

# Policy and Enforcement Go Hand in Hand

**P**olicy has been at the core of alcohol and other drug abuse prevention at colleges and universities since 1989. That's when Part 86—the Drug-Free Schools and Campuses Regulations—was amended to require, among other things, that as a condition of receiving federal funds, colleges and universities annually distribute to each employee and student, in writing, their standards of conduct; a description of appropriate sanctions for violation of federal, state, and local law and campus policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs. (See <http://www.higheredcenter.org/dfsca>.) But having policies is one thing, and enforcing them is another.

The U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention encourages an environmental management approach to prevention. Environmental management strategies address alcohol-free options, normative environment, alcohol availability, alcohol marketing and promotion, and policy development and enforcement. This approach encourages town-gown collaboration to address these factors, including increasing the enforcement of laws and policies, and to change the campus and community environments in which students make decisions about alcohol and other drug use. But, according to a 2002 survey of senior administrators conducted by the Higher Education Center under the direction of the Office of Safe and Drug-Free Schools, laws and policies regarding alcohol and other drugs are not consistently enforced on many campuses or in many communities. In order to assist campuses in developing policy and enforcement strategies to support prevention efforts, the Higher Education Center provides a range of training and technical assistance activities, including publications, specifically targeted at policy and enforcement.

In one of the Higher Education Center's publications, the authors offered the following about enforcement: "The active and regular enforcement of alcohol-related laws and policies both on and off campus is critical to curbing high-risk drinking. Colleges and universities can implement this strategy by reviewing their campus policies and increasing sanctions for violations. Other activities toward realizing improved enforcement include notifying parents of alcohol and other drug violations and working with the surrounding community to increase compliance checks of alcohol outlets and off-campus parties." (*Environmental Management: An Approach to Alcohol and Other Drug Prevention*, July 2002.)

Others have underscored the importance of policy development and enforcement. In 2002, the National Institute of Alcohol Abuse and Alcoholism issued *A Call to Action: Changing the Culture of Drinking at U.S. Colleges*, which recommends that campuses develop and enforce alcohol policies as a promising strategy to reduce problems. More recently, the National Center on Addiction and Substance Abuse (CASA) at Columbia University published *Wasting the Best and the Brightest: Substance Abuse at America's Colleges and Universities* (March 2007), which recommends that colleges and universities set clear substance use policies and consequences of violations as part of a

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## Ten Key Actions for Colleges and Universities to Prevent and Reduce Student Substance Abuse

*Wasting the Best and the Brightest: Substance Abuse at America's Colleges and Universities*, a report of the National Center on Addiction and Substance Abuse (CASA) at Columbia University, calls for campuses to take the following actions:

1. Set clear substance use policies and consequences of violations.
2. Ban smoking; prohibit alcohol and tobacco ads, sponsorships and promotions on campus; ban alcohol in dorms, in most common areas, at on-campus student parties and at college sporting events.
3. Screen all students for substance abuse problems; target high-risk students and times; and provide needed interventions and treatment.
4. Hold student classes and exams Monday through Friday to reduce weekend substance abuse.
5. Educate faculty, staff, students, parents and alumni about substance abuse and involve them in prevention activities.
6. Engage students in service learning courses and community service.
7. Offer substance-free recreational opportunities.
8. Include in the academic curricula information about substance abuse and addiction.
9. Engage community partners in prevention, enforcement, interventions and treatment.
10. Monitor rates and consequences of student substance use and evaluate and improve programs and services.

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comprehensive program to prevent and reduce student substance abuse.

Deborah A. Price, assistant deputy secretary in the Office of Safe and Drug-Free Schools at the U.S. Department of Education, speaks of the importance of clarity when writing policy: "Alcohol and other drug policies are intended to be a clear statement on where a college or university stands when it comes to student alcohol and other drug use. They are written in order to provide an unambiguous position so that everybody can understand what is expected regarding behavior and consequences."

And William Modzeleski, associate assistant deputy secretary in the Office of Safe and Drug-Free Schools at the U.S. Department of Education, finds consistency in enforcing policies to be an important factor in success: "Campus policies should reflect what the research says about what is effective and be linked with other initiatives at the campus. Most important, policies must be consistently enforced. Merely having a policy is only one half of the equation. But policies are primarily intended to set standards of behavior for students, not to punish them."

Modzeleski says that one of the key research findings about policies is the need for equitable enforcement. "If policies are enforced, for example, merely for fraternities, but not for athletes, or for one group and not another, students see that and the policy becomes ineffective very quickly," he said.

Modzeleski also points to the findings from research that communitywide involvement in developing policies is essential to effective implementation: "It should not be just a chancellor or a president or other faculty member who writes the policy. All those who are affected by student alcohol and other drug abuse need to be at the table. And, it is not only those who are on campus who need to be

involved. The surrounding community is also affected. Involving local business leaders, residents, law enforcement officials, and other community members in policy development is essential."

The CASA report also calls for community involvement in prevention. It says that colleges and universities should "immediately implement, in collaboration with surrounding communities, a comprehensive, evidence-based strategy for preventing and reducing all forms of student substance abuse (alcohol, controlled prescription and illicit drugs and tobacco) and their damaging consequences."

