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9 July 2007

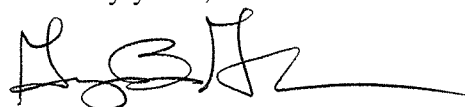
Mr. Scott Fontaine  
6146 S. Cushman Avenue  
Tacoma, WA 98408

Re: Open Records Request – Student-Athlete Drug Testing Information

Dear Mr. Fontaine:

As to your request, a copy of which is attached to this letter, on behalf of the University I am including with this cover letter those documents which the University has concluded the law would require it to disclose to you for review and copying, or which the University would be allowed to produce under applicable guidelines, which include without limitation, the law of Alabama, court decisions interpreting that law, opinions by the Attorney General and, potentially, NCAA regulations.

Sincerely yours,



George B. Gordon

Enclosures

cc Dr. Robert Witt  
Ms. Deborah Lane  
Coach Mal Moore  
Mr. Doug Walker

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JAN 29 2007

Scott Fontaine  
6146 S. Cushman Ave., Tacoma, WA 98408  
253.224.0801 / [scott.fontaine@gmail.com](mailto:scott.fontaine@gmail.com)

January 24, 2007

Robert E. Witt  
Office of the President  
Box 870100  
203 Rose Administration  
Tuscaloosa, AL 35487-0100

Dr. Witt,

I am making a request under your state's record laws. Please reply to my request promptly, or within the timeframe required by law.

I request the following related to the drug testing of University of Alabama athletes conducted since January 1, 2004, unless otherwise stated. You may provide information about previous years, if you wish.

You may redact information specifically identifying students if you are concerned disclosing the information will violate state or federal laws.

- Documentation or an accounting of all positive tests. This might include internal forms recording positive tests or an electronic spreadsheet or database.
- A calendar or other documentation indicating the frequency of drug tests administered to athletes.
- Records related to punishments levied for positive tests.
- The budget for or amount of money dedicated to drug testing for fiscal or calendar years, 2004, 2005, 2006 and 2007.
- Audits or reports discussing the drug testing of athletes, excluding standardized information provided by other government agencies or the NCAA.
- Contracts or agreements with vendors who have a role in drug testing athletes.
- All information provided by vendors the last time your institution put the drug testing of athletes up for bid or requested proposals.

When possible, please provide materials in common electronic formats via e-mail or compact disk. For materials fitting my request found on the Internet, please direct me to the Web address.

I am a working journalist who has been published in such newspapers as the *St. Louis Post-Dispatch*, the *San Jose Mercury News* and the *Contra Costa Times*. I am working to benefit the public and ask you waive any fees associated with my request or notify me in advance if you intend to apply fees.

Please contact me if you have any questions or concerns. Thank you for your time.

Sincerely,

Scott Fontaine

ATHLETES NAME	SPORT	REF.#	DATE	AMOUNT	INS. PAID/	DATE
Drug Testing	Training	UNINATH	8/23/2003	1,014.00		9/11/2003
Drug Testing	Training	10-03-03 billing	9/25/2003	208.00		
Drug Testing	Training	11-06-03 billing	10/10/2003	2,236.00		
Drug Testing	Football	12/10/2003	12/10/2003	2,834.00		
Drug Testing	Training	2/13/2004	2/13/2004	182.00		
Drug Testing	Training	3/4/2004	3/4/2004	2,340.00		
Drug Testing	Training	4/8/2004	4/8/2004	1,482.00		
Drug Testing	Training	5/7/2004	5/7/2004	156.00		
Drug Testing	Training	9/3/2004	9/3/2004	7,488.00		
Drug Testing	Training	10/8/2004	10/8/2004	1,222.00		
Drug Testing	Training	UNINATH	8/4/2004	52.00		
Drug Testing	Training	UNINATH	12/8/2004	1,898.00		
Drug Testing	Training	UNINATH	12/8/2004	1,898.00		
Drug Testing	Training	UNINATH	2/4/2005	485.50		
Drug Testing	Training	UNINATH	8/4/2004	52.00		
Drug Testing	Training	UNINATH	2/4/2005	485.50		
Drug Testing	Training	UNINATH	3/3/2005	294.50		
Drug Testing	Training	UNINATH	4/8/2005	2,730.00		
Drug Testing	Training	Uninath05-06-05	5/6/2005	4,004.00		
Drug Testing	Training	6/2/2005	UNINATH	104.00		
Drug Testing	Training	UNINATH06-30-05	6/30/2005	375.50		08/19/05
Drug Testing	Training	UNINATH08-02-05	8/2/2005	494.00		08/19/05
Drug Testing	Training	UNINATH09-02-05		546.00		
Drug Testing	Training	UNINATH10-04-05		320.50		10/19/05
Drug Testing	Training	UNINATH11-04-05	11/4/2005	2,426.50		01/05/06
Drug Testing	Training	UNINATH12-02-05	12/2/2005	156.00		02/14/06
Drug Testing	Training	UNINATH01-04-06	1/4/2006	598.00		02/14/06
Drug Testing	Training	UNINATH02-03-06	2/3/2006	1,716.00		02/23/06
Drug Testing	Training	UNINATH03-02-06	3/2/2006	4,888.00		05/29/06
Drug Testing	Training	UNINATH04-05-06	4/5/2006	3,848.00		05/29/06
Drug Testing	Training	UNINATH05-02-06	5/2/2006	2,704.00		05/29/06
Forensic Testing	Training	7/9/2004	7/9/2004	338		
Forensic Testing	Training	11/5/2004	11/5/2004	2600		
Forensic Drug	Athletics		Nov. 06	\$780.00		01/09/07
Forensic Drug	Athletics		Dec. 06'	\$3,604.00		01/19/07
Forensic Drug	Athletics		Oct .06	\$1,458.50		11/13/06
Forensic Drug	Athletics		Feb. 07'	\$6,578.00	(\$4,160.00)	04/11/07
Forensic Drug	Athletics	D041440249	03/19/07	\$26.00		04/18/07
Forensic Drug	Athletics	D041440256	03/19/07	\$26.00		04/18/07
Forensic Drug	Athletics	D041440264	03/19/07	\$26.00		04/18/07
Forensic Drug	Athletics	D041440272	03/19/07	\$26.00		04/18/07
Forensic Drug	Athletics	D041440280	03/19/07	\$26.00		04/18/07
Forensic Drug	Athletics	D041440298	03/19/07	\$26.00		04/18/07
Forensic Drug	Athletics	D041479023	03/23/07	\$26.00		04/18/07
Forensic Drug	Athletics	D041479031	03/23/07	\$26.00		04/18/07
Forensic Drug	Athletics	D041479049	03/23/07	\$26.00		04/18/07
Forensic Drug	Athletics	D041479056	03/23/07	\$26.00		04/18/07
Forensic Drug	Athletics	D041479064	03/23/07	\$26.00		04/18/07







