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Drug Testing Collegiate Student-Athletes: Opinions of Athletes and Nonathletes

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INTRODUCTION AND REVIEW OF LITERATURE

The use and abuse of illegal substances in American sport appears to be increasing. Drug use problems have extended to college campuses and have been found to exist among student-athletes as well as the general student body. Drug use by athletes has not only affected athletes' performances but also, in some instances, put them at great risk. The tragic death of Len Bias illustrated the disastrous consequences of drug use that could befall any athlete who chooses to ingest banned substances. The illegal use of drugs and the practice of requiring athletes to submit to drug testing is and will continue to be an important legal and administrative issue in collegiate athletics.

In addition to the use of hard drugs such as cocaine and heroine, there is also concern among athletic administrators about athletes' use of anabolic steroids as well as use and abuse of the more socially-acceptable substances such as alcohol. As well as the performance and health concerns associated with drug use, additional financial costs to sport programs have been created in part by the NCAA regulations mandating championship tournament drug testing. Additionally, most NCAA member institutions administer their own version of athlete drug testing. The practice of testing collegiate student-athletes for drug use is not without controversy.

Aside from the use and detection of drugs, other moral and legal questions have been raised. It appears that the NCAA is attempting to safeguard the health of student athletes as well as ensure the equality of competition by mandating drug testing. However, some individuals have questioned whether drug testing policies invade one's privacy. Indeed, drug testing collegiate student-athletes raises a variety of legal questions about which collegiate athletic administrators should be aware.

A University of Colorado athlete brought suit against the university as a result of being required to submit to a drug test as a condition of participating as a collegiate athlete (*Derdeyn v. University of Colorado*, 1991). Derdeyn contended that requiring collegiate athletes to submit to drug tests violated constitutional protection against unreasonable search and seizure under the Fourth Amendment of the United States Constitution as well as the Constitution of the State of Colorado.

Simone LeVant, a diver at Stanford University, refused to sign a drug test consent form. Such refusal resulted in the NCAA's barring her from competition. LeVant brought action against the NCAA on the invasion of privacy grounds, asserting that the methods of drug testing were humiliating and degrading. LeVant won her case in which the judge ruled that California's constitution protected her personal privacy in such a situation (*LeVant v. NCAA*, 1987).

In February, 1988, the University of Washington's drug testing program and the enforcement of the NCAA's drug testing program were challenged in court by Elizabeth O'Halloran, a student-athlete at the University of Washington. O'Halloran challenged the constitutionality of the programs claiming that the tests were an unreasonable search and seizure because the need for the search did not outweigh the invasion of her privacy rights. Additionally, she contended that private information about the student athletes might be revealed, including pregnancy, the use of pills for birth control, treatment of depression, epilepsy, or diabetes (*O'Halloran v. University of Washington*, 1988).

Drowatzky (1991) discussed the O'Halloran case and many of the most recent legal challenges to drug testing in collegiate athletic programs. His discussion included such legal issues as state action, equal protection, search and seizure, consent, and due process. Ciccolella (1992) discussed in detail the various "right to privacy" issues related to drug testing in collegiate athletic programs. Further, Merriman and Hill (1992) discussed the moral and ethical issues related to drug testing college athletes.

O'Brien and Overby (1992) recommended that schools carefully develop a written policy related to drug testing. They recommended that "a dialogue should be established with the people who will be affected by that policy" (p. 34). The NCAA drug testing program allows member institutions to develop their own programs and policies in order to meet the specific needs of the individual schools.

How are such programs viewed by students and student-athletes on those campuses? Do they believe that such programs are needed, effective, fair, and legal? In order to understand the issue of drug testing more completely, it is appropriate to study the population who is most directly involved — the student-athletes. After all, this group is affected more than any other group by any drug testing program on college campuses. Therefore, the purpose of this study was to compare college male athletes' and nonathletes' attitudes toward drug testing of college male athletes and to determine whether differences exist between the two groups.

METHODOLOGY

Subjects were 70 male varsity basketball and football players and 70 male nonathletes randomly selected from the student population at a large, NCAA

Division I institution in the southern United States. The survey that was administered to each subject was developed by the investigators. It consisted of 34 statements concerning four areas related to drug testing collegiate student-athletes. The four areas were: 1) the concept of drug testing generally, 2) the legal issues related to drug testing, 3) the procedures of conducting drug testing, and 4) the possible sanctions following a first time positive drug test result.