At a minimum, according to CASA, steps need to be taken to change the prevailing climate at colleges and universities by setting clear substance use and abuse policies and enforcing them in consistent and predictable ways.

A recent report from Acting Surgeon General Rear Admiral Kenneth P. Moritsugu, M.D. (*Surgeon General's Call to Action to Prevent and Reduce Underage Drinking 2007*), also underscores the importance of policy and enforcement. It says: "Given the prevalence of underage drinking on college campuses, institutions of higher education should examine their policies and practices on alcohol use by their students and the extent to which they may directly or indirectly encourage, support, or facilitate underage alcohol use. Colleges and universities can change a campus culture that contributes to underage alcohol use."

Among the measures that the surgeon general's report asks colleges and universities to consider is: "Establish, review, and enforce rules against underage alcohol use with consequences that are developmentally appropriate and sufficient to ensure compliance. This

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practice helps to confirm the seriousness with which the institution views underage alcohol use by its students.” (See sidebar.)

Virginia Mackay-Smith, director of the Higher Education Center, says that this agreement regarding the importance of policies and enforcement in a comprehensive alcohol and other drug abuse prevention effort further underscores the value of the Part 86 requirements for prevention.

Louise Stanger, Ed.D., director of alcohol and drug education and services at the

University of San Diego, agrees. “We have used the Part 86 biennial review process to help develop policy and campus protocol. For example, in 2004 the biennial review committee recommended that the university develop and adopt alcohol marketing standards. This was put in the report to the Board of Regents and was completed by the next biennial review process. The process itself has allowed us to open doors to ensure annual distribution that might not be opened if there was not a federal requirement.” ■

### Some Measures to Consider From the Surgeon General

The *Surgeon General's Call to Action to Prevent and Reduce Underage Drinking 2007* says:

“Colleges and universities can change a campus culture that contributes to underage alcohol use,” and recommends the following measures:

- Establish, review, and enforce rules against underage alcohol use with consequences that are developmentally appropriate and sufficient to ensure compliance. This practice helps to confirm the seriousness with which the institution views underage alcohol use by its students.
- Eliminate alcohol sponsorship of athletic events and other campus social activities.
- Restrict the sale of alcoholic beverages on campus or at campus facilities, such as football stadiums and concert halls.
- Implement responsible beverage service policies at campus facilities, such as sports arenas, concert halls, and campus pubs.
- Hold all student groups on campus, including fraternities, sororities, athletics teams, and student clubs and organizations, strictly

accountable for underage alcohol use at their facilities and during functions that they sponsor.

- Eliminate alcohol advertising in college publications.
- Educate parents, instructors, and administrators about the consequences of underage drinking on college campuses, including secondhand effects that range from interference with studying to being the victim of an alcohol-related assault or date rape, and enlist their assistance in changing any culture that currently supports alcohol use by underage students.
- Partner with community stakeholders to address underage drinking as a community problem as well as a college problem and to forge collaborative efforts that can achieve a solution.
- Expand opportunities for students to make spontaneous social choices that do not include alcohol (e.g., by providing frequent alcohol-free late night events, extending the hours of student centers and athletics facilities, and increasing public service opportunities). ■



## Message From the Office of Safe and Drug-Free Schools

Colleges and universities now have even more reason to engage in program and policy development. The evidence is in: policy and enforcement are key components of effective campus and community prevention efforts. From the National Institute on Alcohol Abuse and Alcoholism to the U.S. surgeon general, the message to colleges and universities is both to develop evidence-based policies and then enforce them. This issue of *Catalyst* highlights the importance of policy and enforcement in a comprehensive prevention effort.

In addition, we hear from noted legal expert Peter Lake on issues of due process when policies are violated and students face consequences of their behavior. Another article examines “Good Samaritan” policies from the perspective of such diverse campuses as Lafayette College, Pennsylvania; the University of Colorado; Cornell University, New York; Arizona State University; and LaSalle University, Pennsylvania.

The Office of Safe and Drug-Free Schools has long supported cooperation between campuses and their surrounding communities when it comes to prevention. Now more than ever campus and community law enforcement agencies are collaborating, as noted in the article “Blurring the Line Between Campus and Community.” And the example provided by the experience of the University of Massachusetts Amherst in campus and community collaboration demonstrates that working together can indeed make a difference when it comes to student alcohol problems. ■

# Blurring the Line Between Campus and Community

The boundary between campus and community is being blurred at many colleges and universities by policies making students subject to campus disciplinary procedures even when their bad behavior takes place off campus.

Such policies have stirred lingering controversies on some campuses but are generally unquestioned on others.

"It has been the policy here for a long time," says David Fried, J.D., director of judicial affairs at Ball State University in Muncie, Ind. "Students generally recognize that whether they are on campus or off campus, the university expects certain standards of behavior."

