Banned Substance Education and Testing Policy and Procedures

Purpose: The overarching goal of the University of Tennessee (UT) Athletics Department’s Banned Substance Education and Testing Policy and Procedures (“BSETPP”) is to promote a healthy and safe environment within the UT athletics program. The specific objectives included in this goal are:

- To protect the health, safety, and welfare of the student-athlete;
- To identify, address, and treat student-athletes with substance abuse problems and concerns;
- To inform and educate student-athletes and other associated individuals about substance abuse;
- To promote fair competition by UT student-athletes;
- To protect the institution’s integrity; and
- To prepare student-athletes to lead a healthy and successful lifestyle throughout and upon the conclusion of their enrollment at UT.

Policy

The use, abuse, possession, manufacture or distribution of non-prescribed, illegal or NCAA-banned substances by UT student-athletes is prohibited. A list of banned substances is available at ncaa.org.

Education and counseling are the foundations of the BSETPP with the aim of informing both student-athletes and coaches of the potential harm of substance use and abuse. An educational program exists to counsel student-athletes on decision-making and behavior modification, and to explain the BSETPP. Testing is used to help identify at-risk student-athletes and to supplement education and counseling as a deterrent to the use of non-prescribed, illegal or banned substances. The protocol for testing is designed to be fair and reliable, and to protect the privacy of the student-athlete. All test results are confidential and will not be released except in accordance with the BSETPP or as otherwise required by law.

The BSETPP resides under the guidance of the Banned Substance Education and Testing Committee (“Committee”). The Committee is comprised of the following individuals:

1. Vice Chancellor / Director of Athletics (VC/DA)
2. Head Team Physician (Team MD)
3. Director of Sports Medicine (DOSM)
4. Associate Athletics Director for Compliance (AAD-Compliance)
5. Executive Associate Athletics Director and Chief Operating Officer
6. Senior Associate Athletics Director / Senior Woman Administrator / Chief of Staff
7. Faculty Athletics Representative
8. Senior Associate Vice Chancellor for Finance and Administration
9. Vice Chancellor for Student Life

The BSETPP is subject to modification by the VC/AD and the Committee as deemed appropriate. Such modifications will be effective upon notice to student-athletes and shall not be applied retroactively. The most up-to-date version of the BSETPP is available at UTSports.com. The BSETPP is independent of the NCAA Drug-Testing Program.

Procedures

I. Scope

All student-athletes are subject to the BSETPP. On an annual basis, prior to participation with a UT intercollegiate athletics team, student-athletes are required to sign the Banned Substance Testing Consent Form via JumpForward. Student-athletes who do not sign the form are not permitted to participate beyond the NCAA-legislated tryout period.

II. Definitions

Legally-prescribed medication is medication prescribed by a licensed practitioner for a particular medical condition, and must be used in the appropriate amount solely by the individual for whom the
medication is prescribed. Documentation of all prescribed medication shall be recorded in the student-athlete’s medical chart by the Team MD or sports medicine staff.

A **positive test** is a student-athlete’s urine or other specimen – tested through an approved professional laboratory via an approved analytical procedure – that shows the presence of a banned substance. The following circumstances may also constitute a positive test:

- Student-athlete does not provide a specimen at the designated testing time.
- Student-athlete alters the integrity or validity of the specimen or the drug testing protocol.
- Student-athlete is found guilty of or admits guilt to a legal, administrative or student disciplinary offense involving the illegal use, abuse, possession, manufacture or distribution of prescribed or illegal drug(s).

A **positive test for marijuana (THC) at a level less than 15 ng/ml** is not subject to an increased Consequence Level, but the student-athlete is still required to meet with the Team MD and undergo substance abuse counseling, and may be subject to more frequent testing.

A **positive test for THC equal to or greater than 15 ng/ml within 30 days of a previously confirmed positive test for THC** will be used for counseling/treatment purposes only, and will not count as an additional positive test subject to an increased Consequence Level unless the repeat test shows an elevated level of THC from the prior positive test. Appropriate drug/substance metabolism and half-life will be considered along with the specific gravity of the urine specimen in determining subsequent positive tests.

