2018-2019 Substance Abuse Education and Testing Policy

I. Title of the Policy

Substance Abuse Education and Testing Policy (hereinafter referred to as the “Policy”).

II. Policy Statement

This Policy establishes a random drug testing program for Ramapo College of New Jersey student-athletes to enhance its substance abuse education program.

III. Rationale

Banned Drugs, including but not limited to performance-enhancing substances, when used in connection with intercollegiate programs, may pose serious risks to the health of the student-athlete and may endanger other persons in contact with the user. Such use may result in illness, temporary or permanent injury, or even death. In addition, the use of certain performance-enhancing substances may temporarily improve some types of athletic performance and thereby create an unfair competitive advantage for the person using them, violating the basic principles of sportsmanship. Finally, intercollegiate student-athletes frequently become highly publicized role models and their use and abuse of banned drugs and/or performance-enhancing substances can negatively influence other young people, as well as damage the reputation of the College.

IV. Applicability of the Policy

This Policy only applies to students who participate in intercollegiate athletics at Ramapo College of New Jersey. A positive test will not subject a student-athlete to further adjudication under the drug policy found in the Code of Student Conduct.

V. Definitions

The following words and terms as used in this Policy shall mean:

**Banned Drug or Banned Drugs** means a substance or substances prohibited by the NCAA pursuant to the list attached hereto as Appendix A, as periodically updated by the NCAA Executive Committee.

**College** means Ramapo College of New Jersey.

**Department of Athletics** means the Department of Athletics at Ramapo College of New Jersey.

**Director of Athletics** means the Director of Athletics at Ramapo College of New Jersey.

**Policy** means the Ramapo College of New Jersey Department of Athletics Substance Abuse Education and Testing Policy.
VI. Policy Elaboration

A. Educational Program

Each student-athlete at the College is required to participate in substance abuse education activities prescribed by the Department of Athletics. Additionally, any student-athlete may seek assistance for a substance abuse problem at any time by contacting his or her coach, a departmental employee, or a representative of the College’s Division of Enrollment Management and Student Affairs.

B. Drug Testing Program

1. General Information

A student-athlete, during the period of his or her eligibility to participate in intercollegiate athletics, may not use any substances identified by the NCAA as Banned Drugs (Appendix A).

It is a condition of participation in athletics that a student-athlete annually sign the Ramapo College of New Jersey Drug Testing Consent Form (Appendix B) and the NCAA Drug Testing Consent Form affirming willingness to submit to any tests prescribed by the College or the NCAA to reveal the use of any of the Banned Drugs listed in Appendix A. The list is subject to change by the NCAA Executive Committee, and the student-athlete shall be held accountable for all Banned Drugs at the time of testing. See: http://www.ncaa.org/2018-19-ncaa-banned-drugs-list.

2. Implementation of Testing

a. Tests will be administered as follows:

i. Pre-season and In-season testing: A student-athlete may be randomly tested during the season for his or her respective varsity sport.

ii. Unannounced random and team testing: A student-athlete, a percentage of the members of a team, or an entire team may be subject to unannounced testing during the academic year. The selection of individuals will be made by an external certified drug testing lab through a random computer drawing of names from the team roster.

iii. Reasonable Suspicion: A student-athlete may be subject to testing at any time when the Director of Athletics or designee determines there is reasonable suspicion to believe the student-athlete is using a Banned Drug. Such reasonable suspicion may be based on objective information as determined by the Director of Athletics or the Director’s designee, and deemed reliable by the Director of Athletics or designee. Reasonable suspicion may include, without limitation: 1) observed possession or use
3. Consequences of failure to participate in or cooperate with drug testing

a. If a student-athlete declines to execute the Ramapo College of New Jersey Drug Testing Consent Form (Appendix B), his or her eligibility to participate in intercollegiate athletics will be terminated for the balance of the academic year.

b. If the student-athlete is not present for a drug test, and no satisfactory explanation for the absence is provided to the Director of Athletics or the Director’s designee, the absence shall be considered the equivalent of a positive test for a Banned Drug. A student-athlete not present for a drug test who has provided a satisfactory explanation for the absence may be tested as soon as practicable, at the sole discretion of the Director of Athletics or the Director’s designee.

c. If the student-athlete fails, within a reasonable period of time (3 hours), to produce a satisfactory sample (above a .005) for the drug test, his or her eligibility to participate in intercollegiate athletics will be suspended until the student-athlete produces the required sample under conditions prescribed by the Director of Athletics or the Director’s designee.

d. If the student-athlete refuses to provide a sample or manipulates his or her sample to alter the integrity and/or validity of the sample, the refusal/manipulation shall be treated as a positive test for a Banned Drug.

