



Fulfilling the Mandates of the Drug-Free Schools and Campuses Regulations (EDGAR Part 86)

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Creation of Drug Free Schools and Campuses Act

- Codified along with Safe and Drug Free Workplace Act in 1986
- Initiation of Biennial Review in 1990



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Why is the DFSCA Mandate Important?

- Why should it be important to us?
- Why should it be important to our departments and division?
- Why should it be important to our institutions?



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Certification Requirements

Part 86, the Drug-Free Schools and Campuses Regulations, requires 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 program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.**



What Does Certification Mean?

- For certain forms of federal funding and assistance, IHE's must certify compliance.
- In most cases, certification is included within the "Representations and Certifications" portion of funding applications and proposals



Presidential/Senior Administrator Certification

- IHE's must also have the senior leading administrator (President) certify
 - minimally every five years
 - Upon the arrival of a new senior leading administrator



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Edgar 86 Minimum Requirements

- Annual notification/distribution of substance abuse policy and information to all students, staff and faculty.
- Development and implementation of a program to prevent the unlawful possession, use or distribution of illicit drugs or alcohol by students **and** employees.
- Prepare a **biennial report** on the effectiveness of its alcohol and other drug (AOD) programs and the consistency of policy enforcement



Additional Requirements

- If requested, IHE's are required to submit written certification and/or copies of policy/information distributed annually, as well as copies of the biennial review to the Secretary of Education and/or designees.
 - Auditors inspecting Financial Aid records
 - Auditors inspecting federally funded research grants
- The Drug-Free Schools and Campuses Regulations establish an expectation that colleges address substance abuse issues based on current research, evaluation, best practices, etc.



Failure to Comply with the Drug-Free Schools and Campuses Regulations

- 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 or other federal agencies, and **may require repayment** of such assistance, including individual students' federal grants, such as Pell grants.
- The Department of Education may also arrange to provide technical assistance toward the development of a plan and agreement that brings the IHE into full compliance as soon as feasible.



Failure to Comply with the Drug-Free Schools and Campuses Regulations

- The possibility of loss of federal funding exists in the provision that "the Secretary annually reviews a representative sample of IHE drug prevention programs."
- *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.*



Record Keeping Requirements

Sec.86.103 requires that IHEs retain the following records for 3 years after the fiscal year in which the record was created:

- The annually distributed notification document
- Prevention program certification
- Results of the biennial review
 - NOTE – A REPORT IS NOT REQUIRED, BUT...
- Any other records reasonably related to the IHE's compliance with certification
- If selected for review, the IHE shall provide 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



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Annual Notification



Compliance – Annual Notification

- Notification must occur annually to each employee and student
- 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



Legal 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.



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 will include

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



Health Risks Description Considerations

- 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
- Changes to CORE Survey



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



Disciplinary Sanctions

- **A clear statement that the institution will impose 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



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.



Distribution of Annual Notification

- The Department of Education requires that each IHE distribute its AOD document to students, staff and faculty **annually in writing**.
- Delivery may be electronic **if** the IHE has established that electronic delivery **goes to the individual and** that electronic communication is one of the IHE's primary modes of communication.
- Delivery must ensure receipt
- Must demonstrate appropriate method of distributing to those whose mailings are returned or bounced back



Distribution of Annual Notification

- If new students enroll or new employees are hired after the annual distribution date, these students and employees must also receive the materials.
- 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



Annual Distribution

To Students:

- The U.S. mail system is probably the best way to ensure distribution to all students.
- Electronic distribution is another option when all students or employees have access.
- Dissemination through advising when advising is mandatory
- Enclose in invoices for financial obligations

To Faculty & Staff, include:

- with employees' paychecks
- with the W-2 form
- 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



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The Biennial Review



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The Biennial Review

- The law further requires an institution of higher education to conduct a **biennial review** of its comprehensive program to:
 - determine its **effectiveness** and implement changes if they are needed
 - ensure that the **sanctions developed are consistently enforced**



The Biennial Review

- The Drug-Free Schools and Campuses Regulations require IHEs to review their AOD programs and policies **every two years**.
- No specific date in which report is to be filed
- Since regulations began in 1990, common for reviews to be conducted during even years
- Review report should be completed and filed by December 31
- Review report should cover the 2 previous academic years



The Biennial Review

- Because EDGAR 86 does not specify what a biennial review should include or how it should be conducted, schools have considerable leeway in determining how to conduct and what to include in their biennial review.
- Network standards, NIAAA report, & DOE Principles of Effectiveness should be utilized in review process



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Biennial Review

Best Practices

- Comprehensive program focused on evidence-based strategies of practice
- Data collection of students' behaviors and perceptions
- Program focused on meeting needs of students at various levels (drinkers, non-drinkers, problem drinkers)
- Creation of a strategic plan of action
- Creation of a task-force or campus-based coalition



