

# **University Alcohol and Illegal Drug Policy**

SBU takes a position of abstinence, whether on campus or off campus, regarding the issue of alcohol. The student will be subject to disciplinary action if behavior is found to be inconsistent with the stated position of the University. The University alcohol policy prohibits consumption, possession, or distribution of alcoholic beverages on campus and at off campus university sponsored functions. It is unacceptable for any person to be on campus while under the influence of alcohol. (Students in such condition may seek help from university officials but are still subject to disciplinary action.)

## **University Sanctions for Alcohol Policy Violation**

Students who fail to abide by the University's alcohol policy are subject to disciplinary action. The status of Dismissal with Suspended Imposition of Sentence is for first time offenders. Students placed on this status are referred to an approved counselor for assessment. Students must follow all recommendations and are financially responsible for all services. Additional educative requirements may be specified, depending upon the situation. Failure to follow all of the specified guidelines by a stipulated deadline will result in the termination of student status. A second offense will result in the immediate termination of student status.

Students may voluntarily submit to alcohol counseling, evaluating, or treatment without disciplinary action being taken. Participation in an alcohol program may not, however, be used as an excuse for continued violation of the University's alcohol policy.

## **Local, State, and Federal Legal Sanctions for Alcohol Offenses**

The standards of conduct are developed through the mission and function of the University and are not limited to standards of criminal action. The University will cooperate with any investigation of suspected illegal action by students.

### **Local Sanctions**

Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his possession, any intoxicating liquor as defined in this ordinance is guilty of a misdemeanor. (Ord. 497 s-4). City of Bolivar Municipal Codes. Section 250.040. Any person violating any of the provisions of any Section of the Chapter (245) shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term of not more than one year, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) or by both such fine and jail sentence. (Ord. 497 s-5 and 9). City of Bolivar Municipal Codes. Section 250.080.

### **State Sanctions**

Missouri Statutes prohibit the following acts:

Purchase or possession by a minor. Any person under 21 years of age, who purchases, attempts to purchase any intoxicating liquor is guilty of a misdemeanor. Section 311.325, R.S.Mo. (1986). This offense is punishable by a fine of not less than \$50.00 or more than \$1000.00, or by imprisonment in the county jail for up to 1 year, or by both jail sentence and fine. Section 311.880, R.S.Mo. (1986).

Supplying intoxicating liquor to any person under 21 years of age. Any person who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor. Section 311.310, R.S.Mo. (1986).

Any person under 21 years of age who is convicted of any local or state offense involving the possession of alcohol will be required to complete an approved alcohol-related education program. Section 577.525, R.S.Mo. (1990 Supp.).

Any person under 21 years of age who is convicted of any offense 36 37 involving the possession or use of alcohol, committed while operating a motor vehicle, or any alcohol-related traffic offense, or upon a second conviction of any offense involving the possession or use of alcohol, will lose his or her driver's license for 1 year. Section 577.500, R.S.Mo. (1990 Suppl.). It is a misdemeanor to enter a drunken or intoxicated condition or to drink or offer to drink intoxicating liquors in a schoolhouse. Section 547.075, R.S.Mo. (1986).

## **University Policy on Illegal Drugs**

The unlawful manufacture, use, possession, dispensing or distribution of illegal narcotics, hallucinogenic drugs, controlled substances (as defined by Missouri statutes) or controlled medications without a doctor's prescription or hosting gatherings where such substances are used, is prohibited. In addition to any other penalties that may be imposed on a student for violating the University's policy on illegal drugs, any student employed in the work study program or through campus employment will be terminated. As a condition of accepting employment as a work study student, a student does hereby agree to abide by the above statement and should the student be convicted of any criminal drug statute occurring in the workplace, the student will notify the University's personnel office in writing in five days.

## **University Sanctions for Violation of Policy on Illegal Drugs**

Students who violate the University policy on illegal drugs are subject to the termination of student status.

## **Local, State and Federal Legal Sanctions for Illegal Drugs**

### **Local sanctions**

It is unlawful for any person to manufacture, possess have under his control, sell, prescribe, administer, dispense, distribute or compound any substance which is now, or which may

hereafter be declared unlawful to possess, have under his control, sell, prescribe, administer, dispense, distribute or compound under the provisions of Chapter 195 of the Revised Statutes of Missouri and the Rules and Regulations of the Missouri Department of Health propounded pursuant to the authority of said Chapter except such possession, control, sale, prescription, administration and disposition, distribution or compounding which is specifically authorized under the provisions of said chapter 195; or to possess any apparatus, device, or instrument for the unauthorized use of any such controlled substance. (ord. 651 s-1. City of Bolivar Municipal Codes. Section 245.010.)

Any person found guilty of the violation of this Chapter (245) shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished as follows:

For the first offense of possession or delivery without remuneration of 35 grams or less of marijuana, such person shall be punished by a fine not to exceed \$100.00 or by confinement in the County Jail not to exceed ten (10) days, or by both such fine and confinement.

