



OTERO
COLLEGE

HISPANIC SERVING INSTITUTION

DRUG-FREE SCHOOLS AND COMMUNITIES ACT (DFSCA)
ALCOHOL AND OTHER DRUG (AOD) REPORT
BIENNIAL PROGRAM REVIEW
2022-2024

Conducted by: Gary Addington, Angela Moore, and Kelsey Barbee

December 15, 2024

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Introduction to the Drug Free Schools and Communities Act (DFSCA) Biennial Review

The Drug-Free Schools and Communities Act (DFSCA) Amendment of 1989 requires institutions of higher education (IHEs) adopt and implement programs “to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on school premises or as part of any of its activities” (EDGAR Part 86 Subpart A 86.3). Elements of the Act related to IHEs are as follows:

Public Law 101-226: The Drug-Free Schools and Communities Act Amendment of 1989

Sec. 22 DRUG-FREE SCHOOLS AND CAMPUSES

(a) In General –

- (1) CERTIFICATION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM. – TITLE XII of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by adding at the end a new section 1213 to read as follows:

DRUG AND ALOCHOL ABUSE PREVENTION

SEC. 1213. (a) Notwithstanding any other provision of law, no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any Federal program, including participation in any federally funded or guaranteed student loan program, unless it certifies to the Secretary that is has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees that, at a minimum, includes –

- (1) the annual distribution to each student and employee of –
 - (A) 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;
 - (B) a description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol
 - (C) a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
 - (D) a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
 - (E) a clear statement that the institution will impose 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 required by paragraph (1) (A); and
- (2) a biennial review by the institution of its program to –
 - (A) determine its effectiveness and implement changes to the program if they are needed; and
 - (B) ensure that the sanctions required by paragraph (1)(E) are consistently enforced.

Letter to the President

To: Dr. Kimberly Zant, President

From: Gary Addington, Dean of Student Affairs

Date: 12/15/2024

Subject: DFSCA Federally Mandated Biennial Program Review

Please find the federally mandated biennial review of Otero College's substance abuse prevention education efforts for the academic years of 2022-2024. The Drug-Free Schools and Communities Act (DFSCA) of 1989 and subsequent legislation require institutions of higher education (IHEs) to abide by the regulations to be eligible to receive funds or any other form of financial assistance under any Federal program, including participation in any federally funded or guaranteed student loan program.

In accordance with these laws, I have included the following source documents and compliance reviews to demonstrate the College's compliance with the Act:

- The Drug-Free Schools and Communities Act Amendment of 1989
- H.R. 3614-12
- Review of Alcohol and Other Drug Prevention Compliance Checklist
- Review of Compliance Checklist and College Policies Review
- College Prevention Program Distribution Protocol

The next step in the review process is to report the findings and recommendations to you for your consideration and/or approval. The final step requires a letter of response from you detailing what action you plan to take regarding the recommendations. This letter of response is then added to the final report and kept on file for possible review by the U.S. Department of Education.

The final report is as follows:

Otero College meets the requirements of the mandates required under DFSCA. The materials prepared and distributed to students, faculty, and staff are comprehensive and meet the policies of the Drug-Free Workplace and Drug-Free Schools legislation. Opportunities for improvement are addressed in the findings and recommendations section of this report.

The Alcohol and Other Drugs Prevention Program compliance review consisted of input from the following College employees:

Gary Addington, Dean of Student Affairs
Kelsey Barbee, Director of Human Resources
Angela Moore, Vice President of Student Affairs

In our review of the current campus enforcement of procedures, we have found that Otero College continues to improve and streamline the education process of students, faculty, and staff. Communications between Human Resources, Academic Affairs, and Student Affairs is effective, as are our policies.

Sincerely,

Gary Addington, Dean of Student Affairs

President's Certification Statement

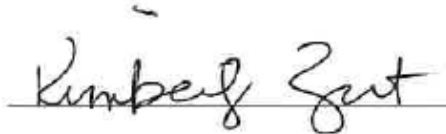
To: Gary Addington, Dean of Student Affairs

From: Dr. Kimberly Zant, President

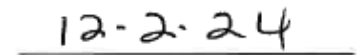
Date: December 2, 2024

Subject: Biennial Program Report

I have reviewed Otero College's Biennial Report for Alcohol and Other Drug (AOD) Abuse Prevention Program. I find the review to be comprehensive and complete. It ensures the federal mandate requirements have been met. I have authorized the Dean of Student Affairs, the Vice President of Student Affairs, and the Director of Human Resources to pursue the implementation of recommendations in this report.



Kimberly Zant, Ed.D. - President



Date

Otero College's Alcohol and Drug Policy

Colorado law prohibits the possession, consumption, or distribution of alcohol and controlled substances on campus. In compliance with the Drug Free Schools and Communities Amendments of 1989 (PL 101-226 in Federal Law), Otero College has developed a Drug and Alcohol Abuse Prevention Program.

Policy Statement – Employees and Students, whether full-time or part-time, shall not engage in the unauthorized or unlawful manufacture, distribution, dispensation, possession, use/abuse of alcohol and/or illicit drugs on college property or use as a part of any college activities.

Legal Sanctions for Violation of the Policy – Any employee or student who is convicted of the above violations is subject to criminal penalties under local, state, and federal law. These penalties may range in severity from a fine of up to \$100.00 to life imprisonment and/or a fine of \$8,000,000. The exact penalty assessed depends upon the nature and severity of the individual offense.

College Sanctions for Violation of the Policy - Since observation of the policy is a condition of employment or enrollment, any violation may subject the employee/student to appropriate disciplinary action up to and including termination or suspension from the institution. Employees or Students may also be required to complete an appropriate rehabilitation or re-entry program as a condition for reemployment, re-enrollment or continued employment or enrollment in the college.

Associated Health Risks - Health risks associated with drug and alcohol abuse include, but are not limited to malnutrition, brain damage, heart disease, pancreatitis, cirrhosis of the liver, mental illness, death, low birth weight babies, and babies with drug addictions.

Drug-Free Awareness Program - Although there are no alcohol/drug counseling programs on campus, the college does have referral agreements with the Southeast Mental Health Services and Region Six Alcohol and Drug Abuse Treatment Center. Referrals are made by the CARE Team and/or the Mental Health Counselor, and students may contact the Colorado Department of Health directly.

Possession or Use of Marijuana - Although possession and use of marijuana consistent with the requirements of the Colorado Constitution is no longer a crime in the State of Colorado, the possession or use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substance Act and Drug Free Schools and Communities Act, the use and/or possession of marijuana continues to be prohibited while an employee or student is on college owned or college-controlled property, and/or any function authorized or supervised by the college and/or in state-owned or leased vehicles.

Medical Amnesty Policy

Student health and safety are of primary concern at Otero College. As such, in cases of significant intoxication because of alcohol or other substances, the College encourages individuals to seek medical assistance for themselves or others.

If medical assistance is sought, the Vice President of Student Services will not pursue conduct charges against the following individuals for violations of the College's alcohol or drug policies:

- The intoxicated student and
- Student(s) actively assisting the intoxicated student.

Actively assisting requires that an individual:

Call 911 or the La Junta Police Department (719-384-2525) or seek another individual qualified to assess the student's condition such as a Resident Hall Director or other Resident Hall professional and monitor the intoxicated student's condition.

The following are not covered by the Medical Amnesty Policy:

- Students waiting until the police or other authority arrive before seeking assistance
- Action by police or other law enforcement personnel
- Violations of the Code of Conduct other than the alcohol/drugs policy
- Possession with the intent to distribute drugs

Actions by the Dean of Student Affairs:

- The intoxicated student (and possibly those who were attending to/assisting the student) will be required to meet with the Dean of Student Affairs or designee who may issue educational requirements that may include, but are not limited to, alcohol and/or drug education, counseling, and/or a substance abuse assessment.
- Serious or repeated incidents will prompt a higher degree of concern/response.
- Failure to complete the educational assignments or treatment recommendations normally will result in disciplinary action.
- The student will be responsible for any costs associated with drug or alcohol education interventions.

No individual may receive amnesty under this section more than once in a two-year period. Records of all requests for assistance under this policy shall be maintained by the Dean of Student Affairs. Participation in any program because of this policy shall not be noted on the student's judicial record. In the event an individual who previously utilized the Medical Amnesty Policy is involved in a subsequent alcohol-related incident, this incident and any resulting charges shall be treated as an alleged second offense.

The Medical Amnesty Policy is not intended to shield or protect those students or organizations that repeatedly violate the Code of Student Conduct. In cases where repeated violations of the Code of Student Conduct occur, the College reserves the right to take disciplinary action on a case-by-case basis regardless of the way the incident was reported. **Medical amnesty applies only to alcohol or other drug-related emergencies but does not apply to other conduct violations such as assault, property damage, or distribution of illicit substances.** If other violations occur, then a student will face disciplinary charges for those violations. The use/or abuse of alcohol or drugs is never considered a mitigating circumstance for any other violations of the Student Code of Conduct.

Description of AOD Programs

Employees

- The AOD Policy, SP-34: Implementation of Drug-Free Workplace, and SP 19-30: Compliance with Drug-Free Schools Amendment are included in the Otero Catalog, the Student Handbook, Housing Handbook and on the employee portal under the Drug Free Schools and Community Act link.
- The Human Resources Director distributes the AOD Policy to employees in writing each year via email.
- The AOD Policy is included in the New Employee Orientation Hiring Process.

- The AOD Policy is included in the Annual Campus Security and Fire Safety Report that is emailed to all employees and is available on our website.
- The AOD Policy is available on the website, the Staff Portal, and through the Human Resources office.
- All employees are made aware of the Colorado State Employee Assistance Program during the new employee orientation, and this information is accessible on our website, in the Annual Security and Fire Safety Report, the Student Handbook, and the Housing Handbook. Also, Human Resources sends out emails to faculty and staff regarding the CSEAP. Although there are no treatment programs available for employees on-campus, referral services are utilized to local providers, including Southeast Health Group and the Region Six Alcohol and Drug Abuse Treatment Center.
- Otero is an alcohol and drug-free campus. Alcohol can only be served at events with permission from the City of La Junta and the Director of Auxiliary Services, and an alcohol permit is required for open events with a cash bar.

Students

- Otero is an alcohol and drug-free campus. Alcohol can only be served at events with permission from the City of La Junta and the Director of Auxiliary Services, and an alcohol permit is required for open events with a cash bar.
- Alcohol advertising on campus is banned.
- The AOD Policy is included in the Otero Catalog, the Student Handbook, the Housing Handbook, and the Annual Campus Security and Fire Safety Report that is emailed to all students each year and is available on our website.
- The Medical Amnesty Policy is included in the Otero Catalog and the Student Handbook and the Housing Handbook.
- The Crime Awareness and Campus Security Policy is included in the Otero Catalog and the Annual Campus Security and Fire Safety Report that is emailed to all students each year and is accessible on our website.
- The AOD Policy and Medical Amnesty Policy are discussed in the mandatory residence hall meeting at the beginning of the semester and in athletic meetings. Students also have access to an alcohol awareness training on Canopy Training page in their Otero portal.
- Alcohol-free events and activities are created and promoted for students, and nonalcoholic beverages are promoted at these events.
- Faculty are encouraged to engage in a high-level contact with students.
- Faculty and peer mentoring is available to all students.
- Mental Health Counseling is available to all students on campus or through telehealth services.
- The campus has a Learning Commons, coffee shop, and fitness center that have expanded hours.
- Students have opportunities to apply for work study positions on campus.
- Student leadership (e.g., orientation leaders, resident assistants, athletes, and student organizations) promotes positive, healthy norms.
- The College works closely with the La Junta Police Department regarding AOD use on campus.
- The College has disciplinary sanctions for violation of campus AOD policies that include community service and may include a referral to the Region Six Alcohol and Drug Abuse Treatment Center. The levels and types of disciplinary sanctions are clearly discussed in the Otero Catalog, the Student Handbook, and the Housing Handbook.

- Although there are no alcohol/drug counseling programs on campus, the college does have referral agreements with the Southeast Mental Health Services and Region Six Alcohol and Drug Abuse Treatment Center. Referrals are made by the CARE Team and/or the Mental Health Counselor, and students may contact the Colorado Department of Health directly.

