

Athletics Drug Education Screening, Counseling, and Testing Program

Version 1

 Print

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Related Policies	UNC Policy Manual 1100.1 (http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=312&added=1)
Additional References	<p>NCAA Drug Testing Exceptions Procedures (https://www.ncaa.org/sport-science-institute/medical-exceptions-procedures)</p> <p>2021-22 NCAA Banned Substances (Appendix A) (https://cdn.ecu.edu/docs/prr-uploaded-docs/2021-22 NCAA Banned Substances.pdf)</p> <p>Understanding Dietary Supplements (Appendix B) (https://cdn.ecu.edu/docs/prr-uploaded-docs/Understanding Dietary Supplements Fact Sheet.pdf)</p> <p>Notification of Scheduled Screening Drug Testing (Appendix C) (https://cdn.ecu.edu/docs/prr-uploaded-docs/Appendix C REG09.35.02.pdf)</p> <p>Drug Testing Reasonable Suspicion Form (Appendix D) (https://cdn.ecu.edu/docs/prr-uploaded-docs/Appendix D REG09.35.02.pdf)</p> <p>Procedure for Drug Testing (Appendix E) (https://cdn.ecu.edu/docs/prr-uploaded-docs/Appendix E REG09.35.02.pdf)</p> <p>DESC Program Consent Form (Appendix F) (https://cdn.ecu.edu/docs/prr-uploaded-docs/Appendix F REG09.35.02.pdf)</p> <p>Safe Harbor Contract (Appendix G) (https://cdn.ecu.edu/docs/prr-uploaded-docs/Appendix G REG09.35.02.pdf)</p> <p>Positive Test Summary of Events (Appendix H) (https://cdn.ecu.edu/docs/prr-uploaded-docs/Appendix H REG09.35.02.pdf)</p>

1. Introduction

1.1 Purpose Statement

This Regulation and the Drug Education, Screening, Counseling, and Testing Program (“the Program”) are specially designed for the members of our intercollegiate athletic teams, cheerleading teams, and dance team. It is based on the premise that drugs and athletics do not mix. Many drugs, when used in conjunction with athletic activities or physical conditioning programs, can pose serious risks to the health of the athlete and may endanger other persons in contact with the drug user. Symptoms of illness, temporary or permanent injury, and even death can be caused by such drug use. Further, the use of certain drugs may improve some types of athletic performance, and thereby create an unfair competitive advantage for the person using them. Such uses of drugs violate the basic principles of sportsmanship. Additionally, intercollegiate athletes frequently become highly publicized role models and the abuse of drugs can negatively influence other young people, as well as damage the reputation of the institution.

1.2 Amendment

East Carolina University (“ECU”) may amend this Regulation at any time.

1.3 Applicability

1.3.1 The Program is separate and distinct from the NCAA drug testing program, but ECU will count a positive test administered by the NCAA as a positive test result in the Program.

1.3.2 For the purposes of this Regulation, a student-athlete is defined as anyone currently listed as active on a team’s roster or who is receiving athletic financial aid such as a medical non-counter or post-participation aid recipient.

1.3.3 All student-athlete participants in ECU intercollegiate athletic programs, dance, and cheerleading teams must comply with the terms of this program on drug education, screening, and counseling. Accordingly, all student-athletes must read these requirements carefully, and at least annually provide written acknowledgment on the Drug Education, Screening, and Counseling Program Consent Form (“DESC Program Consent Form”). A student who fails to sign the consent form will not be permitted to participate in university intercollegiate athletic programs.

2. Basic Program Goals

It is the intent of this drug education, screening, and counseling program to (1) deter the use of drugs or prohibited substances; (2) to assist in identifying the athlete who uses prohibited substances through a screening program based on periodic testing; (3) to promote an education program that informs student-athletes about substance abuse; (4) to assist in the rehabilitation of student-athletes found to be misusing prohibited substances; and (5) in appropriate cases, to remove any student-athlete from ECU’s athletic programs who is found to have violated the requirements of this Regulation.

3. Educational Program

An important part of this program is an ongoing educational effort designed to help student-athletes avoid any involvement in prohibited substances. Each member of every athletic team shall participate in prescribed drug education activities, in addition to any other alcohol and other drug prevention activities that all ECU students receive as part of their student experience. University staff members will encourage all student-athletes to ask questions about the Drug Education Screening and Counseling Program. Staff members will honor an athlete’s request that his or her questions be answered in private. Team meetings will be held to emphasize the Program’s objectives and to reiterate the actions that athletes must take to comply with this Regulation.