At some institutions, however, the idea rubs students the wrong way. The Student Rights and Responsibilities Committee at the University of Rhode Island (URI) spent two years trying to reach agreement on what kind of off-campus conduct should trigger a referral to the student discipline system. A policy for URI finally was adopted in 2006, says Fran Cohen, the dean of students, but there may be efforts to change it in the future.

Extending disciplinary jurisdiction to off-campus activity has the effect of creating a "community" that overlaps the traditional borderline between university property and the property of surrounding residents. It also may

blend the responsibilities of campus police and enforcement agencies in the surrounding community.

"We have about 10,000 students who live in the neighborhoods around us," says Ball State's Fried. "We also have a lot of faculty and staff who live in those neighborhoods. Everybody else involved with the

university travels through those neighborhoods when they come and go. It's easy to justify the principle that whatever activity occurs in the neighborhoods surrounding the university has an effect on the university community."

Typically, off-campus disciplinary policies provide that any student involved in an incident leading to an off-campus police report or formal charges of a law violation face the same procedures prescribed for such behavior occurring on campus. Maintaining a flow of information from off-campus police to

campus authorities calls for a close relationship between police in the community and the campus police.

Rami Badawy, J.D., director of judicial affairs at Syracuse University in New York state, points out that the university's public safety officers are peace officers empowered to cite offenders both under local Syracuse ordinances and under the campus disciplinary

code. This is the case even though elements of the university's Code of Student Conduct differ from the conditions required to justify issuing a citation for violation of a local ordinance.

Badawy, like many judicial officers at colleges and universities, sees an educational function in the off-campus disciplinary policy. "I think many students don't really understand what it means to live in a university community," he says. "I'm sure some of them move off campus because they don't want to deal with the rules and regulations of campus housing. I don't think they understand the difficulties of dealing with a landlord.

"When students get into trouble we try to explain where they stand under the judicial system here on campus and also their exposure to local criminal law. Our primary mission is not to punish but to educate. We use a disciplinary incident as sort of a teaching moment."

At Indiana's Ball State, the educational element is also emphasized in the response to off-campus incidents, says Anna Lamb, the campus's alcohol and other drug education coordinator. Since most of those incidents involve underage drinking or underage possession of alcohol, the offender

is required to take an Internet-based alcohol education program that costs \$20. A second offense puts the student into a program called BASICS (for Brief Alcohol Screening



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and Intervention for College Students). A third offense sends the case to the university's Judicial Review Board for possible suspension or expulsion of the student. "We try to make the point that the university takes a student's behavior seriously," says Lamb.

URI's Cohen says her university had to deal with students getting the wrong message about efforts to police off-campus behavior. When the issue came to the forefront a few

years ago, rumor had it that any and all issues with community police would be reported back to the campus. "Students were being told that the university would be getting involved in such things as a parking ticket, or we would be knocking on the doors of off-campus residents to count beer cans and card people," she says. "We launched a major campaign to correct this misinformation, but some of it still lingers. There are still students who consider the policy an invasion of privacy."

The language of the URI policy as it was promulgated in 2006 reflects the effort to meet some of these objections. Off-campus conduct can be subject to campus jurisdiction, the policy document states, "if it is of such a nature that it would be subject to the Student Discipline System had it occurred on-campus, and the nature and circumstances of the infraction provide reasonable grounds for believing that the alleged offender poses a threat to the safety of self or others or if the alleged offender is repeatedly

arrested or cited for violating local, state or federal laws. The decision to apply jurisdiction to off-campus conduct shall be made by the Dean of Students." The policy is intended to alert students that when the campus learns of off-campus infractions from the community police department, which is encouraged to report those offenses, the campus also may impose disciplinary actions at its discretion. While the provision calling for "a threat to the safety of self or others" might seem to weaken the effect, Cohen

says, the language providing for campus intervention when the offender is "repeatedly arrested or cited" for a law violation helps carry out the purpose.

URI is urging community police to be more determined in their approach to alcohol offenses and in responding to calls to "nuisance houses" where large parties are annoying the neighbors, Cohen says. "I think the underlying issue is that the town police have to make students believe that there are consequences for what they do. I keep urging that when the police break up a party, they should not just send everybody home but should issue citations and arrest the person who provided the alcohol."

Tom Casady, chief of police in Lincoln, Neb., has long familiarity with the off-campus behavior of University of Nebraska students. After 33 years on the Lincoln police force, including 14 years as chief, and as a long-time

participant in efforts by a campus and community coalition to reduce alcohol and other drug problems in the student population, he knows the territory. The reporting of off-campus student offenses to university authorities began about 10 years ago when high-risk drinking was surfacing as an unchecked problem among students. His officers regularly notify the university's judicial affairs office when students are involved in off-campus offenses, mostly involving alcohol, and the last decade has seen a marked decline in high-risk drinking rates.

"I'm a believer in the wrap-around environmental approach to change social norms and values about high-risk drinking and these days more people see drinking to get drunk as a kind of negative behavior," he says.

While using the campus disciplinary process in response to off-campus behavior is generally acceptable to most Nebraska students, Casady has seen spikes of controversy about it from time to time. One of those spikes occurred in the 2006–07 academic year.

