Duke University Drug-Testing Program

The intent of these policies is to prevent the use of prohibited substances by student-athletes through education, testing, and professional guidance. Systematic drug testing is appropriate and necessary to ensure the health, safety and welfare of our student-athletes, to promote fair competition in intercollegiate athletics, to affirm compliance with applicable rules and regulations governing drug use, and to identify student-athletes who are improperly using drugs and assist them before they harm themselves or others.

1. **Prohibited use of banned substances.** All student-athletes enrolled at the University are prohibited from using any substance belonging to any of the classes of banned substances published by the NCAA, and updated from time to time. The classes of banned substances are: stimulants, anabolic steroids, diuretics (masking agents), street drugs (e.g., heroin, marijuana, cocaine), and peptide hormones and analogues (e.g., human growth hormones and erythropoietin (EPO)). The University may test for any substance contained on the NCAA’s list of banned substances, including unlisted compounds that are related to specific drugs listed by the NCAA (i.e., substances that are included in a class of drugs by their pharmacological action and/or chemical structure). The student is responsible for everything that goes into his or her body; students use all drugs and nutritional or dietary supplements at their own risk. Before taking any drug or supplement, students should consult with their team trainer or physician.

2. **Unannounced drug-testing.** All student-athletes identified on the NCAA official squad list and all intercollegiate teams will be subject to unannounced drug testing. All student athletes will be required to execute a waiver consenting to such testing. Testing may occur during any period the student is present on campus, including the preseason, during the regular academic year, and during the summer session.

3. **The consequences of a positive test for street drugs and other classes of banned substances, other than anabolic steroids, peptide hormones and analogues, and diuretics.**
   
a. A *first positive* test for a street drug, or other banned substance, other than anabolic steroids, peptide hormones and analogues, and diuretics, will be treated as a matter calling for evaluation, treatment, and counseling. A student will be subject to unannounced drug testing as part of his or her treatment. As part of a treatment plan, the student may be suspended from competition. A positive test which indicates that the student has used a banned substance during the period of evaluation, treatment, and
counseling shall be treated as a second positive test, if it is a street drug or other banned substance, other than an anabolic steroid, peptide hormone or analogues, or a diuretic. If the positive test is for an anabolic steroid, peptide hormone or analogues, or a diuretic, it will be treated in accordance with the provision of this policy dealing with a positive test for those substances.

b. A second positive test for a street drug or other banned substance, other than an anabolic steroid, peptide hormone or analogues, or a diuretic, will result in a suspension of eligibility to compete in all intercollegiate competition for at least 50% of the total regular season’s contests, to be carried over into the next regular season, if necessary.

c. A third positive test for a street drug or other class of banned substances, other than anabolic steroids, peptide hormones and analogues, or diuretics, will result in the permanent termination of eligibility to compete in all intercollegiate competition at Duke University.

4. **The consequences of a positive test for anabolic steroids, peptide hormones and analogues, and diuretics.** The use of anabolic steroids and peptide hormones and analogues is cheating and undermines the integrity of any athletic competition in which the offending student participates.

a. A first positive test for an anabolic steroid, a peptide hormone or analogue, or a diuretic will result in a suspension of eligibility to compete in all intercollegiate competition for one calendar year.

b. A second positive for an anabolic steroid, peptide hormone or analogue, or a diuretic will result in a permanent termination of eligibility to compete in all intercollegiate competition at Duke University.

5. **Additional sanctions.** In addition to the foregoing sanctions, the Athletic Director or coach may treat a violation of this drug policy as student-athlete misconduct and impose appropriate additional sanctions.

6. **Labeling of urine samples.** All urine samples shall be divided into two parts, Sample A and Sample B. If the student’s A sample tests positive for a banned substance, it will be deemed conclusive proof that the student violated this policy, unless the student requests an appeal from the positive test, in the manner required by this policy.

7. **Self-reporting.** A student may self-report his or her use of a banned substance, except where it is done to evade an unannounced drug test. When a student self-
reports the use of a banned substance, he or she will be tested immediately and will be treated as having tested positive for the banned substance actually used.

