



MIDDLE TENNESSEE  
SCHOOL OF  
ANESTHESIA

*Reflecting Christ in Anesthesia Education*

2024 BIENNIAL REVIEW  
OF THE  
MIDDLE TENNESSEE SCHOOL OF ANESTHESIA  
DRUG & ALCOHOL PROGRAM

COMPLETED BY THE MTSA BIENNIAL REVIEW TASK FORCE  
OCTOBER 2024

315 Hospital Drive, P.O. Box 417, Madison, TN 37116 | [www.mtsa.edu](http://www.mtsa.edu)

**MIDDLE TENNESSEE SCHOOL OF ANESTHESIA**

**Drug-Free Schools and Campuses Regulations [EDGAR Part 86]  
Alcohol and Other Drug Prevention Certification**

The undersigned certifies that it has adopted and implemented an alcohol and other drug prevention program for its students and employees that, at a minimum, includes:

**1. The annual distribution to each employee, and to each student who is taking one or more classes of any kind of academic credit except for continuing education units, regardless of the length of the student's program of study, of:**

- Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities
- A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol
- A description of any drug or alcohol counseling, treatment or rehabilitation or re-entry programs that are available to employees or students
- A clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with State and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

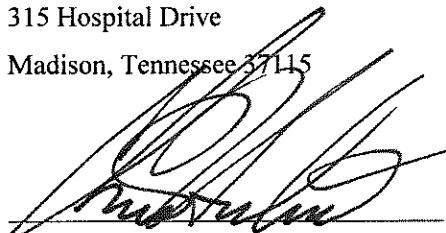
**2. A biennial review by the institution of its alcohol and other drug prevention comprehensive program to:**

- Determine its effectiveness and implement changes to its comprehensive alcohol and other drug prevention program and policies, if they are needed
- Ensure that its disciplinary sanctions are consistently enforced.

MIDDLE TENNESSEE SCHOOL OF ANESTHESIA

315 Hospital Drive

Madison, Tennessee 37115



Chris Hulin

12-17-24  
Date

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# **INTRODUCTION TO THE MIDDLE TENNESSEE SCHOOL OF ANESTHESIA**

Middle Tennessee School of Anesthesia (MTSA) is a Christian non-residential graduate school located in Madison, Tennessee. MTSA is the only independent, fully accredited anesthesia institution of its kind in the nation. Its mission is to provide a Christian, Seventh-day Adventist learning environment that fosters the pursuit of truth, excellence in and access to graduate nurse anesthesia education, and a life of service.

MTSA is a leader in academic, clinical, and professional distinction enrolling around 300 students. It is a single purpose institution with a focus in graduate nurse anesthesia education currently offering one degree with two routes of entry. Offerings include a doctoral degree for nurses with their bachelor's degree, a doctoral completion for students with their Master's, and an Acute Surgical Pain Management Fellowship. The school has educated scores of health-care professionals and is well renowned in the field of Nurse Anesthesia. MTSA is committed to the health and well-being of our students and staff, providing a safe and healthy learning environment that enriches our campus community.

MTSA prohibits the unlawful manufacture, possession, use, or distribution of illegal drugs and alcohol on the MTSA campus, and any contingent site, or on the campus of any clinical affiliate site.

## **INTRODUCTION TO THE BIENNIAL REVIEW**

The Federal Drug-Free Schools and Campuses Regulations require institutions of higher education to conduct a biennial review of their alcohol and other drug (AOD) programs and policies to determine program effectiveness and consistency of policy enforcement and to identify and implement any changes needed to either. Middle Tennessee School of Anesthesia (MTSA) certified that they comply with the Drug-Free Workplace Act of 1988 and the Drug Free Schools and Communities Act of 1989, when the Title IV Program Participation Agreement was signed. If audited by the Department of Education, a failure to comply with the Drug-Free Schools and Campuses Regulations may cause an institution to forfeit eligibility for federal funding.

This Biennial Review Report, coordinated through MTSA's Nurse Anesthesia Program (NAP) Council, is prepared to meet the requirements of the 1989 amendments to the Drug-Free Schools and Campuses Act, as stated in Part 86 of the Drug-Free Schools and Campuses Regulations and is designed to document the prevention efforts provided at MTSA for the past two years (2022-2023). It is the school's intent to publish the Biennial Review prior to the end of the 2024 calendar year.

In order to certify its compliance with the Part 86 Regulations, an IHE (Institution of Higher Education) must adopt and implement a drug prevention program to "prevent the unlawful possession, use or distribution of illicit drugs and alcohol by all students and employees" both on school premises and as part of any of its activities (EDGAR Part 86.100, Subpart B – Appendix

C). These standards apply to all members of the campus community. Creating a program that complies with the regulations requires an IHE to do the following:

1. Prepare a written policy on alcohol and other drugs.
2. Notify each employee and staff member of the policy in writing every year, including standards of conduct; a description of sanctions for violations at the federal, state, local and campus levels a description of the health risks associated with Alcohol and Other Drug (AOD) use; and a description of available treatment programs.
3. Develop a sound and consistent method for distribution of the policy, and any changes made to the policy thereafter, to every student and IHE staff member each year.
4. Prepare a biennial report on the effectiveness of its AOD programs and the consistency of policy enforcement.

The MTSA Biennial Review Report will be housed on the employee ShareFile for Administrators to access. A copy of the report can be requested from the Executive Administrative Assistant. Additionally, Subpart B 86.103 indicates that School's must retain all records related to *Drug-Free Schools and Communities Act (DFSCA)* compliance for three years (see *Drug-Free Schools and Campuses Regulations "EDGAR Part 86 Contents and Subparts A—General, B, and D"* in Appendix C).

## **MTSA BIENNIAL REVIEW TASK FORCE**

The 2024 MTSA Biennial Review Task Force, appointed by the NAP Council, consists of the following members:

Jennifer Speer, BS – Director of Financial Aid

Michele Mederios Gravois DNAP, APRN, CRNA - Assistant Program Administrator

Jessica Creason, MA – Registrar, Director of Academic Coaching

Jean Baron-White – Executive Administrative Assistant and MTSA Administrative Campus Safety Officer

## **BIENNIAL REVIEW PROCESS**

The 2024 Biennial Review, of the MTSA Drug & Alcohol Program, was conducted by the Biennial Review Task Force. In support of the safety of its drug and alcohol abuse prevention programs, The Drug-Free Schools and Campuses Regulations require a review of the program every two years.

The required review has two objectives:

1. To determine the effectiveness of, and to implement any needed changes to MTSA's Drug & Alcohol Program and Policies.
2. To ensure that MTSA enforces the disciplinary sanctions for violating standards of conduct consistently.

The biennial review must also include a determination as to:

1. The number of alcohol and drug related violations and fatalities occurring on the campus or as part of the activities that are reported to campus officials,
2. The number and types of sanctions the IHEs impose on students or employees as a result of such violations or fatalities.

### **GOALS OF THE TASK FORCE**

- Evaluate the current AOD prevention efforts and identify any changes to AOD policies.
- List findings.
- Determine if there needs to be an enhancement of education efforts.
- Evaluate previous recommendations.
- Determine if there are new measures to add and the effectiveness of the Drug and Alcohol program.
- Make recommendations to the Administration.
- Prepare the 2024 biennial report as required by federal law (34 CFR Part 86).

## **DESCRIPTIONS OF THE DRUG AND ALCOHOL PROGRAM ELEMENTS**

MTSA provides an array of program elements that are designed to provide education on, and in an environment free from, drugs and alcohol for students and employees. MTSA's drug and alcohol policies prohibit the possession, use, or distribution of illegal drugs and alcohol on school campus and any contingent site. MTSA has a strict drug and alcohol-free policy for its campus community in its academic environment. Student leadership is encouraged. Students depend on their peers as they work on projects together and in the clinical setting, so accountability is stressed. Students are mentored through the program. Students have opportunities to advise and mentor peers. Employees and students can seek confidential off-campus help with substance abuse if they self-identify. The MTSA program elements are listed below:

1. High admissions and academic standards – students are interviewed and evaluated prior to their admittance into the program, background checks of students and letters of recommendation are required.
2. High academic standards of progression through the program are enforced.
3. Students admitted to the PD, Completion and Fellows program are apprised of their student handbook and sign an enrollment agreement that they have read the Drug and Alcohol Policy and agree to abide by the policies and procedures.
4. MTSA has a student policy, whereby all students admitted to the PD program at MTSA are drug tested prior to starting clinicals, in year 1, and year 2. Drug testing then occurs randomly, if there is reasonable suspicion, or if student receives a red card in clinicals.
5. Mentor Program – Students are appointed a faculty mentor upon enrollment. Full time

- students must meet with their mentor each semester through their 8<sup>th</sup> semester and semester 9 as needed.
6. Full-time students and employees are required to fulfill community service hours, which is a part of the MTSA life of service mission.
  7. A school fitness room is provided to students and employees to encourage students' wellness, as a preventative factor against drug and alcohol use or something similar. It is open during school business hours, and after hours only by use of a MTSA badge used to enter campus buildings for security purposes.
  8. The DNAP students receive training on drugs and alcohol as a part of the curriculum from faculty.
  9. The goal of the School Life and Wellness Committee is to support the MTSA Vision and Core Values, which include a wholistic approach to education, healthcare and a balanced lifestyle, along with the development of a life of service. The committee focuses on the interrelated dimensions of wellness (i.e., physical, mental, financial, spiritual, academic/occupational, community, and safety) and disseminates information and resources related to them. The committee includes student, staff and faculty representatives. Many of the topics covered can act as preventative factors to alcohol and drug use.
  10. Employees are required to participate in annual online training, which includes drug and alcohol prevention.
  11. MTSA maintains a relationship with local law enforcement to support student safety.
  12. Students and employees have access to resources named in their Drug and Alcohol policies, which are emailed annually as a part of the Consumer Information Annual Disclosure and located in their respective student/employee handbooks. By self-identifying, students/staff can also meet with the Program Director/Human Resources Director to receive confidential guidance and referral to additional resources as necessary.
  13. The Drug and Alcohol Statement, which links to the Drug-Free Workplace Policy, contained within the employee handbook, is reviewed during new employee orientation, with employees attesting to having read the handbook.

## **MTSA AOD POLICY INVENTORY**

MTSA is committed to providing a safe environment for all employees and students. MTSA policies identified as related to drug and alcohol prevention are listed below:

1. Drug and Alcohol Statement (found in the employee handbook)
2. Drug-Free Workplace & Suspected Substance Abuse Policy– 3.2.404
3. Student Drug and Alcohol Policy – 5.1.111
4. Student Standards of Conduct – 5.1.114
5. Practice Doctorate Program Student Drug Testing Policy – 5.4.109
6. Academic Policies Policy – 3.3.114

Task Force members recommended a review of the AOD policies and any updates to be included in Appendix B.