"An enterprising reporter for the student daily began mining public police records for information about arrests of students off campus and publishing the information in the *Daily Nebraskan* every day," Casady says. "Suddenly people thought the police were carrying out a big crackdown on students, but that wasn't the case at all. We're just doing what we always do."

Casady pointed out that Lincoln has experienced dramatic changes in the past 12 years. Now there is open acknowledgment about the alcohol-related crimes occurring in the community and among students, resulting in more collaboration to address those problems. Law enforcement has a very important role. When working on strategies to reduce high-risk and underage drinking it is crucial for the city police department and the campus to be important collaborators. ■



# Medical Amnesty—Effective or Not?

**C**an “Good Samaritan” or “medical amnesty” policies at colleges and universities help ensure that students receive emergency treatment if they overdose on alcohol or other drugs?

It may be too soon to judge the effect, but offers of immunity from disciplinary action for those involved in medical emergencies are becoming more common on campuses.

The policies draw their inspiration from state Good Samaritan laws designed to shield people from personal liability if they stop to help an injured stranger. On campuses, the terms refer to policies designed to keep dangerously intoxicated students from being put to bed or abandoned by their friends because of fear that a call for medical assistance would lead to disciplinary action against the intoxicated student or those who sought help.

Publicity about cases of students dying from alcohol poisoning has given impetus to the adoption of medical amnesty policies. Generally, the new campus policies ensure that those who call for help or need such help will not be subject to disciplinary action otherwise triggered by violation of rules dealing with alcohol and other drugs.

The issue has raised difficult philosophical questions on many campuses, and often some tension between those concerned with student health and those concerned with enforcing discipline. Does the promise of amnesty—sometimes called a “get out of jail free” card—weaken the effect of efforts to reduce heavy drinking and underage drinking among students?

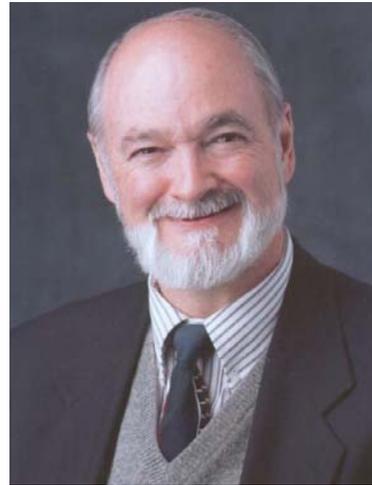
Some campuses have adopted amnesty while others have rejected it or are still on the fence. Even those supporting the policy concede that it is difficult to measure its influence, positive or negative. Medical amnesty may be interpreted as condoning, if not actually

supporting, high-risk behavior and may conflict with other policies aimed at zero tolerance for alcohol offenses. Unless carefully drawn, the policies may invite abuses by indicating that judicial sanctions are not an ensured response to a violation of the rules. On the positive side, an amnesty policy can help emphasize that an institution’s primary concern is for the health and safety of students regardless of policies calling for disciplinary action for alcohol or other drug offenses. Generally, the policies provide amnesty only if those involved in a heavy-drinking episode report for some form of intervention or alcohol education.

“When considering the implementation of the policy at an institution, it is important to sell it to the administration for exactly what it is,” says Tim Silvestri, coordinator of alcohol and drug services at Lafayette College in Pennsylvania. “The policy is meant to do one thing: empower friends of a medically compromised student to call for help. This is important, because administrative focus eventually closes in on whether it is right or wrong to let an alcohol policy violator get around the system. This misses the major point of the policy and in my opinion is a misguided discussion.”

Typically, policy statements refer both to the person who receives treatment and the person who assists in obtaining it. The Good Samaritan Provision at the University of Colorado (CU) puts it this way: “Whenever a student assists an intoxicated individual in procuring the assistance of local or state police, CU night security, residence life staff, or other medical professionals, neither the

intoxicated individual, nor the individual who assists, may be subject to formal University disciplinary actions for (1) being intoxicated or (2) having provided that person alcohol.” The Colorado policy adds in bold-face type: “This provision does not excuse or protect those individuals or organizations that deliberately or repeatedly violate the University’s Alcohol Policy.”



Robert Maust

Robert Maust, J.D., coordinator of student affairs at Colorado, traces support for the policy to incidents involving the deaths of college students from alcohol poisoning and reports that students were running away from the scene of drinking problems because of the threat of disciplinary action.

“There were stories of students abandoning their fellow students, just leaving them on the lawn passed out or dropping them off on the front steps of the residence hall and driving away,” Maust said in a *Catalyst* interview. “We don’t have any proof that all that was true, but it was becoming part of the urban myth folklore of the campus and community. I think our Good Samaritan policy was a constructive response to that.”

Maust believes it’s too early to tell what effect the policy might have on student behavior. The Colorado policy has been in effect since fall 2005. “We’re having some problems with people understanding it. We need a campaign that makes it more visible.”

Lafayette’s Silvestri believes informing students about the policy is the keystone for its

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success. “When a student is transported to a hospital there seems to be a frequent assumption or rumor that he or she is being prosecuted in some way. By the time students discover they are not actually in trouble, the rumor has been spread and the damage is done.”

