

## **DRUG-FREE SCHOOLS & CAMPUSES ACT REGULATIONS SUMMARY**

Following is a summary of the 1989 amendments to the Drug-Free Schools & Campuses Act Regulations (Regulations) that deals with institutions of higher education (IHE). For more information, contact:

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The Regulations require that as a condition of receiving funds or any other form of financial assistance under any federal program, an IHE 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.

### **Creating a Program**

The Regulations requires the IHE to:

- prepare a written policy on alcohol and other drugs (AOD);
- develop a sound method for distribution of the policy to every student and IHE staff member each year; and
- prepare a biennial report on the effectiveness of its AOD programs and the consistency of policy enforcement.

The Regulations also require that an IHE submit a written certification to the Secretary of Education stating that it has adopted and implemented a drug prevention program as described in the Regulations.

### **Failure to Comply**

If an IHE fails to submit the necessary certification or violates its certification, the Secretary of Education may terminate all forms of financial assistance, whether from the Department of Education (DOE) or other federal agencies, and may require repayment of such assistance, including individual students' federal grants, such as Pell grants.

### **Contents of the Written Policy**

The written policy must include a:

- description of the 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";
- description of the applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol;
- description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- description of any drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students; and
- clear statement that the IHE will impose disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution.

## **Standards of Conduct**

Standards of conduct may range from statements prohibiting illegal activities related to alcohol and other drugs to statements reflecting the institution's more specific expectations.

The standards of conduct apply to all:

- students who are registered at an IHE;
- on- and off-campus activities that are considered to be school-sponsored, such as officially sanctioned field trips;
- foreign study programs;
- student-sponsored social activities or professional meetings attended by employees if these activities or meetings are considered IHE-sponsored activities.

## **Legal Sanctions**

The minimum level of information about federal laws that IHEs must provide to students and employees in order to comply with the Regulations include a description of the federal penalties and sanctions for illegal trafficking and possession of a controlled substance.

## **Health Risks**

The minimum level of information that IHEs must distribute includes a statement of health risks associated with the use of AOD.

## **Distribution of the Policy**

The DOE requires that each IHE distribute its AOD policy annually in writing. If new students enroll or new employees are hired after the annual distribution date, these students and employees must also receive the materials.

## **Distribution to Students**

Some ways to annually distribute the policy to students are:

- the U.S. mail is the best way to ensure distribution to all students;
- some lower-cost options are:
  - distributing thru required classes or during freshman orientation;
  - including it in the registration packet each student receives;
  - enclosing it with invoices for student financial accounts;
  - incorporating it into other materials (e.g., yearly calendar, schedule of classes, student handbook);
  - electronic mail (e-mail); or
- a combination of above.

## **Distribution to Employees**

Some ways to annually distribute the policy to employees are with the:

- paychecks;
- annual W-2 form,

Giving the written policy to employees only at the beginning of their employment does not meet the requirement.

## **The Biennial Review**

The required biennial (even years) review has two objectives:

- to determine the effectiveness of the AOD program and to implement any needed changes; and
- to ensure that the disciplinary sanctions for violating standards of conduct are enforced consistently.

The biennial review includes:

- a description of the AOD program elements;
- a statement of AOD program goals and a discussion of goal achievement;
- summaries of AOD program strengths and weaknesses;
- procedures for distributing AOD policy to students and employees;
- copies of the policies distributed to students and employees; and
- recommendations for revising AOD programs.

Because the Regulations do not specify what a biennial review should include or how it should be conducted, IHEs have considerable leeway in determining how to conduct and what to include in their biennial review.

For a Biennial Review Checklist, see page 6.39.

### **1998 Amendment**

On October 7, 1998, President Clinton signed into law the Higher Education Amendments. Two of the summarized amendments that apply to the Regulations are:

- **Section 484**  
Student Eligibility is amended to authorize the suspension of a student's federal loan eligibility if he or she has been convicted of a drug-related offense.
- **Section 952**  
Alcohol or Drug Possession Disclosure authorizes IHEs to disclose to parents and guardians violations of institutional policies or rules in addition to local, state, and federal laws governing the use or possession of alcohol or a controlled substance if the student is under 21 and if the IHE determines that the student has committed a violation with respect to such use or possession.