For the second and subsequent offense of the possession of delivery without remuneration to any other person of 35 grams or less of marijuana and for all other offenses under the terms of this Chapter, such person shall be punished by a fine not to exceed \$500.00 or by confinement in the County Jail for a term not to exceed One Hundred (100) days, or both such fine and confinement. (Ord. 651 s-3. city of Bolivar Municipal Codes. Section 245.030.

### **State sanctions**

Possession of a controlled substance. It is unlawful for any person to possess or have control of a controlled substance. Section 195.202, R.S.Mo. (1990 Supp.).

Any person who violates this section with respect to any controlled substance except 35 grams or less of marijuana is guilty of a class C felony, punishable by imprisonment for up to 7 years, a fine of up to \$5,000.00 or double the amount of the offender's gain from the crime up to \$20,000.00, or

both imprisonment and fine. Sections 560.011, 448.011, R.S.Mo. (1986). Any person who violates this section with respect to not more than 35 grams of marijuana is guilty of a class a misdemeanor, punishable by imprisonment for up to 1 year, or a fine of up to \$1,000.00 or both imprisonment and fine. Sections 560.016, 558.011, R.S.Mo. (1986).

Any person under 21 years of age who is convicted of any offense involving the possession of a controlled substance will have his driver's license revoked for 1 year. section 577.500, R.S.Mo. (1990 Suppl). Distribution, delivery, manufacture, or production of a controlled substance. It is illegal for any person to distribute, deliver, manufacture, or produce or attempt to distribute, deliver, manufacture or produce a controlled substance. Section 195.211, R.S.Mo. (1990 Suppl). Violation of this section with respect to any controlled substance except with respect to 5 grams or less of marijuana is a Class B Felony, Punishable by imprisonment for not less than 5 years and not more than 15 years. Section 560.011, R.S.Mo. (1986).

Unlawful distribution to a minor. It is illegal to distribute or deliver any controlled substance to a person under 17 years of age, who is also two years younger than the person so delivering. Section 195.212, R.S.Mo. (1990 Supp.). Violation of this section is a Class B felony, punishable by imprisonment for not less than 5 years or more than 15 years. Section 558, R.S.Mo. (1986).

Distribution of a controlled substance near schools. It is illegal to distribute or deliver any controlled substance to a person in or on, or within 1,000 feet of, property comprising a public or private elementary or secondary school, public vocational school, or a public or private junior college or University. Section 195.214, R.S.Mo. (1990 Supp.).

Distribution of controlled substances near schools is a Class A Felony, punishable by imprisonment for a term of not less than 10 years and not exceeding 30 years, or life imprisonment. Section 558.011, R.S.Mo. (1986). 38 39

### **Trafficking Drugs**

A person commits the crime of trafficking drugs in the first degree if he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:

1. More than 30 grams of a substance containing heroin;
2. More than 150 grams of a substance containing coca leaves;
3. More than 150 grams of a substance that contains a cocaine base;
4. More than 500 milligrams of a substance containing LSD;
5. More than 30 grams of a substance containing PCP;
6. More than 30 kilograms of a substance containing marijuana; or
7. More than 150 grams of any illegal stimulates. Section 558.011, R.S.Mo. (1986).

Violation of this law is a Class A felony, punishable by a term of imprisonment for up to life without possibility of probation or parole. Section 195.222, R.S.Mo. (1990 Supp.); Section 558.011, R.S.Mo. (1986).

A person commits the crime of trafficking drugs in the second degree if he possesses or has under his control purchases or attempts to purchase, or brings into this state:

1. More than 30 grams of a substance containing heroin;
2. More than 150 grams of a substance containing coca leaves;
3. More than 2 grams of a substance that contains a cocaine base;
4. More than 500 milligrams of a substance containing LSD;
5. More than 30 grams of a substance containing PCP;
6. More than 30 kilograms of a substance containing marijuana; or
7. More than 150 grams of any illegal stimulates. Section 195.223, R.S.Mo. (1990 Supp.).

Violation of this law is a Class B felony, punishable by a term of imprisonment of not less than 5 years or more than 15 years. Violation with larger amounts may be a Class A felony, punishable by imprisonment for a term of 10 to 30 years, or life. section 195.223, R.S.Mo. (1990 Supp.); Section 558.011, R.S.Mo. (1986).

Any money found in close proximity to any controlled substance, or anything of value exchanged for a controlled substance, may be forfeited to the state. section 195.140, R.S.Mo. (1986). Any vehicle, vessel or aircraft which is used in the possession or transportation of a controlled substance may be forfeited to the state and sold a public auction. Section 195.145, R.S.Mo. (1990 Supp.).

