

DRUG-FREE SCHOOLS, WORKPLACE AND COMMUNITIES POLICY

It is the policy of Henderson State University to maintain an educational and working environment which is free from the influence of unlawful drugs and the misuse of lawful drugs. Therefore, the university prohibits the unlawful use or possession of alcoholic beverages or unlawful drugs on any property owned or maintained by the university or as a part of any university activity. The university also prohibits the manufacture, unlawful sale, or unlawful distribution of drugs and alcoholic beverages on any property owned or maintained by the university or as a part of any university activity.

Drug- Free Workplace Act Requirements

Employees working for the university under the provisions of a federal grant are required to agree to abide by this policy and to notify the Chancellor's Office within five (5) days of any criminal drug statute conviction for a violation occurring in connection with their employment.

The provisions of this policy are designed to comply with rules published by the federal Office of Management and Budget on January 13, 1989, implementing the Drug-Free Workplace Act of 1988, and rules published by the federal Department of Education on August 16, 1990, implementing the Drug-Free Schools and Communities Act Amendments of 1989.

SANCTIONS FOR VIOLATIONS

Individuals who violate this policy will be subject to a number of sanctions imposed both by the university and by the state and federal criminal justice systems.

STATE CRIMINAL PENALTIES INCLUDE:

MANUFACTURE OR DELIVERY OF A CONTROLLED SUBSTANCE: It is unlawful for any person to manufacture, deliver, or possess with the intent to manufacture or deliver a controlled substance. Penalties for the manufacture or delivery of a controlled substance can range from three (3) years to life in prison, and fines of up to \$250,000.

MANUFACTURE OR DELIVERY OF A COUNTERFEIT SUBSTANCE: It is unlawful for any person to create, deliver, or possess with the intent to deliver a counterfeit substance purporting to be a controlled substance. Penalties for the creating and/or delivery of a counterfeit substance can extend to twenty (20) years in prison, and fines of up to \$15,000.

POSSESSION OF A CONTROLLED OR COUNTERFEIT SUBSTANCE: It is unlawful for any person to possess a controlled substance or counterfeit substance. Penalties for possession of a controlled or counterfeit substance can extend to ten (10) years in prison and fines of up to \$10,000.

PUBLIC INTOXICATION: A person commits the offense of "Public Intoxication" if (1) he or she appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree that he or she is likely to endanger himself/herself to other persons or property, or that he or she unreasonably annoys persons in his or her vicinity or (2) he or she consumes an alcoholic beverage in a public place. Penalties may include a fine of up to \$100 and/or imprisonment for up to 30 days.

DRINKING IN PUBLIC: A person commits the offense of drinking in public when she or he consumes alcohol in any public place. This includes consumption while in a vehicle, on a street, or highway. Penalties include a fine up to \$100 and/or imprisonment for up to 30 days.

DRIVING WHILE INTOXICATED/IMPAIRED: A person who drives a motorized vehicle when in an impaired mental state which represents a clear and substantial danger of physical injury to himself/herself or others commits

the offense of driving while intoxicated. Intoxication can occur from the ingestion of a controlled substance, prescription medication or alcohol. (Note that while a driver may be taking a prescription medication with a valid prescription, lawful use is not a defense to a charge of driving while impaired.) In the case of ingestion of alcohol, if a person's blood alcohol content exceeds .08 percent, that person is guilty whether or not they feel "intoxicated." Penalties for such an offense may include: (1) Suspension of driver's license for 90 to 120 days for the first offense (and additional days for subsequent offenses (three years for fourth offense)); (2) Imprisonment for no less than 24 hours and no more than one year for first offense (with additional imprisonment for subsequent offenses (minimum of one year and maximum of six years for fourth offense)); (3) Fines ranging from a minimum of \$150 to a maximum of \$1,000 on the first offense (fourth offense \$900 to \$5,000); (4) Payment of an additional court costs; (5) As an alternative to payment, the court may order the offender to perform public service work; and, (6) Completion of an alcohol education program or alcoholism treatment program.

POSSESSION OF ALCOHOL BY A "MINOR": It is illegal for a person under the age of 21 to possess alcohol. Penalties include a fine of up to \$500, suspension or revocation of driver license and probation under the direction of the court.