Forensic Drug	Athletics	D0417712274	04/17/07	\$26.00	05/27/07
Forensic Drug	Athletics	D0417712282	04/17/07	\$26.00	05/27/07
Forensic Drug	Athletics	D0417712290	04/17/07	\$26.00	05/27/07
Forensic Drug	Athletics	D0417712308	04/17/07	\$26.00	05/27/07
Forensic Drug	Athletics	D0417712316	04/17/07	\$26.00	05/27/07
Forensic Drug	Athletics	D0417712324	04/17/07	\$26.00	05/27/07
Forensic Drug	Athletics	D0417712332	04/17/07	\$26.00	05/27/07
Forensic Drug	Athletics	D0417712340	04/17/07	\$26.00	05/27/07
Forensic Drug	Athletics	D0417712357	04/17/07	\$26.00	05/27/07
Forensic Drug	Athletics	D0417712365	04/17/07	\$26.00	05/27/07
Forensic Drug	Athletics		Sept.	\$754.00	10/18/06
Forensic Drug			Jan.07	\$3,146.00	02/22/07
Forensic Drug	Athletics		08/06/06	\$303.50	
Forensic Drug	Athletics		Mar	\$3,848.00	
Forensic Drug	Athletics		Mar	\$234.00	

**THE UNIVERSITY OF ALABAMA ATHLETIC DEPARTMENT**  
**STUDENT-ATHLETE ALCOHOL AND DRUG EDUCATION AND TESTING POLICY**  
**March 2007**

**I. INTRODUCTION**

The Department of Athletics at The University of Alabama advocates the development of healthy and responsible lifestyles for student-athletes during their years of eligibility as long term enrichment and enhancement of their lives.

Substance abuse, chemical dependency, crimes and other situations which occur while under the influence of mood-altering substances are a major health and safety hazard in our society. The use of illegal substances and the illegal use of drugs is a crime and cannot be condoned. The use of performance enhancing drugs is detrimental to student health and, as a form of cheating, constitutes unacceptable behavior. Alcohol use by Alabama student-athletes who are under the legal drinking age in Alabama is against the law; for those student-athletes who are of legal drinking age in Alabama, alcohol use is ill-advised and is strongly discouraged.

This policy is not to be construed as a contract between the University of Alabama and the student-athlete, however the student-athletes are expected to abide by this policy.

This policy may be amended any time by The University of Alabama. If these changes take place before the next academic year, the student-athletes will be notified of any changes.

The University of Alabama Athletic Department alcohol and drug program includes:

- education of student-athletes about mood and body altering substances and pertinent University of Alabama policy
- evaluation
- drug testing
- treatment
- discipline

**A. Mood-Altering Substances**

**1. Alcohol**

Alcohol is a drug that presents a unique situation since its use is legal in Alabama for those twenty-one years of age and older. Alcohol is a part of our culture and is present at many social functions throughout society; however, it is a mood altering substance and constitutes the greatest drug problem in society and among University of Alabama student-athletes. The use of alcohol may also be detrimental to athletic performance. Therefore, in relation to alcohol use the Athletic Department Drug Program (ADD Program) policy is:

- a. Alcohol consumption is illegal and unacceptable for student-athletes under the age of twenty-one.



- b. Alcohol consumption is not recommended and ill-advised for student-athletes twenty-one years of age and older.
- c. Teams should institute training rules which restrict alcohol usage by student-athletes twenty-one years of age and older.
- d. Alcohol-related offenses (DUI, public intoxication, assaults while under the influence of alcohol, underage possession of alcohol) are violations of this policy and are considered the same as a positive drug test.
- e. Alcohol consumption is prohibited by a recruit during any official or unofficial visits to the campus.

2. Illicit Substances (Marijuana, cocaine, amphetamines, ecstasy, etc.)

The intercollegiate student-athlete is under an increased amount of pressure when compared to the remaining segment of the student body. These pressures can result in stress and anxiety which can predispose the student-athlete to the use of mood-altering substances. The use of illicit substances may be detrimental to athletic performance. The ADD Program will:

- a. Educate the student-athlete about mood-altering substances and the dangers associated with their use;
- b. Deter the use of these substances;
- c. Identify student-athletes with chemical dependency and other problems for which substance use may be an indicator early in the course of the disease or problem, so that treatment can be instituted in a timely manner;
- d. Solidify the role of University of Alabama student-athletes as representatives of the University and role models for the youth who look up to them.

Illicit or illegal drug use by student-athletes is strictly prohibited. Use of illicit or illegal drugs is also strictly prohibited by any prospective athletic recruit on any official or unofficial visit and will be punishable as outlined in this policy.

B. Performance Enhancing Drugs (Anabolic/Androgenic Steroids, Growth Hormone, etc.)

The intercollegiate student-athlete performs in a highly competitive environment. Some segments of society have favored a “bottom line mentality” which would translate to a “win at all cost” situation in the athletic arena. The student-athlete’s desire to be successful can lead to the use of performance enhancing drugs to attain goals. Such drugs give a student-athlete unfair advantage, are coercive, and their use constitutes cheating. These drugs also have adverse side effects which could be harmful to the student-athlete. The ADD Program will:

- 1. Educate the student-athlete about which drugs are performance enhancing drugs, their effects and danger.
- 2. Deter the use of these substances.
- 3. Identify student-athletes who use these substances and address issues and problems surrounding their use.

4. Solidify the role of University of Alabama athletics and student-athletes as representatives of the University in sending the message that fair play and following the rules are of prime importance.

#### C. Tobacco Products

The University of Alabama discourages student-athletes from smoking tobacco in any form not only from a potential health risk, but also from the fact that tobacco use may adversely affect athletic performance. Student-athletes are not permitted to smoke in any University of Alabama facility or at any official University function.

The NCAA strictly prohibits the use of smokeless tobacco by any student athlete during any practice or game. Use of smokeless tobacco during these times will be punishable as outlined by the NCAA. The University of Alabama discourages student-athletes from the use of smokeless tobacco for numerous health reasons.

#### D. Over-the-Counter Medications and Nutritional Supplements

Student-athletes should be warned that many over-the-counter medications (cough and cold medicines, anti-histamines, etc) may contain chemicals that are banned by the University of Alabama and the NCAA. The use of these medications by the student-athlete may result in a positive drug test and punishable as outlined by this policy and the NCAA. Therefore, student-athletes should take caution when using these drugs without making sure of their ingredients or if they are banned. The student-athlete can check with a Team Physician or one of the resources listed in Appendix III.

Nutritional supplements (vitamins, amino acids, weight-gain products) may also contain substances banned by the University of Alabama and the NCAA. These products are not controlled by the Food and Drug Administration and therefore may not be pure, or contain substances not identified on the label. The student-athlete is solely responsible for what he/she ingests and should make certain that those substances will not result in a possible failed drug test. The student-athlete should check with a Team Physician or one of the resources listed in Appendix III before taking such substances.

#### E. Illegitimate use of Prescription Drugs

In order to take prescription drugs, the student-athlete must have a current, valid prescription from a physician or other health care professional licensed to write prescriptions. Student-athletes will be assessed a positive drug test should they take another person's prescription drug, take a prescription without a valid prescription, or take prescription medications without a current prescription, (medications over 3 months old taken without permission or notification of Athletic Training Room Staff will result in a violation of the Substance Abuse Policy).

A Probationary Violation will be assessed if it is determined that a student-athlete provides his/her prescription medication to another student-athlete.

## II. ALCOHOL AND DRUG EDUCATION PROGRAM

### A. Rationale

The NCAA Presidents' Commission has encouraged institutions to initiate plans to develop a Life Skills Program which will promote value development, moral reasoning and ethical conduct in intercollegiate athletes. This program of systematic personal development for student-athletes was implemented in 1996. The focus of the program is on the individual as a "whole person" and would address the changing needs and skills necessary to meet the special demands that face the student-athlete of 2006. The University of Alabama ADD Program addresses these special considerations of the individual student-athlete. Cheerleaders and all students with an official association are strongly encouraged and welcomed to participate in the education component of the ADD program. The educational component of the ADD program centers on the health and physical development portion of the Life Skills Program recommended by the NCAA. Special consideration will be given to personal health, leadership skills, alcohol/drug education, and community involvement.

### B. Goals

To provide each student-athlete with an opportunity to:

1. Gain a knowledge-based (and experiential) foundation about alcohol and drug use and related issues.
2. Teach and encourage responsible behavior.
3. Network with those who have personally and successfully addressed the problems of chemical dependency.
4. Broaden their awareness of the effects of alcohol and drug use through a variety of experiential observations.
5. Develop and practice their leadership skills.
6. Make effective use of the knowledge and skills gained through the ADD Program by participating in community involvement projects.

### C. The Education Program

The education component of The University of Alabama ADD Program will consist of a comprehensive approach to addressing various choices and consequences of alcohol and other drug involvement and related issues.

The athletic association considers education to be an important part of its drug policy. At the beginning of each academic year, each student will be required to attend a drug education seminar. The National Collegiate Athletic Association and The University of Alabama Athletic Department drug policies and testing guidelines will be thoroughly covered at this seminar. Each student will receive written copies of the policies and testing guidelines at this time and will sign consent forms for drug testing for both organizations. A presentation on the medical/legal aspects of drug use and abuse will additionally be conducted at this seminar.

Regular educational in-services will be offered to both students and athletic staff throughout the year. These programs will be offered in the areas of drug abuse prevention, drug education and drug testing and coordinated by Life Skills Coordinator and sports medicine staff. All athletic association personnel, particularly head coaches, should cooperate in making sufficient time available during team meetings for any athletic association sponsored visual presentations and lectures. The drug education program will be continuously reviewed and updated to meet the growing needs of the students and to address the ever-changing complexities of drug use associated with competitions.

### III. ALCOHOL AND DRUG TESTING

Tests will primarily be conducted for mood-altering and performance substances. All tests will be performed on urine. These tests will include all student-athletes, cheerleaders, and all students with official sports team association. Student-athletes are subject to drug testing both by The University of Alabama and the NCAA.

#### A. Types of Drug Testing

##### 1. University Testing

###### a. Random Testing

Periodic testing of a portion of the total student-athlete population will occur at intervals. This list will be randomly generated by computer from each active squad list. All athletes are eligible for every test.

###### b. Total Team Testing

Total teams may be tested upon the recommendation of the head team physician or at the request of the head coach with approval of the Sports Medicine Committee.

###### c. Reasonable-Cause Testing

Any student participating in the intercollegiate athletic program is subject to drug testing upon request if there is reasonable cause to believe that the student may be using illegal drugs. Circumstances which constitute reasonable cause include, but are not limited to the following: current or past involvement with the criminal justice system for drug-related activities, prior treatment for any of the abusable drugs, physiological signs of possible impairment from drugs, or a pattern of abnormal behavior. Any coach, athletic administrator, or athletic staff member concerned with a particular student should express this information in writing confidentially to either the team physician or the director of sports medicine. These individuals are available to all athletic association personnel to explain further the signs that may point to the need for reasonable cause testing. Additionally, athletic association personnel in a position to recognize such signs (coaches, athletic trainers, strength and conditioning specialists, academic counselors, etc.) will be required to participate in yearly in-service conducted by

medical personnel to review common signs and symptoms associated with drug abuse.

d. Post-season/Championship Screening

Any participant or team likely to advance to post-season championship competition may be subject to additional testing by the University of Alabama. Testing may be required of all team members or individual student-athletes at any time within thirty (30) days prior to the post-season competition. If a student-athlete tests positive, he or she will not be allowed to compete at the post-season event unless he or she subsequently tests negative prior to departure for the event and is granted permission to compete by the Director of Athletics.

