tested during his/her career at WVU. If a student-athlete does have a positive urine test,

then the student-athlete will be placed on an active list, which will result in an increased likelihood of selection for a random test for the remainder of the student-athlete's career at WVU.

### **Effect of Negative Results in Retesting to Confirm Positive Test Result**

Any positive urine test will result in a violation pursuant to this Program. All positive test results will be immediately retested by the contracted laboratory to assure there is no error in the result. In the event that a retest is negative, the immediately prior positive result will be considered an error, and the initial positive test will not result in a violation.

### **Incidents Involving Alcohol and/or Banned Substances**

On-campus and off-campus incidents involving alcohol and/or Banned Substances may, at the discretion of the MRO, result in a violation pursuant to this Program; all incidents resulting in a conviction will be a violation. Determination of whether an incident involving alcohol and/or Banned Substances is a violation will be made on a case-by-case basis; nevertheless, to the extent practicable, the MRO will make determinations that are consistent with past practices. In the event that the MRO deems an on-campus or off-campus incident involving alcohol and/or Banned Substances to be a violation, the violation shall be counted as if the student-athlete's urine sample had tested positive for use of Banned Substances.

### **Positive Results - First Violation**

If the student-athlete's urine sample tests positive for the use of Banned Substances for a first time or, if the student-athlete is involved in an alcohol and/or Banned Substances incident for a first time, the student-athlete shall be deemed to be in violation of this Program.

If a positive result is confirmed, the MRO will be notified by the laboratory and in turn, the MRO will notify the student-athlete who tested positive in writing. In addition, copies of this letter will be sent to the Director of Athletics, Head Coach, supervising Athletic Trainer, Compliance Administrator, and Substance Abuse Professional. The student-athlete will be directed to arrange a meeting with his/her Head Coach and a designated compliance administrator within three (3) business days. At this meeting, the student-athlete, in the presence of these individuals, will telephone his/her parent or guardian and advise them of the violation and results (if applicable) unless waived by the Committee. The student-athlete will be expected to make an appointment to be seen by the Substance Abuse Professional within seven (7) consecutive days for an evaluation of Banned Substances, alcohol or other substance abuse or dependence. The student-athlete will continue participation with the Substance Abuse Professional until the student-athlete is released by this service.

While actively engaged in rehabilitation for a policy violation, the student-athlete will undergo repeat testing at the discretion of the treating Substance Abuse Professional to monitor for the expected non-use of Banned Substances. An increase in metabolite levels for a Banned Substance during this period will result in the student-athlete being given a probationary violation. A second probationary violation before the student-athlete has been released by the Substance Abuse Professional will result in the assessment of an additional policy violation pursuant to this Program.

Notwithstanding the foregoing, on a case-by-case determination, a student-athlete may be suspended from participation in team activities including competition if, in the opinion of the Head Coach, Team Physician, supervising Athletic Trainer, or Substance Abuse Professional the student-athlete poses a likely threat to the safety or well-being of others.

Failure to comply or refusal to participate with the counseling program set forth above will result in immediate disqualification from all athletic participation until the above guidelines are met. The student-athlete's Head Coach may impose additional penalties beyond these guidelines, subject to the approval of the Director of Athletics. In all cases the student-athlete will be referred for appropriate counseling and rehabilitation.

### **Positive Results - Second Violation**

If the student-athlete's urine sample tests positive for the use of Banned Substances for a second time or, if the student-athlete is involved in an alcohol and/or Banned Substances incident for a second time, the student-athlete shall be deemed to be in violation of this Program.

If a positive result is confirmed, the MRO will be notified by the laboratory and in turn, the MRO will notify the student-athlete who tested positive in writing. In addition, copies of this letter will be sent to the Director of Athletics, Head Coach, supervising Athletic Trainer, Compliance Administrator, and Substance Abuse Professional. The student-athlete will be directed to arrange a meeting with his/her Head Coach and a designated compliance administrator within three (3) business days. At this meeting the student-athlete in the presence of these individuals, will telephone his/her parent or guardian and advise them of the violation and results (if applicable) unless waived by the Committee. The student-athlete will be expected to make an appointment to be seen by the Substance Abuse Professional within seven (7) consecutive days for an evaluation of Banned Substances, alcohol or other substance abuse or dependence. The student-athlete will continue participation with the Substance Abuse Professional until the student-athlete is released by this service.

