

# **University of Arkansas – Fort Smith**

## **2020 Biennial Review**

### **Drug Free Schools and Communities Act**

#### **Introduction**

The University of Arkansas – Fort Smith (UAFS) has in place effective policies and procedures designed to comply with the Drug-Free Schools and Community Act (DFSCA), state laws, governing board policies, and UAFS policies regarding drug and alcohol use. These laws and policies are intended to reduce and prevent the problems associated with the use or misuse of these substances, ultimately creating a safer and healthier environment for the University community.

This biennial review report is divided into the following sections:

1. Biennial Review Process
2. General Conclusions
3. Educational Programming
4. University Policies and Compliance with Federal Legislation
5. Distribution of Written Policy
6. Legal Sanctions
7. Health Risks
8. Resources

Individuals with questions or comments concerning the biennial review may contact the UAFS Dean of Students at the following address:

University of Arkansas – Fort Smith  
Dean of Students  
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#### **Biennial Review Process**

The Biennial Review Committee met during the Spring 2020 semester to review components essential to the University's drug and alcohol program: policy statements, publications, services, data collection, educational programming, campus life, alternative student activities, and data on student and employee conduct. Represented on this committee is the Dean of Students, Director of Student Activities, the Director of Residential Life and the Director of Recreation and Wellness.

The major objective of this review is to evaluate where UAFS falls in meeting the criteria for the DFSCA.

## General Conclusions

While UAFS meets standards for the DFSCA, we recognize that more programs and initiatives could be in place as preventative measures to the student body.

## Highlights of Alcohol and Substance Abuse Prevention Effort

### Timeline of Activity Fall 2016 through Spring 2018

| Date               | Sponsor          | Title                           | Type              |
|--------------------|------------------|---------------------------------|-------------------|
| August 17, 2018    | Cub Camp         | Hypnotic Intoxication           | Alcohol           |
| August 23, 2018    | Residential Life | Sip Sip Hooray                  | Alcohol           |
| September 12, 2018 | Residential Life | rootBEERFLOATS                  | Alcohol           |
| September 17, 2018 | Student Life     | Burgers and Beer                | Alcohol           |
| September 18, 2018 | Residential Life | BJ's in your PJ's               | Alcohol           |
| November 15, 2018  | Residential Life | Beer, Bong, and Burgers         | Alcohol and Drugs |
| January 30, 2019   | Residential Life | Paint Night                     | Alcohol           |
| February 28, 2019  | Residential Life | Double Down on Diversity        | Drugs             |
| February 28, 2019  | Residential Life | Pot Party                       | Drugs             |
| March 7, 2019      | Residential Life | Mardi Gras Party                | Alcohol           |
| March 13, 2019     | Student Life     | Campus Crawl: Safe Spring Break | Alcohol and Drugs |
| April 24, 2019     | Residential Life | Pot Party                       | Drugs             |
| August 16, 2019    | Cub Camp         | Hypnotic Intoxication           | Alcohol           |
| September 9, 2019  | Residential Life | Pot Party                       | Drugs             |
| September 18       | Student Life     | Burgers and Beer                | Alcohol           |
| September 27, 2019 | Residential Life | Boo's and Brews                 | Alcohol           |
| October 15, 2019   | Residential Life | Wake n' Bake                    | Drugs             |
| October 16, 2019   | Residential Life | Mocktails and Masks             | Alcohol           |

|                     |                  |                      |                         |
|---------------------|------------------|----------------------|-------------------------|
| October 29,<br>2019 | Residential Life | Lion's Den Fall Fest | Alcohol<br>and<br>Drugs |
|---------------------|------------------|----------------------|-------------------------|

### **Additional Programs offered:**

- University Police Department
  - "Common Thread" in alcohol consumption
  - Alcohol Awareness Safety Seminars
- Counseling Clinic
  - Students receive free sessions and counselors are trained to handle issues with alcohol and drug use.