Evaluating the effect can be difficult. If more students are getting to treatment and counseling, does it mean their friends are less fearful of the consequences if they help out—or does it indicate that more students are drinking their way into a medical crisis?

In an article in the *International Journal of Drug Policy* (July 2006), Deborah K. Lewis and Timothy C. Marchell of the Gannett Health Services at Cornell University, Ithaca, N.Y., describe a frustrating attempt to analyze the impact of Cornell’s medical amnesty policy that took effect in fall 2002. They said the effort to match an increase in the number of emergency referrals to the rates of heavy drinking among students proved “inconclusive,” but Cornell officials remain convinced that the policy is achieving its purpose. The purpose of Cornell’s amnesty policy is stated in terms matching those of most institutions adopting similar policies: “The goals . . . are twofold: (1) to increase the likelihood that students will call for medical assistance when faced with an alcohol-related emergency; and (2) to increase the provision of follow-up psycho-educational interventions for individuals

***“One thing we found very interesting is that the main reason cited for not seeking help was not knowing what kind of help to get.”***

who received emergency medical attention related to their own use of alcohol in order to reduce the likelihood of such occurrences in the future.”

Arizona State University (ASU) is one that considered a medical amnesty policy but decided against it. “It came up as something other campuses were doing,” says Karen Moses, assistant director of health education at ASU. “So we asked ourselves if this was really what we need. Would this be relevant to our students? Do they really think about judicial consequences when they see someone in trouble?”

So ASU’s Wellness and Health Promotion Department asked a random sample of 6,000 undergraduates and 1,500 graduate students what considerations would lead them to decide whether to call for help for someone who is passed out or incoherent due to consuming too much alcohol or taking illegal drugs.

“One thing we found very interesting is that the main reason cited for not seeking help was not knowing what kind of help to get,” Moses told *Catalyst*. Not knowing what to do was cited by 47.6 percent of the survey respondents compared with only 35.5 percent who said they would hesitate for “fear of getting a friend into trouble.”

Such survey findings, and the fact that there is no compelling research to show that amnesty policies actually carry out their intended purpose, led ASU to launch an intensive education campaign instead of an amnesty policy. Wallet cards have been distributed describing the signs and symptoms of alcohol poisoning that would require immediate medical intervention.

Other new educational activities are aimed at strengthening the sense of each student’s personal responsibility toward the safety of fellow students. The Arizona survey also

revealed that students are more likely to seek help for a friend in trouble than for a stranger. “We’re addressing the importance of being a caring community,” says Moses. “It’s equally important to help someone you don’t really know.”

***“Such policies enable an institution to more effectively address the issues of civility and citizenship with its students.”***

Robert J. Chapman, Ph.D., assistant clinical professor in the College of Nursing and Health Professions at Drexel University in Philadelphia, points to the positive aspects of medical amnesty policies in a paper for the Network Addressing Collegiate Alcohol and Other Drug Issues:

“Such policies enable an institution to more effectively address the issues of civility and citizenship with its students. . . . By widely publicizing the existence of a Good Samaritan policy, students can be taught how to assume a truly supportive role as they come to the aid of their peers and significant others. In essence, instead of enabling dangerous behavior, increase the likelihood that it will be confronted for what it is, a medical emergency, and suggest the drinking that preceded it was high-risk and dangerous.” More material from Chapman is available at <http://www.thenetwork.ws/resources.html>. For more information about Cornell’s medical amnesty policy, visit <http://www.gannett.cornell.edu/top10Topics/alcohol-tobacco-drugs/AOD/medicalAmnesty.html>. ■



# Q&A With Peter Lake

*Peter F. Lake, J.D., is the Charles A. Dana chair and director of the Center for Excellence in Higher Education Law and Policy at Stetson University College of Law in Florida. He teaches and writes in the areas of torts, higher education law and policy, insurance, and jurisprudence and has won several awards for his teaching and scholarship. He co-authored *The Rights and Responsibilities of the Modern University: Who Assumes the Risks of College Life?* (Carolina Academic Press, 1999) and has authored numerous law review articles and other publications.*

**Q:** How can colleges and universities ensure that policies and consequences of policy violations are applied equitably to students?

**A:** Students often raise fairness issues. The philosopher John Rawls said that for major social institutions, fairness is the first virtue (*A Theory of Justice*, Oxford University Press, 1999). But is fairness the first virtue at colleges and universities? The truth is education isn't fair in the sense that everyone is treated equally. Harvard's Howard Gardner's research says that people have different intelligences, with different needs (*Frames of Mind: The Theory of Multiple Intelligences*, New York: Basic Books, 1983). Classroom teachers realize this. For example, sometimes students who are struggling need more attention than other students. Is it unfair to top students for teachers to help students who could benefit from more attention?

