

**POLICIES AND PROCEDURES
OUACHITA TECHNICAL COLLEGE**

SUBJECT AREA: Personnel Policies and Procedures

POLICY/PROCEDURE: Drug and Alcohol Free Campus Policy

DATE: September 21, 2000

NUMBER: 5.52

REVISION(S):

I. Rationale

The College has developed the Drug and Alcohol Free Workplace policy to comply with Public Law 101-226, entitled Drug Free School and Communities Act Amendment of 1989, and Arkansas Act 1552 if 1999, as outlined in the Arkansas Code Annotated (A.C.A. Ch. 11 Sec.14).

Pursuant to these laws the College is committed to maintaining a drug and alcohol free workplace for employees and students. This is an essential part of ensuring the safety of employees and students while at work and school, and eliminating poor job and intellectual performance, inefficient operations, College rule violations, or any unethical behavior.

II. Health Risks

The use of alcohol, certain drugs, and controlled substances is known to be detrimental to physical and psychological well-being. Their use is associated with a wide variety of health risks including, but not limited to, damage to the lungs and respiratory system, the reproductive system, the brain, the immune system, the digestive tract, the liver, and the kidneys. Use of these substances can also result in loss of concentration and judgment, changes in personality, loss of memory, coma, and death. Some specific examples include, but are not limited to:

A. 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, that often causes permanent damage to vital organs and deterioration of a healthy lifestyle. Extremely heavy consumption of alcohol, in a short period of time, may result in alcohol poisoning and death.

B. Cannabis (Marijuana, Hashish)

The use of marijuana may impair or reduce 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 29 to 30 days.

C. Hallucinogens (LSD, Mescaline, and Psilocybin)

Hallucinogens 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.

D. 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 free base rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

E. Amphetamines

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

F. 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.

III. Counseling and Treatment Programs

There are a number of groups, offices, agencies, and hospitals 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. A full listing is also found in the OTC Drug and Alcohol-Free Workplace Manual. The OTC Counseling staff can provide referrals for those with alcohol and other drug problems. The OTC Counseling Center also provides information and Alcohol/Drug Awareness programming.

IV. Statement Of Disciplinary Action

Students violating the College policy on alcohol or drugs are subject to sanctions up to and including expulsion from the College and referral for prosecution. Students who use or possess hard drugs or large quantities of marijuana are typically suspended from the College. Any student allowed to remain in the College will, at a minimum, be required to successfully complete a College sponsored alcohol and drug education program. Employees violating any criminal drug statute while in the work place will be subject to discipline up to and including termination. (See **COPP 2.47**)

A. Applicable Legal Sanctions For Alcohol And Drugs

1. **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 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.

2. **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 creating and/or delivering 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.
3. **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.
4. **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:
 - a. suspension of license for 90 to 120 days for the first offense (and additional days for subsequent offense);
 - b. placement on probation for first offenders who plead guilty or nolo contendere prior to the adjudication of guilt;
 - c. imprisonment for no less than 24 hours and no more than one year for the first offense (with additional imprisonment for subsequent offenses);
 - d. fines of no less than \$150 and no more than \$1,000 for the first offense (with stiffer fines for subsequent offenses);
 - e. payment of an additional \$250 in court costs, or as an alternative to payment, public service work as deemed appropriate by the courts; and
 - f. a requirement to complete an alcohol education programs prescribed and approved by the Office on Alcohol and Drug Abuse Prevention. A blood alcohol level of .10 or more shall rise to a presumption of intoxication.

5. **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 in a Class C misdemeanor, and can result in (1) a fine of up to \$150, and/ or (2) imprisonment in the county jail (or other authorized institution) for up to 30 days.
6. **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.

B. Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

21 U.S.C. 844(c) – 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 9 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, (c) 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 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 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.

AUTHENTICATION (Signature):		COPP
_____	9/21/2000	
President	(Date)	5.52