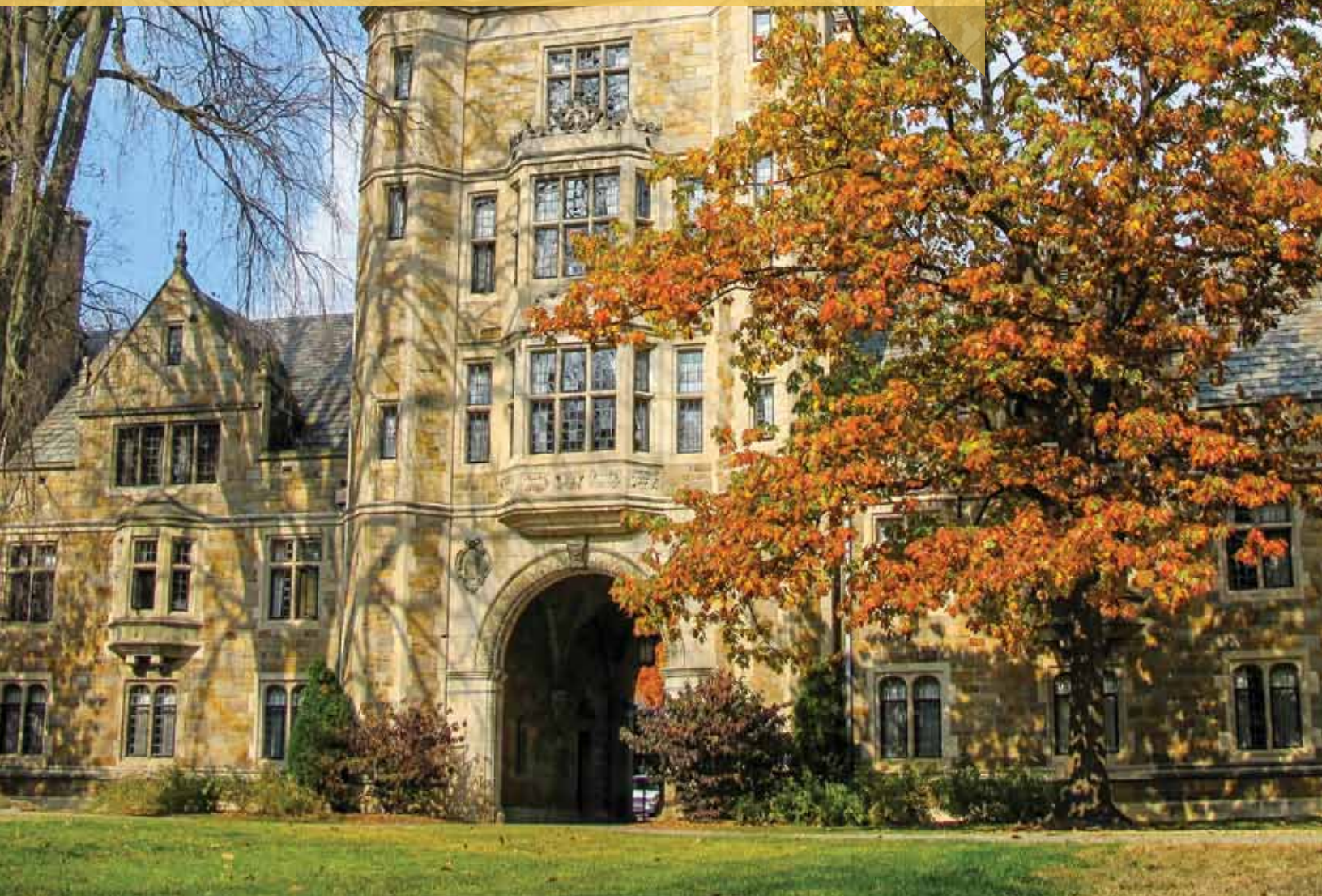


The Resurgence of the Drug-Free Schools and Communities Act: A Call to Action

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Presented by:



As a leader at the forefront to enhance security and safety at the nation's higher education facilities, colleges and universities, STANLEY Security understands the significance of educating school administrators and policy-makers on the intricacies of compliance. For years, STANLEY has not only supplied highly intuitive technologies and integrated security solutions to promote on-campus safety, but has acted as an educator on the importance of compliance-driven decisions. STANLEY continues this progressive, comprehensive approach to higher education security by partnering with D. Stafford & Associates and the National Association of Clery Compliance Officers and Professionals (NACCOP). STANLEY has combined its expertise with that of Dolores Stafford, a nationally recognized expert on the Clery Act and premier consultant on campus security in both the law enforcement and security industries for the last 17 years, to establish a culture of safety, knowledge, and information sharing amongst campus advisors and administrators in the endeavor to secure campus environments nationwide.

