



Office of the Vice President and Dean of Student Life

Hunter Activity Center- 2nd Floor

501 Westminster Ave

Fulton, Mo. 65251

**WESTMINSTER COLLEGE**  
**DRUG FREE SCHOOLS AND CAMPUS ACT OF 1989**  
**BIANNUAL ALCOHOL AND DRUG REPORT 2018-2019**

In accordance with the requirements of the Drug Free Schools and Campus Act of 1989 and the Campus Security Act of 1990, institutions must publish a biannual report containing information on campus alcohol and drug policies, programs and standards related to its institution.

Westminster College is committed in providing a campus environment free for all to attend and work at the highest levels of academia. High risk behaviors related to drug and alcohol abuse can lead to decreased productivity, serious health problems, strained social interactions, and impaired learning. Any and all academic communities can be harmed by the use of alcohol drugs. To this end, Westminster College offers alcohol and drug abuse programs from departments such as The Wellness Center and Human Resources.

**STANDARDS OF CONDUCT FOR STUDENTS**

Westminster College is committed to a healthy, safe environment for learning, living, and working. Students, faculty, staff and guests are expected to comply with all federal, state, and local laws as well as College rules and regulations following alcoholic beverages and other drugs. Specifically, the College prohibits the unlawful sale, possession, or underage consumption of alcohol or drugs in or on College property or as part of any of its activities. Our definition of drugs mirrors the laws of the State of Missouri and include, but are not limited to, marijuana, cocaine, cocaine derivatives, heroin, amphetamines, barbiturates, LSD, PCP, tranquilizers, inhalants, and associated paraphernalia.

## **DISCIPLINARY RESPONSIBILITY FOR STUDENTS**

Westminster College recognizes students as adults who are expected to obey the law and the rules and regulations of the College, to take personal responsibility for their conduct, to respect the rights of others, and to have regard for the preservation of state and College property, as well as the property of others. Westminster College will not police the personal lives of students on or off campus by spying or intrusive searches; however, students whose conduct threatens to cause disorder, public disturbances, danger to themselves or others, or property damage will be disciplined. Those apprehended and found responsible of violating the law or rules and regulations of the College may receive a maximum sanction of expulsion from the College.

## **CODE OF STUDENT CONDUCT**

Westminster College is dedicated to the advancement of knowledge and learning and to the development of ethically responsible persons. College students are expected to uphold appropriate standards of behavior and to respect the rights and privileges of others. Student Conduct is expected to be lawful and in accordance with all federal, state and local laws, and College regulations. In keeping with the stated essential sanctions imposed on students found in violation of the Code of Student Conduct are designed to promote the College's educational mission. Furthermore, sanctions are imposed for the purposes of restoring the standards of the College community, educating students about the seriousness of their action(s) and promoting civility and positive growth, while maintaining the safety and integrity of the individuals involved and the College community. The processes for adjudicating violations of federal, state and local laws and violations of the Code of Student Conduct are separate and may be pursued independently of one another.

## **AUTHORITY**

Bylaws and policies of the Board of Trustees of the Higher Learning Commission charges the President of Westminster College with the responsibility of maintaining "appropriate standards of conduct of students" and further authorizes him or her to "expel, dismiss, suspend, and place limitations on continued attendance and to levy penalties for disciplinary violations..." In accordance with this responsibility, the aim of disciplinary action is the redirection of student behavior toward the achievement of academic and social goals. The President has delegated this function to the Vice President/Dean of Student Life. It is the responsibility of the Vice President/Dean of Student Life to initiate, implement, and supervise the disciplinary process for students.

The Office of the Vice President/Dean of Student Life may be assisted in the disciplinary determinations by the Honor Board which may hear cases assigned to them. The involvement of peer groups in such decisions is consistent with the College's educational goals and its practice of student participation in institutional governance.