These conceptual areas were selected since they represented a broad range of components related to drug testing. The questions within the conceptual areas represented the issues and concerns that were believed likely to cause concern among student-athletes as a result of required drug testing. A 5-point Likert scale was used, with 1 representing strong disagreement with the statement to 5 representing strong agreement with the statement. Additionally, demographic data were collected from each subject.

Descriptor	Rank	Mean	S.D.
Drug testing athletes is a good idea	1	4.093	1.211
Drug testing prevents unfair advantage	2	3.886	1.235
Athletes should have input into testing	3	3.814	1.015
Drug test to safeguard athletes' health	4	3.777	1.186
Drug test all collegiate athletes	5	3.770	1.235
Positive test: Athlete meet with coach	6	3.693	1.131
Some athletes know how to avoid detection	7	3.686	.997
Supervise collection of urine sample	8	3.650	1.066
Testing has increased drug awareness	9	3.640	1.129
Drug testing time should be unannounced	10	3.633	1.269
Positive test: Notify athlete's coach	11	3.629	1.231
Drug education should supplement testing	12	3.621	1.041
Positive test: Require drug counseling	13	3.586	.967
Drug testing should be done at random	14	3.550	1.248
Positive test: Warn athlete	15	3.543	1.153
Drug use by athletes is a serious problem	16	3.514	1.096
Drug testing discourages use by athletes	17	3.486	.933
Drug testing has reduced use by athletes	18	3.255	.866
Non-athletes should also be drug tested	19	3.187	1.305
Drug tests provide accurate results	20	3.174	.854
Athletes fear drug testing	21	3.171	.913
Positive test: Notify athlete's parents	22	3.150	1.263
Current testing procedures are adequate	23	3.136	.907
Testing has reduced drug use popularity	24	3.007	1.014
Positive test: Place athlete on probation	25	2.829	1.263
Administrators exaggerating drug problem	26	2.729	1.010
Testing invades athletes' privacy	27	2.621	1.160
Positive test: Immediate suspension	28	2.614	1.317
Athlete right to refuse without penalty	29	2.607	1.161
Drug testing time announced in advance	30	2.386	1.123
Positive test: Reduce financial aid	31	2.279	1.253
Positive test: Reprimand coach	32	2.121	1.089
Positive test: Reprimand athletic dept.	33	1.907	1.131
Positive test: Penalize athlete's team	34	1.807	1.105

Table 1. Ranked composite means and standard deviations for each of the 34 survey items (N=140)

■ RESULTS AND DISCUSSION

Athletes and Nonathletes Combined

Table 1 shows the ranked composite means and standard deviations of the athlete group and the nonathlete group (N=140) for the 34 survey items. Table 1 shows that only one survey item scored at 4 or above on the 5-point Likert scale, with 5 being highest. It is interesting to note that this was the item which dealt with the concept of drug testing collegiate student-athletes being a good idea in general. However, the next 23 survey items fell within the 3- to 4-point range, indicating neither particularly strong agreement nor strong disagreement among the entire

sample (N=140). However, 15 of these 23 survey items had a mean between 3.5 and 4, indicating the tendency to agree with the statement addressed in the survey items. Finally, there was disagreement and strong disagreement with the last 10 of the ranked survey items shown in Table 1. It is interesting to note that six of these last 10 items dealt with possible sanctions for a first time positive drug test.

Athletes and Nonathletes Compared

Table 2 compares the means and standard deviations by athletic status (i.e., athlete v. nonathlete) for the 34 survey items. The data presented in Table 2 specifically address the purpose of this study. Of the 34 t-test comparisons between the college student-athletes and the nonathletes, 17 were determined to be significantly different ($p < .05$). More specifically, there were 7 significant differences at $p < .001$, 4 significant differences at $p < .01$, and 6 significant differences at $p < .05$.

Six of the seven differences that were statistically significant at $p < .001$ dealt with possible sanctions to be administered in the event of a first time positive drug test for an athlete. In fact, the survey contained 11 statements related to possible sanctions against an athlete who tests positive for the first time. Table 2 shows that the possible sanctions which received statistically significant differences in responses from the two groups of subjects were to: 1) warn the athlete; 2) immediately suspend the athlete from athletic participation for a specific length of time; 3) reduce the athlete's financial aid (i.e., athletic scholarship) by a specified amount; 4) reprimand the athlete's coach, 5) penalize the athlete's team, and 6) reprimand the college's athletic department.

The student-athletes tended to feel that those who test positive should first receive a warning while the nonathletes did not. For each of the other five sanctions that had significant differences between the two groups, the nonathletes indicated a significantly higher degree of agreement than did the athletes, indicating a greater interest among the nonathletes in more stringent sanctions for drug use by athletes.