UNDERAGE DRIVING UNDER THE INFLUENCE: It is unlawful and punishable for any underage person (under 21) to operate or be in actual physical control of a motor vehicle while under the influence of an alcoholic beverage or similar intoxicant. If the person's blood alcohol content is .02 percent, up to .07 percent, that person is guilty whether or not they feel intoxicated. Penalties for a first offense can result in (1) suspension of driver's license for not less than 90 days or more than 120 days; (2) a fine of not less than \$100 nor more than \$500; (3) assignment to public service work; and/or (4) attendance at a state sponsored alcohol and driving education program. Penalties for subsequent offenses may include: (1) Suspension of driver's license for 90 days up to one year. (For third offense, revocation of license until age 21 or three years, whichever is longer). (2) Fines ranging from \$200 to \$1,000 for the second offense (\$500 to \$2,000 for offenses thereafter). (3) Public service work for at least 30 days for the second offense, 60 days for offenses thereafter. (4) Completion of an alcohol and driving education program. (5) Payment of an additional \$100 in court costs.

CONTRIBUTING TO THE DELINQUENCY OF A MINOR: A person commits the offense of "Contributing to the Delinquency of a Minor" if, being an adult, he or she knowingly purchases or provides an alcoholic beverage for a minor. Penalties include a fine of up to \$1,000 and imprisonment for up to one year.

PROVIDING ALCOHOL TO PERSON UNDER 21 YEARS: It is unlawful to knowingly furnish any alcoholic beverage to any person under 21 years of age. The first offense is a misdemeanor and the penalties include a fine up to \$500 and imprisonment for up to ten days. Subsequent offenses are felonies and the penalties include a fine and imprisonment up to five years.

CRIMINAL LIABILITY FOR SOCIAL HOSTS SERVING ALCOHOL TO PERSON UNDER 21 YEARS: It is unlawful for a person who is in control of private property to allow a person under the age of 21 years of age, who is not a family member, to consume alcohol in his presence. Penalties include fines up to \$500 and probation.

MAKING FAKE I.D.s: It is unlawful to manufacture or alter a personal identification document for the purpose of providing a person under the age of 21 years with the means to purchase alcohol. The first offense is a Class C felony with penalties of up to ten years in jail and a fine of up to \$10,000. Subsequent offenses are Class B felonies with penalties of up to twenty years in jail and a fine of up to \$15,000.

POSSESSING FAKE I.D.s: It is unlawful to possess a fraudulent or altered personal identification document for the purpose of providing a person under the age of 21 years with the means to purchase alcohol. It is also unlawful to attempt to use a fraudulent or altered personal identification document to purchase alcohol. Penalties include up

to one year in jail, suspension of driver's license for up to one year (or until the offender's 18th birthday) and a fine of up to \$1,000.

LOANING I.D.: It is unlawful to help someone unlawfully obtain an Arkansas driver's license or allow another person to use his driver's license for an unlawful purpose, such as allowing a person under the age of 21 year to purchase alcohol. Penalties may include jail incarceration and a fine of up to \$500.

FEDERAL CRIMINAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE INCLUDE:

21 U.S.C. 844 1st conviction: Up to 1 year imprisonment and fined at least \$1,000, but not more than \$100,000 or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500, but not more than \$250,000, or both. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000, but not more than \$250,000, or both.

Special sentencing provisions for possession for crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if: (1) 1st conviction and the amount of crack possessed exceeds 5 grams. (2) 2nd crack conviction and the amount of crack possessed exceeds 3 grams. (3) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a) (2) and 881(a) (7) Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack).

21 U.S.C. 881(a) (4) Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 884a Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 853a Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g) Ineligible to receive or purchase a firearm.

Miscellaneous

Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

Note: These are only federal penalties and sanctions. Additional state penalties and sanctions may apply.

SCHOLARSHIP ELIGIBILITY: To be eligible for the Arkansas Academic Challenge Scholarship Program applicants must certify that they are drug-free and must pledge to refrain from the use or abuse of illegal substances. This includes alcohol for applicants who are less than 21 years of age.

HEA DRUG PROVISION: The following provision was contained in subsection (r) of section 484 of the Higher Education Act of 1998 (see 20 U.S.C. 1091(r).)

(r) Suspension of eligibility for drug related offenses—

(1) IN GENERAL—A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval

specified in the following table: The possession of a controlled substance: First Offense—1 year Second Offense—2 years Third Offense—Indefinite The sale of a controlled substance: First Offense—2 years Second Offense—Indefinite

Rehabilitation—A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if—(A) The student satisfactorily completes a drug rehabilitation program that — (i) complies with such criteria as the Secretary shall prescribe in regulations for the purposes of this paragraph; and (ii) included two unannounced drug tests; or (B) the conviction is reversed, set aside, or otherwise rendered nugatory. (3) DEFINITIONS = in this subsection, the term ‘controlled substance’ has the meaning given the term is section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)). (2)

EFFECTIVE DATE—The amendment made by paragraph (1), regarding suspension of eligibility for drug-related offenses, shall apply with respect to financial assistance of cover the costs of attendance for periods of attendance for periods of enrollment beginning after the date of enactment of this Act.

UNIVERSITY SANCTIONS: Students will have sanctions imposed in accordance with the Judicial Process outlined in the Code of Student Rights, Responsibilities, and Conduct and/or Residence Life Student Handbook. These sanctions range from Educational Sanctions to Expulsion which permanently separates the offender from the university.

Employees will have sanctions imposed in accordance with the procedures outlined in the Faculty Handbook, Classified Staff Handbook and applicable ASU System policies. These sanctions range from reprimands to termination. In addition to sanctions and/or disciplinary action, the university may refer violations to the appropriate legal authorities for criminal prosecution. Each employee is required by law to inform the university within five days after he or she is convicted of violation of any federal or state criminal drug statute where the violation occurred on the university’s premises.

HEALTH RISKS ASSOCIATED WITH THE USE OF ILLICIT DRUGS AND THE ABUSE OF ALCOHOL: Some of the health risks posed by the use of alcohol and illicit drug are described in this publication. Please access the National Institute on Drug Abuse website for further information on the risks posed by these substances at www.drugabuse.gov.

ALCOHOL-Alcohol consumption causes a number of changes in behavior and physiology. Even low doses significantly impair judgment, coordination, and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued abuse may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle.

TOBACCO-Tobacco contains numerous chemicals that alter internal functions, including brain activity. Nicotine is a powerfully addictive substance. With sufficient exposure, tobacco has devastating effects on health including cancer, cardiovascular disease, respiratory conditions, and secondhand smoke deaths. Smoking is the single most preventable cause of death in the United States.

CANNABIS (Marijuana, Hashish)-The use of marijuana may impair short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

HALLUCINOGENS-Lysergic acid (LSD), mescaline, and psilocybin ("mushrooms") cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self inflicted injuries.

COCAINE/CRACK-Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

AMPHETAMINES-Amphetamines can cause a rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.

HEROIN-Heroin is an opiate drug that causes the body to have diminished pain reactions. The use of heroin can result in coma or death due to a reduction in heart rate. The sharing of needles also obviously poses serious health risks.

OXYCONTIN-Oxycontin, a prescription painkiller, is a narcotic drug that produces sedation, euphoria, respiratory depression, and constipation. Side effects also include nausea, vomiting, dizziness, headache, and sweating. The most significant risk associated with Oxycontin use is that it may lead to tolerance and dependence.

HYDROCODONE-Hydrocodone is a painkiller similar to codeine, but with more morphine-like effects.

Hydrocodone pills are the most frequently encountered dosage form in illegal traffic. As with most opiates abuse is associated with tolerance, dependence, and addiction.

DRUGS IN COMBINATION-Students often mistakenly believe prescribed medications are harmless, because they are so commonly used and shared. Many prescription medications such as Adderall, Ritalin, and Xanax can be extremely dangerous or even lethal when used improperly, in combination with other drugs (alcohol, marijuana, over-the-counter, or herbal remedies), or when used by an individual with an unsuspected, undetected medical condition.

DRUG OR ALCOHOL COUNSELING, TREATMENT, REHABILITATION AND RE-ENTRY PROGRAMS:

There are a number of groups, organizations, agencies, and hospitals which offer drug and alcohol abuse treatment and rehabilitation services and programs. The costs associated with these services and programs vary widely and are the responsibility of the patient. The Student Health Center can provide information and counseling for students with drug and/or alcohol-related problems and can provide assistance in locating off-campus professional assistance. Student Health Center: Mooney Hall, Suite 13; Phone: (870) 230-5102. The Office of Human Resources can provide assistance to employees with locating off-campus professional assistance. Human Resources; Womack Hall Second Floor; Phone (870)230-5627.

Other Resources: SAMHSA (Substance Abuse and Mental Health Services Administration) National Hotline 1-888-662-HELP (4357); Alcoholics Anonymous Hotline (501) 664-6042; and Narcotics Anonymous Help Line 800-338-8750.