

Office of the Vice President and Dean of Student Life
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WESTMINSTER COLLEGE

DRUG FREE SCHOOLS AND CAMPUS ACT OF 1989

BIANNUAL ALCOHOL AND DRUG REPORT 2022-2023

In accordance with the requirements of the Drug Free Schools and Campus Act of 1989 and the Campus Security Act of 1990, institutions must publish a biannual report containing information on campus alcohol and drug policies, programs and standards related to its institution.

Westminster College is committed in providing a campus environment free for all to attend and work at the highest levels of academia. High risk behaviors related to drug and alcohol abuse can lead to decreased productivity, serious health problems, strained social interactions, and impaired learning. Any and all academic communities can be harmed by the use of alcohol drugs. To this end, Westminster College offers alcohol and drug abuse programs from departments such as The Wellness Center and Human Resources.

STANDARDS OF CONDUCT FOR STUDENTS

Westminster College is committed to a healthy, safe environment for learning, living, and working. Students, faculty, staff and guests are expected to comply with all federal, state, and local laws as well as College rules and regulations following alcoholic beverages and other drugs. Specifically, the College prohibits the unlawful sale, possession, or underage consumption of alcohol or drugs in or on College property or as part of any of its activities. Our definition of drugs mirrors the laws of the State of Missouri and include, but are not limited to, cannabis, marijuana, marijuana-infused products, cocaine, cocaine derivatives, heroin, amphetamines, barbiturates, LSD, PCP, tranquilizers, inhalants, and associated paraphernalia.

DISCIPLINARY RESPONSIBILITY FOR STUDENTS

Westminster College recognizes students as adults who are expected to obey the law and the rules and regulations of the College, to take personal responsibility for their conduct, to respect the rights of others, and to have regard for the preservation of state and College property, as well as the property of others. Westminster College will not police the personal lives of students on or off campus by spying or intrusive searches; however, students whose conduct threatens to cause disorder, public disturbances, danger to themselves or others, or property damage will be disciplined. Those apprehended and found responsible of violating the law or rules and regulations of the College may receive a maximum sanction of expulsion from the College.

CODE OF STUDENT CONDUCT

Westminster College is dedicated to the advancement of knowledge and learning and to the development of ethically responsible persons. College students are expected to uphold appropriate standards of behavior and to respect the rights and privileges of others. Student

Conduct is expected to be lawful and in accordance with all federal, state and local laws, and College regulations. In keeping with the stated essential sanctions imposed on students found in violation of the Code of Student Conduct are designed to promote the College's educational mission. Furthermore, sanctions are imposed for the purposes of restoring the standards of the College community, educating students about the seriousness of their action(s) and promoting civility and positive growth, while maintaining the safety and integrity of the individuals involved and the College community. The processes for adjudicating violations of federal, state and local laws and violations of the Code of Student Conduct are separate and may be pursued independently of one another.

AUTHORITY

Bylaws and policies of the Board of Trustees of the Higher Learning Commission charges the President of Westminster College with the responsibility of maintaining "appropriate standards of conduct of students" and further authorizes him or her to "expel, dismiss, suspend, and place limitations on continued attendance and to levy penalties for disciplinary violations..." In accordance with this responsibility, the aim of disciplinary action is the redirection of student behavior toward the achievement of academic and social goals. The President has delegated this function to the Vice President/Dean of Student Life. It is the responsibility of the Vice President/Dean of Student Life to initiate, implement, and supervise the disciplinary process for students. The Office of the Vice President/Dean of Student Life may be assisted in the disciplinary determinations by the Honor Board which may hear cases assigned to them. The involvement of peer groups in such decisions is consistent with the College's educational goals and its practice of student participation in institutional governance.

POLICIES

ALCOHOL AND DRUG

Note: The information presented in this section of the Handbook is intended to meet the provisions of the Student Right to Know and Campus Security Act (1990), the Drug-Free Schools and Communities Act (1989), and the Higher Education Amendments (1992).

Westminster College believes that the use of illegal drugs and the abuse of alcohol impedes the intellectual and social growth of students and has a negative impact on the Westminster community. To fulfill the Concept for Student Development through its programs and procedures, the Westminster Alcohol Policy seeks to accomplish the following objectives:

- To promote a campus climate that encourages individuals to cultivate and exhibit mature, healthy, responsible, and lawful conduct relative to the possession and use of alcohol.
- To encourage compliance with all relevant laws regarding the possession, use, and sale of alcohol.
- To influence the social climate and expectations of the campus in ways that promote a positive, safe, and balanced social environment.

- To provide educational programming that informs students of the potential dangers of alcohol and promotes responsibility and moderation relative to alcohol use.
- To implement appropriate conduct mechanisms and sanctions for individuals who violate the standards set forth by the Policy.

The educational mission and the values of Westminster College – **Integrity, Fairness, Respect, and Responsibility** – require that students act responsibly with regard to alcohol. Furthermore, the College prohibits **unlawful** possession, use of, or distribution of illegal and prescription drugs, including alcohol, by students and employees on Westminster property or at any College-sponsored activity.

Westminster College takes a strong stance on the possession and use of illegal substances. Westminster regards possession, use, or distribution of illegal drugs as a violation of College regulations and of the law. The College reserves the right to have professional staff immediately contact local police to assist with suspected violations, particularly in the case of uncooperative residents, repeated situations, or to help determine the source of an alleged violation. In situations where any volume or quantity of illegal or controlled substances are present the College will always contact local law enforcement for collection and disposal of said substances.

Students of the College and their on- and off-campus guests who choose to possess and/or consume alcoholic beverages are expected to abide by College policy, and by all federal, state and local laws regarding alcohol. Westminster students will be held accountable for their own actions and for those of their guests. While the College expects responsibility and moderation with regard to alcohol use, students should not be reluctant to report instances of intoxication, sexual misconduct or seek medical attention for immediate medical needs because they fear being charged with policy violations (as outlined in the College's Sexual Conduct Policy or Medical Amnesty Policy).

