

Q&A With Richard Lucey, Jr., And Beth DeRicco

Richard Lucey, Jr., is an education program specialist of the U.S. Department of Education's Office of Safe and Drug-Free Schools. Lucey serves as the team leader for the office's higher education initiatives. Beth DeRicco, Ph.D., is an associate director of the U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention.

*Catalyst spoke with Lucey and DeRicco recently about Part 86 of the Education Department General Administrative Regulations, also known as EDGAR, pertaining to drug and alcohol abuse prevention, which requires campuses to annually distribute certain types of information to faculty, staff, and students and to conduct a biennial review of their alcohol and other drug (AOD) prevention program as a condition for receiving federal funds. DeRicco has just updated the Higher Education Center's publication *Complying With the Drug-Free Schools and Campuses Regulations [EDGAR Part 86]: A Guide for University and College Administrators*.*

Catalyst: Other than compliance with federal laws and regulations, why is it important for campuses to go through a biennial review of their AOD program?

Beth DeRicco (BD): From the perspective of helping students, we want to know if our prevention work is effective so that we can be sure we are reducing risk for adverse consequences related to the dangerous and illegal use of alcohol and other drugs. Most people who work on campuses are concerned about student health and safety. Many studies point to the ways in which AOD use affects student health and safety. We know that such use interferes with the academic mission of our institutions, impedes students' success, and affects their cognitive abilities and social interactions. We want to prevent student tragedies.

Campuses can use the regulations as an opportunity to take a big-picture look at prevention efforts to determine the results of their own prevention efforts, both at the student level by collecting student-level data, and at the campus level by looking at what kind of policies they have in place, how well they are adhering to those policies, and how well the policies are accepted by the community. The biennial review can be an opportunity to show the campus and the surrounding community that it is a caring, civil institution engaged in prevention work for the greater good—not for punitive purposes. If a campus simply follows the letter of the law as pertains to its policies, students might feel that these are merely punitive.

Catalyst: Do the regulations mandate a prevention program?

Rich Lucey (RL): Yes. Part 86.3 of *EDGAR* requires that all institutions of higher education (IHEs) shall adopt and implement an AOD prevention program. It doesn't state what that program should include, other than the annual notification. Our Higher Education Center plays a strong role in helping campuses practically apply the latest research on effective approaches for preventing AOD abuse among college students.

Catalyst: How can the biennial review process help campuses advance their prevention efforts?

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What Does *EDGAR* Part 86 Require?

The regulations require, at a minimum, that institutions of higher education (IHEs) annually distribute the following, in writing, to all students and employees, as spelled out in *EDGAR* Part 86.100:

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 IHE 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 . . .

The regulations further require that IHEs conduct a biennial review of their AOD program to determine its effectiveness and implement changes if they are needed and to ensure that the disciplinary sanctions developed are consistently enforced.

More information about the Part 86 regulations may be obtained on the Higher Education Center's Web site at <http://www.higheredcenter.org/dfsca>. The full text of the regulations can be viewed on the Department of Education's Web site at <http://www.ed.gov/policy/fund/reg/edgarReg/edlite-part86a.html>. ■

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RL: Through the biennial review, campuses can look at the various components of their prevention programs and see how effective they are at addressing the problems and concerns of their campuses and surrounding communities. They can assess whether strategies and policies are effecting a change at the student level, at

the institutional level, and at the community level. Campuses need to ask questions at each of those levels to identify if they are meeting their intended goals.

Conducting a biennial review also encourages campuses to take a look in the mirror to see if they are using evidence-based approaches and research-tested methodologies. The biennial review asks campuses to look at how they can increase the effectiveness of their programs and this helps uncover gaps in their efforts and areas of challenge for prevention efforts.

The other thing the biennial review can do is to offer prevention specialists the opportunity to say to the campus community that “the federal government requires campuses to do a certain set of things and having a prevention program is part of that requirement.” A good prevention practitioner who knows about community mobilization and effective prevention approaches can use the opportunity as a way to encourage people to get onboard with prevention efforts, because most people don’t want to risk being out of compliance with federal regulations.

Catalyst: Do you have recommendations for how a campus conducts its review?

BD: One good place to start is with the “Supplemental Checklist” that we developed at the Higher Education Center. The first item

asks for a description of the prevention program goals, goal achievement, and program elements. Other factors to consider are: Is the description located in a place that is easily accessible on the campus’s Web site, in the student handbook, on Intranets? Does the institution actually provide annual notification? We know

that many times if campuses just e-mail something to students, staff, or faculty, depending on what’s in the subject line, they delete it. So, e-mailing the annual notification information is not enough.