## **DISCIPLINARY RESPONSIBILITY FOR STUDENTS**

The Office of the Vice President/Dean of Student Life, by delegated authority, is assigned the responsibility of receiving and handling all disciplinary matters concerning the behavior of students, student groups, and/or student organizations. The Vice President/Dean of Student Life, who has sole discretion, assigns cases based on the type of behavior, status, and case load of various boards. The Office of the Vice President/Dean of Student Life has sole discretion in the determination of sanctions for students, student groups, or student organizations found responsible for violating the Code of Student Conduct.

## **SANCTIONS**

Violation of the Code of Student Conduct and College regulations will be enforced. If the behavior of a student is such that his or her continuance at the College at the College would be hazardous to others or detrimental to the College, the Vice President/Dean of Student Life may, at his or her discretion, temporarily suspend the student until the disciplinary process is complete. Student conduct sanctions are educational in nature. More than one sanction or any combination of sanctions are educational in nature. More than one sanction or any combination of sanctions may be imposed for any single violation. The following list is an example of sanctions, however it is not all inclusive of all possible sanctions:

1. **Warning/Reprimand-** A warning/reprimand may be oral or written. A warning/reprimand is an expression of the College's disapproval, by the Vice President/Dean of Student Life, the Office of Greek and Residence Life, or the Judicial Affairs Officer to the student for violating the CSC or other College regulations. It is a notice and warning to the student(s) that he/she or they violated College regulations.
2. **Probation-** Probation status is warranted when violation(s) of College regulations occurred and a sanction stronger than a reprimand, but not as stringent as suspension or expulsion, is appropriate. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student(s) or organizations is/are found to have violated the CSC during the probationary period. The student who is one probation will be considered not in good standing and may also be subjected to one or more of the following restrictions and conditions during the period of probation:
  - a. Loss of special privileges, including participating in any and all types of extracurricular activities;
  - b. Loss of eligibility for election to student offices;
  - c. Loss of any position held in any campus-wide student organization for the period of probation;
  - d. Any scholarship(s) held by the student may be subject to revocation if held by the College.

- e. Requirement to make monthly visits (or more frequently if deemed necessary by counselor) to an appointed counselor for the duration of the probationary period.
  - f. The performance of work service under the mentorship and supervision of a faculty or staff member.
  - g. In certain circumstances, student(s) may demonstrate a need for social guidance. In these instances, he or she may be required to participate in selected social and/or cultural enrichment activities deemed beneficial to the refinement of their personal growth and development.
3. Emergency/Interim Suspension- The Vice President/Dean of Student Life may impose an emergency suspension from residence or academic status when, in judgment of this College official, such action appears necessary for reasons relating to a student's physical or emotional safety and well-being or the safety and well-being of a member of the College community. Alternatively, in certain circumstances, the Vice President/Dean of Student Life may impose an immediate interim suspension prior to a hearing before a judicial body on the merits of the violation of the CSC. Interim suspension may be imposed against a student who is charged with a capital offense, or other offense of a kind or nature, which involved interference with the educational process or interference with the orderly operation of the College. Additionally, interim suspension may be imposed to ensure the health, property, safety, or well-being of members of the College community; to ensure the student's own physical or emotional safety and well-being; or if the student poses a threat of disruption of or interference with the normal operations of the College. During the interim suspension, the accused student shall vacate the residence hall and College property and shall be allowed on College property only for the purpose of appearing before various College officials and hearing boards. Under interim suspension, a student is prohibited from attending classes or any other campus event as mention in this paragraph. An interim suspension is not subject to appeal.
4. Suspension- Separation of the student from the College for a definite period of time. During the suspension period, the student shall not be allowed on College property nor attend any College functions without the written permission of the Vice President/Dean of Student Life. Conditions for readmission may be specified. Suspension may also include a period of separation from the College for an unspecified period of time (indefinite suspension), no less than one calendar year, unless otherwise allowed by the Vice President/Dean of Student Life. All suspended students applying for readmission to the College must petition the Vice President/Dean of Student Life. The Vice President/Dean of Student Life may conduct, or cause to be conducted, appropriate investigations or inquiries to determine the student's suitability to return.
5. College Expulsion- Permanent separation from the College, without the right of readmission.
6. Revocation of Degree- An awarded degree may be revoked for violations of the CSC, which occur prior to the award of the degree but are discovered after the degree has been awarded, where the violation is sufficient to justify the suspension or permanent dismissal of the student. (Revocation of a degree requires administrative review)

