



PLANO WEST HOCKEY CLUB

ACKNOWLEDGEMENT, WAIVER OF RIGHTS AND INDEMNITY AGREEMENT WITH REGARD TO SUBSTANCE ABUSE POLICY AND MANDATORY SUBSTANCE TESTING POLICY

2011 – 2012 SEASON

I am the parent or guardian of _____, who has been offered a position on the roster of a team organized by Plano West Hockey Club (“PWHC”). On behalf of myself, my child and any other parent or guardian of my child, I acknowledge the following:

1. I have read, understood and agree to be bound by the terms of the PWHC’s Substance Abuse Policy and the PWHC’s Mandatory Substance Testing Policy (collectively, the “Policies”) which are incorporated in this Agreement by reference. I have been provided with copies of the Policies. I understand that compliance with the Policies is a condition of my child’s current and continuing participation on a PWHC team.
2. I hereby give my permission for PWHC’s Drug Testing Administrator, or its designee, to perform drug testing on my child in accordance with the Policies.
3. I agree to cooperate with PWHC’s Drug Testing Administrator, or its designee, in its conduct of drug testing in accordance with the Policies, and will execute any forms required by the Drug Testing Administrator in connection with its testing.
4. I understand that, in the event of a non-negative result on a test conducted on my child, I may be contacted by the Drug Testing Administrator to discuss the test result and to determine whether any medication, diet or other medical condition may have influenced the test result. I agree to provide any information required by the Drug Testing Administrator for its use in making such a determination.
5. I agree that, in the event of a non-negative result on a test conducted on my child, the Drug Testing Administrator is authorized to disclose the non-negative result to PWHC’s Head Coach and PWHC’s Vice-President, and that those PWHC officials are authorized to impose the disciplinary consequences provided for by the Policies in the case of non-negative test results.
6. I agree to execute such additional forms that PWHC may reasonably require in connection with the Policies.
7. In order to give effect to the foregoing, I hereby waive any and all rights under any Federal, State or local law or regulation that I otherwise might be able to assert relative to the subject matter hereof.

I hereby release PWHC, and any and all of its directors, officers, agents and any other person acting on behalf of PWHC, and the Drug Testing Administrator, and any and all of its directors, officers, agents and employees, from any and all liability, claims or causes of action arising in any way out of PWHC’s application or enforcement of the Policies.

PARENT’S ACKNOWLEDGEMENT

PARENT’S SIGNATURE

PARENT’S PRINTED NAME

DATE: _____

PLAYER’S ACKNOWLEDGEMENT

I have read and understand the Club’s Substance Abuse Policy. Any violation may lead to disciplinary action, up to and including expulsion from the Club.

PLAYER’S SIGNATURE

PLAYER’S PRINTED NAME

DATE: _____

SUBSTANCE ABUSE POLICY

As a matter of policy, Plano West Hockey Club (“PWHC”) does not permit or tolerate the use of drugs, alcohol, tobacco or steroids by its players. PWHC enforces this policy through mandatory testing for banned substances and by empowering the coaching staff to take disciplinary action when there is a reasonable suspicion based on personal observation that a player has violated PWHC’s policy.

PWHC also prohibits coaches, parents and team officials from using or being under the influence of alcohol or other mood altering substances during any PWHC activity where players are present, including travel to and from such functions. PWHC enforces this policy pursuant to the procedures of the Disciplinary Committee.

DEFINITIONS

This policy bans the use of the following substances:

- a. Any beverage containing alcohol;
- b. Tobacco in any form, including but not limited to cigarettes, pipes, cigars, smokeless tobacco and chewing tobacco;
- c. Illegal recreational drugs, including, but not limited to, marijuana, cocaine, heroin and the like;
- d. Anabolic steroids and other illegal performance enhancing substances; and
- e. Masking agents and other substances and devices used to evade testing.

As applied to players, this policy defines “use” to include possession, with or without the intent to sell or give away.

This policy does not prohibit the use of any substance that has been specifically prescribed for a player by his or her medical provider.

This policy defines a “violation” as (1) a non-negative result on a test administered under PWHC’s Mandatory Substance Testing Policy that is not cleared either by investigation by the Drug Test Administrator or by a negative second test, (2) failure to take a test required under the Mandatory Substance Testing Policy or (3) a determination by the coaching staff based on personal observation that a player is under the influence of a substance prohibited by this policy. If the coaching staff believes that a player is under the influence of a substance prohibited by this policy, it may recommend the player for additional testing.

A violation based upon the personal observation of the coaching staff may be challenged. If the player produces a negative result on a test administered by the Drug Test Administrator that screens for the suspected substance, there is no violation of this policy, provided that the test is done within the time period specified by the Drug Test Administrator. Cost of the testing will be paid by PWHC if the test is negative. A non-negative test must be paid for by the player or his family.

CONSEQUENCES OF VIOLATIONS

1. First Offense:
 - a. Alcohol or Tobacco: One-game suspension and, at the discretion of the coach, appropriate community service or off-ice activities as specified by the coach.
 - b. Other Substances: Suspension from participation in games (and, at the discretion of the coach, practices and other PWHC activities) for a period of thirty days. Lifting of the suspension is contingent on a negative result on a test administered by the Drug Test Administrator.
2. Second Offense:
 - a. Alcohol or Tobacco: Suspension from PWHC for a minimum of thirty days, to be determined by consultation between the Coach and PWHC’s Vice President, together with appropriate community service activities as specified by the coach and the Vice President.
 - b. Other Substances: Suspension from participation in games (and, at the discretion of the coach, practices and other PWHC activities) for a period of sixty days. Lifting of the suspension is contingent on a negative result on a test administered by the Drug Test Administrator. After a Second Offense, PWHC will require (at the Player’s expense) up to six tests in addition to the regular testing required of all players.
3. Third Offense:
 - a. Alcohol or Tobacco: Permanent expulsion from the Club.
 - b. Other Substances: Permanent expulsion from the Club.

Violations of PWHC's Substance Abuse Policy are cumulative over the course of the Player's membership in PWHC and carry over from year to year. In other words, second and third offenses do not need to occur in the same year or season as a first offense in order to trigger the sanctions provided above. Penalties carry over from year to year. No refunds of any fees will be made in the event of a suspension under this policy. Upon return from suspension, a player may, at the discretion of the coaching staff, be assigned to a team other than the player's original team.

EVIDENCE OF ACCEPTANCE

Every player and his or her parent(s) or guardian(s) must sign (1) an acknowledgement that they have read, understood and agree to be bound by this policy before that player may be rostered on a PWHC team and (2) appropriate waiver(s) agreeing that PWHC and the Drug Test Administrator may conduct drug testing as a condition of rostering players and holding PWHC and the Drug Test Administrator harmless from any liability relating to PWHC's Substance Abuse Policy and/or the Mandatory Substance Testing Policy.

MANDATORY SUBSTANCE TESTING POLICY

PURPOSES

The Mandatory Substance Testing Policy is one aspect of the implementation of the Plano West Hockey Club's Substance Abuse Policy. The Mandatory Substance Testing Policy is intended to act as a deterrent to the use of banned substances by players, to relieve them of the peer pressures to which they may be subjected in connection with the use of drugs, alcohol, tobacco and steroids and to demonstrate PWHC's commitment to the health and safety of the players who are members of its teams.

PRINCIPLES AND REQUIREMENTS OF THE TESTING PROGRAM

The Vice President shall be responsible for the operation of the testing program. Drug testing will be conducted by an outside company that is in the business of conducting such tests (the "Drug Testing Administrator" or "DTA"), selected by the Vice President. Depending on the nature of the particular test performed, the Vice President may designate a PWHC official to collect the samples required for testing. Such officials are called the DTA designee. Testing will be conducted on dates selected by the Vice President without the advance knowledge of any player, parent, or Board member. PWHC will supply the DTA with schedules showing practice times for PWHC's teams. The Vice President will determine when the tests will be conducted. All players are required to take the test. **Any player who is absent from practice when a test is administered will be required to go to the DTA's facility to take the test within twenty-four hours of receiving notice from the Vice President or the DTA designee. Refusal to take a test when the DTA is administering tests, or failure by an absent player to appear for testing within the prescribed period (absent a doctor's excuse due to illness), will be treated as a violation of the Substance Abuse Policy.**

Drug testing may be conducted through the collection of urine samples, tongue swab samples or other protocols determined in the sole discretion of the DTA. Drugs that may be tested for include, but are not limited to, opiates (e.g. morphine and codeine), cocaine, amphetamines and methamphetamines, phencyclidine (PCP), delta 9-tetrahydro-cannabinol (marijuana), "designer drugs" (e.g. Ecstasy), alcohol and anabolic steroids.

In the event of a non-negative test, the DTA or the Vice President shall first contact the parent(s) or guardian(s) of the player involved for the purpose of determining whether the result may have been influenced by the use of any prescribed or over-the-counter drug, diet or other medical condition. If the non-negative result cannot be explained to the satisfaction of the DTA or the Vice President, the DTA or the Vice President may, in their sole discretion, suggest another screening if in its opinion such a screening would be useful to eliminate a possible "false positive." If such screening is recommended, it shall be done at PWHC's expense.

If a non-negative test result is not explained to the satisfaction of the DTA and the Vice President in accordance with the procedures above, the DTA and Vice President are authorized to communicate the fact of the non-negative result to the team's Head Coach and the player's parents. No other persons associated with PWHC (other than the player's parent as described above) are authorized to receive notification of a non-negative test result, and the Head Coach and the Vice-President of PWHC are prohibited from disclosing the fact of a non-negative test result to anyone other than the player and his or her parent(s) or guardian(s). With respect to any suspension resulting from a non-negative test result, the Head Coach and the Vice-President shall not announce that a player has been suspended for violating PWHC's Substance Abuse Policy.

EVIDENCE OF ACCEPTANCE

Every player and his or her parent(s) or guardian(s) must sign (1) an acknowledgement that they have read, understood and agree to be bound by this policy before that player may be rostered on a PWHC team and (2) appropriate waiver(s) agreeing that PWHC and the Drug Test Administrator may conduct drug testing as a condition of rostering players and holding PWHC and the Drug Test Administrator harmless from any liability relating to PWHC's Substance Abuse Policy and/or the Mandatory Substance Testing Policy.