

Chapter 106-121 WAC

SUBSTANCE USE AND DRUG TESTING

WAC

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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.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 06-05-043, § 106-121-100, filed 2/10/06, effective 3/13/06.]

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.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 06-05-043, § 106-121-110, filed 2/10/06, effective 3/13/06.]

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).

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 06-05-043, § 106-121-120, filed 2/10/06, effective 3/13/06.]

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 email) 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.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 06-05-043, § 106-121-130, filed 2/10/06, effective 3/13/06.]

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>.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 06-05-043, § 106-121-140, filed 2/10/06, effective 3/13/06.]

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.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 06-05-043, § 106-121-150, filed 2/10/06, effective 3/13/06.]