7. Discretionary Sanctions- Work assignments, service to the College or other related discretionary assignments. Such assignments must have the prior approval of the Vice President/Dean of Student Life.
8. Restitution- Reimbursement (to the College or an individual) for repair or replacement of damaged property.
9. The academic records of a student MAY be stamped with a student conduct flag at the discretion of the Vice President/Dean of Student Life and his/her designee.
10. Educational Requirements - A stipulation to complete a specific educational requirement directly related to the violation of the Code of Student Conduct committed. The provision will be clearly defined. Educational requirements may include, but are not limited to, completion of an alcohol or drug education course, an integrity course, essays, reports, etc.

## **EDUCATIONAL INITIATIVES FOR ALCOHOL AND DRUG PROGRAMS**

1) First-Year Student Initiatives: All first-year students are required to enroll in a 1-credit hour leadership course “The Leader Within” during their first semester at Westminster College. Various health-behavior education topics are used throughout this course, including alcohol responsibility, sexual assault, drug use/abuse, and wellness. These specific topics give information about norms on Westminster’s campus, introduce local and state laws, explain how their behaviors impact the Westminster community, and provide interactive education to influence positive behaviors. This fits under Tier 1 strategies NIAAA report.

2) General Student On-going Prevention Initiatives: a. Campus-wide trainings (Tier III Strategies NIAAA report) □ Green Dot is a bystander intervention program. □ QPR certification is a suicide prevention initiative; Question, Persuade, Refer □ Red Watch Band Training is a bystander intervention program that provides knowledge, awareness, and skills to prevent toxic drinking deaths on campus and promote a culture of responsibility. b. The peer health educator program is an active volunteer group made up of 10 students. These students are trained through The BACCHUS Network programming including The Certified Peer Health Educator Training and the Area 5 Meeting of the Minds conference. Additional topic-specific trainings are provided throughout the year. This organization meets weekly and provides evidenced-based programming on a variety of health topics throughout the year. Programming specific to alcohol responsibility includes hosting an alcohol responsibility week, bringing in speakers, tabling events, social norms messaging, partnering with other campus groups to provide additional late-night programming throughout the school year, and providing presentations to classrooms and residential halls. This fits under Tier III strategies NIAAA report. c. Alcohol-free, late night programming occurs through Campus Activities Board. Although more programming needs to occur, additional late night programming has happened over the past year to give students alcohol-free entertainment during high risk drinking times (weekends, holidays). This fits under

Tier III strategies NIAAA report. d. Brief Alcohol Screening and Intervention for College Student (BASICS) programming is available to all Westminster College students that would like to examine their drinking behavior and lower the risks and unintended consequences from alcohol use. This program has been built into the disciplinary action program to require students with relevant alcohol-related offences to attend BASICS sessions. This program started at Westminster College in the spring of 2012 and is organized through The Wellness Center, provided by trained counselors. This fits under Tier I strategies NIAAA report.

3) Student-Athlete Initiatives a. BjAM – Blue Jay Athlete Mentors is a student-athlete peer education program utilizing student-athlete leaders on each team as well as student-leaders in the Student-Athletic Advisory Committee (SAAC). This fits under Tier III strategies NIAAA report.

b. Increase our alcohol-free late night programming by developing our pre-game, half-time, and post-game venues as an entertaining and educational opportunity for the entire student body. This fits under Tier III strategies NIAAA report. 4) Task-Force/Strategic Planning - Strengthen our campus and community alcohol task force to be more diverse and integrated, using the Promising Practices: Campus Alcohol Guide and the Missouri Partners in Prevention Model. This fits under Tier II strategies NIAAA report.