Any recommendations for policy changes related to students and employees are taken for approval to the Administrative Councils (NAPC and President’s Council, respectively). The MTSA Board of Trustees has final authority for the approval of both student and employee policies related to drugs and alcohol.

## **DRUG VIOLATIONS REPORT**

The Annual Security Report (ASR) is released by October 1 to the MTSA campus community. Below are the drug and alcohol related statistics, as required by the Clery Act, found in the 2023 ASR for the years 2022– 2023.

<b>Clery Report</b>	<b>On Campus</b>	<b>Public Property</b>	<b>Unfounded</b>
Disciplinary Action - Drug Law Violation	0	0	0
Disciplinary Action - Liquor Law Violation	0	0	0
Arrests - Drug Law Violation	0	0	0
Arrests - Liquor Law Violation	0	0	0

There have been no reported incidences of drug or alcohol offenses for this period, as seen by the incident report numbers reported through the Annual Security Report. The ASR can be found on the MTSA website: <https://mtsa.edu/about/compliance/>.

## **PROCEDURES FOR DISTRIBUTING ANNUAL DRUG AND ALCOHOL NOTIFICATION**

MTSA strives to remain in compliance in its annual drug and alcohol notification as required by the Drug-Free Schools and Communities Act. The annual notification must include the following:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.
2. A list of applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol.
3. A description of the health risks associated with the abuse of alcohol or use of illicit drugs.
4. A list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students.
5. A clear statement that the IHE will impose disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution.



MTSA annually emails the Student Drug and Alcohol Policy to its students (by the Financial Aid Office), and the Drug Free Workplace Policy to employees (by the HR Director), by October 15, to satisfy the annual notification regulation.

The drug and alcohol policies reside in the respective Student and Employee Handbooks.

- The Student Drug and Alcohol policy can be found on the School's website on the Consumer Information page <https://mtsa.edu/admissions/financial-aid/consumer-information>, and in each cohort's student handbook. All student policies are provided to new students at orientation.
- New employees are required to review the Drug and Alcohol Statement, which is included in the Employee Handbook, as a part of new hire orientation.

## **AOD PROGRAM STRENGTHS**

1. MTSA is committed to supporting the safety and health of its students and employees in furtherance of its mission to provide high quality learning.
2. MTSA is a small Christian graduate school whose campus community numbers are manageable to provide support to students and staff.
3. Students are pursuing a highly trained profession in anesthesia with zero tolerance for substance abuse.
4. All on-site students have mentors.
5. All students are held to the same policy standards and sanctioned similarly for violations.
6. MTSA has developed and maintains a student and employee Drug and Alcohol Policy.
7. MTSA distributes annually, to each student and employee, a copy of their Drug and Alcohol Policy.
8. MTSA offers a substance-free environment and offers drug and alcohol-free campus opportunities both on and off campus.
9. MTSA has a student drug testing policy in place.
10. Clinical Coordinators work with students in the clinical setting. MTSA utilizes a "card system" to assist in the evaluation process of all students in the clinical setting at all levels. Green, yellow and red (critical incident) cards are issued to students based on their performance. Red cards are serious, and students in receipt of one are to complete a drug test to determine there is no substance abuse.
11. With the implementation of a new clinical evaluation tool, if there is a safety concern, a drug screen may be ordered.
12. Students are encouraged to meet with an Academic Coach throughout their time at MTSA. The Academic Coach meets with students individually to discuss topics that will help students academically, as well as topics related to student wellness, such as school- life balance, support systems, and self-care.
13. The Human Resources Director implemented an annual online substance abuse training for employees.
14. The MTSA School Life and Wellness Committee supports students by providing

information and resources related to the various interrelated dimensions of wellness (i.e., physical, mental, financial, spiritual, academic, community, and safety).

15. Procedures are in place for distributing changes to student and employee policies after the annual distribution. Procedures to send out revised policies during the year ensure students are apprised of any changes. The method of distribution of revised policies are:
  - i. Employees are emailed updates to employee policies by the Human Resources Director.
  - ii. Students are emailed any updates to their handbook policies, made during the year by the Registrar's Office.

## **AOD PROGRAM FINDINGS**

1. The Drug Free Workplace (3.2.301) and Suspected Substance Abuse (3.3.111) policies are only included in the Administrative Manual and not included in the Employee Handbook.
2. The Drug Free Workplace policy had not been reviewed since 2020.
3. In 2022, a student received a "red card" and was not drug tested, as required by the Student Drug Testing Policy (5.4.109). (Appendix A)
4. Lack of a clear "red card" management protocol.
5. Lack of a clear clinical safety concern protocol.
6. Lack of a clear protocol for non-clinical safety or professionalism concerns.
7. The Biennial Review is not published online for MTSA as required by the Department of Education Consumer Information regulations.

## **MTSA PROGRAM EFFECTIVENESS**

MTSA is a small, single-purpose Christian graduate school whose student population consists of nurses who have worked in critical care settings. The task force members, after considering the program elements, currently deem the MTSA Drug and Alcohol program effective. Because MTSA is a small campus community, any change in behavior, hygiene or attitude in a student or staff member can easily be recognized and is taken seriously. MTSA recognizes prevention and intervention are key in addressing substance abuse.

## **SUMMARY AND RECOMMENDATIONS**

### **Summary**

In accordance with the the 2024 Biennial Review Task Force findings, the following summary items and recommendations are presented:

1. HR has replaced the Alcohol or Drug Policies #3.2.301 and #3.3.111 with the Drug-Free Workplace and Substance Abuse Policy (#3.2.404). These policy updates were presented for PRC and BOT approval.
2. The Drug and Alcohol Statement found in the Employee Handbook was edited by HR and now hyperlinks to the Drug-Free Workplace and Substance Abuse Policy (#3.2.404 found in the online Administrative Handbook) and is reviewed with new hires during orientation and disclosed annually.
3. The Biennial Review Taskforce recommended adding the HR Director as a member of the taskforce, moving forward, and the HR Director has agreed to participate.
4. A Clinical Safety Concerns Protocol was developed and approved by NAP-C.
5. Non-clinical safety or professional concerns are addressed by the Student Standards of Conduct Policy #5.1.114 in the Student Handbook (policy listed in Appendix B)
6. The Student Standards of Conduct for self-reporting of violations are being revised and will be presented to NAP-C.
7. The August 2022 red card occurrence was added to Appendix A of the 2024 Biennial Review. The 2024 Biennial Review Task Force presents historical perspective on this incident as the following:

In Oct. 2022, the 2022 Biennial Review Task Force recommended drug testing for red cards to be at the discretion of the Program Director (instead of required automatic mandatory testing). This was reviewed in Dec. 2022 by the MTSA President and legal counsel, who recommended to Administration and HR the policy (#5.4.109) for automatic referral for all red cards to require drug testing shall remain in place and be enforced.
8. The Student Drug and Alcohol Policy has acted as the annual notification sent to the student body. The Student Drug and Alcohol Policy, along with the employee's Drug Free Workplace and Substance Abuse Policy will continue to be distributed and duly serve as the annual notifications to the campus community. There were no reported incidences of drug or alcohol violations for this period (2022-2023).

## **Recommendations**

The task force's purpose is to ensure policies are consistent and effective, and address substance abuse within the campus community consistently and fairly.

The Task Force recommendations are as follows:

Preliminary Recommendations:

1. Human Resources recommended replacing the Drug Free Workplace Policy (3.2.301) and the Suspected Substance Abuse policy (3.3.111) with the Drug-Free Workplace and Substance Abuse Policy (#3.2.404).

Final Recommendations:

2. Include the Director of Human Resources as an ongoing Biennial Review Task Force member.
3. Update Student Standards of Conduct Policy (5.1.114) to include self-reporting of violations to the Student Standards of Conduct.
4. Place the Biennial Review on the MTSA Website on the Compliance and Security Page, under Annual Security Report, once the 2024 Biennial Review is complete and approved.
5. In support of the safety and health of its students and employees and pursuant to its obligation to conduct a biennial review of its drug and alcohol abuse program, MTSA NAP Council should authorize its next review in 2026.

## **APPENDICES**

Appendix A: Student Red Card and Drug Test Data

Appendix B: Policy Inventory

Appendix C: EDGAR Part 86 Contents and Subparts A – General, B, and D

Appendix D: Excerpts from the Program Participation Agreement

Appendix E: Sources

## APPENDIX A

Red Card/Drug Test Data		
Date	Student Red Card	Drug Test Result
1/20/2020	X	Negative
6/15/2020	X	Negative
4/20/2021	X	Negative
8/4/2022	X	No Test

## **APPENDIX B**

### **Policy Inventory**

Policies were reviewed to be a part of the policy inventory for the Biennial Review. The following were reviewed for accuracy and consistency and changes were submitted for approval to be added to this report:

- Drug and Alcohol Statement
- Student Drug and Alcohol Policy – 5.1.111
- Drug-Free Workplace and Substance Abuse Policy – 3.2.404
- Student Standards of Conduct – 5.1.114
- Practice Doctorate Program Student Drug Testing Policy – 5.4.109
- Academic Policies Policy – 3.3.114

## **Drug and Alcohol Statement**

Middle Tennessee School of Anesthesia has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees, students, and to the security of our equipment and facilities. For these reasons, MTSA is committed to the elimination of drug and/or alcohol use and abuse in the workplace and complies with The Drug Free Workplace Act of 1988 and The Drug Free Schools and Communities Act of 1989.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment to MTSA. The Director of Human Resources is responsible for policy administration.

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the Office of Human Resources.

When possible, Middle Tennessee School of Anesthesia will assist and support any employee who voluntarily seeks help for such problems before becoming subject to discipline and/or termination under this or other policies. Employees may be allowed to use accrued paid time off, placed on a leave of absence, referred to treatment providers, and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications and alcohol. Employees must, however, consult with their doctors about any medication's effect on their fitness for duty and ability to work safely, and must promptly disclose any work restrictions to their supervisors. Employees should not, however, disclose underlying medical conditions unless directed to do so.

The prohibited use of alcohol or illegal drugs in the workplace includes but is not limited to:

- Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug (to include possession of drug paraphernalia);
- Being under the influence of alcohol while on duty or an illegal drug as defined in this policy;
- The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing school business or while in an MTSA facility is prohibited;
- MTSA will not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to perform their job duties safely and effectively. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.

Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

### **Consequences**




Applicants who refuse to cooperate in a drug test or who test positive will not be hired. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the employee will be subject discipline up to and including termination. Whether such employee is offered a last-chance basis to maintain their job is dependent on the circumstances and the employee's work history/record.

