

CHAPTER 16
FEDERAL LAWS

Sections:

- 16.010. Family Educational Rights and Privacy Act
- 16.020. Americans with Disabilities Act
- 16.030. Drug-Free and Alcohol-Free Campus
- 16.040. Crime Awareness and Campus Security Act
- 16.050. Identify Theft Prevention Program

16.010. Family Educational Rights and Privacy Act. The Family Educational Rights and Privacy Act of 1974, sometimes called the Buckley Amendment, assures the confidentiality of student educational records. The President of the University, and his or her designees, are authorized to adopt necessary policies and procedures to comply with the federal law.

Source: Title 20, Section 1232g, United States Code

16.020. Americans with Disabilities Act. The Americans with Disabilities Act provides fair treatment of persons with disabilities. The President of the University, and his or her designees, are authorized to adopt necessary policies and procedures to comply with the federal law.

Source: Title 42, Sections 12101 through 12117, United States Code

16.030. Drug-Free and Alcohol-Free Campus. The University subscribes to the Drug-Free Schools and Communities Act of 1986 and endorses the following statement of policy to prevent the use of illicit drugs and the abuse of alcohol by students and employees.

16.030.1. Statement of Policy. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on all property owned or operated by the University, herein referred to as the University campus. The manufacture, distribution, dispensing, possession or use of intoxicating beverages is also prohibited on the University campus, except in accordance

with a written policy promulgated, approved and published by the President of the University, such policy to describe the times, places and purposes for the distribution, dispensing and possession or use of intoxicating beverages on the University campus. The presence of persons under the influence of unlawful drugs or intoxicating beverages, regardless of where the use or consumption of such drugs or beverages may have occurred, is also prohibited on the University campus. Any employee who violates this policy will be subject to disciplinary action, up to and including termination of employment, and any student who violates this policy will be subject to disciplinary action, up to and including expulsion from the University. As a condition of their employment, due to the University's receipt of federal grants, employees of the University, both full-time and part-time, 1) must abide by the prohibition against controlled substances, and 2) must notify the University, no later than five days after their conviction, of any criminal drug statute conviction for a violation occurring on the campus.

16.030.2. Awareness Program. The President of the University is authorized and directed to establish a drug abuse and alcohol abuse awareness program, which shall inform employees and students about:

1. The dangers of drug abuse and alcohol abuse on the campus;
2. The University's policy of maintaining a drug-free and alcohol-free campus;
3. Any available drug counseling, alcohol counseling, rehabilitation, employee assistance, and student assistance programs; and
4. The penalties that may be imposed on employees and students for drug abuse or alcohol abuse violations on the University campus.

16.030.3. Notice of Policy. Each employee of the University shall be given a copy of the foregoing Statement of Policy upon adoption of this policy and, in future years, each person then employed by the University shall be given a copy of the Statement of Policy at the beginning of each academic year. Students of the University shall be given notice of the policy by inclusion of the

- Statement of Policy in the catalog and other appropriate publications. Notice may also be provided electronically via the University's website.
- 16.030.4. Notification of Federal Agency. The President of the University, or his or her designees, shall notify the United States Department of Education, or other appropriate federal agency, within ten days after notice from an employee that he or she has been convicted of any criminal drug statute for a violation occurring on the campus, or within ten days after otherwise receiving notice of such conviction.
- 16.030.5. Disciplinary or Remedial Action. Within 30 days of receiving notice that an employee has been convicted of any criminal drug statute for a violation occurring on the campus, the President of the University, or his or her designees, shall 1) take appropriate disciplinary action against such employee, up to and including termination, 2) require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency, or 3) utilize a combination of such disciplinary and remedial measures. Nothing in this section is intended to prevent earlier action for violations of the Statement of Policy, and the President of the University, and his or her designees, are encouraged to act quickly in response to any suspected violations and to take appropriate action, either disciplinary or remedial, when violations are established by proper evidence. In all such cases, the guilt or innocence of the students and employees shall be determined by the normal rules of due process.
- 16.030.6. Good Faith Effort. The University shall be committed to making a good faith effort to uphold the ideals of the Drug-Free Schools and Communities Act of 1986.

Source: Resolutions of the Board dated May 13, 1989, June 14, 2014, August 2, 2014, and February 8, 2020

Title 20, Sections 3171 through 3173, United States Code

16.040. Crime Awareness and Campus Security Act. The Crime Awareness and Campus Security Act requires the reporting of crime statistics by colleges and universities. The President of the University, and his or her designees, are authorized to adopt necessary policies and procedures to comply with the federal law.

Source: Resolution of the Board dated March 7, 1992

Title 20, Section 1092f, United States Code

16.050. Identity Theft Prevention Program. Recent regulations of the Federal Trade Commission have extended The Fair and Accurate Credit Transactions Act of 2003 to provide that institutions directly or indirectly involved as loan providers must establish an Identity Theft Prevention Program in order to protect consumer financial information and accounts from theft and misuse.

To protect our financial information and accounts from theft and misuse and to comply with FTC regulations, the Board authorizes and directs the President of the University (or the President's designee under the President's direction) to develop and implement an Identity Theft Prevention Program. This program will be designed to detect, prevent, and mitigate identity theft in connection with new or existing loan or multiple payment accounts.

The Identity Theft Prevention Program must include reasonable policies and procedures to identify patterns, practices or activities that indicate the possible existence of identity theft; detect such patterns, practices or activities; respond to these patterns, practice or activities to prevent and mitigate identity theft; and update the Program periodically to reflect changes in risks to students and the institution.

As part of the Identity Theft Prevention Program, the President's program will provide for staff training and will assign specific responsibility for Program implementation, require and review compliance reports from staff, and approve material changes to the Program. The President will require staff to provide compliance reports at least annually. These reports will include an

evaluation of the effectiveness of the Program, service provider arrangements, significant instances of identity theft, and staff's responses as well as recommendations for changes to the Program.

Source: Resolution of the Board dated April 4, 2009: