PURPOSE

The Division 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, alcohol and "performance-enhancing" drugs represents a danger to the health and careers of student-athletes. Furthermore, the use or abuse of drugs and alcohol can be injurious to student-athletes and their teammates. Because drug and alcohol use can adversely affect the physical and emotional well-being of student athletes no matter when such use occurs, drug and alcohol 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 and alcohol abuse.

DIA DRUG AND ALCOHOL ADVISORY COMMITTEE

The DIA Drug Advisory Committee oversees the SJSU Drug Screening, alcohol and Substance Abuse Program. The Drug Advisory Committee is comprised of the Director of Athletics (AD), Deputy Athletics Director, Associate Athletics Director of Compliance and Director of Sports Medicine. The Drug and Alcohol Advisory Committee meets annually to review the Drug Screening, alcohol and Substance Abuse Program.

PROHIBITED SUBSTANCES

SJSU utilizes the same list of banned substances that is used 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](http://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.
**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. The DIA reserves the right to test student-athletes that have previously had a positive drug test.

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 oral fluid 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 oral fluid sample is possible.

Identification of those participating in the oral fluid collection 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 the AD of their results.

The sanctions listed below are the minimum requirements imposed by the DIA. The head coach reserves the right to impose stricter sanctions up to and including dismissal from the program at his or her discretion.

**FAILURE TO APPEAR**

Any student-athlete that fails to appear for a drug test will be treated as if they had a positive test for recreational or performance-enhancing drugs (*other than marijuana*) or a masking agent. The student-athlete will be disciplined just as any other student-athlete with a positive test for recreational or performance-enhancing drugs (*other than marijuana*) or masking agent.
**ALCOHOL PROTOCOL**

- Alcohol violations, on- or off-campus, must be reported by the student-athlete to his or her head coach within twenty-four hours of the incident. Failure to do so may result in additional sanctions.
- The head coach must inform the AD and/or the Deputy Athletics Director within twenty-four hours of being informed of the incident.
- The student-athlete shall meet with the AD or Deputy Athletics Director within five days to initiate the conduct process.
- On-campus alcohol violations shall be handled in accordance with the conduct process outlined in the San José State University Student Code of Conduct and are subject to the drug and alcohol violation policy. Off-campus violations shall be handled in accordance with this policy and are subject to the drug and alcohol violation policy.

**MINOR IN POSSESSION/CONSUMPTION AND 12-MONTH CLEAR RECORD**

Alcohol violations shall have a cumulative effect and carry forward through the duration of a student-athlete’s intercollegiate athletics period of eligibility and/or while the student-athlete is receiving financial aid unless removed under the following circumstances:
- The violation was minor in consumption or a minor in possession of alcohol; AND
- There were no further alcohol-related incidents with the student-athlete for a period of twelve (12) months from the date of the violation; OR
- The alcohol violation was removed by a court of law.

**POSITIVE DRUG-TESTING RESULTS AND ALCOHOL VIOLATIONS**

The sanctions listed below are the minimum requirements imposed by the DIA. The head coach reserves the right to impose stricter sanctions up to and including dismissal from the program at his or her discretion.

- **FIRST 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. The student-athlete will meet with the Deputy Athletics Director. The student-athlete will participate in a conference telephone call to include his/her parent(s) or legal guardian Deputy Athletics Director and the Head Coach.
  - **For marijuana or alcohol—**
    - The student-athlete will be required to attend a minimum of an initial evaluation and two counseling sessions at the University Counseling and Psychological Services to be completed within 90 days.
  - **For recreational or performance-enhancing drugs (other than marijuana) or masking agents—**
    - The student-athlete will be required to attend a minimum of an initial evaluation and two counseling sessions at the University Counseling and Psychological Services to be completed within 90 days. The student-
athlete will be suspended for 10 percent of his/her team’s competitions in a given year. Exhibition contests and scrimmages do not count toward suspensions. The suspension may carry over to the following year’s competition schedule. 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 the University Counseling and Psychological Services, the student-athlete may be released from the University Counseling Program.

