

Board of Trustees Meeting, December 16, 1990

BOARD OF TRUSTEES OF THE UNIVERSITY
OF THE VIRGIN ISLANDS

RESOLUTION ON ALCOHOL AND DRUG ABUSE
PREVENTION AND EDUCATION

RESOLVED, that the President of the University of the Virgin Islands, Dr. Orville Kean, is hereby authorized to develop and implement a new policy and program on alcohol and drug abuse prevention and education for the entire University community which would satisfy the University's obligation under the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226).

The undersigned does hereby certify that the foregoing is a true and exact copy of a resolution of the Board of Trustees of the University of the Virgin Islands as adopted at its meeting on December 16, 1990, and as recorded in the minutes of said meeting:

Date

Secretary

Drug-Free Schools and Communities Act Amendments of 1989 (P.L. 101-226), December 12, 1989

Sec 11 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 123 to read as follow:

"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-

of- "(1) the annual distribution to each student and employee

"(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 re-entry programs that are available to employees or students; and

"(E) 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 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.

(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. This 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 by paragraph (1) if such institution demonstrates-

- (i) that it 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.

The Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), signed by President Bush on December 12, 1989, requires an institution to certify to the U.S. Department of Education by October 1, 1990, that it has adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. At a minimum, this program must include the annual distribution of the following to each student and employee:

- o 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;
- o A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- o A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- o A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
- o 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.

The law further requires an institution of higher education to conduct a biennial review of its program to (a) determine its effectiveness and implement changes if they are needed; and (b) ensure that the sanctions developed are consistently enforced.