

University of Arkansas – Fort Smith

2022 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. University Policies
3. Annual Notification
4. Educational Programs and Interventions
5. Student Conduct
6. Student Conduct Sanctions
7. Legal Sanctions
8. Health Risks
9. Program Review
10. Resources

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

University of Arkansas – Fort Smith
Dean of Students
Campus Center 201 C
P.O. Box 3649
Fort Smith, AR 72913-3649
Tel. (479) 788-7310

Biennial Review Process

The Biennial Review Committee met during the Spring 2022 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.

The following campus units contributed to this report:

- The Associate Vice Chancellor/Dean of Student (Student Conduct)
- The Counseling Center
- Human Resources
- Assistant Dean of Students – Residential Life
- New Students and Family Programs
- University Police Department

University Policies

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:

UAFS 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.

UAFS 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.

Annual Notification

An annual notification is sent to all students and employees that includes the following:

1. Standards of Conduct
2. University Policies
3. Regulations, Enforcement, and Sanctions
4. Legal Sanctions
5. Health Risks
6. Drug and Alcohol Programs

Educational Programs and Interventions

Employees

Counseling resources are available to faculty and staff through the Employee Assistance Program (EAP) provided by United Health Care.

The EAP program includes the following services:

- Unlimited phone access to master's level specialists 24/7.
- Up to three referrals for face-to-face counseling sessions.
- A 30-60 minute financial consultation.
- Access to liveandworkwell.com

Students

Throughout the academic year students have access to various programs and activities intentionally designed to increase awareness and prevent alcohol and drug abuse.

Student Counseling Center

All students have access to the Student Counseling Center throughout the academic year. The Counseling Center participates in a variety of awareness and outreach programs. Students pay a semesterly Health and Wellness fee. As a result, students have access to counseling services. Our counselors are prepared to address substance abuse concerns as well as making referrals to community-based resources and comprehensive care.

The Counseling Center is open Monday – Thursday: 8 a.m. to 5 p.m. and Friday: 10 a.m. to 2 p.m. Students have access to an after-hours emergency hotline and a non-crisis Warmline, which is answered locally.

Student Orientation

Every first-time, full-time incoming college freshman that attends Cub Camp, a four-day extended orientation camp, can attend Hypnotic Intoxication. Hypnotic Intoxication is an educational program where students learn about substance abuse and the impact of such abuse has on their bodies. Students are hypnotized to believe they're getting drunk on bottled water. This event creates a powerful visual for students and introduces students to the potential dangers of alcohol poisoning and date rape drugs.

Student Affairs

The Division of Student Affairs provides training and programming to promote substance abuse awareness and prevention each semester to all students. The abuse of alcohol and other drugs is a point of conversation during Student Organization advisors and leader training.

Greek Life

Greek Life provides educational and values based programming to promote substance abuse awareness and prevention each year to all who are in fraternity and sorority life.

Student Conduct

The following is a summary of student alcohol and other drug violations for 2020 – 2021 and 2021 – 2022 academic years.

2020 – 2021	Not Responsible	Responsible	Did Not Appear	Total
Alcohol Violations	4	19	0	23
Drug Violations	2	2	0	4
2021 – 2022	Not Responsible	Responsible	Did Not Appear	Total
Alcohol Violations	0	35	0	35
Drug Violations	0	7	0	7

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

Student Conduct Sanctions

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 UAFLS.

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.

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.

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.

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.

Educational Sanctions- These include but are not limited to online judicial educators, community service, reflection papers and assessments.

Legal Sanctions

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.)

Health Risks

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.

Program Review

Program Strengths

The strengths of our Alcohol and Other Drug Program are as follows:

- The university has clear, concise, and well-published Alcohol and Drug policies for students and employees.
- The Student Handbook, Code of Conduct, and these policies, which are included as a part of those documents are reviewed annually by a diverse group of faculty, staff, and students.
- UAFS does an excellent job maintaining conduct records and providing a consistent and fair conduct process.
- The university provides several programs and activities throughout the academic year to increase awareness and prevention of alcohol and drug abuse.
- Positive relationships exist between key campus units including the University Police Department, the Dean of Students Office, Residential Life, Greek Life and Campus and Community Event.
- Programs for students are centered around education, utilizing resources and make responsible choices.

Weaknesses

- Limited data points exist to accurately measure the effectiveness of this program.

Program Recommendations

- Identify a measurement tool or tools that allow the institution to gain a baseline understanding of our program's effectiveness.
- Continue to expand our awareness and prevention programs offering face-to-face as well as virtual and on-demand programming.

- Assess our student conduct process and sanctions to learn directly from students how we can improve the conduct process and have a better understanding of the effectiveness of our Judicial Educator program.
- Continue to maintain positive relationships between key campus units.
- Expand our knowledge of community resources and work to make those resources more accessible to our campus community.

Conclusions

The university is meeting its obligations under the Drug Free Schools and Communities Act. The University of Arkansas – Fort Smith recognizes its responsibility to provide a healthy environment in which students may learn and prepare themselves to be fully functioning and productive individuals. We are committed creating an healthy and safe educational environment for our students, faculty and staff.

Resources

On Campus Resources	Phone Number	Website
Counseling Clinic	479-788-7398	https://uafs.edu/student-life/health-and-wellness/counselling-center.php
Human Resources	479-788-7083	https://uafs.edu/about/offices-and-services/human-resources/index.php
Powell Student Health Clinic	479-788-7444	https://uafs.edu/student-life/health-and-wellness/health-clinic.php
University Police	479-788-7141	https://uafs.edu/student-life/campus-safety/upd/index.php

Off Campus Resources	Phone Number	Website
Akransas Rehabilitation Services	479-452-7131	https://dws.arkansas.gov/ar-rehabilitation-services/
Al-Anon Information	757-563-1600	http://www.al-anon.alateen.org/
Alcoholics Anonymous/Al-Anon, Fort Smith Intergroup	479-783-0123	http://aafsig.org/
Harbor House, Inc.	479-785-4083	http://www.recoveryhhi.org/
National Alcohol & Substance Abuse Information	1-800-662-4357	https://nationaltoolkit.csw.fsu.edu/
National Clearinghouse for Alcohol and Drug Information	1-877-SAMHSA-7	www.nnlm.gov
Western Arkansas Guidance Center	479-452-6650	https://wacgc.org/

Handbooks

- [UAFS Faculty & Staff Handbook](#)
- [UAFS Student Handbook](#)
- [UAFS Residential Life Handbook](#)