



COMPLYING WITH THE DRUG-FREE SCHOOLS AND CAMPUSES REGULATIONS

[EDGAR Part 86]

A Guide for University
and College Administrators



for Alcohol and Other Drug Abuse
and Violence Prevention

Complying With the Drug-Free Schools and Campuses Regulations

[EDGAR Part 86]

A Guide for University and College Administrators

Revised by Beth DeRicco, Ph.D., CPP-R

A publication of the Higher Education Center for
Alcohol and Other Drug Abuse and Violence Prevention

Funded by the U.S. Department of Education

This publication was funded by the Office of Safe and Drug-Free Schools at the U.S. Department of Education under contract number ED-04-CO-0137 with Education Development Center, Inc. The contracting officer's representative was Richard Lucey, Jr. The content of this publication does not necessarily reflect the views or policies of the U.S. Department of Education, nor does the mention of trade names, commercial products or organizations imply endorsement by the U.S. government. This publication also contains hyperlinks and URLs for information created and maintained by private organizations. This information is provided for the reader's convenience. The U.S. Department of Education is not responsible for controlling or guaranteeing the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of information or a hyperlink or URL does not reflect the importance of the organization, nor is it intended to endorse any views expressed, or products or services offered.

U.S. Department of Education

Margaret Spellings
Secretary

Office of Safe and Drug-Free Schools

Deborah A. Price
Assistant Deputy Secretary

First printed March 1997
Reprinted July 2006

This publication is in the public domain. Authorization to reproduce it in whole or in part is granted. While permission to reprint this publication is not necessary, the citation should be: U.S. Department of Education, Office of Safe and Drug-Free Schools, Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention, *Complying With the Drug-Free Schools and Campuses Regulations [EDGAR Part 86]: A Guide for University and College Administrators*, Washington, D.C., 2006.

To order copies of this publication, write to:

The Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention

Education Development Center, Inc.
55 Chapel Street
Newton, MA 02458-1060

1-800-676-1730; TDD Relay-Friendly, Dial 711
Fax: 617-928-1537
HigherEdCtr@edc.org

This publication is also available on the following Web site:
U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention at www.higheredcenter.org

Layout by Hemali Patel, Creative Services, EDC

Contents

- Acknowledgments** iv
- Purpose of the Guide** 1
- Executive Summary** 3
- CHAPTER 1. Introduction** 5
 - Certification Requirements 5
 - Requirement to Comply With the Drug-Free Schools and Campuses Regulations 6
 - Other Legal Requirements 6
- CHAPTER 2. Annual Notification** 7
 - Distribution of the Annual Notification 9
 - Distribution to Students 9
 - Distribution to Employees 10
- CHAPTER 3. The Biennial Review** 13
 - Content and Format 13
 - Reviewing the AOD Prevention Program 14
 - Preparing the Biennial Review and Report 15
 - Contents of the Biennial Review Report 15
 - Measuring Enforcement Consistency 19
 - Measuring Policy and Program Effectiveness 19
 - Illustrations From Selected Biennial Reviews 22
- Notes** 25
- Resources** 29
- Appendices** 31
 - Appendix 1: EDGAR Part 86 Contents and Subparts A—General, B, and D 32
 - Appendix 2: Part 86 Compliance Checklist 42
 - Appendix 3: Federal Trafficking Penalties 45
 - Appendix 4: University of Georgia: Policy on Alcohol and Other Drugs 46
 - Appendix 5: Strategic Objectives and Tactics Focused on Environmental Change 47
 - Appendix 6: Supplemental Checklist 50

Acknowledgments

We wish to thank the individuals listed below for reviewing draft manuscripts of this publication. We appreciate the comments they provided to help us assure that this publication has a solid scientific foundation and contains clear messages. To the extent that we achieved that goal, the credit is theirs. To the extent we did not, the fault is ours.

Julie Barnes, University of Northern Iowa
Diane Berty, Austin Peay State University, Tennessee
Heather Dunn Carlton, California State University, Sacramento
Deb Walker, Northern State University, South Dakota

This version of *Complying With the Drug-Free Schools and Campuses Regulations [EDGAR Part 86]: A Guide for University and College Administrators* is a revision by Beth DeRicco of the earlier version that was prepared in 1997 by T. Pittayathikhun, R. Ku, D. Rigby, M. Mattsson, and W. DeJong.

Purpose of the Guide

This guide describes the requirements of the 1989 amendments to the *Drug-Free Schools and Communities Act* (DFSCA), as articulated in the *Education Department General Administrative Regulations* (EDGAR) Part 86,¹—the *Drug-Free Schools and Campuses Regulations**—and ways in which institutions of higher education (IHEs) have met these requirements. Part 86 pertains to “**Drug and Alcohol Abuse Prevention.**” This guide is designed to support personnel responsible for preventing the illegal use of alcohol and other drugs (AOD) on campus, especially staff designated as AOD prevention coordinators and those in student affairs, residential life, health services, and campus security. Senior administrators, including presidents, deans, and legal counsel, also may find this guide a valuable resource.

The purpose and goals of the DFSCA are not new ideas for the nation’s IHEs. Recognizing the serious effects of AOD abuse on the academic performance and, more generally, on the well-being of their students, many IHEs adopted prevention measures well before the passage of the *Drug-Free Schools and Communities Act*. In the years since compliance with Part 86 became mandatory,² IHEs have gained significant experience designing, developing, and implementing AOD prevention programs. An important aspect of the DFSCA is the requirement that campuses closely examine their prevention program on a biennial basis. The biennial review is designed to document an IHE’s prevention efforts. A review that looks at the scope and effectiveness of a campus prevention program is critical to creating a comprehensive effort and complying with the regulations. Complying with the spirit and not just the letter of the law supports IHEs in their AOD prevention efforts and provides significant benefits and opportunities for the entire institution and its students.

An important aspect of the DFSCA is the requirement that campuses closely examine their prevention program on a biennial basis.

Additionally, the 2002 report by the National Institute on Alcohol Abuse and Alcoholism (NIAAA), *A Call to Action: Changing the Culture of Drinking at U.S. Colleges*,³ and the 2003 report by the Institute of Medicine (IOM), *Reducing Underage Drinking: A Collective Responsibility*,⁴ indicate that compliance with Part 86 will increase the likelihood of success in reducing consequences of heavy episodic and illegal alcohol use. These reports are an important complement to this publication and are especially useful for conducting a biennial review. Reflecting on the NIAAA and IOM reports will help campuses identify gaps in their evidence-based practices and assist in making recommendations for future programmatic efforts—a necessary part of every biennial review.

Complying with the spirit and not just the letter of the law supports IHEs in their AOD prevention efforts and provides significant benefits and opportunities for the entire institution and its students.

* These regulations can be reviewed in the *Federal Register*, Vol. 55, No. 159, Aug. 16, 1990, pp. 33580–33601, or online at www.ed.gov/policy/fund/reg/edgarReg/edlite-part86a.html.

This guide assists IHEs in improving their prevention programs by looking at the Part 86 requirements and how some IHEs have met them. The guide also is intended to help IHEs avoid overlooking any aspects of Part 86 requirements that might result in noncompliance. The introductory chapter presents the certification requirements IHEs must meet under the regulations and notes the consequences of failure to comply; it also provides information on meeting legal requirements not covered under Part 86 regulations. The subsequent chapters address the two general requirements of the Part 86 regulations. Chapter 2 outlines the requirements of the written annual notification and describes several formats that IHEs have used to present information required under the regulations to their students. Chapter 3 discusses the preparation of biennial reviews and provides excerpts from reports of several IHEs.

**This guide assists IHEs in
improving their prevention
programs by looking at the Part
86 requirements and how some
IHEs have met them.**

Executive Summary

The Drug-Free Schools and Campuses Regulations (EDGAR Part 86) lay out several requirements with which all IHEs receiving any form of federal funding must comply, one of which is a biennial review. The regulations' structure and format provide enough flexibility that a campus can tailor its biennial review and report to suit the particular circumstances of the campus and provide a springboard for a thorough review, evaluation, and adaptation of its AOD prevention program.

Regulation Requirements

AOD Prevention Program. IHEs receiving federal funds or financial assistance must develop and implement a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The program must include annual notification of the following: standards of conduct; a description of sanctions for violating federal, state, and local law and campus policy; a description of health risks associated with AOD use; a description of treatment options; and a biennial review of the program's effectiveness and the consistency of the enforcement of sanctions.

Certification. For certain forms of federal funding or assistance, IHEs must certify that they have an AOD prevention program; the certification is included commonly in the "Representations and Certifications" section of an application or proposal.

Requirement to Comply. IHEs must provide a copy of their biennial report to the U.S. Department of Education or its representative on request. The Secretary or his/her designee may review the report and supporting documentation as necessary and, where an IHE is

noncompliant, may take action ranging from providing technical assistance to help the campus come into compliance to terminating all forms of federal financial assistance.

Other Legal Obligations. IHEs also may be subject to related requirements under state and federal law and judicial rulings. IHEs should seek advice on this point from the institution's general counsel or other relevant national resources.

Annual Notification

To comply with the Part 86 regulations, IHEs must notify all students and employees annually of certain information. The notification must include the following: (1) standards of conduct; (2) possible legal sanctions and penalties; (3) statements of the health risks associated with AOD abuse; (4) the IHE's AOD programs available to students, staff, and faculty; and (5) disciplinary sanctions for violations of the standards of conduct. IHEs must make the notification in writing and in a manner that ensures all students and employees receive it.

Biennial Review

Content of Review. To comply with the regulations, every two years an IHE must conduct a review of its AOD program to determine effectiveness and the consistency of sanction enforcement, in order to identify and implement any necessary changes. The Department of Education recommends that IHEs conduct the biennial review in even-numbered years and focus their report on the two preceding academic years.

Format of Report. The regulations do not specify how IHEs must conduct their reviews or how they should structure their reports. IHEs therefore have leeway to conduct their reviews in ways that best meet the needs and circumstances of their campuses.

Many campuses that have conducted successful and productive biennial reviews have included program inventories, policy inventories, and enforcement analyses. Their reports have included supporting documentation for each of these categories, such as descriptions or copies of the programs and policies, procedures for annual notifications, and descriptions of and supporting documentation for the means of assessing program effectiveness and enforcement consistency. Campuses often call together a broad-based task force or committee to conduct this review.

