

**UNIVERSITY OF CENTRAL ARKANSAS
BOARD POLICY**

Policy Number: 506

Subject: Drug-free Schools and Campuses

Date Adopted: 09/90 Revised: 12/12

This policy is mandated by and complies with the provisions of the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226).

1. ANNUAL DISTRIBUTION OF POLICY, IN WRITING, TO EACH STUDENT AND EMPLOYEE:

The vice president for student services will be responsible for providing a copy of the "Drug-free Schools and Campuses" policy on an annual basis to all students. The Office of Human Resources will provide a copy of this policy to all faculty and staff.

2. 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:

The university is committed to the maintenance of a drug- and alcohol-free workplace and the encouragement of a standard of conduct for employees and students that discourages the unlawful possession, use, or distribution of controlled substances and alcohol on its property or as part of any of its activities.

Therefore, the unauthorized or unlawful possession, use, manufacture, or distribution of controlled substances or alcohol by students and employees on university property or as a part of any university activity is expressly prohibited. Off-campus activities sponsored by recognized student organizations must abide by all local and state laws.

3. A DESCRIPTION OF APPLICABLE LEGAL SANCTIONS UNDER LOCAL, STATE, OR FEDERAL LAWS.

The following legal sanctions, at a minimum, may occur for violation of law:

- a. **Manufacture or Delivery of Controlled Substance:** It is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. Penalties for the manufacture or delivery of a controlled substance can range from three years to life in prison, and fines up to \$250,000, depending on the

quantity and type of drug. In addition, real and personal property used in the manufacture, delivery, or importing of controlled substances may be forfeited to the government. An enhanced penalty of 10 years can be added if the person is on or within 1,000 feet of the UCA campus.

- b. **Manufacture or Delivery of a Counterfeit Substance:** It is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance purporting to be a controlled substance. Penalties for the creating and/or delivery of a counterfeit substance can range from one to 20 years in prison, and fines up to \$15,000 depending on the type of drug being counterfeited.
- c. **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 range from one to 10 years in prison, and fines up to \$10,000, depending on the type of drug or counterfeit substance possessed.
- d. **Underage DUI Law.** The State of Arkansas has recently passed an "Underage DUI Law" (Act 863 of 1993) in which it is an offense for a person under the age of 21 with a blood alcohol content of .02 – .08 to operate or be in control of a motorized vehicle. 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 or more than \$500; (3) assignment to public service work; and (4) attendance at an alcohol and driving education program.
- e. **Driving While Intoxicated:** A person who operates or is in control of a motorized vehicle while influenced or affected by the ingestion of alcohol concentration of at least eight hundredths (.08), a controlled substance, or any intoxicant, commits the offense of driving while intoxicated. Penalties for such offense may include:
 - i. Suspension of license for six months for first offense (and additional days for subsequent offenses);
 - ii. Imprisonment for no less than twenty-four hours and no more than one year for the first offense (with additional imprisonment for subsequent offenses);
 - iii. Fines of no less than \$150 and not more than \$1,000 for the first offense (with harsher fines for subsequent offenses);
 - iv. Payment of an additional \$250 in court costs;
 - v. Or as an alternative to payment, public service work as deemed appropriate by the court;
 - vi. A requirement to complete an alcohol education program as prescribed and approved by the Arkansas Highway Safety Program, or an alcoholism treatment

program as approved by the Office on Alcohol and Drug Abuse Prevention; and

- vii. Upon an arrest for a first or second offense, the Office of Driver Services may restrict the person to operating only a motor vehicle that is equipped with a functioning ignition interlock device.

(.05 evidence) = A blood alcohol level of 0.5 may be considered with other competent evidence in determining guilt or innocence.

(.08 persuasive) = A blood alcohol level of .08 or more shall give rise to a presumption of intoxication.

f. **Public Intoxication – Drinking in Public:**

- i. A person commits the offense of **public intoxication** if he or she appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree and under circumstances such that:
- The person is likely to endanger himself or herself or another person or property; or
 - The person unreasonably annoys a person in his or her vicinity.
- ii. A person commits the offense of drinking in public if the person, other than in a place of business licensed to sell alcoholic beverages for consumption on the premises, consumes any alcoholic beverage:
- In any public place;
 - On any highway or street;
 - Upon any passenger coach, streetcar, or in or upon any vehicle commonly used for the transportation of passengers; or
 - In or about any depot, platform, waiting station or room, or other public place.

