



# ANNUAL NOTIFICATION of ALCOHOL AND OTHER DRUGS PREVENTION PROGRAM AND POLICY, 2020-21

## STANDARDS OF CONDUCT

Arkansas Tech University is committed to the maintenance of a drug and alcohol free work place and to a standard of conduct for employees and students that discourages the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in University buildings, any public campus area, in University housing units, in University vehicles, or at any University affiliated events held on or off-campus, which are sponsored by students, employees and their respective campus organizations (including all fraternities and sororities). For Arkansas Tech University employees, compliance with this policy is a term and condition of employment. For Arkansas Tech University students and student organizations, compliance with this policy is a term and condition of continued enrollment/organizational registration. All violators of this policy or of federal, state, or local laws regarding drugs or alcohol will be subject to disciplinary action and possibly criminal prosecution.

## LEGAL SANCTIONS

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance — 1st conviction: Up to 1 year imprisonment and a fine of at least \$1,000 but not more than \$100,000, or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and a fine of at least \$2,500 but not more than \$250,000 or both. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and a fine of at least \$5,000 but not more than \$250,000 or both. Special sentencing provisions for possession of crack cocaine are mandatory 5 to 20 years in prison and a fine of up to \$250,000; both 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. Personal and real property used to possess or to facilitate possession of a controlled substance may be forfeited if that offense is punishable by more than 1 year imprisonment. Vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance may also be forfeited. Additional sanctions include civil fines of up to \$10,000; denial of federal benefits, such as student loans, grants, contracts, and professional commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses; and ineligibility to receive or purchase a firearm. Other sanctions vested within the authorities of individual federal agencies are revocation of certain federal licenses and benefits such as pilot licenses and public housing.

Federal law prohibits, among other things, the manufacturing, distributing, selling, and possession of controlled substances as outlined in 21 United States Code, Sections 801 through 971. Depending on the amount, first offense maximum penalties for trafficking marijuana range from up to five years' imprisonment and a fine of up to \$250,000 to imprisonment for life and a fine of \$4 million. Depending on the amount, first offense maximum penalties for trafficking other controlled substances (e.g., methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl, and fentanyl analogue) range from five years to life imprisonment and fines range from \$2 to \$4 million. First offense penalties and sanctions for the illegal possession of small amounts of controlled substances, including marijuana, range from up to one year in prison or a fine of at least \$1,000. Penalties are more severe for subsequent offenses.

Students convicted of federal drug crimes may be ineligible to receive federal loans.

## STATE OF ARKANSAS SANCTIONS AND PENALTIES

• **Underage DUI Law** — The State of Arkansas' "Underage DUI (Driving Under the Influence) Law" (863) makes it an offense for a person under the age of 21 with a blood alcohol content of .02 or higher (approximately one can of beer, one glass of wine, or one drink of hard liquor) to operate a motorized vehicle or motor boat. Penalties for a first offense can result in (1) suspension of driver's license for not less than 90 days; (2) a fine of no less than \$100 nor more than \$500; (3) assignment to public service work; and/or (4) completion of an alcohol and driving education program.