CHAPTER 1

Introduction

Certification Requirements

The Part 86 regulations 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)⁵ must certify that it has adopted and implemented a program “to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees”⁶ both on the institution’s premises and as part of any of its activities, in order to comply with the Drug-Free Schools and Campuses Regulations (EDGAR Part 86.100, Subpart B). When applying for federal assistance, IHEs certify to the existence of such programs, typically as part of a standard grant or contract application under the provisions referred to as “Reps and Certs” (Representations and Certifications).

Additionally, Subpart B 86.103 indicates that IHEs must retain all records related to DFSCA compliance for three years (see “EDGAR Part 86 Contents and Subparts A—General, B, and D” in appendix 1).

Creating a program that complies with the regulations requires an IHE to do the following:

1. Annually notify each employee and student, in writing, of standards of conduct; a description of appropriate sanctions for violation of federal, state, and local law and campus policy; a description of health risks associated with AOD use; and a description of available treatment programs.
2. Develop a sound method for distributing annual notification information to every student and staff member each year.

3. Prepare a biennial report on the effectiveness of its AOD programs and the consistency of sanction enforcement.

A checklist adapted from the DFSCA regulations designed to help IHEs determine their compliance with Part 86 appears in appendix 2.

The Drug-Free Schools and Campuses Regulations establish a set of minimum requirements for campus substance use programs.⁷ Colleges and universities may have additional obligations under state law. Also important may be recent court decisions in lawsuits brought against IHEs by college and university students and employees⁸ and the way in which these decisions might affect prevention programs and policies. Consultation with an attorney knowledgeable in this area is highly recommended. Additional resources may be provided by the Council on Law in Higher Education and the National Association of College and University Attorneys.

When applying for federal assistance, IHEs certify to the existence of such programs, typically as part of a standard grant or contract application under the provisions referred to as “Reps and Certs” (Representations and Certifications).

Requirement to Comply With the Drug-Free Schools and Campuses Regulations

According to the Part 86 regulations, if an IHE fails to submit the necessary certification when requested to do so or violates its certification, the Secretary of Education may terminate all forms of financial assistance, whether from the Department of Education or other federal agencies, and may require repayment of such assistance, including individual students' federal grants, such as Pell grants.⁹ The Department of Education also may arrange to provide technical assistance toward the development of a plan and agreement that brings the IHE into full compliance as soon as is feasible.¹⁰

The possibility of loss of federal funding exists in the provision that "[t]he Secretary annually reviews a representative sample of IHE drug prevention programs."¹¹ If the Secretary of Education selects an IHE for review, the IHE shall provide the Secretary access to personnel records, documents, and any other necessary information requested for this review.¹²

Other Legal Requirements

Some campus administrators mistakenly believe that Part 86 alone is what defines their legal responsibilities in AOD prevention. In fact, Part 86 presents only one aspect of the legal landscape. Equally important are recent judicial rulings in negligence suits against colleges and universities. A number of court rulings have made clear that, while colleges and universities cannot be expected to control student conduct, they must ensure that their activities, offerings, and programs meet minimum standards of care, and they must take steps to deal with dangerous situations on campus. In short, colleges and universities have the same responsibilities as other property owners. Meeting these requirements means having clear rules and a standard of firm and consistent enforcement. Stetson College law professors

Bickel and Lake have written a thorough examination of case law related to AOD issues in their book *The Rights and Responsibilities of the Modern University*.¹³

A number of court rulings have made clear that, while colleges and universities cannot be expected to control student conduct, they must ensure that their activities, offerings, and programs meet minimum standards of care, and they must take steps to deal with dangerous situations on campus.

CHAPTER 2

Annual Notification

The *Drug-Free Schools and Communities Act* and the U.S. Department of Education's supporting regulations require that IHEs adopt and implement programs "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" (EDGAR Part 86 Subpart A 86.3). The regulations contain specific recommendations for the content of an IHE's written notification and specify the items that the annual notification to students and employees must comprise.¹⁴

The regulations contain specific recommendations for the content of an IHE's written notification and specify the items that the annual notification to students and employees must comprise.

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 prosecution¹⁵

IHEs have fulfilled the annual notification requirements in a number of different ways, depending on their campus environment, available resources, and creativity. Many campuses incorporate the annual notification items into a campus AOD policy and distribute that policy as per the requirements. Each of the requirements is discussed in the section that follows.

Many campuses incorporate the annual notification items into a campus AOD policy and distribute that policy as per the requirements.

1. Standards of Conduct

Standards of conduct are broad statements that govern the behavior of students, staff, and faculty as members of the IHE community. Standards may range from statements that simply prohibit illegal activities related to alcohol and other drugs or they may reflect more specific expectations established by the IHE.

According to EDGAR Subpart B 86.100, the standards of conduct should apply to all students who are registered at an IHE for at least one course for any type of credit, except for continuing education units. Students who hold part-time jobs within the institution are covered by both student and employee policies. At some campuses, students working as employees are covered while on duty under the employee policy; otherwise, they are covered under the student policy.

An IHE's standards of conduct also apply to all on-campus activities and to off-campus activities that are considered to be sponsored by the institution, such as officially sanctioned field trips.¹⁶

The standards of conduct also have been interpreted to apply to student-sponsored social activities or professional meetings attended by employees, if these activities or meetings are considered IHE-sponsored activities. If a fraternity or sorority is recognized by an IHE, then its activities may be considered to be activities of the IHE and may be covered by its standards of conduct, even if the fraternity or sorority is located off campus.¹⁷

2. Legal Sanctions

Appendix 3 of this guide contains a description of federal penalties and sanctions for illegal trafficking and possession of a controlled substance (the description appears in appendix A of the *Federal Register* announcement of the Drug-Free Schools and Campuses Regulations). This represents the minimum level of information about federal laws that IHEs must provide to students and employees in order to comply with the regulations.

IHEs also must include in their policies a copy or summary of the relevant sections of their state penal codes and local ordinances dealing with illegal substances, including sanctions for policy violations. An AOD policy should stipulate that a student or employee who violates the AOD policy is subject both to the institution's sanctions and to criminal sanctions provided by federal, state, and local law.

The regulations do not require any particular approach for including this information in an IHE's policy. Many IHEs use a chart to present a summary of federal, state, and local laws and sanctions. Others use a combination of styles as may be effective for their campus audiences.

An AOD policy should stipulate that a student or employee who violates the AOD policy is subject both to the institution's sanctions and to criminal sanctions provided by federal, state, and local law.

3. Health Risks

The regulations also require campuses, as part of their prevention programs, to distribute information about the health risks associated with alcohol abuse and illicit drug use (EDGAR Subpart B 86.100). IHEs should focus on sharing information about substances covered by the *Controlled Substances Act* (21 U.S.C. 811). A publication such as the U.S. Department of Justice's *Drugs of Abuse*¹⁸ can be used to guide campus personnel in disseminating information about health risks associated with AOD use.

Some policy statements summarize health risks in the form of a chart. Some campuses have used a chart that shows, for each prohibited class of substances (narcotics, depressants, stimulants, hallucinogens, cannabis, alcohol, and tobacco), the following:

- The risk of dependence
- Possible short-term effects
- Possible long-term effects
- The effects of overdose

Other campuses may include the health risks portion of their policy as a descriptive paragraph and a chart.

The University of Georgia describes the health risks of alcohol in a clear, easy-to-read format. The narrative uses nontechnical language to describe the effects and possible risks of using alcohol (see appendix 4).

4. Drug and Alcohol Programs

Part 86 requires, at a minimum, that IHEs include in their annual notification a description of alcohol and other drug programs (prevention, counseling, treatment, rehabilitation, and re-entry) available to students, staff, and faculty.¹⁹

5. Disciplinary Sanctions

The regulations further require that the written annual notification include a description of the range of disciplinary sanctions an IHE may impose if the standards of conduct are violated, plus an explicit statement that these sanctions will be imposed.²⁰ It should be noted that disciplinary sanctions that apply to faculty and staff may differ from one another depending on the terms set forth in union contracts.

Responsibility for the enforcement of standards of conduct is not mentioned explicitly in EDGAR Part 86, but it is clear from the regulations that IHE administrators are responsible for enforcing the standards of conduct set forth in policy guidelines and other documents and that they should do so consistently.²¹ In most cases, this responsibility is shared among campus police or security personnel, health providers, college or student affairs staff, faculty, and students (especially where there is a student honor code).

It is important to remember that a student disciplinary committee or other judicial body at the IHE does not have the sole responsibility for imposing sanctions for violations of the institution's policy on alcohol and other drugs. Depending on the particular campus, the housing office, academic departments, athletics program, and other departments also can impose sanctions against students who violate their specific AOD policies.

Disciplinary sanctions that apply to faculty and staff may differ from one another depending on the terms set forth in union contracts.

Distribution of the Annual Notification

Part 86 requires that each IHE distribute its AOD annual notification in writing.²² Many campuses incorporate the items required for annual notification into a policy document. If new students enroll or new employees are hired after the annual distribution date, these students and employees also must receive the materials.

Concerning the obligation of IHEs to provide each student and employee with a copy of the IHE's annual notification, the Department of Education has stated that merely making the materials available to those who wish to take them does not satisfy the requirements of the regulations, as that does not ensure distribution to every student and employee. The IHE must describe what it does to ensure distribution to all students and employees in order to establish compliance with the regulations.

Although many IHEs found it difficult at first to distribute the policy to every student, faculty, and staff member each year, with experience they have found more cost-efficient methods for producing and distributing their policies and for encouraging students, faculty, and staff to read them. One successful technique used with students has been to include the policy in materials that the institution already distributes and to which students often refer, such as registration materials, academic calendars, or class schedules. Some IHEs have established distribution systems in which students and employees must sign a statement attesting to their having received the materials, but that is not expressly required by the regulations.

Distribution to Students

The U.S. mail system is a popular method for ensuring distribution to all students. According to the regulations, if an IHE uses mailing as a means of distribution and

the mailing to a particular student is returned, the IHE should use the method it normally would to locate and deliver a mailing to a particular student under those circumstances.

Lower-cost options for student distribution also can meet the requirement, such as distributing the written annual notification in required classes and during orientation and advising sessions; including it in the registration packet each student receives; enclosing it with invoices for student financial accounts; or incorporating it into other materials (e.g., yearly calendar, schedule of classes, student handbook).