4. Consequences of a positive test for banned substance use

a. Mandatory Assessment and Counseling is required by the CADC for any positive test result. The student-athlete will have two weeks from the day of notification of his/her positive drug test to contact Health and Counseling Services to set up an appointment.

b. The minimum consequences specified below will apply to following (a) any positive result on a drug test administered pursuant to this Policy; or (b) the occurrence of an event that is considered the equivalent of a positive test under Subsection 3. of this Policy:
i. First Offense:

The student-athlete will be immediately suspended from participating in all intercollegiate athletics activities. If the student-athlete has completed the Mandatory Assessment and Counseling and has passed an additional drug test he/she may be permitted to attend practice but still must serve the game suspension that will consist of 1/9th of the competition dates for the regular season.

ii. Second Offense:

The student-athlete will be immediately suspended from participating in all intercollegiate athletics activities. If the student-athlete has completed the Mandatory Assessment and Counseling and has passed an additional drug test he/she may be permitted to attend practice but still must serve the game suspension that will consist of 2/9th of the competition dates for the regular season.

iii. Third Offense:

Termination (permanent) loss of athletics eligibility may be imposed for a third positive drug test or if a positive drug test is associated with other violations of team, Athletic Department or other College policies.

c. Notification of parent(s) or guardian(s):

The student-athletes parent(s) or guardian(s) will be informed by the Director of Athletics, or designee, of the known facts concerning Banned Drug use and the conditions to be imposed by the College as a result of those facts only after the student has given permission to do so through a signed Drug Testing Consent Form. Notification of parent(s) or guardian(s) will be automatic for students-athletes under the age of 18.

d. Counseling and reinstatement of athletics eligibility after suspension:

i. Counseling and treatment after suspension of athletics eligibility: A student-athlete whose eligibility has been terminated may seek assistance from the existing counseling and medical resources available to students at the College. Such services will be encouraged, but will not be initiated or supervised by the Department of Athletics, since the student’s affiliation with the athletics program will have ended.

ii. Reinstatement: Reinstatement of a student-athlete after the period of suspension is contingent on the student-athlete producing evidence of a negative drug test by an accredited independent lab. This clearance test must occur prior to the resumption of
any athletic activity but not more than two weeks prior to the start of such activity. Expenses incurred for clearance testing are the responsibility of the student-athlete.

iii. Besides the sanctions for a positive test for a banned drug provided for under this Policy, team policies may not impose additional sanctions at the discretion of the team coach.

5. Procedures for imposing serious sanctions

The Department of Athletics has the right, at any time, to terminate the student-athlete’s privilege to participate on a team for reasons other than a violation of this Policy, including, but not limited to violations of other College, departmental, or team policies. (Please refer to the Department of Athletics Code of Conduct.)

The following procedures apply in the case of suspension or termination associated with positive drug testing as outlined above in Subsections 3. and 4. above.

a. **Written notice:** Before any suspension or termination is imposed, the student-athlete will be given written notice by the Director of Athletics of his/her intent to suspend or terminate eligibility, the reasons for the proposed action, and the right of the affected student-athlete to request an appeal. Written notice will be provided by email or certified mail, if necessary.

b. **Request for an Appeal:** Requests for an appeal must be submitted in writing to the Director of Athletics within five (5) business days from the date on the letter notifying the person charged of the original decision. Failure to appeal within the allotted time will render the original decision final.

c. An Appeal must document mitigating circumstances leading to a positive drug test or equivalent event.

6. Mitigating Circumstances/Appeal considerations are outlined below:

a. **Procedural challenge:** The student-athlete may challenge any procedure relating to the collection or testing of the subject samples. If the student-athlete proves it is more likely than not that any substantiated problem with the collection or testing procedures materially affects a sample’s integrity, the drug-test appeal committee may find that no violation has occurred.
b. **Knowledge challenge**: The student-athlete is responsible for all substances consumed. However:

i. If the student-athlete demonstrates that he or she was not aware that he/she had been administered (defined as placed into the student-athlete’s system directly or through food or drink) a substance by another person that later is found to have contained a banned ingredient, then the drug-test appeal committee may determine that no violation has occurred. In this situation, the student-athlete must show that he or she did not know and could not reasonably have known or suspected (even with the exercise of utmost caution) that he or she had been administered by a third party a substance that is later found to have contained a banned ingredient, or,

ii. If the student-athlete demonstrates that he or she asked specific and reasonable questions about a particular substance, medication or product of the appropriate athletics administrator and the athletics administrator assured the inquiring student-athlete that the substance does not list a banned ingredient, then the drug-test appeal committee may determine that no violation has occurred. In this situation, the student-athlete must show that he or she both did not know and could not reasonably have known or suspected (even with the exercise of utmost caution) that the information provided by staff was erroneous. In the case where the substance, medication or product reviewed and approved for use by the institution does list a banned substance, this may result in an institutional violation.

