

Utah State UNIVERSITY

Department of Athletics
7400 Old Main Hill
Logan UT 84322-7400

(435) 797-1850
Fax (435) 797-2615

July 10, 2007

Nate Carlisle
The Salt Lake Tribune
90 South 400 West, Suite 700
Salt Lake City, Utah 84101

Mr. Carlisle,

Please find below our response to your request regarding the drug testing policy at Utah State University.

--Documentation or an accounting of all positive tests. This might include internal forms recording positive tests or an electronic spreadsheet or database.

We have had one positive NCAA drug test in 2004. The punishment for the positive test was 365 days of ineligibility according to NCAA regulations.

--A calendar or other documentation indicating the frequency of drug tests administered to athletes.

The NCAA has visited Utah State on five occasions for drug testing since January 2004.

All student athletes at Utah State will be institutionally drug tested at the start of the 2007-2008 academic years and are subject to random testing throughout the year.

--Records related to punishment levied for positive tests.

We had two positive tests since implementing the drug testing policy in January 2007. Punishment was consistent with the enclosed policy.

-- The budget for or amount of money dedicated to drug testing for fiscal or calendar years 2004, 2005, 2006, and 2007.

Our budget for 2007-2008 is going to be \$12,000 for drug testing.

--Audits or reports discussing the drug testing of athletes, excluding standardized information provided by other government agencies or the NCAA.

Utah State University Athletics Department implemented our drug testing policy January 2007. We did a random drug testing of all spring sports in session. Prior to our implementing an institutional drug testing policy we were always in compliance with the NCAA. We are still in compliance and cooperating with the NCAA drug testing programs.

--Contracts or agreement with vendors who have a role in drug testing athletes.

We have not put our drug testing out for bid, but we have an agreement with Occupational Health Incorporated located in Sandy, Utah.

We have attached a copy of our policies for the student-athletes at Utah State University. Please contact me at (435) 797-3636 if I can answer any questions or concerns.

Thank you,

Dale Mildenerger
Senior Associate Athletics Director
Head Athletic Trainer

UTAH STATE UNIVERSITY

DEPARTMENT OF INTERCOLLEGIATE ATHLETICS

DRUG SCREENING AND SUBSTANCE ABUSE PROGRAM

PURPOSE. The Department of Intercollegiate Athletics believes that it has a major responsibility to ensure fair and equitable competition and to help protect the health and safety of student athletes competing for Utah State University. The use of controlled substances and "performance enhancing" drugs represents a danger to the health and careers of student-athletes. Furthermore, the use or abuse of drugs can be injurious to student-athletes and their teammates, particularly when participating in athletic competition or practice.

Therefore, the Athletic Department has implemented a mandatory program of drug education, testing, and treatment (to include counseling/rehabilitation) to assist and benefit athletes of Utah State University. The program seeks to protect student-athletes at Utah State University from risks and dangers of drug abuse through such measures as sanctions for violations of this policy.

The goals of this policy include enhancing the health and well being of all student athletes and safeguarding student-athletes participating in Utah State athletic programs. Because Utah State University believes drug use can adversely affect the physical and emotional well-being of student athletes no matter when such use should occur, drug screening tests will be conducted throughout the year either on a random or team tested basis. A signed consent form shall be considered affirmance of the student-athlete's agreement to the terms and conditions contained in this policy and shall be a legal contractual obligation of the student-athlete.

PROHIBITED SUBSTANCES. The list of substances banned by the NCAA is available in appropriate NCAA literature and more specifically in the Athletic Training Rooms on campus. In general, these substances would consist of performance enhancing drugs and/or deemed potentially harmful to the health and safety of the student athlete. Any questions concerning this list need to be directed to the Athletic Training Staff.

MEDICAL EXCEPTIONS. Exceptions for student-athletes that test positive because they are using a banned substance for legitimate medical reasons are possible. The student-athlete is responsible for providing a signed physician's note documenting the medical history demonstrating the need for regular use of the drug.

USE OF TOBACCO PRODUCTS. The use of tobacco products is discouraged, at all times, for well-known risks to health. The use of tobacco products is prohibited by all athletes and game personnel in all sports during practice and competition.

DRUG TESTING PROCEDURE. Student Athletes are asked to sign a "Drug Testing Consent Form" giving the Utah State Athletic Department permission to test. The contracted laboratory working with the Athletic Training Staff will collect the urine samples for analysis.

Team testing and randomization will be done periodically through the year. For the random testing, official team rosters from the Compliance Office will be used to produce a computerized generated list of student athletes. The Athletic Department reserves the right to test a student athlete with reasonable suspicion, which is based upon objective characteristics of changes in behavior, grades, and/or physical attributes.