## **EMPLOYEES**

### **Federal Law Compliance**

It is the College's intent and obligation to comply with the Drug-Free Work Place Act of 1988, Public Law 100-690, the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226, and related regulations to provide a drug-free, healthy, and safe work environment.

### **Explanation and Consequences of Prohibitive Behavior**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, narcotics, or alcoholic beverages on College premises or off-campus sites (including College vehicles and any private vehicles parked on College premises or off-campus sites) or at College-sponsored functions is absolutely prohibited. Violations of this policy will result in disciplinary action, up to termination of employment, and may have legal consequences. Violations of this policy could result in the involvement of law enforcement. All employees and applicants are required to comply with this policy as a condition of employment.

Violations of this policy include, but are not limited to: reporting to work under the influence of alcohol or illegal drugs; having a detectable level of alcohol or an illegal drug present in one's system while on the job, operating College vehicles or on any College premises; possessing illegal or non-prescribed drugs and narcotics or alcoholic beverages at work; using those

substances while working; or dispensing, distributing, or illegally manufacturing or selling them on College premises.

Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report the conviction in writing to the Director of Human Resources within five days, and the Director of HR will take appropriate actions as required by law.

### **Employer and Employee Responsibilities**

A. Supervisors should immediately report any action by an employee in violation of this policy, especially actions that might pose a danger to the employee or others, to the appropriate department Vice President and the Director of HR. The Director of HR, the department Vice President and the College President or his/her designee will determine whether the employee should be examined by a physician or clinic. Employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises, and to the extent allowed by law, may be suspended without pay. Alternate transportation must be arranged by the employee. If the employee is unable to secure transportation, alternate transportation will be provided at the employee's expense. At no time will a current employee be allowed to transport the employee who is under the influence.

Employees are to report to the department Vice President or Director of HR any suspicious behavior of a co-worker, employee, student or campus visitor that may be alcohol or drug related without fear of retaliation. To the extent possible, the report will be handled in a confidential manner.

B. Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek help through the Employee Assistance Program. Authorization to return to work will be required. Employees who participate in a treatment program will be expected to meet existing job performance standards and established work rules and policies.

C. Supervisors have the responsibility and the right to take disciplinary measures in the case of poor performance or work misconduct.

D. This policy has no bearing whatsoever on what employees do on their own personal time when not working for the College, unless it reflects on their job performance.

## **Alcohol and Drug –Free Awareness Program**

The College will inform employees about:

- A. The dangers of alcohol and drug abuse in the workplace.
- B. The College’s policy and procedures for maintaining an alcohol and drug-free workplace.
- C. Any available drug counseling, rehabilitation and employee assistance programs.
- D. The penalties that may be enforced upon employees for alcohol and drug abuse violation occurring in the workplace.

## **Treatment**

Employees who suspect that they may have an alcohol or drug dependency problem are encouraged to seek help and follow through with the treatment that is prescribed by qualified professionals in order to address the problem. Employees having these problems may receive treatment that is offered under the College’s health benefit plans (See the Director of HR or the Payroll/HR Specialist for more information) and are encouraged to seek additional and/or alternate treatment that may be available at the employee’s own expense.

## **IT’S THE LAW**

Numerous federal, state, and local laws provide for a variety of legal sanctions and penalties for the unlawful possession or distribution of illicit drugs and alcohol. These sanctions include, but are not limited to, incarceration and monetary fines.

The Federal Controlled Substances Acts provide penalties of up to 15 years imprisonment and fines up to \$25,000 for unlawful distribution or possession with the intent to distribute narcotics. For unlawful possession of a controlled substance, a person is subject to up to one year of imprisonment and fines up to \$5,000. Any person who unlawfully distributes a controlled substance to a person under twenty-one years of age may be punished by up to twice the term of imprisonment and fine authorized by law.