A **positive test for a narcotic prescription pain medication ninety (90) days or longer after the prescription date** will be considered a positive test subject to an increased Consequence Level unless the student-athlete has obtained approval by the Team MD or Team Orthopedists (or their designee) to take a previously dispensed narcotic for a new or exacerbated injury. Documented follow-up appointments with the Team MD must be available for review by the Committee for consideration in an appeal. The student-athlete may be subject to more frequent testing in order to rule out misuse or abuse.

### III. Education

An annual presentation summarizing the BSETPP will be provided to student-athletes at the beginning of each academic year (or upon the student-athlete’s enrollment if a mid-year enrollee). The goal of the presentation is to discuss the purpose, implementation and consequences of the BSETPP. Student-athletes will be provided a written or electronic copy of the BSETPP, which is also available through UTSports.com.

### IV. Counseling

Counseling and rehabilitation services will be utilized to provide assistance, direction and resources for student-athletes as a result of positive tests, physician referral or self-identified needs. Counseling and rehabilitation services will be provided by trained professionals knowledgeable about substance abuse. These professionals will be identified by the DOSM and Team MD. Referrals will originate from the Team MD after meeting with the student-athlete.

### V. Confidentiality

The University will make every effort to maintain the confidentiality of all information and records associated with the BSETPP, including test results, consequences, remedial measures taken by the University, and/or counseling and rehabilitation services received by a student-athlete. Unless otherwise required by law, test results and related records may be disclosed only to (1) members of the Committee, (2) the Chancellor, (3) the student-athlete’s Head Coach, (4) the team’s Sport Administrator, (5) designated substance abuse counselor(s), and (6) the student-athlete’s parent(s) or legal guardian(s). These individuals are to maintain the confidentiality of all test results and related information to the extent possible in the execution of the BSETPP and performance of their job duties.
All members of the Athletics Department, including the individuals listed above, are expected to adhere to the above-outlined confidentiality policy at all times. Violation of this policy may result in disciplinary action at the discretion of the VC/DA.

VI. Testing

All student-athletes may be tested for banned substances (including those still on athletics aid who have exhausted eligibility or ceased participation due to a career-ending injury). Testing will be executed through the analysis of urine or other specimens obtained from the student-athlete at the direction of the Committee. Testing procedures will ensure that the specimen being analyzed is identified with the appropriate student-athlete and coded to ensure confidentiality. The specimen will be collected in a manner so as to minimize the possibility of contamination or misidentification. Specimen collection will be conducted by an agent of a professional laboratory that is approved by the Committee.

