576-023-0005

Introduction and Purpose

(1) The University will not tolerate or condone the use of illegal drugs and substances, and there is no place in the University’s athletics program for substance abuse or the use of NCAA-banned performance enhancing drugs. The University’s drug-free athletics policy described herein furthers the University’s interests in ensuring the safety of its student athletes and those who compete against them, maintaining a fair competing field and educating students about the development of a healthy and responsible lifestyle in college and throughout life.

(2) The University’s drug-free athletics program includes not only random and individualized drug testing, but also educational programs, substance abuse evaluation, treatment and disciplinary measures.

576-023-0010

Prohibited Substances

The University prohibits student-athletes from using any of the following substances, which may be detected in the University’s drug testing:

(1) Alcohol

(a) Alcohol is a mood altering substance and poses specific threats to student-athletes in training and competing. The University thus prohibits its student-athletes from having alcohol in their bloodstream during trainings, practices, competitions, and events sponsored by OSU, even if they are over the age of twenty-one (21) and can drink legally in this state.

Alcohol use is illegal in the state of Oregon for anyone under the age of twenty-one (21), and student athletes under the age of 21 are prohibited from consuming alcohol at any time.

(b) Additionally, criminal convictions of alcohol related offenses involving the abuse of alcohol, such as DUI, public intoxication and assaults while under the influence of alcohol will be treated as a positive test under these rules.

(2) Illicit Substances. Illicit Substances are those that are illegal for the individual student-athlete to ingest, including but not limited to narcotic pain medications that have not been prescribed and street drugs like heroin, methamphetamines, cocaine, marijuana, and T.H.C. or “ecstasy.”

(3) Performance Enhancing Drugs
(a) Performance Enhancing Drugs give student-athletes unfair advantages and are a form of cheating. The use of such drugs also poses significant health and safety risks for the student athlete using them and those in competition with them. For purposes of these rules, the term “Performance Enhancing Drugs,” shall mean all substances banned by the NCAA (see list at [www.ncaa.org/sports_sciences/drugtesting](http://www.ncaa.org/sports_sciences/drugtesting)), but shall not include Alcohol and Illicit Substances, which are dealt with separately herein.

(b) The NCAA list of banned drug classes is subject to change by the NCAA Executive Committee. Contact NCAA education services or [www.ncaa.org/sports_sciences/drugtesting](http://www.ncaa.org/sports_sciences/drugtesting) for the current list. The term "related compounds" comprises substances that are included in the class by 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 on the NCAA’s list.

(c) Many nutritional/dietary supplements contain NCAA-banned substances. In addition, the U.S. Food and Drug Administration (FDA) does not strictly regulate the supplement industry, and the purity and safety of nutritional/dietary supplements cannot be guaranteed. Impure supplements may lead to a positive drug test. The use of these types of supplements is at the student-athlete's own risk. Student-athletes should contact their team physician, athletic trainer or sports nutritionist for further information.

576-023-0015

Safe Harbor for Self-Reporting

(1) Any student-athlete may refer himself/herself for evaluation or counseling by contacting a coach, athletic trainer, team physician and/or psychologist for athletics. The University will not share this self-report with anyone who does not have a need to know, and no OSU team or administrative sanctions will be imposed upon the student-athlete who has made a personal decision to seek professional assistance (prior to notification of a scheduled drug test or prior to testing positive).

(2) The benefits available under this section cannot be utilized by a student-athlete as a means of simply avoiding sanctions of a positive drug test, so this safe harbor cannot be claimed after an athlete is notified of an impending drug test.

(3) The athlete claiming this safe harbor may still be temporarily medically ineligible during the time period that he/she is deemed by the team physician unfit to continue participation safely.

(4) This safe harbor provision does not prevent the NCAA from testing student-athletes and student-athletes will remain subject to those sanctions imposed by the NCAA in the event of a positive NCAA drug test.
576-023-0020

Types of Drug Testing

(1) The University engages in two kinds of drug-testing of student-athletes: tests initiated on the basis of individualized reasonable suspicion of prohibited substance use and random tests.

(2) Reasonable suspicion testing.

(a) “Reasonable suspicion” shall not mean a mere "hunch" or "intuition." It shall instead be based upon a specific event or occurrence which has led to the belief that a student-athlete has used any prohibited drugs specified in 576-023-0010.