Kyle Gordon

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THE STANLEY DIFFERENCE



Clery compliance officers and professionals know well the name Jeanne Clery, whose tragic death at Lehigh University in 1986 gave rise to the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (“Clery Act”). Perhaps lesser known is the name of another college student whose untimely death is sure to impact Clery compliance officers and professionals: Kristine Guest.

In February 2005,¹ Kristine was a 20-year-old sophomore attending Quinnipiac University. One weekend in early February, Kristine and three friends visited Joshua Rau, an acquaintance who was attending Paul Smith’s College of Arts & Sciences (“Paul Smith’s College”) in upstate New York. Rau had invited the group to visit as part of his 20th birthday celebration. After having dinner in a nearby town, Rau, Guest and their friends convened in Rau’s residence hall room, at which point members of the group participated in a drinking game.

As the night progressed, the group proceeded to Lower St. Regis Lake, which was not owned by Paul Smith’s College but was approximately 15 steps from the entrance of Rau’s residence hall. The lake had frozen over and other students in Rau’s residence hall had built a bonfire on the lake. Reportedly, there were at least 80 persons attending the bonfire at which alcohol was present (including alcohol brought from Rau’s room). The Director of Residence Life and a Campus Safety Officer visited the lake for about 15 minutes to investigate a report of an earlier snowmobile crash that did not result in injuries, but neither intervened.

Instead, they “advised the students to be safe, keep the speed down, and call [Campus Safety] if there was [sic] any problems.”²

Rau persuaded his friend, Christopher Hansen, to borrow a snowmobile, a request which Hansen obliged sometime around 4:00 a.m. after previously refusing due to dense fog. Once in possession of the snowmobile, Rau separately drove two friends in his party onto the lake without incident. Rau then drove Guest around the lake. Rau reportedly drove Guest farther onto the lake than he had driven during the two preceding rides. The snowmobile subsequently crashed on College-owned property, killing both Rau and Guest. A New York State Police report indicated that alcohol contributed to the deaths, and Rau had a blood alcohol content of .14 percent.³

After learning of the death of their daughter, Kristine’s parents formed a belief that Paul Smith’s College was negligent in its conduct and filed a civil suit against the College. The lawsuit was dismissed and a subsequent appeal was similarly unsuccessful. Still, the Guests believed Paul Smith’s College failed to adequately enforce its alcohol policies, evidenced in part by the conduct of Paul Smith’s College personnel the morning of their daughter’s death. They asked Connecticut Senator Christopher Dodd for assistance, and following an informal investigation conducted by his office, Senator Dodd wrote the Department of Education (ED) “concerning [Paul Smith’s College’s] compliance with the Department’s Drug and Alcohol Abuse Prevention regulations.”⁴ On the basis of this inquiry, ED conducted a compliance



review of the College to determine if it was complying with the Drug-Free Schools and Communities Act of 1989 (DFSCA) and its implementing regulations (which are published at 34 C.F.R. Part 86 and are commonly known as the “Part 86” requirements).

The Office of Safe and Drug-Free Schools (OSDFS) subsequently conducted an on-site review of the College’s compliance on May 14, 2007. The review coincided with a Clery Act review conducted by officials within the Office of Federal Student Aid (FSA), which was also prompted by Senator Dodd’s inquiry. The FSA review initially focused on the institution’s student conduct process for alcohol incidents but was expanded to include a review of select crime statistics and other disclosure requirements. On the basis of the OSDFS review, the College was found to be in compliance with the Part 86 requirements⁵ (although multiple Clery Act violations were detected by the FSA review team, including but not limited to the failure to report Kristine Guest’s death as a Negligent Manslaughter on campus, ultimately resulting in noncompliance determinations and a settlement agreement for which Paul Smith’s College paid a civil fine of \$195,000).⁶

