

Policies of the University of North Texas	Chapter 07
07.031 Intercollegiate Athletics Drug Education, Testing and Counseling Program	Student Affairs

Policy Statement. The University of North Texas (University) recognizes the use of prescription drugs for reasons other than as prescribed and the use of illegal drugs and unapproved dietary supplements are detrimental to the physical and mental well-being of its students-athletes. For these reasons, the University has developed a Drug Education, Testing and Counseling Program (“Program”) to educate student-athletes about the dangers of the improper and illegal use of drugs and dietary supplements, detect the improper and illegal use of drugs and provide counseling to assist student-athletes maintain a safe and healthy lifestyle.

Application of Policy. All intercollegiate student-athletes.

Definitions.

1. **Athletic Director.** “Athletic Director” means the University official responsible for the overall administration and management of the University of North Texas intercollegiate athletic program or the Athletic Director’s designee.
2. **Student-Athlete.** “Student-Athlete,” for purposes of this policy, means an individual who has applied for admission or readmission to the University and is registered or enrolled in one or more courses for credit at the University, or who currently is not enrolled but has a continuing academic relationship with the University. In addition, is participating or intends to participate in a UNT intercollegiate athletic program or activity regardless whether the individual is receiving athletic-related financial assistance. The term includes student-athletes in a Redshirt, medical redshirt, or medical disqualification status and student-athletes who are academically ineligible or who have exhausted athletic eligibility but are still receiving financial aid or are using other athletic-related services.
3. **Test and Testing.** “Test” and “Testing” means the administration and process of analyzing the body fluid of a student-athlete for signs of a substance prohibited under this policy or alcohol.
4. **Treatment Team.** “Treatment Team” means the Team Physician, Director of the Drug Education, Testing and Counseling Program (Head Athletic Trainer) and the Wellness Services Counselor.

Procedures and Responsibilities.

- I. **General**

The University of North Texas will maintain a Drug Education, Testing and Counseling Program that is separate and distinct from the National Collegiate Athletics Association (NCAA) drug-testing program. The University Program shall be focused on preventing the illegal use and abuse of drugs and the misuse of alcohol and dietary supplements by UNT student-athletes. The program shall be developed, published and administered by the Division of Athletics, and must provide for:

1. Education of student-athletes on the dangers of the illegal use of drugs and the misuse of dietary supplements, alcohol and tobacco;
2. Identification and deterrence of drug use by student-athletes through a comprehensive drug testing program;
3. Guidelines for responding to the detections of drugs, dietary supplements and alcohol;
4. A program to encourage student-athletes to voluntarily disclose the illegal use of drugs and the misuse of dietary supplements and alcohol;
5. Assistance in designing treatment programs for student-athletes when necessary; and
6. Discipline of student-athletes for the illegal use drugs and the misuse of dietary supplements or alcohol.

The Head Athletic Trainer will serve as the Director of the UNT Drug Education, Testing and Counseling Program ("Program Director").

Responsible Party: Vice President and Director of Athletics

II. Drug Education, Testing and Counseling Program Requirements

A. Education

Athletic Department staff and coaches will be responsible for ensuring student-athletes are educated about the University of North Texas Drug Education, Testing and Counseling Program (the "Program") and the NCAA substance abuse policies and drug testing guidelines at the beginning of the academic year and prospective student-athletes are informed of the Program during recruitment. The appropriate Athletic Department staff will be responsible for educating coaches, athletic trainers, physicians, strength coaches and other department personal concerning any changes or updates to the program. The education program, at a minimum, must:

1. Inform student-athletes they are prohibited from unlawfully possessing, using and distributing alcohol and illegal drugs, acquiring multiple legal prescriptions for the same injury or illness from multiple physicians, misusing any legal prescription drug, giving a legally prescribed prescription drug to another person or altering any drug

prescription and having the following substances in their bodies at any time while a student at the University of North Texas, except when lawfully prescribed by a licensed physician:

- Stimulants
 - Narcotics
 - Anabolic agents
 - Substances banned for specific sports
 - Diuretics
 - Street drugs
 - Peptide hormones and analogues
 - Anti-estrogens
 - Beta-2 agonists
 - Substances banned by the NCAA; and
 - Any substance chemically related to these classes of substances
2. Provide student-athletes a list of the substances prohibited by the NCAA and notify them of these substances before the beginning of their season or the academic year, whichever is earlier.
 3. Emphasize proper nutrition, hydration, healthy diet, and appropriate conditioning, rest and recovery as the most effective and safest way to enhance individual performance, and avoidance of dietary/nutritional supplements, prohibited substances and tobacco, and the unlawful use or abuse of alcohol. Education regarding dietary supplements also should include information concerning the risks of testing positive for banned substances that may be in supplements and encourage any student athlete who wishes to use supplements to inform the sports medicine staff and or team nutritionist before taking the product.
 4. Inform student-athletes that the use of tobacco is prohibited in any athletic facility, in any facility in which tobacco is prohibited under university policy, or during any practice or competition.

B. Drug Testing

The Drug Education, Testing and Counseling Program shall make all student-athletes subject to testing for drugs at any time, without advance notice, under the University's and the NCAA testing program. Student-Athletes shall be required to consent to testing under the University Program and NCAA program in return for the privilege of participating in intercollegiate athletics at the University of North Texas and any NCAA sanctioned activity. The Program will treat a failure or refusal to appear for or participate in a drug test as a positive test. In addition, the drug-testing program must:

1. Provide for the confidentiality of drug test conducted under the program and strictly prohibit athletic department personnel and individuals associated with the Athletic Department from disclosing any information about a student-athlete that is obtained from a student-athlete's participation in the Program unless required by law or court order.
2. Establish and publish procedures for the administration of drug testing under the Program, that include, at a minimum, notification of the date, time, and location of tests , disclosure by the student-athlete of any medications and dietary supplements they are taking at the time of the test; student-athlete requirement to present a photo ID or have their identification verified by a member of the Athletics Department staff at the time of testing; requirement for personnel involved in administering the test to be properly trained in appropriate collection techniques by a certified laboratory that is approved by the Athletics Director; requirement for observation of each student-athlete from whom a urine sample is collected and for ensuring a proper chain of custody that protects the student-athlete's confidentiality; guidelines regarding the manipulation or adulteration of specimen; and the requirement that the Program Director or Athletic Director be notified of any positive test results and that they discuss the results before notifying the student-athlete's Head Coach.
3. Identify and describe the types of drug tests that may be conducted under the Program, including: pre-season testing; random drug testing; post-season/championship testing; testing a student-athlete must undergo to regain eligibility after having tested positive ("re-entry" testing); testing after release from a counseling/treatment plan ("follow-up" testing), and testing that may be conducted based on reasonable suspicion that a student-athlete is using a prohibited substance ("reasonable suspicion" testing).
4. Describe a non-exhaustive list of behaviors and occurrences under which a reasonable suspicion of prohibited use can be assumed. The Program will limit the initial report of suspicious behavior or occurrences to the Program Director and/or the Athletics Director and require an evaluation of all reports by a committee appointed by the Athletics Director. The decision to test a student-athlete based on reasonable suspicion must be supported by documented evidence and include a clear rationale for the suspected use.
5. Include reasonable steps to confirm the accuracy of a positive drug test, that at a minimum require: review of the student-athlete's medical record to determine whether the result could be caused by approved medications (prescription or over the counter) or dietary supplements and whether any medication/supplement was used appropriately and properly; and allow for an exception to being subject to any disciplinary or other action if a positive result reasonably could have been caused by the appropriate and proper use of a medication or supplement.

6. Require the testing laboratory to identify an athletics department official designated by the Athletics Director, to be notified when a student-athlete tests positive and for that official to notify the student-athlete (verbally and in writing), the student-athlete's parent(s)/guardian(s) if the student-athlete is under 18 years of age, and the student-athlete's Head Coach of the positive test.
7. Allow and describe a process by which a student-athlete who tests positive may request re-analysis of their sample before any administrative or disciplinary action is taken. The process must allow the student-athlete a minimum of three (3) days after receiving notice of the positive result to request re-analysis and permit the student-athlete or their representative to observe the re-analysis in person at the student-athlete's expense or to ask the testing laboratory to appoint someone to observe the re-analysis on their behalf.
8. Require a student-athlete who tests positive for a prohibited substance to participate in a counseling/treatment program that requires regular testing until the individual has successfully completed the program.
9. Establish guidelines for providing counseling/treatment and imposing disciplinary action when a student-athlete tests positive for prohibited substances under the NCAA and University's drug testing programs during their eligibility at UNT. The guidelines may allow a head coach to develop and enforce team rules regarding the use of prohibited substances and alcohol (except for requiring testing outside of this Program) and a student-athlete's eligibility to participate in team activities and competitions that are consistent with this policy. Team rules may vary and be stricter from team-to-team.
10. Require any student-athlete who tests positive to participate in, and complete, a drug or alcohol counseling program, as applicable. The guidelines also must require the suspension from athletic competition for a period of time as set out in the guidelines after a second positive test and for the indefinite suspension from all athletic-related activities following a third positive test.
11. Establish a procedure that allows a student-athlete to appeal a positive test result before imposition of any sanction or requiring them to participate in a counseling/treatment plan. The procedures must include an opportunity for appeal to an Appeals Committee (Committee) appointed by the Athletics Director. The Program shall provide an opportunity for the student-athlete to review the laboratory report; present evidence to the Committee in person; and to have a representative accompany him or her to the presentation, but the representative may not speak on behalf of the student-athlete during the presentation to the Committee. The Athletics Director may serve on the Committee, in which case they will be the Committee Chair.

12. Establish a procedure that allows for the possible reinstatement of a student-athlete who has been indefinitely suspended when it is in the best interest of the student, the team, the Athletics Department and the University. The student-athlete must comply with all Athletics Department rules and University policies for the remainder of their time at UNT, and any conditions placed on reinstatement. A student-athlete who has a confirmed positive test after reinstatement will be permanently ineligible from participating in any and all athletic-related activities the remainder of the student's time at the University of North Texas.
13. Establish a committee, appointed by the Athletics Director, to consider a request by a student-athlete for reinstatement of eligibility for financial aid and participation in athletic-related activity (e.g. competition, practice, weight lifting, conditioning, etc.). A student-athlete may be allowed to retain his or her scholarship pending a decision by the committee but will automatically forfeit the aid if he or she tests positive for a prohibited substance or violates university policy or any Athletic Department or team rule before a final decision by the committee. The Athletics Director may serve on the Committee, in which they will be the Committee Chair.
14. All proceedings conducted under this policy are confidential and any decisions of the appeal and reinstatement committees shall be final.

C. Safe Harbor Program/Self-Referral

The Drug Education, Testing and Counseling Program shall include a Safe-Harbor Program that encourages student-athletes to voluntarily seek assistance if they are using a prohibited substance or if they are having difficulty managing the use of lawfully prescribed drugs, alcohol or dietary supplements. The Safe Harbor Program must allow a student-athlete to make a self-referral for voluntary drug or alcohol evaluation and counseling/treatment no more than one time during his or her intercollegiate athletic career at UNT without facing the possibility of sanctions under this policy. Self-referral shall be available to a student-athlete who has a confirmed positive test provided self-referral occurs more than thirty (30) days after the individual is officially released from a counseling/treatment plan. A student-athlete shall not be eligible to participate in the Safe Harbor Program after they have been informed of a pending drug test or after having been informed of a positive test until after successfully completing a counseling/treatment plan and complying with the sanctions outlined in the guidelines established under this policy.

D. Review of Drug Education, Testing and Counseling Program

The Athletics Director shall ensure the UNT System Office of General Counsel reviews the Drug Education, Testing and Counseling Program for legal sufficiency no less than every four years.

References and Cross References:

UNT Policy 04.011	Smoke-Free Campus
UNT Policy 04.016	Use of Alcoholic Beverages
UNT Policy 05.004	Illegal Drugs and Alcohol
UNT Policy 05.047	Drug-Free Workplace
UNT Policy 05.048	Drug-Free Workplace Statement
NCAA Bylaw 11.1.5	Use of Tobacco Products

Approved: 11/30/2017

Effective: 11/30/2017

Revised: