



OFFICE OF THE VICE PRESIDENT AND CHIEF FINANCIAL OFFICER  
THE UNIVERSITY OF TEXAS AT AUSTIN

P.O. Box 8179 • Austin, Texas 78713-8179  
(512) 471-1422 • Fax (512) 471-7742

March 5, 2007

VIA E-MAIL

Mr. Nate Carlisle  
550 South 500 East #15  
Salt Lake City, Utah 84102

RE: OPEN RECORDS REQUEST – Drug Testing Program

Dear Mr. Carlisle:

This is a preliminary response to your Open Records Request received by The University of Texas on February 6, 2007. You requested the University provide you with 5 categories of information pertaining to drug testing of our student-athletes. You asked that the University's response include any such testing conducted since January 1, 2004. Vice President and Custodian of Records, Kevin P. Hegarty, asked that I respond directly to your subpoena.

The attached records are provided in response to Items #1, #2 and #5 of your request. Please be advised that the University identified no documents responsive to Item #3: no records exist relating to punishments levied for positive test results. For Item #3, you may also refer to the document identified as responsive to Item #5, the University's Drug Testing Philosophy and Program Description.

Additionally, for Item #4, you requested the University provide budget information reflecting the amount of money dedicated to drug testing for certain fiscal or calendar years. The University's expenditures for drug testing were follows:

2003-04	\$32,809
2004-05	\$38,026
2005-06	\$21,816
2006-07	\$12,806 (year to date reflecting expenditures through December 2006)

You may contact Ms. Annela Lopez directly at (512) 471-8300 if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Margo Iwanski".

Margo Iwanski  
Executive Assistant  
to the Vice President

MI:aml  
Attachments

A I

# University of Texas at Austin Student-Athlete Summary Report

## Academic Years 2000-2007

	Institutional Testing*						Big XII Testing						NCAA/USADA Testing					
	Total street drugs tested	Total abnormalities	Less: Prescription medication/successful appeals	Actual street drug positives per policy	Total steroid tests ordered	Total steroid positives	Total street drugs tested	Total abnormalities	Less: Prescription medication/successful appeals	Actual street drug positives per policy	Total steroid tests ordered	Total steroid positives	Total street drugs tested	Total abnormalities	Less: Prescription medication/successful appeals	Actual street drug positives per policy	Total steroid tests ordered	Total steroid positives
<b>Men</b>																		
8/1/2000 - 7/31/2001	235	15	6	9	0	0	A	0	0	0	0	0	B	0	0	0	0	0
8/1/2001 - 7/31/2002	324	14	10	4	3	1	A	0	0	0	0	0	B	0	0	0	0	0
8/1/2002 - 7/31/2003	385	28	11	17	1	0	A	0	0	0	0	0	B	0	0	0	1	1
8/1/2003 - 7/31/2004	602	32	20	12	2	0	A	0	0	0	0	0	B	2	2	0	0	0
8/1/2004 - 7/31/2005	435	34	18	16	11	2	A	0	0	0	0	0	B	0	0	0	0	0
8/1/2005 - 7/31/2006	443	42	32	10	0	0	A	0	0	0	0	0	B	5	3	2	0	0
8/1/2006 - 7/31/2007		24	10	14	0	0	A	0	0	0	0	0	B	0	0	0	0	0
<b>Women</b>																		
8/1/2000 - 7/31/2001	50	4	1	3	0	0	A	0	0	0	0	0	B	0	0	0	0	0
8/1/2001 - 7/31/2002	11	0	0	0	0	0	A	0	0	0	0	0	B	0	0	0	0	0
8/1/2002 - 7/31/2003	11	1	1	0	2	0	A	0	0	0	0	0	B	1	1	0	0	0
8/1/2003 - 7/31/2004	21	4	4	0	0	0	A	0	0	0	0	0	B	0	0	0	0	0
8/1/2004 - 7/31/2005	71	0	0	0	0	0	A	0	0	0	0	0	B	0	0	0	0	0
8/1/2005 - 7/31/2006	16	1	0	1	0	0	A	0	0	0	0	0	B	0	0	0	0	0
8/1/2006 - 7/31/2007		0	0	0	0	0	A	0	0	0	0	0	B	0	0	0	0	0

\* Institutional Testing is administered by Aegis Laboratories

A - Big XII conducts own testing at championships. Negative results are not reported.

Positives are reported to Athletic Director and CEO of the educational institution.

B - NCAA conducts own testing through USADA at championships. Negative results are sporadically reported.

Positives are reported to Athletic Director and CEO of the educational institution.

Appeals were declined for graduating athletes in NCAA testing 2005-2006

#2

**University of Texas Athletics  
Drug Testing – Testing Dates (September 2004 – Present)**

**Institutional 2004-05**

Fall Semester  
 September 7  
 September 13  
 September 15  
 September 21  
 September 28  
 September 29  
 October 5  
 October 6  
 October 13  
 October 18  
 October 20  
 October 25  
 October 30  
 November 1  
 November 11  
 November 15  
 November 19  
 November 22  
 December 1

Spring Semester  
 January 25  
 January 27  
 February 7  
 February 9  
 February 10  
 March 1  
 March 2  
 March 3  
 March 23  
 April 4  
 April 11  
 April 18  
 May 4

**Institutional 2006-07**

Fall Semester  
 September 21  
 September 26  
 September 28  
 September 29  
 October 4  
 October 5  
 October 13  
 October 14  
 October 16  
 October 17  
 October 27  
 November 1  
 November 11  
 November 15  
 November 17  
 November 21  
 December 2

Spring Semester  
 January 23  
 January 26  
 February 14  
 February 16  
 February 20  
 February 28  
 March 1  
 March 6  
 March 7  
 March 28  
 March 29  
 April 24  
 April 26

**Institutional 2006-07**

Fall Semester  
 October 6  
 October 10  
 October 11  
 October 17  
 October 20  
 October 23  
 October 30  
 October 31  
 November 6  
 November 7  
 November 14  
 November 15  
 November 16  
 December 12

Spring Semester  
 January 25  
 February 5  
 February 7  
 February 13  
 February 15  
 February 19

**Big XII Year Round**

2004-05  
 October 13, 2004  
 April 19, 2005  
  
2005-06  
 November 21, 2005  
 March 2, 2006  
  
2006-07  
 October 25, 2006  
 January 30, 2007

**NCAA Year Round**

2004-05  
 February 16, 2005  
  
2005-06  
 October 20, 2005  
  
2006-07  
 None

Handwritten text on a lined background, possibly a signature or initials, appearing as "H S".

**THE UNIVERSITY OF TEXAS AT AUSTIN**  
**Drug Testing Philosophy and Program Description**

**I. Philosophy**

The intercollegiate athletics program sponsored by The University of Texas at Austin is committed to developing and maintaining an environment that encourages student-athletes to avoid the use of unauthorized controlled substances, performance-enhancing drugs, alcohol, unapproved dietary supplements as well as tobacco products. While the primary purpose of this program is education- and support-oriented, the serious nature of substance abuse requires development of sanctions as a deterrent to drug use. Student-athletes should be assured that the program is designed to maintain and promote their physical and mental well-being. The objectives of the drug testing and education program are:

- To maintain the integrity of the athletics program by emphasizing abstinence from the use of unauthorized drugs, alcohol, and tobacco;
- To ensure that no one participant might have an artificially induced advantage through the use of performance enhancing drugs and/or might be pressured to use performance enhancers in order to remain competitive.
- To safeguard the health and safety of participants;
- To educate student-athletes on the physical, psychological, social, and legal consequences of substance abuse;
- To provide an early detection program for substance abusers;
- To offer rehabilitation and counseling services for any student-athlete who may have a substance abuse problem; and
- To abide by all University, Big 12 Conference, and NCAA policies and procedures relative to drug testing and sanctions for positive tests.

**II. Staff Responsibility**

All athletics staff members must be aware of, and committed to, the drug education and testing program and nutritional supplement acquisition and distribution policies. No athletics staff member shall encourage or advise any student-athlete to take performance enhancing/non-therapeutic drugs or unapproved dietary supplements. Furthermore, they shall not issue or assist the student-athletes in obtaining any performance enhancing/non-therapeutic drugs or unapproved dietary supplements. Any staff member who violates these policies is subject to disciplinary action.

Additionally, staff members must actively advise and educate student-athletes against these types of substances and report their use, or suspected use, to the respective athletics director.

All athletics staff members shall direct any student-athlete who desires to use dietary

supplements to the athletic training/sports medicine staff. Due to poor regulation of dietary supplements by the Food and Drug Administration, the student-athlete may be jeopardizing his/her health and/or eligibility by taking products that may contain banned substances. The athletic training/sports medicine staff holds educational sessions on a yearly basis for student-athletes for the purposes of (1) deterring dietary supplement use; (2) providing them with an opportunity to disclose any dietary supplements that they are currently taking; and, (3) familiarizing them with institutional procedures to evaluate the safety of the products.

### **III. Drug Education**

Athletics staff members representing athletic training/sports medicine, compliance, and student affairs are responsible for educating student-athletes with regards to the hazards of substance abuse. Student-athletes are required to attend at least one drug lecture per school year and are encouraged to attend additional drug awareness classes as available. If a student-athlete's substance abuse is evident, he or she is required to take a drug education course and/or enter a rehabilitation program. If a student-athletes self identifies as having a substance abuse problem, he or she may be eligible for the Safe Harbor Program.

### **IV. Institutional Drug Testing Notification**

Before the start of the playing season, each student-athlete receives a written copy of The University's Drug Education and Testing Program Description which includes a consent form. The student-athlete indicates understanding of the program and provides voluntary consent to the drug testing process through his/her signature on the consent form. The consent form also provides release of the testing results to a limited and pre-defined number of individuals. Signing of the consent form is a pre-condition for participation in UT athletics.

In addition to receiving a copy of The University's Drug Education and Testing Program Description, a thorough description of policies and procedures specific to the drug testing program is contained in the Longhorn Student-Athlete Manual. The manual is disseminated to each student-athlete at the beginning of the academic year and subsequently reviewed by athletics department personnel prior to athletics participation.

### **V. Method of Institutional Testing**

A. All student-athletes are subject to drug screening urinalyses to permit testing for any or all of the substances that appear on the NCAA's list of banned drug classes.

B. The collection of urine samples from the student-athletes shall be made under the supervision of an independent drug collection team. Every possible step will be taken to



ensure the integrity of the testing procedures and maintenance of the accuracy and confidentiality of the test results. After collection of the urine samples by the Drug Collection Team, the specimens will be immediately sent to an independent laboratory commissioned to perform the tests. The results will be returned to the head team physician who, as the only person capable of matching a specimen number and the name of the student-athlete, reviews the results to determine which, if any, are positive (i.e., a result indicating the presence in the urine of one or more banned substances).

C. The drug collection team adheres to a series of custody procedures to account for the integrity of each urine specimen by tracking its handling and storage from the point of collection to final disposition. Such procedures are designed to disclose evidence of specimen tampering.

#### **VI. Disposition of Positive Test Results**

All test results are forwarded directly to the head team physician from the designated laboratory. It is the responsibility of the head team physician to see that the following individuals are notified of positive tests results:

- Respective Director of Athletics. The Director has the discretion to notify the President of the University and the Vice President of Institutional and Legal Affairs.
- Student-Athlete: The head team physician will arrange for a meeting with the student-athlete to inform him/her of the test results. If the student-athlete is under 18 years of age, the head team physician will inform his/her parent(s) or guardian(s) of the results. If the student-athlete is over 18 years of age or older, he or she will be required to inform his/her parent(s) or guardian(s) in the presence of the head team physician.

After the respective athletics director, student-athlete and his/her parent(s) or guardian(s) have been notified, the following parties will be apprised of the situation at the discretion of the respective athletics director or his/her designate:

- Head Coach
- Director of Compliance
- Respective Director of Academics or Student Affairs
- Respective Co-Director, Athletic Training/Sports Medicine
- Attending Team Physician

#### **VII. Sanctions for Positive Tests**

##### **A. First positive test during the student-athlete's enrollment at UT:**

The head team physician will arrange for a preliminary chemical dependency evaluation for the student-athlete by a substance abuse counselor for determination of an appropriate treatment plan and additional professional medical assistance as needed. The treatment plan will be communicated to all individuals initially notified.

During the course of treatment, the student-athlete will be subject to frequent,

unannounced drug testing for a period of no less than two semesters according to a schedule determined by the head team physician. (Because of the variable half-life of marijuana and other comparable agents, the head team physician will assess whether or not the detection of the agent within the specimen is simply a continued presence of the original drug taken, or a new positive test). The student-athlete will be required to comply with the testing and treatment protocol as a condition of continued athletics participation. Failure to comply will result in immediate suspension from athletic activities.

“Suspension from all athletics activities” is defined as follows: the student-athlete may not participate in team meals, strength and conditioning sessions, practice, and competition. During the suspension, the student-athlete's head coach may require that the student-athlete attend the dining table, attend team meetings, or observe practices. The suspension does not affect the student-athlete's access to academic services.

Suspension may also be considered in the following circumstances:

- Health and safety reasons. Depending on the nature of the substance abuse (e.g., cocaine or heroin) and the frequency of use, the student-athlete may, in the judgment of the head team physician in consultation with the substance abuse counselor, require immediate and indefinite suspension for health and safety reasons. The length of suspension will be determined in consultation with the student-athlete's head coach and the respective athletics director.
- Violation of team rules. Team rules may provide for sanctions that are more stringent than those previously described. Consequently, the student-athlete may be indefinitely suspended from practice and competition at the discretion of the head coach for violation of team rules.

If the student-athlete is suspended from all athletics activities as a result of any of the preceding scenarios, consideration for reinstatement will follow according to the guidelines established in Section VIII.

**B. Second positive test during the student-athlete's enrollment at UT:**

The student-athlete will be indefinitely suspended from the intercollegiate athletics program, reassigned to a counseling program approved by the head team physician, and subject to frequent, unannounced drug tests. The length of the suspension will be determined by the head team physician based on treatment progress and results of unannounced retesting. A student-athlete is eligible for reinstatement only after he/she has met the conditions and procedures outlined in Section VIII.

**EXCEPTION:** A second positive drug test for anabolic agents and/or equivalent compounds as identified and banned by the NCAA shall result in immediate

**dismissal from the intercollegiate athletics program and the student-athlete's financial aid based on athletics ability is permanently terminated at the end of the semester.**

**C. Third positive test during the student-athlete's enrollment at UT:**

The student-athlete is permanently dismissed from the intercollegiate athletics program and his/her financial aid based on athletics ability is permanently terminated at the end of the semester.

**VIII. Reinstatement**

The student-athlete may apply to the respective director of athletics for reinstatement of athletics eligibility only after the head team physician and substance abuse counselor have certified successful completion of the approved drug education and counseling program. Maintenance of eligibility will depend on negative unannounced retesting according to a schedule to be determined by the head team physician.

**IX. Response for Unexcused Absence**

In the event that a student-athlete is unable to attend a drug test, the athlete shall contact the drug testing coordinator (usually the respective Co-Director for Athletic Training/Sports Medicine or his/her designate) who determines if the absence is excusable. If the absence is unexcused, the following protocol shall be followed:

**Unexcused Absence:** The drug testing coordinator notifies the head team physician who subsequently notifies the designated individuals as identified in Section VII, Disposition of Positive Test Results. The student-athlete will be suspended from all athletics activities for a period of time to be determined by the respective athletics director and the head coach. A make-up test will be scheduled by the drug testing coordinator in consultation with the head team physician. The student-athlete will also be subject to frequent, unannounced testing.

**X. Big 12 and NCAA Sanctions for Positive Tests**

It is imperative that student-athletes understand that the institutional sanctions imposed for a first-time positive test are less punitive in nature than the following sanctions imposed by the Big 12 and NCAA:

**Big 12 Sanctions for Positive Tests:** A student-athlete who tests positive for the use of a banned substance, other than a "street drug" as defined by the list of NCAA Banned-Drug Classes, shall be declared ineligible to represent a Big 12 institution in intercollegiate competition during the time period ending one calendar year after the student-athlete's positive drug test, and shall be charged with the loss of a minimum of one season of competition in all sports if the season of competition has not yet begun for

that student-athlete or a minimum of the equivalent of one season of competition in all sports if the student-athlete tests positive during his or her season of competition. If the student-athlete tests positive for the use of a "street drug", notification to the institution will occur and the student-athlete shall be treated in accordance with institutional drug-testing policies. Team eligibility sanctions (i.e., contest forfeiture) may be imposed in the event that the institution, after having been notified of a positive test, knowingly allowed the student-athlete to compete.

**NCAA Sanctions for Positive Tests:** A student-athlete who is found to have utilized a substance on the list of banned drug classes, as set forth in Bylaw 31.2.3.4, shall be declared ineligible for further participation in postseason and regular-season competition in accordance with the following ineligibility provisions (Bylaw 18.4.1.5.1). A student-athlete who tests positive shall be charged with the loss of a minimum of one season of competition in all sports if the season of competition has not yet begun for that student-athlete or a minimum of the equivalent of one full season of competition in all sports if the student-athlete tests positive during his or her season of competition (i.e., the remainder of contests in the current season and contests in the subsequent season up to the period of time in which the student-athlete was declared ineligible during the previous year). The student-athlete shall remain ineligible for all regular-season and postseason competition during the time period ending one calendar year (i.e., 365 days) after the student-athlete's positive drug test and until the student-athlete tests negative (in accordance with the testing methods authorized by the Executive Committee) and the student-athlete's eligibility is restored by the Committee on Student-Athlete Reinstatement.