Upon learning that the College was found to be in compliance with DFSCA requirements, Senator Dodd, joined by Congressman John Larson, wrote the Inspector General in the Department of Education requesting a review of ED’s enforcement practices related to DFSCA compliance. In the letter, they wondered “Since Paul Smith’s College was found to be in compliance, including with respect to consistent enforcement [of alcohol and drug policies], what does a college need to do to be out of compliance?”⁷

In response to the request, the Inspector General commenced a review of the Department’s enforcement practices. Results were

unflattering. Although there was insufficient evidence to draw any conclusions about the Department’s oversight activities between 1989 and 1998, for the period of 1998 through June 2010, the Inspector General concluded that the Department “did not perform *any* oversight activities [emphasis added].”⁸ The Office of Postsecondary Education was the entity on record that was responsible for conducting oversight activities during this period. The responsibility was then transferred (through formal delegation) to the Office of Federal Student Aid (FSA) in June 2010.

As part of the review, the Inspector General identified a sample of 28 compliance reviews that were conducted by FSA personnel. Of these reviews (which included 14 financial aid reviews and 14 Clery-focused compliance reviews), only 5 were found to have correctly identified noncompliance with the Part 86 requirements. Of the remaining 23 reviews, there was insufficient documentation to support FSA’s conclusion that 18 institutions were in compliance. Further, 10 of the 23 reviews determined institutions were in compliance, despite documentary evidence that indicated otherwise. The Inspector General surmised that the program reviewers must not have sufficiently understood the Part 86 requirements given the discrepancy between the evidence available and the compliance determination. Finally, 4 of the 23 reviews failed to document noncompliance in the program review report issued by FSA even though the institutions were found to be out of compliance with Part 86 requirements. In response to this report, FSA pledged to enhance their enforcement strategy by more thoroughly documenting compliance determinations in program review reports and by retraining reviewers in Part 86 requirements as well as the Department’s procedures for reviewing compliance with these requirements.⁹

In reviewing 263 publicly available Final Program Review Determinations¹⁰ published between January 1, 2014 and September 1, 2015, 57 institutions have been found to be out of compliance with the Department’s Part 86 requirements (during the same period of time, 72 institutions were found in noncompliance with one or more Clery Act requirements). Six of these institutions have been fined thus far for Part 86 violations. Specifically, Rosemont College of the Holy Child Jesus was fined \$35,000 (the first institution fined the inflation-adjusted maximum civil penalty amount); Sterling College was fined \$27,500; Mid-Atlantic Christian University, Salina Area Technical College and Xenon International Academy were each fined \$15,000; and Century College was fined \$10,000.¹¹ It is clear that the Department’s enforcement efforts have been reinvigorated by the Inspector General’s report. Given the advent of fine activity for noncompliance with Part 86 requirements, institutions would be wise to review their policies and practices to ensure they are in full compliance with the requirements of the law.

REQUIREMENTS OF THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT

The *Drug-Free Schools and Communities Act of 1989* (Public Law 101-226, 20 U.S.C. § 1011i), and its implementing regulations (34 C.F.R. Part 86), requires that an institution of higher education that receives Federal funding¹² certify to the Secretary of Education that it has adopted and implemented a drug and alcohol abuse prevention program (DAAPP) to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on school premises or as part of any of its activities. The DAAPP must be communicated annually, in writing, to all students enrolled in any course(s) for which academic credit will be awarded¹³ as well as to all employees, and must include:

- (1) 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;
- (2) A description of the applicable legal sanctions under Local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- (3) A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- (4) A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
- (5) A clear statement that the institution will impose disciplinary 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 enumerated in the DAAPP. (The regulations note that a disciplinary sanction may include the completion of an appropriate rehabilitation program).¹⁴





Each of these five components must be fully addressed in the DAAPP *and* in the annual notification sent to students and employees in order to be in compliance with Part 86 requirements. Note that the DAAPP itself must be distributed, not simply a notice of availability of the DAAPP.¹⁵ Furthermore, ED has indicated that “[m]erely making the materials available to those who wish to take them does not satisfy the requirements of Public Law 101-226 or the regulations.”¹⁶

