



Drug and Alcohol Abuse Prevention Policy

1. Policy Statement

GIA strives to maintain a drug-free environment for its students and employees. In accordance with federal and state requirements, GIA has developed and enforces this Drug and Alcohol Abuse Prevention Policy (“Policy”) which outlines the dangers of alcohol and drug abuse, establishes prohibition of drug use/manufacturing/distribution on GIA’s premises and/or as a part of GIA’s activities, and states the consequences of any violation of this Policy. GIA has a related policy for its employees that is outlined in the Employee Handbook and may be found on GIA’s Corporate Policies SharePoint site.

Each student receives a copy of this Policy upon admission. Additionally, this Policy is distributed annually to all students located at GIA’s U.S. locations.

GIA prohibits the unlawful use, sale, purchase, transfer, manufacture, distribution, or possession of illegal drugs, controlled substances, or alcohol on GIA premises, while using GIA vehicles or equipment, while performing GIA business, or at GIA-sponsored events.

Reporting to school under the influence of alcohol, or drugs taken outside the direction of a licensed physician, and using alcohol or such drugs on GIA premises, poses serious safety and health risks. These risks extend beyond the user to all who work or come into contact with the user.

Violation of this Policy will result in disciplinary action up to, and including, student dismissal. In addition to GIA imposed sanctions, students may be subject to federal, state, and local fines and/or prosecution. In cases involving potential criminal conduct, GIA will determine in its sole discretion whether the appropriate law enforcement or other authorities will be notified.

GIA recognizes that dependency on alcohol and other drugs may be a potential medical condition and offers support and services for students and employees with substance dependency problems. This support includes a directory of alcohol and drug abuse treatment facilities and their location and contact information.

This Policy implements the Drug Free Schools and Communities Act (20 U.S.C. 1145g), the Drug Free Workplace Act (41 U.S.C. 701) and applies to all students at GIA’s U.S. locations.

2. Student Standards of Conduct

2.1. GIA insists on an alcohol and drug-free environment and prohibits the unlawful use, sale, purchase, transfer, distribution, or possession of illegal drugs, controlled substances, or alcohol on GIA premises, at GIA sponsored events or activities, while using GIA vehicles or equipment, or while acting on behalf of GIA. Reporting to campus under the influence of alcohol, drugs or any substance that impairs a student’s mental or physical capacity is a violation of this Policy. In addition, GIA may discipline its students for off-campus activities that include the illegal use of alcohol or drugs. As a condition of acceptance, students agree to reasonable suspicion (also referred to as “for-cause”) drug testing throughout their attendance as set forth in this Policy. Students or any person in the school community who

are aware of the use or existence of any such substances at GIA should notify a staff member immediately.

- 2.2. Notwithstanding recent changes to state laws, this Policy prohibition includes all forms of marijuana used for any purpose. Marijuana remains illegal under federal law, and use of medical or recreational marijuana is not an exception to this Policy. Any student using physician-prescribed medication or other medication that may impair performance in the classroom is encouraged to inform his or her instructor.
- 2.3. Alcoholic beverages are prohibited at any GIA location. It is unlawful to sell, furnish or give away alcohol to a person under the age of 21. The possession of alcohol by anyone less than 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this Policy for anyone under the age of 21 to possess or consume alcohol in any area of GIA.
- 2.4. A violation of this Policy will be handled according to GIA's disciplinary sanctions rules and may result in the imposition of sanctions up to and including dismissal from GIA.

3. Institutional Disciplinary Procedures and Sanctions

- 3.1. Procedures: GIA will pursue appropriate disciplinary procedures whenever a student violates or is suspected of violating this Policy. When GIA becomes aware that a student has or may have violated this Policy, the office of the dean of students or school director will immediately commence an investigation. Such investigation may include appropriate drug and/or alcohol testing in accordance with this Policy. The dean of students or the school director will hold a hearing at which the student will be afforded the opportunity to be heard.
- 3.2. Sanctions: As a result of the investigation and hearing, GIA at its sole discretion may impose one or more of the following sanctions, depending upon factors that include the nature and severity of the offense:
 - Verbal warning/advisement
 - Written warning/advisement
 - Immediate screening test
 - Referral to an approved rehabilitation/counseling agency
 - Referral for prosecution
 - Dismissal

Except in certain situations, students will not be dismissed for voluntarily seeking assistance for a substance abuse problem. However, repeated incidents or continued performance, attendance or behavior problems may result in dismissal. Students who fail or refuse to submit to a drug or alcohol test may be subject to disciplinary action, up to and including dismissal, from GIA.



3.4. Appeal of Dismissal Sanction: A student who is dismissed from GIA as a result of the investigation and hearing process may file an appeal with the dean of students or the school director on or before the end of the fifth day after the date of the decision. The grounds for an appeal must be based on:

3.4.1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.);

3.4.2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction with a summary of this new evidence and its potential impact; or

3.4.3. The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the student.

The dean/director will consider the appeal and provide a final determination on or before five days of the date of appeal.