(b) Such belief may be engendered by, among other things, direct observation by coaches, trainers, team physician, or other appropriate personnel of physical or mental deficiency or of medically indicated symptomology of tested-for drug use, or of aberrant or otherwise patently suspicious conduct or of unexplained absenteeism. This includes but is not limited to observed possession of drugs, drug paraphernalia or substances appearing to be prohibited, arrest or conviction related to the possession or transfer of prohibited substances, or observed abnormal appearance or behavior that is known to indicate potential drug or alcohol use. Examples of such appearance or behavior may include, but are not limited to: decline in academic or athletic performance, missing classes or appointments, falling asleep in class, significant weight change, lethargy, agitation or nervousness, short temper, acts of violence or loss of friendships.

(c) Such belief may also be engendered by, among other things, information supplied by reliable third parties, including but not limited to, information provided by law enforcement officials, if said information is corroborated by objective facts, including but not limited to, equivocal, contradictory, or unlikely and unsubstantiated explanation by the individual about whom the report is made. Should information that leads to reasonable suspicion be provided by law enforcement, prosecutorial or probation department officials, the University will only utilize and act upon such information if it succeeds in getting a written agreement from the law enforcement source that results of a potential test will not be used by law enforcement to prosecute or revoke parole.

(d) Such belief may also be engendered by common-sense conclusions about observed or reliably described human behavior upon which practical people ordinarily rely.

(e) Such belief may also be engendered by a previous positive test under these procedures within the preceding twelve months or by a previous positive test over twelve months old if in combination with factors described in 2(a)-(c).

(3) Random drug testing. All student-athletes are subject to unannounced random drug testing throughout the entire year, including summer sessions. Student-athletes will be selected for testing using a random number system run by a computer program. Little or no notice may be given for a forthcoming test. Every student-athlete shall be subject to every random test administered under these rules.
Testing Method

(1) The method adopted by the Athletic Department for testing for drug use shall be through an independent Substance Abuse and Mental Health Services Administration (SAMSHA) approved laboratory analysis of urine or oral fluid samples provided by student-athletes. Urine specimens shall be collected in the proximity of a trained monitor of the same sex who is assigned for that purpose by the Athletic Department administration in accordance with generally accepted standards in the industry. All samples will be collected as split specimens, such that each tested student will have a Sample A bottle and a Sample B bottle of specimens for testing. These procedures for specimen collection and monitoring will be provided to the student athlete prior to collection. Coaches shall not be involved in the specimen collection process.

(2) A copy of the rules describing the Athletic Department Substance Use and Drug Testing Policy shall be included in the Student Athlete Handbook which shall be given to each student athlete before the start of the playing season or when the name of the student-athlete is first entered upon the team roster, whichever is later.

(3) A student-athlete need not be given prior notice that a urine sample will be collected. A student-athlete who refuses to provide a urine sample during the test process or within four hours of the designated time shall be deemed to have tested positive for the drugs in question unless a legitimate medical cause exists which prevents them from producing urine. If unable to provide a sample, an oral fluid specimen may be offered with a follow up urine test performed the following day.

(4) Sample B Testing

(a) Any student-athlete who tests positive under sample A testing will be given the option to request the Sample B bottle to be tested. In connection with Sample B testing, the student-athlete will be responsible for the cost of: (1) testing, (2) transfer of the specimen from the initial laboratory to a second SAMSHA approved laboratory and (3) any costs associated with the handling of Sample B.

(b) The student-athlete must request the Sample B testing within 3 days (72 hours) of being notified that the Sample A bottle tested positive. The request must be submitted in writing by the student-athlete to the Director of Sports Medicine. If requested, the Director of Sports Medicine will authorize Sample B bottle to be sent from the storage at the initial SAMSHA approved laboratory to another SAMSHA approved laboratory and Sample B testing. OSU may initiate temporary sanctions and corrective measures while awaiting results of the Sample B test.
Drug Education and Counseling Services

The Athletic Department administration shall provide a program of drug information and counseling referral for student-athletes in concert with campus and community resources.

Hist.: OSU 5-1989, f. 12-13-89, cert. ef. 1-1-90

Positive Test Results Sanctions

(1) All positive test results are considered cumulative for the entire University career of the student-athlete.

