

20 U.S.C.A. § 1011i (As amended by Public Law 110-315, Effective: August 14, 2008)
34 CFR Part 86
SAFE Campuses, LLC, EO 12866 Meeting RIN: 1875-AA14
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2008 Statutory Language Without Regulatory Guidance
Biennial Review by Institutions of Higher Education

20 USC § 1011i(a)(2)(B)-(C)

- (B) determine the number of drug and alcohol-related violations and fatalities that--
 - (i) occur on the institution's campus (as defined in section 1092(f)(6) of this title), or as part of any of the institution's activities; and
 - (ii) are reported to campus officials;
- (C) determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related violations and fatalities on the institution's campus or as part of any of the institution's activities;

Issues:

Should drug and alcohol-related violations be defined consistent with Appendix A to Subpart D of Part 668 as used for Clery Act, 20 USC §1092(f) purposes or use another definition, and if yes what definition?

Should drug-related violations, and alcohol-related violations be reported separately?

Should drug-related violations, and alcohol-related violations that result in fatalities be reported separately, and would these incidents also be reflected in violations that don't result in death?

Is the term "violations" different from the Clery Act's reporting of arrests and disciplinary referrals? Does it not require action by the institution? Does it include non-criminal violations?

Is the term "campus officials" consistent with or more or less inclusive than the term "Campus security authority" as defined in 34 CFR § 668.46(a)? If not how is it defined?

For what duration does an institution have to monitor a person injured in an alcohol or drug related incident to determine if there is a fatality?