IHEs increasingly explore electronic mail (e-mail) as another option when all students, faculty, and staff have access to IHE e-mail accounts. The Department of Education has not developed official policy on allowing electronic dissemination in fulfillment of the requirement that IHEs must distribute their AOD annual notification in writing. That is not to say that colleges and universities cannot use electronic dissemination, however; if they choose to do so, they must ensure they can provide reasonable assurance to the Department (if audited) that this method of dissemination ensures distribution to all students and employees. Several campuses have found that a combination of distribution techniques works best.

While the regulations do not place an affirmative duty on IHEs to ensure that employees read the materials, in keeping with the spirit of the regulations, institutions should take steps to encourage employees to read the policies (see sidebar “Strategies for Engaging the Attention of Students and Employees” on p. 11).

The Department of Education has not developed official policy on allowing electronic dissemination in fulfillment of the requirement that IHEs must distribute their AOD annual notification in writing. That is not to say that colleges and universities cannot use electronic dissemination, however; if they choose to do so, they must ensure they can provide reasonable assurance to the Department (if audited) that this method of dissemination ensures distribution to all students and employees.

Distribution to Employees

One way to distribute the annual notification to employees is to enclose it once a year with employees’ paychecks. Some IHEs enclose it with the annual W-2 form, which reaches every employee regardless of length of employment. Another option is to include the notification in annually distributed faculty and staff handbooks. Giving the written annual notification to employees only at the beginning of their employment does not meet the requirement that it be distributed annually.

Strategies for Engaging the Attention of Students and Employees

Create a Readable Policy. Policies that are written with an engaging (as opposed to a legalistic) style, use bulleted lists, and, if the budget allows, include appealing graphics are most likely to hold the interest of students and employees.

Distribute Policy Summaries. Some IHEs codify annual notification information in a campus AOD policy. One IHE, for example, distributes a three-page letter annually to students. The letter summarizes the AOD policy, which incorporates the annual DFSCA notification and refers students to the student handbook for complete information.

Incorporate the Policy Into Frequently Read Documents. Experienced administrators suggest that the policy has a better chance of being read if it is incorporated into other documents that are known to hold students' interest. Campuses have incorporated information into IHE-specific date books, calendars, and class schedules.

Distribute the Policy as Widely as Possible. Some of the ways in which campuses address wide distribution is through brochures; student, staff, and faculty handbooks and orientation materials; mass mailings; posters in academic and residential buildings; door hangers in residence halls; and flyers attached to parking permits. One campus printed their policy that incorporates annual notification requirements in the for-credit class schedule.

Provide Incentives for Reading the Policy. Some campuses employ a strategy to encourage students to read the annual notification that takes advantage of the campus class registration system. Annual notification information can be linked to telephone, online, and in-person registration. For example, before the registration process begins, students might be asked if they have read the university's annual notification on AOD use that was given to them with their other registration materials. If a student answers no, he or she is provided with an opportunity to review the information before registration can proceed. This approach provides a documented record of a student's affirmation of having received the annual notification statement and records the student's avowal of having read the material.

CHAPTER 3

The Biennial Review

The Drug-Free Schools and Campuses Regulations also require IHEs to conduct a biennial review of their AOD programs and policies to determine program effectiveness and consistency of policy enforcement and to identify and implement any changes needed to either. Ideally this review is a written report that compiles information required by the regulations.

The regulations do not specify a date by which the biennial review must be completed and on file—they simply require that a campus complete a review every two years. Since the regulations went into effect in an even-numbered year (1990), long practice has held that campuses conduct a biennial review by the end of each even-numbered calendar year. Following this tradition and to ensure the production of a useful biennial review in compliance with the DFSCA, good sense suggests that an IHE's biennial review be completed and on file by December 31 of each even-numbered year, and the report should cover the previous two academic years. For example, for the 2006 biennial review, the dates of coverage should include Sept. 1, 2004–Aug. 31, 2005, and Sept. 1, 2005–Aug. 31, 2006.

Since the regulations went into effect in an even-numbered year (1990), long practice has held that campuses conduct a biennial review by the end of each even-numbered calendar year.

Content and Format

The U.S. Department of Education's regulations (EDGAR Part 86.100 [b]) do not dictate what a biennial review should include, how it should be conducted, or the format in which it should be presented. Campuses are given latitude in preparing biennial review reports to accommodate varying campus types (i.e., public, private, two- and four-year) and cultures and to honor the uniqueness of each institution. Institutions have leeway, therefore, in structuring their biennial reviews to meet the needs and circumstances of their own campuses. The biennial review should be conducted in a way that meets the compliance guidelines set forth by the regulations, and campuses should think carefully about the way in which this process might benefit their prevention efforts. The format of the review should clearly reflect the compliance guidelines.

The required review has two objectives:

1. To determine the effectiveness of, and to implement any needed changes to, the AOD prevention program
2. To ensure that campuses enforce the disciplinary sanctions for violating standards of conduct consistently²³

Campuses are given latitude in preparing biennial review reports to accommodate varying campus types (i.e., public, private, two- and four-year) and cultures and to honor the uniqueness of each institution.

Although the regulations do not specify what information campuses must collect or how to conduct the reviews, the Department of Education does offer

examples of measures that can be used to determine effectiveness of the policy, and many IHEs have found that information they already collect can be used to meet these requirements (see “Measuring Enforcement Consistency” on p.19 and “Measuring Policy and Program Effectiveness” p.19).

IHEs produce a wide variety of acceptable biennial reviews. The most useful reviews identify current prevention efforts and point to policy and program areas that need improvement as well as those that can continue unchanged. Campuses may conduct an analysis of current programs and policies; this analysis helps to determine gaps in policies or programs and needed improvements and can be completed through an inventory or checklist.

The most useful reviews identify current prevention efforts and point to policy and program areas that need improvement as well as those that can continue unchanged.

Reviewing the AOD Prevention Program

The first step in preparing a biennial report is reviewing a campus’s AOD program. Reviewing prevention programs is a complex process and relies on the clear description of AOD-related problems, strategic interventions, and desired outcomes. While most prevention professionals assess program effectiveness globally by monitoring progress of their program’s logic model (the description of the logically linked programs and activities that will lead to the desired outcomes), a sound evaluation plan is critical to determining the evidence basis of programs and may require working with an evaluation specialist. The Department of Education’s Higher Education Center provides evaluation information on its Web site.²⁴

Reviewing prevention programs is a complex process and relies on the clear description of AOD-related problems, strategic interventions, and desired outcomes.

Program Inventory

To conduct a program inventory, IHEs should list all of the activities that compose their prevention program and identify the effectiveness of these efforts at meeting prevention goals and outcomes. It is unlikely that one single staff person implements all activities and policies related to AOD prevention, so conducting this inventory is best achieved through the work of a diverse representation of campus employees. Residential life, campus security, health, judicial, athletics, and other staff should be involved. NIAAA’s *A Call to Action: Changing the Culture of Drinking at U.S. Colleges*²⁵ and IOM’s *Reducing Underage Drinking: A Collective Responsibility*²⁶ provide helpful listings of effective prevention programs. In addition, the journal article “A Typology for Campus-Based Alcohol Prevention: Moving Toward Environmental Management Strategies”²⁷ indicates how to formulate a comprehensive prevention program and is an important resource for program review. Other resources that may assist in the development and review of a comprehensive prevention program, as well as help determine if current efforts are on track, can be found in the recommended standards for prevention programs developed by the following organizations: the Network Addressing Collegiate Alcohol and Other Drug Issues²⁸; the Council for the Advancement of Standards in Higher Education²⁹; and the American College Health Association³⁰ (see sidebar “Using Standards of Practice to Enhance Your Biennial Review” on p. 18).

Policy Inventory

To conduct a policy inventory, policies are identified and articulated in a list and then judged for effectiveness

and consistent enforcement. For example, one question to ask when judging for consistency would be: "Are all types of students (such as athletes, fraternity and sorority members, academically successful, first years through seniors) held to the same policy standards and sanctioned similarly for violations?" When judging policy for effectiveness, IHEs must look at their program goals and outcomes and identify whether or not the policy they have implemented is moving the IHE toward those goals and outcomes logically.

At the request of the Department of Education, the Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention conducted an analysis of a weighted random sample of campus biennial review reports in 1999. Among the reports reviewed, several (e.g., Pitzer College of Claremont, California, and the University of Missouri, Columbia) were deemed "model" biennial review reports. The five distinguishing characteristics of these two reports are as follows: (1) each included materials to complement the report; (2) each included information on evaluation of program effectiveness; (3) each detailed its goals and achievements; (4) each included recommendations for revising AOD programs and policies; and (5) each used a task force to complete the biennial review.

It is common practice for the biennial review to be conducted by the task force or committee that is responsible for reviewing AOD policies and programs.

Preparing the Biennial Review and Report

It is common practice for the biennial review to be conducted by the task force or committee that is responsible for reviewing AOD policies and programs. This task force should comprise a broad representation of campus constituents since all divisions and departments

have a stake in promoting the health and safety of the campus community. If a separate review panel is formed for the purpose of preparing the biennial report, that panel should ensure active involvement from representatives of several key departments and campus constituencies that have immediate knowledge of AOD-related problems and the programs and policies in place to address them.

The following groups most often conduct some policy enforcement activities; they are, therefore, frequently part of review panels: AOD prevention and education organizations, counseling services, campus law enforcement, student health services, personnel/human resources, student affairs offices, and residential life/housing offices. Many campuses include key student groups or student leaders in the discussion. The IHE president, if not personally involved, should have a representative at all meetings. The president should sign and approve the final report.

Many campuses collect information for the report on a continual basis, rather than waiting until just before the biennial due date. For example, some campus task forces meet at least quarterly and send notices to the personnel and security offices to request AOD-related information twice a year. Then, a month before members begin work on the biennial review, they solicit additional information from the student government, athletics department, and other offices pertinent to the prevention program.

Contents of the Biennial Review Report

Traditionally, biennial review reports have ranged from as few as 2 to almost 30 pages. In order to meet the first objective of the biennial review (determining program effectiveness and identifying and implementing needed changes) a campus should follow several steps. *The more thorough biennial reviews include the following features:*

- 1. Descriptions of the AOD program elements.** Prevention program elements are the particular activities implemented to achieve program goals and outcomes.

Program elements may refer to the tactics used, such as a campus task force or a campus and community coalition, as well as the elements relating to the five environmental strategies. The five environmental strategies are those areas of strategic intervention that affect the social, legal, economic, and physical environment in which decisions about alcohol use are made (see "Strategic Objectives and Tactics Focused on Environmental Change" in appendix 5). In this section of the review, prevention professionals may choose to list each of the individual and environmental strategies and the activities that they have implemented in each area. The supplemental checklist provided in appendix 6 is a tool for such a review.

2. Statement of AOD program goals and a discussion of goal achievement. Prevention program goals identify the intentions of programmatic efforts. Goals reflect the problem that an institution is seeking to address (e.g., heavy episodic alcohol use, primary or secondary consequences of alcohol use) and the outcomes it seeks to achieve. In listing program goals, prevention specialists reflect on all that they hope to achieve and list those items. This creates a blueprint for action. When describing program goals, prevention specialists may use a document such as the journal article "A Typology for Campus-Based Alcohol Prevention: Moving Toward Environmental Management Strategies"³¹ to ensure that all areas of a comprehensive prevention effort are discussed. An IHE may use program outcomes to measure whether program goals were achieved. "Outcomes" can be thought of as measurable statements of the increases in positive behavior and decreases in negative behavior that are expected when program goals are met.

3. Summaries of AOD program strengths and weaknesses. It is helpful to identify the program strengths that assist in achieving goals and reaching outcomes. Program strengths may be infrastructure supports such as presidential leadership, a reasonable budget for the intended efforts, and a campus and community coalition, among others. Program weaknesses are areas that have created challenges for prevention efforts or barriers to progress, such as a lack of data about the scope of the problem, a lack of allies, or a lack of leadership.

4. Procedures for distributing annual AOD notification to students and employees. Part 86 requires that the institution distribute its annual notification in writing to faculty, staff, and students. When describing the ways an IHE has distributed its annual notification to students and employees, those completing the biennial review should list not only the methods used but also any special considerations that were addressed to ensure that all faculty, staff, and students received policy information annually.

5. Copies of the policies distributed to students and employees. The DFSCA requires IHEs to distribute annual notification about their AOD policies to all students and employees. Prevention professionals should include a copy of all policies distributed when they complete the biennial review. In addition, it is a good idea for an IHE to review and revise its policies on a regular basis, reflecting current case law and changes in federal, state, and local laws, and to ensure that the policies are reasonable, comprehensive, and enforceable.

Goals reflect the problem that an institution is seeking to address (e.g., heavy episodic alcohol use, primary or secondary consequences of alcohol use) and the outcomes it seeks to achieve.

6. Recommendations for revising AOD programs. When reviewing prevention programs and recommending program revisions, it is critical to involve key campus and community colleagues in the process. After listing current program goals, activities, and outcomes and examining strengths and challenges, prevention professionals must look back at the campus and community and assess both the gaps in their programmatic efforts and the problems faced by students (e.g., heavy episodic alcohol use, primary

consequences that occur to the alcohol user as a result of his or her use, and secondary consequences that happen to others on campus as a result of the alcohol users' use) and the community (e.g., neighborhood complaints, vandalism, selling alcohol to those underage or intoxicated) and make recommendations for future efforts. Again, the NIAAA³² and IOM³³ reports and the journal article "A Typology for Campus-Based Alcohol Prevention: Moving Toward Environmental Management Strategies"³⁴ contain helpful recommendations for the future. In making recommendations for future prevention efforts, prevention specialists should emphasize increasing the use of evidence-based practice, addressing the most salient issues for their campus and community, and assessing the readiness level of their campus and community for a particular prevention intervention. According to law professor Peter Lake, "using the new NIAAA report's recommendations is a good way to defend a university's approach to high-risk alcohol culture."³⁵

In making recommendations for future prevention efforts, prevention specialists should emphasize increasing the use of evidence-based practice, addressing the most salient issues for their campus and community, and assessing the readiness level of their campus and community for a particular prevention intervention.

Using Standards of Practice to Enhance Your Biennial Review

Use of standards or guidelines promulgated by an external source can help in identifying the features of a comprehensive prevention program. The American College Health Association (ACHA), the Council for the Advancement of Standards in Higher Education (CAS), and the Network Addressing Collegiate Alcohol and Other Drug Issues all have standards for campus-based AOD prevention programs. Prevention professionals can use these standards as a helpful tool when completing the biennial review. Standards of practice articulated by these well-known professional organizations can be a guide for taking an inventory of prevention programs and identifying gaps in the development of a comprehensive prevention initiative; they also can act as a framework for prevention services.

ACHA, CAS, and Network standards have several commonalities. Each organization's set of standards suggests that prevention programs be comprehensive in nature, focusing on a continuum of services related to education, prevention, training and skill development, evaluation, referral, and treatment. Each focuses on both the individual (e.g., referral and treatment) and the environment (e.g., policy development, implementation, and enforcement), reflecting a holistic continuum-of-care model common to the public health approach. The standards also imply a certain set of skills for prevention professionals. In addition, each set of

standards encourages prevention professionals to be mindful of the academic mission of the institution and to collaborate with other campus divisions and departments.

There also are some distinct differences among the three sets of standards. The ACHA standards target prevention program outcomes and are widely used by health educators. Campuses engaging in a self-study, perhaps for accreditation purposes, frequently use the CAS standards. One of the benefits of Network membership is that, as the only organization that ties membership to its standards, it offers a certificate to members that indicates a commitment to working toward those standards.

Measuring Enforcement Consistency

The second objective of the biennial review focuses on enforcement of sanctions. An IHE establishes consistent enforcement of sanctions by documenting that the IHE treats similarly situated offenders in a similar manner. One way to do this is to submit a chart that lists each case (without identifying information in order to protect confidentiality) and presents the particulars of the offense, mitigating or aggravating circumstances, and disposition. By organizing the list so that similar cases are grouped together, an IHE can facilitate comparisons across cases.

An IHE establishes consistent enforcement of sanctions by documenting that the IHE treats similarly situated offenders in a similar manner.

IHEs also can establish their efforts to enforce sanctions consistently by documenting (1) the level of effort expended to detect violations of the institution's AOD standards of conduct, and (2) the level of expertise of those who are responsible for detecting AOD-related violations. They might find and document such information through a combination of department budgets, staff plans, and personnel records, which would highlight the percentage of time that prevention, judicial, and other staff spend on policy enforcement efforts, as well as the qualifications of those involved.

Measuring Policy and Program Effectiveness

To strengthen the quality of prevention programs implemented with funds from the Office of Safe and Drug-Free Schools, the Department established a set of principles of effectiveness in 1998, since incorporated into the *No Child Left Behind Act of 2001 (Title IV—Section 4115)*. A subset of the principles of effectiveness that are most applicable to IHEs can be summed up as follows:

- Design programs based on a thorough needs assessment of objective data.
- Establish a set of measurable goals and objectives linked to identified needs.
- Implement prevention activities that research or evaluation have shown to be effective in preventing high-risk drinking or violent behavior.
- Use evaluation results to refine, improve, and strengthen the program and refine goals and objectives as appropriate.

Basic to the success of any prevention program is the need to ensure the widespread involvement of key stakeholders, including students, faculty members, alumni, and community members, in the program's design and implementation. Leadership from college and university presidents and other senior administrators is key to institutionalizing prevention as a priority on campus.

Leadership from college and university presidents and other senior administrators is key to institutionalizing prevention as a priority on campus.

The reports by the NIAAA³⁶ and the IOM³⁷ indicate milestones of evidence-based programs and programs that have been evaluated as effective. Additionally, the journal article "A Typology for Campus-Based

Alcohol Prevention: Moving Toward Environmental Management Strategies³⁸ clearly defines how to think about creating an effective and comprehensive prevention program and how to assess current programmatic efforts. A hallmark of such programs is the logical way in which they link problems related to student AOD use with attainable outcomes and use evidence-based strategies and tactics to achieve those outcomes.

One set of possible measures comes from records of drug- and alcohol-related events, including the following:

1. Disciplinary sanctions imposed
2. Referrals for counseling or treatment
3. Incidents recorded in the logs of campus police or other law enforcement officials
4. Incidents of vandalism

There are pros and cons to using such measures of effectiveness. On the one hand, these measures offer indirect indicators of AOD use levels by looking at the consequences of use. For example, a reduction in the number of disciplinary sanctions for violations of AOD standards of conduct might be indicative of lower AOD use. Given well-organized and reliable record-keeping systems, these measures should be easy to compile from records maintained by the various IHE service departments. Disciplinary sanctions could be compiled from the office of the dean of students or other sanctioning entities within the IHE; referrals for counseling or treatment, from health services; and incidents stemming from alcohol or other drug use and vandalism, from campus police or law enforcement records.

On the other hand, however, employing these types of measures to judge use levels is problematic because there are other possible explanations for any observed reductions. For instance, changes in the number of AOD-related incidents recorded by campus police could indicate changes in use, but they also could reflect changes in the level of AOD enforcement. Other observed reductions could be the result of more surreptitious use by students or reductions in enforcement.

As another example, IHEs may have difficulty interpreting reductions in the number of AOD referrals. In fact, if an early program goal is to identify and refer students and employees with AOD problems for help, a higher number of referrals compared with previous years might indicate the achievement of this goal, and not necessarily a change in the number of students, faculty, and staff abusing alcohol and other drugs.

Other potential measures suggested by the Department of Education include the following:

1. The number of students, faculty, and staff attending self-help or other counseling groups that address alcohol or other drug abuse
2. Students' and employees' attitudes and perceptions about the alcohol or other drug problem on campus
3. Use levels of alcohol and other drugs by students and employees

Documenting these measures may require an IHE to conduct surveys of students and employees every other year, a more costly proposition than compiling and interpreting records routinely maintained by the institution. IHEs may want to utilize resources available through several national organizations. The Core Institute is one avenue for such assistance.³⁹ In addition, the Core Institute has published a user's manual that describes how to plan and conduct the Core surveys, including sections on random sampling, sample size, and follow-up. After an IHE has collected the data, they can be sent to the Core Institute for scoring and tabulation. The institute also will provide comparison statistics from all IHEs in its database or from IHEs in the same region.

**Documenting these measures
may require an IHE to conduct
surveys of students and
employees.**

Another source of assistance in survey implementation is ACHA, which has developed a health assessment survey that has five alcohol-specific questions.⁴⁰ Professional development for implementing this survey is regularly offered by ACHA.

A publication available from the Department's Higher Education Center, *Preventing Alcohol-Related Problems on Campus: Methods for Assessing Student Use of Alcohol and Other Drugs: A Guide for Program Coordinators*, describes procedures for gathering and interpreting student survey data on alcohol-related problems, based on the methodology used in the national college alcohol study conducted in 1993 by the Harvard School of Public Health.

* * *

The Drug-Free Schools and Campuses Regulations—EDGAR Part 86—clearly lay a framework for the scope and function of campus prevention programs, the cornerstone of which is a consistently enforced AOD policy. Campuses have the right and responsibility to tailor their programs to meet the particular needs of their students and the culture of their campuses. The regulations and the latest literature make clear that campuses need to be strategic, purposeful, and reflective when developing and examining their prevention programs.

Campuses must plan strategically to address the specific AOD issues faced by their students. Prevention specialists can create a more accurate plan by having timely data about AOD use and consequences of use and must use those data to hone their programs and maximize resources. Prevention specialists must be reflective, examining their prevention program to identify gaps in their efforts and consistency. The Higher Education Center is a resource for prevention specialists as they develop, implement, and reflect on their prevention efforts.

Campuses must plan strategically to address the specific AOD issues faced by their students.

Illustrations From Selected Biennial Reviews

The following three excerpts illustrate some IHEs' approaches to different aspects of the biennial report.

Statement of AOD Program Goals and a Discussion of Goal Achievement

Our unit accomplished nine main goals in [past two-year period]. These were:

1. Implementation of the FIPSE grant project: The Alcohol/Substance Abuse Educator (A.S.A.E.) has served as the project director for the FIPSE grant. The project coordinator responsible for the implementation of the project components began employment in January Some of the main accomplishments of this project include the completion of the pre-test assessment, initiation of focus groups targeting specific segments of the student body, the implementation of a Faculty/Staff Natural Helpers training program, the launching of a Guerrilla Theater project, and the implementation of a life skills course on campus.
2. [etc.]

Excerpted from Drug-Free Schools and Campuses Regulations Compliance, from Northwestern University Annual Report.

Summaries of AOD Program Strengths and Weaknesses

Drug-Free Schools and Communities Act Amendment, 1989/ Drug-Free Workplace Act, 1988 Compliance:

Policy documents were reviewed by the committee for compliance, and the following notes were taken:

- A. Favorable compliance
 - The institution has developed and maintains a drug prevention policy.
 - The institution distributes annually to each student a copy of the drug-free policy.
 - The institution provides services and activities to promote a strong drug-free campus environment.
 - The institution conducts a biennial review of its drug prevention program and policy to determine effectiveness, implements necessary changes, and ensures that disciplinary sanctions are enforced.
 - The institution tracks the number of drug- and alcohol-related legal offenses and referrals for counseling and treatment.
- B. Compliance concerns
 - Drug-free policy is distributed to new employees; need to implement annual distribution to all employees.
 - Ensure that students who enroll after fall quarter or who are graduate or summer students only are receiving the annual notification.
 - Ensure that the drug-free annual notification is readable; currently, small print in handbook is difficult to read.
 - Recommendation made that "No Smoking" signs be placed about campus.

Excerpted from the Biennial Review of Alcohol and Drug Abuse Prevention Programs at Walla Walla College.

Recommendations for Revising AOD Programs

It is recommended that the following issues be addressed by the next review period . . . :

1. The required information, as described in the *Drug-Free Schools and Communities Act*, Public Law 101-226, be annually distributed to employees.
2. Establish a presidential-appointed Biennial Review Committee with campuswide representation to begin the planning stages of the [next] Review.
3. Continue to discuss and review the current Alcohol and Drug Policy with the campus community and update as needed.
4. Improve the utilization of the Annual Campus Crime Report to evaluate the enforcement of the disciplinary sanctions that are stated in the *Alcohol and Drug Policy Handbook*.
5. Continue surveying the campus community for the evaluation of the community's knowledge of the Alcohol and Drug Policy, the effectiveness of the drug prevention program, and the enforcement of the disciplinary sanction for both students and employees.
6. Improve data collecting procedures for the Biennial Review.

Excerpted from the Institute of American Indian Arts Drug Prevention Program, Biennial Review.

Notes

1. *Education Department General Administrative Regulations* (EDGAR). The regulations can be found online at www.ed.gov/policy/fund/reg/edgarReg/edlite-part86a.html.
2. Unless there is a change in ownership (as might occur at a proprietary institution), certification is a one-time event for an IHE and, presumably, one that has already taken place for all IHEs to which this document is directed.
3. Task Force of the National Advisory Council on Alcohol Abuse and Alcoholism, National Institute on Alcohol Abuse and Alcoholism. *A Call to Action: Changing the Culture of Drinking at U.S. Colleges* (Washington, D.C.: National Institutes of Health, 2002). (The report can be found online at www.higheredcenter.org/niaaa/report.html.)
4. Bonnie, R. J., and O'Connell, M. E., eds. *Reducing Underage Drinking: A Collective Responsibility* (Washington, D.C.: National Academy of Sciences, Institute of Medicine, 2003). (The report can be found online at www.higheredcenter.org/iom-report.html.)
5. Additionally, the law covers state education agencies (SEA) and local education agencies (LEA). See EDGAR Part 86.1.
6. EDGAR Part 86.1, titled, "What Is the Purpose of the Drug and Alcohol Abuse Prevention Regulations?" and 20 U.S.C. 1145g.
7. EDGAR Part 86.100.
8. For a discussion of some of the leading cases in this area, see Robert D. Bickel and Peter F. Lake, "Reconceptualizing the University's Duty to Provide a Safe Learning Environment: A Criticism of the Doctrine of *In Loco Parentis* and the Restatement (Second) of Torts," 20 *Journal of College and University Law* 261 (Winter 1994); also see John H. Robinson and Catherine Pieronek, "The Law of Higher Education and the Courts: 1994 in Review," 22 *Journal of College and University Law* 267 (Winter 1996).
9. EDGAR Part 86.301.
10. See EDGAR Part 86.301, titled "What Actions May the Secretary Take If an IHE Violates This Part?"
11. EDGAR Part 86.101. Also see 20 U.S.C. 1145g.
12. EDGAR Part 86.102 and 20 U.S.C. 1145g. In addition, each IHE that provides the drug prevention program certification as required by the regulations shall, upon request, make available to the Secretary and the public a copy of each item required by the Regulations as well as the results of the biennial review. See EDGAR Part 86.103 (a).
13. Bickel, R. D., and Lake, P. F. *The Rights and Responsibilities of the Modern University: Who Assumes the Risks of College Life?* (Durham, N.C.: Carolina Academic Press, 1999).
14. See 20 U.S.C. 1145g and EDGAR Part 86.100 (a) (1).
15. See 20 U.S.C. 1145g and EDGAR Part 86.100 (a) (2), (3), (4), (5). A disciplinary sanction may include the completion of an appropriate rehabilitation program.
16. See EDGAR Part 86.100 (a) (1). Case law in this area varies.

17. Judicial decisions with respect to the activities of sororities and fraternities located on and off campus continue to vary, with some courts finding IHEs responsible and others ruling that the fraternity event was not an officially sanctioned activity. Case law in this area tends to vary from state to state and even within jurisdictions. Often the court ruling rests on the particular facts of the case. See Robert D. Bickel and Peter F. Lake, "Reconceptualizing the University's Duty to Provide a Safe Learning Environment: A Criticism of the Doctrine of *In Loco Parentis* and the Restatement (Second) of Torts," 20 *Journal of College and University Law* 261 (Winter 1994).
18. *Drugs of Abuse* (1989 Edition) can be found online at www.usdoj.gov/dea/pubs/abuse/doa-p.pdf.
19. EDGAR Part 86.100 (a) (4) and 20 U.S.C. 1145g.
20. EDGAR Part 86.100 (a) (5) and 20 U.S.C. 1145g. Also see EDGAR Part 86.200 (d). For the purposes of this section, a disciplinary sanction may include the completion of an appropriate rehabilitation program.
21. In conducting the biennial review, IHEs are required to assess the consistency of enforcement (see p. 19 of this guide).
22. EDGAR Part 86.3 (b) and 20 U.S.C. 1145g, 3224a.
23. EDGAR Part 86.100 (b) (2).
24. The Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention provides assistance and information to help IHEs assess campus needs, develop a strategic plan, and measure results; for more information, visit www.higheredcenter.org/eval.
25. Task Force, *Call to Action*.
26. Bonnie and O'Connell, *Reducing Underage Drinking*.
27. DeJong, W., and Langford, L. M. "A Typology for Campus-Based Alcohol Prevention: Moving Toward Environmental Management Strategies." *Journal of Studies on Alcohol*, supplement no. 14: 140–147, 2002.
28. The *Standards of the Network Addressing Collegiate Alcohol and Other Drug Issues* can be found online at www.thenetwork.ws/standards.htm.
29. The *Standards of the Council for the Advancement of Standards in Higher Education* can be found online at www.cas.edu.
30. See the American College Health Association's Web site at www.acha.org/info_resources/SPHPHE.cfm.
31. DeJong and Langford, "Typology for Campus-Based Alcohol Prevention."
32. Task Force, *Call to Action*.
33. Bonnie and O'Connell, *Reducing Underage Drinking*.
34. DeJong and Langford, "Typology for Campus-Based Alcohol Prevention."
35. Lake, P., "Law as Prevention: It Is Time to View Law as a Tool in Prevention Efforts." *Prevention File: Alcohol, Tobacco and Other Drugs*, 18: 5, Spring 2003.
36. Task Force, *Call to Action*.

37. Bonnie and O'Connell, *Reducing Underage Drinking*.
38. DeJong and Langford, "Typology for Campus-Based Alcohol Prevention."
39. The Core Institute has developed survey forms for both students and faculty/staff on AOD use and perceptions of use. For more information, contact: The Core Institute, Center for Alcohol and Drug Studies, Southern Illinois University, Carbondale, IL 62901; Tel.: 618-453-4364; Fax: 618-453-4449, Web: www.siu.edu/~coreinst/.
40. See ACHA's Web site at www.acha.org/projects_programs/assessment.cfm.

Resources

Office of Safe and Drug-Free Schools (OSDFS)

U.S. Department of Education

www.ed.gov/osdfs

OSDFS supports efforts to create safe schools, respond to crises, prevent alcohol and other drug abuse, ensure the health and well-being of students, teach students good citizenship and character, and provide national leadership on issues and programs in correctional education. The agency provides financial assistance for drug abuse and violence prevention activities and activities that promote the health and well-being of students in elementary and secondary schools and institutions of higher education. OSDFS participates in the development of Department program policy and legislative proposals and in overall administration policies related to drug abuse and violence prevention. It also participates with other federal agencies in the development of a national research agenda for such prevention.