Students who say that they are not treated fairly usually focus on two issues. First, they think it is unfair to be subject to arbitrary enforcement of alcohol and other drug rules that don't seem to relate to a particular goal. For example, when students are written up for having alcohol paraphernalia in their rooms, such as a wine bottle candleholder, they struggle to understand why something like that should subject them to discipline. It feels random and students can't see the reason for such a policy. More important, we have trained a cadre of students on American campuses who have excellent avoidance skills and

routinely violate the spirit of policies and rules. These are the students who provide alcohol to freshmen, transport and sell drugs, and organize parties that are dangerous and off the grid. They rarely get caught.

Second, campus discipline officials know the problem students they would like to get off campus. But those students don't show up in the discipline system. They are the *National Lampoon's* Van Wilder types who organize high-risk events but escape prosecution. It's the naïve, innocent kid who, for example, gets caught with an open container, gets a strike or two in a three-strike system, and runs the risk of suspension. The Van Wilder types escape consequences for their actions because they have learned excellent avoidance skills. That's what the students mean when they talk about fairness.

We need to target enforcement efforts and not get bogged down in trying to treat every-

***We need to focus on the fact that fairness is just one virtue among many.***

body equally—much the same way we enforce traffic violations. While we, of course, establish speed limits and develop traffic safety campaigns, using limited enforcement resources to attempt to pull everybody over who happens to be going five miles over the speed limit doesn't do much good. Targeted enforcement efforts, such as sobriety check-

points on Saturday nights, are more effective. We need to change consciousness in higher education when it comes to this fairness issue.

This generation of students is treated more fairly than any generation of highly educated people in the history of the world. It also has the highest rates of drinking, sexual assaults, cheating, plagiarism, and dropping out. We need to focus on the fact that fairness is just one virtue among many. In fact, I do not think it is the first virtue in higher education.

**Q:** What do colleges and universities need to do to ensure that students who violate policies are afforded due process? What are the requirements of due process when it comes to campus judicial systems?

**A:** *Due process* is probably the most overused term in higher education. There are no due process requirements unless there is a state action. Typically, private institutions have no due process requirements whatsoever. However, there are contractual obligations. At both public and private institutions we promise due process, sometimes in excess of any constitutional minimums. When higher education due process cases were decided by the Supreme Court in the 1960s, 1970s, and one case in the 1980s, no decision required higher education to go down the hyper-legalistic process route that we have on many campuses.

The language of these decisions is not complicated. For example, in *Goss v. Lopez* (U.S. Supreme Court, Jan. 22, 1975), high school

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students were suspended for a potentially long period. The court essentially said that the school needed to call the students in (give notice) and talk to them (hearing) to see if they are the students who did what they are accused of. “Notice” just means letting students know what you are upset about. “Hearing” means giving them a chance to tell

***When students fail to meet . . . expectations, we hold them accountable, which is different from imposing discipline.***

their side so that you can correct basic mistakes. That’s not much to ask.

When the Supreme Court finally got to college cases, it said that in certain decisions that involve the use of academic judgment, campuses don’t even have to go through that sort of process. As long as a deliberative decision has been made and the student is given some access to what is going on, minimal due process requirements are met.

In many ways, the issue of due process begs a question that should not be asked in the first place. First, the legal requirements are not as great as people imagine them to be. We have created a tangle of legal requirements because of process promises, not constitutional requirements. By changing the vision of what campuses offer students and what students can expect, we could change the landscape of policy enforcement in a very short period and put a different model into place.

The current concept of discipline and enforcement misses a crucial point about the modern student. Discipline is possible when those in a superior position correct the behavior of someone in an inferior one, such as a parent to a child, for example, or a military

officer to a trainee. Colleges and universities no longer have that relationship with their students. Now they are managing an educational environment cooperatively and collaboratively. In that environment institutions establish social and academic behavioral expectations. When students fail to meet those expectations, we hold them accountable, which is different from imposing discipline. It is a subtle but crucial difference.

**Q:** What would be your best advice to a campus on how to structure its policies and enforcement?

**A:** In the short term, one of the best things an institution can do to build a better system on campus is to take a hard look at existing discipline codes and eliminate every legalistic term—prosecutor, judge, rule of evidence—anything that sounds legalistic and replace it with something that actually says what the campus is trying to say. For example, in lieu of a hearing why not have an educational conference? In lieu of a standard of proof, why not talk about the kinds of information that will help a campus make a decision? This quick fix gets people talking about why they have what they have and what the purposes are and how they might streamline their system to one that more efficiently meets environmental and educational purposes.

The long-term fix is actually a little more

complicated. In higher education we have turned students from subjects of education into objects. They are now tuition units with numbers, grade point averages. We have taken individuation out of higher education because we thought subjectivity was bad. We have to advocate for systems that are much more individuated in higher education. *A Test of Leadership: Charting the Future of U.S. Higher Education*, a report of the commission appointed by Secretary of Education Margaret Spellings (Sept. 2006), includes a number of recommendations for improvements in higher education that begin to address some needed long-term reforms. The Spellings report says that too little attention has been paid to helping students graduate, resulting in unacceptable numbers of students who fail to complete their studies and in graduates who don’t always learn enough.