### **Federal sanctions**

The United States code prohibits the following acts: Simple possession. It is illegal for any person to knowingly or intentionally possess a controlled substance. 21 U.S.C. Section 844. Violations of this section are punishable by imprisonment for up to 1 year, a minimum fine of \$1,000.00 or both. After a prior conviction for any drug offense, the violator shall be imprisoned for a term of at least 15 days and not more than 2 years, and fined a minimum of \$2,500.00. A third conviction carries a penalty of imprisonment for at least 90 days but no more than 3 years, and a minimum fine of \$5,000.00.

Civil penalties up to \$10,000.00 per violation may be assessed against any individual who knowingly possesses a controlled substance as listed in section 401 (B) (1) (A) of the Controlled Substances Act, where the amount in possession is determined to be a personal use amount. 21 U.S.C. Section 844.

Where a person at least 18 years of age distributes a controlled substance to any person under 21 years of age, or where a person possesses with intent to distribute, distributes or manufactures a controlled substance in or on, or within 100 feet of a public or private elementary, secondary, vocational or public or private college, junior college or University, or within 1,000 feet of a playground, youth center, public swimming pools or video arcade facility, the punishment shall be a term of imprisonment of twice the amount of time and a fine of twice the amount above-provided. 21 U.S.C. Sections 845,845a.

Any person convicted of a drug offense under these federal laws shall forfeit to the government any property derived from or obtained directly or indirectly as a result of the violation, or any property used to commit or facilitate the violation. 21 U.S.C. Section 852.

Any person who is convicted of any federal or state offense consisting of the distribution of controlled substances may be ineligible for any and all federal benefits for a minimum of 1 year. 21 U.S.C. section 853a.

Any person who is convicted of any federal or state offense involving possession of a controlled substance may be ineligible for any and all federal benefits for a minimum of one year. 21 U.S.C. Section 853a." Federal benefit" includes any grant or loan provided by an agency of the United States or through appropriated United States funds. 21 U.S.C. Section 853a.

## **Health Risks**

### **Alcohol**

Even low doses significantly impair judgment and coordination. Moderate to high dose cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. It results in an inability to deal realistically with problems and increases aggressive behavior. High doses can cause respiratory depression and death. Alcohol can permanently damage the liver, heart, and brain. If used during pregnancy, it can damage the baby. High doses may cause death.

### **Tobacco**

Smoked or smokeless tobacco is a health hazard. Long-term health effects include cancer and heart and lung disease. Smoking is considered to be the leading preventable cause of death in the United States. Amphetamines (Speed, Uppers) Can cause a feeling of panic and careless behavior. It can be addictive and can cause brain damage when used in large doses.

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### **Sedatives**

Slows mental processes and reflexes. They are often addictive. Continued use can cause kidney and liver damage or death by overdose, especially if mixed with alcohol.

### **Inhalants**

Inhaling paint, glue, dry cleaning fluids, etc. can cause harm to one's vision, memory, thought processes, memory and coordination. They are usually poisonous and many can kill instantly by interfering with breathing or causing heart failure.

### **Anabolic steroids**

The use of steroids may result in more than 70 side effects ranging in severity from liver cancer, heart and reproductive system damage to acne. Psychological effects such as aggression or depression may occur. Even years after discontinuing steroids, they may result in heart attacks and strokes.

### **Depressants**

The effects are similar to the effects of alcohol. Large doses can cause slurred speech, staggering and altered perception. Very large doses can cause respiratory depression, coma and death.

### **Hallucinogens**

Phencyclidine (PCP) interrupts the function of the section of the brain that controls the intellect and keeps instincts in check. Memory and speech problems may result as well as self-inflicted

injuries, mood disorders, depression, anxiety, and violent behavior. Large doses may result in convulsions, coma, heart and lung failure. Severe reactions to LSD often occur. Individuals may have delayed effects or flashbacks after discontinued use.

### **Narcotics**

Initially produce feelings of euphoria followed by drowsiness, nausea, and vomiting. Other symptoms include constricted pupils, watery eyes and itching. An overdose may result in slow, shallow breathing clammy skin, convulsions, coma, and possible death. The use of contaminated syringes may result in diseases such as AIDS, endocarditis, and hepatitis. The use of narcotics while pregnant could result in premature, stillborn, or addicted infants.

### **Designer drugs**

These drugs are produced from chemicals and are often several hundred times stronger than the drugs being imitated. They can produce severe neurochemical damage to the brain. Symptoms similar to Parkinson's disease, anxiety, depression, and paranoia may result. They may also cause illusions, hallucinations, and impaired perception. The descriptions of health risks were obtained through What Works: Schools without Drugs, United States Department of Education 1989.

### **Drug and Alcohol Counseling Treatment or Rehabilitation Programs**

The counseling center provides confidential counseling and will make referrals for assessment and / or treatment. The University will review the alcohol program biennially to determine its effectiveness and will implement changes if they are needed and ensure that the sanctions are consistently enforced.