## 2. NCAA Testing

Student-athletes may be tested while participating in a championship event, a post season football game, or during a regularly scheduled on-site NCAA test. Individuals to be tested are selected from team NCAA eligibility lists. All teams are subject to year round testing by the NCAA.

If a student-athlete tests positive on an NCAA drug test, it will also constitute a positive result on the University of Alabama's Substance Abuse Policy. Parents/guardians will be notified of a positive NCAA drug test.

### **FAILURE TO APPEAR FOR A SCHEDULED DRUG TEST, OR REFUSING TO GIVE A URINE SPECIMEN WILL BE CONSIDERED A POSITIVE AND TREATED AS SUCH.**

#### B. Guidelines for Drug Testing

These guidelines are in force for all University of Alabama urine testing:

1. Upon the direction of the Director of Athletics or designee, a testing date, site, and time will be determined.
2. A list of student-athletes to be tested will be generated from the NCAA squad lists. This list may include 5<sup>th</sup> year student with no remaining eligibility, medical waivers, etc.
3. Certified athletic trainers will receive the names of the individuals from the sport teams to be tested. An athletic trainer will notify the student-athlete, in person or by direct telephone communication e.g. no e-mails or no voice-mails), of the date and time to report to the collection station. It is the athletic trainers' responsibility to inform student-athletes prior to the scheduled test. To protect the integrity of the process, the athletic trainers must not inform athletes earlier than 24 hours before the test. The athlete also acknowledges that failure or refusal to appear for the drug test will result in disciplinary action according to athletic association policies.

4. The names of those student-athletes not reporting to the scheduled test will be reported to the Director of Athletics or designee. Any student-athlete who does not report will be considered positive and treated as such.

#### C. Testing Procedures for Student-Athletes

These procedures are in force for all University of Alabama urine testing.

The student-athlete will be informed by the athletic trainer of the sport team of the scheduled test.

1. The student-athlete must report to the designated testing site within the time frame of the test.
2. A photo ID is required for admission to the testing site.
3. The student-athlete must sign and select a sealed coded specimen bottle. The coded specimen bottle is logged in and the student-athlete proceeds to the collection site. Two rosters will be prepared: one listing the codes for the selected specimen bottles and another listing the codes together with the name of the corresponding student-athlete.
4. The student-athlete must wash their hands, without soap, prior to providing a urine sample.
5. The collector will visually observe while the student-athlete provides the sample. Pre-determined volumes and temperature guidelines for sample acceptance will be followed.
6. The student-athlete will re-seal the collection bottle and place it in a lockable container.
7. The student-athlete will then sign out and may leave.
8. The urine sample becomes the property of the University of Alabama at this point.

**FAILURE TO APPEAR OR REFUSING TO GIVE URINE SPECIMEN WILL BE CONSIDERED A POSITIVE. ANY ATTEMPT TO ADULTERATE, MANIPULATE, OR SUBSTITUTE A URINE SPECIMEN WILL NOT BE TOLERATED AND TREATED AS A VIOLATION OF THE DRUG POLICY.**

#### D. Post-Collection Procedures

1. Testing personnel will check the roster of scheduled student-athletes and submit to the Director of Athletics or designee and the head coach of the sport team the names of those persons not reporting.

2. The coded roster (without names) will be placed in a locked container. The roster with names and codes will be given to the Head Team Physician.
3. Samples are then transported via locked containers to the clinical laboratory for analysis.
4. The samples are turned over to laboratory personnel only after passing security and the samples are signed for, thus preserving the chain of custody.
5. The samples are analyzed with the Head Team Physician being notified of all results.
6. Following verification of a positive test, the student-athlete will be notified of the outcome by the Head Team Physician.

#### E. Classification of a Positive Drug Test

Specimens are examined by state-of-the-art technology. The following procedures are carried out to minimize any possibility of false test results. All specimens which show the presence of a prohibited substance are tested by a second, unrelated technological method with gas chromatography-mass spectrometry. Any urine specimen which does not show the presence of the drug by two different technological methods will be considered a negative specimen.

#### F. Policy Regarding Notification of a Positive Drug Test

Results from athletic association drug tests will be sent directly to the Head Team Physician. The physician will notify the (head athletic director) of a positive drug test. A meeting will be held with the physician, head athletic director and/or athletic director designee (assistant athletic director responsible for sport), the head coach, and the student involved. At that time, the student will be advised of the positive drug test. Prior to any action being taken, the student will have the opportunity to meet with the director of sports medicine and the team physician privately and discuss any concerns regarding the positive test and positive recourses. An independent drug toxicologist will be utilized as a technical resource as needed to clarify any questions pertinent to the test. From this meeting, the student's parents or guardian may be notified. The student, along with his/her parents or guardian, may be advised of the remedial guidelines, based upon whether the positive drug test is first, second, or third offense. Drug counseling and evaluation sessions will be arranged through the Head Team Physician.

- G. Every effort must be made to protect the confidentiality of students under this policy, including those who test positive, undergo reasonable-cause testing, or enter treatment programs. Under no circumstances will any athletic association personnel or any individual associated with the drug test program be permitted to disclose publicly or

allude publicly to any information acquired in their capacity, whether or not it relates to identified students, individual teams, or the athletic associated.

- H. Any student-athlete who transfers to the University of Alabama from another institution must disclose any and all information regarding a previous positive drug test or drug related offense from that institution. This is important to ensure that proper rehabilitation and treatment be continued. Previous drug or alcohol related offenses will not count against the student-athlete after he or she enrolls at the University of Alabama. However, that student-athlete will be subject to reasonable cause testing.