State laws and local ordinances also prohibit illicit drugs and alcohol. Copies of these laws as well as College policies and regulations are available at the following locations:

- Office of Human Resources
- Campus Security
- Office of the Vice President/Dean of Student Life



## HEALTH RISKS

The use, misuse, and abuse of alcohol and other drugs, both legal and illegal, can have serious consequences to health and well-being. Alcohol and other drug use can lead to psychological and/or physiological dependence and addiction. Information on specific health risks associated with alcohol and other drugs is summarized below and is available in more detail at the following campus locations:

- The Wellness Center
- Human Resources

Westminster College will establish and maintain a program of education designed to help all members of the College community avoid involvement with illegal drugs. Our education programs will:

1. Provide a system of accurate, current information exchange for students, faculty, and staff on the health risks and symptoms of drug use.
2. Promote and support institutional activity programming that discourages substance abuse.
3. Establish collaborative relationships between community groups and agencies and the institution for education, treatment and referral.
4. Provide training programs for students, faculty, and staff to enable them to detect problems related to drug use and to refer persons with problems to appropriate assistance.
5. Include information about drugs for students and family members in the student orientation programs. The use of prescription and over-the-counter drugs will be addressed.
6. Support and encourage faculty in incorporating education about drugs into the curriculum, where appropriate.
7. Develop a coordinated effort across campus for drug-related education, treatment and referral.

Alcohol is a central nervous system depressant that can impair coordination, inhibitions, self-control, memory, judgment, and reflexes. Large quantities may produce staggering, slurred speech, mood changes, unconsciousness and possibly death. Prolonged use can damage many organs of the body including the heart, liver, stomach, and pancreas.

Marijuana can increase heart rate, interfere with sexual development, may cause a reduction in male fertility and disrupt the female menstrual cycle. It can increase the risk of disease/damage to the body's respiratory system, impair eye-hand coordination and other essential functions needed to operate a motor vehicle safely. It can also impair the body's immune system.

Cocaine can cause feelings of depression, inability, impatience and pessimism. It can also cause severe weight loss, anxiety, hallucinations, increased heart rate and blood pressure. Cocaine has caused death by convulsion, failure of the respiratory system, and by heart attack.

Over-the Counter and Prescription Drugs can also cause drug tolerance, dependence, and addiction. The potential for misuse and abuse is increased with these drugs as they are easily obtainable, safe as far as ingredients and manufacturing, and the user may tend not to follow specific instructions for dosage and frequency. Many legal drugs also have a long shelf life leading to their use after they are no longer needed or for self-medication without medical supervision.

Interaction between various drugs, legal and illegal, may have serious consequences to the user. Various combinations of drugs may work at cross purposes within the body, and the combined effects of two or more drugs may be more potent than the effect of a single drug.

Club drugs such as MDMA (Ecstasy), GHB, LSD, Rohypnol, Ketamine and Methamphetamine can cause serious health problems and possibly death. Many of these drugs are tasteless and odorless. The chemicals, drug sources and pharmacological agents used to manufacture these drugs often vary, making it difficult to determine all of the effects, symptoms and health risks associated with club drugs. Confusion, depression, impaired motor function, amnesia, psychotic behavior, cardiac failure and permanent neurological and organ damage are some known effects associated with the use of these drugs.

## **COUNSELING AND TREATMENT**

The Wellness Center has staff available by appointment or on an emergency basis to assist with alcohol and other drug related problems. Our Wellness Center personnel are available during normal hours to address concern of alcohol or drug related emergencies, answer questions, and provide information.

The Wellness Center provides services with regard to alcohol and/or other drug problems; information on various aspects of alcohol and other drug use, misuse and abuse.