The presence or possession of drug paraphernalia, illegal substances, and misuse of legal (prescription) drugs are all regarded as violations of the Westminster College's policy. In incidents where any professional staff member detects and confirms the odor of cannabis with no physical evidence, probable cause exists to authorize a room search for controlled substances. Any illegal item(s) found and confiscated by College staff will be itemized and included in a formal report. If controlled substances are found, local law enforcement agencies will be notified.

Where it may be effective, the College prefers a policy of developmental discipline and rehabilitative education, as opposed to mandatory punishment. The developmental nature of the College community raises the expectation that assistance will be offered to any member who is suffering from the abuse of any substance. This help may be in the form of educational programs, on-campus counseling, or off-campus counseling referrals. If the College believes that developmental discipline and/or rehabilitative education are not effective, it will terminate its relationship with students or employees who persist in their use of illegal drugs or in their unlawful possessions of any substance, including alcohol.

Parental Notification regarding alcohol and drug use:

Revisions to the Family Educational Right and Privacy Act (FERPA) in 1998 permits schools to notify parents of students who are under 21 if such students have been found in violation of the College policies regarding alcohol and other drugs. The Vice-President/Dean of Student Life or designee may use this policy to intervene in situations where alcohol or drug abuse has threatened the health or safety of the individual student and/or campus community.

Biennial Review

A biennial review of the alcohol policy, rehabilitation programs, disciplinary procedures, and requests regarding considered changes to the policy will be reviewed during even numbered years in the spring. The review is conducted, and summary report prepared by the alcohol/drug task force, chaired by the Vice-President/Dean of Student which includes student, faculty, and staff representation. The summary report will be kept on file with the Office of Student Life.

Federal, State, and Local Government Requirements

Local, state, and federal laws prohibit the unlawful possession, use and distribution and sale of alcohol and illicit drugs. It is unlawful for any person to manufacture, deliver, or possess with intent to manufacture and deliver a controlled substance. For a full listing of Missouri laws and penalties, please see the following: www.missouri.gov. Summaries of the relevant federal, state, and local laws which govern the use and possession of alcohol are as follows:

- A person under age 21 cannot consume or possess alcoholic beverages.
- No person can misrepresent his or her age for the purpose of obtaining alcohol.
- No person shall sell, dispense, or give to any intoxicated person or one simulating intoxication, any alcoholic beverage.
- No one can have open containers of alcohol in a motor vehicle on a public street.
- No one can use or consume any liquor at an elementary or secondary school or on premises, or within 100 feet of a church.
- No one can sell or give alcohol to a minor.
- No one shall operate a motor vehicle on a public street while intoxicated.
- A person over age 21 cannot be driving while visibly intoxicated, under the influence of drugs, or with a blood alcohol content of .08 or over.

The City of Fulton, in its ordinances, defines an “open container” as “any alcoholic beverage except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed.”

- Open containers are prohibited in public places.

- It shall be unlawful for any person to be in possession of an alcoholic beverage in an open container when upon any public street, sidewalk, alley, or public thoroughfare, or on or in any public building or parking lot.
- It shall be unlawful, for any person to be in possession of an alcoholic beverage in an open container on any property maintained as a park or recreational area by the city without first obtaining a permit.
- No permit shall be issued for any area within one hundred fifty (150) feet of a recreational area on which an individual eighteen (18) years of age or younger will be involved in an organized recreational activity. When organized recreational activities involve individuals nineteen (19) years of age or older, permits may be issued for area outside the actual participating field. Permits may not be issued for a period of time more than eighteen (18) hours during any calendar day. Those hours must be between 8:00 a.m. and 2:00 a.m. Permits may not be issued for more than four (4) consecutive days

Potential Legal Sanctions for Violation of Relevant Laws

Legal sanctions for violations of federal, state or local laws governing the use or possession of alcohol vary by the type of offense and may include fines, classes, community service, license suspension or revocation, and/or incarceration, as well as a misdemeanor or felony conviction on an individual's criminal record.

Westminster College Age and Space Restrictions:

- Students who are not 21 years of age may not possess or consume alcoholic beverages. Only students who have attained the legal drinking age of 21 years may possess or consume alcoholic beverages in select designated individual College private living quarters and other selected and pre-approved locations as determined by the Vice President/Dean of Student Life. Designated individual College private living quarters include individual student rooms with the doors closed and individual apartments, townhouses, fraternity houses and residential houses with the exterior doors closed.
- While the consumption of alcoholic beverages is allowed in some individual student rooms, these areas are not designed to accommodate large groups of people. Alcoholic beverages may be consumed by small groups of legal drinking age in appropriately designated individual student rooms, apartments, townhouses, and residential houses with the door closed. A group consisting of no more than 2 guests per resident of the room, apartment, townhouse, or residential house but never totaling more than 12 people in that space is permitted. Any group of 12 or more where alcohol is present constitutes an unregistered social event and is therefore subject to disciplinary action.

Alcohol-Free Areas:

Alcohol is not allowed in public areas which include, but are not limited to, the following:

- Historic Gym, Wetterau Center, and any Westminster College athletic facility or field;
- Residence hall lounges, stairwells, laundry rooms, or hallways;
- Townhouse social lounge (unless approved for an event); • Exterior lawns, sidewalks, parking lots, driveways, etc. unless specifically designated on an event notification form and/or approved by the Vice President/Dean of Student Life.
- Those persons who do not drink have the right to live on campus and attend social events without pressure to consume alcohol.

Every attempt will be made to create alcohol-free living spaces for all students who request it and for all new students. Although the College will identify appropriate space within existing housing facilities, students should realize that living in an alcohol-free space is in no way a guarantee that the residents of this area will not be exposed to alcohol and or the behavior associated with alcohol use. The residents of these alcohol-free areas will have responsibility for ensuring that the designated spaces do remain alcohol free.

Approved locations:

Registered event locations are approved via the event notification form add link in MyWC and/or approved by the Vice President/Dean of Student Life or designee. Approved locations may be temporarily restricted during special campus events by the Vice President/Dean of Student Life or designee.