• 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.

- **SECOND 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. The student-athlete will meet with the Deputy Athletics Director. The student-athlete will participate in a conference telephone call to include his/her parent(s) or legal guardian, Deputy Athletics Director and the Head Coach.
  - **For marijuana or alcohol—**
    o The student-athlete will be required to attend a minimum of an initial evaluation and two counseling sessions at the University Counseling and Psychological Services to be completed within 90 days. **The student-athlete will be suspended for 20 percent of his/her team’s competitions in a given year.** Exhibition contests and scrimmages do not count toward suspensions. The suspension may carry over to the following year’s competition schedule.
  - **For recreational or performance-enhancing drugs (other than marijuana) or masking agents—**
    o The student-athlete will be required to attend a minimum of an initial evaluation and two counseling sessions at the University Counseling and Psychological Services to be completed within 90 days. **The student-athlete will be suspended for 50 percent of his/her team’s competitions in a given year.** Exhibition contests and scrimmages do not count toward suspensions. The suspension may carry over to the following year’s competition schedule. 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 the University Counseling and Psychological 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. The student-athlete will meet with the Deputy Athletics Director. The student-athlete will participate in a conference telephone call to include his/her parent(s) or legal guardian, Deputy Athletics Director and the Head Coach.
- **For marijuana or alcohol**
  - The student-athlete will be required to attend a minimum of an initial evaluation and two counseling sessions at the University Counseling and Psychological Services to be completed within 90 days. **The student-athlete will not be permitted to participate in athletics at SJSU for one year and all athletics financial aid will cease at the conclusion of any appeal process.**
- **For recreational or performance-enhancing drugs (other than marijuana) or masking agents**
  - The student-athlete will not be permitted to participate in athletics at SJSU and all athletics financial aid will cease permanently at the conclusion of any appeal process.

**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 a retest of the specimen. Retest findings will be final, subject to the results of any appeal. If retest 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 and/or SJSU penalties, whichever penalties are greater. **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 Drug Free Sport Axis website at [www.dfaxis.com/users/login](http://www.dfaxis.com/users/login).

SAFE HARBOR PROGRAM

The Safe Harbor Program (“Program”) is a program that allows student-athletes to come forward and receive assistance for a substance abuse problem. **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 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 still 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.
DRUG TESTING CONSENT FORM  
SAN José STATE ATHLETICS DEPARTMENT  
DRUG SCREENING, ALCOHOL & SUBSTANCE ABUSE PROGRAM

I, _____________________________________________ hereby acknowledge that I have received a copy of the 
San José State University (SJSU) Department of Athletics (DIA) Drug Screening, Alcohol 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, Alcohol and 
Substance Abuse Program;

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

I was provided an opportunity to review the procedures outlined in the Drug Screening, Alcohol 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, my Head Coach and parent(s) or legal guardian;

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 and Psychological Services (“CAPS”). I will be suspended for 10 percent of my team’s competitions if testing positive for recreational or performance-enhancing drugs (other than marijuana) or masking agents. I may 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 CAPS. I will be suspended for 20 percent of my 
team’s competitions if testing positive for marijuana or alcohol. If testing positive 
for recreational or performance-enhancing drugs (other than marijuana) or 
masking agents, I will be suspended for 50 percent of my team’s competitions.

• A THIRD positive drug test will result in a minimum of the loss of an athletic 
scholarship for one year. I will be required to attend an initial evaluation and two 
counseling sessions at the CAPS, and suspension from all team activities if testing 
positive for marijuana or alcohol. If testing positive for recreational or 
performance-enhancing drugs (other than marijuana) or masking agents, I will 
not being permitted to participate in athletics at SJSU and athletics financial aid 
will cease permanently.

__________________________________         __________________      __________________ 
Name (please print)     Sport    SJSU ID #