## **University Compliance with Federal Legislation**

### **I. University Policy**

#### **Student Policy:**

The UA Fort Smith Alcohol and Drug Abuse Policy listed in the Student Code of Conduct for 2020-2021 is currently under review by the Code of Conduct Review Committee for the 2020-2021 year. The alcohol and drug policies will be reviewed by this committee, lead by the Dean of Students, annually. The policies are currently stated as follows:

#### UA Fort Smith Alcohol Policy

Student possession and use of alcohol on university properties, including residential housing, and at official university functions held on campus is prohibited. It is the policy of the university that the illegal or abusive use of drugs or alcohol by employees and students is prohibited on university properties or as a part of any university activity whether on or off campus. Irresponsible behavior while under the influence of intoxicants is not to be condoned and may be subject to review and/or action by the appropriate judicial body.

#### UA Fort Smith Drug Policy

Possession, use, or manufacture of illicit drugs is strictly prohibited at the UAFS. Students at UAFS are subject to disciplinary action for violation of federal or state laws regarding the possession, purchase, manufacture, use, sale or distribution (by either sale or gift) of any quantity of any prescription drug or controlled substance, except for the use of any over-the-counter medication or for the prescribed use of medication in accordance with the instruction of a licensed physician. Possession of paraphernalia associated

with the use, possession or manufacture of a prescription drug or controlled substance is also prohibited.

### **Medical Marijuana**

Students are not permitted to possess, smoke, or otherwise engage in the medical use of marijuana on campus in accordance with Arkansas Act 740. Act 740 further prohibits the smoking of marijuana for medical purposes in places where the smoking of tobacco is prohibited by state law, and all state property is to be considered tobacco free.

### **Housing and Residential Life Policy:**

#### Alcohol

UAFS, including all residential buildings, prohibits the possession, distribution, manufacture, or use of alcoholic beverages on its property. This includes students who are 21 years of age or older. Alcohol bottles or containers, including boxes, may not be in the residential area nor displayed as decoration ***even if they are empty***. Students may also not be in the presence of alcohol while on campus. Anyone violating these policies will be subject to administrative and/or disciplinary action. UAFS and Housing and Residential Life recognize their responsibility to provide a healthy environment within which students may learn and prepare themselves to be fully functioning and productive individuals. Alcohol and other substance abuse is a university concern. Refer to the **Student Code of Conduct** regarding more about the campus alcohol policy.

#### Drugs

The University prohibits the manufacturing, possessing, selling, transmitting, using, or being party to any illegal drug, controlled substance, or drug paraphernalia on campus. If a student is found to be using a legal substance as an addictive drug or in excess amounts, sanctions may be incurred. Please refer to the **Student Code of Conduct** for the full regulations and sanctions for violations. Residents found violating these policies may be evicted from their campus housing. Information concerning the possession, sale, use, etc., of drugs on campus must be brought to the attention of Residential Life Staff or University Police. The staff and/or University Police will conduct an appropriate and confidential investigation.

## **Employee Policy:**

### Use of Alcohol and Drugs

All University employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, attending University sponsored events, activities or programs, on University property, in University vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee's system, is strictly prohibited and grounds for disciplinary action up to and including immediate discharge.

In addition, University employees are subject to disciplinary action up to and including immediate discharge for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, attending University sponsored event, activity or program, on University property, in University vehicles, during breaks or at lunch. The University reserves the right to require employees to submit to urine drug testing and/or Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. Employees must submit to all required tests. Any University employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.

The University also reserves the right to require return to duty and/or follow-up testing as a result of a condition of reinstatement or continued employment in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program. However, nothing in this policy obligates the University to reinstate or continue the employment of an employee who violates the policy.