The U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention

www.higheredcenter.org

Established by the U.S. Department of Education in 1993, the Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention is the Department's primary provider of services in alcohol and other drug abuse and violence prevention in higher education founded upon state-of-the-art knowledge and research-based strategies. In this capacity, the Higher Education Center acts as a catalyst to advance collaborative campus and community teams across the nation. The Higher Education Center offers an integrated array of services to help campuses and communities come together to identify problems; assess needs; and plan, implement, and evaluate alcohol and other drug abuse and violence prevention programs. Services include training; technical assistance; publications; support for the Network Addressing Collegiate Alcohol and Other Drug Issues; and evaluation activities. The Higher Education Center's publications are free and can be downloaded from its Web site.

The Council for the Advancement of Standards in Higher Education

www.cas.edu

The Council for the Advancement of Standards in Higher Education (CAS) has been the pre-eminent force for promoting standards in student affairs, student services, and student development programs since its inception in 1979. For the ultimate purpose of fostering and enhancing student learning, development, and achievement and in general to promote good citizenship, CAS continues to create and deliver a dynamic and credible *Book of Professional Standards for Higher Education and Guidelines and Self-Assessment Guides* that are designed to lead to a host of quality-controlled programs and services. These standards respond to real-time student needs, the requirements of sound pedagogy, and the effective management of currently 30 functional areas, consistent with institutional missions.

Council on Law in Higher Education

<http://clhe.org>

The Council on Law in Higher Education (CLHE) is an independent nonprofit organization, founded in 1998, that is dedicated to assisting presidents, senior-level administrators, and attorneys in managing legal risk and improving regulatory compliance. Its mission is to be an invaluable and independent resource for higher education leaders and policymakers seeking comprehensive information and practical solutions that address the legal and policy issues affecting the nation's higher education system. As an independent nonprofit research and education organization, CLHE also advocates for public policy solutions and legal reforms that reduce unnecessary regulatory burden and excessive liability on institutions, promote student rights, and allow higher education institutions to have flexibility in achieving their missions.

National Association of College and University Attorneys

www.nacua.org

The National Association of College and University Attorneys (NACUA) was founded in 1960–61; nearly 1,400 campuses (about 660 institutions), represented by over 3,000 attorneys, comprise the membership today. The association's purpose is to enhance legal assistance to colleges and universities by educating attorneys and administrators to the nature of campus legal issues. It has an equally important role to play in the continuing legal education of university counsel. In addition, NACUA produces publications, sponsors seminars, maintains its own bulletin board (NACUANET) and Home page on the Internet, and operates a clearinghouse through which attorneys on campuses are able to share resources, knowledge, and work products on current legal concerns and interests.

The Network Addressing Collegiate Alcohol and Other Drug Issues

www.thenetwork.ws

The Network is a national consortium of colleges and universities formed to promote healthy campus environments by addressing the issues of alcohol, other drugs, and violence. Developed in 1987 by the U.S. Department of Education, the Network comprises member institutions that voluntarily agree to work toward a set of standards aimed at reducing AOD problems at colleges and universities. It has approximately 1,575 members nationwide. The Network develops collaborative AOD prevention efforts among colleges and universities through electronic information exchange, printed materials, and sponsorship of national, regional, and state activities and conferences.

Appendices

Appendix 1: EDGAR Part 86 Contents and Subparts A—General, B, and D

Appendix 2: Part 86 Compliance Checklist

Appendix 3: Federal Trafficking Penalties

Appendix 4: University of Georgia: Policy on Alcohol and Other Drugs

Appendix 5: Strategic Objectives and Tactics Focused on Environmental Change

Appendix 6: Supplemental Checklist

Appendix 1



U.S. Department of Education
Promoting educational excellence for all Americans.

EDGAR Part 86 (Drug and Alcohol Abuse Prevention)-Subpart A (General)

TITLE 34--EDUCATION

PART 86_DRUG AND ALCOHOL ABUSE PREVENTION

Subpart A_General

Sec.

- 86.1 What is the purpose of the Drug and Alcohol Abuse Prevention regulations?
- 86.2 What Federal programs are covered by this part?
- 86.3 What actions shall an IHE take to comply with the requirements of this part?
- 86.4 What are the procedures for submitting a drug prevention program certification?
- 86.5 What are the consequences if an IHE fails to submit a drug prevention program certification?
- 86.6 When must an IHE submit a drug prevention program certification?
- 86.7 What definitions apply to this part?

Subpart B_Institutions of Higher Education

- 86.100 What must the IHE's drug prevention program include?
- 86.101 What review of IHE drug prevention programs does the Secretary conduct?
- 86.102 What is required of an IHE that the Secretary selects for annual review?
- 86.103 What records and information must an IHE make available to the Secretary and the public concerning its drug prevention program?

Subpart C [Reserved]

Subpart D_Responses and Sanctions Issued or Imposed by the Secretary for Violations by an IHE

- 86.300 What constitutes a violation of this part by an IHE?
- 86.301 What actions may the Secretary take if an IHE violates this part?
- 86.302 What are the procedures used by the Secretary for providing information or technical assistance?
- 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?

* Downloaded from EDGAR version June 23, 2005 (www.ed.gov/policy/fund/reg/edgarReg/edlite-part86a.html).

86.304 What are the procedures used by the Secretary to demand repayment of Federal financial assistance or terminate an IHE's eligibility for any or all forms of Federal financial assistance?

Subpart E_Appeal Procedures

- 86.400 What is the scope of this subpart?
- 86.401 What are the authority and responsibility of the ALJ?
- 86.402 Who may be a party in a hearing under this subpart?
- 86.403 May a party be represented by counsel?
- 86.404 How may a party communicate with an ALJ?
- 86.405 What are the requirements for filing written submissions?
- 86.406 What must the ALJ do if the parties enter settlement negotiations?
- 86.407 What are the procedures for scheduling a hearing?
- 86.408 What are the procedures for conducting a pre-hearing conference?
- 86.409 What are the procedures for conducting a hearing on the record?
- 86.410 What are the procedures for issuance of a decision?
- 86.411 What are the procedures for requesting reinstatement of eligibility?

Authority: 20 U.S.C. 1145g, unless otherwise noted.

Source: 55 FR 33581, Aug. 16, 1990, unless otherwise noted.

Subpart A_General

Sec. 86.1 What is the purpose of the Drug and Alcohol Abuse Prevention regulations?

The purpose of the Drug and Alcohol Abuse Prevention regulations is to implement section 22 of the Drug-Free Schools and Communities Act Amendments of 1989, which added section 1213 to the Higher Education 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) must certify that it has adopted and implemented a drug prevention program as described in this part.

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

[61 FR 66225, Dec. 17, 1996]

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 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 may receive funds or any other form of Federal financial assistance.

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

[55 FR 33581, Aug. 16, 1990, as amended at 61 FR 66225, Dec. 17, 1996]

Sec. 86.3 What actions shall an IHE take to comply with the requirements of this part?

(a) An IHE shall adopt and implement a drug prevention program as described in Sec. 86.100 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 shall provide a written certification that it has adopted and implemented the drug prevention program described in Sec. 86.100.

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

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

[55 FR 33581, Aug. 16, 1990, as amended at 61 FR 66225, 66226, Dec. 17, 1996]

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

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

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

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

[55 FR 33581, Aug. 16, 1990, as amended at 61 FR 66226, Dec. 17, 1996]

Sec. 86.5 What are the consequences if an IHE fails to submit a drug prevention program certification?

(a) An IHE 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 receives or desires to receive assistance.

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

[55 FR 33581, Aug. 16, 1990, as amended at 61 FR 66225, Dec. 17, 1996]

Sec. 86.6 When must an IHE submit a drug prevention program certification?

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

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

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

(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) An IHE shall submit a request for an extension to the Secretary.

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

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

[55 FR 33581, Aug. 16, 1990, as amended at 61 FR 66226, Dec. 17, 1996]

Sec. 86.7 What definitions apply to this part?

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

Department

EDGAR

Secretary

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

Compliance agreement means an agreement between the Secretary and an IHE that is not in full compliance with its drug prevention program certification. The agreement specifies the steps the IHE 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)

[55 FR 33581, Aug. 16, 1990, as amended at 61 FR 66226, Dec. 17, 1996]

Appendix 1 (continued)



U.S. Department of Education
Promoting educational excellence for all Americans.

EDGAR Part 86 Subpart B (Institutions of Higher Education), Subpart C [Reserved]

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) (5) of this section are consistently enforced.

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

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

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.

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

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

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.

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

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

Subpart C [Reserved]

Appendix 1 (continued)



U.S. Department of Education
Promoting educational excellence for all Americans.

EDGAR Part 86 Subpart D (Responses/Sanctions Issued/Imposed by the Secretary for Violations by an IHE)

Subpart D_Responses and Sanctions Issued or Imposed by the Secretary for Violations by an IHE

Sec. 86.300 What constitutes a violation of this part by an IHE?

An IHE 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 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).

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

[55 FR 33581, Aug. 16, 1990, as amended at 61 FR 66226, Dec. 17, 1996]

Sec. 86.301 What actions may the Secretary take if an IHE violates this part?

(a) If an IHE violates its certification, the Secretary may issue a response to the IHE. 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 into full compliance with this part as soon as feasible.

(b) If an IHE 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, including--

(1) Repayment of any or all forms of Federal financial assistance received by the IHE 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 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 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)

[55 FR 33581, Aug. 16, 1990, as amended at 61 FR 66225, Dec. 17, 1996]

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 in writing, through site visits, or by other means.

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

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

[55 FR 33581, Aug. 16, 1990, as amended at 61 FR 66225, Dec. 17, 1996]

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 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 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 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 the Secretary makes a final determination and, if appropriate, issues a final response.

(d) The IHE 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 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 in accordance with the procedures in Sec. 86.304.

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

[55 FR 33581, Aug. 16, 1990, as amended at 61 FR 66225, Dec. 17, 1996]

Sec. 86.304 What are the procedures used by the Secretary to demand repayment of Federal financial assistance or terminate an IHE'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 eligibility for any or all forms of Federal financial assistance by sending the IHE a notice by certified mail with return receipt requested. This notice--

(1) Informs the IHE 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 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 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 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 position with respect to these issues, and, if appropriate, a description of which Federal financial assistance the IHE contends need not be repaid.