A. Frequency of Testing

1. All incoming student-athletes will be tested at or around the time of their pre-participation physical examination.
2. All student-athletes will be subject to random testing throughout the year (including those still on athletics aid who have exhausted eligibility or ceased participation due to a career-ending injury).
   i. The Committee will supply a list of randomly selected names of student-athletes generated by a computer program. The number or percentage of student-athletes subject to testing will be determined by the Committee. However, selection of subjects will occur so that all student-athletes are likely to be tested at some point during the year.
   ii. The Team MD, DOSM and the team’s athletic trainer will be notified of student-athletes subject to testing.
   iii. Notification to the selected student-athletes will not exceed 24 hours. The information will include the location, date and time of the test.
3. A student-athlete may be subject to testing at any time when, in the judgment of a coach, Sport Administrator, there is a reasonable suspicion that he/she is using a banned substance. Such reasonable suspicion may be based on (1) observed use or possession of a banned substance; (2) arrest or conviction for a criminal offense related to the possession of a banned substance; (3) observed abnormal appearance, conduct or behavior that may cause someone to suspect use of a banned substance; or (4) a report from a credible source that the student-athlete has used a banned substance. Examples of abnormal appearance, conduct or behavior may include the following: decline in academic or athletic performance, missing class, falling asleep in class, significant weight gain or loss, increased injury rate, lethargy, agitation or nervousness, short temper, acts of violence, loss of friendships, or significant change in personal appearance.
   i. A student-athlete may be subject to reasonable suspicion testing based on a request from a Head Coach or Sport Administrator. Results of these tests will be handled in the same manner as results of all other tests.
   ii. A Head Coach or Sport Administrator may request that a student-athlete be placed in an intensive substance abuse counseling and rehabilitation program. Authority to grant or deny these requests, and determinations regarding the student-athlete’s frequency of testing during and after treatment, resides with the Committee.
4. All student-athletes with previous positive tests or a history of providing unsatisfactory specimens for analysis (e.g., diluted specimens) may be subject to more frequent testing for a minimum of 12 months.
B. Specimen Collection Procedures
   1. The team’s athletic trainer or designee will notify the student-athlete of the testing location, date and time.
   2. The student-athlete shall promptly present for the test at the proper location and provide a photo identification to the designated test administrator (or be positively identified by a sports medicine staff member).
   3. Once the student-athlete reports to the testing site, he/she may not leave until a specimen is produced unless excused by a sports medicine staff member to attend class, tutor or other academic-related appointment, medical appointment, team meeting, team workout or team practice/competition.
   4. All water bottles, open containers and bags must be checked at the door.
   5. In the event that a student-athlete requests additional oral fluids in order to provide a specimen, only closed- or sealed-container beverages or water from a drinking fountain will be provided.
   6. A collection agent appointed by an approved professional laboratory will collect all specimens in a manner so as to minimize the possibility of contamination or misidentification.
   7. All student-athletes will be directly observed providing a specimen by the agent or – if requested by the collection agent – an approved sports medicine staff member.
   8. All NCAA rules against urine manipulation are applicable.
   9. Two specimen containers will be handled by the agent and observed by the student-athlete. The student-athlete will select the containers, provide his/her specimen, observe the agent divide the specimen among the two containers, seal the containers, mark the seals, attach the student-athlete’s ID number to the containers, and place the containers in a device used to transport specimens to the lab. The student-athlete will initial the seal on the container. This process is to be performed by the agent under the direct observation of the student-athlete to ensure proper chain of custody.
   10. One container will be used for testing. The other container will be frozen and stored by the laboratory for use in the event of an appeal of the test results.
   11. The agent will transport the specimens to the laboratory where they will be received by a laboratory agent who will sign for them. All signatures will attest that the official seal on the specimen bottle remains intact, and that proper chain of custody was maintained.

C. Disposition of Positive Test
   1. Test results are returned electronically by the laboratory to the Team MD and AAD-Compliance.
   2. After consulting with the Team MD, the AAD-Compliance will follow a predetermined chain of notification to the student-athlete and his/her Head Coach. Notification will be documented by the AAD-Compliance.

VII. Pre-Participation Testing

Incoming freshmen and transfer student-athletes will be tested at or around the time of their pre-participation physical examination. Because these student-athletes may not yet be aware of the BSETTP, positive test results for THC or prescription amphetamines will not trigger a Level I Consequence. However, student-athletes who test positive for THC or prescription amphetamines will be required to meet with the Team MD and undergo substance abuse counseling. They may also be subject to more frequent testing. Student-athletes who test positive for a banned substance other than THC or prescription amphetamines will be subject to consequences as outlined in Section X. Consequences for Positive Drug Tests.

VIII. Safe Harbor:

Student-athletes are afforded a one-time opportunity to voluntarily identify themselves as having used THC or prescription amphetamines through the declaration of Safe Harbor. Student-athletes who declare Safe Harbor will not be subject to a Level I Consequence, but will be required to meet with the
Team MD and undergo substance abuse counseling. They may also be subject to more frequent testing. Failure to comply with these requirements may result in review by the Committee for the implementation of additional consequences against the student-athlete.

Student-athletes must notify the Team MD, DOSM or their team’s athletic trainer prior to testing or within 24 hours after testing of their desire to invoke Safe Harbor by completing and submitting the Safe Harbor Declaration Form. If Safe Harbor is declared prior to testing, the student-athlete must still provide a specimen and results will be reported via the standard reporting process. The Committee and Head Coach will be informed of the student-athlete’s use of Safe Harbor. Safe Harbor may only be used prior to a first positive test result, excluding a pre-participation positive test for THC or prescription amphetamines. Safe Harbor does not apply to any legal, administrative or student disciplinary penalties or proceedings.

IX. “Drug-Free” Period

Student-athletes are afforded a one-time opportunity to decrease one (1) Consequence Level from a positive test for THC or prescription amphetamines if they maintain a consecutive 12-month period of negative tests. The student-athlete may be subject to more frequent testing throughout this time period as deemed appropriate by the Committee. In addition, the student-athlete must adequately participate in substance abuse counseling and rehabilitation as outlined in Section X. Consequences for Positive Drug Tests. If the student-athlete meets all of the above-outlined criteria, he/she will be eligible to decrease one (1) Consequence Level. A student-athlete who decreases a Consequence Level, or maintains a consecutive 12-month period of negative tests following a positive pre-participation test or a positive test for THC at a level less than 15 ng/ml, is no longer subject to more frequent testing unless deemed appropriate by the Committee.