#### IV. SAFE HARBOR

The University of Alabama Athletic Department understands that there may be circumstances where an individual may feel that he/she may suffer from an addiction to drugs and/or alcohol and that they may wish to obtain help in overcoming this addiction. Because the athlete is seeking to make a lifestyle change and help themselves, it is the University's policy to assist the student athlete in this process. Individuals utilizing "Safe Harbor" will be assessed by trained professionals in order to assess the severity of the problem and subsequently make recommendations for treatment.

##### Rules for "Safe Harbor"

- A. Self-referral to "Safe Harbor" can only be made one time during the student-athlete's college career.
- B. Self-referral to "Safe Harbor" can only be utilized prior to the notification of a drug test. Claiming "Safe Harbor" after being notified of an impending drug test will not be honored, and should the subsequent test be positive, it will be treated as such according to this policy.
- C. The athlete must satisfactorily complete the prescribed substance abuse treatment program recommended by the drug rehabilitation counselors. Failure to complete this prescribed program successfully will result in a Probationary Violation.
- D. During treatment, the Athletic Department as well as any outpatient or inpatient facility used by the Athletic Department, reserves the right to perform routine, unannounced drug tests. If a drug test reveals the existence of drugs after an 8 (eight) week period, or if at any time a different drug other than the one the athlete was originally referred for results in a positive test, the student-athlete shall receive an additional violation of the Substance Abuse Policy.
- E. Upon official release from the professional treatment program, all student-athletes will be subject to random drug testing. If any substance is then discovered, an automatic positive test will result.
- F. Self-referral to "Safe Harbor" cannot be used while actively undergoing treatment for an existing substance abuse violation.



## V. PROCEDURES TO BE FOLLOWED IN RESPONSE TO A POSITIVE DRUG TEST AND/OR SUBSTANCE ABUSE OCCURRENCE

A violation of the Substance Abuse Policy is one in which results in action by the Athletic Department. A violation can be the result of multiple Probationary Violations, a substance abuse violation, etc.

It is important to remember that the penalties listed within this section are minimal sanctions. A Head Coach at his/her discretion, can take a more punitive action at any time.

The Athletic Department reserves the right to add to the practice and/or competition penalties if it is medically determined that a student-athlete poses a serious health risk to themselves by continuing to participate in athletics.

The treatment team referred to in this section includes the following: Staff Psychologist, Director of Sports Medicine, Head Team Physician, Drug Prevention Counselor, and the Substance Abuse Policy Administrator.

### A. Probationary Violation

1. A Probationary Violation is applied when there is a violation of the Substance Abuse Policy that does not result in a permanent violation being recorded. However, if a probationary violation is given and a subsequent drug test reveals a confirming substance level, a positive violation will be given in addition to the probationary test. If an additional test issued within 7 (seven) days from the original date of notification reveals a positive level, the probationary violation will be removed and a positive issued.
2. Some potential reasons for a Probationary Violation (but not restricted to) are: Attendance Policy, Alcohol Policy, Drug Test Positive (below the cut-off level), taking prescription medication without a valid prescription: or behaviors in which alcohol and/or drugs are the cause of the problem (i.e. DWI, drug possession, drug distribution, drug or alcohol related arrests, etc.)
3. If an athlete is given a Probationary Violation the following actions occur:
  - A. The athlete meets with Substance Abuse Policy Administrator to sign a contract acknowledging the violation and consequences.
  - B. The athlete meets with the staff Psychologist for evaluation and recommendation for a corrective course of action. Failure to successfully complete recommended treatment will result in loss of athletic scholarship and/or participation as well as the student-athlete incurring financial responsibility for the treatment program. (i.e. unexcused absences, dismissal from treatment program, failure to comply with requirements of program, non-participation, etc.)
  - C. Parent or guardian may be notified by a University of Alabama Administrator or coach or counselor.
  - D. Athlete is placed on a one year nonrestrictive probation and may be drug tested at the discretion of the Drug Prevention Coordinator.

E. Athlete must comply with all Substance Abuse Policies.

4. The Probationary Violation may be removed from the student-athlete's record after 1 (one) calendar year from the date of the violation. The removal of the Probationary Violation is dependant upon full compliance with all of the Substance Abuse Policies.
5. A second Probationary Violation within 1 (one) calendar year will result in the Probationary Violation becoming a permanent violation on the student's record (equivalent to a positive Substance Abuse Policy violation) and actions will be taken according to the appropriate violation as outlined in the policy.
6. Any succeeding violations of the Substance Abuse Policies will be recorded as permanent violations and the appropriate actions will be taken as stated in this policy.

#### B. First Positive

1. The athlete is given the opportunity to have their frozen "B" sample re-tested by a NCAA approved lab at their own expense and will have the Right of Rebuttal to explain any extenuating circumstance. The athlete has 48 hours from the time of the positive test notification to request a re-test of the "B" sample.
2. The Athlete and the Substance Abuse Policy Administrator will sign a contract statement, acknowledging the first positive test, the terms of nonrestrictive probation, and the consequences of a second positive test. Refussal to sign the contract statement will result in immediate dismissal from the athletic program (with loss of athletic scholarship).
3. The Associate Athletic Director responsible for the student athlete's sport, team physician, head coach and student-athlete will be informed of a positive test and/or substance abuse occurrence.
4. The student-athlete will be evaluated by a substance abuse counselor approved by the Athletic Department. The student-athlete must make this appointment with information given to him or her by the Athletic Department within five (5) days of notification of a positive test. Failure to do so will be considered a violation of this policy and treated as such.
5. The Associate Athletic Director, team physician, substance abuse counselor, head coach, and, when indicated, the academic counselor and certified athletic trainer will determine a management plan for the student-athlete.
6. The student's parents or guardian will be notified.
7. The student-athlete will be eligible for reasonable-cause testing
8. Punishment to be decided by Athletic Director, Head Coach and Sports Medicine Committee.