7. **Appeal Committee**:

a. **Appeal Committee**: Appeals will be reviewed and decided by a standing committee consisting of three persons appointed by the Vice President for Enrollment Management/Student Affairs. The appeal committee will be chaired by the Associate Director of Athletics and will include a senior member of the Enrollment Management/Student Affairs division and one coach or the Faculty Athletics Representative.

b. **Scope of Review**: The appeal committee will determine whether the mitigating circumstances presented by the student-athlete are sufficiently compelling to alter the decision of the Director of Athletics and, if so, determine the nature of any sanctions. The committee may not recommend a more severe sanction.

c. **Committee Written Decision**: The appeal committee will report its decision in writing to the Director of Athletics and the student-athlete within five (5) business days of the conclusion of the hearing. Committee deliberations are confidential. The committee decision is final.
8. Confidentiality of Information Concerning use of Banned Substances

Any information concerning a student-athlete’s alleged or confirmed use of Banned Drugs, solicited or received pursuant to this Policy, shall be restricted to institutional personnel and to parents or guardians as provided herein, except as required by law. No other release of information will be made without the student-athlete’s prior written consent, except as required by law.

9. Safe Haven Program:

A student-athlete eligible for the Safe Harbor Program may refer himself/herself for voluntary evaluation, testing and treatment for alcohol or drug problems. For further information regarding the Safe Harbor Program, please see Appendix D.

VII. Policy Review and Amendment

A Substance Abuse Policy Review Committee appointed by the Director of Athletics will interpret this Policy and drug testing program as necessary, review its administration annually, and recommend any Policy or program changes to the Director of Athletics for approval by the Director and the Vice President of Enrollment Management and Student Affairs. The committee shall be comprised of substance abuse professionals, faculty members, Department of Athletics administrators, Enrollment Management/Student Affairs administrators, members of the Sports Medicine staff, and others determined by the Director of Athletics. All proposed changes shall be reviewed by the College’s legal counsel.

Note: Ramapo College of New Jersey may amend the policy at any time and that the program is separate and distinct from the NCAA Drug-Testing Program. This policy is not to be construed as a contract between the institution and the student-athletes at Ramapo College of New Jersey. However, signed consent and notification forms shall be considered affirmation of the student-athlete’s agreement to the terms and conditions contained in this policy.
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Attached Documents/Forms

Appendix A - NCAA Banned Drugs
Appendix B - Drug Testing Consent Form
Appendix C – Drug Testing Reasonable Suspicion Reporting Form
Appendix D – Safe Harbor Program

Contacts

   Director of Athletics
   Ramapo College of New Jersey
   The Bill Bradley Center
   Mahwah, New Jersey, 07430-1623
   201-684-7091
   hcrocker@ramapo.edu

Effective Date: 9/1/18
APPENDIX A

NCAA Banned Drugs

The NCAA bans the following classes of drugs:

a. Stimulants
b. Anabolic Agents
c. Alcohol and Beta Blockers (banned for rifle only)
d. Diuretics and Other Masking Agents
e. Street Drugs
f. Peptide Hormones and Analogues
g. Anti-estrogens
h. Beta-2 Agonists

Note: Any substance chemically related to these classes is also banned.
The institution and the student-athlete shall be held accountable for all drugs within the banned drug class regardless of whether they have been specifically identified.

Drugs and Procedures Subject to Restrictions:

b. Local Anesthetics (under some conditions).
c. Manipulation of Urine Samples.
d. Beta-2 Agonists permitted only by prescription and inhalation.
e. Caffeine if concentrations in urine exceed 15 micrograms/ml.

NCAA Nutritional/Dietary Supplements Warning:

Before consuming any nutritional/dietary supplement product, review the product with your athletics department staff!

• Dietary supplements are not well regulated and may cause a positive drug test result.
• Student-athletes have tested positive and lost their eligibility using dietary supplements.
• Many dietary supplements are contaminated with banned drugs not listed on the label.
• Any product containing a dietary supplement ingredient is taken at your own risk.