4. Prohibited Substances

A student, during the period of his or her eligibility to participate in intercollegiate athletics, may not use the

substances specified in Appendix A to this Regulation. If an otherwise prohibited drug is being used pursuant to a lawfully issued prescription under the supervision and authority of a licensed physician or other medical professional authorized to provide medical prescription, the student may continue to participate in athletics if the athlete meets the requirements as set forth by the NCAA concerning medical exceptions to impermissible drug use and if the student-athlete notifies the team physician of such fact, including the name of the prescribing physician. The requirements related to medical exceptions to impermissible drug use are available on the NCAA website, linked above in Additional References.

5. Safe Harbor Provision for Tests Outside the NCAA Testing Program

5.1 Any student-athlete may seek assistance for a substance abuse problem at any time by contacting his or her coach, a departmental staff member, sports medicine, life skills, a student development employee, or a representative of the ECU Division of Student Affairs. Voluntary use of available assistance before the occurrence of any positive drug test and before imposition of any sanction under this Regulation shall not be considered, standing alone, as reasonable cause for testing.

5.2 If a student-athlete has not had a positive test result at any time in a drug testing program administered by or through ECU Athletics or the NCAA, including but not limited to the Program provided by this Regulation, and if the student athlete signs and complies with a performance contract (see Appendix G) approved and signed by the Director or Athletics or his designee in connection with the student athlete's participation in substance abuse counseling, then the student athlete shall not be tested as part of the Program under this Regulation until at least 30 days after counseling provided for in the safe harbor contract has begun, except if and under the terms that earlier testing may be provided for in such safe harbor contract.

5.2.1 The safe harbor contract specifies expectations for the student-athlete's behavior, detailing the consequences of an additional positive drug test, while setting forth any additional requirements, which may include community service or study hall hours.

5.2.2 The exemption from testing provided under this Section and any corresponding safe harbor contract may only be provided to a student-athlete once during the student-athlete's enrollment at ECU.

5.2.3 Following the 30-day exemption from testing, and as provided for in any safe harbor contract, the student-athlete shall be eligible for any regular testing provided under this Regulation.

5.3 Notwithstanding anything to the contrary in this Regulation, this Safe Harbor section does not prevent a student-athlete from being required to participate in any NCAA test and from being held responsible by the NCAA and by ECU within the Program for any positive test result from an NCAA test.

5.4 In order for this Section 5 to be applicable, the request for assistance must be made by the student-athlete prior to notification of a test or series of tests. Additionally, after a student-athlete receives a positive test result or is subject to any sanction under this Program or any drug-testing program that may have been implemented by ECU Athletics prior to adoption or amendment of the Regulation, this Safe Harbor Provision shall not apply and nothing in this Section 5 will preclude ECU from testing a student-athlete or prevent the imposition of sanctions or operation of any other procedures under this Regulation.

6. Screening Program

6.1 It is a condition of participation that a student-athlete must agree annually to submit to any tests prescribed by East Carolina University and must provide written acknowledgment annually on the DESC Program Consent Form (as it may be amended).

6.2 The basic test generally used for drug screening is a direct observation urinalysis to reveal the use of any of the substances listed in Appendix A. However, other types of tests may be utilized from time to time in order to determine the presence of drugs listed in Appendix A. All testing will be done in accordance with the procedures outlined in Appendix E.

6.3 When tests will be administered:

6.3.1 Unannounced random testing

All enrolled student-athletes are subject to periodic, unannounced-random testing, regardless of their competitive season. Specifically, on various occasions during the calendar year, a percentage of the members of each team will be selected, at random, to be tested. The selection of individuals will be made through a random drawing of names from the team roster by the Sr. Associate Director of Athletics for Student Services or designee.

6.3.2 Testing in response to individualized suspicion

A student-athlete may be subject to testing at any time when, in the judgment of the Director of Athletics, in consultation with other campus officials as appropriate, there is reasonable cause to suspect the student is engaged in the use of any of the drugs prohibited by this Regulation. Reasonable cause exists if a reasonable person unfamiliar with the student-athlete or the athletics program would conclude, based on the available information, that there is a basis for the suspicion that the student-athlete is using (or used during a relevant period) a prohibited substance. Such individualized reasonable suspicion may be based on information from any source deemed reliable by the Director of Athletics or his/her designee, including, but not limited to: (1) observed possession or use of substances that reasonably appear to be drugs of the type prohibited; (2) citation for any possible drug or alcohol offense in violation of the ECU Code of Conduct; (3) arrest or conviction for a criminal offense related to the possession, use or trafficking in drugs of the type prohibited; or (4) observed abnormal appearance, conduct or behavior, including unusual patterns of absence from training, competition, classes or other academic requirements reasonably interpretable as being caused by the use of drugs of the type prohibited; or (5) failure to comply with a student athlete's performance contract established in conjunction with a voluntary substance abuse counseling program approved in writing by the Director of Athletics or his/her designee. However, a student-athlete's request for assistance with a substance abuse problem shall not be a basis for individualized reasonable suspicion or otherwise, standing alone, subject a student-athlete to testing. Additionally, a student-athlete's disclosure of information related to a substance abuse problem to the team physician during any physical exam shall also not be a basis for individualized reasonable suspicion or otherwise, standing alone, subject a student-athlete to testing.

