



The Safe and Drug Free Schools &
Campuses Act
(34 C.F.R. Edgar Part 86):
Updates and Review
Session II

The Drug and Alcohol Prevention
Program Notice

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Module 1 Recap



- ▶ Describe the history of the DFSCA Compliance Act
- ▶ List the primary requirements of the Drug-Free Schools and Campuses Act.
- ▶ Explain required elements of certification
- ▶ Detail current changes in how the act is monitored and enforced



Session II Learning Objectives

- ▶ Explain required elements (Standards of conduct, Applicable sanctions, health risks, intervention inventory, disciplinary statements) of the Drug and Alcohol Prevention Program Notice
- ▶ Identify who should receive the annual notification
- ▶ Illustrate best practices of distribution of the Drug and Alcohol Prevention Program Notice



COMPLYING WITH THE DRUG-FREE SCHOOLS AND CAMPUSES REGULATIONS

[EDGAR Part 86]

A Guide for University
and College Administrators

U.S. Department of Education

<http://www.higheredcompliance.org/resources/resources/dfscr-hec-2006-manual.pdf>



Annual Notification



DFSCA vs Clery

- ▶ Not the same
- ▶ DFSCA Much more detailed/specific
- ▶ When looking at the requirements, if you have less than 2 page DAAPP Notice – you're probably not doing it correctly.
- ▶ DAAPP is more than your substance use policy/statement

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A Stepped Approach?

- ▶ Drug and Alcohol Prevention Program Notice
 - ▶ Drug and Alcohol Prevention Program
 - ▶ Biennial Review

Annual Notification

- Different than sending the notice annually
- Notification must occur **annually** (within a 12 month period) to each **employee** and **student**

The distribution plan must make provisions for providing the DAAPP disclosure annually to students who enroll at a date after the initial distribution and for employees who are hired at different points throughout the year.



Who is supposed to get the notice? - Students

- ▶ Throughout the guidebook, “all students” are referenced within Chapter 2 of the Annual Notification.
- ▶ Within the “Standards of Conduct” subsection, standards of conduct are to be applied to all students who are registered for any type of credit except continuing education units.
- ▶ All students including
 - ▶ Commuter students
 - ▶ Students in programs/cohorts held off-campus
 - ▶ On-line students
 - ▶ Dual credit high school students
 - ▶ Students conducting research or engaged in student teaching, internships, externships, practica



Who is supposed to get the notice? – Faculty and Staff

- ▶ All faculty, staff, and administrators including
 - ▶ Those working on-campus
 - ▶ Those working remotely
 - ▶ Those who are working off-campus
 - ▶ Full-time, part time
- ▶ Individuals contracted/employed through 3rd Parties
 - ▶ Does Clery have an example or exclusion?

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Who is supposed to get the notice? – Incoming Students and Families/Public

- ▶ Strongly encouraged to be distributed/made available to incoming students and families
- ▶ Is to be provided to the public at request



Distribution of Annual Notification

- ▶ The Department of Education requires that each IHE distribute its AOD document to each student, staff and faculty **annually in writing.**

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Distribution of Annual Notification

- ▶ Merely making the materials available to those who wish to take them does not satisfy the requirements of the Regulations.
- ▶ Distribution must be intentional, passive methods do not meet requirements or expectations
- ▶ The institution must be able to describe what steps it takes to ensure distribution to all students and employees in order to establish compliance



Remember – The law and regulations are over 32 years old

- ▶ How were institutions expected to comply and distribute the policy in the late 80's and early 90's
- ▶ What technologies were available at that time?
- ▶ What technologies do we have today that we did not have or were commonly used at that time?



Traditional Promoted Methods of Annual Distribution

To Students:

- The Campus Mail/U.S. mail systems are probably the best way to ensure distribution to all students.
- Distribution through required courses
- Distribution through orientation
- Including it in registration packets
- Including it with student handbook, schedule of classes
- Dissemination through advising when advising is mandatory
- Enclose in invoices for financial obligations

A COMBINATION OF METHODS WORKS BEST



Traditional Promoted Methods of Annual Distribution

To Faculty & Staff, include:

- ▶ with employees' paychecks
- ▶ with the W-2 form
- ▶ If distributed annually, in the faculty/staff handbook
- ▶ **Giving the written policy to employees only at the beginning of their employment does not meet the requirement that the policy be distributed annually.**

A COMBINATION OF METHODS WORKS BEST



Electronic Distribution – 2006 DFSCA Manual Guidance

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.



Electronic Mail Distribution – Guidance 2010

- ▶ Delivery may be by electronic e-mail **if** the IHE has established that electronic e-mail delivery **goes to each and every individual and** that electronic mail communication is one of the IHE's primary and official modes of communication.
- ▶ Delivery must ensure receipt
- ▶ Entire DAAPP Notice, including tables, charts had to be in the body of the e-mail.
- ▶ No links/urls to content
- ▶ Must demonstrate appropriate method of distributing to those whose mailings are returned or bounced back



Recent Changes in E-Delivery

- E-mail with direct link to on-line DAAPP appears to now acceptable

information is not adequate to meet the active distribution standard set out in Federal law and the Department's regulations. An institution may distribute the annual disclosure by electronic mail if it wishes to do so. The method for such a distribution would require the institution to post program materials on its website and then send an e-mail message to each mandatory recipient that includes a direct link to the document. Sending a general email message to students and employees encouraging them to read all of the College's policies does not meet the standard for direct notice.



Eastern Illinois University Portal Notification Method

- ▶ PAWS
- ▶ Resets Annually on September 1
- ▶ First Entry after September 1
must acknowledge receipt and
read
- ▶ Allows monitoring through a fake
hold

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Primary and Secondary

- Identify what are your Primary Methods of Distribution?
- Identify secondary methods, which may include passive
- Have multiple methods, but focus on your primary and ensure distribution through that methods



To Link or Not to Link Within?

- URL's within the document?
- Can you link to subsections, graphs, charts?
- **Past guidance has indicated that the document must be in its entirety and should not have links to other documents/portions.**



Annual Notification

- Notification should include:
 - Standards of conduct
 - Applicable federal, state, local and institutional sanctions
 - Description of short and long term health risks
 - List of AOD prevention and treatment programs available to students, staff and faculty
 - Clear statement that IHE will impose disciplinary statements



Standards of Conduct

- ▶ Covers all students who are registered for one course for any type of unit except continuing education
- ▶ Students who work for the institution may be covered by employee policies
- ▶ Applies to all on-campus activities and to off-campus activities officially sponsored by IHE's
- ▶ Have been interpreted to apply to student-sponsored social activities and professional meetings attended by employees

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Legal Policies & Sanctions

- ▶ A description of the applicable legal sanctions under **local, State, or Federal law** for the unlawful possession or distribution of illicit drugs and alcohol
- ▶ An alcohol and drug policy should stipulate that anyone who violates the policy is subject both to the institution's sanctions and to criminal sanctions.

Legal Policies & Sanctions – Campus

Policy Violation	Typical Monetary Sanction - 1st Offense	Other Typical Sanctions - 1st Offense	Typical Sanctions – 2nd Offense
Underage Possession of Alcohol	\$50	Alcohol Education Program	Parental Notification if under 21, Monetary Sanction, Possible Disciplinary Probation.
Open Alcohol In A Public Area	\$50	Alcohol Education Program	Monetary Sanction, Possible Disciplinary Probation.
Possession of Kegs	\$100	Alcohol Education Program	Parental Notification if under 21, Monetary Sanction, Possible Disciplinary Probation.
Single Incident of Possession of Marijuana For Personal Use	\$150	Disciplinary Probation, Drug Education Program on Marijuana & Random Drug Testing	Suspension
Possession of More Than One Ounce of Marijuana	\$150	Suspension or Expulsion	Suspension or Expulsion
Possession of Any Amount of "Hard" Drugs (Cocaine, PCP, etc.)		Suspension or Expulsion	Suspension or Expulsion
Conveying Marijuana or A Controlled Substance To Another Person		Suspension or Expulsion	Suspension or Expulsion
Possession of Firearms or Other Dangerous Weapons		Suspension or Expulsion	Suspension or Expulsion



Legal Policies & Sanctions – Local

- ▶ Underage Drinking Ordinances, Fines, and Sanctions
- ▶ Marijuana Ordinances, Fines, and Sanctions
- ▶ Fake ID Ordinances
- ▶ Party Ordinances

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Legal Policies & Sanctions – State

- ▶ Unlawful Use of Fake ID
- ▶ Driving Under the Influence 21 and Over
- ▶ Driving Under the Influence Under 21/Zero Tolerance
- ▶ Statutory provisions for Illegal Drug
Manufacture/Delivery
- ▶ State Marijuana Use