4. Reasonable Suspicion Drug Testing Protocols

4.1. As part of GIA's efforts to ensure safety and to promote an alcohol and drug free environment, reasonable suspicion drug or alcohol testing may be conducted when GIA has a reasonable suspicion of violation of this Policy.

4.2. In the absence of extraordinary circumstances, any student who tests positive, or admits to illegal drug or alcohol use, may be dismissed from school and/or be subject to additional sanctions as set out in this Policy.

4.3. Refusal to test or, in the case of urine testing, failure to produce a sample within the allotted time frame after being selected is considered the same as a positive test and may result in dismissal.

5. Federal and State Laws and Sanctions

5.1. Numerous federal, state and local statutes, ordinances and regulations deal with the manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol, and they impose legal sanctions for both felony and misdemeanor convictions for violations. Drugs considered to be controlled substances are listed in Schedules I through V of the Controlled Substance Act (29 U.S.C. 812) and are further defined by the regulations 21 CFR 1308.11 through 1308.15. Detailed information regarding these laws and regulations which may change over time, is available from the office of the dean of students or GIA's office of legal affairs.

5.1.1. Federal Sanctions

- https://www.dea.gov/pr/multimedialibrary/publications/drug_of_abuse.pdf#page=30

5.1.2. State Sanctions

- California
 - https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?ocCode=HSC&division=10.&title=&part=&chapter=&article
- New York
 - <http://www.nycourts.gov/judges/cji/2-PenalLaw/220/art220hp.shtml>

6. Loss of Federal Student Aid Eligibility

6.1. A federal or state drug conviction can disqualify a student for Federal Student Aid (“FSA”) funds. A conviction for any offense under any federal or state law involving the possession or sale of illegal drugs, during a period of enrollment when receiving federal aid, will result in the loss of eligibility for any Title IV, Higher Education Act (“HEA”) grant, loan, or work study assistance. A conviction that was reversed, set aside or removed from the student’s record does not count, nor does one received when he/she was a juvenile, unless he/she was tried as an adult. The chart below illustrates the period of ineligibility for FSA funds, depending on whether the conviction was for sale or possession, and whether the student had previous offenses. A conviction for sale of drugs includes convictions for conspiring to sell drugs. If the student was convicted of both possessing and selling illegal drugs, and the period of ineligibility are different, the student will be ineligible for the longer period.

Violation	Length of Time Disqualified for Title IV Funds		
	1 st Conviction	2 nd Conviction	3 rd Conviction
Possession	1 year	2 years	Permanent
Sales	2 years	Permanent	

6.2. A student regains eligibility the day after the period of ineligibility ends (i.e., for a 1st or 2nd offense); or when he or she successfully completes a qualified drug rehabilitation program that includes passing two unannounced drug tests given by such a program. Further drug convictions will make him or her ineligible again. Students denied eligibility for an indefinite period can regain eligibility after completing any of the following options:

- 6.2.1. Successfully completing a rehabilitation program, as described below, which includes passing two unannounced drug tests from such a program;
- 6.2.2. Having the conviction reversed, set aside, or removed from the student’s record so that fewer than two convictions for sale or three convictions for possession remain on the record; or

- 6.2.3. Successfully completing two unannounced drug tests which are part of a rehabilitation program (the student does not need to complete the rest of the program).
- 6.3. The nature and dates of the remaining convictions will determine when the student regains eligibility. It is the student's responsibility to certify to the institution that he or she has successfully completed the rehabilitation program. For additional information on these requirements call a federal representative at 1-800-433-3242.

7. Standards for a Qualified Drug Rehabilitation Program

- 7.1. A qualified drug rehabilitation program must include at least two unannounced drug tests and satisfy at least one of the following requirements:
 - 7.1.1. Be qualified to receive funds directly or indirectly from a federal, state, or local government program;
 - 7.1.2. Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company;
 - 7.1.3. Be administered or recognized by a federal, state, or local government agency or court; or
 - 7.1.4. Be administered or recognized by a federally or state-licensed hospital, health clinic or medical doctor.

8. Health Risks

- 8.1. The following is a summary of the various health risks associated with alcohol abuse and use of certain drugs, and is not intended to be an exhaustive or a final statement of all possible health consequences of substance abuse. Substance abuse has both long and short-term effects on the body and the mind. Alcohol and drugs may be toxic to the human body. In addition to toxicity, contaminant poisonings often occur with drug use. Acute or long-term health problems may include, but are not limited to, heart attack, stroke, and death. Long-lasting effects caused by drug and alcohol abuse can cause disruption of normal heart rhythm, high blood pressure, destruction of brain cells, possible memory loss, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver and pulmonary damage. Drug use during pregnancy may result in fetal damage and birth defects.
- 8.2. For a detailed list of drugs and their associated health effects:
https://www.dea.gov/pr/multimedia-library/publications/drug_of_abuse.pdf

9. Notification

- 9.1. Notification of the information contained in this Policy is distributed to all currently enrolled students each year via email and the learning management system. The Policy is also available on the Student Consumer Information page of the GIA website <https://www.gia.edu/student-consumer-information>. The annual notification will include the following:

- 9.1.1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees;
- 9.1.2. A list of applicable legal sanctions under federal state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol;
- 9.1.3. A description of the health risks associated with the abuse of alcohol or use of illicit drugs;
- 9.1.4. A list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to students; and
- 9.1.5. A clear statement that GIA will impose disciplinary sanctions on students for violations of the standards of conduct and a description of those sanctions, up to and including dismissal or referral for prosecution.