Basically, higher education is broken. We have highly indebted students who do not have demonstrable competencies, many of whom will never proceed past a couple of years of college because of alcohol and other drug problems, or other challenges. There is a lot of cheating, sexual misconduct, and even alcohol and other drug use among the ones who stay. We have gone so overboard to protect due process rights that our core mission has suffered. Now is the time for those committed to excellence in higher education to advocate for change. ■

### Office of Safe and Drug-Free Schools

If you would like more information about the Office of Safe and Drug-Free Schools (OSDFS), please visit the office’s Web site at <http://www.ed.gov/OSDFS>. For more information about the office’s higher education initiatives, please contact:

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# A Campus and Community Coalition to Reduce High-Risk Drinking

**F**or Network member University of Massachusetts Amherst, policy development and enforcement are key aspects of a collaborative program to reduce high-risk drinking, defined as five drinks in one sitting for males and four for females. The aptly named Campus and Community Coalition to Reduce High-Risk Drinking (CCC) enjoys support from a cross section of campus and community leaders.

CCC came together in March 2004 and is supported by the Boston University School of Public Health's (BUSPH) Campus Community Partnership Initiative. Through this initiative, the staff members at BUSPH are working with five Massachusetts colleges to identify best practices for campus and community coalitions. In addition to the 23,000-student University of Massachusetts Amherst, other participating colleges include Boston College in Chestnut Hill, Clark University in Worcester, Fitchburg State College in Fitchburg, and the Massachusetts Institute of Technology in Cambridge. The National Institute on Alcohol Abuse and Alcoholism funds this five-year program, directing \$5,000 in seed money to the coalition at each campus as well as data collection and analysis, and technical assistance to guide effective coalition development.

A decade-long history of campus and community collaboration gave the CCC a running start. On the campus side, members include 16 organizations, with leadership coming from the Center for Alcohol and Other Drug Abuse Prevention (CADAP) and the Office of Community Relations. Other participants are the university police, Center for Student Development, dean of students office, fraternities and sororities,

Student Government Association, campus athletics, and Everywoman's Center, which deals with violence against women. Services such as residence life, campus transit, and the campus cable television station also are part of this broad-based collaborative. On the community side, coalition members come from police departments and local governments in the adjacent towns of Amherst and Hadley; from the business community, including the Amherst Chamber of Commerce and the Pioneer Valley Housing Association; and from social services such as Amherst Community Services and the Amherst Health Department.

The CCC began its work by looking at alcohol policy at the university. A comprehensive review revealed several high-risk behaviors that were not expressly prohibited. In response, the university added four provisions. It is now a violation to possess alcohol paraphernalia such as shot glasses, funnels, or anything that can be used for drinking games or rapid consumption of alcohol. Other violations include engaging in drinking games, possession of empty alcohol containers, and having a large quantity of alcohol in residence halls.

One recent change on campus is a Good Samaritan policy. Under this policy, if a student calls an ambulance for a fellow student suffering from an alcohol overdose, the offending student is referred to campus authorities for intervention, rather than to the university's judicial system for sanctions. Not only does the Good Samaritan policy safeguard student health, it also creates an expectation that students will take action to help one another.

Sally Linowski, Ph.D., is director of CADAP at

UMass Amherst and co-chair of the CCC. She recognizes that effective policies are critical, but stresses that policies are only as good as the systems behind them. So, along with promoting policy changes, the CCC addresses systemic weaknesses.

Prior to 2004, for example, students who violated alcohol policy were required to attend an alcohol education workshop. Few students showed up for the workshop, and no one kept track of them. Now, thanks to input from the CCC, first offenders attend Brief Alcohol Screening and Intervention for College Students (BASICS), a two-session program with a 14-year record of success on other campuses. A tracking system notes whether students complete the sessions. If they do not, the institution places an academic hold on their record, denying them registration for classes. Not surprisingly, attendance has increased, from the usual 350 students per semester to approximately 525 in fall 2006.

Another example of a systems change is the increased cooperation between the Amherst Police Department and CADAP. Previously, when police officers sent students to alcohol-related protective custody, there was no process in place for including these individuals in the population of students who might benefit from an alcohol intervention. Due to the direct efforts of the BASICS and CADAP staff and the trusted relationship between police and the CADAP staff, Amherst police routinely initiate "soft referrals," which means encouraging students to seek help at campus intervention services and giving them a card with instructions to do so. Now, police officers meet weekly with key university officials, including leaders from

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## A Campus and Community Coalition to Reduce High-Risk Drinking

CADAP, residence life, student affairs, the dean of students office, fraternities and sororities, community relations, and campus police. They provide the names of referred protective custody cases to Linowski, so that BASICS staff can expedite their care. Police discuss particular students and specific incidents, notifying CADAP of students who violate alcohol laws. This enables prevention professionals to reach out, “broadening the net,” according to Linowski.

Complementing the efforts on campus, the CCC has stepped up its activities in the community, particularly during the 2006–07 academic year. Coalition members met with Judge Nancy Dusek-Gomez, the local district judge who hears most of the cases involving student alcohol violations, and they agreed to support the judge’s strong message about illegal alcohol sales and use. In fall 2006, Judge Dusek-Gomez wrote a letter that was published in the student newspaper. Greeting students with “Welcome back. I hope we never meet,” the judge gave tips for avoiding her courtroom. According to Martha Nelson Patrick, director of community relations at UMass Amherst and CCC co-chair, the letter “really got students talking about consequences.”