Employees will be paid for reasonable time spent in alcohol/ drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management and one from Human Resources. If the results prove to be negative, the employee will receive back pay for the work hours/days of suspension.

### **Confidentiality**

Information and records relating to test results, drug and alcohol dependencies, and legitimate medical explanations will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

For additional information on drug laws with a list of controlled substances defined by federal and state law, substance abuse resources, and legal and institution sanctions see [Drug Free Workplace and Substance Abuse](#), which are annually disclosed to personnel.

	<p style="text-align: center;">Middle Tennessee School of Anesthesia <i>Administrative Manual</i> <i>MS Student Handbook, DNAP Student Handbook</i></p> <p style="text-align: center;"><b><i>Student Drug &amp; Alcohol</i></b></p>	<p>Policy #: <u>5.1.111</u></p> <p>Date: <u>2016</u></p> <p>Reviewed: <u>7/13/16, 8/6/18, 11/19/19, 7/2020, 8/2022</u></p> <p>Revised: <u>7/13/16, 11/19/19, 7/2020, 8/29/2022</u></p>
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**Standards of Conduct**

MTSA prohibits the unlawful manufacture, possession, use, or distribution of illegal drugs and alcohol on the MTSA campus, and any contingent site, or on the campus of any clinical affiliate site. To further MTSA’s commitment to provide a healthy and thriving educational environment, and to stay in compliance with the Drug Free Schools and Communities Act Amendments of 1989, MTSA has established the following drug and alcohol policy.

Since many drugs alter one’s alertness, and mental alertness is crucial during the provision of anesthesia, students may be screened for drugs and alcohol at any time they are committed to either clinical or classroom assignments. MTSA contracts with an outside company to perform drug/alcohol screening of students throughout the program of study, as needed.

Students should be aware that if they are found to test positive for alcohol, illegal substances or substances without a current and valid prescription, MTSA is obligated to report such violation of the drug and alcohol policy to the State Board of Nursing. Therefore, students are required to report any alertness-altering prescribed substance use (i.e. treatment for anxiety and learning disabilities) to the Program Administrator.

**MTSA Sanctions**

To underscore the seriousness with which MTSA takes the issue of health and welfare of its constituent populations, the School will impose disciplinary sanctions on students - up to and including expulsion. If drug and alcohol violations are turned over to the State Board of Nursing, that Board will investigate and handle any prosecutions.

**Health Risks**

As part of the Drug-Free Schools and Communities Act of 1989, MTSA is required to inform all students of the health risks associated with the use of illicit drugs and the abuse of alcohol. The School recognizes that Substance Use Disorder of any sort is a major health problem.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse.

Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person’s ability to learn and remember information. Very high doses cause

respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

You can find more information on Substance Abuse and Health Risks in the Department of Justice's, Drugs of Abuse resource guide here: [https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf).

### Resources

MTSA does not provide on-campus drug/alcohol counseling, treatment, or rehabilitation programs for students. There are many community resources that provide support, information, and treatment. Upon request or in appropriate situations, the School may refer the student to a private counselor, center, or program for assistance with such needs.

### Local Resources for Help

Nashville Poison Control	615-936-2034	<a href="https://www.vumc.org/poisoncenter/">https://www.vumc.org/poisoncenter/</a>
AANA Peer Assistance Resource	800-654-5167	<a href="http://peerassistance.aana.com/directory.asp">http://peerassistance.aana.com/directory.asp</a>
TANA Peer Assistance Resource	800-654-5167	<a href="https://www.tncna.com/peer-assistance/">https://www.tncna.com/peer-assistance/</a>
Alcoholics Anonymous	615-831-1050	<a href="http://www.aanashville.org/">http://www.aanashville.org/</a>
Narcotics Anonymous	888-476-2482	<a href="https://nanashville.org/">https://nanashville.org/</a>
Cumberland Heights Treatment Ctr	615-356-2700	<a href="https://www.cumberlandheights.org/">https://www.cumberlandheights.org/</a>
TN Professional Assistant Program	615-726-4001	<a href="http://www.tnpap.org/">http://www.tnpap.org/</a>
JourneyPure Treatment Center	888-633-9588	<a href="https://journeypure.com">https://journeypure.com</a>
Celebrate Recovery	615-604-2210	<a href="https://www.celebraterrecovery.com/">https://www.celebraterrecovery.com/</a>
Foundations Nashville	615-994-7872	<a href="https://www.foundationsrecoverynetwork.com">https://www.foundationsrecoverynetwork.com</a>
TN Crisis Svs & Suicide Prevention	855-274-7471	<a href="https://www.tn.gov/behavioral-health/need-help.html">https://www.tn.gov/behavioral-health/need-help.html</a>

### Drug Law

A full list of controlled substances as defined by Tennessee state law can be found here:

[http://www.lcle.la.gov/sentencing\\_commission/Resources/I%20C.%20TN%20drug%20laws.pdf](http://www.lcle.la.gov/sentencing_commission/Resources/I%20C.%20TN%20drug%20laws.pdf)  
<https://statelaws.findlaw.com/tennessee-law/tennessee-drug-laws.html>

<https://discoveryplace.info/legal/drug-laws-tennessee/>

The Federal DEA guidebook of Drugs of Abuse can be found on the DEA website. For more information: [https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf#page=30](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf#page=30)

## FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28-279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40-399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10-99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100-999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1-9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5-49 grams pure or 50-499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10-99 grams pure or 100-999 grams mixture	100 gm or more pure or 1 kg or more mixture		
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount			
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
All Schedule V drugs	Any amount			

### Legal Sanctions Under State and Federal Law

The following is a summary of Tennessee and federal sanctions for the unlawful use of illicit drugs and alcohol. While the summary is a good faith effort to provide information, MTSA does not guarantee that it is an error-free or exhaustive accounting

Under federal law, a civil penalty of up to \$100,000 and imprisonment of up to one year may be imposed for simple possession of certain specified controlled substances. Possession of crack cocaine may lead to civil penalties of up to \$250,000 and imprisonment of up to twenty years. Also, possession of a controlled substance can result in the denial of federal benefits, such as student loans, grants, contracts and professional and commercial licenses, and the forfeiture of personal property and real estate used to transport, conceal, or facilitate such possession. In addition, possession of a controlled substance can lead to ineligibility to receive or purchase a firearm.

Under federal law, it is unlawful to manufacture, distribute, dispense, deliver, sell, or possess with intent to manufacture, distribute, dispense, deliver, or sell controlled substances. The penalty imposed depends upon many factors that include the type and amount of controlled substance involved; the


number or prior offenses, if any; whether death or serious bodily harm resulted from the use of such substance; and whether any other crimes were committed in connection with the use of the controlled substance. Even a first-time violation can result in life imprisonment; a fine of up to \$4,000,000 per individual; supervised release; or any combination of these penalties. These sanctions are doubled when the offense involves either: (1) distribution or possession at or near a school or university campus, or (2) distribution to persons under 21 years of age. Repeat offenders may face greater penalties.

Under Tennessee law, it is unlawful for any person under the age of 21 to buy, possess, transport (unless in the course of their employment) or consume alcoholic beverages, including wine or beer. It is unlawful for any adult to buy alcoholic beverages for or furnish them for any purpose to anyone under 21 years of age. These offenses are classified Class A Misdemeanors punishable by imprisonment for not more than eleven months and twenty-nine days or a fine of not more than \$2,500 or both. The offense of public intoxication is a Class A Misdemeanor punishable by imprisonment of not more than thirty days or a fine of not more than \$50 or both.

Under Tennessee law, the offense of possession or casual exchange of a controlled substance (such as marijuana) is punishable as a Class A Misdemeanor (eleven months, twenty-nine days and/or a fine of \$2,500). For the third and subsequent offense of possession of ½ oz. or less of marijuana, punishment is one to six years of imprisonment and a \$3,000 fine. If there is an exchange from a person over 21 years of age to a person under 21 and the older person is at least two years older than the younger and the older person knows that the younger person is under 21, then the offense is classified as a felony. Possession of more than ½ oz. of marijuana under circumstances where intent to resell may be implicit is punishable by one to six years of imprisonment and a \$5,000 fine for the first offense. Maximum Tennessee penalties for possession, manufacture, or distribution of substantial quantities of a controlled substance range from fifteen to sixty years of imprisonment and up to a \$500,000 fine. The State of Tennessee may, under certain circumstances, impound a vehicle used to transport or conceal controlled substances.

### **Student Aid and Drug Convictions**

The Higher Education Act (HEA) of 1965 as amended suspends aid eligibility for students who have been convicted under federal or state laws of the sale or possessions of drugs, if the offense occurred during a period of enrollment for which the student was receiving federal student aid (grants, loans). [www.studentaid.ed.gov](http://www.studentaid.ed.gov)

	<p style="text-align: center;">Middle Tennessee School of Anesthesia  <i>Administrative Manual, Faculty Handbook,  Employee Handbook</i></p> <p style="text-align: center;"><b><i>Drug Free Workplace and  Substance Abuse</i></b></p>	<p>Policy #: <u>3.2.404</u>  Date: 2024  Reviewed: <u>9/2024</u>  Revised: <u>New 9/2024</u>  <u>BOT approved 11/18/2024</u></p>
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**Standards of Conduct and Purpose**

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989 and the Drug-Free Workplace Act of 1988, MTSA prohibits the unlawful manufacture, possession, use, or distribution of illegal drugs, alcohol, and tobacco on the MTSA campus, any school-owned vehicle, at any school-sponsored activity or event, or on any campus of any affiliate site. Alcohol and drug misuse poses a threat to the health and safety of MTSA employees and the security of the School's equipment and facilities. For these reasons, MTSA is committed to eliminating drug and alcohol use and misuse in the workplace.

MTSA will notify employees of its Drug Free Workplace and Substance Abuse policy and drug awareness program annually. MTSA will also perform a biennial review of its program and retain the records of that review in accordance with the Department of Education’s requirements.

**Scope**

This policy applies to all employees of MTSA. The Office of Human Resources (HR) is responsible for policy administration.

**Health Risks**

As part of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, MTSA is required to inform all students, staff, and faculty of the health risks associated with the use of illicit drugs and the abuse of alcohol. MTSA recognizes that substance use disorders of any sort are a major health problem.

Alcohol and other drugs are associated with many health risks. The use and abuse of alcohol and other drugs may have negative effects on one’s work performance and personal relationships. Some common health risks are addiction; damage to liver, heart, and to a developing fetus; accidents as a result of impaired judgment; and unwanted sexual activity that could result in sexual assault or sexually transmitted infections.

For more information about the health risks associated with particular types of drugs and alcohol, please visit the National Institute on Drug Abuse's page, [Commonly Abused Drugs Charts](#).