With guidance from the Department, the Higher Education Center recommends that campuses use multiple methods to distribute this important information. So the question is not just “Do you notify stu-

dents, staff, and faculty?” It’s “How do you notify students, staff, and faculty?” Does the annual notification include the five areas that the federal government has identified as mandatory (see sidebar on p. 5, “What Does EDGAR Part 86 Require?”)?

Campuses should use multiple methods of distribution for annual notification information. Put it in the course catalog. Put it in any documents about the rights and responsibilities of students, faculty, or staff. Put it in payroll envelopes. Campuses should look at how thoroughly the information is distributed. The whole idea is that the Department of Education wants reasonable assurance that people actually receive the information. Then campuses should think about staff: Are staff treated differently from students when it comes to Part 86? What about adjunct faculty?

Also, campuses should look at what the prevention program does. I don’t mean simply the list of activities implemented in the period of time covered by the biennial review. Rather,

campuses should be asking: What are the problems the campus is trying to address? What are the things the campus is concerned about in the community? Is the campus addressing those things through effective, evidence-based approaches? What difference is the program making?

To really identify the answers, campuses might think they need a lot of money to do a rigorous evaluation. Campuses can, however, learn much about a program’s effect if they plan the program with evaluation in mind. For example, they can collect information about student AOD use and the consequences of use. They can ask students about their opinions of the program. They can ask students to evaluate particular events in the program. They can conduct focus groups and intercept interviews where they approach students at random and ask them questions about the program.

The bottom line is that campuses can just answer “yes” or “no” to the questions on the *Edgar* checklist, but unless they provide the background information—that context and the richness of the campus experience—it’s hard to judge whether a campus is in compliance or not. If campuses want to use the biennial review as an important opportunity to advance prevention, they have to conduct a thorough review and take the opportunity to do a pulse check, identify gaps and new issues, and do this from a strategic perspective.

Catalyst: Is the annual notification requirement the same as having a campus AOD policy?

BD: No, it’s not. There are campus AOD policies that do not encompass all of the requirements of the annual notification. A campus may embed its annual notification in a campus policy, but not every campus does.

Catalyst: Does Part 86 mandate the implementation of student surveys?

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Making the Most of the Biennial Review

Part 86 of the *Education Department General Administrative Regulations*—“Drug and Alcohol Abuse Prevention”—requires institutions of higher education (IHEs) to conduct a biennial review of their alcohol and other drug (AOD) prevention programs and how they are being implemented. There are two ways that campuses may respond:

- The staff person responsible for prevention puts together a “laundry list” of policies and programs on the campus and hopes it will fill the federal requirement.
- The biennial review becomes a means of drawing the entire institution into a more cohesive effort to reduce AOD problems on and around the campus.

The first response is generally regarded as an exercise in futility. It is the second response that is commanding attention as campuses continually strive to give credibility to their AOD policies and programs.



“When I first became involved with putting together a biennial review, I could see that this was an effort designed primarily to make us look good,” said Jenny Haubenreiser, director of health promotion at Montana State University, a current grantee funded by the U.S. Department of Education’s Office of Safe and Drug-Free Schools. Since then, she has helped make the review an active document—more of a commitment to change than a review of good intentions.

Haubenreiser tries to base the review on evidence-based prevention practices. “Research on

what works in the way of prevention makes it possible for the review to be fine-tuned and specific in what it contains,” she said. “Basing our prevention on the evidence actually makes our job easier because we don’t have to guess any more about whether a strategy is likely to work.”

One outgrowth of Montana State’s biennial reviews was a recent “environmental scanning exercise” that gathered observations from a variety of campus and community sources to identify the overall “culture” that supports underage drinking, driving under the influence, and other risky behaviors. The results have become the basis for a long-term strategic plan to bring about change in that culture through a campus and community coalition.

Haubenreiser and her counterparts on other campuses report that it is often difficult to convince higher-level campus officials of the importance of the prevention agenda outlined in a biennial review. The fact that failure to comply with the requirements can lead to a withholding of federal funds from an institution helps get officials’ attention, but prevention is coming into the spotlight for another reason.

Surveys are documenting the extent of AOD use among the college-age population. As a result, lawsuits arising from injury or death of students in incidents involving alcohol and other drugs may argue that such harm was “foreseeable” and that institutions should have taken more aggressive steps to prevent it.

“We can no longer deny that risk exists,” said one campus health director. “We need to introduce evidence-based strategies to address what is foreseeable.”