10. Student Assistance

- 10.1. Students who believe they have a chemical dependency or substance abuse problem and who want help can learn about many helpful resources from the office of the dean of student or the school director. GIA also offers LifeWorks, a comprehensive source to help with life's everyday challenges.
- 10.2. Drug awareness program, counseling, treatment and other related services are available on an ongoing basis through the following organizations¹:
 - U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration: 1-800-662-HELP (1-800-662-4357) <http://www.samhsa.gov>
 - California Department of Health Care Services: 1-800-879-2772 <http://www.dhcs.ca.gov/individuals/Pages/Findings-Help.aspx>
 - New York State Office of Alcoholism and Substance Abuse Services: 518-473-3460 <https://www.oasas.ny.gov/>
 - National Council on Alcoholism and Drug Dependence: 1-800-NCA-CALL (1-800-622-2255) <http://www.ncadd.org>
- 10.3. Students may not avoid disciplinary action, up to and including dismissal, by entering a rehabilitation program after a violation of this Policy is suspected or discovered.

¹ This directory is kept by GIA in compliance with the applicable regulation. GIA has no connection/relationship with those facilities; GIA does not endorse the effectiveness of the treatments employed by those facilities.

11. Biennial Review

- 11.1. Drug-Free Schools and Campuses Regulations require institutes of higher education to conduct a biennial review to determine program effectiveness, consistency of policy enforcement and to identify and implement any needed changes. The review is a written report conducted every two years that compiles information pertaining to “Measuring Enforcement Consistency” and “Measuring Policy Program Effectiveness”. The review identifies current prevention efforts and point to policy and program areas that need improvement as well as those that can continue unchanged.
- 11.2. The following contents will be included and reviewed in the biennial review report to ensure the objectives above are upheld:
 - Descriptions of the program elements
 - Statement of program goals and a discussion of goal achievement
 - Summaries of the program strengths and weaknesses
 - Procedures for distributing annual notification to students and employees
 - Copies of the policies distributed to students and employees
 - Recommendations for revising the program

12. Responsibility

- 12.1. Responsible Executive – Vice President and Chief Academic Officer
 - 12.1.1. Maintains accountability for the substance, implementation and compliance of this Policy.
 - 12.1.2. Oversees policy owner activities in the administration of this Policy.
- 12.2. Policy Owner – Dean of Students
 - 12.2.1. Has operational responsibility for the Policy and any related procedures, instructions and forms under the direction of the responsible executive.
- 12.3. Dean of Students, School Directors, Senior Manager of Admissions and Records, Instructors and
 - 12.3.1. Ensures all education employees who have student interaction, as well as all students are aware of this Policy and provides assistance, interpretation and application, and communicates the Institute’s expectation for compliance.
- 12.4. Students, Applicants and Education Employees
 - 12.4.1. Understand that this Policy applies to them and conduct themselves accordingly.

13. Definitions

- 13.1. Illegal drugs and controlled substances: Drugs considered to be controlled substances are listed in Schedules I through V of the Controlled Substance Act (29 U.S.C. 812) and are further defined by federal regulations 21 CFR 1308.15 through 1038.15. Copies of the law and its



implementing regulations are available for review from GIA’s legal affairs department and the office of the dean of students.

- 13.2. Prescription Drugs: Prescription medications that have not been properly prescribed by a doctor to the individual are included in this Policy. It includes prescription drugs not being used for prescribed purposes, in prescribed amounts, or by a person for whom it is prescribed.
- 13.3. Reasonable Suspicion: Reasonable suspicion means that GIA has a genuine reason to believe that a student is under the influence of drugs or alcohol that is based on facts, knowledge, and logic.

14. References and Related Documents

- 14.1. [Drug and Alcohol Abuse Prevention Policy \(Employee\)](#)
- 14.2. [GIA Education Catalog; Carlsbad](#)
- 14.3. [GIA Education Catalog; New York](#)
- 14.4. [GIA Employee Handbook](#)
- 14.5. [Student Code of Conduct](#)

15. Related Regulations

- 15.1. [Drug-free Workplace Act of 1988 \(Public Law 101-690\)](#)
- 15.2. [Drug-Free Schools and Communities Act of 1989 \(Public Law 101-226\)](#)
- 15.3. [34 CFR, Part 84 Government-Wide Requirements for Drug-Free Workplace](#)
- 15.4. [34 CFR, Part 86.100 Drug and Alcohol Abuse Prevention](#)
- 15.5. 34 CFR, Part 668, [Section 668.14\(c\)](#) and [Section 668.40](#)

16. Revision History

Revision Date	Description	Approved by
04/04/2018	Initial Release	President’s Policy Committee