X. Consequences for Positive Tests

Head Coaches may have team rules regarding banned substances that affect a student-athlete’s eligibility for practice, competition or athletics aid. Such policies may be more stringent, but not be more lenient than those outlined in the BSETPP.

The use or possession of banned substances may result in immediate suspension, dismissal and/or revocation of athletics aid by the student-athlete’s Head Coach or VC/DA, which may supersede the Consequence Levels outlined below.

<table>
<thead>
<tr>
<th>Consequence</th>
<th>Test Result</th>
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<tbody>
<tr>
<td>Level I</td>
<td>First countable* positive test for a banned substance excluding anabolic steroids or performance-enhancing drugs (PEDs)</td>
</tr>
<tr>
<td>Level II</td>
<td>Second countable* positive test for any banned substance or first positive test for anabolic steroids or PEDs</td>
</tr>
<tr>
<td>Level III</td>
<td>Third countable* positive test for any banned substance or second positive test for anabolic steroids or PEDs</td>
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<tr>
<td>* = A “countable” test for THC is one at a level greater than or equal to 15 ng/ml</td>
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- Student-athletes who test positive for THC at a level less than 15 ng/ml are not subject to an increased Consequence Level, but are required to meet with the Team MD and undergo substance abuse counseling, and may be subject to more frequent testing.
- Student-athletes who produce a diluted specimen that is positive for THC at a level less than 15 ng/ml three (3) times in a 12-month period will be subject to an increased Consequence Level and the corresponding sanctions.
**A. Level I Consequence**

The student-athlete will be required to meet with the AAD-Compliance (or designee) to sign an acknowledgment form that outlines the terms set forth by the BSETPP. Subsequently, the student-athlete will be required to meet with the Team MD and an approved substance abuse counselor to determine the appropriate level of care. The student-athlete will be enrolled in a substance abuse counseling program approved by the Committee. The student-athlete will be required to attend all counseling sessions and actively participate in the program unless an absence is approved by the substance abuse counselor in consultation with the Committee. Failure to participate in this program may result in elevation to a Level II Consequence.

**B. Level II Consequence**

The student-athlete will be required to meet with the AAD-Compliance (or designee) to sign an acknowledgment form that outlines the terms set forth by the BSETPP. Subsequently, the student-athlete will be required to meet with the Team MD and be enrolled in an intensive substance abuse counseling program, which will include weekly banned substance testing under the direction of the substance abuse counseling staff. The student-athlete will be required to attend all counseling sessions and actively participate in the program unless an absence is approved by the substance abuse counselor in consultation with the Committee. Failure to participate in this program may result in elevation to a Level III Consequence. In addition, the student-athlete will be suspended from intercollegiate athletics competition for a period of time deemed appropriate by the VC/AD in consultation with the Committee. The student-athlete's suspension will be equal to no less than 10 percent of scheduled competitions for the respective sport.

A suspension from competition will begin immediately upon notification to the student-athlete, and will include consecutive countable regular season or post-season contests. If a student-athlete’s season ends prior to serving the full term of his/her suspension, the suspension will be completed at the beginning of the following season.

**C. Level III Consequence**

The student-athlete will be required to meet with the AAD-Compliance (or designee) to sign an acknowledgment form that outlines the terms set forth by the BSETPP. The student-athlete will be immediately dismissed from intercollegiate athletics participation. In addition, at the VC/AD’s discretion, the student-athlete’s athletics aid may be terminated in accordance with University policy and NCAA rules regarding the termination of financial aid.

**XI. Appeals**

If a student-athlete believes that his/her test results were made in error or that consequences were applied without proper cause, he/she may appeal by providing a written request to the AAD-Compliance within one (1) week of the date that he/she was notified of the positive test. Appeals must include an explanation of why the applicable consequences should not be enacted accompanied by supporting evidence or documentation. The appeal may be considered by a majority of the members of the Committee with a recommendation made to the VC/AD at the earliest possible time.