8. **Notice of a violation of this policy.** When a student has been found guilty of using a banned substance, the Athletic Director, the student’s parents or guardians, and his or her coach will be notified. The student also will be required to notify his or her teammates of a positive test for a banned substance, except where the student has self-reported the use of the substance under this policy, in which case whether and when others will be notified of the self-reported use of the banned substance will be decided on a case by case basis.

9. **Consequences of failing to participate in or cooperate with the drug testing program.** All student-athletes are required to comply fully with the drug-testing program created by this policy.

   a. A failure to execute the drug testing consent form; an un-excused absence from a drug test; or a refusal to provide a sample or the tampering with or manipulation of a sample will be treated as a *positive for an anabolic steroid*.

   b. A failure to provide an adequate sample within a reasonable period of time may result in a suspension of eligibility until the student provides an appropriate sample under circumstances set by the University. If, based upon the written report of the sample collector, the failure to provide a urine sample occurs under circumstances that amount to a refusal to provide the sample, the failure will be treated as a *positive for an anabolic steroid*. All urine samples actually provided by a student may be tested.

10. **Appeal from a positive test.**

   a. Any student who tests positive for the use of a banned substance may appeal to a drug testing appeal board. The request for an appeal must be made in writing within 5 days of the written notice to the student that his A sample tested positive for a banned substance. If the student requests an appeal, his or her B sample will be tested to confirm the presence of a banned substance. In case of an appeal, the Athletic Director, in consultation with the Chair of the Athletic Council, will appoint a 3-member panel to hear the appeal. The members of the board may include an athletic department administrator, a head trainer or team physician, a faculty member from the Athletic Council, and other members from outside the Athletic Department. The chair of the board shall be a person from outside the Athletic Department. No person associated with the student’s team shall be appointed to the board.
b. The student may appeal on any ground, including on the ground that he or she had "no fault" for the doping violation (i.e., that he or she did not know and could not reasonably have discovered or suspected that he or she was administered or took a banned substance) or that he or she had "no significant fault" (the student's fault or negligence in the totality of the circumstances was not significant in relationship to the doping violation). In the case of no fault, the student will be absolved of the violation; in the case of no significant fault, the board may reduce any suspension by up to 50% of what it otherwise would have been, except in the case of a first positive for a street drug or other class of banned substances, other than anabolic steroids, and peptide hormones and analogues. However, it shall not be a basis for appeal solely that the student unwittingly used a product that contained a banned substance.

c. On appeal, the student will have the burden of establishing his or her defense by clear and convincing evidence.

d. The sanctions authorized by this policy shall not be imposed (a) until the hearing board has decided any appeal by the student; (b) the student has withdrawn the appeal in writing; or (c) the time for the student to appeal has expired.

11. Confidentiality.

a. Except as required by law, the University will treat confidentially all information relating to a student’s alleged or confirmed use of a prohibited substance, aside from such disclosures to University personnel, parents, guardians, coaches, and the student’s teammates that are required to be made under this policy.

b. Employees of the University who breach this policy of confidentiality or who disclose information about unannounced random drug testing, such as the dates of such testing and the students or teams subject to testing on a particular date will be treated in the same manner as employees who breach the confidentiality of patients’ medical records.

12. Oversight Committee.

a. The President will appoint a committee to oversee the program established by this policy. The members of the committee shall include an Athletic Department administrator, a member of the faculty, a representative from Student Affairs, and a trainer or team physician.
b. The oversight committee will be responsible for determining the appropriate
drug screening test to use, the frequency of tests, and the selection process for
unannounced testing. The Committee also will be responsible for evaluating
the adequacy of all drug educational programs established for student-athletes.
Finally, the Committee will be responsible for making an annual report to the
President and Athletic Director concerning implementation of this policy.
The report shall include any recommendations for modification of the policy,
drug educational programs, or sanctions for violating the policy.

Additional resource information is available at www.drugfreesport.com/resource-
exchange.html (password-ncaa1).