Indeed, institutions must actively distribute the 5-part DAAPP disclosure rather than passively provide access to the materials on the institution’s website or as part of its publications. Although the institution is permitted to include the DAAPP disclosure in materials it normally distributes to all students and employees (such as student or employee handbooks), institutions are cautioned to ensure that the cover page of these documents “clearly and conspicuously state that the publication includes this information”¹⁷ or the disclosure may be judged by ED to be insufficient. Although the Department has

not prescribed the specific method by which campuses must distribute the notification, electronic mail is likely to be the preferred means for most campuses that provide (or collect) email addresses from all students and employees. The key is to ensure the institution actively distributes this required notification to every student and employee and that the institution can “provide reasonable assurance to the Department (if audited) that this method of dissemination ensures distribution to all students and employees.”¹⁸ Note that sending the notification to all students and employees at the beginning of an academic year will reach most, but not all, students and employees who are required to receive the notification. Students who enroll in credit-bearing courses, or employees who are hired after the initial notification has been sent, must also receive the disclosure. Therefore, institutions should develop a procedure to ensure that students and employees that join the community after the DAAPP has been distributed are also provided with this mandatory notification.

BIENNIAL REVIEW

In addition to developing the DAAPP and providing the required disclosure, institutions must conduct a biennial review of the effectiveness of their drug and alcohol abuse prevention program. Since the law went into effect in 1990, institutions have typically conducted biennial reviews on the even-numbered years. Although institutions are not required to prepare biennial review reports on even-numbered years, “good sense suggests that [the] biennial review be completed and on file by December 31 of each even-numbered year, and the report should cover the previous two academic years.”¹⁹

Institutions are afforded significant leeway in determining the methods for conducting a review and with documenting the results of the review in a written report. However, there are key characteristics of biennial reviews that institutions would be wise to observe to ensure the review provides meaningful information about the successes and challenges of its current drug and alcohol abuse prevention program and helps the institution comply with Part 86 requirements.

In accordance with current statutory requirements,²⁰ the biennial review must:

- (A) Determine the program’s effectiveness and implement changes to the program if the changes are needed;
- (B) Determine the number of drug and alcohol-related violations and fatalities that—
 - (i) occur on the institution’s campus (as defined in the Clery Act), or as part of any of the institution’s activities; and
 - (ii) are reported to campus officials;
- (C) Determine the number and type of sanctions that are imposed by the institution as a result of drug and alcohol-related violations and fatalities on the institution’s campus or as part of any of the institution’s activities; and
- (D) Ensure that sanctions imposed for violations of the standards of conduct addressed by the DAAPP are consistently enforced.

Although a detailed review of biennial review procedures is beyond the scope of this article, recent program review results illuminate important aspects of the biennial review process and the resulting report. To begin, the Department has a clear expectation that the review will be a thoughtful, material, data-informed examination of the effectiveness of the DAAPP that will outline clear recommendations for enhancing the overall prevention program moving forward. ED therefore expects “each review to be a probative inquiry into the actual effective-

The Department of Education suggests that Biennial Review Reports include the following:

1. Descriptions of the AOD [alcohol and other drug] program elements.
2. Statement of AOD program goals and a discussion of goal achievement.
3. Summaries of AOD program strengths and weaknesses.
4. Procedures for distributing annual AOD notification to students and employees.
5. Copies of the policies distributed to students and employees.
6. Recommendations for revising AOD programs.²¹

The Illinois Higher Education Center (IHEC) also provides detailed recommendations regarding the format and contents of Biennial Review Reports that provide additional strategies and data sources for measuring effectiveness. For more information, visit <http://www.eiu.edu/ihec/dfsca.php>.



ness of the program and not merely... a conclusory ratification process.”²² A number of recent program reviews indicate that the biennial review report must contain, at a minimum, the following components:

1. A description of the research methods and data analysis tools used to determine effectiveness of the DAAPP.²³
2. Identification of the responsible official(s) or office(s) conducting the review.²⁴
3. A detailed description of how the institution measured effectiveness of its DAAPP and consistency of sanction enforcement (this may necessitate including supporting documentation that relates to the report’s findings and recommendations to further evidence that “a substantive examination was conducted”).²⁵
4. A plan of action that details how the findings and recommendations identified during the review will be integrated into the DAAPP to improve the program’s effectiveness.²⁶
5. A signature of the institution’s chief executive officer (i.e., President or Chancellor) or governing board indicating approval of the report.²⁷

Ensuring Biennial Review Reports contain the identified information and address all of the objectives enumerated in the statute will help institutions ensure their reports include essential information and serve to move their drug and alcohol prevention program forward. Once the report is completed and signed by the chief executive officer of the institution, a copy of the report should be retained for three years after the fiscal year in which the report was created (the standard record retention period for all documentation related to the institution’s compliance with the Drug-Free Schools and Communities Act).³⁰ The report must be made available to the Secretary of Education or the public, upon request.³¹

Good sense suggests that [the] biennial review be completed and on file by December 31 of each even-numbered year, and the report should cover the previous two academic years.



ED has provided some guidance for how institutions can measure effectiveness of the program and consistency of enforcement in its 2006 Handbook, *Complying with the Drug-Free Schools and Campuses Regulations: A Guide for University and College Administrators*.²⁸ Furthermore, the discussion that accompanied the Part 86 final regulations, as published in the Federal Register, included the following suggestions of data that may help in measuring the effectiveness of the DAAPP:

- Tracking the number of drug- and alcohol-related disciplinary sanctions imposed;
- Tracking the number of drug- and alcohol-related referrals for counseling or treatment;
- Tracking the number of drug- and alcohol-related incidents recorded in the logs of campus police or other law enforcement officials;
- Tracking the number of drug- and alcohol-related incidents of vandalism;
- Tracking the number of students or employees attending self-help or other counseling groups related to alcohol or drug abuse; and
- Tracking student, faculty and employee attitudes and perceptions about the drug and alcohol problem on campus.²⁹



NEXT STEPS IN COMPLIANCE

Clery Compliance Officers (CCO) should research whether the institution has developed a materially-complete drug and alcohol abuse prevention program that addresses all statutory and regulatory requirements. The CCO should identify the individual(s) or office(s) responsible for coordinating the institution's compliance with Part 86 requirements (if this responsibility has been delegated at the institution) and seek to obtain proof that the institution has distributed the DAAPP disclosure to all students and employees, as required. Further, the CCO should evaluate whether the institution has been completing a substantive biennial review of its drug and alcohol prevention program every other year, as required, and memorializing this review in the form of a biennial review report. Where it exists, the report should be reviewed to determine whether it contains the elements ED would look for in the event of an audit. The CCO should retain copies of all documentation that supports institutional compliance with the Drug-Free Schools and Communities Act requirements in the annual Clery compliance file.

Should the CCO discover the institution is not meeting the requirements of DFSCA, the CCO should work with appropriate institutional officials to ensure that the institution gets into compliance as soon as possible. The foundation of compliance will

be to ensure there is a sufficient DAAPP in place, as the annual notification and biennial review cannot commence without an adequately-developed DAAPP. A biennial review should commence as soon as data is available following distribution of the DAAPP, and then every other year thereafter. It is strongly recommended that the CCO speak with appropriate institutional officials to ensure that a written policy is developed pertaining to distribution of the annual notification and for conducting a biennial review of its DAAPP, as these documents will help steer compliance efforts and have been requested by ED as remedial measures during compliance reviews.³²

The Department of Education has repeatedly stated in program review reports that "Data compiled by the Department shows that the use of illicit drugs and alcohol abuse is highly correlated to increased incidents of violent crimes on campus."³³ In fact, ED has indicated that "more than 90% of all violent campus crimes are drug and alcohol-related."³⁴ Given the current enforcement environment, and the pervasive problem of alcohol and other drug abuse (and their attendant consequences) on college and university campuses, compliance with the DFSCA deserves urgent attention.

¹ The facts presented in this article regarding the events leading to the death of Kristine Guest are summarized from *Guest v. Hansen*, 2007 U.S. Dist. LEXIS 92780. The full text of the Court's decision may be found at: http://www.gpo.gov/fdsys/pkg/USCOURTS-nynd-8_06-cv-00500/pdf/USCOURTS-nynd-8_06-cv-00500-0.pdf

³ See U.S. Department of Education, *Paul Smith's College of Arts & Sciences Program Review Report* (March 4, 2008) at p. 3. Available at: <https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/cleryact/paulsmithscollegeofartssciences/PSCProgReviewReport03042008.pdf>

⁴ See U.S. Department of Education, *Paul Smith's College of Arts & Sciences Fine Letter* (April 9, 2010) at pp. 1-2. Available at: <https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/cleryact/paulsmithscollegeofartssciences/PSCFineaction04092010.pdf>.