**Employee Assistance**

MTSA will assist and support employees who voluntarily seek help for drug or alcohol addiction before becoming subject to discipline or termination under this or other MTSA policies. Such employees will be allowed to use accrued paid time off, be placed on leave

of absence, referred to treatment providers, and otherwise accommodated as required by law. Employees may

be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold safety-sensitive jobs, require driving, or have previously violated this policy. Once a drug test has been initiated under this policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment and will face possible discipline, up to and including termination.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effects on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to the Office of Human Resources.

## **Work Rules**

1. Whenever employees are working, operating any MTSA vehicle, present on MTSA premises, or conducting MTSA-related work offsite, they are prohibited from:

- Using, possessing, buying, selling, manufacturing, or dispensing illegal drugs (including possession of drug paraphernalia).
- Being under the influence of alcohol or illegal drugs as defined in this policy.
- Possessing or consuming alcohol.

2. The presence of any detectable amount of illegal drugs, controlled substances, or alcohol in an employee's body while performing MTSA business or while in a MTSA facility is prohibited.

3. MTSA will also not allow employees to perform their duties while taking prescribed drugs that adversely affect their ability to perform their job duties safely and effectively. Employees taking prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked.

4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

## **Required Testing**

### ***Reasonable Suspicion***

Employees are subject to testing based on observations of apparent workplace use, possession, or impairment by at least one member of administration and the supervisor. The Office of Human Resources should be consulted before sending an employee for testing. The reasonable suspicion observation checklist must be used to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol.

Examples include:

- Odors (smell of alcohol, body odor, or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted, or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused, or blank look).

- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, both the supervisor and HR will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment.

*Under no circumstances is an employee allowed to drive themselves to the testing facility. A member of administration or HR must either transport the employee directly or arrange for a cab and ensure that the employee is safely transported home.*

### ***Post-Accident***

Employees are subject to testing when they cause or contribute to accidents that seriously damage a MTSA vehicle, machinery, equipment, or property, or result in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury where an employee operating a motorized vehicle is found responsible for causing the accident. In these instances, the investigation and subsequent testing must occur within two hours following the accident, if not sooner. Refusal by an employee will be treated as a positive test result and will result in immediate termination of employment.

### ***Collection & Testing Procedures***

When it is suspected that an individual is under the influence of substances or may be abusing substances, the following protocol must be followed: When the MTSA representative meets the suspected individual for the first time after an allegation, the representative must ensure that the suspected individual is not left unsupervised while on campus. The suspected individual must be transported to the drug testing facility. Once at the facility, the suspected individual is then supervised by the collection facility's personnel. Under no circumstances should a suspected individual be allowed to drive a vehicle at this point.

The first specimen collected by the facility will be unobserved by a witness (per the protocol of the specimen collection facility), giving the suspected individual the benefit of the doubt. If the personnel at the specimen collection facility determine that the first specimen submitted is not within normal limits (i.e., is “too hot” or “too cold”) and they suspect it may have been tampered with or altered, a second specimen must be collected and witnessed.

After specimen collection, the suspected individual should be transported home, either by MTSA personnel or a taxi. If a taxi is utilized, the cost will be the responsibility of the suspected individual. By ensuring that the suspected individual did not drive but was transported safely home, MTSA has fulfilled its duty to protect the individual's safety and that of others. Even after ensuring the suspected individual has been safely transported home, they should be advised not to drive until at least 24 hours have passed or the results of the analysis are known. If the suspected individual refuses transportation arrangements provided by MTSA, the Executive Administration reserves the right to notify the proper authorities of the potential risk to the general public and could subject the individual to termination.

It will take at least 24 hours for initial specimen analysis and the return of results to the specimen collection



facility. Per the specimen collection facility procedures, if a Medical Review Officer needs to be consulted regarding the results, this will occur before the return of official results to the specimen collection facility and may take a few days. After the specimen collection facility receives the final results, they will contact the MTSA Office of Human Resources to report the results.

The suspected individual may not return to work until the specimen results are known. If the specimen is negative AND no Medical Review was needed, the employee should be allowed to return to work without further action taken or loss of clock hours.

## **MTSA Sanctions for Employees**

### ***Consequences***

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense illegal drugs in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the employee will be subject to discipline up to and including termination. Whether such an employee is offered a last-chance basis to maintain their job depends on the circumstances and the employee's work history/record.

Employees will be paid for reasonable time spent in alcohol/drug testing and then suspended pending the results of the test. After the results are received, a meeting will be scheduled to discuss the results, including a member of administration and one from the Office of Human Resources. If the results are negative, the employee will receive back pay for the work hours/days of suspension.

### ***Inspections***

MTSA reserves the right to inspect all portions of its premises for drugs, alcohol, or other contraband. All employees, faculty, and visitors may be asked to cooperate in inspections of their persons, work areas, and property that might conceal drugs, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including termination.

All employees consent to and agree to inspections of themselves, their vehicles, lockers, and personal property brought onto MTSA property that might conceal alcohol, drugs, or other inappropriate materials.

### ***Crimes Involving Drugs***

MTSA prohibits all employees from manufacturing, distributing, dispensing, possessing, or using illegal drugs on MTSA premises or while conducting School business. MTSA employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

MTSA does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may impact the workplace. Therefore, MTSA reserves the right to take appropriate disciplinary action for drug use, sale, or distribution while off MTSA premises. All employees convicted of, pleading guilty to, or sentenced for an illegal drug crime must report the conviction, plea, or sentence to the Office of Human Resources within four business days. Failure to comply will result in automatic termination. Cooperation in complying may result in suspension without pay to allow Executive Administration to review the nature of the charges and the employee's past record with the organization.

## **Legal Sanctions Under State and Federal Law**

The following is a summary of Tennessee and federal sanctions for the unlawful use of controlled substances

and alcohol. While the summary is a good faith effort to provide information, MTSA does not guarantee that it is error-free or exhaustive.

Under state law, it is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of their employment and over the age of 18), or consume alcoholic beverages, including wine or beer. It is also unlawful for any adult to buy alcoholic beverages for or furnish them for any purpose to anyone under twenty- one years of age. These offenses are classified Class A Misdemeanors punishable by imprisonment for not more than eleven months and twenty-nine days, or a fine of not more than \$2,500, or both. (T.C.A. §§ 1-3-113, 39-15-404, 57-5-301.) The offense of public intoxication is a Class C Misdemeanor punishable by 11 hours of community service, possible revocation of driver's license, imprisonment of not more than thirty days or a fine of not more than \$50, or both. (T.C.A. § 39- 17-310.) Under Tennessee law, the offense of possession or casual exchange of a controlled substance (such as marijuana) is punishable as a Class A Misdemeanor (eleven months twenty- nine days and/or a fine of \$2,500). For the third and subsequent offense of possession of 1/2 oz. or less of marijuana, punishment is one to six years of imprisonment and a \$3,000 fine. If there is an exchange from a person over twenty-one years of age to a person under twenty-one, and the older person is at least two years older than the younger, and the older person knows that the younger is under twenty-one years of age, then the offense is classified as a felony. Possession of more than 1/2 oz. of marijuana under circumstances where intent to resell may be implicit is punishable by one to six years of imprisonment and a \$5,000 fine for the first offense. (T.C.A. §§ 39-17-417, 39-17-418; 21 U.S.C. § 801, et seq.)

State penalties for possession of substantial quantities of a controlled substance or for manufacturing or distribution range up to a maximum of fifteen to sixty years of imprisonment and a \$500,000 fine. (Title 39, T.C.A., Chapter 17.) For example, possession of more than twenty-six grams of cocaine is punishable by eight to thirty years of imprisonment and a \$200,000 fine for the first offense.

The state may, under certain circumstances, impound a vehicle used to transport or conceal controlled substances.

State penalties for possession of substantial quantities of a controlled substance or for manufacturing or distribution range up to a maximum of fifteen to sixty years of imprisonment and a \$500,000 fine. (Title 39, T.C.A., Chapter 17.) For example, possession of more than twenty-six grams of cocaine is punishable by eight to thirty years of imprisonment and a \$200,000 fine for the first offense.

The state may, under certain circumstances, impound a vehicle used to transport or conceal controlled substances.

### **United States Penalties and Sanctions for Illegal Possession of a Controlled Substance:**

#### **21 U.S.C. 844(a)**

- First conviction: Up to one year imprisonment and fine of at least \$1,000.
- After one prior drug conviction: At least fifteen days in prison, not to exceed two years, and fine of at least \$2,500.
- After two or more prior drug convictions: At least ninety days in prison, not to exceed three years, and a fine of at least \$5,000.

#### **21 U.S.C. §§ 853(a)(2) and 881(a)(7)**

- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled

substance if that offense is punishable by more than one year imprisonment.

#### **21 U.S.C. § 881(a)(4)**

- Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance. [An automobile may be impounded in cases involving any controlled substance in any amount.]

#### **21 U.S.C. § 844a**

- Any individual who knowingly possesses a controlled substance in a personal use amount shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each such violation.

#### **21 U.S.C. § 862**

- Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.

#### **18 U.S.C. 922(g)**

- Ineligibility to receive or purchase a firearm or ammunition.

### **Confidentiality**

Information and records relating to test results, drug and alcohol dependencies, and legitimate medical explanations will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

### **Resources**

- Human Resources - (615) 732-7854
- Employee Assistance Program (EAP) - (800) 964-3577
- Tennessee REDLINE (Substance Abuse Referral Hotline) - (800) 889-9789
- Narcotics Anonymous - (800) 945-4673
- Alcoholics Anonymous (Middle Tennessee Central Office) - (615) 973-9898

### **Definitions**

"**MTSA premises**" includes all buildings, offices, facilities, grounds, parking lots, clinical sites, places and vehicles owned, leased or managed by MTSA or any site on which the institution is conducting business.


"**Illegal drug**" means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

"**Refuse to cooperate**" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to

drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

**"Under the influence of alcohol"** means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

**"Under the influence of drugs"** means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

	<p>Middle Tennessee School of Anesthesia Student Handbooks</p> <p><b><i>Student Standards of Conduct</i></b></p>	<p>Policy #: <u>5.1.114</u></p> <p>Date: <u>2016</u></p> <p>Reviewed: <u>2/16,</u> <u>7/2020, 11/2020</u></p> <p>Revised: <u>12/16,</u> <u>7/2020, 11/2020,</u> <u>1/17/2023, 2/28/2023</u> <u>BOT approved</u></p>
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It is the philosophy of MTSA to uphold Christian ideals and values. While it is MTSA’s policy to freely accept students regardless of religious persuasion, MTSA’s philosophy is that students, faculty, and staff are public representatives of MTSA and are expected to avoid any conduct that would conflict with its Christian values.

