PURPOSE

The Department of Intercollegiate Athletics (DIA) has a responsibility to ensure fair and equitable competition and to help protect the health and safety of student athletes competing for San José State University (SJSU). The use of controlled substances and "performance enhancing" drugs represents a danger to the health and careers of student-athletes. Furthermore, the use or abuse of drugs can be injurious to student-athletes and their teammates. Because drug use can adversely affect the physical and emotional well-being of student athletes no matter when such use occurs, drug screening tests will be conducted throughout the year.

The DIA has implemented a mandatory program of drug education, testing, and treatment (to include counseling/rehabilitation) to assist and benefit student-athletes. The program seeks to protect student-athletes from risks and dangers of drug abuse.

DIA DRUG ADVISORY COMMITTEE

The DIA Drug Advisory Committee oversees the SJSU Drug Screening and Substance Abuse Program. The Drug Advisory Committee is comprised of the Director of Athletics (AD), the Deputy Athletics Director/Internal Operations, Associate Athletics Director of Compliance, Director of Sports Medicine, Team Physician, and Designated Coach(es). The Drug Advisory Committee meets annually to review the Drug Screening and Substance Abuse Program.

PROHIBITED SUBSTANCES

SJSU utilizes the same list of banned substances that is utilized by the National Collegiate Athletic Association (NCAA). The current list of substances banned by the NCAA is available on-line at www.ncaa.org/health-safety, from the Athletic Training Staff and in the Student-Athlete Handbook. In general, these substances would consist of drugs deemed potentially harmful to the health and safety of the student-athlete. Any questions concerning this list should be directed to the Athletic Training Staff.

MEDICAL EXCEPTIONS

Exceptions for student-athletes that test positive because they are using a banned substance for legitimate medical reasons are possible. The student-athlete is
responsible for providing a signed physician’s note documenting the medical history demonstrating the need for regular use of the drug prior to testing.

**USE OF TOBACCO PRODUCTS**

The NCAA prohibits the use of tobacco products by student-athletes, coaches and game personnel during practice and competition.

**DRUG TESTING PROCEDURE**

At the beginning of each academic year, student-athletes are required to sign a "Drug Testing Consent Form" giving the DIA permission to drug test. The following persons are eligible for testing:

- Any student-athlete currently on an active team roster;
- Any student-athlete whose eligibility has expired, but is receiving assistance for degree completion;
- Any person listed on a team’s active roster as a practice squad player, i.e., male practice players for women’s basketball.

Random drug testing will be conducted periodically through the year. The DIA reserves the right to test a student-athlete with reasonable suspicion, which is based upon objective characteristics of changes in behavior, grades, and/or physical attributes.

Drug testing will be performed based upon short notice communication between the Athletic Training Staff and the selected student-athlete. The Athletic Training Staff will collect the urine samples to be sent to the contracted laboratory for analysis. Throughout the testing procedure, a legal "chain of custody" will be maintained to assure that no tampering of the urine sample is possible.

Identification of those participating in the urinalysis and the results will be strictly confidential. The testing service will notify the Director of Sports Medicine with the results. The Director of Sports Medicine will be the only person capable of matching test results with individual identification numbers and will in turn notify individuals of their results.

**FAILURE TO APPEAR**

Any student-athlete that fails to appear for a drug test will be treated as if they had a positive test. The student-athlete will be disciplined just as any other student-athlete with a positive test.

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POSITIVE RESULTS.

• First Violation
  o If a student-athlete’s sample tests positively, the Director of Sports Medicine will notify the AD and Head Coach of the positive test. The AD or Head Coach will notify the student-athlete of their positive test. If the student-athlete is a minor, he/she will participate in a conference telephone call to include his/her parents or legal guardian, the Head Coach, Director of Sports Medicine and AD/designee. At that meeting, arrangements will be made for the student-athlete to be referred to counseling. The contracted laboratory will retest the sample if the student-athlete wants to appeal the positive test. Refer to the Appeal Process below for information on how to appeal a positive test.
  o The student-athlete will be required to attend a minimum of an initial evaluation and two counseling sessions at the University Counseling Services. The student-athlete will be suspended for 10 percent of his/her team’s competitions if tested positive for street drugs. The student-athlete will be suspended for 20 percent of his/her team’s competitions if tested positive for performance enhancement drugs. Suspensions are to begin immediately upon notification of the positive drug test result. The student-athlete may also be disciplined further if deemed appropriate by the AD. Once the student-athlete has satisfactorily completed the counseling program as determined by Counseling Services, the student-athlete may be released from the University Counseling Program.
  o Failure to comply or refusal to participate with the counseling program will result in immediate disqualification from athletic participation until the above guidelines are met. The DIA reserves the right to further test an individual as deemed necessary.

• Second Violation
  o If a student-athlete’s sample tests positively, the Director of Sports Medicine will notify the AD and Head Coach of the positive test. The AD or Head Coach will notify the student-athlete of their positive test. A meeting will be arranged between the student-athlete and AD/designee. If the student-athlete is a minor, a conference telephone call will be arranged at the same time to include his/her parents or legal guardian. The contracted laboratory will retest the sample if the student-athlete wants to appeal the positive test. Refer to the Appeal Process below for information on how to appeal a positive test.
The student-athlete will be required to attend a minimum of an initial evaluation and two counseling sessions at the University Counseling Services. The student-athlete will be immediately suspended for 50 percent of his/her team’s competitions if tested positive for street drugs. As a result of the second positive test for performance enhancement drugs, the AD/designee will notify the student-athlete that he/she will not be permitted to participate in athletics at SJSU and all athletics financial aid will cease permanently. Once the student-athlete has satisfactorily completed the counseling program as determined by Counseling Services, the student-athlete may be released from the University Counseling Program.