- **Driving While Intoxicated** — A person who drives a motorized vehicle or motorboat 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 an offense may include (1) suspension of license for 6 months for the first offense with a blood alcohol content of at least .08; suspension of 180 days for the first offense with a blood alcohol content of .15 or more; suspension for 6 months for first offense if intoxicated by use of a controlled substance; (2) imprisonment for no less than 24 hours and no more than one year for the first offense (with additional imprisonment for subsequent offense); (3) fines of no less than \$150 and no more than \$1,000 for the first offense (with stiffer fines for subsequent offenses); (4) as an inability to pay fines will result in court-ordered public service work ; and (5) a requirement to complete an alcohol education program as prescribed and approved by a contractor with the Division of Behavioral Health Services, or an alcoholism treatment program licensed by the Division of Behavioral Health Services. A blood alcohol level in excess of .04 may be considered with other competent evidence in determining guilt or innocence. A blood alcohol level of .08 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 or other persons or property, or (2) he unreasonable annoys persons in his vicinity. Public intoxication is a Class A misdemeanor and can result in a fine of up to \$2,500, and/or imprisonment in the county jail (or other authorized institution) for up to 30 days.
- **Drinking in Public** — A person commits the offense of “Drinking in Public” if that person consumes alcohol in any public place. This includes consumption while in a vehicle on a street or highway. Penalties include a fine of up to \$2,500, and/or imprisonment for up to 30 days. Possession of any alcoholic beverages in Tech residence halls or on any other University property is prohibited.
- **Possession of or Purchasing Alcohol by a Minor** — It is illegal for a person under the age of 21 to possess, purchase, or ingest alcohol. Penalties include a fine of up to \$500, probation under the direction of the court, driver’s license suspensions for a period of up to one year, and writing themes or essays on intoxicating liquors, wine, or beer.
- **Knowingly Furnishing to a Minor** — A person commits the offense of “Knowingly Furnishing to a Minor” if, being an adult, he or she knowingly gives, procures, or otherwise furnishes alcoholic beverage to a minor. Such an offense is a Class A misdemeanor and can result in (1) a fine of up to \$2,500 and/or (2) imprisonment in the county jail (or other authorized institution) for up to one full year.
- **Manufacture or Delivery of a 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.
- **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 1 to 20 years in prison and fines up to \$15,000 depending on the type of drug being counterfeited.
- **Possession of Drug Paraphernalia** — It is unlawful for any person to possess drug paraphernalia with the purpose to use the drug paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
- **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 1 to 10 years in prison and fines up to \$10,000, depending on the type of drug (or counterfeit) possessed.
- **Possession of Open Container Containing Alcohol in a Motor Vehicle** — (a.) It is unlawful for a person to possess an open alcoholic beverage container within an area of a motor vehicle that is: (1) Designated to seat the driver or a passenger in the motor vehicle and the motor vehicle is in operation; or (2) Readily accessible to the driver or a passenger in the motor vehicle while in a seated position and the motor vehicle is located on a public highway or the right-of-way of a public highway. (b.) It is not an offense under this section if the open alcoholic beverage container is possessed: (1) Outside of the passenger area of the motor vehicle or other area of the motor vehicle commonly used for the transportation of passengers, such as in the trunk or cargo area of the motor vehicle; (2) In a locked area of the motor vehicle, including without limitation a glove compartment or center

console of the motor vehicle; (3) In a permanently sealed container that cannot be unsealed without breaking the seal or destroying the container; or (4) By a passenger in the motor vehicle, but not the driver; as long as the open alcoholic beverage container is possessed within the living quarters of the motor vehicle or the area of the motor vehicle that is designated for passengers only, the open alcoholic beverage container is not readily accessible to the driver of the motor vehicle, and the motor vehicle is: (A) Designed, maintained, or used primarily for the transportation of persons for compensation; or (B) A recreational vehicle, motor home, or house trailer.

## HEALTH RISKS

**Alcohol** — Can cause short term effects such as loss of concentration and judgment; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; long term effects include risk of liver and heart damage, malnutrition, cancer, and other illnesses; can be highly addictive to some persons.

**Amphetamines** — Can cause short term effects such as rushed, careless behavior and pushing beyond your physical capacity, leading to exhaustion; tolerance increases rapidly, long term effects include physical and psychological dependence and withdrawal can result in depression and suicide; continued high doses can cause heart problems, infections, malnutrition, and death.

**Cocaine (Crack)** — Can cause short term effects such as impaired judgment; increased breathing, heart rate, heart palpitations; anxiety, restlessness, hostility, paranoia, confusion; long term effects may include damage to respiratory and immune systems; malnutrition, seizures, and loss of brain function; highly addictive.

**Designer Drugs/Synthetic Cannabinoids (bath salts, K2, spice)** — Can cause short term effects such as elevated heart rate, blood pressure, and chest pain; hallucinations, seizures, violent behavior, and paranoia; may lead to lack of appetite, vomiting, and tremor; long-term use may result in kidney/liver failure, increased risk of suicide and death.

**Hallucinogens (PCP, LSD, ecstasy, dextromethorphan)** — Can cause extreme distortions of what's seen and heard; induces sudden changes in behavior, loss of concentration, and memory, increases risk of birth defects in user's children; overdose can cause psychosis, convulsions, coma, and death. Frequent and long-term use can cause permanent loss of mental function.