Actions and conduct not in harmony with the Christian standards of MTSA include, but are not limited to, the following, and commission of any of these actions will result in disciplinary action that may include dismissal from the program. Students who witness or have personal knowledge of any participation in the following activities, on the MTSA campus, and any contingent site, or on the campus of any clinical affiliate site, have a responsibility to report such infractions to MTSA administration. To underscore the seriousness with which MTSA takes the issue of health and welfare of its constituent populations, the School will impose disciplinary sanctions on students - up to and including expulsion, and possible referral for prosecution. Dismissal from the School or any lesser penalty as determined by the Program Director and the Progressions Committee may result from participation in any of the following activities:

1. Furnishing false information to the School with the intent to deceive;
2. Knowingly providing false information or testimony during the investigation of, or hearing on a disciplinary matter;
3. Refusal or failure to respond to a request from MTSA to report to a School administrative office or other location;
4. Vandalism, malicious destruction, damage, or misuse of private or public property, including library or computer center material;
5. Forgery, alteration, destruction, or misuse of School documents, records, or identification.
6. Obstruction or disruption of teaching, research, administration, disciplinary proceedings, or other School activities, including any authorized activities on School property; In no event shall this rule be construed to prevent speech protected by the First Amendment to the United States Constitution;
7. Unauthorized use of or entry to School facilities and/or unauthorized possession of keys to School facilities;
8. Disorderly conduct or lewd, indecent, or obscene conduct on School-owned property or at any other institution affiliated with the School, or at School-sponsored functions;
9. Physical abuse of any person, or other conduct which threatens or endangers the health or safety of any person (i.e., this includes attending class or clinical under the influence of drugs or alcohol) whether such conduct occurs on or off School property;
10. Participation of students in group activities on or adjacent to the campus, which causes damage to public or private property, causes injuries to persons, or interferes with the orderly functioning of the School or the normal flow of traffic;
11. Violation of written School policies or regulations as stipulated herein or as published and/or announced by authorized School personnel;
12. Falsely reporting the presence of an unlawful explosive or incendiary device with the intent to mislead, deceive, or disrupt the operation of the School or a scheduled event sponsored by the School;
13. The use of tobacco in any form, other than in properly designated smoking areas;

14. Possession, while on School-owned property, or of any other institution affiliated with the School, of any weapon such as, but not limited to, rifles, shotguns, ammunition, handguns, air guns, including explosives, such as firecrackers, unless authorized in writing by the School Administration.
15. Unauthorized use or misuse of MTSA's computing facilities to include logging on an account without the knowledge and permission of the owner; changing, deleting, or adding to the programs, files, and/or data without authorization of the owner; theft of program data or machine resources; attempts to thwart security of the computer system, including hardware and software;
16. Use of technological/electronic device(s) in the classroom. Students are allowed to use iPads/Microsoft Surface Pro or laptop computers in the classroom before class begins. However, the only use for iPads/Microsoft Surface Pro or laptops during any class will be for taking notes specifically related to the current class in session. No other activities utilizing any technological/electronic device(s), including but not limited to computers, iPads/ Microsoft Surface Pro, cell phones, or scanners, such as (but not limited to) web-surfing, Medatrax case record completion, game-playing, or text-messaging will not be allowed during any class. The only exception to this is if web-based research is part of the curriculum for a given class, and this is specifically stated by the instructor. Some (but not all) instructors may allow calculators to be used during quizzes/tests/exams. If they do, students are only permitted to use calculators provided by MTSA at that time, which have no communication or data storage capability (i.e. no cell phone or PDA calculators).
17. Participation in or conviction of theft, wrongful appropriation (i.e., theft with intent to temporarily deprive the owner of possession), unauthorized possession, or sale or damage to School property or any organization affiliated with the School or of another member of the School community (i.e., faculty, staff, student, or campus visitor);
18. Any act of arson, falsely reporting a fire or other emergency, falsely setting off a fire alarm, tampering with or removing from its proper location fire extinguishers, hoses, or any other fire emergency equipment, except when done with real need for such equipment;
19. An attempt to commit or to be accessory to the commission of any act in violation of other Standards of Conduct;
20. Commission of an act or an attempt to commit an act on School property or involving members of the School community (i.e., faculty, staff, student, or campus visitor) in an act that would be in violation of state or federal law;
21. Violation of local, state, or federal law, whether on or off campus, when it appears that the student has acted in a way that adversely affects or seriously interferes with the School's normal educational function, or that injures or endangers the welfare of any member of the School or its affiliate community. Such violations include, but are not limited to, violation of state or federal drug laws, commission of or attempt or threat to commit rape, murder, felonious assault, arson, domestic or dating violence, sexual assault, stalking, or any other felonious crime against person or property. Any violation results in an arrest; the School must be notified within 24 hours.
22. Unprofessional conduct, or any conduct or action that could bring dishonor or discredit on MTSA or would reflect unfavorably on its reputation as a Christian institution
23. The use of any illegal drug.
24. The use of addicting drugs and/or alcohol, which would impair judgment or function, including those prescribed by a physician, since mental alertness is crucial during the provision of anesthesia. Students participating in clinical rotations must submit a current copy of any prescription to the Clinical Support Coordinator of any medications they are using which may impair judgment or function. If this prescription is changed or modified, the Clinical Support Coordinator needs to be notified. Additionally, whenever specimen samples are collected for drug testing, the student must notify the collection personnel of any medications in use currently. Student anesthetists administer narcotics daily and must not be lax in signing out drugs, administering them properly, or properly disposing of unused portions. If circumstantial evidence renders students suspect of drug abuse, they may be asked to have urine, blood, or hair analyses to document their non-use of drugs. MTSA reserves the right, and students should expect, that a routine or random analysis for drugs may be requested at any time and without prior notice, to rule out substance abuse.

25. Reporting for duty at any hospital or for any class or professional meeting while under the influence of drugs, alcohol, or ANY mood-altering substance;
26. Unlawful manufacture, possession, use, influence or distribution of illegal drugs and alcohol
27. No student should start or initiate a general or regional anesthetic without proper supervision of a licensed anesthesia personnel.
28. Refusing to follow the COVID campus guidelines/contract utilizing the Ascend platform.

	<p style="text-align: center;">Middle Tennessee School of Anesthesia</p> <p style="text-align: center;"><i>Practice Doctorate Handbook</i></p> <p style="text-align: center;"><b>Practice Doctorate Program Student Drug Testing</b></p>	<p>Policy #: <u>5.4.109</u></p> <p>Date: <u>2016</u></p> <p>Reviewed: <u>12/20/16, 5/15/18</u></p> <p>Revised: <u>12/20/16, 5/15/18,</u> <u>1/17/2023, 2/28/2023, 6/2023,</u> <u>9/2023, 12/11/2023 BOT approved</u></p>
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MTSA is a faith-based organization concerned with the health and wellbeing of our employees & students. One of our goals is to provide a safe and drug-free institution of learning as well as protect the health and welfare of patients that may be treated by MTSA students during clinical rotations. All students will undergo drug screening during their tenure at MTSA.

MTSA contracts with an outside company that maintains sites nationwide to perform chain of custody drug screening. MTSA financially supports mandatory drug screening.

1. **Mandatory Initial Drug Screening:** All students will be required to have a drug screening prior to performing clinical duties. MTSA pays for this testing.
2. **Mandatory Random Selection Drug Screening:** While enrolled at MTSA, each semester a student(s) will be selected to participate in a random drug screening. The choice of student is randomly selected using an internet based random selection process generated by a computer program. Students will be required to have their test completed within 24 hours of notification. Clinical coordinators may be notified to allow students time to go to the closest testing site. MTSA pays for this testing.
3. **For Cause Drug Screening:** MTSA reserves the right to request for cause drug screening at any time. This screening must be completed within 24 hours of request. Any of the following will result in a required drug screen - receipt of a "red card" in clinical, erratic student behavior in classroom/simulation, behavior outbursts, calling out at clinical without a physician visit for illness, or other incidents. MTSA pays for this testing.
4. **Confirmational Drug Screening (Hair Test):** A hair test drug screen will be conducted following any failed medical review. This test will be at the student's own expense.

If a student is unable to complete their drug screening within 24 hours or provide urine, additional testing may be performed at the student's added expense. Any test that results in a "non- negative" will require follow up. Any additional retesting will be at the student's expense.

Students may not begin or be allowed to continue clinical following a "non-negative" test result. The report will be sent to the Program Administrator for intervention and/or possible disciplinary actions. A student may resume clinical assignment after fulfilling any requirements set forth by the Program Administrator, and student submits a test sample for which a negative ("clear") result is received.





Middle Tennessee School of Anesthesia  
*Administrative Manual, Faculty Handbook Student  
Handbook*

***Academic Policies Policy***

Policy #: 3.3.114

Date: 8/2018

Reviewed: 8/6/2018,

2/2021

Revised: 8/6/2018,

2/2021, 5/2021 BOT

approved

MTSA publishes, implements, and disseminates academic policies that adhere to principles of good educational practice and that accurately represent the programs and services of the institution. Educational policies appear in MTSA publications including the student handbooks and Faculty Handbook. These handbooks are available to their constituents through handbooks either the MTSA website, MTSA's internal ShareFile network, or in print, upon request. The handbooks are reviewed and updated annually to ensure accurate information is disseminated.

# APPENDIX C

## EDGAR Part 86-Drug-Free Schools and Campuses

### PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

#### PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

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###### Sec.

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Authority: 20 U.S.C. 1145g, 3224a.

## PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

### Subpart A--General

#### Sec. 86.1 What is the purpose of the Drug-Free Schools and Campuses Regulations?

The purpose of the Drug-Free Schools and Campuses Regulations is to implement section 22 of the Drug-Free Schools and Communities Act Amendments of 1989, which adds section 1213 to the Higher Education Act and section 5145 to the Drug-Free Schools and Communities Act. These amendments require that, as a condition of receiving funds or any other form of financial assistance under any Federal program, an institution of higher education (IHE), State educational agency (SEA), or local educational agency (LEA) must certify that it has adopted and implemented a drug prevention program as described in this part.

(Authority: 20 U.S.C. 1145g, 3224a).

#### Sec. 86.2 What Federal programs are covered by this part?

The Federal programs covered by this part include—

(a) All programs administered by the Department of Education under which an IHE, SEA, or LEA may receive funds or any other form of Federal financial assistance; and

(b) All programs administered by any other Federal agency under which an IHE, SEA, or LEA may receive funds or any other form of Federal financial assistance.

(Authority: 20 U.S.C. 1145g, 3224a)

#### Sec. 86.3 What actions shall an IHE, SEA, or LEA take to comply with the requirements of this part?

(a) An IHE, SEA, or LEA shall adopt and implement a drug prevention program as described in Sec. 86.100 for IHEs, and Secs. 86.200 and 86.201 for SEAs and LEAs, to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on school premises or as part of any of its activities.