If more information is necessary, please contact the following departments:

The Office of the Vice President/Dean of Student Life

Hunter Activity Center; 2<sup>nd</sup> Floor

(573) 592-5241

The Wellness Center

Westminster Hall; Basement Level

(573) 592-5361

### Campus Security

Safety and Security Bldg.

710 Westminster Ave.

(573) 592-5555

### Human Resources Department

Westminster Hall; 1<sup>st</sup> Floor

(573) 592-5226

### Office of Residential Life

Hunter Activity Center; 1<sup>st</sup> Floor

(573) 592-5307

Short term alcohol and other drug counseling is available on campus to students through The Wellness Center (573-592-5361). Students may be referred through The Wellness Center to other treatment programs for more intensive treatment. Through Westminster College's Human Resources department, Boone Hospital Center offers employees additional education and counseling, as well as appropriate referrals. Within Callaway and Boone county areas, the following substance abuse counseling agencies exist: Preferred Health Care (573-556-6589 or 573-632-4321), the McCambridge Center (573-632-4321), and the Mexico Area Recovery Center (573-581-8828). These agencies provide a variety of services which may include counseling services, residential treatments and partial hospitalization, and outpatient treatments. Interested individuals are encouraged to contact each agency for additional information regarding specific services and costs.

Westminster College will provide information about drug counseling and rehabilitation services of the College community. Persons who voluntarily avail themselves to College services shall be assured that applicable professional standards of confidentiality will be observed. Counseling and rehabilitation services include:

1. Training for professional staff and student staff on drug abuse information, intervention and referral.
2. Education programs for students who have demonstrated abusive behavior with drugs.
3. Drug abuse assessments.
4. Referral and follow-up collaboration with the Department of Human Resources.
5. Campus self-help groups.

6. Consultation, information, and referral for students, staff, and faculty with drug problems.
7. Referral opportunities for members of the university community who wish to seek professional assistance beyond the campus in cooperation with the Department of Human Resources.

## HOTLINE NUMBERS

### LOCAL:

#### Off-Campus Resources and Information

**Preferred Family Healthcare:** 101 Adams St. Jefferson City, Missouri 65101: Adolescent residential, intensive outpatient, outpatient, substance abuse, and day treatments

573-556-6589 <http://pfh.org/#>

210 Hoover Road Jefferson City, Missouri 65109: Adult residential, partial hospitalization, medical detox, and day treatments. 573-632-4321 <http://pfh.org/#>

**Women: McCambridge Center** 201 N. Garth Avenue Columbia, MO 65203. Various levels of counseling, children services, residential, day, and outpatient treatments

573-449-3953 <http://www.fccmo.org>

**Men: Mexico Area Recovery Center** 1130 S. Elmwood Dr. Mexico, MO 65265 Detoxification services, partial hospitalization and outpatient services, residential short-term treatment, additional substance abuse treatment

573-581-8828

Local Police Department – Emergency 911 Local Police Department – Non - Emergency 573-592-3100 <http://www.fultonpd.org/> County Sheriff’s Office – Emergency 911

County Sheriff’s Office – Non-Emergency 573-642-7291 <http://www.callawaysheriff.org/>  
Callaway County State’s Attorney’s Office Tammy Dickinson, representing attorney 573-634-8214 <http://www.justice.gov/usao/mow/meetattorney.html>

### NATIONAL:

Alcohol and Drug Abuse	1-800-729-6686
American Council on Alcoholism	1-800-527-5344
Referral and Drug Information	1-800-662-4435

## **CRIME AWARENESS AND CAMPUS SECURITY**

Crime statistics are provided as part of the Westminster College's commitment to safety and security on campus and complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Please view our statistics at: [https://www.westminster-mo.edu/studentlife/security/asr\\_westminster\\_college\\_2016.pdf](https://www.westminster-mo.edu/studentlife/security/asr_westminster_college_2016.pdf)