Two of the other statements concerning possible sanctions against an athlete who tests positive for the first time yielded significant differences between the two groups. The nonathletes had a higher degree of agreement with placing the athlete on probation for a specific time period than did the athletes ($p < .01$). Additionally, the nonathletes had a higher degree of agreement with the idea of notifying the athlete's coach after the athlete tests positive for the first time ($p < .05$). Therefore 8 of the 11 statements related to possible sanctions against an athlete who tests positive for the first time yielded significant differences between the two groups. Among each of these 8 significant differences, the nonathletes favored the more stringent treatment of the offending athlete.

In terms of drug testing procedures, the athletes felt more strongly than did the nonathletes that current drug testing procedures are adequate ($p < .01$). However, the athletes also had a higher degree of agreement with the statement concerning the idea that some athletes know how to avoid detection of drug use ($p < .05$). Athletes also had a higher degree of agreement with the idea of conducting drug tests at random among the student-athlete population ($p < .05$).

Athletes felt more strongly than did nonathletes that athletic administrators are making the whole issue of drug use among athletes into a larger issue than it really

Descriptor	Status	Mean	S.D.	
Drug testing athletes is a good idea	Ath	4.0857	1.213	
	Non	4.1000	1.218	
Drug testing prevents unfair advantage	Ath	3.8714	1.191	
	Non	3.9000	1.287	
Drug tests provide accurate results	Ath	3.0735	.935	
	Non	3.2714	.760	
Drug test all collegiate athletes	Ath	3.7000	1.278	
	Non	3.8406	1.196	
Drug test to safeguard athletes' health	Ath	3.8286	1.262	
	Non	3.7246	1.110	
Drug testing should be done at random	Ath	3.7571	1.185	*
	Non	3.3429	1.284	
Testing has increased drug awareness	Ath	3.6714	1.139	
	Non	3.6087	1.127	
Drug use by athletes is a serious problem	Ath	3.5429	1.176	
	Non	3.4857	1.018	
Non-athletes should also be drug tested	Ath	3.6812	1.091	***
	Non	2.7000	1.323	
Drug testing time should be unannounced	Ath	3.5652	1.289	
	Non	3.7000	1.255	
Testing has reduced drug use popularity	Ath	2.9286	1.040	
	Non	3.0882	.989	
Testing invades athletes' privacy	Ath	2.8143	1.207	*
	Non	2.4286	1.084	
Drug education should supplement testing	Ath	3.4429	.942	*
	Non	3.8000	1.111	
Administrators exaggerating drug problem	Ath	2.9571	1.013	**
	Non	2.5000	.959	
Athlete right to refuse without penalty	Ath	2.8571	1.231	**
	Non	2.3571	1.036	
Drug testing has reduced use by athletes	Ath	3.2029	.901	
	Non	3.3088	.833	
Drug testing time announced in advance	Ath	2.3571	1.036	
	Non	2.4143	1.210	
Supervise collection of urine sample	Ath	3.6714	1.018	
	Non	3.6286	1.119	
Some athletes know how to avoid detection	Ath	3.8571	.937	*
	Non	3.5143	1.032	

Table 2. Means and standard deviations by athletic status for each of the 34 survey items (N=140).

(Table continues on next page)

Descriptor	Status	Mean	S.D.	
Drug testing discourages use by athletes	Ath	3.4143	.970	
	Non	3.5571	.895	
Athletes fear drug testing	Ath	3.0143	.940	*
	Non	3.3286	.863	
Current testing procedures are adequate	Ath	3.3714	.920	**
	Non	2.9000	.837	
Athletes should have input into testing	Ath	3.9429	.976	
	Non	3.6857	1.043	
Positive test: Warn athlete	Ath	3.9286	.953	***
	Non	3.1571	1.211	
Positive test: Require drug counseling	Ath	3.6429	.901	
	Non	3.5286	1.032	
Positive test: Notify athlete's parents	Ath	2.9857	1.357	
	Non	3.3143	1.149	
Positive test: Notify athlete's coach	Ath	3.4143	1.186	*
	Non	3.8429	1.247	
Positive test: Athlete meet with coach	Ath	3.5571	1.044	
	Non	3.8286	1.204	
Positive test: Immediate suspension	Ath	2.1857	1.254	***
	Non	3.0429	1.245	
Positive test: Place athlete on probation	Ath	2.5143	1.271	**
	Non	3.1429	1.183	
Positive test: Reduce financial aid	Ath	1.8286	1.090	***
	Non	2.7286	1.250	
Positive test: Reprimand coach	Ath	1.7571	.970	***
	Non	2.4857	1.087	
Positive test: Penalize athlete's team	Ath	1.4429	.862	***
	Non	2.1714	1.204	
Positive test: Reprimand athletic dept.	Ath	1.5714	.972	***
	Non	2.2429	1.185	

* Indicates those groups significantly different at the .05 level.

