5.3.4 Aviation Drug Testing Policy

Middle Georgia State University ("MGA") maintains a learning and teaching environment that is drug and alcohol free in accordance with applicable federal and Georgia law. Due to the inherently dangerous and safety-sensitive nature of School of Aviation ("SoA") programs, compliance with this Aviation Drug Testing Policy (the "Policy") is a condition of eligibility for participation in covered SoA programs and activities.

Program eligibility determinations under this Policy are safety and academic program eligibility decisions and are separate from disciplinary proceedings under the MGA Student Code of Conduct. Conduct underlying a determination under this Policy may also be addressed separately through the Student Conduct process.

Aviation students are prohibited from using, possessing, distributing, manufacturing, selling, or attempting to sell a Prohibited Substance, regardless of whether such conduct occurs on or off MGA property. Students also may not participate in any Safety-Sensitive Activity while impaired by alcohol, prescription or over-the-counter medication, or any other substance that impairs cognitive or psychomotor function.

1. **Definitions**

For purposes of this Policy:

- "Confirmed Positive Test" means a drug or alcohol test result confirmed by an MGA-approved testing provider in accordance with MGA-approved testing procedures and following completion of any applicable medical review.
- "Prohibited Substance" means a controlled substance or other drug whose use, possession, distribution, manufacture, or sale is prohibited by applicable federal law, Georgia law, or MGA policy, including prescription medication used by someone other than the person for whom it was prescribed or otherwise misused.
- "Refusal to Test" includes refusing to appear for or submit to a required test, failing to cooperate with the testing process, or other conduct designated as a refusal under MGA's applicable testing procedures.
- "Safety-Sensitive Activity" means an SoA instructional, training, operational, maintenance, internship, or other activity in which impairment could reasonably create a health or safety risk, including aircraft operation, aircraft maintenance, air traffic management, and aircraft structural technology.
- "Test Tampering" means altering, substituting, adulterating, or attempting to alter, substitute, adulterate, or otherwise interfere with a specimen or the drug-testing process.

2. Student Testing Requirements

Before participating in any SoA class, program, or activity, each student must complete an initial drug screening. Thereafter, students are subject to random, reasonable suspicion, post-accident or post-incident (as applicable), and other testing authorized by this Policy or other MGA policy. All testing shall be conducted by an MGA-approved third-party provider in accordance with MGA-approved procedures governing specimen collection, chain of custody, testing and confirmation, medical review, and reporting.

A non-negative initial screening result alone does not constitute a Confirmed Positive Test. Before confirmation, the student shall be provided any applicable opportunity under MGA-approved testing procedures to identify a lawful prescription or other legitimate medical explanation for the result.

The lawful use of a prescription medication is not, by itself, a violation of this Policy. However, students remain responsible for complying with applicable safety requirements regarding medications or other substances that may impair their ability to safely participate in Aviation activities.

MGA will pay the cost of initial, random, reasonable suspicion, and post-accident or post-incident testing required by the University. A student shall be responsible for the cost of any testing required as a condition of re-entry following a period of program ineligibility.

3. Program Eligibility Consequences

a. General

A student who has a Confirmed Positive Test shall immediately become ineligible to participate in all SoA programs and Safety-Sensitive Activities. The period of ineligibility shall begin immediately upon the determination of a Confirmed Positive Test and shall continue for the remainder of the academic semester in which the determination is made and the entirety of the following academic semester. Program ineligibility under this Policy does not constitute suspension or expulsion from MGA.

Program ineligibility may require withdrawal from courses or other academic activities that the student cannot complete without participation in the SoA program or Safety-Sensitive Activities. Any resulting course withdrawal, grade, or other academic consequence shall be determined under applicable MGA academic policies and procedures.

Program ineligibility or resulting changes in enrollment may affect matters including financial aid eligibility, satisfactory academic progress, housing, veterans benefits, scholarships, or other student benefits or obligations. Students should consult the appropriate University office regarding the effect of any enrollment change on those matters.

The student may apply, but is not guaranteed, re-entry following completion of the applicable period of program ineligibility. Before re-entry, the student must pass a drug screening and satisfy any other written re-entry requirements established by the SoA.

After re-entry, a student who has a subsequent Confirmed Positive Test shall be permanently ineligible to participate in all SoA programs and Safety-Sensitive Activities covered by this Policy. Permanent program ineligibility does not constitute expulsion from MGA or preclude enrollment in another MGA program for which the student otherwise qualifies.

b. Interim Safety Restrictions

Pending confirmation and resolution of a test result or other alleged violation of this Policy, the SoA may temporarily restrict a student from flight, maintenance, air traffic management, structural technology, or other Safety-Sensitive Activities when reasonably necessary to protect health or safety. Any interim restriction shall be limited to the activities reasonably necessary to address the identified safety concern and shall remain in effect only while the underlying matter is being resolved.

c. Refusal to Test and Test Tampering

A Refusal to Test or Test Tampering constitutes a violation of this Policy and shall be treated as a Confirmed Positive Test for purposes of determining program eligibility consequences. A first Refusal to Test or instance of Test Tampering shall result in the same period of program ineligibility applicable to a first Confirmed Positive Test. Following re-entry, a subsequent Confirmed Positive Test, Refusal to Test, or instance of Test Tampering shall result in permanent program ineligibility from all SoA programs covered by this Policy.

4. Program Eligibility Determination and Appeal

The initial program eligibility determination shall be made by the student's applicable department chair or another SoA official designated by the Dean. The student shall receive written notice of the determination, including the basis for the determination, the period of ineligibility, and the student's right to appeal.

A student may appeal the determination within five (5) University business days of written notice. An appeal is limited to whether: (a) the test result or other factual basis was attributable to the student; (b) applicable testing and confirmation procedures were materially followed; (c) relevant medical or prescription information was properly considered; (d) the conduct or result falls within this Policy; or (e) the Policy was otherwise materially misapplied.

An appeal of a determination made by a department chair or other SoA official designated by the Dean shall be reviewed by the Dean of the School of Aviation. If the Dean personally makes the initial program eligibility determination, the appeal shall instead be reviewed by the Provost or the Provost's designee. The reviewer shall review the record and issue a written decision affirming, reversing, or remanding the eligibility determination. The reviewer's decision is final.

If the reviewer determines that this Policy was properly applied, the reviewer may not modify the program eligibility consequence established by this Policy.

5. Relationship to Student Conduct Process

A program eligibility determination under this Policy is separate from disciplinary proceedings under the MGA Student Code of Conduct. Underlying conduct may be separately referred to the Office of Student Conduct under applicable MGA and USG procedures. A determination in one process does not control the outcome of the other.

6. Student Drug Testing Agreement

Students shall sign the Agreement upon initial entry into a covered SoA program. A student is not required to execute a new Agreement each semester but must execute a new Agreement upon re-entry to the SoA after leaving the University or the SoA and subsequently returning. Failure to sign the Agreement will result in denial of admission to or continued participation in the applicable SoA program. The Agreement shall not establish requirements or consequences inconsistent with this Policy.

7. Aviation Faculty and Staff

Drug and alcohol testing of Aviation faculty and staff shall be governed by applicable Board of Regents, USG, MGA Human Resources, and other applicable employment policies and procedures. Nothing in this Policy supersedes those requirements.