While actively engaged in rehabilitation for a policy violation, the student-athlete will undergo repeat testing at the discretion of the treating Substance Abuse Professional to

monitor for the expected non-use of Banned Substances. An increase in metabolite levels for a Banned Substance during this period will result in the student-athlete being given a probationary violation. A second probationary violation before the student-athlete has been released by the Substance Abuse Professional will result in the assessment of an additional policy violation pursuant to this Program.

A second policy violation will also result in a suspension of 10% of the team's season competition, including post-season events. In computing the 10% penalty, .50 is rounded down, and .51 is rounded up. The suspension will begin immediately upon the student-athlete's notification of positive results. If a team completes its competition schedule while a student-athlete is under the above suspension, the student-athlete's participation suspension will carry over into the following year's (next season's) competition. The student-athlete's Head Coach may impose additional penalties beyond these guidelines subject to the approval of the Director of Athletics. In all cases the student-athlete will be referred for appropriate counseling and rehabilitation.

Notwithstanding the foregoing, on a case-by-case determination, a student-athlete may be suspended from participation in team activities including competition if, in the opinion of the Head Coach, Team Physician, supervising Athletic Trainer, or Substance Abuse Professional the student-athlete poses a likely threat to the safety or well-being of others.

Failure to comply or refusal to participate with the counseling program set forth above will result in immediate disqualification from all athletic participation until the above guidelines are met. The student-athlete's Head Coach may impose additional penalties beyond these guidelines, subject to the approval of the Director of Athletics.

### **Positive Results - Third Violation**

If the student-athlete's urine sample tests positive for the use of Banned Substances for a third time or, if the student-athlete is involved in an alcohol and/or Banned Substances incident for a third time, the student-athlete shall be deemed to be in violation of this Program.

If a positive result is confirmed, the MRO will be notified by the laboratory and in turn, the MRO will notify the student-athlete who tested positive in writing. In addition, copies of this letter will be sent to the Director of Athletics, Head Coach, supervising Athletic Trainer, Director of Compliance, and Substance Abuse Professional. The student-athlete will be directed to arrange a meeting with his/her Head Coach, designated compliance administrator, and the Director of Athletics within three (3) business days. At this meeting the student-athlete in the presence of these individuals, will telephone his/her parent or guardian and advise them of the violation and results (if applicable) unless waived by the Committee. The student-athlete will be expected to make an appointment to be seen by the Substance Abuse Professional within seven (7) consecutive days for an evaluation of



Banned Substances, alcohol or other substance abuse or dependence. The student-athlete will continue participation with the Substance Abuse Professional until the student-athlete is released by this service.

A third policy violation will also result in a suspension of 50% of the team's season competition, including post-season events. In computing the 50% penalty, .50 is rounded down, and .51 is rounded up. The suspension will begin immediately upon the student-athlete's notification of positive results. If a team completes its competition schedule while a student-athlete is under the above suspension, the student-athlete's participation suspension will carry over into the following year's (next season's) competition. The student-athlete's Head Coach may impose additional penalties beyond these guidelines subject to the approval of the Director of Athletics. In all cases the student-athlete will be referred for appropriate counseling and rehabilitation.

A third policy violation will include an additional suspension from all countable athletic activity for a period of seven (7) days following the student-athlete's notification of a positive result. This suspension may run concurrently with the competition suspension specified above.

While actively engaged in rehabilitation for a policy violation, the student-athlete will undergo repeat testing at the discretion of the treating Substance Abuse Professional to monitor for the expected non-use of Banned Substances. An increase in metabolite levels for a Banned Substance during this period will result in the student-athlete being given a probationary violation. A second probationary violation before the student-athlete has been released by the Substance Abuse Professional will result in the assessment of an additional policy violation pursuant to this Program.

Failure to comply with the guidelines set forth above will result in immediate disqualification from all athletic participation and removal of all financial support provided by the Department of Intercollegiate Athletics for the remainder of the student-athlete's athletic career.

#### **Positive Results – Fourth Violation**

If a student-athlete's urine sample tests positive for the use of Banned Substances for a fourth time or, if the student-athlete is involved in an alcohol and/or Banned Substances incident for a fourth time, the student-athlete shall be deemed to be in violation of the Program.