Appendix A: Federal Drug-Free Schools and Campuses Regulations [Edgar Part 86]  
 WESTMINSTER COLLEGE'S ANNUAL POLICY NOTIFICATION/DISTRIBUTION As a requirement of these regulations, Westminster College is to disseminate and ensure receipt of the below policy/information to all students, staff, and faculty on an annual basis. This process is formally conducted by the Office of Student Life. The information is sent in a mass email to all faculty, staff, and students at the beginning of each semester. The information is online in the student handbook. The information is online in the employee handbook. All of the information is found online on The Wellness Center's homepage. <http://www.westminster-mo.edu/studentlife/chs/Pages/default.aspx>. Questions concerning this policy and/or alcohol and other drug programs, interventions and policies may be directed to our Vice President and Dean of Student Life at (573) 592-5241 Biennial Review Process Our Fulton Partners in Prevention coalition meets each semester, with a smaller prevention group meeting monthly. This coalition regularly reviews policies and makes recommendations on the most effective measures to take on campus and in the community regarding alcohol misuse and abuse. This coalition is described in the above strategic plan and includes representatives across campus including Student Life, The Wellness Center, Residential and Greek Life, Athletics, Student Involvement, College Safety and Security, Human Resources, and Faculty.

### **Public Law 101-226: The Drug Free Schools and Communities Act Amendment of 1989**

#### Section 22. DRUG FREE SCHOOLS AND CAMPUSES

(a) IN GENERAL. –

(1) CERTIFICATION OF DRUG AND ALCOHOL ABUSE PREVENTION

PROGRAM. – Title XII of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by adding at the end a new section 1213 to read as follows:

“DRUG AND ALCOHOL ABUSE PREVENTION”

“SEC. 1213. (a) Notwithstanding any other provision of law, no institution of higher education

shall be eligible to receive funds or any other form of financial assistance under any Federal program, including participation

in any federally funded or guaranteed student loan program, unless it certifies to the Secretary that it has adopted

and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees

that, at a minimum, includes –

“(1) the annual distribution to each student and employee of –

“(A) 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;

“(B) a description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution

of illicit drugs and alcohol;

“(C) a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

“(D) a description of any drug or alcohol counseling, treatment, or rehabilitation or reentry programs that are available

to employees or students; and

“(E) a clear statement that the institution will impose sanction 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 (1)(A); and

“(2) a biennial review by the institution of its program to –

“(A) determine its effectiveness and implement changes to the program if they are needed; and

“(B) ensure that the sanctions required by paragraph (1) (E) are consistently enforced

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(b) Each institution of higher education that provides the certification required by subsection (a) shall, upon request,

make available to the Secretary and to the public a copy of each item required by subsection (a)(1) as well as the results

of the biennial review required by subsection (a)(2).

“(c) (1) The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations

that provide for –

“(A) the periodic review of a representative sample of programs required by subsection (a); and

“(B) a range of responses and sanctions for institutions of higher education that fail to implement their programs or to

consistently enforce their sanctions, including information and technical assistance, the development of a compliance

agreement, and the termination of any form of Federal financial assistance.

“(2) The sanctions required by subsection (a) (1) (E) may include the completion of an appropriate rehabilitation program.

“(d) Upon determination by the Secretary to terminate financial assistance to any institution of higher education under

this section, the institution may file an appeal with an administrative law judge before the expiration of the 30-day period

beginning on the date such institution is notified of the decision to terminate financial assistance under this section. Such

judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning

on the date that such appeal is filed. Such judge may extend such 45-day period upon a motion by the institution

concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action.”

(2) EFFECTIVE DATE. – (A) Except as provided in subparagraph (B), the amendment made by paragraph (1) shall

take effect on October 1, 1990.

(B) The Secretary of Education may allow any institution of higher education until not later than April 1, 1991 to comply with section 1213 of the Higher Education Act of 1965

(as added by paragraph (1)) if such institution demonstrates –

- (i) that is in the process of developing and implementing its plan under such section; and
- (ii) it has a legitimate need for more time to develop and implement such plan