6.3.3 Post-season/Championship Screening

Any participant or team likely to advance to post-season championship competition may be subject to additional testing. 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 may not be allowed to compete at the post-season event and will be subject to the sanctions herein. If regular season games remain after the test results are received, game suspension penalties will be in accordance with Section 7 of this Regulation. Post-season games will be utilized to meet suspension requirements.

6.3.4 Re-entry Testing

A student-athlete who has had his or her eligibility to participate in intercollegiate sports suspended as the result of a drug and/or substance violation will be required to undergo re-entry testing after the substance abuse counselor involved in the student-athlete's case indicates that re-entry into the intercollegiate sports program is appropriate.

6.3.5 Pre-Season Screening

Student-athletes are subject to pre-season drug testing and may be notified of such by the Director of Athletics or designee at any time prior to the first competition. Pre-season screening includes summer school sessions.

6.3.6 Mandatory Testing following Positive Test Result

Follow-up testing will occur at each scheduled test for six months following a positive test for any cannabinoid or twelve months following a positive test for any other prohibited substance. If there are no additional positive tests during the respective six-month or twelve-month periods, the student-athlete will return to the random testing pool. Further, additional testing may also occur at any time during probation and the mandated counseling period. Any test which returns a positive result during the probationary or mandated counseling period will be evaluated by the team physician. If the team physician determines that interval substance abuse has occurred, the Director of Athletics will be notified, and this test will be considered an additional positive result.

6.3.7 Notification and reporting for collections

The preferred notification method for student-athletes selected for testing will be written notification (see Appendix C) by a member of the ECU Athletic Training staff no more than 24 hours prior to the test. If written notification is unable to be obtained, other acceptable methods of notification include direct contact or phone call by the athletic trainer or member of the coaching staff.

6.4 Consequences of failure to participate in or cooperate with the testing

The following actions by a student-athlete will be treated as a positive test result and the student-athlete will be suspended from Athletics participation at least until a sample is produced or until the student athlete complies and may be suspended for up to a year or subject to permanent loss of eligibility if the student-athlete fails to comply within a reasonable time.

6.4.1 Failure to execute the relevant required individual notification form (Appendix C); or

6.4.2 Failure to appear at the designated time and place for testing without approved excuse acceptable to the Director of Athletics;

6.4.3 Refusal to provide a sample or manipulation of a sample to alter the integrity and/or validity of the sample; or

6.4.4 Refusal to provide saliva with use of an oral swab as directed after the student-athlete fails after three attempts to produce a required urine specimen. Eligibility to participate in intercollegiate athletics may be canceled if an athlete fails to produce a specimen. The procedures prescribed in Section 8 apply to such a cancellation.

7. Consequences of Impermissible Drug Use

When prohibited substance use has been verified through positive test results or when an equivalent determination is made as a result of a student-athlete's failure to cooperate or comply with the Program, the following shall apply: the team physician will notify the Director of Athletics or designee of the positive drug test. The Director of Athletics or designee will notify the student-athlete's head coach and sport administrator, who will in turn notify the student-athlete.

The minimum consequences specified below shall apply following (a) any positive result on a drug test administered pursuant to this Regulation, (b) any positive result on an NCAA-administered drug test, or (c) the occurrence of an event that is considered the equivalent of a positive test under Section 6.4 of this Regulation. The minimum consequences outlined below mandate the cancellation of ECU athletics eligibility upon the third positive test result for a prohibited substance. However, in situations where all the positive test results have been for a cannabinoid only, then cancellation of ECU athletics eligibility must occur upon the fourth positive test result.

In addition, a head coach has the authority to impose sanctions in addition to or more severe than those provided by this Section. Any rules or policies providing for additional or more severe penalties should be communicated clearly to the team and acknowledged by signature of the student-athlete and approved by the Director of Athletics prior to the beginning of each season.