⁵ See U.S. Department of Education, *Paul Smith's College of Arts & Sciences Program Review Report* (March 4, 2008) at Appendix A. Available at: <https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/cleryact/paulsmithscollegeofartssciences/PSCProgReviewReport03042008.pdf>.

⁶ See U.S. Department of Education, *Paul Smith's College of Arts & Sciences Settlement Agreement* (April 14, 2011). Available at: <https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/cleryact/paulsmithscollegeofartssciences/paulsmith.pdf>.

⁷ See Dodd, Christopher and Larson, John, *Letter to Inspector General Kathleen S. Tighe* (December 20, 2010), at p. 2. Available at: http://compelledtoact.com/Involvement_catag/Federal_law/12-20-10_Letter_to_Inspector_General.pdf.

⁸ See U.S. Department of Education, Office of the Inspector General, *The Department of Education's Process for Ensuring Compliance by Institutions of Higher Education with the Drug and Alcohol Abuse*

Prevention Program Requirements (March 4, 2012). ACN: I13L0002. Available at: <http://www2.ed.gov/about/offices/list/oig/aireports/i13l0002.pdf>.

⁹ See Runcie, James, *Response to Draft Inspection Report, The Department of Education's Process for Ensuring Compliance by Institutions of Higher Education with the Drug and Alcohol Abuse Prevention Program Requirements* (February 28, 2012). ACN: I13L0002. Available as Attachment 2 at: <http://www2.ed.gov/about/offices/list/oig/aireports/i13l0002.pdf>.

¹⁰ Such determinations are available on the Department's Clery Act Reports page (<https://studentaid.ed.gov/sa/clery-act-reports>) as well as on the FSA Program Review page (<https://studentaid.ed.gov/sa/about/data-center/school/program-reviews>).

¹¹ See U.S. Department of Education, *Rosemont College of the Holy Child Jesus Fine Notice* (February 9, 2016). Available at https://studentaid.ed.gov/sa/sites/default/files/3886_001.pdf; U.S. Department of Education, *Mid-Atlantic Christian University Fine Notice* (November 14, 2014). Available at https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/cleryact/MACU/2686_001.pdf; U.S. Department of Education, *Salina Area Technical College Fine Resolution Notice* (June 4, 2015). Available at https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/cleryact/salina/3119_001.pdf; U.S. Department of Education, *Xenon International Academy Fine Letter* (October 20, 2015). Available at https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/cleryact/xenon/3518_001.pdf; U.S. Department of Education, *Century College Fine Letter* (December 8, 2015). Available at: https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/cleryact/century/Century_fineletter.pdf; and *Sterling College Fine Notice* (November 7, 2014). Available at [<center/cleryact/Sterling/sterling.pdf>. Curiously, 34 C.F.R. Part 86 does not expressly authorize the Secretary to impose a civil fine for noncompliance. See 34 C.F.R. § 86.301, which authorizes the Secretary to provide information and technical assistance or formulation of a compliance agreement. The Secretary may also demand repayment of Federal funds and/or terminate participation in Federal financial assistance programs. For institutions that participate in Title IV, HEA programs and must comply with the Clery Act, 34 C.F.R. § 668.84\(a\)\(i\) provides that a fine may be imposed whenever an institution "\[v\]iolates any statutory provision of or applicable to Title IV of the HEA."](https://studentaid.ed.gov/sa/sites/default/files/fsawg/data-</p></div><div data-bbox=)

¹² The law applies more broadly than the Clery Act, as it pertains to institutions that receive any form of Federal financial assistance (including grants, contracts, participation in guaranteed student loan programs, etc.) and not just institutions that participate in Title IV, HEA programs (the latter of which obligates institutions to comply with the Clery Act).

¹³ The regulations specifically exclude students enrolled only in continuing education units (i.e., courses not for academic credit). See 34 C.F.R. § 86.100(a).

¹⁴ See 34 C.F.R. § 86.100(a)(5)

¹⁵ See 55 Fed. Reg. 33595

¹⁶ See 55 Fed. Reg. 33595

¹⁷ See U.S. Department of Education, *Moraine Valley Community College Final Program Review Determination* (December 6, 2013), at p. 11. Available at: https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/library/FPRD/MoraineValleyCC_IL_007692_12_06_2013_FPRD.pdf.

¹⁸ See U.S. Department of Education, Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention, *Complying with the Drug-Free Schools and Campuses Regulations: A Guide for University and College Administrators* (2006), at p. 19.

¹⁹ See U.S. Department of Education, Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention, *Complying with the Drug-Free Schools and Campuses Regulations: A Guide for University and College Administrators* (2006), at p. 13. Available online at: <http://files.eric.ed.gov/fulltext/ED514322.pdf>.

²⁰ The requirements related to reporting drug and alcohol-related fatalities and associated sanctions were added by the 2008 Higher Education Opportunity Act (Public Law 110-315), which amended the Higher Education Act of 1965. These requirements have not been included in the Part 86 regulations but are nonetheless required components of an institution's biennial review.

²¹ See U.S. Department of Education, Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention, *Complying with the Drug-Free Schools and Campuses Regulations: A Guide for University and College Administrators* (2006), at pp. 15-17. Available online at: <http://files.eric.ed.gov/fulltext/ED514322.pdf>.

²² See U.S. Department of Education, *Buckner Barber School Final Program Review Determination* (August 17, 2015), at p. 20. Available at: <https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/cleryact/buckner/BucknerBarberSchoolFPRD.pdf>.

²³ See U.S. Department of Education, *Keweenaw Bay Ojibwa Community College Final Program Review Determination* (April 30, 2015), at p. 7. Available at: https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/library/FPRD/Keweenaw-BayOjibwaCommunityCollege_%20MI_041647_04_30_2015_FPRD.pdf.

²⁴ See U.S. Department of Education, *Arlington Medical Institute Final Program Review Determination* (March 13, 2015), at p. 7. Available at: https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/library/FPRD/ArlingtonMedicalInstitute_TX_03159300_03-13-2015_FPRD.pdf.

²⁵ See U.S. Department of Education, *Cleveland Institute of Dental-Medical Assistants Final Program Review Determination* (June 9, 2014), at p. 8. Available at: https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/library/FPRD/ClevelandInstituteofDentalMedical%20Assistant_OH_021107_06092014_FPRD.pdf.

²⁶ See U.S. Department of Education, *Keweenaw Bay Ojibwa Community College Final Program Review Determination* (April 30, 2015), at p. 7. Available at: https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/library/FPRD/Keweenaw-BayOjibwaCommunityCollege_%20MI_041647_04_30_2015_FPRD.pdf.

²⁷ *Ibid.*

²⁸ See U.S. Department of Education, Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention, *Complying with the Drug-Free Schools and Campuses Regulations: A Guide for University and College Administrators* (2006). Available online at: <http://files.eric.ed.gov/fulltext/ED514322.pdf>.

²⁹ See 55 Fed. Reg. 33597. These suggestions were also proffered in U.S. Department of Education, *InterCoast Colleges Final Program Review Determination* (July 8, 2014), at p. 4. Available at: https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/library/FPRD/InterCoastColleges_CA_025594_07082014_FPRD.pdf.

³⁰ See 34 C.F.R. §86.103(b).

³¹ See 34 C.F.R. §86.103(a).

³² See U.S. Department of Education, *Grand Rapids Community College Final Program Review Determination* (January 30, 2014), at p. 10. Available at: https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/library/FPRD/GrandRapid-sCC_MI_002267_01_30_2014_FPRD.pdf. Also see U.S. Department of Education, *Auguste Escoffier School of Culinary Arts Final Program Review Determination* (August 14, 2014), at p. 6. Available at: https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/library/FPRD/AugusteEscoffierSchoolofCulinary%20Arts_TX_037276_08_14_2014_FPRD.pdf.

³³ See U.S. Department of Education, *John Gupton College Final Program Review Determination* (June 17, 2014), at p. 15. Available at: https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/library/FPRD/JohnAGuptonCollege_TN_008859_06102014_FPRD.pdf.

³⁴ See U.S. Department of Education, *Nazarene Theological Seminary Final Program Review Determination* (June 10, 2014), at p. 15. Available at: https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/library/FPRD/NazareneTheologicalSeminary_MO_002494_06172014_FPRD.pdf.



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