

3344-48-06 Appeal process.

- (A) Student-athletes who test positive or who dispute that they have refused or failed to take a required test under the guidelines set forth in this policy may appeal the imposed sanctions.
- (B) Only the student-athlete may file an appeal.
- (C) An appeal shall be submitted in writing to the director of athletics within two working days or forty-eight hours of the notification of the offense. If the forty-eight hours expire when the university is not open for business, the appeal may be submitted before nine a.m. on the next business day.
- (D) The written appeal must present the reason(s) for the appeal.
- (E) The director of athletics shall call together an appeals committee of three people; which may consist of the director of athletics, sport supervisor, head athletic trainer, director of compliance, faculty athletic representative, academic advisor, and any other athletic department or university staff deemed appropriate by the director of athletics.
- (F) The head coach of the student-athlete may be present for the appeal hearing but will not be a voting member of the appeals committee.
- (G) Upon appeal and presentation of all relevant information, it is the sole charge of the appeals committee to lift, modify, or maintain the imposed sanctions.
- (H) The student-athlete may have an advocate or other representative present if they so desire. However, the student-athlete is responsible for the presentation of his/her own case.
- (I) The appeal shall take place within seven working days of the receipt of the appeal request. If the athletic director is out of the office during that time period, it shall be scheduled for the time of their return or at an alternate time under the supervision of the athletic director's designee.

- (J) These proceedings shall include an opportunity for the student-athlete to present evidence, as well as to review the results of the drug test.
- (K) At the conclusion of the appeal, the appeals committee shall deliberate in private and decide by majority vote to lift, modify, or maintain the imposed sanctions. The decision by the appeals committee, relative to the test results, the sanctions, or refusal/failure to take a required test, shall be final.
- (L) The director of athletics or the athletic director's designee from the appeals committee will send written notification of the committee's decision to the student-athlete, the head coach, and the student-athlete's parents/guardians, if appropriate, within five working days from the date of the decision. The decision will be communicated, confidentially, to the head team physician or designee.
- (M) In cases where a student-athlete is deemed to have a positive drug test and such test results in sanctions affecting his/her ability to compete, and the student-athlete is scheduled to engage in a competition before a determination can be made by the appeals committee, the student-athlete shall be suspended from competition pending a final decision.
- (N) Time permitted, the student-athlete may request an expedited meeting of the appeals committee. The appeal shall include any information which might change the factual findings of the committee or the sanctions(s).
- (O) By selecting the expedited process, the student-athlete waives the right to the standard review and appeal procedures. Under the expedited process, the committee shall meet in person or teleconference and shall render a decision before the competition.

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