Note: a positive drug test confirmed through NCAA and Big 12 testing will be treated as a positive within the context of UT institutional policy and result in sanctions imposed by UT policies in addition to the aforementioned sanctions imposed by the NCAA and Big 12.

#### **XI. Penalties: University Rules and Regulations**

Federal and state laws regarding the possession, use, and sale of alcoholic beverages and illegal drugs are strictly enforced by the UT Police Department. Any student-athlete who is arrested or convicted for a criminal offense related to the illegal use, possession, and/or sale of drugs or alcohol on campus that are prohibited by state, federal, or local law will be subject to a minimum disciplinary penalty of suspension from the institution for a specified period of time and/or suspension of rights and privileges, or both. Other penalties that may be imposed for conduct related to the unlawful use, possession, or distribution of drugs or alcohol include disciplinary probation, payment for damage to or misappropriation of property, permanent expulsion, or such other penalties as may be deemed appropriate under University guidelines.

## **XII. Tobacco Use**

NCAA Bylaws 11.1.5 and 17.1.7 prohibit the use of all tobacco products by student-athletes and all game personnel (including coaches, trainers, managers and game officials) during practice and competition. The NCAA Committee on Competitive Safeguards and Medical Aspects of Sport has recently instituted increased penalties for student-athletes' tobacco use during practice or competition.

If a student-athlete is discovered using tobacco during practice or competition, both that student-athlete and the head coach will be immediately disqualified for the remainder of that practice or competition, and possibly for additional practices or competitions.

Any coach found to be using tobacco products during practice or competition will be immediately disqualified from that practice or competition and could be disqualified for additional practices or competitions.

NCAA Bylaw 11.1.5 states that "the use of tobacco products is prohibited by all game personnel (e.g., coaches, trainers, managers and game officials) in all sports during practice and competition." Similarly, NCAA Bylaw 17.1.7 provides that "the use of tobacco products by a student-athlete is prohibited during practice and competition. A student-athlete who uses tobacco products during a practice or competition shall be disqualified for the remainder of that practice or competition."

## **SAFE HARBOR PROGRAM**

A student-athlete who self-identifies as having a substance abuse problem is eligible for the Safe Harbor Program at the University of Texas at Austin. The student-athlete can refer himself/herself to the program for voluntary evaluation, testing and counseling. A student is not eligible for the program after he or she has been informed of an impending drug test or after having received a positive institutional, NCAA, or Big 12 drug test.

The head team physician will work with the student-athlete to prepare a treatment plan which may include confidential drug testing. The student-athlete will be tested for banned substances upon entry into the Safe Harbor Program and such a positive initial test will not result in any administrative sanction except those listed in this section (the team physician may suspend the student from play or practice if medically indicated). A student will be permitted to remain in the Safe Harbor Program for a reasonable period of time, not to exceed thirty (30) days, as determined by the treatment plan. A student will not be permitted to enter the Safe Harbor Program thirty (30) days prior to NCAA or Conference post-season competition. A student-athlete will only be permitted to enter the Safe Harbor Program one time during their athletics eligibility at The University of Texas at Austin.

If a student-athlete is determined to have new substance use after the initial Safe Harbor Program test (as determined by follow-up testing), or fails to comply with the Safe Harbor Program treatment plan, the student-athlete will be removed from the Safe Harbor Program and be subject to appropriate sanctions as detailed in The University of Texas at Austin's Drug Testing Program Description.

While in compliance with the Safe Harbor Program's treatment plan, the student-athlete will not be included in the list of student-athletes eligible for random drug testing. However, student-athletes in the Safe Harbor Program may be selected for drug testing by the NCAA and Big 12.

The athletics director(s), the athletics director(s) for student and academic services, the co-director(s) for athletic training/sports medicine, the student-athlete's head coach and the attending team physician may be informed of the student's participation in the Safe Harbor Program. The athletic trainer assigned to that sport also may be notified, if medically appropriate. The assistant coach(es) also may be informed at the discretion of the head coach. Other university employees may be informed only the extent necessary for the implementation of this policy.