Constance Boehm, director of the Wellness Center at the Ohio State University (OSU), also a current grantee funded by the U.S. Department of Education, tells how the biennial review requirement has led to development of

more consistent and credible AOD policies on her campus. When OSU health officials began taking a serious look at the review process, she said, they discovered that there were seven different alcohol policies across the campus.

“The policies weren’t consistent, and neither was the enforcement of the policies,” said Boehm.



A strategic plan has evolved at OSU, based on an overall campuswide policy and a clear statement of how it will be enforced.

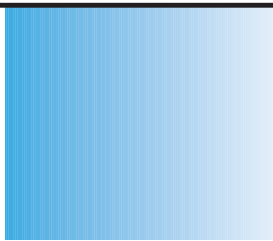
“We’re still finding inconsistencies in enforcement,” said Boehm. Ohio State has turned a bad experience into a positive force for change. When the celebration of a major football victory escalated into an embarrassing alcohol-fueled riot in 2002, OSU President Karen Holbrook launched a program to change a “game-day culture” that seemed to invite reckless drinking.

OSU’s biennial review for 2004 included details of a new campuswide alcohol policy that is still in the formative stages.

“We’ll be convening focus groups of students this year to get feedback on the plan—especially the enforcement issues and sanctions attached,” Boehm said. She is a great believer in student participation in prevention planning. “I think a lot of institutions are struggling with the mistake of simply assigning a prevention person to do the biennial review. It’s got to be a campuswide activity.”

Mike Jungers, associate dean of students at Missouri State University, has been involved with meeting the biennial review requirement since the federal act was passed in 1989.

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The Biennial Review: Daunting Task or Welcomed Opportunity?

by Deb Walker and Jason Lemke

Since 1989, Part 86 of the *Education Department General Administrative Regulations* has required institutions of higher education (IHEs) to prepare a biennial review on the effectiveness of their alcohol and other drug (AOD) programs and the consistency of policy enforcement. While this review may seem to be a daunting task, it also can present a wonderful opportunity if approached correctly.

We are frequently asked about the biennial review. Through involvement with the process on our own campus, fielding questions from the Network's [former] Dakotas/Nebraska region, and assisting the U.S. Department of Education several years ago in reviewing biennial reviews from a random sample of IHEs, we offer some thoughts to help "reframe" this process.

Promote campuswide involvement. We hear frequent reports of one person completing the report in an effort to "get it done." If only one person is involved with completing the biennial review, campuses lose an opportunity to engage different campus constituents in a discussion of issues and miss a teaching opportunity. That is, while the regulations do not dictate how a biennial review should be conducted, having one person compile the report without the input of others may follow the letter of the law but misses the spirit of the law—creating healthy and safe living and learning environments. Utilizing a task force of students, faculty, staff, and even community individuals to review programs and provide input over

an extended period of time may be labor intensive; however, a broad spectrum of individuals and groups can begin taking ownership of this issue.



Deb Walker

People support what they help to create.

Faculty at our institution also have reported that they take issues back to department meetings and some very lively discussions have ensued. Besides, the real teeth of the regulations that stipulate conditions for receiving funds help get the attention of people who may see alcohol and other drugs as a normal part of the college experience or may put AOD prevention on the back burner.

Create a platform for discussion. The biennial review also can create a platform for discussions about the use of alcohol among students, faculty, and staff and spawn new initiatives. During one biennial review of programs at our institution, Northern State University, we had the usual representatives from residence life, judicial programs, athletics, financial aid, and human resources, with students representing various groups, such as the Student Association, athletics, peer helpers,

residence life, and so on. At the second meeting, five representatives from the Student Association attended the meeting when only one student was "supposed" to represent this group of students. They had heard about the discussions at the first meeting and decided that they wanted to have some input. We wholeheartedly welcomed their involvement and consequently had many lively discussions during subsequent meetings about the appropriate use of alcohol.



Jason Lemke

Encourage new ways of looking at old issues.

That same biennial review brought up the issue of the use of alcohol on trips institutionally supported or institutionally sanctioned. One point brought up was that a student may rationalize, "I'm of age; therefore, I should be able to drink." A retort was that anyone of legal age should be able to enjoy a drink or two, but if they drink so much that they can't perform or attend meetings or conferences or their drinking in any way interferes with the purpose of this trip, this was a misuse of institutional funds. As a result, the Student Association made the decision to have its senators who attended the annual Students for

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The Biennial Review: Daunting Task or Welcomed Opportunity?