Legal Policies & Sanctions – State

	Manufacture or Delivery (720 Illinois Compiled Statutes 570/401)				Possession (720 ILCS 570/402)	
Illegal Drugs	Class X Felony	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 1 Felony	Class 4 Felony
	not more than \$500,000 fine	not more than \$250,000 fine	not more than \$200,000 fine	not more than \$150,000 fine	not more than \$20,000 fine	not more than \$15,000 fine
	Min. 6 years	4 to 15 years	3 to 7 years	2 to 5 years	4 to 15 years	1 to 4 years
Heroin	15 grams or more	10-14 grams	10 grams or less		15 grams or more	less than 15 grams
Cocaine	15 grams or more	1-14 grams	1 gram or less		15 grams or more	less than 15 grams
Morphine	15 grams or more	10-14 grams	10 grams or less		15 grams or more	less than 15 grams
Peyote	200 grams or more	50-199 grams		50 grams or less	200 grams or more	less than 200 grams
Barbiturates	200 grams or more	50-199 grams		50 grams or less	200 grams or more	less than 200 grams
Amphetamines	200 grams or more	50-199 grams		50 grams or less	200 grams or more	less than 200 grams
Lysergic Acid (LSD)	15 grams or more	5 to 14 grams or hits		5 grams or less	15 grams or more	less than 15 grams
Petazocine	30 grams or more	10 to 29 grams		10 grams or less	30 grams or more	less than 30 grams
Methaqualone	30 grams or more	10 to 29 grams		10 grams or less	30 grams or more	less than 30 grams
Phencyclidine	30 grams or more	10 to 29 grams		30 grams or less	30 grams or more	less than 30 grams
Ecstasy	200 grams or more	50 to 199 grams		50 grams or less	200 grams or more	less than 200 grams

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Legal Policies & Sanctions – Federal

- Denial of Federal Aid (Revoked?)
- Forfeiture of Personal Property and Real Estate
- Federal Drug Trafficking Penalties
- Federal Drug Possession Penalties

Legal Policies & Sanctions – Federal

Drug/Substance	Amount	Penalty - 1st Conviction
Barbiturates	Any amount	Up to 5 years prison. Fine up to \$250,000
Cocaine	5 kgs. or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	Less than 100 grams	10-63 months prison. Fine up to \$1 million
Crack Cocaine	50 grams or more	Not less than 10 years prison, not more than life. Fine up to \$4 million
	5-49 grams	Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
	5 grams or less	10-63 months prison. Fine up to \$1 million



Health Risks



- ▶ A description of the health risks associated with the use of illicit drugs and the abuse of alcohol that occurs on your campus.
- ▶ Statements of health risks associated with the use of alcohol and other drugs represent the minimum level of information that schools must distribute.

Health Risks Descriptions should include

- Risk of dependence
- Possible short-term effects
- Possible long-term effect
- Effects of overdose

Health Risks Descriptions

Substance	Nicknames/ Slang Terms	Short Term Effects	Long Term Effects
Alcohol		slurred speech, drowsiness, headaches, impaired judgment, decreased perception and coordination, distorted vision and hearing , vomiting, breathing difficulties, unconsciousness, coma, blackouts,	toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, vitamin B1 deficiency, sexual problems, cancer, physical dependence
Ampheta mines	uppers, speed, meth, crack, crystal, ice, pep pills	increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety	delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, physical dependence

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Health Risks Description Considerations

- ▶ Many people use a shotgun approach and just list common categories.
- ▶ Most schools do not alter listing once its created.
- ▶ Drugs highlighted implies that these drugs are ones used by your students.
- ▶ Drugs highlighted implies that you have collected data to determine what drugs exist on your campus.



Drug & Alcohol Programs

- A description of any drug or alcohol programs that are available to employees and students . These include:
 - Prevention programs
 - Assessment/Identification
 - Intervention
 - Treatment
 - Rehabilitation
 - Re-Entry/Recovery
- On and Off Campus Resources



Drug & Alcohol Programs

- ▶ On-Campus Services and Offerings
- ▶ Enough to Demonstrate that You Have a Substance Use Program
- ▶ Off-Campus Entities – Who to Place on Notice
 - ▶ Location/Service Area
 - ▶ Contractual Agreements for Service Provisions
 - ▶ Memorandums of Understanding



Disciplinary Sanctions



- ▶ **A clear statement that the institution will impose sanctions** on students and employees (consistent with local, State, and Federal law)
- ▶ On and off campus?
- ▶ 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



Disciplinary Sanction Enforcement

- ▶ Responsibility for the enforcement of standards of conduct is not specifically mentioned in 34 C.F.R. Part 86
- ▶ Responsibility for enforcing standards of conduct is usually shared among
 - ▶ campus police or security personnel
 - ▶ Residence hall staff
 - ▶ Judicial affairs/Dean of Students
 - ▶ health providers, faculty,
 - ▶ students, among others.

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DAAPP Notification and the Biennial Review

- ▶ Your DAAPP Process should be reviewed as part of your biennial review process
- ▶ Your biennial review report should include a section highlighting and detailing the primary methods which are used to distribute the notice to all students, staff, and faculty
- ▶ Note any changes/updates made to your DAAPP notice content and processes
- ▶ If needed, indicate any recommendations/suggestions for improvement to be made during the next biennium.



Conclusion



- This area of the mandate is the most specified
- This area is the most easily checked/reviewed by an auditor
- Requires upkeep and maintenance
- A team effort, can not be the work of just one office
- Institutionalization leads to success



Questions?





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