(b) If the IHE does not request a hearing but submits written material--

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

(2) The designated Department official, after considering the written material, notifies the IHE 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)

[55 FR 33581, Aug. 16, 1990, as amended at 61 FR 66225, Dec. 17, 1996]

Appendix 2

PART 86 COMPLIANCE CHECKLIST

Part 86, Drug-Free Schools and Campuses Regulations Compliance Checklist

1. Does the institution maintain a copy of its drug prevention program? Yes No
If yes, where is it located? _____

2. Does the institution provide *annually to each employee and each student*, who is taking one or more classes for any type of academic credit except for continuing education units, written materials that adequately describe and contain the following?
 - a. Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as a part of its activities
Students: Yes No Staff and Faculty: Yes No
 - b. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol
Students: Yes No Staff and Faculty: Yes No
 - c. A description of applicable legal sanctions under local, state, or federal law
Students: Yes No Staff and Faculty: Yes No
 - d. A description of applicable counseling, treatment, or rehabilitation or re-entry programs
Students: Yes No Staff and Faculty: Yes No
 - e. A clear statement of the disciplinary sanctions the institution will impose on students and employees, and a description of those sanctions
Students: Yes No Staff and Faculty: Yes No

3. Are the above materials distributed to students in one of the following ways?
 - a. Mailed to each student (separately or included in another mailing)
Yes No
 - b. Through campus post offices boxes
Yes No
 - c. Class schedules which are mailed to each student
Yes No
 - d. During freshman orientation
Yes No
 - e. During new student orientation
Yes No

f. In another manner (*describe*) _____

4. Does the means of distribution provide reasonable assurance that each student receives the materials annually?
Yes No

5. Does the institution's distribution plan make provisions for providing these materials to students who enroll at some date after the initial distribution? Yes No

6. Are the above materials distributed to staff and faculty in one of the following ways?

a. Mailed
Staff: Yes No Faculty: Yes No

b. Through campus post office boxes
Staff: Yes No Faculty: Yes No

c. During new employee orientation
Staff: Yes No Faculty: Yes No

d. In another manner (*describe*) _____

7. Does the means of distribution provide reasonable assurance that each staff and faculty member receives the materials annually?

Staff: Yes No Faculty: Yes No

8. Does the institution's distribution plan make provisions for providing these materials to staff and faculty who are hired after the initial distribution?

Staff: Yes No Faculty: Yes No

9. In what ways does the institution conduct biennial reviews of its drug prevention program to determine effectiveness, implement necessary changes, and ensure that disciplinary sanctions are enforced?

a. Conduct student alcohol and drug use survey
Yes No

b. Conduct opinion survey of its students, staff, and faculty
Students: Yes No Staff and Faculty: Yes No

c. Evaluate comments obtained from a suggestion box
Students: Yes No Staff and Faculty: Yes No

d. Conduct focus groups
Students: Yes No Staff and Faculty: Yes No

e. Conduct intercept interviews
Students: Yes No Staff and Faculty: Yes No

f. Assess effectiveness of documented mandatory drug treatment referrals for students and employees
Students: Yes No Staff and Faculty: Yes No

g. Assess effectiveness of documented cases of disciplinary sanctions imposed on students and employees
Students: Yes No Staff and Faculty: Yes No

h. Other (*please list*)

10. Who is responsible for conducting these biennial reviews?

11. If requested, has the institution made available, to the Secretary and the public, a copy of each requested item in the drug prevention program and the results of the biennial review? Yes No

12. Where is the biennial review documentation located?

Name _____

Title _____

Department _____

Phone _____ E-mail _____

13. Comments

Appendix 3

FEDERAL TRAFFICKING PENALTIES*

Drug/Schedule	Quantity	Penalties	Quantity	Penalties
Cocaine (Schedule II)	500–4999 gms mixture	<p>First Offense:</p> <p>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 \$2 million if an individual, \$5 million if not an individual</p> <p>Second Offense:</p> <p>Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual</p>	5 kgs or more mixture	<p>First Offense:</p> <p>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 \$4 million if an individual, \$10 million if not an individual.</p> <p>Second Offense:</p> <p>Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$20 million if not an individual.</p> <p>2 or More Prior Offenses:</p> <p>Life imprisonment</p>
Cocaine Base (Schedule II)	5–49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40–399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10–99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100–999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5–49 gms pure or 50–499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10–99 gms pure or 100–999 gms mixture	100 gm or more pure or 1 kg or more mixture		

For the most recent and complete Federal Trafficking Penalties information, visit the Web site of the U.S. Drug Enforcement Administration at www.dea.gov/agency/penalties.htm.

* Downloaded from www.dea.gov/agency/penalties.htm, March 3, 2006.

Appendix 4



University of Georgia Policy on Alcohol and Other Drugs¹

Revised September 2005

* * *

Health Risks

The following information on health risks is from *What Works: Schools Without Drugs*, U. S. Department of Education (1992):

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.

A chart accompanying this policy in the current Safe & Secure brochure lists the possible effects and health risks associated with the use of illicit drugs and controlled substances.

¹ Downloaded from www.uga.edu/drugpol, March 10, 2006.

Appendix 5

Strategic objectives and tactics focused on environmental change

Note: Tactics can be classified according to the level of research evidence for their effectiveness, as suggested by the NIAAA Task Force on College Drinking:*

Tier 1: Evidence of effectiveness among college students

Tier 2: Evidence of success with general populations

Tier 3: Evidence of promise

Tier 4: Evidence of ineffectiveness

The Task Force did not list any environmental change tactics under Tiers 1 or 4. Tactics listed under Tier 2 are identified below. The remaining tactics can be classified under Tier 3, although the Task Force did not explicitly list all of them.

ALCOHOL-FREE OPTIONS

Problem: Many students, especially at residential colleges, have few adult responsibilities and a great deal of unstructured free time, and there are too few social and recreational options.

Strategic Objective: Offer and promote social, recreational, extracurricular, and public service options that do not include alcohol and other drugs.

Tactics (examples):

- Create new alcohol-free events.
- Promote alcohol-free events and activities.
- Create and publicize student service learning or volunteer activities.
- Require community service work as part of the academic curriculum.
- Open a student center, gym, or other alcohol-free settings.
- Expand hours for student center, gym, or other alcohol-free settings.
- Promote consumption of nonalcoholic beverages and food at events.
- Provide greater financial support to student clubs and organizations that are substance-free.

NORMATIVE ENVIRONMENT

Problem: Many people accept drinking and other drug use as a “normal” part of the college experience.

Strategic Objective: Create a social, academic, and residential environment that supports health-promoting norms.

Tactics (examples):

- Change college admissions procedures.
- Increase academic standards.
- Modify the academic schedule (e.g., increase the number of Friday classes).
- Offer a greater number of substance-free residence halls.
- Increase faculty-student contact.
- Employ older, salaried resident assistants.
- Create a social norms marketing campaign to correct student misperceptions of drinking norms.

* Task Force of the National Advisory Council on Alcohol Abuse and Alcoholism, National Institute on Alcohol Abuse and Alcoholism. *A Call to Action: Changing the Culture of Drinking at U.S. Colleges* (Washington, D.C.: National Institutes of Health, 2002).

(Continued on next page)

Strategic objectives and tactics focused on environmental change *(continued)*

ALCOHOL AVAILABILITY

Problem: Alcohol is abundantly available to students and is inexpensive.

Strategic Objective: Limit alcohol availability both on and off campus.

Tactics (examples):

- Ban or restrict use of alcohol on campus.
- Prohibit alcohol use in public places.
- Prohibit delivery or use of kegs or other common containers on campus.
- Prohibit tailgate parties.
- Control or eliminate alcohol sales at sports events.
- Disseminate guidelines for off-campus parties.
- Install a responsible beverage service (RBS) program (*Tier 2*).
 - ✓ Require use of registered and trained alcohol servers.
 - ✓ Provide training programs for both servers and managers.
 - ✓ Limit container size and number of servings per alcohol sales.
 - ✓ Restrict sales of pitchers.
 - ✓ Cut off sales to patrons who might otherwise become intoxicated.
 - ✓ Eliminate last-call announcements.
- Limit number and concentration of alcohol outlets near campus (*Tier 2*).
- Increase costs of alcohol sales licenses.
- Limit days or hours of alcohol sales.
- Eliminate home delivery of alcohol purchases.
- Require keg registration.
- Increase state alcohol taxes (*Tier 2*).

MARKETING AND PROMOTION OF ALCOHOL

Problem: Bars, restaurants, and liquor stores use aggressive promotions to target underage and other college drinkers.

Strategic Objective: Restrict marketing and promotion of alcoholic beverages both on and off campus.

Tactics (examples):

On Campus

- Ban or restrict alcohol advertising.
- Ban or restrict alcohol industry sponsorship of on-campus events.
- Limit content of party or event announcements.

Off Campus

- Ban or limit alcohol advertising in the vicinity of schools.
- Ban alcohol promotions with special appeal to underage drinkers.
- Ban alcohol promotions that show drinking in high-risk contexts.
- Require pro-health messages to counterbalance alcohol advertising.
- Institute cooperative agreement to institute minimum pricing (*Tier 2*).
- Institute cooperative agreement to ban or restrict low-price drink specials (*Tier 2*).

(Continued on next page)

Strategic objectives and tactics focused on environmental change *(continued)*

POLICY DEVELOPMENT AND ENFORCEMENT

Problem: Campus policies and local, state, and federal laws are not enforced consistently.

Strategic Objective: Develop and enforce campus policies and local, state, and federal laws.

Tactics (examples):

On Campus

- Revise campus alcohol and other drug (AOD) policies.
- Disseminate campus AOD policies and publicize their enforcement.
- Require on-campus functions to be registered.
- Increase ID checks at on-campus functions.
- Use decoy operations at campus pubs and on-campus functions.
- Increase patrols near on-campus parties.
- Increase disciplinary sanctions for violation of campus AOD policies.
- Increase criminal prosecution of students for alcohol-related offenses.
- Notify parents of rules violations.