9. The Head Team Physician may withhold the student-athlete from practice or competition for health or safety reasons until that athlete tests negative.
10. During treatment, the Athletic Department, as well as any outpatient or inpatient facility used by the Athletic Department, reserves the right to perform routine, unannounced drug tests. If a drug test of the student-athlete reveals the existence of drugs after an 8 (eight) week period or if at any time a different drug substance other than the drug for which originally referred results in a positive test, the student-athlete shall receive an additional violation of the Substance Abuse Policy.
11. Failure to successfully complete recommended treatment will result in loss of athletic scholarship and/or participation as well as the student-athlete incurring financial responsibility for the treatment program. (i.e. unexcused absences, dismissal from the treatment program, failure to comply with requirements of the program, nonparticipation, etc.)
12. Upon official release from the professional treatment program, all student-athletes will be subject to drug testing. If any substance is discovered, an automatic positive test will result.

#### C. Second Positive

1. The athlete is given the opportunity to have their frozen "B" sample re-tested by a NCAA approved lab at their own expense and will have the Right of Rebuttal to explain any extenuating circumstance. The athlete has 48 hours from the time of the positive test notification to request a re-test of the "B" sample.
  1. The Associate Athletic Director responsible for the student-athlete's sport, team physician, head coach, and student-athlete will be informed of a positive drug test and/or substance abuse occurrence.
  2. The Athlete and the Substance Abuse Policy Administrator will sign a contract statement, acknowledging the second positive test, the terms of nonrestrictive probation, and the consequences of a third positive test. Refusal to sign the contract statement will result in immediate dismissal from the athletic program (with loss of athletic scholarship).
  3. The Athlete meets with the Athletic Department staff Psychologist for evaluation and recommendations for a corrective course of action. Minimum 5 (five) consecutive day suspension from the date of signed notification (no exceptions) from all athletic related activities (competition, practice, weight lifting, running, etc.) per the recommendation of the treatment team. The student-athlete will have the opportunity to return to athletic-related activities only after receiving clearance from the treatment team. Receiving clearance may require the student-athlete to participate in a formal hearing with the treatment team.

4. The Associate Athletic Director, team physician, substance abuse counselor, head coach, and when indicated, the academic counselor and certified athletic trainer will determine a management plan for the student-athlete.
5. The student's parents or guardian will be notified.
6. The student-athlete will be suspended from the athletic department for 15% (rounding method used) of countable contests and/or suspension up to 30 (thirty) days or combination thereof upon recommendation of the treatment team. The penalty will be observed in all sports from the date of signed notification. Should the 15% suspension not be completed in the current academic year, then it will continue into the following season of competition.
7. Re-instatement will be considered by the Athletic Director or designee in consultation with the Sports Medicine Committee.
8. The student-athlete will be eligible for reasonable-cause testing.
9. Athlete must follow the prescribed treatment program and is financially responsible for the cost of any missed appointments (assessments or outpatient).
11. During treatment, the Athletic Department, as well as any outpatient or inpatient facility used by the Athletic Department, reserves the right to perform routine, unannounced drug tests. If a drug test of the student-athlete reveals the existence of drugs after an 8 (eight) week period or if at any time a different drug substance other than the drug for which originally referred results in a positive test, the student-athlete shall receive an additional violation of the Substance Abuse Policy.
12. Failure to successfully complete recommended treatment will result in loss of athletic scholarship and/or participation as well as the student-athlete incurring financial responsibility for the treatment program. (i.e. unexcused absences, dismissal from the treatment program, failure to comply with requirements of the program, nonparticipation, etc.)
13. Upon official release from the professional treatment program, all student-athletes will be subject to drug testing. If any substance is discovered, an automatic positive test will result.
13. The Head Team Physician may withhold the student-athlete from practice or competition for health or safety reasons until he or she tests negative.

#### D. Third Positive

1. The athlete is given the opportunity to have their frozen "B" sample re-tested by a NCAA approved lab at their own expense and will have the Right of Rebuttal to explain any extenuating circumstance. The athlete has 48 hours from the time of the positive test notification to request a re-test of the "B" sample.

1. The Associate Athletic Director responsible for the student-athlete's sport, team physician, head coach, and student-athlete will be informed of positive drug test and/or substance abuse occurrence.
2. The Athlete and the Substance Abuse Policy Administrator will sign a contract statement, acknowledging the third positive test, the terms of nonrestrictive probation, and the consequences of a third positive test.
3. The student-athlete will be re-evaluated by a substance abuse counselor, approved by the Athletic Department.
4. The Associate Athletic Director, team physician, substance abuse counselor, head coach, and when indicated, the academic counselor and certified athletic trainer will determine a management plan for the student-athlete.
5. The student's parents or guardian will be notified.
6. The student-athlete will be suspended from all team and athletic department student-athlete functions for up to 1 (one) year, pending reinstatement by the treatment team and head coach.
7. One-year suspension from competition. Scholarship during this period of time is at the discretion of the Head Coach and dependant upon a negative drug screen and compliance with the Substance Abuse Program. Reinstatement after the one-year period is at the discretion of the Head Coach and dependent upon a negative drug screen.
8. Any Third Violation Case may be appealed at the written request of the Head Coach detailing the reason(s) for the request.

**FAILURE TO COMPLY WITH THE MANAGEMENT PLAN WILL RESULT IN IMMEDIATE SUSPENSION FROM ALL TEAM ACTIVITIES AND FUNCTIONS.**

**ALL POSITIVE TEST RESULTS ARE CONSIDERED CUMULATIVE FOR THE CAREER OF THE UNIVERSITY OF ALABAMA STUDENT-ATHLETE.**

**IF CONFIDENTIAL INFORMATION CONCERNING POSITIVE TEST IS COMMUNICATED TO ANY ONE NOT LISTED ABOVE, THE RESPONSIBLE PARTY WILL BE EXCLUDED FROM FUTURE DEALINGS ON ALCOHOL AND DRUG RELATED OCCURRENCES.**

The Department of Athletics will make effort to keep test results confidential except as provided above, and will oppose disclosure thereof to any persons within or outside the University.