### Employee Assistance

Employee Assistance. While the University does not offer a full-fledged employee assistance program, it recognizes that personal problems not associated with an individual's job can be detrimental to an employee's health, well-being and job performance. Consequently, the University believes it is in the interest of everyone to assist employees in resolving problems as the need arises. To this end, Human Resources maintains up-to-date information on a variety of community resources on a self-referral basis. Contact Human Resources for assistance. All inquiries and communications are held in confidence.

Participation in the employee assistance program does not excuse employees from complying with normal University policies or from meeting

normal job requirements during or after receiving assistance. Participation in the program does not prevent the University from taking disciplinary action against any employee for performance problems.

## **II. Distribution of Written Policy**

The Student Code of Conduct may be found on the UAFS website at <http://uafs.edu/university/student-handbook>. Students receive an e-mail at the start of each semester containing the link above.

All on-campus residents receive the alcohol and other drug policies in the Residential Life Handbook provided in their move-in packet upon entering on-campus housing. Additional copies of this policy may be found in the UAFS Housing Office or on the UA Fort Smith website.

All full-time employees receive a copy of the UA Fort Smith Employee Handbook containing alcohol and drug policies. The handbook is also accessible through the Human Resources website for all employees. Employees also receive an e-mail at the start of each academic year which contains a link to the employee handbook.

## **III. Effectiveness of Alcohol Policy and Education Programs**

The University Police Department conducted the [Annual Security Report](#) published annually in October, which displays the effectiveness of alcohol and drug prevention efforts.

In addition, every first-time, full-time in-coming college freshman that attends Cub Camp, an intense optional orientation camp, has the opportunity to attend Hypnotic Intoxication. Hypnotic Intoxication is an educational program where students learn about the effects of alcohol on their bodies.

During spring 2010, a group of four students created a peer educator group through The BACCHUS Network™, called Lions Reaching Out Advocating Responsibility (Lions ROAR). To date, Lions ROAR annually conducts alcohol and other drug prevention and awareness programs.

In the Spring of 2014, the Student Activities Office and the University Housing Office came together to create a program known as #UMatter, which will focus primarily on Bystander Intervention Training, but will also have components that focus on alcohol and other drug abuse awareness. The #UMatter programming has been on-going since the Fall 2014 semester.

In addition to our student programming, the UAFS Human Resources Office offers the “Employee Wellness Program” for all full-time employees which offers a variety of wellness programming to include alcohol and other drug awareness.

#### **IV. Legal Sanctions and Enforcement of Policy**

UAFS has implemented the following policy regarding substance abuse:

1. Any student found in violation of these procedures will immediately be placed on probation and shall be subject to additional disciplinary actions which may include dismissal from UAFS.
2. The vice chancellor for Student Affairs or the dean of student will make information available to students about the dangers of drug abuse, the availability of counseling, and the penalties for violations. Such information will be promulgated in the student handbook, visual displays, drug-awareness sessions, etc.
3. Students who have no record of conviction for drug abuse and who voluntarily seek counseling for drug-abuse problems may not be dismissed from the University. However, if a drug-abuse conviction occurs after counseling/rehabilitation has begun; the student is liable for the full range of University disciplinary measures.
4. The vice chancellor for Student Affairs and dean of students will be responsible for the implementation of these procedures. All violations will be reported to the chancellor with a recommended penalty.
5. Specific degree programs may have additional policies related to prevention and management of substance abuse. Students enrolled in these degree programs are responsible for adhering to College specific policies as well as University policies.
6. Educational Sanctions- These include but are not limited to: online judicial educators, community service, reflection papers and assessments.

#### **Legal Sanctions for Violations of Law**

The following legal sanctions, at a minimum, may occur for violation of local, state or federal laws:

**Underage DUI Law:** The State of Arkansas’ “Underage DUI (Driving under the Influence) Law” (Act 863) makes it an offense for a person under the age of 21 with a blood alcohol content of .02 to .07 (approximately one can of beer, one glass of wine, or one drink of hard liquor) to operate a motorized vehicle. Penalties for a first offense can result in:

- First Offense: 24 hours to one year in jail. Up to a \$1,000 fine. License suspended for six months.