Off Campus

- Enforce minimum legal drinking age laws (*Tier 2*).
 - ✓ Increase ID checks at off-campus bars and liquor stores.
 - ✓ Use decoy operations at retail alcohol outlets.
 - ✓ Enforce seller penalties for sale of liquor to minors.
 - ✓ Enforce penalties for possessing fake ID.
- Increase patrols near off-campus parties.
- Establish new DUI laws (*Tier 2*).
 - ✓ Set legal *per se* limit for adult drivers at .08% BAC.
 - ✓ Set legal limit for drivers under age 21 at .02% BAC or lower.
 - ✓ Establish administrative license revocation for alcohol-impaired driving.
- Increase enforcement of DUI laws.
 - ✓ Use targeted patrols.
 - ✓ Use sobriety checkpoints.
- Impose driver's license penalties for minors violating alcohol laws.
- Change driver's licensing procedures and formats.
- Pass ordinances to restrict open house assemblies and noise level.
- Educate sellers/servers about potential legal liability.

Appendix 6



SUPPLEMENTAL CHECKLIST¹ Drug-Free Schools and Campuses Regulations (EDGAR Part 86)

The Drug-Free Schools and Campuses Regulations require an institution of higher education (IHE) to certify it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. **Failure to comply with the Drug-Free Schools and Campuses Regulations may forfeit an institution's eligibility for federal funding.**

EDGAR Part 86 establishes a set of minimum requirements for college substance use programs. Colleges and universities may have additional obligations under state law, including recent court decisions in lawsuits brought against IHEs by college and university students and employees. Consultation with an attorney knowledgeable in this area is highly recommended.

A. Description of the AOD Program Elements

1. Alcohol-Free Options

How does your campus provide an environment with alcohol-free options? Please check all that apply:

- Alcohol-free events and activities are created and promoted.
- Student service learning or volunteer opportunities are created, publicized, and promoted.
- Community service work is required as part of the academic curriculum.
- The campus offers a student center, recreation center, coffeehouse, or other alcohol-free settings.
- The student center, fitness center, or other alcohol-free settings have expanded hours.
- Nonalcoholic beverages are promoted at events.
- Does not promote alcohol-free options.
- Other: _____

Examples of campuses that offer alcohol-free options can be found at www.higheredcenter.org/ideasamplers: Pennsylvania State University, Ohio State University, and University of North Carolina.

¹ This checklist can be found online at www.higheredcenter.org/dfsca/supp-checklist.html.

2. Normative Environment

How does your campus create a social, academic, and residential environment that supports health-promoting norms? Please check all that apply:

- College admissions procedures promote a healthy environment.
- The academic schedule offers core classes on Thursdays, Fridays, and Saturdays.
- Exams/projects increasingly require class attendance and academic responsibility.
- Substance-free residence options are available.
- The campus encourages an increase in academic standards.
- Faculty and staff are educated about behavioral indicators, student norms, and cultural attitudes related to high-risk or illegal alcohol use.
- Faculty and staff are educated about behavioral indicators, student norms, and cultural attitudes related to illicit drug use.
- Faculty are encouraged to engage in a higher level of contact with students.
- Students are educated about misperceptions of drinking norms.
- Student leadership (e.g., orientation leaders, resident assistants, fraternity and sorority members, athletes, student organizations) promotes positive, healthy norms.
- Students have opportunities to advise and mentor peers.
- Pro-health messages are publicized through campus and community media channels.
- Does not promote a normative environment.
- Other: _____

Examples of campuses that promote a normative environment can be found at www.higheredcenter.org/ideasamplers: Santa Clara University, Northern Illinois University, and University of Arizona.

3. Alcohol Availability

How does your AOD prevention program limit alcohol availability? Please check all that apply:

- Alcohol is banned or restricted on campus.
- Alcohol use is prohibited in public places.
- Delivery or use of kegs or other common containers is prohibited on campus.
- Alcohol servers are required to be registered and trained.
- Server training programs are mandatory.
- Guidelines for off-campus parties are disseminated.
- The number and concentration of alcohol outlets near campus are regulated.
- The costs of beer and liquor licenses are raised.
- The days or hours of alcohol sales are limited.

- The container size of alcoholic beverages is reduced.
 - Alcohol is regulated by quantity per sale.
 - Keg registration is required.
 - State alcohol taxes are increased.
 - Does not limit alcohol availability.
 - Other: _____
-
-
-

Examples of campuses that limit alcohol availability can be found at www.higheredcenter.org/ideasamplers: Lehigh University, Michigan State University, and University of Colorado.

4. Marketing and Promotion of Alcohol

How does your AOD prevention program limit marketing and promotion of alcohol on and off campus? Please check all that apply:

- Alcohol advertising on campus is banned or limited.
 - Alcohol industry sponsorship for on-campus events is banned or limited.
 - Content of party or event announcement is limited.
 - Alcohol advertising in the vicinity of campus is banned or limited.
 - Alcohol promotions with special appeal to underage drinkers is banned or limited.
 - Alcohol promotions that show drinking in high-risk contexts is banned or limited.
 - Pro-health messages that counterbalance alcohol advertising are required.
 - Cooperative agreements are endorsed to institute a minimum price for alcoholic drinks.
 - Cooperative agreements are endorsed to limit special drink promotions.
 - "Happy hours" is eliminated from bars in the area.
 - The sale of shot glasses, beer mugs, and wine glasses at campus bookstores is banned.
 - Does not restrict marketing and promotion of alcohol.
 - Other: _____
-
-
-

Examples of campuses that limit marketing and promotion of alcohol can be found at www.higheredcenter.org/ideasamplers: Baylor University; University of Minnesota; and University at Albany, State University of New York.

5. Policy Development and Enforcement

How does your AOD prevention program develop and enforce AOD policies on and off campus? Please check all that apply:

- On-campus functions must be registered.
- ID checks at on-campus functions are enforced.
- Undercover operations are used at campus pubs and on-campus functions.
- Patrols observe on-campus parties.
- Patrols observe off-campus parties.
- Disciplinary sanctions for violation of campus AOD policies are increased.
- Criminal prosecution of students for alcohol-related offenses is increased.
- Driver's licensing procedures and formats are changed.
- Driver's license penalties for minors violating alcohol laws are enforced.
- Sellers/servers are educated about potential legal liability.
- ID checks at off-campus bars and liquor stores are enforced.
- Penalties for sale of liquor to minors are enforced.
- Laws against buying alcohol for minors are enforced.
- Penalties for possessing fake IDs are enforced.
- Undercover operations are used at retail alcohol outlets.
- DUI laws are enforced.
- Roadblocks are implemented.
- Open house assemblies are restricted.
- Dram shop laws that apply legal action for serving intoxicated drinkers or minors are established.
- Does not develop or enforce AOD policies.
- Other: _____

Examples of campuses that increased enforcement of policies and laws can be found at www.higheredcenter.org/ idea samplers: Boston College, University of Oregon, and West Texas A&M University.

B. A Statement of AOD Program Goals and a Discussion of Goal Achievement

Please state your AOD program goals:

(Sample: The following AOD prevention goals were written in 1995 by the Substance Abuse Education Initiatives: (1) Articulate and consistently enforce clear policies that promote an educational environment free from substance use/abuse. (2) Provide ongoing education for members of the campus community for the purpose of preventing alcohol abuse and other drug use. (3) Provide a reasonable level of care for substance abusers through counseling, treatment, and referral. (4) Implement campus activities that promote and reinforce health, responsible living, respect for community and campus standards, individual responsibility on the campus, and intellectual, social, emotional, spiritual or ethical, and physical well-being of the members. (5) Be vocal and visionary in combating the negative issues surrounding alcohol and other drug use and abuse on campus.

Please describe how the program's goals were achieved:

Examples of specific program goals are demonstrated by the latest awardees of the Alcohol and Other Drug Prevention Models on College Campuses Grant Competition; please see www.higheredcenter.org/grants.

C. Summaries of AOD Program Strengths and Weaknesses

What are the strengths and/or weaknesses of your AOD prevention program?

D. AOD Policy*

1. Policy Contents

What information do you distribute to employees and students (taking one or more classes for academic credit, not including continuing education)? Please check all that apply:

- A description of the health risks associated with alcohol abuse and the use of illegal drugs.
- A description of applicable legal sanctions under local, state, and federal laws.
- A description of any treatment, counseling, rehabilitation, or re-entry programs available at your institution.
- A statement of the institution's disciplinary measures regarding alcohol and illegal drug use by students and employees.

Other AOD policy-related information: _____

We do not have an AOD policy.

2. Policy Distribution

Where does your institution publicize its alcohol or other drug policy? Please check all that apply:

- Student handbook
- Staff and faculty handbook
- Admissions materials
- Course catalogs
- Class schedules
- Employee paychecks
- Student's academic orientation
- Residence hall orientation
- Staff and faculty orientation
- Formal speaking engagements
- Other: _____
- We do not publicize our alcohol/drug policy.

Please see the publication *Setting and Improving Policies for Reducing Alcohol and Other Drug Problems on Campus* at the Web site of the Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention at www.higheredcenter.org.

*** Please attach copies of the policies distributed to students and employees.**

E. Recommendations for Revising AOD Prevention Programs

Please offer any recommendations for revising AOD prevention programs and/or policies:



Our Mission

The mission of the U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention is to assist institutions of higher education in developing, implementing, and evaluating alcohol and other drug abuse and violence prevention policies and programs that will foster students' academic and social development and promote campus and community safety.

How We Can Help

The U.S. Department of Education's Higher Education Center offers an integrated array of services to help people at colleges and universities adopt effective prevention strategies:

- Training and professional development activities
- Resources, referrals, and consultations
- Publication and dissemination of prevention materials
- Support for the Network Addressing Collegiate Alcohol and Other Drug Issues

Get in Touch

Additional information can be obtained by contacting:

The Higher Education Center for
Alcohol and Other Drug Abuse and Violence Prevention
Education Development Center, Inc.
55 Chapel Street
Newton, MA 02458-1060

Web site: www.higheredcenter.org

Phone: 1-800-676-1730; TDD Relay-Friendly, Dial 711

E-mail: HigherEdCtr@edc.org



This publication was funded by the Office of Safe and Drug-Free Schools at the U.S. Department of Education under contract number ED-04-CO-0137 with Education Development Center, Inc. The contracting officer's representative was Richard Lucey, Jr. The content of this publication does not necessarily reflect the views or policies of the U.S. Department of Education, nor does the mention of trade names, commercial products or organizations imply endorsement by the U.S. government. This publication also contains hyperlinks and URLs for information created and maintained by private organizations. This information is provided for the reader's convenience. The U.S. Department of Education is not responsible for controlling or guaranteeing the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of information or a hyperlink or URL does not reflect the importance of the organization, nor is it intended to endorse any views expressed, or products or services offered.