Thorough Biennial Reviews Include

1. A description of AOD comprehensive program/intervention elements and policies
2. A statement of AOD program/intervention and policy goals and a discussion of goal achievement
3. Summaries of AOD program/intervention and policy strengths
4. Summaries of AOD program/intervention and policy weaknesses and problems
5. Procedures for distributing AOD document to students and employees
6. Copies of the documents distributed to students and employees
7. Recommendations for revising AOD programs
8. Supporting documentation and evidence



HEC Analysis – Model Biennial Reviews

1. Each included materials to compliment the report
2. Each included information on assessment and evaluation of program effectiveness
3. Each detailed goals and goal achievements
4. Each included recommendations for revising programs and policies
5. Each used a task force to complete the review



Steps to Initiating the Biennial Review

- Rationale and Reasons for conducting the review
- Determine Process
- Determine Who
- Review current data
- Determine problems and concerns
- Review current programs
 - Typology Matrix
 - Assessment/Effectiveness
- Review current policies
- SWOT Analysis
- Determine desired outcomes
- Recommendations, Goals and Outcomes



Initiating a Biennial Review

- Determining why your institution benefits from conducting this process.
 - It's the law – avoid penalties
 - Increase program and policy effectiveness
 - Increase safe and supportive learning environment
 - Determines priorities



Initiating a Biennial Review

- Determine how this process should be implemented and who should be included in this process
 - Student Affairs Staff
 - Academic Affairs
 - Business Affairs
 - Community Members
 - Students



Reviewing Your Current Campus AOD Data

- Collect and review data that describes alcohol and other drug problems and culture
 - CORE Survey
 - National College Health Assessment
 - Policy Violations
 - Transports
 - Diagnoses



Reviewing Your Current Campus AOD Prevention Program

- You must also determine the number of drug and alcohol-related incidents and fatalities that:
 - Occur on the institution's campus (as defined in section 485(f)(6)), or as part of any of the institution's activities
 - Are reported to campus officials
 - Determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution's campus or as part of any of the institution's activities; and
 - Ensure that the sanctions required by paragraph (1)(E) are consistently enforced.



Reviewing Your Current Campus AOD Prevention Program

- Program & Interventions Inventory
- Policy Inventory



Typology Matrix

Socioecological Model by Network Standards

	Individual	Group	Institution	Community	Policy
Policy					
Education					
Enforcement					
Assessment					
Community Mobilization					



Typology Matrix

Socioecological Model by NIAAA Tiers

	Individual	Group	Institution	Community	Policy
Tier I – evidence with college students					
Tier II – evidence with gen populations					
Tier III - promising					
Tier IV – doesn't work					



Typology Matrix

Socioecological Model by SAMHSA Prevention Strategies

	Individual	Group	Institution	Community	Policy
Info. Dissemination					
Education					
Alternatives					
Problem Identification/Referral					
Community-Based Processes					
Environmental/Policy					



Reviewing Your Current Campus AOD Prevention Program

- Consider including process summary or performance metrics for each program/intervention:
 - # of times program/intervention delivered
 - # of students/staff/faculty participating
 - Satisfaction survey results



Reviewing Your Current Campus AOD Prevention Program

- Assessment data on student learning outcomes, attitudinal changes, behavior changes gained through programs
- Evaluation and Research data collected through programs



Reviewing Your Current Campus AOD Policies

- Identify and compile all alcohol and other drug related policies for students, staff and faculty
- Look for redundancy, consistency, inconsistency in language



Reviewing Your Current Campus AOD Policies

- Assess how effective are policies at moving the IHE toward its AOD goals and outcomes
- Assess how consistently enforced are the policies
- Assess if everyone, regardless of affiliation, is held to the same policy standards and offered the same interventions



Policy Inventory

- Measuring Enforcement Consistency
 - DOE/HEC recommends submitting a chart that ID's each case and presents particulars of each offense
 - Documenting level of effort expended to detect violations
 - Document level of expertise of those responsible for detecting/adjudicating AOD offenses



Reviewing Your Current Campus AOD Prevention Program

- You must also report the number of drug and alcohol-related incidents and fatalities that:
 - Occur on the institution's campus (as defined in section 485(f)(6)), or as part of any of the institution's activities
 - Are reported to campus officials
 - Determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution's campus or as part of any of the institution's activities; and
 - Ensure that the sanctions required by paragraph (1)(E) are consistently enforced.



Determining SWOT

- Strengths
- Weaknesses
- Opportunities
- Threats



Review Conclusions

- Outcomes, goals, and objectives for the coming Biennial Period
- Recommended changes in programming, policy, and enforcement.