While the Committee will meet at its earliest possible convenience, if competition is scheduled prior to the Committee’s ability to consider the appeal, the student-athlete may be suspended from competition(s) in accordance with the designated Consequence Level outlined in the BSETPP.

**XII. Alcohol**

Alcohol is involved in a majority of undesirable behaviors observed among students on college campuses. The BSETPP should be viewed in the context that lawful, responsible consumption (or abstinence) is expected from student-athletes, and that consumption and/or possession of alcohol by individuals under
21-years-old is illegal in the State of Tennessee. The BSETPP aims to assist student-athletes with alcohol-related problems and specify treatment for student-athletes experiencing alcohol-related problems.

Head Coaches may have team rules regarding the consumption and/or possession of alcohol that affect a student-athlete's eligibility for practice, competition or athletics aid. Such policies may be more stringent, but not be more lenient than those outlined in the BSETPP.

Alcohol-related incidents involving undesirable behavior by student-athletes, with or without legal consequences (e.g., driving under the influence [DUI], public intoxication, etc.), will be referred to the Committee. Any resulting consequences will be determined by the Committee. Repeat alcohol offenses may result in similar consequences as those outlined in Section X. Consequences for Positive Drug Tests. Alcohol education and counseling sessions with an approved substance abuse counselor may be mandated by the Committee. Conviction or a plea of guilty to a DUI arrest will be subject to an increased Consequence Level and the corresponding sanctions.

XIII. NCAA Drug-Testing Program

NCAA drug testing and sanctions are independent of the BSETPP and will be administered pursuant to the guidelines set forth in the NCAA Drug-Testing Program. NCAA drug testing legislation can be found in the Division I Manual and online at ncaa.org. Prior to participation, student-athletes are required to sign an NCAA Drug Testing Consent Form via JumpForward.

XIV. National Governing Body Testing Guidelines

Student-athletes involved in competition sanctioned by a National Governing Body (NGB), including but not limited to the Fédération internationale de natation (FINA), International Olympic Committee (IOC) United States Olympic Committee (USOC), US Anti-Doping Agency (USADA), and World Anti-Doping Association (WADA), may be subject to drug testing and sanctions based on the rules of the NGB in addition to those of the BSETPP. These student-athletes should be aware that:

- Medication prescribed by a physician, and approved for use by the NCAA, may contain substances prohibited by an NGB;
- Over-the-counter medications may contain substances prohibited by an NGB; and
- Vitamin, herbal and nutritional supplements purchased over-the-counter or via the internet may contain substances prohibited by an NGB.

UT medical staff and physicians are not responsible for knowing or informing a student-athlete of prohibited substances that may cause a positive test with an NGB. The student-athlete is ultimately, and solely, responsible for any substance found in his/her body.

XV. Nutritional Supplements

The Team MD serves as the designated resource for questions related to banned substances and nutritional supplements. Student-athletes should not take a nutritional supplement unless approved by the Team MD. However, there is no guarantee that an approved supplement will not contain a contaminant or unlisted banned substance that may cause a positive drug test. NCAA regulations state that any banned substance discovered through a drug test is the student-athlete’s responsibility and corresponding penalties will apply. Therefore, all student-athletes are cautioned against ingesting any supplements other than those provided by the athletics department.

If a student-athlete requests to take a supplement not supplied to him/her by the athletics department, he/she is required to provide the Team MD (or designee) product information such as the name, manufacturer, ingredient list and recommended dosage. The supplement will be evaluated using Drug Free Sport's Axis website and/or the Aegis Shield website/app. Since multiple supplements have identical names, student-athletes are encouraged to provide a sample package of the product in order to insure accuracy in the Drug Free Sport and/or Aegis review.
The Team MD (or designee) will contact Drug Free Sport and/or Aegis with a description of the supplement. The student-athlete will be required to meet in person with the Team MD once the product evaluation is received. The student-athlete will be required to sign and date a form acknowledging the information received and – due to the lack of industry regulations – risks associated with taking any supplement.

While other athletics department staff members, such as sports nutritionists and/or athletic trainers may provide education to a student-athlete regarding supplement use, this counseling does not replace the information provided by the Team MD with respect to the risks of taking a nutritional supplement and the pros and cons of supplement use.