It is your responsibility to check with the appropriate Athletics staff before using any substance.
Appendix B

Drug Testing Consent Form
Pursuant to
Ramapo College of New Jersey
Department of Athletics
Substance Abuse Education and Testing Policy

I have received and read the Policy Concerning Substance Abuse Education and Testing Policy for Intercollegiate Athletics. I have been given an opportunity to ask any questions I may have had about the Policy. I understand the Policy and my responsibilities under it, and I have decided voluntarily to participate in the intercollegiate athletics program at Ramapo College of New Jersey to which this Policy applies. I consent to tests for banned substances administered pursuant to this Policy.

__________________________________________________________  __________
(Signature of Student-Athlete)                              (Date)

______________________________
(Name Printed)

__________________________________________________________  __________
(Signature of at Least One Parent or Guardian, If the Student-Athlete is Under Age 18)  (Date)
Under the reasonable suspicion clause of the Substance Abuse Education and Testing Policy, I believe that ___________________________ (name of student-athlete) has shown sign(s), symptom(s) or behavior(s) that reasonably warrant referral to the Director of Athletics for possible drug testing.

The following sign(s), symptom(s) or behavior(s) were observed by me over the past _____ hours and/or _____ days.

Please check below all that apply:

The Student-Athlete has shown:
____ irritability
____ loss of temper
____ poor motivation
____ failure to follow directions
____ verbal outburst (e.g. to faculty, staff, teammates)
____ physical outburst (e.g. throwing equipment)
____ emotional outburst (e.g. crying)
____ weight gain
____ weight loss
____ sloppy hygiene and/or appearance

The Student-Athlete has been:
____ late for practice
____ late for class
____ not attending class
____ receiving poor grades
____ staying up too late
____ missing appointments
____ missing/skipping meals

The Student-Athlete has demonstrated the following:
____ dilated pupils
____ constricted pupils
____ red eyes
____ smell of alcohol on the breath
____ smell of marijuana
____ staggering or difficulty walking
____ constantly running and/or red nose
____ recurrent bouts with a cold or the flu (give dates ________ )
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_____ over stimulated or “hyper”
_____ excessive talking
_____ withdrawn and/or less communicative
_____ periods of memory loss
_____ slurred speech
_____ recurrent motor vehicle accidents and/or violations (give dates ________)
_____ recurrent violations of The Ramapo College Student Code of Conduct

Other specific sign(s), symptom(s) or behavior(s) include:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Form Submitted by:

Print Name of Athletic Department Staff  Signature of Athletic Department Staff  Date

Counselor Consulted:  Yes  No
Name of Counselor Consulted: __________________________  Date Consulted: __________

To be completed by the Director of Athletics/Designee:

Reasonable suspicion finding upheld
Reasonable suspicion finding denied

Form Reviewed and Completed By:

Director of Athletics/Designee  Date

APPENDIX D

Safe Harbor Program
A student-athlete eligible for the Safe Harbor Program may refer himself/herself for voluntary evaluation, testing and treatment for alcohol or drug problems. A student-athlete is not eligible to enter the Safe Harbor Program:

1. More than one (1) time during their athletic career at Ramapo;
2. After he/she has been informed of an impending drug test;
3. After documentation of a positive drug test; or
4. Thirty (30) days prior to NCAA or Conference postseason competition.

Ramapo College of New Jersey will work with the student to prepare a Safe Harbor treatment plan, which may include confidential drug testing. The student-athlete will be tested for banned substances upon entry into the Safe Harbor Program and such a positive initial test will not result in any administrative sanctions. 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.

If a student-athlete is determined to have new banned substance use and/or alcohol use after the initial Safe Harbor Program test (as determined by follow-up testing), or fails to comply with the Safe Harbor Program treatment plan, the student-athlete will be removed from the Safe Harbor Program and be subject to appropriate disciplinary actions as detailed in the Department of Athletics Drug Testing Policy and Procedures. Entering the Safe Harbor Program will be treated as one of the disciplinary action phases and any positive test indicating new banned substance use and/or alcohol use after the initial Safe Harbor Program test will be treated as the next subsequent positive testing.

While in compliance with the Safe Harbor Program treatment plan, the student-athlete will not be included in the list of students eligible for random drug testing by Ramapo College of New Jersey. Students in the Safe Harbor Program may be selected for drug testing by the NCAA.