IHEC Suggested Review Report Contents

- Introduction/Overview
- Biennial Review Process
- AOD Comprehensive Program Goals and Objectives for Biennium being reviewed
- Annual Policy Notification Process
- AOD Prevalence and Incidence Rate Data
- AOD Needs Assessment and Trend Data
- AOD Policy, Enforcement & Compliance Inventory & Related Outcomes/Data
- AOD Intervention Inventory & Related Outcomes/Data
- AOD Goal Achievement and Objective Achievement
- AOD Strengths and Weaknesses
- Recommendations for next Biennium
- Goals and objectives for next Biennium



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What Do I Do With the Report

- Unless requested, we currently do not send to Dept of Ed.
- Send copy to President for signature/certification
- Send signed copy to Financial Aid
- Send copy to grant's office
- Copies to places where someone would think that an alcohol report would be obtained
- Place on-line for public access



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The Spirit of the DFSCA



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What is meant by
“Program?”



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What is meant by a program?

- Clear guidance is not really given
- Some institutions believe that notification and biennial review constitute compliance
- Current best practices and science of prevention are strongly suggested as



Dept of Education

Principles of Program Effectiveness

- base alcohol, drug, and violence prevention programs on needs assessment data
- develop measurable program goals and objectives
- implement programs with research evidence of effectiveness,
- periodically evaluate programs relative to their goals and objectives



Experiences in Effective Prevention

- **U.S. Department of Education:**
22 campus-based model programs (1999-2004)
- Core elements of effectiveness:
 - Exercise leadership
 - Build coalitions
 - Choose evidence-based programs
 - Implement strategic planning
 - Conduct a program evaluation
 - Work toward sustainability
 - Take the long view



Field Experiences in Effective Prevention

- **U.S. Department of Education:** 12 campus-based model programs (2005-2007)
- Insights on prevention programs, projects, campaigns:
 - Link prevention to the institution's mission, values, and priorities
 - Strategic planning is an ongoing, dynamic process
 - Engage the campus community in data collection and evaluation
 - Promote student involvement
 - Pay attention to strategic timing
 - Hone communication skills



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The Network Standards

- the Network is a voluntary membership organization whose member institutions agree to work toward a set of standards aimed at reducing alcohol and other drug problems at colleges and universities
- <http://www.thenetwork.ws/direct>
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The Network Standards

- Policy
- Education & Student Assistance
- Enforcement
- Assessment
- Campus / Community
Collaboration



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The Network Standards Policy

- Annually promulgate policy, consistent with applicable federal, state and local laws, using such means as the student and faculty handbooks, orientation programs, letters to students and parents, residence hall meetings, and faculty and staff meetings.



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The Network Standards Policy

- Develop policy that addresses both individual behavior and group activities
- Define the jurisdiction of the policy carefully to guarantee the inclusion of a campus property. Define campus-based standards to off-campus events involving students.



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The Network Standards Policy

- Stipulate guidelines on marketing and hosting off-campus sponsored events involving students, faculty, staff, and alumni at which alcoholic beverages are served.
- State institutional commitment to the education and development of students, faculty, and staff regarding AODV issues.



The Network Standards Education & Student Assistance

- Provide a system of accurate, current information exchange on the adverse consequences related to alcohol abuse and other drug use for students, faculty, and staff.
- Promote and support alcohol-free programming options.



The Network Standards Education & Student Assistance

- Provide, with peer involvement, a system of assessment, intervention, education, treatment, and /or referral services for students, faculty and staff utilizing collaborative relationships among and between community groups, agencies, and the institution.



The Network Standards Education & Student Assistance

- Include alcohol and other drug information for students and their family members in student orientation programs.
- Support and encourage faculty in incorporating alcohol and other drug education into the curriculum, where appropriate.



The Network Standards Education & Student Assistance

- Develop a coordinated effort across campus to offer a student assistance program encompassing alcohol, other drug, and related violence education, assessment, treatment and referral.



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The Network Standards Enforcement

- Publicize all alcohol and other drug policies.
- Consistently enforce alcohol and other drug-related policies.



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The Network Standards Enforcement

- Exercise appropriate sanctions for violent acts as harassment; verbal, physical and sexual abuse, as well as disruptive and destructive behavior
- Exercise appropriate sanctions for the illegal sale or distribution of alcohol and illicit drugs.



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The Network Standards Assessment

- Assess the institutional environment as it contributes to or mitigates against alcohol and other drug problems and related violence.
- Assess campus awareness, attitudes, and behaviors regarding alcohol and other drug use and apply results to program development.