Monitoring alcohol policy off campus is an important part of the CCC’s work. On this front, the coalition was active in defeating a move to decriminalize possession of open containers in Amherst. When officials from Hadley saw the strong support for Amherst’s existing open container law, they enacted one of their own. Hadley also passed a keg registration law similar to Amherst’s, putting an end to the student practice of buying a keg in Hadley and transporting it to a party in Amherst.

“Now we have a consistent message around health and safety,” says Patrick.

The message is accompanied by a historic change in enforcement. In February 2007, the university police and the Amherst Police

Department signed a mutual aid agreement. Police officers from these two agencies may now cross jurisdictional boundaries to enforce alcohol laws.

Although the CCC steering committee, or “Big CCC” as it is usually referred to by Patrick and Linowski, champions the cause of prevention and coordinates the group’s activities, it is the subcommittees that work on particular issues and strategies. One such subcommittee, composed of student leaders, university staff, a local landlord, Amherst police officers, and Amherst Select Board

members, is examining ways to change off-campus policy. Increasing fines for violations of open container and noise laws—which

have remained the same since 1986—are at the top of the list. Also under discussion are laws that ban parking on lawns and prohibit indoor furniture from being used outdoors, as well as an ordinance to get control over unruly house parties. As a first step, the subcommittee is reviewing ordinances from other cities that could serve as models for Amherst and Hadley. Although the individual towns would decide whether to enact these proposals, the CCC would encourage them to do so.

Community forums and roundtables, often focusing on specific issues, are an integral and ongoing part of the coalition’s work. The idea is to bring together interested parties, share evidence-based strategies and, most important, foster and maintain communication.

Regular meetings of the CCC help maintain communication. At these meetings, participants develop personal relationships that are key to meaningful dialogue.

“If someone has a question, they know whom to ask,” says Linowski. “We have a shared concern on a day-to-day basis.”

This shared concern is part of a “collective consciousness,” which Linowski identifies as a major benefit of collaboration.



## Join the Network!

### Welcome New Network Members

Developed in 1987 by the U.S. Department of Education, the Network Addressing Collegiate Alcohol and Other Drug Issues (Network) is a voluntary membership organization whose member institutions agree to work toward a set of standards aimed at reducing alcohol and other drug (AOD) problems at colleges and universities.

The Network welcomes new members from across the nation, representing all types of institutions of higher education, from community colleges to universities. A list of new members who have joined since the last *Catalyst* issue was published is available [here](#).

The Network develops collaborative AOD prevention efforts among colleges and universities through electronic information exchange, printed materials, and sponsorship of national, regional, and state activities and conferences. Each Network member has a campus contact who, as part of the constituency of the region, helps determine activities of the Network.

As of July 2007, Network membership stood at 1,595 postsecondary institutions.

To learn more about the Network and how your campus can become a member, visit the Network’s [Web site](#). ■

“For too long, there was a lot of finger-pointing regarding whose role it was to solve the persistent problems associated with high-risk drinking among students. It was the police; it was housing; it was like putting your finger in the dike,” she says. “We need a variety of stakeholders to make a difference.”

The members of the CCC, through their collaborations around new initiatives in both policy and enforcement, are dedicated to making that difference at the University of Massachusetts Amherst. For more information, visit <http://www.umass.edu/uhs/cadap/partnerships>. ■



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## Our Mission

The mission of the U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention is to assist institutions of higher education in developing, implementing, and evaluating alcohol and other drug abuse and violence prevention policies and programs that will foster students' academic and social development and promote campus and community safety.

## Get in Touch

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## How We Can Help

- Training and professional development activities
- Resources, referrals, and consultations
- Publication and dissemination of prevention materials
- Support for the Network Addressing Collegiate Alcohol and Other Drug Issues
- Assessment, evaluation, and analysis activities

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## Resources

For resources on policy and enforcement, click on the following publications from the Higher Education Center's publications collection:

[\*A Campus-community Coalition to Control Alcohol-related Problems Off Campus: An Environmental Management Case Study\*](#)

[\*Complying With the Drug-Free Schools and Campuses Regulations \[EDGAR Part 86\]: A Guide for University and College Administrators\*](#)

[\*Law Enforcement and Higher Education: Finding Common Ground to Address Underage Drinking on Campus\*](#)

[\*Parental Notification\*](#)

[\*The Role of State, Community, and Institutional Policy in the Prevention of College Alcohol Problems\*](#)

[\*Safe Lanes on Campus: A Guide for Preventing Impaired Driving and Underage Drinking\*](#)

[\*Setting and Improving Policies for Reducing Alcohol and Other Drug Problems on Campus\*](#)

[\*Catalyst\*, Summer 2006 Vol. 8, No. 1](#)

[\*Catalyst\*, Winter 2007 Vol. 8, No. 2](#)

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