

DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM

Drug-Free School Policy

The Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226, requires that, as a condition of receiving funds or any other form of financial aid assistance under any Federal program, an institution must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The purpose of this policy is to implement these statutory requirements. The possession or use of controlled substances, illicit drugs, and the unlawful possession and use of alcohol is both illegal and harmful. Consequently, the unlawful possession and/or use of controlled substances, illicit drugs, or alcohol will not be permitted on the College campus or any of its off-campus sites.

College Sanctions for Alcohol and Drugs

Students – In accordance with the Student Code of Conduct, it is prohibited to possess, use, manufacture, distribute, or to be under the influence of alcohol or illicit drugs. Violation of this policy could result in disciplinary suspension or expulsion and the filing of criminal charges, if applicable.

Employees – In accordance with the Faculty and Staff Handbook, any violation of the Drug-Free School Policy will result in the violator's dismissal from employment at the College. Law enforcement officials will be called for possible prosecution by appropriate federal, state, or local law enforcement agencies.

Legal Sanctions for Alcohol and Drugs

This information is provided to inform you of some of the alcohol and drug related state and federal laws. This is not an all-inclusive list. For more information about alcohol and drug laws, please contact the UACCM Department of Public Safety.

- **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 (3) years to life in prison, and fines up to \$250,000, depending on the quality 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.
- **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 (1) to twenty (20) years in prison, and fines up to \$15,000 depending on the type of drug being counterfeited.

- 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 (1) to ten (10) years in prison, and fines up to \$10,000 depending on the type of drug (or counterfeit) possessed.
- Underage DUI law – The State of Arkansas has 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 or greater (approximately one (1) or two (2) beers or hard drinks of liquor) to operate 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 nor more than \$500; (3) assignment to public service work; and/or (4) attendance at a state sponsored alcohol and driving education program.
- Driving while intoxicated – A person who drives a motorized vehicle while influenced or affected by the ingestion of alcohol, a controlled substance, or any intoxicant, commits the offense of driving while intoxicated. Penalties for such offense may include: (1) suspension of license for 90 to 120 days for the first offense (and additional days for subsequent offenses); (2) placement on probation for first offenders who plead guilty or nolo contendere prior to the adjudication of guilt; (3) imprisonment for no less than 24 hours and no more than one year for the first offense (with additional imprisonment for subsequent offenses); (4) fines of no less than \$150 and no more than \$1,000 for the first offense (with stiffer fines for subsequent offenses); (5) payment of an additional \$250 in court costs, or as an alternative to payment, public service work as deemed appropriate by the courts; and (6) 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. A blood alcohol level of .05 may be considered with other competent evidence in determining guilt or innocence. A blood alcohol level of .10 or more shall give rise to a presumption of intoxication.
- Public intoxication – A person commits the offense of “Public Intoxication” if (1) he appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree that he is likely to endanger himself, other persons or property, or that he unreasonably annoys persons in his vicinity; or (2) he consumes an alcoholic beverage in a public place. Public intoxication 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.
- Contributing to delinquency of a minor – A person commits the offense of “contributing to the delinquency of a minor” if, being an adult, he knowingly purchases or provides alcoholic beverages for a minor. Such an offense is a Class A misdemeanor, and can result in (1) a fine of up to \$1,000 and/or (2) imprisonment in the county jail (or other authorized institution) for up to one full year.

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

- *21 U.S.C. 844©* – First conviction: up to one (1) year imprisonment and fined at least \$1,000 but not more than \$100,000, or both. After first prior drug convictions: at least 15 days in prison, not to exceed two (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 three (3) years and fined at least \$5,000 but not more than \$250,000, or both. Special sentencing provisions for possession of crack cocaine: mandatory at least five (5) years in prison, not to exceed 20 years and fined up to \$250,000, or both if: (a) first conviction and the amount of crack possessed exceeds 5 grams, (b) second crack conviction and the amount of crack possessed exceeds 3 grams, © third or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.
- *21 U.S.C. 953(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 (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. 844(a)* – Civil fine of up to \$10,000.
- *21 U.S.C. 853(a)* – 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 or subsequent offenses.
- *19 U.S.C. 922(g)* – Ineligible to receive or purchase a firearm.
- *Misc.* – Revocation of certain Federal licenses and benefits, (e.g., pilot license, public housing, etc.) are vested within the authorities of individual Federal agencies.

Health Risks of Drug and Alcohol Use

Illicit drugs as well as alcohol and other drugs have various effects on the body and mind. The initial, short-term effects may be positive feelings like alertness, optimism, self-confidence, energy or stress relief. However, the secondary, long-term, negative effects far exceed the initial positive effects.

The use of alcohol impairs reasoning and clouds judgment. Long term drinking can lead to alcoholism and liver and heart disease. A person who begins drinking early in life is more likely to become a heavy drinker during adolescence and to experience alcohol abuse or dependence in adulthood.

Effects of drug and alcohol use on the body:

- mood swings/impaired judgment
- depression/mania
- sleep disturbances and irritability
- increase in aggressive or combative behavior
- heart and/or breathing difficulties/death
- increased susceptibility to bacterial and viral infections

- liver damage

Signs that indicate a person is becoming dependent on a substance:

- Increased tolerance. It takes more and more to get the desired effect. This increases the risk of overdose.
- Changes in relationships with friends and family.
- Withdrawal symptoms such as nausea, shakiness, headaches, convulsions, or hallucinations.
- Psychological dependence – thinking that using a substance will help him or her get through the day.