



RULE-MAKING ORDER

CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Central Washington University

Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: The substance use/drug policy is designed to prevent substance abuse among Central Washington University student athletes by implementing probable-cause drug testing. The intent is to protect the personal health and safety of each athlete as well as to ensure an atmosphere of competitive equality. It will also provide an opportunity to intervene on behalf of an individual who has a drug abuse history or a perceived drug problem. This is a new proposal and does not change existing rules.

Citation of existing rules affected by this order: new rules

Repealed:
Amended:
Suspended:

Statutory authority for adoption: RCW 28B.10.528 and RCW 28B.35.120 (12)

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 05-23-086 on Nov 16, 2005 (date).
Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: February 3, 2006

NAME (TYPE OR PRINT)

Jerilyn S. McIntyre

SIGNATURE

TITLE

President

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

FEB 10 2006

901

TIME _____ AM/PM

WSR _____ 06-05-043

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	<u>6</u>	Amended	_____	Repealed	_____
-----	----------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Chapter 106-121 WAC

SUBSTANCE USE AND DRUG TESTING

NEW SECTION

WAC 106-121-100 Purpose. The purpose of this policy is to prevent substance abuse among student athletes by implementing probable cause drug testing. The intent is to protect the personal health and safety of each athlete as well as to ensure an atmosphere of competitive equality. It will also provide an opportunity to intervene on behalf of an individual who has a drug abuse history or a perceived drug problem.

NEW SECTION

WAC 106-121-110 Education. Central Washington University and the CWU athletic department are committed to maintaining a drug free environment. An important component is educating the student athlete on the effects and consequences of substance abuse. In order to accomplish this goal, a class entitled Drugs in Sports (HED 205) is offered every term. This two-credit course includes surveying the potential hazards of recreational, ergogenic, and restorative drugs commonly used by athletes. It also includes information on nutritional supplements and NCAA drug testing policies and procedures. Every student athlete is required to take this class during their first year and no later than their second year of participation. This course will also serve as our mandatory NCAA drug education component.

NEW SECTION

WAC 106-121-120 Drugs to be tested. (1) Stimulants including amphetamines and ephedra derivatives.
(2) Cocaine.

- (3) Marijuana (THC).
- (4) Anabolic steroids (testosterone levels greater than 6:1).

NEW SECTION

WAC 106-121-130 Reasonable suspicion. (1) To be considered reasonable suspicion, evidence must be based upon a specific event or occurrence in which the student athlete has been presumed to use drugs; these would include, but are not limited to:

- (a) Direct observation by coaches, athletic trainers, or physicians involving suspicious medical symptomatic changes inherent to suspected substance abuse;
- (b) Frequent, unexplained absenteeism;
- (c) Significant changes in behavior;
- (d) Obviously suspicious conduct;
- (e) Common sense conclusions of abnormal human behavior;
- (f) Previously positive drug test;
- (g) Evidence reported from a reliable third party;
- (h) Physical evidence pointing to drug abuse; and
- (i) Possession of drug paraphernalia.

Each event or reasonable suspicion must be separate and unrelated to a previous incident.

(2) A drug test can also be requested by anyone who has objective information within the realms of reasonable suspicion. This may include reliable third parties. This request is to be made verbally (in person or by phone) or in writing (letter, fax or e-mail) to the team physician or other medical practitioner at the Central Washington University student health center (SHC), should the team physician be unavailable. SHC personnel shall decide if the suspicion warrants the drug testing process and, if warranted, authorize it.

(3) Athletes may also self-refer, if they feel that they may have accidentally or inadvertently taken any controlled substance. Any positive test based on this "safe harbor" testing shall result in the individual being referred to the CWU wellness center to determine the cause of the positive test and how it can be avoided in the future. The student athlete is eligible for self-referral one time only unless indicated otherwise by their counselor.

NEW SECTION

WAC 106-121-140 Drug testing procedures. Each year, prior to participation, every athlete will review copies of the NCAA and CWU drug testing policies and sign consent forms agreeing to testing as

specified in the policies. Failure to do so will result in ineligibility for intercollegiate athletic participation. Detailed drug testing procedures and testing forms are available online in the university procedures manual <http://www.cwu.edu/~pres/procedures/Part1.html>.

NEW SECTION

WAC 106-121-150 Alcohol policy. (1) Central Washington University does not condone the illegal or irresponsible use of alcohol. Both abuse of and dependence on alcohol can impair brain function, dull judgment, reduce alertness, and lead to life-altering consequences. University staff and faculty are expected to conduct themselves in an exemplary fashion and adhere to university, federal, state, and city laws related to alcohol. Violations are punishable by state laws and subject to prosecution. Student violators are also subject under the student judicial code.

(2) Consumption of alcohol is expressly prohibited in connection with any official intercollegiate team function; that is, any activity held at or under the direction and supervision of a member of the coaching staff.

(3) Sanctions for involvement with alcohol under conditions prohibited by the athletic department, but in which there are no legal implications, will be determined by the head coach and athletic director. Depending upon circumstances, sanctions may include suspension from practice and/or competition as well as other appropriate consequences to include referral to the division of student affairs and enrollment management for proper action under the student judicial code.

(4) According to Washington Administrative Code (WAC 106-120-027), a student shall be subject to disciplinary action or sanction upon violation of the university policy on alcoholic beverages which states:

(a) Persons twenty-one years of age or older may possess and/or consume alcoholic beverages within the privacy of their residence hall rooms or apartments. Washington state law provides severe penalties for the possession or consumption of alcoholic beverages by persons under twenty-one years of age and for persons who furnish alcoholic beverages to minors.

(b) The university does not condone the consumption of alcoholic beverages by minors at functions sponsored by Central Washington University organizations. Organizations are held responsible for the conduct of their members at functions sponsored by the organization and for failure to comply with Washington state law.

(c) The campus judicial council, including the vice-president for student affairs and enrollment management, may place any organization on probation or prohibit a specific campus social

function when the consumption of alcoholic beverages has become a problem of concern to the university.

(5) Violations of the rules of student conduct will result in sanctions imposed by the division of student affairs and enrollment management and will include:

- (a) Warning;
- (b) Disciplinary probations;
- (c) Restitution;
- (d) Deferred suspension;
- (e) Suspension; or
- (f) Expulsion.

A complete explanation of each of these penalties and a complete copy of the Central Washington University drug and alcohol policy is available in the office of the vice-president for student affairs and enrollment management.