- Second Offense: seven days to one year in jail. Up to a \$3,000 fine. License suspended for two years.
- Third Offense: 90 days to one year in jail. Up to a \$5,000 fine. License suspension for 30 months.
- Fourth Offense: One to six years in jail. Up to a \$5,000 fine. License suspension for four years.

**Driving While Intoxicated:** A person who drives a motorized vehicle while influenced or affected by the ingestion of alcohol, a controlled substance or any intoxicant commits the offense of driving while intoxicated. Penalties for such offense may include:

- First Offense: 24 hours to one year in jail. Up to a \$1,000 fine. License suspended for six months.
- Second Offense: 30 days to no less than one year in jail or no less than 30 days of community service. Up to a \$3,000 fine. License suspended for a minimum of one year.
- Third Offense: 90 days to one year in jail or no less than 90 days of community service. Up to a \$5,000 fine. License suspension for 30 months.
- Fourth Offense: One to six years in jail or one year of community service. Up to a \$5,000 fine. License suspension for four years.

**Public Intoxication:** A person commits the offense of “Public Intoxication” if

1. He appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree that he is likely to endanger himself or other persons or property, or
2. He unreasonably annoys persons in his vicinity. Public intoxication is a Class C misdemeanor, and can result in up to 30 days in jail and a fine of up to \$500.

**Possession of Alcohol by a Minor:** It is illegal for a person under the age of 21 to possess alcohol. Penalties include a fine of up to \$500 along with a 60-day license suspension.

**Knowingly Furnishing to a Minor:** A person commits the offense of “knowingly furnishing to a minor” if, being an adult, he knowingly purchases for or provided alcohol beverages to a minor. Such an offense is a Class C misdemeanor, and can result in

- First Offense: You will be fined not less than \$200 and not more than \$500.
- Second Offense and subsequent offenses: You will be charged with committing a Class A misdemeanor crime.

## **Parental Notification Guidelines (regarding violations of alcohol and drug policies)**

In keeping with federal legislation and as authorized by the Higher Education Amendments of 1998, the UAFS has the following policy:

Parents/guardians may be notified when the following circumstances apply.

1. The student is under 21 years old at the time of the offense.
2. The student's violation:
  - a. Involves the use, possession, or distribution of alcohol;
  - b. Involves the use, possession, or distribution of an illicit drug;
  - c. Involves personal injury or damage to property; or
  - d. The student has committed a previous violation regarding the use, possession or distribution of alcohol.
3. The student is found "responsible" for a violation of the University's drug or alcohol policies, and:
  - a. The student is placed on either University or residential housing probation. This places the student on notice that any additional offense may affect either of these privileges', or
  - b. The resulting sanction(s) affects the student's ability to live on campus or attend the University (e.g. housing removal/relocation, suspension, or eviction.)

## **V. Health Risks Associated with Illicit Drug Use and Alcohol Abuse**

Alcohol and drug use is prohibited at UAFS, not only for legal issues, but due to health risks associated with use.

Information about the health risks of drug use and abuse can be accessed through the following web site: <http://www.drugabuse.gov>.

Information regarding the online judicial educator program can be accessed through the following web site: <http://judicialeducator2.com/>. This program is used through Housing and Residential Life as an educational sanction for students violating the on-campus alcohol policy.

## **VI. Resources**

| On Campus Resources          | Phone Number | Website   |
|------------------------------|--------------|---|
| Counseling Clinic            | 479-788-7398 | <a href="http://health.uafs.edu/health/counseling-center">http://health.uafs.edu/health/counseling-center</a> |
| Human Resources              | 479-788-7083 | <a href="http://www.uafs.edu/hr/contact-human-resources">http://www.uafs.edu/hr/contact-human-resources</a>   |
| Powell Student Health Clinic | 479-788-7444 | <a href="http://health.uafs.edu/health/health-center">http://health.uafs.edu/health/health-center</a>         |
| University Police            | 479-788-7141 | <a href="http://www.uafs.edu/upd">http://www.uafs.edu/upd</a>   |

| Off Campus Resources                                    | Phone Number   | Website   |
|---|----------------|---|
| Akransas Rehabilitation Services                        | 479-452-7131   |   |
| Al-Anon Information                                     | 757-563-1600   | <a href="http://www.al-anon.alateen.org/">http://www.al-anon.alateen.org/</a>           |
| Alcoholics Anonymous/Al-Anon, Fort Smith Intergroup     | 479-783-0123   | <a href="http://aafsig.org/">http://aafsig.org/</a>                                     |
| Gateway House   | 479-783-8849   |   |
| Harbor House, Inc.                                      | 479-785-4083   | <a href="http://www.recoveryhhi.org/">http://www.recoveryhhi.org/</a>                   |
| Horizon Adolescent Treatment                            | 479-478-6664   |   |
| National Alcohol & Substance Abuse Information          | 1-800-662-4357 | <a href="https://nationaltoolkit.csw.fsu.edu/">https://nationaltoolkit.csw.fsu.edu/</a> |
| National Clearinghouse for Alcohol and Drug Information | 1-877-SAMHSA-7 | <a href="http://www.nnlm.gov">www.nnlm.gov</a>  |

**Additional Resources are:**

- [UAFS Student Handbook](#)
- [UAFS Residential Life Handbook](#)

### Calendar Year 2018

| <b>Month</b>     | <b># Alcohol Cases</b> | <b># Responsible</b> | <b># Not Responsible</b> | <b># Did Not Appear</b> |
|------------------|------------------------|----------------------|--------------------------|-------------------------|
| <b>January</b>   | 4                      | 3                    | 0                        | 1                       |
| <b>February</b>  | 2                      | 2                    | 0                        | 0                       |
| <b>March</b>     | 13                     | 13                   | 0                        | 0                       |
| <b>April</b>     | 2                      | 1                    | 1                        | 0                       |
| <b>May</b>       | 0                      | 0                    | 0                        | 0                       |
| <b>June</b>      | 0                      | 0                    | 0                        | 0                       |
| <b>July</b>      | 0                      | 0                    | 0                        | 0                       |
| <b>August</b>    | 0                      | 0                    | 0                        | 0                       |
| <b>September</b> | 0                      | 0                    | 0                        | 0                       |
| <b>October</b>   | 4                      | 4                    | 0                        | 0                       |
| <b>November</b>  | 1                      | 0                    | 0                        | 1                       |
| <b>December</b>  | 8                      | 7                    | 0                        | 1                       |
| <b>Total</b>     | 34                     | 30                   | 1                        | 3                       |

### Sanctions

In 2018, the Student Affairs Division at the University of Arkansas Fort Smith saw a total of 34 cases of those cases 30 were found responsible or 88%. Three students did not appear for a hearing. The most common sanctions again were conduct probation followed by educational sanctions.

### Calendar Year 2019

| <b>Month</b>     | <b># Alcohol Cases</b> | <b># Responsible</b> | <b># Not Responsible</b> | <b># Did Not Appear</b> |
|------------------|------------------------|----------------------|--------------------------|-------------------------|
| <b>January</b>   | 1                      | 0                    | 0                        | 1                       |
| <b>February</b>  | 4                      | 1                    | 0                        | 3                       |
| <b>March</b>     | 5                      | 4                    | 0                        | 1                       |
| <b>April</b>     | 4                      | 4                    | 0                        | 0                       |
| <b>May</b>       | 0                      | 0                    | 0                        | 0                       |
| <b>June</b>      | 0                      | 0                    | 0                        | 0                       |
| <b>July</b>      | 0                      | 0                    | 0                        | 0                       |
| <b>August</b>    | 4                      | 4                    | 0                        | 0                       |
| <b>September</b> | 0                      | 0                    | 0                        | 0                       |
| <b>October</b>   | 2                      | 0                    | 1                        | 1                       |
| <b>November</b>  | 6                      | 4                    | 0                        | 2                       |
| <b>December</b>  | 2                      | 2                    | 0                        | 0                       |
| <b>Total</b>     | 28                     | 19                   | 1                        | 8                       |

### Sanctions

In 2019, the Student Affairs Division at the University of Arkansas Fort Smith saw 28 alcohol related student conduct cases of those cases 19 were found responsible or 68%. Eight students failed to appear for their hearing. The most common sanction was conduct/disciplinary probation. Nearly every student was assigned conduct probation upon being found responsible for their first alcohol offense, and students that are repeat offenders are assigned disciplinary probation. The second most common sanction is through our judicial educator program, Alcohol 101.

### Calendar Year 2018

| <b>Month</b>     | <b># Drug Cases</b> | <b># Responsible</b> | <b># Not Responsible</b> | <b># Did Not Appear</b> |
|------------------|---------------------|----------------------|--------------------------|-------------------------|
| <b>January</b>   | 3                   | 3                    | 0                        | 0                       |
| <b>February</b>  | 0                   | 0                    | 0                        | 0                       |
| <b>March</b>     | 0                   | 0                    | 0                        | 0                       |
| <b>April</b>     | 0                   | 0                    | 0                        | 0                       |
| <b>May</b>       | 0                   | 0                    | 0                        | 0                       |
| <b>June</b>      | 0                   | 0                    | 0                        | 0                       |
| <b>July</b>      | 0                   | 0                    | 0                        | 0                       |
| <b>August</b>    | 0                   | 0                    | 0                        | 0                       |
| <b>September</b> | 0                   | 0                    | 0                        | 0                       |
| <b>October</b>   | 0                   | 0                    | 0                        | 0                       |
| <b>November</b>  | 2                   | 2                    | 0                        | 0                       |
| <b>December</b>  | 0                   | 0                    | 0                        | 0                       |
| <b>Total</b>     | 5                   | 5                    | 0                        | 0                       |

### Sanctions

Marijuana is the drug that students on our campus are most commonly found to be in possession of and charged with violating our policy. Disciplinary probation, which is a stronger form of probation is the most common sanction along with a judicial educator on marijuana and other drugs.

### Calendar Year 2019

| <b>Month</b>     | <b># Drug Cases</b> | <b># Responsible</b> | <b># Not Responsible</b> | <b># Did Not Appear</b> |
|------------------|---------------------|----------------------|--------------------------|-------------------------|
| <b>January</b>   | 1                   | 0                    | 1                        | 0                       |
| <b>February</b>  | 0                   | 0                    | 0                        | 0                       |
| <b>March</b>     | 0                   | 0                    | 0                        | 0                       |
| <b>April</b>     | 0                   | 0                    | 0                        | 0                       |
| <b>May</b>       | 0                   | 0                    | 0                        | 0                       |
| <b>June</b>      | 0                   | 0                    | 0                        | 0                       |
| <b>July</b>      | 0                   | 0                    | 0                        | 0                       |
| <b>August</b>    | 1                   | 1                    | 0                        | 0                       |
| <b>September</b> | 0                   | 0                    | 0                        | 0                       |
| <b>October</b>   | 7                   | 7                    | 0                        | 0                       |
| <b>November</b>  | 1                   | 1                    | 0                        | 0                       |
| <b>December</b>  | 1                   | 1                    | 0                        | 0                       |
| <b>Total</b>     | 1                   | 1                    | 0                        | 0                       |

### Sanctions

Marijuana is the drug that students on our campus are most commonly found to be in possession of and charged with violating our policy. Disciplinary probation, which is a stronger form of probation is the most common sanction along with a judicial educator on marijuana and other drugs.