7.1 First occasion:

7.1.1 Confidential meeting to evaluate the nature and extent of drug involvement

The student will be required to meet privately with the head coach and sport administrator to ascertain the facts about the nature, extent, and history of the problem. In eliciting information from the student, responses are to be oral, are not to be given under oath, and are to be revealed only to University officials, persons authorized by the student, and the parents or guardians of the student in accordance with the Family Educational Rights and Privacy Act of 1974 or otherwise applicable law. A student-athlete will be required to telephone his or her parents or guardians and inform them of the positive test in the presence of the head coach and sport administrator. If the parents or guardians cannot be reached by telephone, the head coach or his designee will take necessary steps to ensure that the parents or guardians are informed. No other persons or agencies will be given information except in response to a valid subpoena or court order or in compliance with other applicable law.

7.1.2 Probation

The student-athlete will be placed on Athletic Department probation for a period of one year. If at any time during probation the student-athlete is found responsible by the Office of Student Rights and Responsibilities for any violation of the ECU Student Code of Conduct, the student may be suspended for a period of time as determined by the Director of Athletics.

7.1.3 Mandatory Counseling and Rehabilitation

The student-athlete will be required to meet with the team physician to discuss the prohibited substance that caused the positive test. The student-athlete will also be required to meet with a substance abuse counselor at the ECU Center for Counseling and Student Development ("ECU CCSD") and sign appropriate consents for release of information to the team physician. The student-athlete will be required to undergo a Brief Alcohol Screening and Intervention for College Students (BASICS) Assessment. Based on results of the assessment, the student-athlete will be assigned BASICS I counseling, which may be either group or individual counseling. The nature and extent of counseling will be determined by the substance abuse counselor, and the counseling mandated under this section does not implicate the Section 5 or any of the safe harbor provisions of this Regulation.

The student-athlete may choose to receive the mandated counseling from an off-campus counselor or rehabilitation facility instead of the ECU CCSD. In such cases, any financial costs associated with such treatment will be the sole responsibility of the student-athlete. The student-athlete will be required to sign the appropriate consents for release of information from the off-campus counseling provider to the team physician.

The failure to attend a scheduled counseling session may result in additional penalties, as determined by the Director of Athletics.

7.1.4 Mandatory Testing

Follow-up testing will occur at each scheduled test for six months following a positive test for any cannabinoid and twelve months for any other prohibited substance. If there are no additional positive tests during the respective six-month or twelve-month periods, the student-athlete will return to the random testing pool. Further, additional testing may also occur at any time during probation and the mandated counseling period. Any test which returns a positive result during the probationary or mandated counseling period will be evaluated by the team physician. If the team physician determines that interval substance abuse has occurred, the Director of Athletics will be notified and this test will be considered an additional positive result.

7.1.5 Written notice

The Director of Athletics provides written notice of the positive drug screen and the applicable sanctions to the student-athlete and his/her parents or guardians, as well as the head coach. This notice also includes information regarding how the student-athlete may appeal.

7.2 Second Occasion:

7.2.1 Continuation of Sanctions

The sanctions imposed in Section 7.1 shall continue (and may be repeated) subject to any applicable procedures found in Section 8 of this Regulation.

7.2.2 Suspension

In addition to the procedure and sanctions imposed in Section 7.1 above, for any positive test result for cannabinoids after a first positive occurrence for cannabinoids, the student-athlete will be suspended from competition for 10% of the total scheduled contests of that sport. For any positive test result for any other prohibited substance after a previous positive occurrence, the student-athlete will be suspended for 20% of the total scheduled contests of that sport. Post-season games will be included to satisfy the suspended games total. Suspension from competition is effective immediately, regardless of any pending appeal pursuant to Section 8 of this Regulation, and the student-athlete may not participate in competitions until the student athlete's sanction is completed or an appeal under Section 8 is resolved in the student-athletes' favor.

During the suspension, as well as during the timeframe of an appeal, if challenged, the student-athlete may continue to participate in team related activities if deemed safe by the team physician and if approved by the head coach and the Director of Athletics. Student-athletes who are on rosters for multiple sports will serve their suspension during the season of the sport in which they are participating in at the time of the positive test. If the student-athlete is participating in multiple sports simultaneously, the suspension will be served for the sport in the championship segment. If there are insufficient competitions remaining to complete the suspension during the season in which the positive test occurred, the remaining percentage will carry over to the sport season immediately following. In cases where the percentage of maximum allowable contests does not equal a whole number, the number of games missed due to suspension will be rounded down.

7.2.3 Mandatory Counseling and Rehabilitation

The student-athlete will be required to meet with the team physician to discuss the prohibited substance that caused the positive test. The student-athlete will also be required to meet with a substance abuse counselor at ECU CCSD. The student-athlete will repeat the BASICS Assessment and be assigned BASICS II counseling. The nature and extent of counseling will be determined by the substance abuse counselor.

The student-athlete may choose to receive the mandated counseling from an off-campus counselor or rehabilitation facility instead of the ECU CCSD. In such cases, any financial costs associated with such treatment will be the sole responsibility of the student-athlete and the assessment and counseling must be substantially similar to the assessment and counseling provided by CCSD in the preceding paragraph. The student-athlete will be required to sign the appropriate consents for release of information from the off-campus counseling provider to the team physician.

The failure to attend a scheduled counseling session may result in additional penalties, as determined by the Director of Athletics.

7.2.4 Written Notice

The Director of Athletics provides written notice of the second occasion of a positive drug screen and any applicable sanctions to the student-athlete and his/her parents or guardians, as well as the head coach. This notice also includes information regarding how the student-athlete may appeal.

7.2.5 Meeting with Director of Athletics

The student-athlete will be required to meet with the Director of Athletics.

7.2.6 Prohibited Substances

The substance causing the second positive test does not need to be the same substance that caused the first positive test.

7.3 Third Occasion:

7.3.1 Continuation of Sanctions

The sanctions imposed in Section 7.1 and Section 7.2 shall continue (and may be repeated) subject to any applicable procedures found in Section 8 of this Regulation.

7.3.2 Cancellation of Eligibility (for non-cannabinoid prohibited substances)

On the occasion of a third positive screen where the positive result is for a non-cannabinoid prohibited substance or where any prior positive test result was for a non-cannabinoid prohibited substance, a student's athletic eligibility at ECU will be canceled permanently, the student will not be eligible for renewal of any athletic scholarship at ECU, and an existing scholarship may be subject to cancellation. Any such cancellation may be imposed only in accordance with the procedures specified in Section 8, below, and after the conclusion of the time frame for appeal. Additionally, when a sanction under this policy involves the loss of grant in aid, a student athlete may appeal that decision to the Faculty Senate Student Academic Appellate Committee, in accordance with the terms of his/her grant in aid agreement

7.3.3 Suspension (for cannabinoids only)

In addition to the procedure and sanctions imposed in Section 7.1 and 7.2 above, for any positive test result for cannabinoids where both prior positive test results were for cannabinoids, the student-athlete will be suspended from competition for 20% of the total scheduled contests of that sport. Post-season games will be included to satisfy the suspended games total. Suspension from competition is effective immediately, regardless of any pending appeal pursuant to Section 8 of this Regulation, and the student-athlete may not participate in competitions until the student athlete's sanction is completed or an appeal under Section 8 is resolved in the student-athletes' favor.

During the suspension, as well as during the time frame of an appeal, if challenged, the student-athlete may continue to participate in team related activities if deemed safe by the team physician and if approved by the head coach and the Director of Athletics. Student-athletes who are on rosters for multiple sports will serve their suspension during the season of the sport in which they are participating in at the time of the positive test. If the student-athlete is participating in multiple sports simultaneously, the suspension will be served for the sport in the championship segment. If there are insufficient competitions remaining to complete the suspension during the season in which the positive test occurred, the remaining percentage will carry over to the sport season immediately following. In cases where the percentage of maximum allowable contests does not equal a whole number, the number of games missed due to suspension will be rounded down.

7.3.4 Counseling and Rehabilitation (for cannabinoids only)

The student-athlete will be required to meet with the team physician to discuss the prohibited substance that caused the positive test. The student-athlete will also be required to meet with a substance abuse counselor at ECU CCSD. The student-athlete will repeat the BASICS Assessment and be assigned ongoing individual counseling. The nature and extent of counseling will be determined by the substance abuse counselor.

The student-athlete may choose to receive the mandated counseling from an off-campus counselor or rehabilitation facility instead of the ECU CCSD. In such cases, any financial costs associated with such treatment will be the sole responsibility of the student-athlete and the assessment and counseling must be substantially similar to the assessment and counseling provided by CCSD in the preceding paragraph. The student-athlete will be required to sign the appropriate consents for release of information from the

off-campus counseling provider to the team physician

A student whose eligibility has been canceled may seek assistance from established University counseling and medical resources otherwise available to students incident to their enrollment at East Carolina University. Such services will not be initiated or supervised by the Athletic Department, since the student's affiliation with the athletic programs of the institution will have ended. Any costs associated with counseling will be the sole responsibility of the student-athlete.

The failure to attend a scheduled counseling session may result in additional penalties, as determined by the Director of Athletics.

7.3.5 Written Notice

The Director of Athletics provides written notice of the third occasion of a positive drug screen and the applicable sanctions to the student-athlete and his/her parents or guardians as well as the head coach. This notice also includes information regarding how the student-athlete may appeal.

7.3.6 Meeting with Director of Athletics

The student-athlete will be required to meet with the Director of Athletics.

7.3.7 Prohibited Substances

The substance causing the third positive test does not need to be the substance that caused either of the two preceding positive tests.

7.4 Fourth Occasion (for cannabinoids only)

7.4.1 Continuation of Sanctions

The sanctions imposed in Section 7.1, Section 7.2 and Section 7.3 shall continue (and may be repeated) subject to any applicable procedures found in Section 8 of this Regulation

7.4.2 Cancellation of Eligibility

On the occasion of a fourth positive screen for cannabinoids, a student's athletic eligibility at ECU will be canceled permanently, the student will not be eligible for renewal of any athletic scholarship at ECU, and an existing scholarship may be subject to cancellation. Any such cancellation may be imposed only in accordance with the procedures specified in Section 8, below, and after the conclusion of the time frame for appeal. Additionally, when a sanction under this policy involves the loss of grant in aid, a student athlete may appeal that decision to the Faculty Senate Student Academic Appellate Committee, in accordance with the terms of his/her grant in aid agreement.

7.4.3 Written Notice

The Director of Athletics provides written notice of the fourth occasion of a positive drug screen for cannabinoids and the applicable sanctions to the student-athlete and his/her parents or guardians as well as the head coach. This notice also includes information regarding how the student-athlete may appeal.

7.4.4 Counseling and Rehabilitation

A student whose eligibility has been canceled may seek assistance from established University counseling and medical resources otherwise available to students incident to their enrollment at East Carolina University. Such services will not be initiated or supervised by the Athletic Department, since the student's affiliation with the athletic programs of the institution will have ended. Any costs associated with counseling will be the sole responsibility of the student-athlete.

7.4.5 Prohibited Substances

The substance causing the fourth positive test does not need to be the substance that caused any of the three preceding positive tests.

8. Procedures for Imposing Serious Sanctions

Sections 6 and 7 of this Regulation provide notice of circumstances under which penalties, including continued suspension from competitions or cancellation of eligibility to participate in intercollegiate athletic activities, may be imposed in connection with alleged use of impermissible substances and compliance or cooperation with the DESC Program. Sanctions may be imposed only in accordance with the procedures prescribed in this Section.

8.1 Participation in Team Activities during Appeal

Contingent on approval of the head coach and Director of Athletics, for occurrences of a second, third, or fourth positive test result as set out above, the student-athlete may continue to participate in team activities only, other than competitions, until a final decision is reached following notice of an appeal. The student-athlete may not participate in competitions until the assigned sanction is completed or the appeal has been decided and resolved in the student-athletes' favor. In all cases, the number of competitive events missed during the appeal will be counted toward the total suspension amount required by the established sanction.

8.2 Immediate Administrative Action

8.2.1 The Department of Athletics, in conjunction with appropriate University administrators, may take interim action to suspend a student-athlete in order to preserve the safety and well-being of the student-athlete, ECU community and its members.

8.2.2 Administrative suspension from all activities, including both competition and team activities, becomes effective immediately, pending a medical determination as to the fitness of the athlete to resume participation in athletic activities, whenever there is information that the continued participation by the student athlete poses a substantial threat. A substantial threat might include, but is not limited to, a preliminary determination of improper drug use threatens the health of the athlete, other participants in athletics, or other members of the institutional community, all athletic participation (training, practice, and competition). This determination is designed to protect the health and safety of the student-athletes or other members of the community.

8.2.3 Information supplied by the student to medical personnel incident to making such a determination shall not be admissible in the appeal processes under this Regulation or in any institutional disciplinary process.

8.2.4 If the circumstances permit, a representative of the Department of Athletics will meet with the student athlete to be placed on administrative suspension to explain the basis for the administrative action and to give the student athlete an opportunity to respond. A student athlete on administrative suspension has a right to appeal this administrative action within three (3) days to the Director of Athletics.

8.2.5 In order for an administrative suspension to be modified prior to the conclusion of medical determination as to fitness, the student must show that the action was arbitrary or capricious, there was a procedural error, or that there is substantial new information mitigating the situation. An appeal will review (1) the reliability of the information; (2) whether or not the conduct and surrounding circumstances reasonably indicate that the continued presence of the student-athlete poses a substantial threat to others, to property, or to the stability and continuance of normal University functions; and/or (3) whether or not the student has complied with the directives of the Director of Athletics placing the student on administrative suspension.

8.3 Request for Appeal

A student-athlete may obtain a hearing by addressing a request in writing to the Director of Athletics within five (5) working days after receiving the written notice referred to in paragraph 1, above. The written request should state the basis or rationale for the student-athlete's appeal. The failure of the student-athlete to request an

appeal in writing within five (5) working days following his or her receipt of the written notice will be considered a waiver of the appeal. In the alternative, following receipt of written notice, the student may signify in writing his or her intention not to request a hearing, and the proposed sanctions may be imposed immediately, without recourse to any institutional grievance or appeals process. For appeals arising from second, or third, or fourth positive test occurrences, the student shall remain on suspension from all competitive activities until the conclusion of the appeal.

8.4 Hearing:

8.4.1 Hearing committee:

If an affected student athlete appeals and requests a hearing, it shall be afforded before a standing committee consisting of the Dean of Students, the Director of SAH Disability Support, and the Faculty Athletics Representative, or their respective designees, who may carry out any of the duties assigned there appointing officer; no officer, employee, or agent of the Athletic Department shall be eligible to serve on such committee. The Dean of Students or designee will be the Chair of the committee and will direct the hearing process and make determinations about what information is relevant to the proceedings. The Chair is responsible for ensuring an orderly hearing and, therefore, may remove any person who, in her/his discretion, interferes with the work of the committee.

8.4.2 Scope of review

On appeal, there is a presumption that the original decision is correct. Accordingly, the scope of review is whether there is a reasonable basis to overturn the original decision. If there is no reasonable basis for the actual sanction or sanctions imposed, or if compelling mitigating circumstances are found to be present, the committee may recommend a lesser sanction.

8.4.3 Conduct of hearing:

8.4.3.1 The hearing shall be convened within ten (10) working days after it is requested.

8.4.3.2 The hearing shall be conducted in private, and only the members of the committee, the affected student and a support person of his or her choice, and the Athletic Director or his designee, accompanied by a support person of his or her choice, may attend. The Director of Athletics (or his/her designee) and the student-athlete may provide testimony, but a support person may not be a witness or speak at the hearing or otherwise actively participate in the hearing.

8.4.3.3 Witnesses who are present to give testimony may attend while providing testimony but shall not attend the entirety of the hearing.

8.4.3.4 In order for a person of the student athlete's choice to attend the hearing, the student must provide the Chair of the Committee with written notice and a FERPA Authorization. This hearing is not a disciplinary action as defined by N.C.G.S. § 116-40.11; therefore, although an attorney may serve as a support person, neither the Director of Athletics or designee nor the student-athlete may have an attorney actively participate at the hearing. (Attorney is defined as anyone with a Juris Doctorate, or other recognized law degree, regardless of whether or not that person is licensed to practice law in the State of North Carolina and/or whether or not that person is "representing" the student athlete.)

8.4.3.5 The hearing will be audio recorded; however, recording quality problems and/or malfunctions will not invalidate or nullify any recommendation of the committee.

8.4.3.6 The Director of Athletics, or his designee, shall present evidence in support of the proposed sanction, suspension or cancellation. The affected student, accompanied by a person of his or her choice, may be present to hear and review all evidence presented in support of the proposed sanction, to challenge such evidence, and to present other evidence in his or her own defense. Evidence may include witnesses, documents or other forms of evidence.

8.4.3.7 Upon request of the Chair, the Office of the University Counsel ("OUC") may designate any attorney to provide procedural advice to the Committee.

8.4.3.8 At least one (1) business day prior to the hearing, the parties shall exchange copies of exhibits and witness lists, and a sealed copy to the Chair for the Record, but in no case shall information be provided to the Committee prior to the hearing.

8.4.3.9 After hearing all such evidence as it deems relevant, the committee shall deliberate in private for the purpose of making findings of fact, as well as any recommendations about the sanction. The findings of fact shall be based exclusively on information supplied at the hearing.

8.4.4 Recommendation to the Vice Chancellor for Student Affairs

Within three (3) working days after it concludes its inquiry, unless circumstances otherwise require additional time, the committee shall report its conclusions concerning the facts, as well as any recommendations concerning the sanctions imposed, to the Vice Chancellor for Student Affairs.

The Vice Chancellor for Student Affairs shall decide what sanction, if any, shall be imposed, consistent with the provisions of this Regulation. If the Vice Chancellor for Student Affairs finds there was insufficient evidence, then the drug test giving rise to the incident will not be considered a positive test for purposes of this Policy. The decision of the Vice Chancellor for Student Affairs will be final, and shall be communicated to the parties by the office of the Vice Chancellor within ten (10) working days of the recommendation from the hearing committee.