(2) Any follow-up drug test will be considered a “positive” test if it indicates a spike in the amount of the illicit or banned substance or additional use of any substance prohibited by these rules.

(3) Any student who refuses to sign the consent form, refuses to provide a test specimen, refuses to show up for the drug test, or tampers with the validity of the specimen or test will be considered to have a positive test result for the suspected substance under these rules.

(4) Alcohol and Illicit Substances. If the student-athlete tests positive for the use of prohibited Alcohol or Illicit Substances, the sanctions will be as follows:

(a) First Positive Test Result – Prohibited Alcohol and Illicit Substances

(A) The Director of Athletics, the Team Physician and Head Coach will be informed by the Director of Sports Medicine in writing of a positive test. The student-athlete will be notified in writing of the positive test by the Director of Sports Medicine.

(B) The team physician will coordinate an additional evaluation by a substance abuse counselor approved by the Department of Athletics.

(C) The substance abuse counselor will recommend to the Director of Sports Medicine a plan for treatment and education. The team physician, head coach and athletic trainer may also submit reports regarding recommended education or remediation plans to the Director of Sports Medicine.

(D) The Director of Sports Medicine will determine a management plan for the student-athlete after evaluating any reports that may be submitted by the counselor, physician, head coach and athletic trainer. The student-athlete may also be temporarily medically ineligible if he/she is deemed unfit by the team physician to continue participation safely.
(E) The student athlete will have a reduction of playing time equivalent to 10% of the competitive season for the student athlete's sport. The student-athlete’s reduction is calculated as 10 percent of a season's regular contests. Contests used to fulfill the penalty must be contests or dates of competition considered for championship selection. The withholding requirement is 10 percent of the NCAA Bylaw 17 maximum in each sport, regardless of how many contests or dates of competition are scheduled by an institution.

(F) The student-athlete must participate in and complete the Substance Abuse educational program provided by the University’s Student Health Services. Failure to initiate the process within 2 weeks of notification indicates failure to comply and will be grounds for suspension from participation in University intercollegiate sports.

(G) The student-athlete will still be subject to reasonable suspicion and random testing throughout his or her career at the University.

(H) Re-instatement of full playing time privileges will occur following a negative follow-up drug test at the end of the suspension period and upon approval by the Director of Sports Medicine.

(b) Second Positive Test Result – Prohibited Alcohol and Illicit Substances

(A) The Director of Athletics, the team physician, and head coach will be informed by the Director of Sports Medicine in writing of a second positive test. The student-athlete will be notified in writing of the second positive test by the Director of Sports Medicine.

(B) The team physician will coordinate an additional evaluation by a substance abuse counselor approved by the Department of Athletics.

(C) The substance abuse counselor will recommend to the Director of Sports Medicine a plan for treatment and education. The team physician, head coach and athletic trainer may also submit reports regarding recommended education or remediation plans to the Director of Sports Medicine.

(D) The Director of Sports Medicine will determine a management plan for the student-athlete after evaluating the reports of the counselor, physician, head coach and athletic trainer.

(E) The student-athlete must participate in and complete the Substance Abuse educational program provided by the University’s Student Health Services. Failure to initiate the process within 2 weeks of notification indicates failure to comply and will be grounds for suspension from participation in University intercollegiate sports.

(F) The student-athlete will still be subject to reasonable suspicion and random testing throughout his or her career at the University.

(G) The student-athlete will have his or her playing time reduced by 30 percent of the competitive season and may carry forward if reduction is not fulfilled during the current season. The student-athlete’s reduction is calculated as 30 percent of a season's regular
contests. Contests used to fulfill the penalty must be contests or dates of competition considered for championship selection. The withholding requirement is 30 percent of the NCAA Bylaw 17 maximum in each sport, regardless of how many contests or dates of competition are scheduled by an institution.

(H) The athlete may also be temporarily medically ineligible if he/she is deemed unfit by the team physician to continue participation safely.

(I) Re-instatement of full playing time privileges will occur following a negative follow-up drug test at the end of the suspension period and upon approval by the Director of Sports Medicine.

(c) Third Positive Test Result – Prohibited Alcohol and Illicit Substances.