- Front porches and lawns of Fraternity Houses (unless prohibited by their respective Inter/national organization). The sidewalk adjacent to the lawn is not allowed and serves as the boundary of the approved location
- Locations approved via the event notification form and/or approved by the Vice President/Dean of Student Life.
- NOTE: Approved locations may be temporarily restricted during special campus events by the Vice President/Dean of Student Life.

Approved alcohol in Fraternity Housing:

All nationally recognized fraternity and sorority chapters on Westminster College campus should adhere to their Internationals/ National alcohol and risk management guidelines. As indicated by most international/ national polices:

- Alcohol must not exceed 15% ABV. Any alcoholic beverage with an alcohol content (ABV) above 15% is prohibited in the fraternity housing/approved exterior locations.
 - o Examples of approved alcohol include, but not limited to: Beer, Malt Liquor, Shandy, Breezers, Coolers, Wine (grape, table, light, and sparkling).
 - o Examples of prohibited alcohol that exceed 15% ABV include, but not limited to: Vodka, Gin, Rum, Whiskey, Tequila, Fortified Wine, Schnapps, Cognac, Jägermeister, and Everclear.

- If found in violation of this policy, students and/or organizations will be subject to sanctions as deemed appropriate by the designated conduct staff member and/or Dean of Student Life.

Behavioral Expectations:

- Any use of alcohol which endangers the welfare of self-and/or others or which results in offensive behavior or disorderly conduct is unacceptable to the community and will be subject to disciplinary action.
- Due to the goals and purposes of the academic community, drunken behavior/intoxication, which is disrespectful, disruptive and potentially harmful, is not acceptable on campus or at College sponsored events. Drunken behavior/intoxication is defined as observed loss of mental or physical coordination resulting from the consumption of alcoholic beverages. Visible public intoxication will subject the person to disciplinary action and potential legal consequences. Persons who have consumed alcohol off-campus are expected to return to their room in an orderly manner.
- Each student is responsible for his or her own behavior at all times and under all circumstances.
- Any student who invites a guest who is not enrolled in Westminster College onto campus assumes the responsibility of ensuring that his or her guest will act in an appropriate manner as well as abide by all College policies. Should the guest of a Westminster student violate the alcohol policy, the host student will be held responsible for any offenses committed by that guest and may be subject to disciplinary action.
- Any student hosting a prospective student or a minor, is prohibited from taking that guest to private or closed events where alcohol may be present. Attending College sponsored events, open to the entire campus community, is permitted.
- Possession or use of alcohol by students who are not 21 years of age is prohibited.
- Underage students who are in College housing when alcohol or alcoholic containers (whether empty or not) are present may be subject to the individual alcohol sanctions. Empty alcohol containers lead to an “assumption of consumption.”
- In the upper-class residence halls, alcohol is permitted within the student room, provided all residents of the room, and guests at the time of consumption, are of legal age (21), (a roommate resident of the room who is not 21 years of age may be present when alcohol is in the room, provided they do not consume or handle the alcohol).
- Display of alcohol-related advertising materials (including bottles) in student housing windows or areas outside the privacy of the student’s room is not permitted. Students are expected to promptly dispose of trash such as cans, bottles, and boxes from all hallways.
- Advertising from or by alcohol distributors or taverns (tavern defined as an establishment generating more than half of their annual gross sales from alcohol) are not

allowed on campus or in campus media. Advertising from establishments, such as restaurants or convenience stores, that serve and/or sell alcohol, but not as their primary function, may not contain advertisements for alcohol.

- Drinking games are prohibited. The definition of drinking games includes, but is not limited to, the consumption of shots of alcohol, “beer pong,” “dares,” “flip cup,” or any other activity involving the consumption of alcohol which mandates duress or encouragement related to the consumption of alcohol.
- While each individual student is required to take responsibility for his or her individual behavior regarding alcohol, it is also the responsibility of each individual and each student organization to see that those present at their social functions, meetings, or gatherings conduct themselves in accordance with Westminster College rules and regulations as well as city, state, and federal laws.
- Approved locations shall be kept free of cans, bottles, and other litter.
- Exceptions to these regulations may be granted through special requests made to the Vice President/Dean of Student Life.

Beverages and Container Requirements:

- Kegs of beer, party balls, or common source containers of alcohol one gallon or larger are not allowed anywhere on the campus.
- Drinking and/or possessing alcoholic beverages (open containers) in any public place/area, designated alcohol-free area, campus common area, or other non-approved location is prohibited and subject to disciplinary action.
- Transportation of alcoholic beverages to and from rooms must be in sealed containers and in non-transparent bags.
- Students should note that the possession of alcoholic beverage containers, either full or empty, will be taken as a presumption of use and possession, and, as such, may be considered policy violations. Students may also be held accountable, even if they do not have actual possession of alcohol, when they are present at alcohol-related events.
- Possession of equipment that encourages excessive and inappropriate consumption, such as beer pong tables, beer bongs, etc., is also prohibited.

Sanctions for Alcohol Policy Violations

Infractions of the Westminster College Alcohol Policy by individual students and student organizations will result in disciplinary action and may in some cases subject the student or students to criminal or other legal action. The number of infractions is cumulative over the student’s tenure at Westminster College. The sanctions for infractions of the alcohol policy by individual students or groups are listed below. Although the sanctions listed are typical, the Vice President/Dean of Student Life has wide latitude in assessing punishments and developmental actions to fit the seriousness of the offense. Aggravating factors such as property destruction,

threats to the well-being of others, and disrespect of staff will be taken into consideration. Please see General Student Conduct Procedures section for detailed description of conduct hearing, adjudication, definitions of conduct warning/disciplinary probation status, and appeal procedures.

First offense – Students will normally be placed on Conduct Warning, assigned a minimum of 10 hours of on-campus service, Judicial Educator online alcohol training, and assessed a \$100 fine, placed on the student’s college account. If a student is involved in a more significant violation, such as providing minors or intoxication leading to harm to others, self or property, the sanctions may include restitution, disciplinary probation, and other sanctions as appropriate.