The student-athlete is required to comply with the guidelines set forth above. Failure to do so will result in immediate disqualification from all athletic participation at SJSU and removal of all athletics financial aid for the remainder of the student-athlete’s career.

- **Third Violation**
  - If a student-athlete’s sample tests positively, the Director of Sports Medicine will notify the AD and Head Coach of the positive test. The AD or Head Coach will notify the student-athlete of their positive test. A meeting will be arranged between the student-athlete and AD/designee. If the student-athlete is a minor, a conference telephone call will be arranged at the same time to include his/her parents or legal guardian. The contracted laboratory will retest the sample if the student-athlete wants to appeal the positive test. Refer to the Appeal Process below for information on how to appeal a positive test.
  - **As a result of the third positive drug test, the AD/designee will notify the student-athlete that he/she will not be permitted to participate in athletics at SJSU and all athletics financial aid will cease permanently.**

**PUBLICITY**

All suspensions will be explained as "violation of team rules" unless made public by the student-athlete.

**APPEAL PROCESS**

Student-athletes who test positive for a banned substance by the laboratory retained by the DIA may contest the results in writing to the AD within 72 hours.
following receipt of notice of the laboratory finding. Upon the student-athlete's request for additional testing of the sample, the Director of Sports Medicine will formally request the laboratory to perform testing on specimen B. Specimen B findings will be final, subject to the results of any appeal. If specimen B results are negative, the drug test will be considered negative.

Student-athletes who test positive under the terms of the DIA Drug Screening and Substance Abuse Program will be entitled to a hearing with the AD/designee prior to the imposition of any sanction. Requests for such a hearing must be made within 72 hours of notification of a positive test result. If the 72 hours end on a weekend, the request must be made by noon on the next business day. Requests must be in writing to the AD.

The student-athlete may have an advocate or other representative present during the hearing upon request; however, the student-athlete must present his/her own case. The meeting must take place within 72 hours of the written request. Either the student-athlete or the other parties involved may request an extension of time to the AD, who will consider whether to grant the extension upon a showing of good cause. These proceedings shall include an opportunity for the student-athlete to present evidence, as well as to review the results of the drug test. The proceedings shall be confidential. The decision by the AD/designee regarding the sanction to be imposed shall be final.

**NCAA DRUG TESTING PROGRAM**

It is important to emphasize that the previously mentioned penalties apply only to the SJSU DIA Drug Testing and Substance Abuse Program. Student-athletes are also subject to the NCAA drug testing program and any athletes who test positive during an NCAA drug test will face the penalties prescribed by NCAA legislation. **It should be understood that an NCAA positive drug test counts as a positive SJSU drug test.** For additional information and resources, access the NCAA website at [www.ncaa.org/health-safety](http://www.ncaa.org/health-safety) and the Dietary Supplement Resource Exchange Center (REC) website at [www.drugfreesport.com/rec](http://www.drugfreesport.com/rec).

**SAFE HARBOR PROGRAM**

SJSU student-athletes are eligible for the Safe Harbor Program. A student-athlete is not eligible for the Program after he/she has been informed of an impending drug test or after having received a positive SJSU or NCAA drug test.

The Director of Sports Medicine will work with the student-athlete to prepare a Safe Harbor treatment plan, which will include evaluation, counseling and confidential drug testing. A student-athlete will be permitted to remain in the Safe Harbor Program for a reasonable period of time, not to exceed 30 days, as determined by

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the treatment plan. A student-athlete will only be permitted to enter the Safe Harbor Program one time during their athletic eligibility at SJSU.

If a student-athlete is determined to have new substance use after beginning the Safe Harbor Program or fails to comply with the Safe Harbor Program treatment plan, the student-athlete will be removed from the Safe Harbor Program.

While in compliance with the Safe Harbor Program treatment plan, the student-athlete will not be subject to random drug testing by the DIA. Student-athletes in the Safe Harbor Program may be selected for drug testing by the NCAA.

The AD/designee, the student-athlete’s Head Coach and Team Physician will be informed of the student-athlete’s participation in the Safe Harbor Program. Other university employees may be informed only to the extent necessary for the implementation of the Safe Harbor Program.
I, __________________________ hereby acknowledge that I have received a copy of the San José State University (SJSU) Department of Athletics (DIA) Drug Screening and Substance Abuse Program. I further acknowledge that I read the policy, that it has been outlined to me, and that I fully understand the provisions of the Program. **I understand that I must sign this Consent Form in order to participate in intercollegiate athletics at SJSU.**

I agree to allow the DIA to drug test me in accordance with the Drug Screening and Substance Abuse Program;

I understand that I am subject to the penalties outlined in the Drug Screening and Substance Abuse Program;

I was provided an opportunity to review the procedures outlined in the Drug Screening and Substance Abuse Program;

I understand that DIA drug testing results will be provided to the Director of Athletics (AD)/designee, Director of Sports Medicine and my Head Coach;

I understand that the consequences outlined below include both the DIA drug-testing program, as well as the NCAA year-round drug-testing program;

- **A first positive drug test will result in a minimum of an initial evaluation and two counseling sessions at the University Counseling Services,** I will be suspended for 10 percent of my team’s competitions if testing positive for street drugs, I will be suspended for 20 percent of my team’s competitions if testing positive for performance enhancement drugs and may also be disciplined further if deemed appropriate by the AD.
- **A second positive drug test will result in a minimum of an initial evaluation and two counseling sessions at the University Counseling Services,** I will be immediately suspended for 50 percent of my team’s competitions if testing positive for street drugs. As a result of the second positive test for performance enhancement drugs, I will not be permitted to participate in athletics at SJSU and athletics financial aid will cease permanently.
- **A third positive drug test will result in not being permitted to participate in athletics at SJSU and athletics financial aid will cease permanently.**

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