If the positive result is confirmed, the MRO will notify the student-athlete in writing. In addition, copies of this letter will be sent to the Director of Athletics, Head Coach, supervising Athletic Trainer, Director of Compliance, and Substance Abuse Professional. The student-athlete will be directed to arrange a meeting with the Head Coach, Director of

Athletics, designated compliance administrator, and Team Physician.. At this meeting the Director of Athletics will notify the student-athlete's parent or guardian and advise them that the student-athlete will be removed from all further athletic participation and all financial aid provided by the Department of Intercollegiate Athletics will be withdrawn for the remainder of the student-athlete's athletic career. The student-athlete will also be referred for appropriate counseling and rehabilitation.

### **Reasonable Suspicion**

As part of the Program, student-athletes may be tested based upon reasonable suspicion of the Head Coach, supervising Athletic Trainer, or the Director of Athletics. Reasonable suspicion will be based on the observation of behavior or conduct, or the presence of certain physical and emotional characteristics or patterns, which are symptomatic of the use of Banned Substances or abuse of alcohol which includes but is not limited to chronic fatigue or loss of vitality, decreased interest or effort in practices and competitions, prolonged illness or injuries, unexpected weight and/or strength gains or losses, unexplained fluctuations in moods expressed as inappropriate irritability, hostility, anxiety, anger or withdrawal, other unexplained behavior changes, or outward signs (odor of marijuana or alcohol). Student-athletes tested as a result of reasonable suspicion may be required to see the Substance Abuse Professional without a positive result being counted as a violation as long as they comply with the counseling.

### **MRO Discretion**

From time to time, rigid supervision or implementation of the Program could result in extraordinary circumstances resulting in unforeseen or unintended consequences; as such, the MRO reserves a certain amount of discretion and appropriate flexibility with regard to the results only; provided, however, that this reserved authority, shall be exercised both narrowly and consistently.

### **Safe Harbor Program**

WVU encourages voluntary admission of illegal drug use and abuse of alcohol, legal drugs and Banned Substances, as defined above. As such, WVU has a Safe Harbor Program through which a student-athlete may volunteer for evaluation, testing and counseling. To enter the Safe Harbor Program, the student-athlete must notify the Substance Abuse Professional, Head Coach, Team Physician or supervising Athletic Trainer. However, a student-athlete will *not* be eligible for the Safe Harbor Program in the following instances:

1. After drug test notification has been initiated. For example, once a student-athlete or coach has been notified of a drug test, the Safe Harbor Program is no longer available for that particular test.
2. Thirty (30) days prior to NCAA or Big 12 Conference postseason competition.

3. If a student-athlete previously entered him/herself into the Safe Harbor Program within the same calendar year.

WVU, through the Substance Abuse Professional, will work with the student-athlete to prepare a Safe Harbor treatment plan. All Safe Harbor treatment plans will include confidential drug testing. The student-athlete will be tested for banned substances upon entry into the Safe Harbor Program and a positive initial test will not result in any administrative sanction except those listed in this section (the MRO may suspend the student-athlete from play or practice if medically necessary). A student-athlete 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.

**Failure to comply with the Safe Harbor Program treatment plan or evidence of new substance use (as determined by follow-up testing) after entering the Safe Harbor Program, will result in a positive drug test** and be subject to appropriate sanctions as detailed above. The student-athlete will also be removed from the Safe Harbor Program.

While in compliance with the Safe Harbor Program treatment plan, the student-athlete will not be included in the list of student-athletes eligible for random drug testing by WVU. However, student-athletes in the Safe Harbor Program may be selected for drug testing by the NCAA and the Big 12 Conference.

A student-athlete's participation in the Safe Harbor Program may be communicated to the Director of Athletics, the Head Coach, and the supervising Athletic Trainer. Other university employees may be informed only to the extent necessary for the implementation of this policy.

### **Record Retention**

Records related to the collection process and test results resulting under this Program shall be maintained by the MRO for a period of not more than seven (7) years as measured from the date of the creation of the record.

### **Applicable Bylaw:**

NCAA Bylaw 10.2

### **Reviews and Revisions:**

Date	Author	Summary
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West Virginia University ▪ Intercollegiate Athletics ▪ Policies and Procedures

July 15, 2015	Athletic Trainers, Lively, Reviewed by Legal	Revised policy
January 18, 2016	Cunningham, Lively, Reviewed by Legal	Revised policy
May 24, 2016	Lyons, Cunningham, Heskett, Lively, Reviewed by Legal	Revised Policy