Team and random testing will be performed based upon short notice communication between the Athletic Training Staff and the selected Athlete. Athletes will sign in at the testing site with a valid ID. Throughout the testing procedure, a legal "chain of custody" will be maintained to assure that no tampering with the urine sample is possible.

Failure to appear at the testing site will be treated as a positive test. If a student athlete is unable to produce a specimen or produces an insufficient volume for testing, he/she will be instructed to drink 8 ounces of fluid every fifteen minutes for the remainder of the testing period. If after this time, an adequate specimen still has not been produced, the student athlete will be required to produce an acceptable sample at a designated laboratory site by the end of the business day. Failure to do will be treated as a positive result. Any attempt to alter the integrity or validity of the urine specimen and/or collection process will be treated as a positive result.

Identification of those participating in the urinalysis and the results will be strictly confidential. The testing service will notify the Head Athletic Trainer of the results. That person will be the only person capable of matching test results with individual identification numbers and will in turn notify individuals and the Director of Athletics of their results.

NEGATIVE RESULTS. The Department of Athletics will assume that all student athletes will test negative to the controlled substances listed. There will be no maximum number of times each student athlete may be tested during his or her careers.

POSITIVE RESULTS. First Violation.

If a positive result is verified and confirmed, The Director of Athletics and the Head Athletic Trainer will be notified by the laboratory and in turn, he/she will notify the student athlete who tested positive. A meeting with the student athlete will be called which will include: the appropriate Head Coach, Head Athletic Trainer and the Director of Athletics/designee. If the student athlete is a minor, he/she will participate in a conference telephone call to include his/her parents or legal guardian, the Head Coach, Head Athletic Trainer, and Director of Athletics/designee. At that meeting, arrangements will be made for the student athlete to be referred to the USU Wellness Center for admission into the Student Athlete Substance Abuse Program.

Disciplinary actions concerning athletic competition and practice will be left to the sole discretion of the appropriate Head Coach. The student athlete will be required to attend mandatory counseling through the Utah State University Wellness Center. Once the student athlete has completed the Student Athlete Substance Abuse Program, as determined by the Wellness Center, the student athlete may be released from the Utah State University Counseling Program.

The student athlete is required to comply with the minimal guidelines set forth above. Failure to do so will result in immediate disqualification from all athletic participation and removal of all department-provided financial support. The student athlete's head coach may impose additional penalties beyond these guidelines subject to the approval of the Director of Athletics. The Athletic Department reserves the right to further test on an individual basis if it deems it necessary.

POSITIVE RESULTS. Second Violation.

Second Violation.

If a positive result is verified and confirmed, the Director of Athletics and the Head Athletic Trainer will be notified by the laboratory and in turn, he/she will notify the student athlete who tested positive. A meeting with the student athlete will be called which will include: the appropriate Head Coach, Head Athletic Trainer and the Director of Athletics/designee. If the student athlete is a minor, he/she will participate in a conference telephone call to include his/her parents or legal guardian, the Head Coach, Head Athletic Trainer, and Director of Athletics/designee. At that meeting, arrangements will be made for the student athlete to be referred to the USU Wellness Center for admission into the Student Athlete Substance Abuse Program.

The student athlete will be restricted from competition for one calendar year, from the date of the second violation. He/she will be allowed to practice during the suspension period. The student athlete will be required to attend mandatory counseling through the Utah State University Wellness Center. Once the student athlete has completed the Student Athlete Substance Abuse Program, as determined by the Wellness Center, the student athlete may be released from the Utah State University Counseling Program.

The student athlete is required to comply with the minimal guidelines set forth above. Failure to do so will result in immediate disqualification from all athletic participation and removal of all department-provided financial support for the remainder of the student athlete's career. The student athlete's head coach may impose additional penalties beyond these guidelines subject to the approval of the Director of Athletics.

POSITIVE RESULTS. Third Violation.

Third Violation.

If a positive result is verified and confirmed, The Director of Athletics and the Head Athletic Trainer will be notified by the laboratory and in turn, he/she will notify the student athlete who tested positive. A meeting with the student athlete will be called which will include: the appropriate Head Coach, Head Athletic Trainer and the Director of Athletics/designee. If the student athlete is a minor, he/she will participate in a conference telephone call to include his/her parents or legal guardian, the Head Coach, Head Athletic Trainer, and Director of Athletics/designee.

The Director of Athletics will notify the student athlete that he/she will be immediately removed from all further athletic participation and all athletic provided financial aid for the remainder of the athlete's career at Utah State University.

All suspensions will be explained as "violation of team rules" unless made public by the student athlete. This policy does not excuse student athletes from compliance with the University student code, local and state laws.