Eligibility for drug testing will be mandatory for all University of Alabama student-athletes, cheerleaders, or dance team, as a condition for any student to be a member of a University of Alabama varsity intercollegiate athletic team. The student-athlete must agree to participate in the Athletic Department's Drug Testing program. Such monitoring is considered an extension of the ongoing physical examination of the student-athlete and is in the best interests of both the student-athlete and The University of Alabama.

Any student-athlete found guilty of selling or providing an illegal drug or illegally providing alcohol or drugs to another person is subject to termination from the squad and athletically related financial aid.

Should a student-athlete transfer to another institution, results of any positive drug tests drug policy related offenses will be released to the institution where the student-athlete is transferring. This includes the number and type of offense and any treatment or rehabilitation records.

A student-athlete may appeal findings or sanctions under the ADD Program to the Sports Medicine Committee, which is composed of the Head Team Physician, Director of Sports Medicine, an Athletic Department designee, and any others deemed necessary by the Athletic Director.

## VI. MEDICAL EXEMPTION

A student-athlete may test positive due to use of a banned substance for legitimate, medical reasons such as amphetamines used to treat Attention Deficit Disorder, or narcotics used in pain control following an injury or surgery. The legitimate use of these medications will be determined by the Head Team Physician and may require direct written or verbal communication with the treating physician or health care professional. Permission for this shall be granted by the student-athlete.

## VII. DRUG TESTING APPEAL PROCESS

- A. Student-athlete may appeal either the finding of the presence of prohibited substance, or the sanction imposed as a result of a positive finding.
- B. The appeal of the positive test results must be based upon one of the following:
  1. Evidence of procedural error.
  2. Evidence which refutes the positive finding.
- C. The appeal of the sanction imposed as a result of a positive finding must be based on one of the following:
  1. Evidence of procedural error.
  2. Evidence which refutes the positive finding.
  3. Evidence that the sanction imposed is unreasonable, harsh, or inappropriate.
- D. To appeal either a positive finding or the sanction imposed, the student-athlete must file an appeal in writing accompanied by supporting evidence. The appeal must be filed with the Sports Medicine Committee within seven (7) days of notification.

At the appeal, the student-athlete has the right to present his/her case and present witnesses on his/her behalf.

The appeal hearing will be conducted within two (2) working days of receipt of the appeal. The appeal hearing will consist of a review of all available evidence related to the initial finding as well as new evidence or documentation provided by the student-athlete.

The Appeal Panel may: affirm the initial finding or sanction; reverse the initial finding or sanction; recommend an alternative sanction. The alternative sanction recommended by the Appeal Panel may not be harsher than the initial sanction.

A written copy of the appeal decision will be provided to the student-athlete and the Athletic Department within five (5) working days of the hearing.

- E. To appeal a suspension due to a missed test, the student-athlete must appear before the designated Appeal Panel.

## **VIII. EVALUATION AND TREATMENT**

### **A. Philosophy**

The referral or self-referral of a student-athlete for evaluation and/or treatment relating to alcohol/substance abuse and related issues is undertaken out of an intense concern for the overall health, welfare and development of our student-athletes. Evaluation and treatment related to possible alcohol/chemical dependency is not intended and should not be construed as a punitive action. Evaluation and treatment of our student-athletes is provided by duly licensed and credentialed healthcare professionals and is regarded as **STRICTLY CONFIDENTIAL**. Our physicians and other healthcare consultants work cooperatively in the areas of evaluation, treatment recommendations referral, and aftercare.

### **B. Evaluation**

Evaluation of the student-athlete who presents with an alcohol and/or drug abuse/dependency issue will be coordinated by the Head Team Physician for Athletics. A behavioral plan, which includes expended behaviors, treatment goals, and potential consequences will be developed for each student-athlete. The actual evaluation may be completed by a recognized substance abuse treatment facility, with results of the evaluation given to the Head Team Physician.

1. There are three (3) circumstances by which a student-athlete will be seen by physicians and other healthcare consultants for evaluation of possible alcohol and/or chemical dependency (or related concerns). These are:
  - a. Referral by the Head Team Physician or the Director of Athletics or his designee following a positive drug test or other documented substance abuse

related occurrences (see section on Procedures to be Followed in the Case of a Positive Drug Test).

- b. SAFE HARBOR: Any student-athlete may refer himself/herself for evaluation or counseling by contacting a coach, athletic trainer, team physician, or psychologist for athletics. This arrangement is called SAFE HARBOR because it is strictly confidential and no team or administrative sanctions are imposed upon the student-athlete who has made a personal decision to seek professional assistance.

A treatment plan will be put into place and the student-athlete will not be sanctioned for entry, but a student-athlete testing positive after entering SAFE HARBOR will be subject to the sanctions outlined elsewhere.

A student-athlete may not initiate SAFE HARBOR after they have been informed of their participation in an impending drug test, nor can they employ SAFE HARBOR following a positive test.

- c. Referral by the team physician, coaching staff, athletic training staff, as a result of observing specific behaviors or becoming aware of information suggesting the student-athlete may be experiencing difficulty, or be AT RISK for developing a problem with alcohol and/or drugs. A student-athlete may also initiate a referral with the coaching staff or medical staff.
2. Student-athletes are referred to a drug counseling psychologist for case management relating to alcohol and/or drug abuse/dependency issues. Based upon results of the initial evaluation, the psychologist or counselor working in consultation with the team physician will then make appropriate recommendations with regard to the need for further evaluation, counseling, and/or treatment. The student-athlete (and as appropriate, his/her parents) will be included in each phase of the evaluation process.

### C. Treatment

The management plan is based upon the evaluated needs of the student athlete; the plan will take into account the circumstances surrounding the referral, severity and duration of the presenting and accompanying problem(s), as well as overall (i.e., personal, social, academic, and athletic) functioning. The evaluation may be completed by a recognized substance abuse treatment facility. Based upon findings related to these factors, treatment recommendations may involve but are not limited to one or more of the following:

1. PERSONAL COUNSELING (including elements of alcohol/drug education provided through the psychologist, or referral to other alcohol/chemical dependency resource(s) when appropriate. His/her parents may be included in each phase of the evaluation process.
2. Referral for treatment/counseling and aftercare planning to a community-based INTENSIVE OUTPATIENT PROGRAM. Typically, these programs



involve both individual and group counseling, and may include a component of family counseling (as is possible and appropriate). Aftercare, an essential component of this treatment program, is coordinated through the psychologist in cooperation with the Head Team Physician.

3. Referral for treatment and aftercare planning to a community-based IN-PATIENT TREATMENT facility. Typically, these programs involve intensive individual and group counseling in a residential setting. Additionally, every effort is made to include a component of family counseling in the overall treatment program. The Department of Athletics has identified residential treatment programs in the Tuscaloosa area. We will work cooperatively with the student-athlete and his/her family in locating and making a referral to a treatment facility closer to the student-athlete's hometown if desired. Aftercare, an essential component of this treatment program is coordinated through the psychologist in cooperation with the Head Team Physician.

Note: should referral to an IN-PATIENT treatment setting be indicated while the student-athlete is enrolled and attending classes, a Medical Withdrawal/Drop can be facilitated on behalf of the student-athlete.

## APPENDIX I

Drugs which are banned by The University of Alabama ADD Policy include the drugs listed below and the attached list of drugs banned by the NCAA.

### Mood-Altering Substances

- 1) Depressants
  - marijuana
  - alcohol (as written in policy)
  - barbiturates (unless physician prescribed)
  - tranquilizers (unless physician prescribed)
- 2) Stimulants
  - amphetamines
  - cocaine
- 3) Opiates
  - heroin
  - morphine (unless physician prescribed)
- 4) Hallucinogens
  - LSD
  - psilocybin
  - mescaline

### Performance Enhancers

- 1) Anabolic Agents
  - testosterone
  - synthetic anabolic steroids
  - growth hormone
  - clenbuterol
  - human chorionic gonadotropin
  - insulin growth factor – 1
- 2) Stimulants

- amphetamines
- alpha sympathomimetics (unless physician prescribed)
  - Ephedrine, pseudoephedrine, phenylpropanolamine
- 3) Enhancers of Oxygenation
  - erythropoietin
- 4) Masking Agents
  - diuretics/water pills (unless physician prescribed)
  - probenecid (unless physician prescribed)

## APPENDIX II

### NCAA Banned-Drug Classes

2005-2006

The NCAA list of banned-drug classes is subject to change by the NCAA Executive Committee. Contact NCAA education services or [www.ncaa.org/health-safety](http://www.ncaa.org/health-safety) for current list. The term "related compounds" comprises substances that are included in the class by their pharmacological action and/or chemical structure. **No substance belonging to the prohibited class may be used, regardless of whether it is specifically listed as an example.**

Many nutritional/dietary supplements contain NCAA banned substances. In addition, the U.S. Food and Drug Administration (FDA) does not strictly regulate the supplement industry; therefore purity and safety of nutritional dietary supplements cannot be guaranteed. Impure supplements may lead to a positive NCAA drug test. The use of supplements is at the student-athlete's own risk. Student-athletes should contact their institution's team physician or athletic trainer for further information.

#### Bylaw 31.2.3 Banned Drugs

The following is a list of banned-drug classes, **with examples of substances under each class:**

##### (a) Stimulants:

phenazone	methylenedioxymethamphetamine
amphetamine	(MDMA, ecstasy)
bemigrade	methylphenidate
benzphetamine	nikethamide
bromantan	pemoline
caffeine <sup>1</sup> (guarana)	pentetrazol
chlorphentermine	phendimetrazine
cocaine	phenmetrazine
cropropamide	phentermine
crothetamide	phenylephrine
diethylpropion	phenylpropanolamine (ppa)
dimethylamphetamine	picrotoxin
doxapram	pipradol
ephedrine	prolintane
(ephedra, ma huang)	strychnine
ethamivan	synephrine
ethylamphetamine	(citrus aurantium, zhi shi, bitter orange)
fencamfamine	<b>and related compounds</b>
meclofenoxate	
methamphetamine	

##### (b) Anabolic Agents:

###### Anabolic steroids

androstenediol	methyltestosterone
androstenedione	nandrolone
boldenone	norandrostenediol
clostebol	norandrostenedione
dehydrochloromethyl-	oxandrolone
testosterone	oxymetholone

##### (d) Diuretics:

acetazolamide	hydrochlorothiazide
bendroflumethiazide	hydroflumethiazide
benzhiazine	methyclothiazide
bumetanide	metolazone
chlorothiazide	polythiazide
chlorthalidone	quinethazone
ethacrynic acid	spironolactone
flumethiazide	triamterene
furosemide	trichlormethiazide

**and related compounds**

##### (e) Street Drugs:

heroin	tetrahydrocannabinol (THC) <sup>3</sup>
marijuana <sup>3</sup>	

##### (f) Peptide Hormones and Analogues:

- corticotrophin (ACTH)
- human chorionic gonadotrophin (hCG)
- leutenizing hormone (LH)
- growth hormone (HGH, somatotrophin)
- insulin like growth hormone (IGF-1)

**All the respective releasing factors of the above-mentioned substances also are banned:**

- erythropoietin (EPO)
- sermorelin
- darbypoetin

dehydroepiandro-sterone (DHEA)	stanozolol
dihydrotestosterone (DHT)	testosterone <sup>2</sup>
dromostanolone	tetrahydrogestrinone (THG)
epitrenbolone	trenbolone
fluoxymesterone	<b>and related compounds</b>
gestrinone	
mesterolone	<u>other anabolic agents</u>
methandienone	clenbuterol
methenolone	

**(c) Substances Banned for Specific Sports**

alcohol	pindolol
atenolol	propranolol
metoprolol	timolol
nadolol	<b>and related compounds</b>

## APPENDIX III

### Resources

The following is a list of resources sponsored by the NCAA and the National Center for Drug Free Sport and others:

[www.ncaa.org](http://www.ncaa.org)

[www.drugfreesport.com/rec](http://www.drugfreesport.com/rec)