(b) An IHE, SEA, or LEA shall provide a written certification that it has adopted and implemented the drug prevention program described in Sec. 86.100 for IHEs, and Secs. 86.200 and 86.201 for SEAs and LEAs.

(Authority: 20 U.S.C. 1145g, 3224a)

(Approved by the Office of Management and Budget under control number 1880-0522)

#### Sec. 86.4 What are the procedures for submitting a drug prevention program certification?

(a) *IHE drug prevention program certification.* An IHE shall submit to the Secretary the drug prevention program certification required by Sec. 86.3(b).

(b) *SEA drug prevention program certification.* An SEA shall submit to the Secretary the drug prevention program certification required by Sec. 86.3(b).

(c) *LEA drug prevention program.*

(1) The SEA shall develop a drug prevention program certification form and a schedule for submission of the certification by each LEA within its jurisdiction.

(2) An LEA shall submit to the SEA the drug prevention program certification required by Sec. 86.3(b).

(3)(i) The SEA shall provide to the Secretary a list of LEAs that have not submitted drug prevention program certifications and certify that all other LEAs in the State have submitted drug prevention program certifications to the SEA.

(ii) The SEA shall submit updates to the Secretary so that the list of LEAs described in paragraph (c)(3)(i) of this section is accurate at all times.

(Authority: 20 U.S.C. 1145g, 3224a)

(Approved by the Office of Management and Budget under control number 1880-0522)

#### Sec. 86.5 What are the consequences if an IHE, SEA, or LEA fails to submit a drug prevention program certification?

(a) An IHE, SEA, or LEA that fails to submit a drug prevention program certification is not eligible to receive funds or any other form of financial assistance under any Federal program.

(b) The effect of loss of eligibility to receive funds or any other form of Federal financial assistance is determined by the statute and regulations governing the Federal programs under which an IHE, SEA, or LEA receives or desires to receive assistance.

(Authority: 20 U.S.C. 1145g, 3224a)

#### Sec. 86.6 When must an IHE, SEA, or LEA submit a drug prevention program certification?

(a) After October 1, 1990, except as provided in paragraph (b) of this section, an IHE, SEA, or LEA is not eligible to receive funds or any other form of financial assistance under any Federal program until the IHE, SEA, or LEA has submitted a drug prevention program certification.

(b)(1) The Secretary may allow an IHE, SEA, or LEA until not later than April 1, 1991, to submit the drug prevention program certification, only if the IHE, SEA, or LEA establishes that it has a need, other than administrative convenience, for more time to adopt and implement its drug prevention program.

(2) An IHE, SEA, or LEA that wants to receive an extension of time to submit its drug prevention program certification shall submit a written justification to the Secretary that--

## PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

(i) Describes each part of its drug prevention program, whether in effect or planned;

(ii) Provides a schedule to complete and implement its drug prevention program; and

(iii) Explains why it has a need, other than administrative convenience, for more time to adopt and implement its drug prevention program.

(3)(i) An IHE or SEA shall submit a request for an extension to the Secretary.

(ii)(A) An LEA shall submit any request for an extension to the SEA.

(B) The SEA shall transmit any such request for an extension to the Secretary.

(C) The SEA may include with the LEA's request a recommendation as to whether the Secretary should approve it.

(Authority: 20 U.S.C. 1145g, 3224a)

(Approved by the Office of Management and Budget under control number 1880-0522)

### Sec. 86.7 What definitions apply to this part?

(a) *Definitions in the Drug-Free Schools and Communities Act.* The following terms used in this part are defined in the Act:

Drug abuse education and prevention  
Illicit drug use

(b) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR part 77:

Department  
EDGAR  
Local educational agency  
Secretary  
State educational agency.

(c) *Other definitions.* The following terms used in this part are defined as follows:

Compliance agreement means an agreement between the Secretary and an IHE, SEA, or LEA that is not in full compliance with its drug prevention program certification. The agreement specifies the steps the IHE, SEA, or LEA will take to comply fully with its drug prevention program certification, and provides a schedule for the accomplishment of those steps. A compliance agreement does not excuse or remedy past violations of this part.

Institution of higher education means—

(1) An institution of higher education, as defined in 34 CFR 600.4;

(2) A proprietary institution of higher education, as defined in 34 CFR 600.5;

(3) A postsecondary vocational institution, as defined in 34 CFR 600.6; and

(4) A vocational school, as defined in 34 CFR 600.7.

(Authority: 20 U.S.C. 1145g, 3224a)

### Subpart B--Institutions of Higher Education

#### Sec. 86.100 What must the IHE's drug prevention program include?

The IHE's drug prevention program must, at a minimum, include the following:

(a) The annual distribution in writing to each employee, and to each student who is taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study, of—

(1) Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;

(2) A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;

(3) A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

(4) A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and

(5) A clear statement that the IHE will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required by paragraph (a)(1) of this section. For the purpose of this section, a disciplinary sanction may include the completion of an appropriate rehabilitation program.

(b) A biennial review by the IHE of its program to—

(1) Determine its effectiveness and implement changes to the program if they are needed; and

(2) Ensure that the disciplinary sanctions described in paragraph (a)(6) of this section are consistently enforced.

(Authority: 20 U.S.C. 1145g)

(Approved by the Office of Management and Budget under control number 1880-0522)

## PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

### **Sec. 86.101 What review of IHE drug prevention programs does the Secretary conduct?**

The Secretary annually reviews a representative sample of IHE drug prevention programs.

(Authority: 20 U.S.C. 1145g)

### **Sec. 86.102 What is required of an IHE that the Secretary selects for annual review?**

If the Secretary selects an IHE for review under Sec. 86.101, the IHE shall provide the Secretary access to personnel, records, documents and any other necessary information requested by the Secretary to review the IHE's adoption and implementation of its drug prevention program.

(Authority: 20 U.S.C. 1145g)

(Approved by the Office of Management and Budget under control number 1880-0522)

### **Sec. 86.103 What records and information must an IHE make available to the Secretary and the public concerning its drug prevention program?**

(a) Each IHE that provides the drug prevention program certification required by Sec. 86.3(b) shall, upon request, make available to the Secretary and the public a copy of each item required by Sec. 86.100(a) as well as the results of the biennial review required by Sec. 86.100(b).

(b)(1) An IHE shall retain the following records for three years after the fiscal year in which the record was created:

(i) The items described in paragraph (a) of this section.

(ii) Any other records reasonably related to the IHE's compliance with the drug prevention program certification.

(2) If any litigation, claim, negotiation, audit, review, or other action involving the records has been started before expiration of the three-year period, the IHE shall retain the records until completion of the action and resolution of all issues that arise from it, or until the end of the regular three-year period, whichever is later.

(Authority: 20 U.S.C. 1145g)

(Approved by the Office of Management and Budget under control number 1880-0552)

## **Subpart C--State and Local Educational Agencies**

### **Sec. 86.200 What must the SEA's and LEA's drug prevention program for students include?**

The SEA's and LEA's program for all students must, at a minimum, include the following:

(a) Age-appropriate, developmentally based drug and alcohol education and prevention programs (which address the legal, social, and health consequences of drug and alcohol use and which provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol) for all students in all grades of the schools operated or served by the SEA or LEA, from early childhood level through grade 12.

(b) A statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful.

(c) Standards of conduct that are applicable to students in all the SEA's and LEA's schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as part of any of its activities.

(d) A clear statement that disciplinary sanctions (consistent with local, State, and Federal law), up to and including expulsion and referral for prosecution, will be imposed on students who violate the standards of conduct required by paragraph (c) of this section and a description of those sanctions. For the purpose of this section, a disciplinary sanction may include the completion of an appropriate rehabilitation program.

(e) Information about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to students.

(f) A requirement that all parents and students be given a copy of the standards of conduct required by paragraph (c) of this section and the statement of disciplinary sanctions described in paragraph (d) of this section.

(g) Notification to parents and students that compliance with the standards of conduct required by paragraph (c) of this section is mandatory.

(h) A biennial review by the SEA or LEA of its program to—

(1) Determine its effectiveness and implement changes to the program if they are needed; and

(2) Ensure that the disciplinary sanctions described in paragraph (d) of this section are consistently enforced.

(Authority: 20 U.S.C. 3224a)

(Approved by the Office of Management and Budget under control number 1880-0522)

### **Sec. 86.201 What must the SEA's and LEA's drug prevention program for employees include?**

The SEA's and LEA's program for all employees must, at a minimum, include the following:

## PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

(a) Standards of conduct applicable to employees that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as part of any of its activities.

(b) A clear statement that disciplinary sanctions (consistent with local, State, and Federal law) up to and including termination of employment and referral for prosecution, will be imposed on employees who violate the standards of conduct required by paragraph (a) of this section and a description of those sanctions. For the purpose of this section, a disciplinary sanction may include the completion of an appropriate rehabilitation program.

(c) Information about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to employees.

(d) A requirement that employees be given a copy of the standards of conduct required by paragraph (a) of this section and the statement of disciplinary sanctions described in paragraph (b) of this section.

(e) Notification to employees that compliance with the standards of conduct required by paragraph (a) of this section is mandatory.

(f) A biennial review of the SEA and LEA of its program to—

(1) Determine its effectiveness and implement changes to the program if they are needed; and

(2) Ensure that the disciplinary sanctions described in paragraph (b) of this section are consistently enforced.

(Authority: 20 U.S.C. 3224a)

(Approved by the Office of Management and Budget under control number 1880-0522)

### **Sec. 86.202 What review of SEA and LEA drug prevention programs is required under this subpart?**

(a)(1) An SEA shall annually review a representative sample of LEA programs.

(2) If an SEA finds, as a result of its annual review, that an LEA has failed to implement its program or consistently enforce its disciplinary sanctions, the SEA shall submit that information, along with the findings of its review, to the Secretary within thirty (30) days after completion of the review.

(b) The Secretary may annually select a representative sample of SEA programs for review.

(Authority: 20 U.S.C. 3224a)

(Approved by the Office of Management and Budget under control number 1880-0522)

### **Sec. 86.203 What is required of an SEA or LEA that is selected for review?**

(a) If the Secretary selects an SEA for review under Sec. 86.202(b), the SEA shall provide the Secretary access to personnel, records, documents, and any other information necessary to review the adoption and implementation of its drug prevention program.

(b) If the SEA selects an LEA for review under Sec. 86.202(a), the LEA shall provide the SEA access to personnel, records, documents, and any other information necessary to review the adoption and implementation of its drug prevention program.

(Authority: 20 U.S.C. 3224a)

### **Sec. 86.204 What records and information must an SEA or LEA make available to the Secretary and the public concerning its drug prevention program?**

(a)(1) Each SEA that provides the drug prevention program certification shall, upon request, make available to the Secretary and the public full information about the elements of its drug prevention program, including the results of its biennial review required by Secs. 86.200(h) and 86.201(F).

(2) The SEA that provides the drug prevention program certification shall provide the Secretary access to personnel, records, documents, and any other information related to the SEA's compliance with the certification.

(b)(1) Each LEA that provides the drug prevention program certification shall, upon request, make available to the Secretary, the SEA, and the public full information about the elements of its program, including the results of its biennial review required by Secs. 86.200(h) and 86.201(f).

(2) The LEA that provides the drug prevention program certification shall provide the Secretary access to personnel, records, documents, and any other information related to the LEA's compliance with the certification.

(c)(1) Each SEA or LEA shall retain the following records for three years after the fiscal year in which the record was created:

(i) The items described in paragraphs (a) and (b) of this section.

(ii) Any other records related to the SEA's or LEA's compliance with the certification.

(2) If any litigation, claim, negotiation, audit, review, or other action involving the records has been started before expiration of the three-year period, the SEA or LEA shall retain the records until completion of the action and resolution of all issues that arise from it, or until the end of the regular three-year period, whichever is later.

(Approved by the Office of Management and Budget under control number 1880-0522)

(Authority: 20 U.S.C. 3224a)

## PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

### Subpart D--Responses and Sanctions Issued or Imposed by the Secretary for violations by an IHE, SEA, or LEA

#### Sec. 86.300 What constitutes a violation of this part by an IHE, SEA, or LEA?

An IHE, SEA, or LEA violates this part by—

(a) Receiving any form of Federal financial assistance after becoming ineligible to receive that assistance because of failure to submit a certification in accordance with Sec. 86.3(b); or

(b) Violating its certification. Violation of a certification includes failure of an IHE, SEA, or LEA to—

(1) Adopt or implement its drug prevention program; or

(2) Consistently enforce its disciplinary sanctions for violations by students and employees of the standards of conduct adopted by an IHE under Sec. 86.100(a)(1) or by an SEA or LEA under Secs. 86.200(c) and 86.201(a).

(Authority: 20 U.S.C. 1145g, 3224a)

#### Sec. 86.301 What actions may the Secretary take if an IHE, SEA, or LEA violates this part?

(a) If an IHE, SEA, or LEA violates its certification, the Secretary may issue a response to the IHE, SEA, or LEA. A response may include, but is not limited to—

(1) Provision of information and technical assistance; and

(2) Formulation of a compliance agreement designed to bring the IHE, SEA, or LEA into full compliance with this part as soon as feasible.

(b) If an IHE, SEA, or LEA receives any form of Federal financial assistance without having submitted a certification or violates its certification, the Secretary may impose one or more sanctions on the IHE, SEA, or LEA, including—

(1) Repayment of any or all forms of Federal financial assistance received by the IHE, SEA, or LEA when it was in violation of this part; and

(2) The termination of any or all forms of Federal financial assistance that—

(i)(A) Except as specified in paragraph (b)(2)(ii) of this section, ends an IHE's, SEA's, or LEA's eligibility to receive any or all forms of Federal financial assistance. The Secretary specifies which forms of Federal financial assistance would be affected; and

(B) Prohibits an IHE, SEA, or LEA from making any new obligations against Federal funds; and

(ii) For purposes of an IHE's participation in the student financial assistance programs authorized by title IV of the Higher Education Act of 1965 as amended, has the same effect as a termination under 34 CFR 668.94.

(Authority: 20 U.S.C. 1145g, 3224a)

#### Sec. 86.302 What are the procedures used by the Secretary for providing information or technical assistance?

(a) The Secretary provides information or technical assistance to an IHE, SEA, or LEA in writing, through site visits, or by other means.

(b) The IHE, SEA, or LEA shall inform the Secretary of any corrective action it has taken within a period specified by the Secretary.

(Authority: 20 U.S.C. 1145g, 3224a)

#### Sec. 86.303 What are the procedures used by the Secretary for issuing a response other than the formulation of a compliance agreement or the provision of information or technical assistance?

(a) If the Secretary intends to issue a response other than the formulation of a compliance agreement or the provision of information or technical assistance, the Secretary notifies the IHE, SEA, or LEA in writing of—

(1) The Secretary's determination that there are grounds to issue a response other than the formulation of a compliance agreement or providing information or technical assistance; and

(2) The response the Secretary intends to issue.

(b) An IHE, SEA, or LEA may submit written comments to the Secretary on the determination under paragraph (a)(1) of this section and the intended response under paragraph (a)(2) of this section within 30 days after the date the IHE, SEA, or LEA receives the notification of the Secretary's intent to issue a response.

(c) Based on the initial notification and the written comments of the IHE, SEA, or LEA, the Secretary makes a final determination and, if appropriate, issues a final response.

(d) The IHE, SEA, or LEA shall inform the Secretary of the corrective action it has taken in order to comply with the terms of the Secretary's response within a period specified by the Secretary.

(e) If an IHE, SEA, or LEA does not comply with the terms of a response issued by the Secretary, the Secretary may issue an additional response or impose a sanction on the IHE, SEA, or LEA in accordance with the procedures in Sec. 86.304.

(Authority: 20 U.S.C. 1145g, 3224a)

## PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

### **Sec. 86.304 What are the procedures used by the Secretary to demand repayment of Federal financial assistance or terminate an IHE's, SEA's, or LEA's eligibility for any or all forms of Federal financial assistance?**

(a) A designated Department official begins a proceeding for repayment of Federal financial assistance or termination, or both, of an IHE's, SEA's, or LEA's eligibility for any or all forms of Federal financial assistance by sending the IHE, SEA, or LEA a notice by certified mail with return receipt requested. This notice—

(1) Informs the IHE, SEA, or LEA of the Secretary's intent to demand repayment of Federal financial assistance or to terminate, describes the consequences of that action, and identifies the alleged violations that constitute the basis for the action;

(2) Specifies, as appropriate—

(i) The amount of Federal financial assistance that must be repaid and the date by which the IHE, SEA, or LEA must repay the funds; and

(ii) The proposed effective date of the termination, which must be at least 30 days after the date of receipt of the notice of intent, and

(3) Informs the IHE, SEA, or LEA that the repayment of Federal financial assistance will not be required or that the termination will not be effective on the date specified in the notice if the designated Department official receives, within a 30-day period beginning on the date the IHE, SEA, or LEA receives the notice of intent described in this paragraph—

(i) Written material indicating why the repayment of Federal financial assistance or termination should not take place; or

(ii) A request for a hearing that contains a concise statement of disputed issues of law and fact, the IHE's, SEA's, or LEA's position with respect to these issues, and, if appropriate, a description of which Federal financial assistance the IHE, SEA, or LEA contends need not be repaid.

(b) If the IHE, SEA, or LEA does not request a hearing but submits written material—

(1) The IHE, SEA, or LEA receives no additional opportunity to request or receive a hearing; and

(2) The designated Department official, after considering the written material, notifies the IHE, SEA, or LEA in writing whether—

(i) Any or all of the Federal financial assistance must be repaid; or

(ii) The proposed termination is dismissed or imposed as of a specified date.

(Authority: 20 U.S.C. 1145g, 3224a)

### **Subpart E--Appeal Procedures**

#### **Sec. 86.400 What is the scope of this subpart?**

(a) The procedures in this subpart are the exclusive procedures governing appeals of decisions by a designated Department official to demand the repayment of Federal financial assistance or terminate the eligibility of an IHE, SEA, or LEA to receive some or all forms of Federal financial assistance for violations of this part.

(b) An Administrative Law Judge (ALJ) hears appeals under this subpart.

(Authority: 20 U.S.C. 1145g, 3224a)

#### **Sec. 86.401 What are the authority and responsibility of the ALJ?**

(a) The ALJ regulates the course of the proceeding and conduct of the parties during the hearing and takes all steps necessary to conduct a fair and impartial proceeding.

(b) The ALJ is not authorized to issue subpoenas.

(c) The ALJ takes whatever measures are appropriate to expedite the proceeding. These measures may include, but are not limited to—

(1) Scheduling of conferences;

(2) Setting time limits for hearings and submission of written documents; and

(3) Terminating the hearing and issuing a decision against a party if that party does not meet those time limits.

(d) The scope of the ALJ's review is limited to determining whether—

(1) The IHE, SEA, or LEA received any form of Federal financial assistance after becoming ineligible to receive that assistance because of failure to submit a certification; or

(2) The IHE, SEA, or LEA violated its certification.

(Authority: 20 U.S.C. 1145g, 3224a)

#### **Sec. 86.402 Who may be a party in a hearing under this subpart?**

(a) Only the designated Department official and the IHE, SEA, or LEA that is the subject of the proposed termination or recovery of Federal financial assistance may be parties in a hearing under this subpart.

(b) Except as provided in this subpart, no person or organization other than a party may participate in a hearing under this subpart.

(Authority: 20 U.S.C. 1145g, 3224a)



## PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

### Sec. 86.403 May a party be represented by counsel?

A party may be represented by counsel.

(Authority: 20 U.S.C. 1145g, 3224a)

### Sec. 86.404 How may a party communicate with an ALJ?

(a) A party may not communicate with an ALJ on any fact at issue in the case or on any matter relevant to the merits of the case unless the other party is given notice and an opportunity to participate.

(b)(1) To obtain an order or ruling from an ALJ, a party shall make a motion to the ALJ.

(2) Except for a request for an extension of time, a motion must be made in writing unless the parties appear in person or participate in a conference telephone call. The ALJ may require a party to reduce an oral motion to writing.

(3) If a party files a written motion, the party shall do so in accordance with Sec. 86.405.

(4) Except for a request for an extension of time, the ALJ may not grant a party's written motion without the consent of the other party unless the other party has had at least 21 days from the date of service of the motion to respond. However, the ALJ may deny a motion without awaiting a response.

(5) The date of service of a motion is determined by the standards for determining a filing date in Sec. 86.405(d).

(Authority: 20 U.S.C. 1145g, 3224a)

### Sec. 86.405 What are the requirements for filing written submissions?

(a) Any written submission under this subpart must be filed by hand-delivery or by mail through the U.S. Postal Service.

(b) If a party files a brief or other document, the party shall serve a copy of the filed material on the other party on the filing date by hand-delivery or by mail.

(c) Any written submission must be accompanied by a statement certifying the date that the filed material was filed and served on the other party.

(d)(1) The filing date for a written submission is either—

(i) The date of hand-delivery; or

(ii) The date of mailing.

(2) If a scheduled filing date falls on a Saturday, Sunday, or Federal holiday, the filing deadline is the next Federal business day.

(Authority: 20 U.S.C. 1145g, 3224a)

### Sec. 86.406 What must the ALJ do if the parties enter settlement negotiations?

(a) If the parties to a case file a joint motion requesting a stay of the proceedings for settlement negotiations or for the parties to obtain approval of a settlement agreement, the ALJ grants the stay.