(A) The Director of Athletics, the team physician, and head coach will be informed by the Director of Sports Medicine in writing of a third positive test. The student-athlete will be notified in writing of the third positive test by the Director of Sports Medicine.

(B) The team physician will coordinate an additional evaluation by a substance abuse counselor approved by the Department of Athletics.

(C) The substance abuse counselor will recommend to the Director of Sports Medicine a plan for treatment and education. The team physician, head coach and athletic trainer may also submit reports regarding recommended education or remediation plans to the Director of Sports Medicine.

(D) The Director of Sports Medicine will determine a management plan for the student-athlete after evaluating the reports of the counselor, physician, head coach and athletic trainer. This must include consideration of inpatient or intensive outpatient rehabilitation.

(E) The student-athlete must participate in and complete the Substance Abuse educational program provided by the University’s Student Health Services. Failure to initiate the process within 2 weeks of notification indicates failure to comply and will be grounds for suspension from participation in University intercollegiate sports.

(F) The student-athlete will still be subject to reasonable suspicion and random testing throughout his or her career at the University.

(G) The student-athlete will have his or her playing time reduced by 365 days from the date the sample was provided.

(H) The athlete may also be temporarily medically ineligible if he/she is deemed unfit by the team physician to continue participation safely.

(I) Re-instatement of full playing time privileges will occur following a negative follow-up drug test at the end of the suspension period and upon approval by the Director of Sports Medicine.
(d) Fourth Positive Test Result – Prohibited Alcohol and Illicit Substances. A fourth positive test result shall automatically cause the student-athlete to have immediate and permanent dismissal from any team on which the student-athlete participates. All athletically-related financial aid shall be terminated beginning with the next academic term to the extent permitted under NCAA rules.

(e) Selling or Providing Illegal Drugs. Any student-athlete convicted of selling or providing an illegal drug to another person is subject to immediate and permanent dismissal from any team on which the student-athlete participates, as well as the termination of any athletic financial aid to the extent permitted under NCAA rules.

(f) Failure to Follow Treatment Plan. Failure of the student-athlete to comply with a treatment or management plan mandated under these rules will result in immediate suspension from all practices, games and athletic department functions until the Director of Sports Medicine determines sustained compliance with the plan. If the Director of Sports Medicine determines that the student-athlete is still not complying with the plan after one competitive season for the sport, the student-athlete will be immediately dismissed from the team and all athletically-related financial aid shall be terminated beginning with the next academic term to the extent permitted under NCAA rules.

(g) Performance Enhancing Drugs – If the student-athlete tests positive for the use of Performance Enhancing Drugs, the sanctions will be as follows:

(A) First Positive Test Result – Performance Enhancing Drugs. A student-athlete who tests positive for the use of Performance Enhancing Drugs is ineligible to represent the University in intercollegiate competition during the time period starting with the date of the positive drug test and ending one calendar year later. In addition, the Director of Sports Medicine will determine a management plan for the student-athlete which will include education or counseling.

(B) Second Positive Test Result – Performance Enhancing Drugs. A student-athlete who tests positive for the use of Performance Enhancing Drugs a second time shall be declared permanently ineligible to represent the University in intercollegiate competition. The student shall be immediately and permanently dismissed from the team and all athletically-related financial aid shall be terminated beginning with the next academic term to the extent permitted under NCAA rules.

(5) A student-athlete who loses grant-in-aid under these rules may appeal that decision under University procedures regarding non-renewal of financial aid.

Records Security

(1) The University has no purpose of invoking or facilitating criminal justice procedures or Student Conduct Code disciplinary proceedings arising out of the use or ingestion of the tested-for substances.

(2) The University in conducting the testing program is not acting in aid of, or as an agent for, state or federal law enforcement officials. Nor are those administering the tests acting as, for, or on behalf of the Office of Student Conduct.

(3) Test results shall be deemed by the University as part of a student's educational/medical records protected from disclosure under state and federal law. However, these laws do not immunize student educational records from disclosure pursuant to a subpoena or court order. In such an instance, the University will take reasonable steps to notify the record-subject in advance of compliance with any such subpoena or order. The University or the record-subject may move the court or agency to quash any portion of the subpoena which pertains to drug testing records or to withdraw or narrow any such court order.

(4) The University will treat test results as confidential student records to be disclosed only to those OSU employees with a need to know.