Liquor Law and Drug Abuse Violations Summary: 2022-2024

The following table represents the alcohol and other drug violations that occurred at Otero during the reporting period. This data was retrieved from the Campus Crime Log located in the Annual Security and Fire Safety Report.

2022-2023 School Year (Summer, Fall, Spring)

	Arrests	Discipline Referrals
Liquor Law Violation	0	8
Drug Abuse Violation	0	0

2023-2024 (Summer, Fall, Spring)

	Arrests	Discipline Referrals
Liquor Law Violation	0	39
Drug Abuse Violation	0	3

There were one drug related death on campus on October 16, 2023.

Sanctions Summary

	2022-2023	2023-2024
Discipline Referrals	8	40
Citations	3	12
Suspended from Housing	0	0
Total	11	52

AOD Review Findings and Recommendations

Upon review of the College's policies, our existing policies comply with the minimum requirements of the DFSCA. The following policies were reviewed:

Drug-Free Workplace

SP 3-24 - Implementation of Drug-Free Workplace

SP 19-20 - Compliance with Drug-Free Schools Amendment

Index: Otero Catalog

Index: Student Handbook

Index: Housing Handbook

Index: Student/Staff Portal

Policy Recommendation: None.

Alcohol and Drug Policy

Index: Otero Catalog

Index: Student Handbook

Index: Housing Handbook

Policy Recommendation: Now that Otero has a Mental Health Counselor on staff and a CARE Team that meets weekly, the Drug-Free Awareness Program language should be updated to read: *Although there are no alcohol/drug counseling programs on campus, the college does have referral agreements with the Southeast Mental Health Services and Region Six Alcohol and Drug Abuse Treatment Center. Referrals are made by the CARE Team and/or the Mental Health Counselor, and students may contact the Colorado Department of Health directly.*

Medical Amnesty Policy

Index: Otero Catalog

Index: Student Handbook

Index: Housing Handbook

Policy Recommendations: None.

Crime Awareness and Campus Security

Index: Otero Catalog

Index: Campus Crime Log

Index: Student/Staff Portal

Policy Recommendations: None.

2024 Recommendations and Review Findings

Recommendation 1

There should not be three different policies in the Student Handbook. The institution's Alcohol and Drug Policy needs to be included and clearly identified in the Student Handbook, and information about the enforcement of this policy, including disciplinary sanctions, should be included after this policy.

Review Findings: All documents have been aligned.

Recommendation 2

We need to ensure that the information in the Student Handbook, Otero Housing Handbook and Otero Catalog is consistent.

Review Findings: All documents have been aligned.

Recommendation 3

We need to work with Human Resources to make sure the Otero Procedures link is correct, and the link will need to be updated in the Faculty Handbook.

Review Findings: A link to the Drug Free Schools and Community Act report is available in the portal. The report includes the AOD Policy. Otero has removed the AOD Policy from the Faculty Handbook as this information is distributed to all employees through the Human Resources Office and is also available on the website and in the portal.

Recommendation 4

There is an Otero Procedures folder on the O: Drive located in the Ooter Policies and Procedures Archive, but this folder is difficult to find. We need to work with the Human Resources office to make sure the Otero Procedures folder is current and accessible, and then update the Faculty Handbook with instructions on how to access procedures.

Review Findings: Otero is in the process of reviewing and renumbering internal processes and procedures through the Academic Council, Student Affairs Council, and Athletics Council. Updated processes and procedures will be added to the O: Drive and to the website. As discussed above, Otero has removed the AOD Policy from the Faculty Handbook.

Recommendation 5

We should consider requiring or incentivizing the Canopy Training and/or on-campus AOD programs to get more students to participate.

Review Findings: Students who reside in the residence hall are now required to attend an AOD program each school year.

Recommendations for the Next Biennial Period

Recommendation 1

Otero should Incorporate AOD Policy training in the International Student Orientation to ensure international students understand the drinking age in the United States, the legal repercussions of underage drinking and contributing to the delinquency of a minor, and the sanctions that may be enforced by the Dean of Students and/or Athletic Director. Otero should provide a QR code and/or link to the electronic copy of the AOD so students can use a translation app or webpage to translate the policy into their first language if needed.