

The complete set of regulations for the Drug and Alcohol Abuse Prevention provisions of the HEA may be found at [34 C.F.R. § 86.1](#) *et seq.* The excerpts highlighted below pertain to the biennial review.

## **Title 34: Education**

### **PART 86—DRUG AND ALCOHOL ABUSE PREVENTION**

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#### **§ 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)(5) of this section are consistently enforced.**

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#### **§ 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 §86.3(b) shall, upon request, make available to the Secretary and the public a copy of each item required by §86.100(a) as well as the results of the biennial review required by §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.