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The Network Standards Assessment

- Collect and related AODV information from police or security reports to guide program development.
- Collect summary data regarding alcohol and other drug related disciplinary actions, including violent and other disruptive behavior and use it to guide program development.



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The Network Standards Community Collaboration

- Establish and maintain effective working relationships with external agencies, groups, and individuals whose operations are relevant to our mission and goals.
- Address campus/community issues of alcohol and other drug access, availability, and enforcement at local, regional and state levels.



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The Network Standards Community Collaboration

- Consider the inclusion of the following agencies and groups: law enforcement, judicial system, state liquor control license agency, hospitality industry (including retailers), local government, neighborhood associations, faith community, family/parents, school systems, area health care & treatment providers, & others as appropriate.



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The Network Standards Community Collaboration

- Facilitate the development, implementation and evaluation of a strategic plan that addresses underage AODV issues in the community and state.



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ACHA Standards of Practice for Health Promotion within Higher Education

- Alignment with the Missions of Higher Education
- Socioecological-Based Practice
- Collaborative Practice
- Cultural Competency
- Theory-Based Practice
- Evidence-Informed Practice
- Continuing Professional Development and Service



Council for the Advancement of Standards

- <http://www.cas.edu/index.php/cas-general-standards/>
- Mission
- Programming/Learning Outcomes
- Organization & Leadership
- Human Resources
- Ethics



Council for the Advancement of Standards

- Law, Policy and Governance
- Diversity, Equity, and Access
- Institutional & External Relations
- Financial Resources
- Technology
- Facilities and Equipment
- Evaluation and Assessment



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Evidence Based Programming/Strategies



NIAAA College Report

- Panel convened in late 1990's-early 2000's
- Reviewed literature/research regarding best practices
- Initial Report Released 2002
- Follow-Up Report Released 2007
- Revision forthcoming



NIAAA Tiers of Evidence

- http://www.collegedrinkingprevention.gov/NIAAACollegeMaterials/TaskForce/CallToAction_00.aspx



NIAAA Tiers of Evidence

- Tier I – broad evidence of effectiveness w/ college populations
 - Combinations of cognitive-behavioral skills training with norms clarification and motivational enhancement interventions.
 - Brief motivational enhancement interventions.
 - Interventions challenging alcohol expectancies



NIAAA Tiers of Evidence

- Tier II - broad evidence of effectiveness w/general populations
 - Implementation, increased publicity, and enforcement of laws to prevent alcohol-impaired driving.
 - Restrictions on alcohol retail outlet density.
 - Increased prices and excise taxes on alcoholic beverages.
 - Responsible beverage service policies in social and commercial settings.
 - Campus and community coalitions of all major stakeholders to implement these strategies effectively



NIAAA Tiers of Evidence

- Tier III – promising/theoretically based, not enough research
 - Marketing campaigns to correct student misperceptions of peer alcohol use, sometimes called “social norms marketing” or normative education (see Perkins 2002*b*). (This strategy already is widely used; evaluation reports will be available in the near future.)
 - Consistent enforcement of campus alcohol policies.
 - Provision of safe rides for students who drink too much to drive.
 - Regulation of happy hour promotions.
 - Information for new students and their parents about alcohol use and campus policies.
 - Other strategies to address high-risk drinking, such as offering alcohol-free residence halls and social activities or scheduling classes on Fridays to reduce Thursday night parties.



NIAAA Tiers of Evidence

- Tier IV - those that clearly do not work
 - Information only approaches
 - Values Clarification Exercises
 - Fatal Vision/Drunk Goggles
 - Drunk Driving Simulators
 - Dead Days



Implementation of NIAAA College Drinking Task Force Recommendations: How are colleges doing 6 years later

- Nelson TF, Toomey TL, Lenk KL, Erickson DJ, KM, Winters KC.? *Alcoholism: Clinical & Experimental Research*, 34(10):1687-1693, 2010.
22% of administrators not familiar with NIAAA report
- Nearly all colleges use educational programs to address student drinking (98%).
- Half the colleges (50%) offered intervention programs with documented efficacy for students at high risk for alcohol problems.



Implementation of NIAAA College Drinking Task Force Recommendations: How are colleges doing 6 years later

- Few colleges reported that empirically supported, community-based alcohol control strategies including
 - conducting compliance checks to monitor illegal alcohol sales (33%),
 - instituting mandatory responsible beverage service (RBS) training (15%),
 - restricting alcohol outlet density (7%), or increasing the price of alcohol (2%)
 - Less than half the colleges with RBS training and compliance checks in their communities actively participated in these interventions.
 - Large colleges were more likely to have RBS training and compliance checks,
 - No differences in implementation were found across public/private status or whether the college president signed the Amethyst Initiative.



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Questions?



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www.eiu.edu/ihec



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