Public Intoxication/Drinking in Public is a Class C misdemeanor and can result in (1) a fine of up to \$100, and/or (2) imprisonment in the county jail (or other authorized institution) for up to 30 days.

- g. **Minor in Possession of Alcohol:** Any person under twenty-one (21) years of age who has purchased or is in possession of intoxicating liquor, wine, or beer, in violation of the “Minor in Possession of Alcohol” statute, will be subject to a

mandatory driver's license suspension for sixty (60) days by the Office of Driver Control, whether or not the person was in or about a vehicle at the time of arrest. Possession can include internal possession.

h. **Contributing to Delinquency of a Minor:** A person commits the offense of "Contributing to the Delinquency of a Minor" if, being an adult (18 and over), he or she knowingly aids, causes, or encourages a minor to do any act prohibited by law, such as purchasing or providing alcoholic beverages to a minor. Such an offense is a Class A misdemeanor and can result in (i.) a fine of up to \$1,000 and/or (ii.) imprisonment in the county jail (or other authorized institution) for up to one full year.

i. **Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance:**

21 U.S.C. 844(c) - 1st conviction: up to one year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After one 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 two or more prior drug convictions: at least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both if:

- a. 1st conviction and the amount of controlled substance which contains cocaine base ("crack cocaine") possessed exceeds five grams.
- ii. 2nd conviction and the amount of crack cocaine possessed exceeds three grams.
- iii. 3rd or subsequent conviction and the amount of crack cocaine possessed exceeds one gram.

The minimum sentence is required to be imposed and cannot be suspended or deferred.

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 one year imprisonment. (See special sentencing provisions re: crack cocaine).

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. 844a - 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 one year for first offense, up to five years for second and subsequent offenses.

19 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.

4. **DESCRIPTION OF HEALTH RISKS ASSOCIATED WITH THE USE OF ILLICIT DRUGS AND ABUSE OF ALCOHOL.**

- a. **Alcohol.** Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and adult abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

- b. **Cocaine.** Cocaine use can lead to nasal stuffiness and tender, bleeding nasal membranes, seizures, heart and respiratory failure, paranoia, and dependence (addiction).
- c. **Marijuana.** Marijuana use can lead to major lung diseases (e.g. emphysema, bronchitis); impairment of the immune system that fights off infection and disease; and reduction of the male hormone, testosterone.

5. DESCRIPTION OF AVAILABLE DRUG OR ALCOHOL COUNSELING, TREATMENT, OR REHABILITATION OR RE-ENTRY PROGRAMS:

There are a number of groups, offices, agencies, and hospitals in central Arkansas that offer drug treatment and rehabilitation services/programs. Information regarding these programs can be located in the yellow pages of the telephone directory under the headings "Alcoholism Information and Treatment Centers" and "Drug Abuse and Addiction Information and Treatment."

The UCA Counseling Center (501-450-3138) can provide referrals for those with alcohol and other drug problems. The UCA Health Resources Center (501-450-3133) provides information and Alcohol/Drug Awareness programming.

6. CLEAR STATEMENT OF THE DISCIPLINARY SANCTIONS THAT WILL BE IMPOSED ON STUDENTS AND EMPLOYEES:

Students violating the university policy on alcohol or drugs are subject to sanctions up to and including expulsion from the university and referral for prosecution. Any student allowed to remain in the university will, at a minimum, be required to successfully complete a university-sponsored alcohol and drug education course. Any employee violating any criminal alcohol or drug statute while in the work place will be subject to discipline up to and including termination.

7. BIENNIAL REVIEW OF PROGRAM TO DETERMINE ITS EFFECTIVENESS, IMPLEMENT CHANGES, AND ENSURE THAT DISCIPLINARY SANCTIONS ARE CONSISTENTLY ENFORCED.

The Drug-free Schools and Campuses policy will undergo a biennial review by the University Alcohol and Drug Abuse Prevention Committee. This committee makes recommendations to the vice president for student services.