

Drug and Alcohol Abuse Prevention Program

I. PURPOSE

The purpose of this policy and program is to identify College of Saint Mary as a drug-free workplace, and to outline a continuing program of drug-free awareness for all employees and students.

II. POLICY

College of Saint Mary is committed to creating for its students, faculty and staff an environment in which the misuse of alcohol and drugs is minimized, which encourages moderation, safety and individual accountability, and which provides an atmosphere free of coercion and peer pressure to abuse alcohol or to use unlawful drugs.

Controlled Substances

Under the Federal Drug-Free Workplace Act the College will not tolerate the illegal use of drugs at any location where College business is conducted. The term "controlled substance" shall mean any substance, the possession and/or consumption of which is prohibited by the criminal law of the State of Nebraska. A list of these substances may be found at Section 28-405 of the Nebraska Statutes.

All students, faculty and staff are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using any substances illegal or controlled in the workplace or on the college campus.

Employees – Staff and Faculty

Any employee violating the above policy or an employee, who the College, based upon a reasonable suspicion, believes is under the influence of a controlled substance, is subject to discipline, up to and including termination. A reasonable suspicion of being under the influence shall be based upon behavioral observations including, without limitation, erratic or violent behavior, paranoia, sudden outbursts of anger, agitation, hallucinations, depression, excessive absenteeism, excessive tardiness, unacceptable interrelationships with employees or students or decreased performance. As an alternative to, or in conjunction with, other disciplinary actions, The College may, at its sole discretion, offer an employee the opportunity to successfully complete a drug abuse program sponsored by an approved private or governmental institution.

The College provides employees with an Employee Assistance Program (EAP) through Alegent Health. The EAP has an education program for all employees on the dangers of drug abuse in the workplace.

To assist employees in overcoming drug abuse problems, the College may offer the following rehabilitative help:

- Medical benefits for substance-abuse treatment
- Information about community resources for assessment and treatment
- Employee Assistance Program

In addition, the College will provide supervisory training to assist in identifying and addressing illegal drug use by employees.

Any employee convicted of violating a criminal drug statute in this workplace must inform the College of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to inform the College subjects the employee to disciplinary action, up to and including termination. By law, Human Resources will notify the federal/state contracting officer within 10 days of receiving such notice from an employee or otherwise receiving notice of such conviction.

If an employee is convicted of violating a criminal drug statute in the workplace the College reserves the right to offer participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

Students

Any student violating the above policy is subject to discipline, ranging from verbal reprimand to expulsion and referral for prosecution as outlined in the Student Handbook – Code of Conduct.

The College provides students with a Counseling Assistance Program (CAP) through Alegent Health. CAP has an education program for all students on the dangers of drug abuse in the workplace.

Alcohol

College of Saint Mary does not encourage consumption of alcoholic beverages, nor does it promote the use or abuse of them and adheres to the laws of the state of Nebraska.

Employee

College of Saint Mary will not reimburse employees for the cost of alcoholic beverages consumed while the employee is traveling on College-related business or otherwise engaged in College-related business, unless approved by the President. Alcohol may not be served at a College function, on or off campus, unless approved by the President.

The College prohibits employees from consuming any alcohol when such employee is traveling with students or is serving as a chaperone for students at a College-related event. Special

exceptions may be made by the president's office for on campus events involving the public and select groups of students (e.g. athletic banquets, scholarship receptions with donors).

The College prohibits employees from operating a College motor vehicle while in the possession of an open container of alcohol, and/or while under the influence of alcohol or any other illegally intoxicating substance. Such behavior may result in immediate termination from the College, as well as criminal sanctions.

Any employee violating the above policy or an employee, who the College, based upon a reasonable suspicion, believes is under the influence of a controlled substance, is subject to discipline, up to and including termination. A reasonable suspicion of being under the influence shall be based upon behavioral observations including, without limitation, slurred speech, unsteady gait, staggering, alcohol on the breath, excessive absenteeism, excessive tardiness, unacceptable interrelationships with employees or students or decreased performance. As an alternative to, or in conjunction with, other disciplinary actions, The College may, at its sole discretion, offer an employee the opportunity to successfully complete a drug-abuse and/or alcohol abuse program sponsored by an approved private or governmental institution.

Student

College of Saint Mary does not permit students under the age of 21 to possess or consume alcoholic beverages on campus. The following policies are in effect:

1. Students 21 years of age or older may consume alcohol in their own residence hall room, or the room of another resident who is 21 years of age or older, with no more than five individuals present.
2. Students 21 years of age or older may not possess or consume alcohol in the presence of minors (under 21). Students 21 years of age or older are strictly forbidden from offering, providing, or selling alcohol to minors.
3. Consumption of alcohol and/or possession of open containers in public areas, including parking lots and residence hall lounges, are not permitted on campus. Exceptions will be made for events sponsored by the Student Senate, RHC or others where the coordinator of Student Leadership & Organizations grants specific permission for the event. Provisions for compliance with the legal age, safety, security, and availability of food and alternative beverages will be considered in determining approval. For these events, students must obtain a third-party vendor and there must be a separate section where only those students 21 years of age or older who wish to consume alcohol are allowed.
4. Kegs, beer balls, and all other common bulk alcohol containers are not permitted on campus.
5. Any student who becomes intoxicated or who, while under the influence of alcohol, acts in a manner detrimental to her own good name or the good name of the College, will be subject to disciplinary sanctions, including potential notification of parents and possible expulsion. This expectation exists regardless of the location of the behavior (on- or off-campus), or whether the student is participating in college-related or sponsored activities.

Parents may be notified if it is anticipated that a student infraction may result in disciplinary probation, removal, suspension and/or expulsion, if the student is: (1) age 18 or younger, and/or (2) financially dependent on her parent(s) (as defined by the Federal government for income tax purposes), or (3) when the student is in violation of law or policy governing the use of alcohol or drugs, if the student is under 21.

III. PROGRAM

The College will maintain an ongoing drug-free awareness program that will aim to educate employees about the dangers of drug abuse in the workplace, the College's drug-free workplace policy, the penalties that may be imposed for drug abuse violations, and the availability of counseling, rehabilitation, and employee-assistance services. The program will include:

- Drug and Alcohol Abuse Prevention Program will be made available to all students, faculty and staff during the month of September of each academic year.
- The program and policy will be reviewed and amended or revised in accordance with our experience and with changes in applicable local, state, or federal laws and regulations.

IV. DESCRIPTION OF APPLICABLE LEGAL SANCTIONS UNDER FEDERAL, STATE OR LOCAL LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL

The information on the following pages summarizes selected provisions of Federal, State, and local laws which provide criminal and civil penalties for unlawful possession or distribution of drugs and alcohol.

Federal Penalties and Sanctions for Illegal Possession of Controlled Substances:

- **21 U.S.C. § 844(a)**

1st Conviction: Up to 1 year imprisonment and fine of at least \$1,000 or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fine of at least \$2,500. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fine of at least \$5,000. Special sentencing provisions for possession of crack cocaine: Mandatory minimum 5 years in prison, maximum 20 years and minimum fine of \$1,000, if:

- a. 1st conviction and the amount of crack possessed exceeds 5 grams.
- b. 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
- c. 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. § 844(a)**

Civil fine of up to \$10,000.

- **21 U.S.C. § 862**

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.

The United States Department of Justice, Drug Enforcement Administration, provides information on Federal trafficking penalties on the following web link:

www.usdoj.gov/dea/agency/penalties.htm

State Penalties and Sanctions for Illegal Possession of Controlled Substances

The framework for the regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act. In addition, there are other Nebraska State laws which establish penalties for various drug related offenses which are summarized below.

Crimes Involving Minors: Any person 18 years of age or older who distributes, delivers or sells controlled substances to a person under the age of 18 years shall be punished by the next higher penalty classification for a first offense or second offense involving drugs such as heroin, speed, cocaine, LSD, or pentazocine. The law also provides for an enhanced penalty for anyone 18 years of age or older to employ, use, persuade, or coerce any person under the age of 18 years to manufacture, transport, distribute, carry, deliver, dispense, or possess with intent to do the

same of a controlled substance or a counterfeit controlled substance. Neb. Rev. Stat. § 28-416(4) and (5) (Supp. 1999).

Tax Provisions: Anyone who possesses or sells the following amounts of controlled substances must pay the appropriate taxes to the Nebraska Department of Revenue and have the stamps attached to the controlled substances:

- Marijuana is taxed at \$100 for each ounce or portion of an ounce.
- Any controlled substance which is sold by weight or volume (i.e., cocaine, crack, methamphetamine, etc.) is taxed at \$150 for each gram or portion of a gram.
- Any controlled substance which is not sold by weight (i.e., LSD, quaaludes, methamphetamine in tablets, PCP, etc.) is taxed at \$500 for each 50 dosage units or portion thereof.
- Failure to have the proper tax stamps attached to the controlled substance carries a criminal penalty of up to five years imprisonment or a \$10,000 fine or both. A penalty equal to 100% of the unpaid tax will also be assessed and both the tax and the penalty may become a lien upon the property owned by the person against whom the tax is assessed. Neb. Rev. Stat. §§ 77-4301 to 77-4316 (Reissue 1996).

Property Forfeiture: Property used to manufacture, sell or deliver controlled substances can be seized and forfeited to the state. Property subject to forfeiture may include cash, cars, boats, and airplanes. Neb. Rev. Stat. § 28-431 (Cum. Supp. 1998).

Being Under the Influence of Any Controlled Substance for Unauthorized Purpose: It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings. Neb. Rev. Stat. § 28-417(1) (g) (Reissue 1995).

Drug Paraphernalia Offenses: It is a violation of Nebraska law to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Reissue 1995). "Drug paraphernalia" is defined to include such things as hypodermic syringes, needles, pipes and bongs and other items used, intended for use or designed for use with controlled substances. Neb. Rev. Stat. § 28-439 (Reissue 1995). It is unlawful to deliver or manufacture drug paraphernalia. Neb. Rev. Stat. § 28-442 (Reissue 1995). It is a violation of Nebraska law for a person 18 years of age or older to deliver drug paraphernalia to a person under the age of 18 who is at least 3 years his or her junior. Neb. Rev. Stat. § 28-443 (Reissue 1995).

A violation of Neb. Rev. Stat. § 28-441 is punishable by a fine of not more than \$100 for first offense, not less than \$100 and not more than \$300 for second offense, and not less than \$200 and not more than \$500 on third or subsequent conviction. Neb. Rev. Stat. §§ 28-441 and 29-436 (Reissue 1995). The penalty for violation of Neb. Rev. Stat. § 28-442 is not more than six months imprisonment or \$1,000 fine or both. Neb. Rev. Stat. § 28-442 (Reissue 1995) and § 28-106 (1) (Cum. Supp. 1998). The penalty for violation of Neb. Rev. Stat. § 28-443 is imprisonment

for not more than one year, or \$1,000 fine, or both. Neb. Rev. Stat. § 28-443 (Reissue 1995) and § 28-106 (1) (Cum. Supp. 1998).

Imitation Controlled Substances: It is a violation of Nebraska law to knowingly, intentionally manufacture, distribute, deliver or possess with intent to distribute or deliver an imitation controlled substance. "Imitation controlled substance" is a substance which is not a controlled substance but which is represented to be an illicit controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 1995). First offense violations of this law are punishable by three months imprisonment, or \$500 fine, or both. A second offense violation of this statute is punishable by not more than six months imprisonment, or \$1,000 fine, or both. Neb. Rev. Stat. § 28-445 (Reissue 1995) and § 28-106 (1) (Cum. Supp. 1998).

Controlled Substance Analogue: For purposes of Nebraska's Uniform Controlled Substance Act, analogue controlled substances (often called "designer drugs") are treated as controlled substances. Such an analogue is defined as (a) substantially similar in chemical structure to the chemical structure of a controlled substance or (b) having a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the effect of a controlled substance. Neb. Rev. Stat. § 28-401 (36) (Supp. 1999).

Selected Nebraska Alcohol Offenses Minor In Possession: It is against the law for a person under the age of 21 years to possess alcohol. Neb. Rev. Stat. § 53-180.02 (Reissue 1998). Violation of this law is punishable by three months imprisonment, or \$500 fine, or both. Neb. Rev. Stat. § 53-180.05 (1) (Reissue 1998) and § 28-106 (1) (Cum. Supp. 1998). As part of sentencing a judge may order an offender to become part of a public work detail under the supervision of the County Sheriff for not more than 10 days in lieu of the above penalties. Neb. Rev. Stat. § 53-180.05 (1) (Reissue 1998).

Procuring Alcohol: It is a violation of Nebraska law to sell, give away, dispose of, exchange, or deliver, or permit the sale, gift or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180 (Reissue 1998). Violation of this law is punishable by not more than 1 year imprisonment, or \$1,000 fine, or both. Neb. Rev. Stat. § 53-180.05 (1) (Reissue 1998) and § 28-106 (1) (Cum. Supp. 1998).

Consumption on Public Property: It is a violation of Nebraska law for any person to consume alcoholic liquors in the public streets, alleys, parking areas, roads or highways, or inside vehicles while upon the public streets, alleys, parking areas, roads, or highways; or upon property owned by the state or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over such properties. Neb. Rev. Stat. § 53-186 (Supp. 1999). A violation of this statute is punishable on the first offense by a fine of up to a maximum of \$100; a second offense within two years is punishable by a fine not less than \$100 and not more than \$300; a third offense within two years is punishable by a fine of not less than \$200 and not more than \$500. Neb. Rev. Stat. § 53-136 (Reissue 1998) and § 29-436 (Reissue 1995).

Driving While Intoxicated: Driving while under the influence of intoxicating liquors or drugs is a violation of Nebraska law. Neb. Rev. Stat. § 60-6,196 (Supp. 1999). Violation of this law is

punishable on first offense by not more than 60 days, not less than 7 days imprisonment and not more than \$500 fine but not less than \$400 fine. Neb. Rev. Stat. § 28-106 (1) (Cum. Supp. 1998). In addition, an offender's driver's license is revoked for six months and the offender is ordered not to drive any motor vehicle for any purpose for a like period. Neb. Rev. Stat. § 60-6,196 (2) (a) (Supp. 1999). Suspended sentence of probation includes mandatory requirement that probation or suspension be conditioned on order that offender will not drive any motor vehicle for any purpose for sixty days. Neb. Rev. Stat. § 60-6,196 (2) (a) (Supp. 1999).

Penalties for second offense result in a mandatory thirty days imprisonment and \$500 fine. Neb. Rev. Stat. § 28-106 (1) (Cum. Supp. 1998). As part of the judgment of conviction the offender is ordered not to drive any motor vehicle for any purpose for a period of one year and the offender's operator's license is revoked for a like period. Neb. Rev. Stat. § 60-6,196 (2) (b) (Supp. 1999). If an offender is placed on probation or the sentence is suspended, one of the mandatory conditions of probation or sentence suspension is that the offender must be ordered not to drive any motor vehicle in the state for any purpose for a period of six months, and the probation order shall include as one of its conditions confinement in the city or county jail for forty-eight hours or the imposition of not less than two hundred forty hours of community service. Neb. Rev. Stat. § 60-6,196 (2) (b) (Supp. 1999).

Third or subsequent convictions result in not more than five years imprisonment or ten thousand dollars fine, or both. Neb. Rev. Stat. § 28-105 (Cum. Supp. 1998). Offenders in this class may not drive any motor vehicle in the state for any purpose for a period of fifteen years and their operator's license is revoked for like period. Neb. Rev. Stat. § 60-6,196 (2) (d) (Supp. 1999). Probation or suspension of sentence for this offense must be conditioned so that the offender is ordered not to drive any motor vehicle in the state for any purpose for a period of one year and probation must be conditioned on an offender's confinement in the city or county jail for ten days or the imposition of not less than four hundred eighty hours of community service. Neb. Rev. Stat. § 60-6,196 (2) (d) (Supp. 1999).

Local laws may also make it a crime to operate a motor vehicle under the influence of alcohol or to commit certain acts involving the consumption or possession of alcohol, e.g. "open container" laws.

V. HEALTH RISKS

Controlled Substances

Narcotics such as opium, morphine, and heroin can cause euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. The symptoms of an overdose of narcotics are slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Persons experiencing withdrawal from addiction to narcotics can experience watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating.

Depressants such as barbiturates and Quaaludes can cause slurred speech, disorientation, and drunken behavior. An overdose of a depressant results in shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death. Withdrawal symptoms include anxiety, insomnia, tremors, delirium, convulsions, and possible death.

Stimulants such as cocaine and crack can cause increased alertness of euphoria, and increased pulse rate and blood pressure, insomnia, and loss of appetite. An overdose of stimulants results in agitation, and increase in body temperature, hallucinations, convulsions, and possible death. Withdrawal symptoms include apathy, long periods of sleep, irritability, depression, and/or disorientation.

Hallucinogens such as LSD and amphetamines cause illusions and hallucinations and poor perception of time and distance. The effects of an overdose include psychosis and possible death.

Marijuana and hashish can cause euphoria, increased appetite, relaxed inhibitions, and disoriented behavior. The effects of an overdose include fatigue, paranoia, and possible psychosis. Withdrawal symptoms include insomnia, hyperactivity, and decreased appetite.

Prescription Drugs

These drugs are not illicit if they are used in accordance with a physician's prescription. However, sharing prescription medication with someone else is illegal and could be very harmful. Using prescription drugs in any manner other than the prescribed method can also be harmful.

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 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.

VI. RESOURCES

The following agencies are available resources for staff, students and faculty:

Catholic Charities Omaha Campus for Hope: 402-827-0570, Discovery Center: 402-330-0560, Heartland Family Service: 402-553-3000, Journey's Program: 402-898-4135, Lincoln Valley of Hope: 402-464-0033