Higher Education Days (SHED) sign a contract regarding their use of alcohol. SHED, which is sponsored by the South Dakota Student Federation, brings students from all of the state colleges and universities to the state capitol to discuss higher education issues with legislators. Historically, this gathering included a great deal of high-risk drinking among students. However, even though reports were that our students were typically the least abusive drinkers, the Student Association decided to implement a zero-tolerance policy and students representing our institution had to sign its contract. If they did not sign the contract, they did not attend SHED.

Make the policy process an open process. "Sunshine is the world's best sanitizer." This phrase applies well to the biennial review process. By making the biennial review process one that is open and accessible a campus can accomplish three very important things:

1. Ensuring to the best of a campus's ability that personal bias is eliminated from not only the policy review process but also from the policymaking process. While this may not make a campus bulletproof from attacks against its policies or biennial review, it will certainly provide some much-needed backup should such a situation arise.
2. Helping other departments on campus better understand their role in the broader AOD policy picture on campus. One biennial review at our campus served as a wake-up call for our new athletics director. Following the first meeting, he reviewed the athletics department policy and realized that there were several areas that he felt needed to be tightened up to better support the policies in the residence halls and elsewhere on campus.

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He returned to the next meeting with ideas and the ensuing discussion led to the best working relationship between our office and the athletics department that we have ever seen on our campus.

3. Bringing parties together to work toward a truly consistent campuswide policy. By having all the key policymakers at one table, it is far easier to examine all of the intricacies of a given issue and iron out any of those nagging little inconsistencies that always seem to rear their ugly heads at the worst possible time.

Get back to basics. We would venture to guess that about two-thirds of our biennial review committee is the same every two years. With new members come fresh perspectives and an opportunity to create ownership for an issue that many people would like to avoid. New members also bring those of us

who have been around the biennial review block a few times a chance to get back to basics. By bringing a few "rookies" into the fold, we are forced to explain the process from the ground up. While this may sound tedious and inefficient, it often helps us reframe our own views of the process and refine our strategies for dealing with it.

Deb Walker, director of the Counseling Center at Northern State University in South Dakota, is immediate past chair of the Network's Executive Committee. Jason Lemke is the interim director of student development and residence life at Northern State University. ■

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 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.

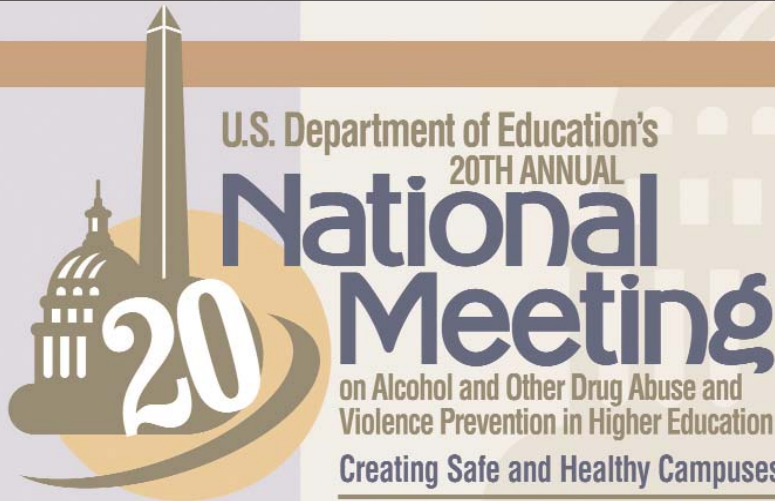
The Network welcomes new members from across the nation, representing all types of institutions of higher education, from community colleges to universities. A list of new members who have joined since the last *Catalyst* issue was published is available [here](#).

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 August 2006, Network membership stood at 1,577 postsecondary institutions.

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

NM06



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Creating Safe and Healthy Campuses: Effective Strategies for Comprehensive Prevention

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NM06

Come to the National Meeting!

The U.S. Department of Education will convene its 20th Annual National Meeting on Alcohol and Other Drug Abuse and Violence Prevention in Higher Education (National Meeting) and the National Forum for Senior Administrators, Oct. 19–22, 2006, at the Hyatt Regency Crystal City, Arlington, Va. Visit <http://www.higheredcenter.org/natl/2006> for details, including registration, agenda highlights, and complete information on lodging and travel options. Sign up by Sept. 18 for the discounted early-bird registration rate!

Plan on participating in this premier gathering of campus, community, state, and national interests addressing alcohol, other drug, and violence concerns. The 20th annual National Meeting features preconference, plenary, poster, and workshop sessions, as well as exhibits, technical assistance, and other resource opportunities.

Plenary Session Speakers

- William DeJong, Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention
- Vivian Faden, National Institute on Alcohol Abuse and Alcoholism
- Steven Healy, Princeton University
- Mary Stuart Hunter, National Resource Center for The First-Year Experience and Students in Transition
- Mary Koss, University of Arizona
- Deborah Price, U.S. Department of Education, Office of Safe and Drug-Free Schools
- Donald Vereen, National Institute on Drug Abuse

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RL: No, but the regulations imply that an institution needs to know something about what is prevalent on its campus to be able to formulate its prevention program. Based on what we know today about effective prevention programs, the implication is that you have to start from a point of understanding your population, the behaviors of use, and the consequences of use. You have to understand that at the individual level, the campus level, and the community level. In order to reach that point of understanding, a college or university should conduct a thorough needs assessment.

Catalyst: What resources are available to help campuses make the biennial review a positive experience?

BD: The Higher Education Center provides training, and our Web site is comprehensive, providing information and tools to assist with the biennial review process. We provide technical assistance and consultation. We also have just updated our publication on Part 86 compliance. I think this publication will be very helpful.

Catalyst: What is the role of the Department's Higher Education Center when it comes to Part 86?

RL: First of all, it *isn't* the Center's job to enforce Part 86—that falls under the purview of the Department's Office of Federal Student Aid. (See more on Part 86 on the Web sites listed at the bottom of p. 5.) The Higher

Education Center provides information and technical assistance, and it provides some advice and resources campuses may need in developing effective prevention programs. Also, at our request, the Higher Education Center collects and analyzes campus biennial review reports to assist the Department in assessing the level and type of compliance with the regulations, and provide the field with information about the nature of prevention programming at postsecondary institutions. What we are trying to assess is what educational and technical assistance opportunities campuses need access to so they can conduct effective biennial reviews and have effective prevention programs. ■

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Making the Most of the Biennial Review

"It was originally a one-person show," he recalls. "It took me a while to catch on to the fact that the biennial review process needed to engage different elements of the university community and it's going to be a continual process, not just something that's done every two years. It's a continual process of obtaining data and evaluating programs."



Jungers sees the biennial review as an educational tool—for educating senior administrators about prevention. "It gives us an opportunity to show them what we're doing. And it's not just a chance to look at what we're doing, but to look at what we're doing right."

After earlier biennial reviews, Missouri State adopted new fines and other sanctions for alcohol violations, and subsequent reviews have shown a steady decrease in the number of violations. The review process also identified late-night programs as an effective alternative for students who choose not to drink.

"Our data indicated that many students really preferred to be doing things other than consuming alcohol," said Jungers.

The backdrop for Missouri State's biennial review is a campus coalition that meets monthly, bringing together a diverse group from such areas as health education and wellness, judicial programs, residence life and services, and the counseling center.

"Our data indicated that many students really preferred to be doing things other than consuming alcohol."

"Students attend as often as they can, and a nice addition started last year when a representative of the athletics department joined in. This has opened some unforeseen opportunities for prevention programs with athletes," said Jungers.

"I think that developing a campus coalition is a key not only to producing a quality biennial review but a quality prevention program," he said. "I think the key to any institution's success is not to place the responsibility of alcohol and other drug prevention on one person, but on a variety of offices and departments and programs that contribute to a healthy university environment."

The biennial reviews due in 2004 are now history. The next deadline: Dec. 31, 2006. ■



for Alcohol and Other Drug Abuse
and Violence Prevention
Funded by the U.S. Department of Education's
Office of Safe and Drug-Free Schools

Catalyst is a publication of the U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention.

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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

This publication was funded by the Office of Safe and Drug-Free Schools at the U.S. Department of Education under contract number ED-04-CO-0137 with Education Development Center, Inc. The contracting officer's representative was Richard Lucey, Jr. The content of this publication does not necessarily reflect the views or policies of the U.S. Department of Education, nor does the mention of trade names, commercial products, or organizations imply endorsement by the U.S. government. This publication also contains hyperlinks and URLs for information created and maintained by private organizations. This information is provided for the reader's convenience. The U.S. Department of Education is not responsible for controlling or guaranteeing the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of information or a hyperlink or URL does not reflect the importance of the organization, nor is it intended to endorse any views expressed, or products or services offered.



Resources

For more information on the biennial review, visit the following:

[Office of Safe and Drug-Free Schools](#)

[EDGAR Part 86](#)

[Higher Education Center](#)

[FAQs](#)

[Compliance Checklist](#)

[Supplemental Checklist](#)

[The Network Standards](#)

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in Higher Education](#)

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