

ADDITIONAL INFORMATION

Drug and Alcohol Prevention

Statutory Language: (New language in bold.)

SEC. 120. [20 U.S.C. 1011i] DRUG AND ALCOHOL ABUSE PREVENTION.

(a) RESTRICTION ON ELIGIBILITY.—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 the institution certifies to the Secretary that the institution 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—

...

(2) a biennial review by the institution of the institution’s program to—

(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 incidents and fatalities that—

(i) occur on the institution’s campus (as defined in section 485(f)(6)), 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 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

(D) ensure that the sanctions required by paragraph (1)(E) are consistently enforced.

Definition of campus: **Section 485(f)(6)** . . .

(A) In this subsection:

(i) The term “campus” means—

(I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

(II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor). . . .

Report language: H. Rept. 110-803, page 449.

The Senate amendment and the House bill require an institution of higher education, in its biennial review, to determine the number of drug and alcohol-related incidents and fatalities that have occurred on the institution's property or as part of the institution's activities and that are reported to that institution of higher education.

The Senate and the House recede with an amendment to replace `incidents' with `violations,' amend the language to require that violations be reported to `campus officials' (as opposed to institutions), and replace `property' with `campus.'

By requiring institutions to report drug and alcohol-related violations and fatalities, the Conferees intend to ensure that the information reported by institutions of higher education cover incidents that are located on the campus of the institution of higher education (as that term is defined by the Clery Act) and that are reported to officials at the institution of higher education. Officials shall include campus security and school administrators, and may include other employees at the institution of higher education if they are required to report or enforce institutional policies.