The Director of Athletics, The Drug Testing Coordinator, Team Physician, Head Athletic Trainer, the student-athlete’s Head Coach and the Center for Health and Counseling Services (CHCS) may be informed of the student-athlete’s participation in the Safe Harbor Program. Other College employees may be informed only to the extent necessary for the implementation of this policy.
In order to be reinstated a student must have his/her community provider complete and submit the Safe Harbor Treatment Program Community Provider Report Form and submit it to the Director of the Center for Health and Counseling Services for review. CHCS reserves the right to meet with the student and to consult with the community provider. The decision to be reinstated to the athletic team will be determined by the Director of Athletics in conjunction with the head coach and the staff from the CHCS.
Ramapo College of New Jersey Safe Harbor Policy and Procedures

Acknowledgement Form

I ________________________________ understand that, according to the

Student-Athlete Name

Ramapo College of New Jersey’s Department of Intercollegiate Athletics Substance Abuse Policy and Procedures, I may self-refer into the Safe Harbor Program once during my intercollegiate athletic career for voluntary evaluation and counseling.

I further understand that I am not eligible for the Safe Harbor Program after being informed of an impending test, after having received notification of a positive institutional test or NCAA drug test, or thirty (30) days prior to NCAA or Conference post-season competition.

Ramapo College of New Jersey will work with me to provide a treatment plan which may include confidential impermissible substance testing. I will be furnished with a copy of the treatment plan and guidelines after an initial meeting with a substance abuse counselor to evaluate the extent of any of my substance use.

I understand that if I test positive for an impermissible substance upon entering the Safe Harbor Program, the initial test result will not result in any administrative sanction, but I may be suspended from play or practice if it is medically warranted. I will be permitted to remain in the Safe Harbor Program for a reasonable period, not to exceed thirty (30) days, as determined by the treatment plan.

If I fail to comply with the treatment plan, I will be removed from the Safe Harbor Program and my initial Safe Harbor positive test will be treated as a first positive and subject to the sanctions as set forth in the policy. While in the Safe Harbor Program, I will not be included in the regular random testing program, but may be selected for drug testing by the NCAA. Upon successful completion of the Safe Harbor program, I will be subject to additional testing for one calendar year.
The Director of Intercollegiate Athletics, the Team Physician, the Head Athletic Trainer, my head coach or his/her designee and the Center for Health and Counseling Services will be informed of my participation in the Safe Harbor Program. My assistant coach(es) may be notified at the discretion of the head coach or designee. Other College employees may be informed only to the extent necessary for the implementation of this policy.

Signature: __________________________ Date: ________________
(Student-Athlete)

Signature: __________________________ Date: ________________
(Director of Athletics/Designee)

Safe Harbor Treatment Program
Community Provider Report Form

NOTE: This form is to be completed by the student’s community mental health clinician or medical provider and mailed to Counseling Services within the Center for Health and Counseling Services at Ramapo College of New Jersey.

Please have the student sign an authorization to release patient information to the Counseling Services.

Provider Name ________________________ Student name ________________________
Provider Address ______________________ Date of first session ________________
____________________________________ Date of most recent session _____________
Provider Phone Number ________________ Total # of Treatment Sessions __________
Licensed as ____________________________
License # ____________________________ If mental health clinician includes:
State of Licensure ____________________ GAF score at start of treatment __________
Initial Diagnosis ______________________ Current GAF score: __________
(DSM or ICD-9) Current Diagnosis_______________________
Current Medications (Please provide dosages):
____________________________________
____________________________________
Provide your professional judgment in response to the following questions regarding the above named student:

Has there been evidence of stabilization of the alcohol and/or drug condition and/or psychological condition that precipitated the need for the Safe Harbor Treatment Program ___ Yes ___ No

If yes, please check all of the following that you have observed a marked reduction of in this student:
___ Number of symptoms
___ Severity of symptoms
___ Persistence of symptoms
___ Functional impairment
___ Subjective level of client distress

Once achieved, how long has the substantially improved condition been maintained stably?
________________________________________________________________________
________________________________________________________________________

Please describe in as much detail as possible the evidence of stabilization of the alcohol and/or drug condition and/or psychological condition.

Please describe the student’s readiness to resume participation on an athletic team and be a successful member of the campus community, as evidenced by: 1) the ability to pay attention in class and not interfere with the rights of others to learn, sleep, and study; 2) complete assignments independently; 3) relate to diverse individuals; 4) carry on personal business without supervision; 5) live under only very general supervision and in the company of one or more other students (if assigned to a campus residence); 6) maintain reasonable standards of personal hygiene; and 7) refrain from violating provisions of the student Code of Conduct.
Would you recommend that the College provide any specific accommodations for the student’s alcohol and/or drug condition or mental health condition or modifications to the student’s return to College (e.g., part-time academic status, commuter status, continued compliance with treatment plan, etc.).

___Yes ___No

If yes, please explain:

________________________________________

Provider Signature

________________________

Date