9. General Procedures

9.1 Application to Violations of other Departmental or University Policy

9.1.1 The Department of Athletics has the right, at any time, to terminate the student-athlete's privilege to participate on a team for reasons other than a violation of this Regulation, including, but not limited to, violations of other university, departmental, or team policies.

9.1.2 If a student-athlete violates any university, departmental, or team policy or rule other than this Regulation and such violation occurs in conjunction with an alleged violation of this Regulation, the other violation(s) may be addressed under such other policies or rules and may result in termination of a student-athlete's privilege to participate on a team and to receive benefits dependent upon team participation; in such an event, the alleged violation of other policies or rules is not subject to the procedures set forth in this Regulation.

9.2 Return to Roster

In cases where a student-athlete is removed from a team's roster prior to completing sanctions and then added back to the roster at a later date, those sanctions must be completed prior to return to competition. A student-athlete may not be removed from a roster in order to avoid completing sanctions.

9.3 Other Procedures Related to Grant-in-Aid

When a sanction under this Regulation involves the loss of grant in aid, a student-athlete may appeal that decision to the Faculty Senate Student Academic Appellate Committee, in accordance with the terms of his/her grant in aid agreement.

9.4 Reduction in Violations

If a student-athlete does not test positive for a cannabinoid for a period of six (6) months from the date of his/her last positive test for a cannabinoid, and complies with all corrective measures imposed, the student-athlete may have the number of violations reduced by one (i.e. from 2 down to 1, from 1 down to 0). If a student-athlete does not test positive for a prohibited substance other than a cannabinoid for a period of twelve months from the date of his/her last positive test for a prohibited substance other than a cannabinoid, and complies with all

corrective measures imposed, the student-athlete may have the number of violations reduced by one (i.e. from 2 down to 1, from 1 down to 0). No more than one reduction in violations may be provided to any student-athlete.

10. Confidentiality of Information Concerning Drug Use

10.1 Information concerning a student's alleged or confirmed improper use of drugs, solicited or received pursuant to implementation of this program, shall be restricted to institutional personnel and to parents or guardians of student-athletes. For student-athletes over the age of 21, information will be provided to the parents and/or guardians only on the basis of written consent by the student-athlete. No other release of such information will be made without the student's written consent, except as allowed by applicable law. The institution cannot guarantee that law enforcement or prosecutorial authorities will not gain access to information in the possession of the institution; however, the institution will not voluntarily disclose such information, in the absence of a court order or in accordance with FERPA or other applicable law.

10.2 Notwithstanding this or any other provision of this Regulation, the University reserves the right to disclose information in accordance with a health and safety emergency as defined in 34 CFR §§ 99.31(a)(10) and 99.36.

11. Improper Provision of Drugs by Institutional Personnel

11.1 No officer, employee, or agent of East Carolina University may supply to any student-athlete any drug that may endanger an athlete or affect athletic ability or performance, or otherwise encourage or induce any student improperly to use drugs, except as specific drugs may be prescribed by qualified medical personnel for the treatment of individual students. Any person who has information about a possible violation of this prohibition should report such information promptly to any athletics administrator. Any athletics administrator who receives, directly or indirectly, such a report must ensure that the director of athletics, the chancellor, or a vice chancellor with supervisory responsibility for the officer, employee, or agent reported as supplying such drugs or encouraging or inducing such improper use of drugs is informed so that an appropriate investigation can be conducted and, if necessary, disciplinary action can be taken in accordance with established policy.

APPENDIX A ([//cdn.ecu.edu/docs/prr-uploaded-docs/2021-22 NCAA Banned Substances.pdf](https://cdn.ecu.edu/docs/prr-uploaded-docs/2021-22 NCAA Banned Substances.pdf))

APPENDIX B (<https://cdn.ecu.edu/docs/prr-uploaded-docs/Understanding Dietary Supplements Fact Sheet.pdf>)

APPENDIX C (<https://cdn.ecu.edu/docs/prr-uploaded-docs/Appendix C REG09.35.02.pdf>)

APPENDIX D

(<https://cdn.ecu.edu/docs/prr-uploaded-docs/Appendix D REG09.35.02.pdf>)

APPENDIX E

(<https://cdn.ecu.edu/docs/prr-uploaded-docs/Appendix E REG09.35.02.pdf>)

APPENDIX F

(<https://cdn.ecu.edu/docs/prr-uploaded-docs/Appendix F REG09.35.02.pdf>)

APPENDIX G

(<https://cdn.ecu.edu/docs/prr-uploaded-docs/Appendix G REG09.35.02.pdf>)

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(<https://cdn.ecu.edu/docs/prr-uploaded-docs/Appendix D REG09.35.02.pdf>)

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