** Indicates those groups significantly different at the .01 level.

*** Indicates those groups significantly different at the .001 level.

Table 2. Continued

is ($p < .01$). The athletes apparently felt that either the amount of drug use is being exaggerated by athletic administrators or that the use of drugs is not that big of an issue to demand the attention that it is receiving. In fact, the nonathletes were more in favor of the idea of drug education as a supplement to a drug testing program than were the athletes ($p < .05$). The athletes indicated a higher degree of agreement with the idea that drug testing invades an athlete's privacy rights ($p < .05$). Additionally, the athletes indicated stronger agreement than did the nonathletes with the idea that an athlete should be able to refuse a drug test without any penalty ($p < .01$).

Finally, the nonathletes believed more strongly than did the athletes that athletes fear drug testing ($p < .05$), and the athletes believed more strongly than did the nonathletes that nonathletes should be drug tested just as athletes are drug tested ($p < .001$).

■ IMPLICATIONS AND CONCLUSION

Certainly there are many issues to address when an institution decides to begin a drug testing program. Questions about procedures, confidentiality, and sanctions are only a few that need to be answered. Throughout the entire process of developing a drug testing program, athletic administrators should consider involving the population who will be most affected by the drug testing program — student-athletes. As a matter of credibility, this involvement should be active rather than symbolic. The results of this survey indicate that student-athletes' and nonathletes' opinions could be valuable information to consider when developing the drug testing program. It is only then that athletic administrators can accurately claim that their program was truly developed by the student-athletes or with the student-athletes in mind. Student-athletes should not be merely manipulated or "used" so that administrators can make this same claim.

There are various ways that athletic administrators can ensure that student-athletes have a strong impact on the drug testing program. Administrators can actively seek information from the student-athletes by asking them several of the same questions used in this study. The information gained from asking these questions can then be utilized in the actual design of the drug testing program. Similarly, student-athletes can be invited to serve on the committee that designs the drug testing program. Once again, as a matter of sincerity and credibility, this involvement must be real and not simply symbolic. Student-athlete participation can also continue with active involvement in drug education seminars presented to other student-athletes, student-athlete representation on any sort of appeals board that might hear grievances or challenges to the drug testing procedures or testing results, and student-athlete involvement in the drug testing program evaluation and re-design.

In addition to seeking the active involvement of student-athletes, athletic administrators should also seriously consider seeking the same type of involvement from nonathletes among the general student population on campus. As the data collected in this study indicate, there is not total agreement between athletes and nonathletes on each of the pertinent issues related to drug testing. By seeking information and involvement from the various constituencies, athletic administrators should be able to develop not only an effective drug testing program but also

a program that is not viewed with suspicion from constituencies outside the athletic department.

If the drug testing program is to represent the interests of the entire university, then input and involvement should be sought from a variety of constituencies. By diligently seeking answers to many of the questions that surround a drug testing program, including the opinions of those who will be tested, athletic administrators will be able to demonstrate a genuine concern for the athletes in their programs and should be able to develop a better program than would be developed without seeking such answers.

References

Ciccolella, M. E. (1992). "Right to privacy" challenges to NCAA drug testing. *Journal of Legal Aspects of Sport, 2*(2), 46-55.

Derdeyn v. University of Colorado, 832 P.2d 1031 (1991).

Drowatzky, J. N. (1991). Drug testing: Whole loaf, half-loaf or no loaf. *Journal of Legal Aspects of Sport, 1*(1), 82-91.

LeVant v. NCAA, No. 619029, Superior Court of California, Santa Clara County, 1987.

Merriman, J., & Hill, J. (1992). Ethics, laws, and sport. *Journal of Legal Aspects of Sport, 2*(2), 56-63.

O'Brien, D., & Overby, J. O. (1992). Drugs and sports: Developing a drug policy. *Journal of Legal Aspects of Sport, 2*(1), 32-36.

O'Halloran v. University of Washington, 679 F.Supp. 997 (W.D.Wash., 1988); (rev'd on other grounds, 9th Cir., 856 F.2d 1375).