

R261, Parental Notification Regarding Alcohol and Drug Violations¹

R261-1. Purpose: To provide guidelines for the establishment of institutional policy and procedures for notification of a student's parent or legal guardian regarding a violation by the student of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance.

R261-2. References

- 2.1. Utah Code §53B-2-106 (Duties and Responsibilities of the President)
- 2.2. Utah Code Title 53B, Chapter 3 (Enforcement of Regulations at Institutions)
- 2.3. Utah Code Title 76, Chapter 8, Part 7 (Criminal Offenses Against Colleges and Universities)
- 2.4. Policy and Procedures R120, Bylaws of the State Board of Regents; §3.3.3.1. (Responsibility of Presidents)
- 2.5. Policy and Procedures R253, Campus Discipline

R261-3. Guidelines and Principles

- 3.1. **Privacy of Student Records:** The federal Family Educational Rights and Privacy Act (FERPA) generally prohibits colleges and universities from releasing students' educational records. In 1998, Congress amended the Act to exempt notification of a student's parent or legal guardian from these privacy protections in some circumstances in order to counter underage drinking and illegal drug use at colleges, and other student crimes. The United States Department of Education has adopted rules to implement these changes in FERPA which give colleges broad latitude to notify a parent or legal guardian if a student younger than 21 is cited for violations of Federal, State or local laws, or any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance.
- 3.2. **Separate Policies for Each Institution:** To preserve the individuality of each of the institutions in the System, detailed rules and criteria for parental notification regarding alcohol and drug violations by students should be adopted by the president and the institutional Board of Trustees of each institution.
- 3.3. **Principles to Be Recognized:** To secure appropriate consideration of the critical factors involved, such rules as may be adopted by each institution shall recognize the following principles:
 - 3.3.1. **Hearings Not Required Prior to Notification:** The institution does not have to hold disciplinary hearings before alerting a parent or legal guardian that his or her child under 21 years of age has been cited by an institutional officer for a disciplinary violation of institutional policy concerning the use or possession of alcohol or a controlled substance. The institution can establish its own procedures for deciding when to contact a parent or legal guardian.
 - 3.3.3. **Circumstances Warranting Notification:** The institution may notify parents or a legal guardian of a student's alcohol and drug violations, even on the first offense, in the following circumstances:

¹ Adopted October 27, 2000.

3.3.2.1. Illegal Drug Use: If the student is involved in any illegal drug activity or use.

3.3.2.2. Endangerment or Medical Attention: If the student acted with reckless disregard for the safety of him/herself or others while intoxicated, or if medical attention was required.

3.3.2.3. Serious Incident: If the incident is of such a serious nature that the parents' or legal guardian's involvement is deemed appropriate.

3.3.2.4. Repeat Offense: If there is evidence of multiple violations.

3.3.2.5. Non-Compliance: If the student refuses or fails to comply with sanctions imposed by the institution.

3.3.3. Student Consultation and First Contact: If parental notification is selected, the institution shall make every effort to consult with the student and attempt to have the student make the first contact. This is consistent with the general philosophy that supports students developing independence, internalized values, and personal accountability. However, in some situations consultation with the student or first contact by the student may not be possible or appropriate and in such cases the institution is not required to alert the student when it has notified his/her parent or legal guardian.

3.3.4. Records of Notification: The institution must keep a record of the parental notification and provide it, upon request, to a student who wishes to know if his/her parent or legal guardian has been notified.

3.3.5. Sanctions: The institution may chose to adopt policies to impose sanctions including the following:

3.3.5.1. Alcohol and Drug Education: An offender may be required to attend alcohol and drug education classes.

3.3.5.2. Suspension or Psychological Evaluation and Counseling: A multiple or serious offender may be suspended from the institution or required to engage in psychological evaluation and counseling.

3.3.5.3. Suspension for an Extended Period: A student cited for multiple or very serious violations may be suspended for a minimum of one academic year.