Second offense – Student will normally be placed on Disciplinary Probation, assigned a minimum of 20 hours of on-campus service, assessed a \$200 fine placed on the student’s college account, and a mandatory meeting with the Vice President/Dean of Student Life. The student may also be sent to the Oath and Values Board. The student must complete an alcohol assessment, or possibly a substance abuse education program, at the student’s expense, and completed within a reasonable time frame. If the student does not complete the program, they can be immediately suspended or dismissed from the College. If appropriate, the student will be considered for immediate dismissal from the residence hall or other campus housing.

Third Offense – Student will be eligible for all sanctions listed for a first or second offense as well as suspension or dismissal from the College. If a fine is appropriate, the fine can be up to \$500.

Group Alcohol Offenses

A group is defined as 3 or more individuals, living group, fraternity/sorority, or organization who provides possesses, sponsors, has in its presences or on its property, or host kegs, cash bars without a third-party vendor, drink-a-room parties, games involving drinking, pure grain alcohol parties, a common source of alcohol, or similar events that would be defined as an unregistered party.

First group alcohol offense - May result in conduct warning and a minimum fine of one thousand (\$1000). Possession of a keg or party ball (whether empty or not) may result in the minimum \$1,000 fine.

Second offense within one year – May result in an additional \$1,000 fine and may include disciplinary probation, suspension, or dismissal from the College for an individual and immediate involvement of Inter/National Organizations in the sanctioning process for a living group. Any student present at these or similar events is subject to the individual alcohol sanctions.

Third offense within two years – May result in suspension or dismissal of a student or student organization from the College. Disciplinary probation for a living group can include, but is not limited to, sanctions such as no social events on or off campus, college funding restrictions, student organization participation/membership, and/or other

restrictions as decided by the Vice President/Dean of Student Life and or designated Student Life staff member.

****These sanctions are not all encompassing, and the sanctions can be decided upon based on the discretion of the Vice President/Dean of Student Life and or designated Student Life staff member.***

Sanctions for Drug Policy Violations

First offense - may result in a fine up to \$500 placed on your student account, up to 50 hours of on-campus community service, conduct warning, Judicial Educator training, mandatory educational sanction and/or counseling, and a mandatory meeting with the Vice President/Dean of Student Life in conjunction with one or more of the following additional sanctions: legal action, restitution, individual drug assessment attendance (at the student's financial expense), eviction from college-owned or approved housing, disciplinary probation, suspension, dismissal, and/or additional fines.

Second offense - may result in a fine up to \$1,000 placed on your student account, up to 100 hours of on-campus community service, disciplinary probation, individual drug assessment attendance (at the student's financial expense), and a mandatory meeting with the Vice President/Dean of Student Life in conjunction with one or more of the following additional sanctions: legal action, restitution, eviction from college-owned or approved housing, suspension, dismissal, and/or additional fines.

Third offense - may result in suspension or dismissal from the college as well as other penalties. The number of infractions is cumulative over the student's tenure at Westminster College.

** The cases where there may be evidence of distribution, with or without evidence of personal use, will result in immediate expulsion from Westminster College.*

Health Risks & Treatment

The College considers alcohol abuse to be a very serious problem. Short term effects of alcohol abuse include slurred speech, drowsiness, headaches, impaired judgment, decreased perception and coordination, distorted vision and hearing, vomiting, breathing difficulties, unconsciousness, coma, blackouts, and in some instances, death. Long-term effects of alcohol abuse include toxic psychosis, physical dependence, neurological and liver damage.

The general health risks associated with the use of illegal drugs can be divided into two categories: drug use that can destroy a healthy mind and body by outright organic damage, mental illness, malnutrition, and failure to get treatment of injuries or diseases; and drug use that generally reduces the body's natural immune system and increases the chances for infectious diseases such as hepatitis and AIDS. Drug overdose may cause psychosis, convulsions, coma, or death.

Alcohol and other drug counseling is available on campus to students through The Wellness Center, Westminster Hall lower level, (573) 592-5361. The Wellness Center offers BASICS (Brief Alcohol Screening and Intervention for College Students) and iCHAMP (individualized

College Health for Alcohol and Marijuana Project) which is a consultation process that takes a sincere look at one's attitudes, beliefs, values, and behaviors regarding the use of alcohol and/or other substances. Students can participate in BASICS programming one of two ways: by either contacting the Wellness Center to schedule an appointment or by being referred for such services by the College (e.g. Vice President/Dean of Student Life) due to an alcohol and/or drug policy violation. If students are in need of more intensive or inpatient treatment, they will be referred to appropriate rehabilitation services in the Columbia/Kansas City/St. Louis area.

GOOD SAMARITAN/MEDICAL AMNESTY POLICY

The welfare of students in our Westminster College community is of paramount importance. At times, students on and off campus may need assistance. Westminster College promotes bystander intervention and encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help a student who may have been sexually assaulted or who is at risk of alcohol overdose). Westminster College pursues a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the College will focus on educational responses to those who offer their assistance to others in need, serve as witnesses to an incident or make a good faith report of alleged misconduct.

**This policy does not protect students from the consequences associated with Missouri law. Students are still subject to charges and penalties as per Missouri law.*

The individual in need of immediate medical attention

If an individual receives emergency medical attention related to their consumption of alcohol or another drug, they are required to complete a follow-up with The Wellness Center. If the student is taken to the hospital, the College reserves the right to contact the student's parents/guardian. If a student violates any other college policy while intoxicated, those infractions are subject to standard student conduct adjudication and sanctions.

Organization

Should a student experience severe intoxication or a drug related reaction while attending an event hosted by an organization, representatives or members of that organization are expected to promptly call for medical assistance. This act of responsibility will mitigate the judicial consequences against the organization resulting from student conduct code violations that may have occurred at the time of the incident.

Failure to Call

Failure by any individual or organization to call for emergency medical assistance while a person is experiencing severe intoxication or a drug-related reaction may result in the more severe consequences, including but not limited to student life code violations with additional "aggravating circumstances".

DISCIPLINARY RESPONSIBILITY FOR STUDENTS

The Office of the Vice President/Dean of Student Life, by delegated authority, is assigned the responsibility of receiving and handling all disciplinary matters concerning the behavior of students, student groups, and/or student organizations. The Vice President/Dean of Student Life, who has sole discretion, assigns cases based on the type of behavior, status, and case load of various boards. The Office of the Vice President/Dean of Student Life has sole discretion in the determination of sanctions for students, student groups, or student organizations found responsible for violating the Code of Student Conduct.

DEFINITIONS OF STUDENT CONDUCT SANCTIONS

In the event a student or a student organization is found responsible for a policy violation, sanctions may be imposed. Sanctions which may be imposed include, but are not limited to:

Educational – Educational sanctions may include, but are not limited to: Judicial Educator online course participation, service projects, letters of apology, educational reports or presentations, housing transfers, counseling, loss of privileges (such as the opportunity to visit or reside in college housing or park on campus), educational programs, behavioral contracts, chemical dependency assessments and treatment, etc. Educational sanctions are utilized to facilitate the student's learning from the experience.

Fines – not to exceed \$100 for any single violation (\$1,000 for a group). An option of supervised community service work at the stated minimum college wage an amount equivalent to the fine may be offered.

Restitution – reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation and may be combined with other penalties. In unique situations, restitution may take the form of a student's institutional scholarship(s) reduced or rescinded.

Community Service – supervised community service may be required and depending upon the violation may be restricted to on campus only.

Conduct Warning – a formal written notice provided to the student that they have violated the rules of the college and that continuation or repetition of specified conduct found unacceptable within a period of time, as stated in the warning may be cause for more severe disciplinary action. Typically, the Conduct Warning will extend to the end of the semester in which punishment was assessed. If punishment is assessed near the end of a semester, the Warning can extend into the following semester and across academic years. Occasionally, a Conduct Warning may extend for a year. If a student commits another offense while on Conduct Warning they risk, at a minimum, a proportionally larger punishment than the one normally associated with the offense, or suspension/dismissal from the college. During the Conduct Warning period, students or organizations will not be in good standing with the college, which may restrict certain activities and/or privileges afforded to campus constituents. For example, request for letters of recommendations for awards or recognition will be denied by Student Life staff.

Restriction of Privileges – Restriction of Privileges prohibits a student or student organization from participating in certain activities and may restrict student organization privileges for a period of time. A student organization under a status of Restriction of Privileges is not in good standing with the College. Restriction of Privileges may include, but is not limited to, loss of funding from Student Government Association, loss or limitation of social events or limitation of ability to participate in College events/activities.

Disciplinary Probation – The most severe and serious warning a student may receive and still remain enrolled in the college. Disciplinary probation serves to notify a student or student organization they must avoid any additional policy violations during the time of probation to avoid additional disciplinary action. Disciplinary Probation may subject the student to immediate dismissal/suspension from athletic teams, student organizations, and leadership positions. Disciplinary Probation subjects a student organization to additional restriction of privileges while on probation. If a student or student group commits an offense while on Disciplinary Probation, they may be considered for additional sanctions such as immediate suspension or dismissal. Disciplinary probation can be for a semester, a year, or more based on the violation.

Deferred Suspension: Deferred Suspension is a status for a specified period of time during which any subsequent finding of responsibility for a violation of Westminster College policy shall result in the outcome of suspension. Deferred Suspension may include Restriction of Privileges.

Suspension (Individual) – separation from the college for a specified period of time, usually the remainder of the semester. Parameters of the suspension, such as exclusion of a Westminster College student from classes, exclusion from other privileges or activities, or exclusion from the Westminster College campus, may be set and defined in the written notice of suspension as well as required criteria or conditions for reinstatement. Suspension is also known as finite suspension.

Suspension (Group): Suspension is a status for a specified period of time that includes, but is not limited to, the revocation of the College's registration of the student organization for a period of time, restrictions for use of College funding. If the student organization also holds a charter from an inter/national organizational governing body, the College may also discuss revoking the charter with the inter/national organizational governing body.

Dismissal – permanent termination of student status of a Westminster College student without possibility of readmission to Westminster College, also known as expulsion.

Interim Measures – In cases where it is determined that certain continued operations of a student organization constitute a reasonable threat of harm to individuals, damage to College premises, or disruption to the mission of the College, the Vice-President/Dean of Student Life, or designee, may issue interim measures, up to and including interim suspension pending final outcome. The Vice-President/Dean of Student Life, or designee, will notify the student organization representative when interim measures are utilized.

**It should be noted that these are merely guidelines and ultimately the sanctions for all policy violations are at the discretion of the Vice President/Dean of Student Life.*

EDUCATIONAL INITIATIVES FOR ALCOHOL AND DRUG PROGRAMS

- 1) First-Year Student Initiatives: All first-year students are required to enroll in a 1- credit hour leadership course “The Leader Within” during their first semester at Westminster College. Various health-behavior education topics are used throughout this course, including alcohol responsibility, sexual assault, drug use/abuse, and wellness. These specific topics give information about norms on Westminster’s campus, introduce local and state laws, explain how their behaviors impact the Westminster community, and provide interactive education to influence positive behaviors. This fits under Tier 1 strategies NIAAA report.
 - 2019-2020 – our campus added Not Anymore is a required online interpersonal violence prevention course to be completed by all new and returning students. The reality-driven course, featuring student survivors and presenters, is designed to educate students about consent, healthy relationships, bystander intervention, and more.
- 2) General Student On-going Prevention Initiatives:
 - a. Campus-wide trainings (Tier III Strategies NIAAA report)
 - Green Dot bystander intervention program.
 - ALR for suicide prevention; Ask, Listen, Refer
 - Not Anymore Online Interpersonal Violence Prevention Course (mandatory training for all students)
 - b. The peer health educator program is an active volunteer group made up of 15-20 students. These students are trained through The BACCHUS Network programming including The Certified Peer Health Educator Training and the NASPA Regional Meeting of the Minds conference. Additional topic-specific trainings are provided throughout the year. This organization meets weekly and provides evidenced-based programming on a variety of health topics throughout the year. Programming specific to alcohol responsibility includes hosting an alcohol responsibility week, bringing in speakers, tabling events, social norms messaging, partnering with other campus groups to provide additional late-night programming throughout the school year, and providing presentations to classrooms and residential halls. This fits under Tier III strategies NIAAA report.
 - c. Resident Advisor (RA) and Seminar mentor training. These students are campus leaders whom have been selected to serve in these capacities and have a professional staff/faculty advisor that meets with them weekly. They are trained on a variety of prevention and risk management areas and serve as a liaison for campus prevention student needs.
 - d. Alcohol-free, late night programming occurs through Campus Activities Board. This fits under Tier III strategies NIAAA report.
 - e. Brief Alcohol Screening and Intervention for College Student (BASICS) and individualized College Health for Alcohol and Marijuana Project (iCHAMP)

programming is available to all Westminster College students that would like to examine their drinking and cannabis behavior and lower the risks and unintended consequences from alcohol and cannabis use. These programs have been built into the disciplinary action program to require students with relevant alcohol-related and drug-related offences to attend BASICS and iCHAMP sessions.) This fits under Tier I strategies NIAAA report.

3) Task-Force/Strategic Planning - Strengthen our campus and community alcohol task force to be more diverse and integrated, using the Promising Practices: Campus Alcohol Guide and the Missouri Partners in Prevention Model. This fits under Tier II strategies NIAAA report.

EMPLOYEES

Federal Law Compliance

It is the College's intent and obligation to comply with the Drug-Free Work Place Act of 1988, Public Law 100-690, the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226, and related regulations to provide a drug-free, healthy, and safe work environment.

Explanation and Consequences of Prohibitive Behavior

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, narcotics, or alcoholic beverages on College premises or off-campus sites (including College vehicles and any private vehicles parked on College premises or off-campus sites) or at College-sponsored functions is absolutely prohibited. Violations of this policy will result in disciplinary action, up to termination of employment, and may have legal consequences. Violations of this policy could result in the involvement of law enforcement. All employees and applicants are required to comply with this policy as a condition of employment. Violations of this policy include, but are not limited to: reporting to work under the influence of alcohol or illegal drugs; having a detectable level of alcohol or an illegal drug present in one's system while on the job, operating College vehicles or on any College premises; possessing illegal or non-prescribed drugs and narcotics or alcoholic beverages at work; using those substances while working; or dispensing, distributing, or illegally manufacturing or selling them on College premises. Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report the conviction in writing to the Director of Human Resources within five days, and the Director of HR will take appropriate actions as required by law.

Employer and Employee Responsibilities

A. Supervisors should immediately report any action by an employee in violation of this policy, especially actions that might pose a danger to the employee or others, to the

- appropriate department Vice President and the Director of HR. The Director of HR, the department Vice President and the College President or his/her designee will determine whether the employee should be examined by a physician or clinic. Employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises, and to the extent allowed by law, may be suspended without pay. Alternate transportation must be arranged by the employee. If the employee is unable to secure transportation, alternate transportation will be provided at the employee's expense. At no time will a current employee be allowed to transport the employee who is under the influence. Employees are to report to the department Vice President or Director of HR any suspicious behavior of a co-worker, employee, student or campus visitor that may be alcohol or drug related without fear of retaliation. To the extent possible, the report will be handled in a confidential manner.
- B. Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek help through the Employee Assistance Program. Authorization to return to work will be required. Employees who participate in a treatment program will be expected to meet existing job performance standards and established work rules and policies.
 - C. Supervisors have the responsibility and the right to take disciplinary measures in the case of poor performance or work misconduct.
 - D. This policy has no bearing whatsoever on what employees do on their own personal time when not working for the College, unless it reflects on their job performance.

Alcohol and Drug –Free Awareness Program

The College will inform employees about:

- A. The dangers of alcohol and drug abuse in the workplace.
- B. The College's policy and procedures for maintaining an alcohol and drug-free workplace.
- C. Any available drug counseling, rehabilitation and employee assistance programs.
- D. The penalties that may be enforced upon employees for alcohol and drug abuse violation occurring in the workplace.

Treatment

Employees who suspect that they may have an alcohol or drug dependency problem are encouraged to seek help and follow through with the treatment that is prescribed by qualified professionals in order to address the problem. Employees having these problems may receive treatment that is offered under the College's health benefit plans (See the Director of HR or the Payroll/HR Specialist for more information) and are encouraged to seek additional and/or alternate treatment that may be available at the employee's own expense.

IT'S THE LAW

Numerous federal, state, and local laws provide for a variety of legal sanctions and penalties for the unlawful possession or distribution of illicit drugs and alcohol. These sanctions include, but are not limited to, incarceration and monetary fines.

State laws and local ordinances also prohibit illicit drugs and alcohol. Copies of these laws as well as College policies and regulations are available at the following locations:

- Office of Human Resources
- Campus Security
- Office of the Vice President/Dean of Student Life

Federal Drug Trafficking Penalties

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of state and federal penalties imposed for first convictions. Penalties are more severe for subsequent offenses.

If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million. Persons convicted on federal charges of drug trafficking within 1,000 feet of a University face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one (1) year.

Drug/Substance Amount	Amount	Penalty – 1st Conviction
Barbiturates	Any amount	Up to 5 years prison; Fine up to \$250,000
Cocaine	5 kg or more	Not less than 10 years in prison, not more than life; Fine up to \$4 million
	Less than 100 grams	10-63 months in prison; Fine up to \$1 million
Crack Cocaine	50 grams or more	Not less than 10 years in prison, not more than life; Fine up to \$4 million
	5-49 grams	Not less than 5 years in prison, not more than 40 years; Fine up to \$2 million
	5 grams or less	10 – 63 months in prison; Fine up to \$1 million
Ecstasy	Any amount	Up to 20 years in prison; 3 years supervised release (after prison); Fine up to \$1 million
GHB	Any amount	Up to 20 years in prison; 3 years supervised release (after prison); Fine up to \$1 million
Hashish	10-100 kg	Up to 20 years in prison; Fine up to \$1 million
	10 kg or less	Up to 20 years in prison; Fine up to \$1 million

Hash Oil	1 – 100 kg	Up to 20 years in prison; Fine up to \$1 million
Heroin	1 kg or more	Not less than 10 years in prison, not more than life; Fine up to \$4 million
	100-999 grams	Not less than 5 years in prison, not more than 40 years; Fine up to \$2 million
	100 grams or less	10 – 63 months in prison; Fine up to \$1 million
mexKetamine	Any amount	Up to 5 years in prison; 2 years supervised release (after prison); Fine up to \$250,000
LSD	10 grams or more	Not less than 10 years in prison, not more than life; Fine up to \$4 million
	1-10 grams	Not less than 5 years in prison, not more than 40 years; Fine up to \$2 million
Marijuana	1000 kg or more	Not less than 10 years in prison, not more than life; Fine up to \$4 million
	100 -999 kg	Not less than 5 years in prison, not more than 40 years; Fine up to \$2 million
	50-99 kgs	Up to 20 years in prison; Fine up to \$1 million
	50 kg or less	Up to 5 years in prison; Fine up to \$250,000
Methamphetamine	50 grams or more	Not less than 10 years in prison, not more than life; Fine up to \$4 million
	10-49 grams	Not less than 5 years in prison, not more than 40 years; Fine up to \$2 million
	10 grams or less	10 – 21 months in prison; Fine up to \$1 million
PCP	100 gram or more	Not less than 10 years in prison, not more than life; Fine up to \$4 million
	10-99 grams	Not less than 5 years in prison, not more than 40 years; Fine up to \$2 million
	10 grams or less	10 – 21 months in prison; Fine up to \$1 million
Rohypnol	1 gram or more	Up to 20 years in prison; Fine up to \$1 million
	Less than 30 mgs	Up to 5 years in prison; Fine up to \$250,000

Federal Drug Possession Penalties

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one (1) year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than fifteen (15) days, but not more than two (2) years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than ninety (90) days, but not more than three (3) years in prison and a minimum fine of \$750.

Special sentencing provisions for possession of crack cocaine impose a mandatory prison term of not less than five (5) years, but not more than twenty (20) years and a fine up to \$250,000, or both if:

- A. It is a first conviction and the amount of crack cocaine possessed exceeds 5 grams;
- B. It is a second conviction and the amount of crack cocaine possessed exceeds 3 grams;
- C. It is a third or subsequent crack cocaine conviction and the amount exceeds 1 gram.

Civil penalties of up to \$10,000 may also be imposed for possession of small amounts of controlled substances, whether or not criminal prosecution is pursued.

Federal Aid Eligibility and Drug Conviction

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, and more. Students convicted of drug possession will be ineligible for one (1) year from the date of the conviction of the first offense, two (2) years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two (2) years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

If convicted of a drug-related offense after the student submitted their FAFSA form, the student may lose eligibility for federal student aid, and be liable for returning any financial aid received during the period of ineligibility.

HEALTH RISKS

The use, misuse, and abuse of alcohol and other drugs, both legal and illegal, can have serious consequences to health and well-being. Alcohol and other drug use can lead to psychological and/or physiological dependence and addiction. Information on specific health risks associated with alcohol and other drugs is summarized below and is available in more detail at the following campus locations:

- The Wellness Center
- Human Resources

Westminster College will establish and maintain a program of education designed to help all members of the College community avoid involvement with illegal drugs. Our education programs will:

1. Provide a system of accurate, current information exchange for students, faculty, and staff on the health risks and symptoms of drug use.
2. Promote and support institutional activity programming that discourages substance abuse.
3. Establish collaborative relationships between community groups and agencies and the institution for education, treatment and referral.

4. Provide training programs for students, faculty, and staff to enable them to detect problems related to drug use and to refer persons with problems to appropriate assistance.
5. Include information about drugs for students and family members in the student orientation programs. The use of prescription and over-the-counter drugs will be addressed.
6. Support and encourage faculty in incorporating education about drugs into the curriculum, where appropriate.
7. Develop a coordinated effort across campus for drug-related education, treatment and referral.

COUNSELING AND TREATMENT

The Wellness Center has staff available by appointment or on an emergency basis to assist with alcohol and other drug related problems. Our Wellness Center personnel are available during normal hours to address concern of alcohol or drug related emergencies, answer questions, and provide information.

The Wellness Center provides services with regard to alcohol and/or other drug problems; information on various aspects of alcohol and other drug use, misuse and abuse.

If more information is necessary, please contact the following departments:

The Office of the Vice President/Dean of Student Life
Hunter Activity Center; 2nd Floor
(573) 592-5241

The Wellness Center
Westminster Hall; Basement Level
(573) 592-5361

Campus Security
Safety and Security Bldg.
710 Westminster Ave.
(573) 592-5555

Human Resources Department
Washington West; 2nd Floor
(573) 592-5226

Office of Residential Life
Hunter Activity Center; 1st Floor
(573) 592-5307

Counseling and Treatment

Short term alcohol and other drug counseling is available on campus to students through The Wellness Center (573-592-5361). Students may be referred through The Wellness Center to other treatment programs for more intensive treatment. Through Westminster College's Human Resources department, Boone Hospital Center offers employees additional education and counseling, as well as appropriate referrals. Within Callaway and Boone County areas, the following substance abuse counseling agencies exist: Compass Health 884-853-8937 or 888-237-4567, the McCambridge Center (573-449-3953), and the Mexico Area Recovery Center (573-581-8828). These agencies provide a variety of services which may include counseling services, residential treatments and partial hospitalization, and outpatient treatments. Interested individuals are encouraged to contact each agency for additional information regarding specific services and costs.

Prevention and Education

Through The Wellness Center, the Office of Residential and Greek Life, the Office of the Dean of Student Life, and other departments and offices, a variety of individual, group and community educational programs and interventions designed to prevent and reduce alcohol and other drug use/abuse are offered to the Westminster College community. Such services includes: individual or group counseling, alcohol education emphasized in the 'Leader Within' course, in which all freshmen and transfer students are required to take, the BASICS (Brief Alcohol Screening and Intervention for College Students) program. In addition, a campus-community alcohol and other drug coalition, Fulton Partners in Prevention, meets monthly to discuss current substance abuse related issues and trends. As mandated by the Drug-Free Schools and Campuses Act, this policy is distributed to all students, staff and faculty on an annual basis, and during every even year, a biennial review of the comprehensive alcohol and other drug program is conducted. For more information concerning current programs, interventions and policies, contact our Vice President and Dean of Student Life at (573)592-5241

Westminster College: On Campus Resources and Information

Employee Assistance Program Boone Hospital Center	877-327-0327; 573-815-6034 http://www.boone.org/eap
Office of Student Life	573- 592-5240 http://www.westminster-mo.edu/studentlife/
Police Department	573-592-3100 http://www.fultonpd.org/
The Wellness Center Kim Lorentz, Nurse Practitioner and Executive Direct of the Wellness Center Dr. Kathy Dewein, Director of Counseling	573-592-5361 http://www.westminster.mo.edu/studentlife/chs/Pages/default.aspx

Off-Campus Resources and Information

<p>Preferred Family Healthcare: 101 Adams St. Jefferson City, Missouri 65101: Adolescent residential, intensive outpatient, outpatient, substance abuse, and day treatments</p> <p>210 Hoover Road Jefferson City, Missouri 65109: Adult residential, partial hospitalization, medical detox, and day treatments.</p>	<p>573-556-6589 http://pfh.org/#</p> <p>573-632-4321 http://pfh.org/#</p>
<p>Women: McCambridge Center 201 N. Garth Avenue Columbia, MO 65203 Various levels of counseling, children services, residential, day, and outpatient treatments</p> <p>Men: Mexico Area Recovery Center 1130 S. Elmwood Dr. Mexico, MO 65265 Detoxification services, partial hospitalization and outpatient services, residential short-term treatment, additional substance abuse treatment</p>	<p>573-449-3953 http://www.fccmo.org</p> <p>573-581-8828</p>
Local Police Department – Emergency	911
Local Police Department – Non - Emergency	573-592-3100 http://www.fultonpd.org/
County Sheriff’s Office – Emergency	911
County Sheriff’s Office – Non-Emergency	573-642-7291 http://www.callawaysheriff.org/
Callaway County State’s Attorney’s Office	573-634-8214 http://www.justice.gov/usao/mow/meetattorney.html

CRIME AWARENESS AND CAMPUS SECURITY

Crime statistics are provided as part of the Westminster College’s commitment to safety and security on campus and complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Please view our statistics at: [Annual-Security-Report-2021-Report.pdf \(wcmo.edu\)](#)

Federal Drug-Free Schools and Campuses Regulations [Edgar Part 86] WESTMINSTER COLLEGE’S ANNUAL POLICY NOTIFICATION/DISTRIBUTION As a requirement of these

regulations, Westminster College is to disseminate and ensure receipt of the below policy/information to all students, staff, and faculty on an annual basis. This process is formally conducted by the Office of Student Life. The information is sent in a mass email to all faculty, staff, and students at the beginning of each semester. The information is online in the student handbook. The information is online in the employee handbook. All of the information is found online on The Wellness Center's homepage:

<https://www.wcmo.edu/studentlife/wellness/index.html>

Questions concerning this policy and/or alcohol and other drug programs, interventions and policies may be directed to our Vice President and Dean of Student Life at (573) 592-5241 Biennial Review Process Our Fulton Partners in Prevention coalition meets each semester, with a smaller prevention group meeting monthly. This coalition regularly reviews policies and makes recommendations on the most effective measures to take on campus and in the community regarding alcohol misuse and abuse. This coalition includes representatives across campus including Student Life, The Wellness Center, Residential and Greek Life, Athletics, Student Involvement, College Safety and Security, Human Resources, and Faculty.

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

Section 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 ALCOHOL 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 it 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 reentry programs that are available to employees or students; and

“(E) a clear statement that the institution will impose sanction 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

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(b) Each institution of higher education that provides the certification required by subsection (a) shall, upon request, make available to the Secretary and to the public a copy of each item required by subsection

(a)(1) as well as the results of the biennial review required by subsection (a)(2).

“(c) (1) The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations that provide for –

“(A) the periodic review of a representative sample of programs required by subsection (a); and

“(B) a range of responses and sanctions for institutions of higher education that fail to implement their programs or to

consistently enforce their sanctions, including information and technical assistance, the

development of a compliance agreement, and the termination of any form of Federal financial

assistance. “(2) The sanctions required by subsection (a) (1) (E) may include the completion of an appropriate rehabilitation program.

“(d) Upon determination by the Secretary to terminate financial assistance to any institution of higher education under

this section, the institution may file an appeal with an administrative law judge before the expiration of the 30-day period beginning on the date such institution is notified of the decision to terminate financial assistance under this section. Such

judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning on the date that such appeal is filed. Such judge may extend such 45-day period upon a motion by the institution concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action.”

(2) EFFECTIVE DATE. – (A) Except as provided in subparagraph

(B), the amendment made by paragraph (1) shall take effect on October 1, 1990.

(B) The Secretary of Education may allow any institution of higher education until not later than April 1, 1991 to comply with section 1213 of the Higher Education Act of 1965 (as added by paragraph (1)) if such institution demonstrates –

- (i) that is in the process of developing and implementing its plan under such section; and
- (ii) it has a legitimate need for more time to develop and implement such plan