NCAA DRUG TESTING PROGRAM. It is important to emphasize that the previously mentioned penalties apply only to the Utah State University Department of Athletics Drug Testing and Substance Abuse Program. All athletes are still subject to the NCAA drug testing program and any athletes who test positive during an NCAA drug test will face the penalties that are prescribed by that governing body as outlined in the appropriate NCAA literature. **It should be understood that an NCAA positive drug test counts as a violation in the Utah State University Program.** For additional information and resources you can access the NCAA website at www.ncaa.org/health-safety and the Dietary Supplement Resource Exchange Center (REC) website at www.drugfreesport.com/rec.

Safe Harbor Program

A student-athlete eligible for the Utah State University Safe Harbor Program may refer himself or 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 Utah State University or NCAA drug test.

Utah State University will work with the student to prepare a Safe Harbor 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 postseason competition. A student-athlete will only be permitted to enter the Safe Harbor Program one time during their athletic eligibility at Utah State University.

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 Utah State University program. Entering the Safe Harbor Program will not be treated as a positive test as it relates to sanctions. However, any positive test after the initial Safe Harbor Program test will be treated as the next subsequent positive.

While in compliance with the Safe Harbor Program treatment plan, the student-athlete will not be included in the list of students eligible for random drug testing by Utah State University. Students in the Safe Harbor Program may be selected for drug testing by the NCAA.

The Director of Athletics, the Head Athletic Trainer, the student-athlete's Head Coach and the 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 to the extent necessary for the implementation of this policy.

Appeal Process

Student-athletes who test positive under the terms of the Intercollegiate Athletics Drug Screening and Substance Abuse Policy will be entitled to a hearing with the Director of Athletics or his/her designee prior to the imposition of any sanction. Requests for such a hearing must be made within forty-eight (48) hours of notification of a positive test result. If the forty-eight hours would end on a weekend, the request must be made by noon on the next business day. Requests must be in writing and received by the Director of Athletics.

The student-athlete may have an advocate or other representative present if the student so desires. However, the student-athlete must present his or her own case. The meeting should take place no more than seventy-two (72) hours after the written request is received. Either the student-athlete or the other parties involved may request an extension of time to the Director of Athletics, who will consider whether to grant the extension upon a showing of good cause. These proceedings shall include an opportunity for the student-athlete to present evidence, as well as to review the results of the drug test.

The proceedings shall be confidential. The decision by the Director of Athletics or his/her designee regarding the sanction to be imposed shall be final.

DRUG TESTING CONSENT FORM
UTAH STATE UNIVERSITY ATHLETIC DEPARTMENT
DRUG SCREENING AND
SUBSTANCE ABUSE PROGRAM

I, _____ hereby acknowledge that I have received a copy of the Utah State University Athletic Department Drug Screening and Substance Abuse Program. I further acknowledge that I read the policy, that it has been outlined to me, and that I fully understand the provisions of the Policy. **It is understood that I must sign this form in order to participate in Intercollegiate Athletic practices and competition at Utah State University**

I agree to allow the Utah State University Athletic Department to drug test in accordance with the procedures including any random and team testing as outlined to me;

I also agree that with reasonable suspicion due to the objective characteristics of changes in behavior, grades, and/or physical attributes observed by any of the following including the head coach, athletic trainer, or athletic administrator, I may be drug tested;

I agree to be bound by the penalties outlined in the Athletic Department's Drug Screening and Substance Abuse Program policy;

I agree that I was provided an opportunity to review these procedures as outlined in the Drug Screening and Substance Abuse Program;

I agree to have the drug testing results provided to the Director of Athletics, Head Athletic Trainer and my Head Coach;

I understand that the consequences outlined below include both the Utah State University Athletics Department in-house drug-testing program, as well as, the NCAA year-round drug-testing program; and that I am still subject to the University student code and local laws.

I understand that a **first positive** will result in **disciplinary actions, at the discretion of my Head Coach and mandatory competition of the USU Student Athlete Substance Abuse Program through the USU Wellness Center and that if a minor, my parents or legal guardian will be notified;**

I understand that a **second positive will result in suspension of competition for one calendar year from the date of the second violation, mandatory competition of the USU Student Athlete Substance Abuse Program through the USU Wellness Center and that if a minor, my parents or legal guardian will be notified;**

I understand that a **third violation will result in the immediate removal from all further athletic competition for the remainder of the athlete's career; and that if a minor, my parents or legal guardian will be notified;**

I understand that if I sign this statement falsely or erroneously, I will violate NCAA legislation on ethical conduct and my eligibility will be jeopardized.

Date

Signature of Student-Athlete

Date

Signature of Parent (if student-athlete is a minor)

Name (please print)

Sport