(b) The following are not admissible in any proceeding under this part:

(1) Evidence of conduct during settlement negotiations.

(2) Statements made during settlement negotiations.

(3) Terms of settlement offers.

(c) The parties may not disclose the contents of settlement negotiations to the ALJ. If the parties enter into a settlement and file a joint motion to dismiss the case, the ALJ grants the motion.

(Authority: 20 U.S.C. 1145g, 3224a)

### Sec. 86.407 What are the procedures for scheduling a hearing?

(a) If the IHE, SEA, or LEA requests a hearing by the time specified in Sec. 86.403(a)(3), the designated Department official sets the date and the place.

(b)(1) The date is at least 15 days after the designated Department official receives the request and no later than 45 days after the request for hearing is received by the Department.

(2) On the motion of either or both parties, the ALJ may extend the period before the hearing is scheduled beyond the 45 days specified in paragraph (b)(1) of this section.

(c) No termination takes effect until after a hearing is held and a decision is issued by the Department.

(d) With the approval of the ALJ and the consent of the designated Department official and the IHE, SEA, or LEA, any time schedule specified in this section may be shortened.

(Authority: 20 U.S.C. 1145g, 3224a)

## PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

### Sec. 86.408 What are the procedures for conducting a pre-hearing conference?

(a)(1) A pre-hearing conference may be convened by the ALJ if the ALJ thinks that such a conference would be useful, or if requested by—

- (i) The designated Department official; or
- (ii) The IHE, SEA, or LEA.

(2) The purpose of a pre-hearing conference is to allow the parties to settle, narrow, or clarify the dispute.

(b) A pre-hearing conference may consist of--

- (1) A conference telephone call;
- (2) An informal meeting; or

(3) The submission and exchange of written material.

(Authority: 20 U.S.C. 1145g, 3224a)

### Sec. 86.409 What are the procedures for conducting a hearing on the record?

(a) A hearing on the record is an orderly presentation of arguments and evidence conducted by an ALJ.

(b) An ALJ conducts the hearing entirely on the basis of briefs and other written submissions unless—

(1) The ALJ determines, after reviewing all appropriate submissions, that an evidentiary hearing is needed to resolve a material factual issue in dispute; or

(2) The ALJ determines, after reviewing all appropriate submissions, that oral argument is needed to clarify the issues in the case.

(c) The hearing process may be expedited as agreed by the ALJ, the designated Department official, and the IHE, SEA, or LEA. Procedures to expedite may include, but are not limited to, the following:

(1) A restriction on the number or length of submissions.

(2) The conduct of the hearing by telephone conference call.

(3) A review limited to the written record.

(4) A certification by the parties to facts and legal authorities not in dispute.

(d)(1) The formal rules of evidence and procedures applicable to proceedings in a court of law are not applicable.

(2) The designated Department official has the burden of persuasion in any proceeding under this subpart.

(3)(i) The parties may agree to exchange relevant documents and information.

(ii) The ALJ may not order discovery, as provided for under the Federal Rules of Civil Procedure, or any other exchange between the parties of documents or information.

(4) The ALJ accepts only evidence that is relevant and material to the proceeding and is not unduly repetitious.

(e) The ALJ makes a transcribed record of any evidentiary hearing or oral argument that is held, and makes the record available to—

(1) The designated Department official; and

(2) The IHE, SEA, or LEA on its request and upon payment of a fee comparable to that prescribed under the Department of Education Freedom of Information Act regulations (34 CFR part 5).

(Authority: 20 U.S.C. 1145g, 3224a)

### Sec. 86.410 What are the procedures for issuance of a decision?

(a)(1) The ALJ issues a written decision to the IHE, SEA, or LEA, the designated Department official, and the Secretary by certified mail, return receipt requested, within 30 days after—

(i) The last brief is filed;

(ii) The last day of the hearing if one is held; or

(iii) The date on which the ALJ terminates the hearing in accordance with Sec. 86.401(c)(3).

(2) The ALJ's decision states whether the violation or violations contained in the Secretary's notification occurred, and articulates the reasons for the ALJ's finding.

(3) The ALJ bases findings of fact only on evidence in the hearing record and on matters given judicial notice.

(b)(1) The ALJ's decision is the final decision of the agency. However, the Secretary reviews the decision on request of either party, and may review the decision on his or her own initiative.

(2) If the Secretary decides to review the decision on his or her own initiative, the Secretary informs the parties of his or her intention to review by written notice sent within 15 days of the Secretary's receipt of the ALJ's decision.

## PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

(c)(1) Either party may request review by the Secretary by submitting a brief or written material to the Secretary within 20 days of the party's receipt of the ALJ's decision. The submission must explain why the decision of the ALJ should be modified, reversed, or remanded. The other party shall respond within 20 days of receipt of the brief or written materials filed by the opposing party.

(2) Neither party may introduce new evidence on review.

(d) The decision of the ALJ ordering the repayment of Federal financial assistance or terminating the eligibility of an IHE, SEA, or LEA does not take effect pending the Secretary's review.

(e)(1) The Secretary reviews the ALJ's decision considering only evidence introduced into the record.

(2) The Secretary's decision may affirm, modify, reverse or remand the ALJ's decision and includes a statement of reasons for the decision.

(Authority: 20 U.S.C. 1145g, 3224a)

### **Sec. 86.411 What are the procedures for requesting reinstatement of eligibility?**

(a)(1) An IHE, SEA, or LEA whose eligibility to receive any or all forms of Federal financial assistance has been terminated may file with the Department a request for reinstatement as an eligible entity no earlier than 18 months after the effective date of the termination.

(2) In order to be reinstated, the IHE, SEA, or LEA must demonstrate that it has corrected the violation or violations on which the termination was based and that it has met any repayment obligation imposed upon it under Sec. 86.301(b)(1) of this part.

(b) In addition to the requirements of paragraph (a) of this section, the IHE, SEA, or LEA shall comply with the requirements and procedures for reinstatement of eligibility applicable to any Federal program under which it desires to receive Federal financial assistance.

(Authority: 20 U.S.C. 1145g, 3224a)

### **Appendix A**

Note: This appendix will not be codified in the Code of Federal Regulations.

This appendix contains a description of Federal trafficking (i.e., distribution) penalties for substances covered by the Controlled Substances Act (21 U.S.C. 811), and is taken from a Department of Justice publication entitled *Drugs of Abuse* (1989 Edition). Persons interested in acquiring the entire publication or in obtaining subsequent editions in the future should contact the Superintendent of Documents, Washington, DC 20402. This appendix also contains a description prepared by the Department of Justice of Federal penalties and sanctions for illegal possession of a controlled substance. Legal sanctions for the unlawful possession or distribution of alcohol are found

primarily in State statutes.

The Department of Education is providing this information as an example of the minimum level of information that IHEs may provide to their students and employees in order to comply with the requirements in Sec. 86.100(a)(2) of these regulations relating to the distribution to students and employees of a description of the applicable legal sanctions under Federal law for the unlawful possession or distribution of illicit drugs and alcohol. The Secretary considers this description as meeting the requirements of the regulations, but IHEs are not precluded from distributing additional or more detailed information. In future years, IHEs should distribute the most current editions of these documents that are available.

**APPENDIX D**  
**Excerpts from Program Participation Agreement (PPA)**  
**(Expires 9/30/2027)**

***2a. Drug-Free Workplace (Grantees Other Than Individuals)***

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 C.F.R. Part 84, Subpart B, for grantees, as defined at 34 C.F.R. Part 84, Sections 84.200 through 84.230 - The Institution certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a drug-free workplace statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness program to inform employees about-
  - (1) The dangers of drug abuse in the workplace;
  - (2) The Institution's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -
  - (1) Abide by the terms of the statement, and
  - (2) Notify the employer in writing if he or she is convicted for a violation of a criminal drug statute occurring in the workplace no more than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under this subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted -
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1972, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

### ***2b. Drug-Free Workplace (Grantees Who Are Individuals)***

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 C.F.R. Part 84, Subpart C, for recipients who are individuals, as defined at 34 C.F.R. Part 84, Section 84.300 -

1. As a condition of the grant, the Institution certifies that it will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity related to the award; and
2. If any officer or owner of the Institution is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity, the Institution will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202. Notice shall include the identification number(s) of each affected grant.

### ***3. Debarment, Suspension, and Other Responsibility Matters***

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 C.F.R. Part 85, for prospective participants in primary covered transactions as defined at 34 C.F.R. Part 85, Sections 85.105 and 85.110, the Institution certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects their present responsibility.
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

#### ***4. Drug and Alcohol Abuse Prevention***

As required by the Drug-Free Schools and Communities Act Amendments of 1989, which added section 1213 to the Higher Education Act, and implemented at 34 C.F.R. Part 86, the undersigned Institution certifies that it has adopted and implemented a drug prevention program for its students and employees that, at a minimum, includes—

1. The annual distribution in writing to each employee, and to each student who is taking one or more classes for any kind of academic credit except for continuing education units, regardless of the length of the student's program of study, of:
  - Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.
  - A description of the applicable legal sanctions under local, State or Federal law for the unlawful possession or distribution of illicit drugs and alcohol.
  - A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
  - A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.
  - A clear statement that the Institution will impose disciplinary sanctions on students and employees (consistent with local, State and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violation of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.
2. A biennial review by the Institution of its program to:
  - Determine its effectiveness and implement changes to the program if they are needed.
  - Ensure that its disciplinary sanctions are consistently enforced.

## APPENDIX E

### Sources

The following sources and policies were reviewed by the task force to assemble the report.

U.S. Department of Education, Complying with the Drug-Free Schools, and Campuses  
<https://safesupportivelearning.ed.gov/sites/default/files/hec/product/dfscr.pdf>

Higher Education Opportunity Act | Consumer Information disclosures within the Act  
<https://www2.ed.gov/policy/highered/leg/hea08/index.html>

Drug Free Workplace Act of 1988  
<https://www.law.cornell.edu/uscode/text/41/8102>

The Resurgence of the Drug-Free Schools and Communities Act: A Call to Action  
<https://info.stanleycss.com/rs/692-VCY-483/images/Resurgence-of-the-Drug-Free-Schools.pdf?alid=eyJpIjoidWFKQjhLNjM5UU81S2kzbCIsInQiOiI0ZUVLYnBtaXlDXC9sQ1dnclRDMUxOQT09In0%253D>

EDGAR Part 86-Drug-Free Schools and Campuses  
<https://www.ndscs.edu/sites/default/files/2019-07/PDF/drug-free-schools.pdf>

[Excerpt from the MTSA Program Participation Agreement, Appendix D \(expires 9/30/27\).](#)