**Inhalants (nitrous oxide, amyl nitrite, butyl nitrite, chlorohydrocarbons, hydrocarbons)** — Can cause short term effects such as nausea, dizziness, fatigue, slurred speech, hallucinations, or delusions; may lead to rapid and irregular heart rhythms, heart failure, and death; long-term use may result in loss of feeling, hearing, and vision; can result in permanent damage to the brain, heart, lungs, liver, and kidneys.

**Marijuana** — Can cause short term effects such as slow reflexes; increase in forgetfulness; alters judgment of space and distance; aggravate pre-existing heart and/or mental health problems; long term health effects include permanent damage to lungs, reproductive organs, and brain function; Can interfere with physical, psychological, and social development of young users.

**Opiates/Narcotics (heroin, morphine, opium, codeine, oxycodone, china white)** — Can cause physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest, and death; long term use leads to malnutrition, infection, and hepatitis; sharing needles is a leading cause of the spread of HIV and hepatitis; highly addictive, tolerance increases rapidly.

**Sedatives** — Can cause reduced reaction time and confusion; overdose can cause coma, respiratory arrest, convulsions, and death; withdrawal can be dangerous; in combination with other controlled substances can quickly cause coma and death; long term use can produce physical and psychological dependence; tolerance can increase rapidly.

**Tobacco (cigarettes, cigars, chewing tobacco)** — Can cause diseases of the cardiovascular system, in particular smoking being a major risk factor for a myocardial infarction (heart attack), diseases of the respiratory tract such as Chronic Obstructive Pulmonary Disease (COPD) and emphysema, and cancer, particularly lung cancer and cancers of the larynx and mouth; nicotine is highly addictive.

## Medical Usage of Marijuana under Arkansas State Law

This policy prohibits the possession, use, manufacture, sale, or distribution of marijuana on University property or in University activities. Marijuana remains a controlled substance under federal law, and the University remains bound by federal laws prohibiting marijuana on University property or in its activities. This prohibition extends to all forms of marijuana, including state-authorized prescription medical marijuana. Students who wish to request reasonable accommodation for disabilities treated by state-authorized prescription medical marijuana should contact Disability Services and proceed through the University's disability accommodation process for determining any appropriate

accommodations. Employees who wish to request reasonable accommodation for disabilities treated by state-authorized prescription medical marijuana should contact Human Resources and proceed through the University's disability accommodation process for determining any appropriate accommodations.

## **DRUG AND ALCOHOL PROGRAMS**

Arkansas Tech University utilizes evidenced-based strategic interventions, collaboration, innovation and the incorporation of the wellness dimensions to reduce harmful consequences of alcohol and other drug use. Drug and alcohol programming includes, but is not limited to:

- Providing education and awareness activities.
- Offering substance-free social, extracurricular, and public service options.
- Creating a health-promoting normative environment.
- Restricting the marketing and promotion of alcohol and other drugs.
- Limiting availability of alcohol and other drugs.
- Developing and enforcing campus policies and enforce laws to address high-risk and illegal alcohol and other drug use.
- Providing early intervention and referral for treatment.
- All new undergraduate students are required to complete AlcoholEdu® for College: Primary, an online education program.
- Administering and utilizing results from the Core Survey to determine problematic drinking behaviors specific to our campus to help inform programming and prevention efforts.

## **LOCAL TREATMENT FACILITIES**

Counseling services are provided on campus to students by calling (479) 968-0329 or by visiting the Health and Wellness Center located in the Doc Bryan Student Services Center, Suite 119. These services are provided by licensed counselors, but do not include drug rehabilitation or detoxification services. Please see a counselor for more referral resources.

### **Oasis Renewal**

14913 Cooper Orbit Rd  
Little Rock, AR 72223  
(501) 376-2747  
[Oasisrenewalcenter.com](http://Oasisrenewalcenter.com)

### **Restored Life Services of Arkansas**

3127 W 2nd Ct, Suite A  
Russellville, AR 72801  
(479) 219-4100  
[www.restoredlifeservices.com](http://www.restoredlifeservices.com)

### **Adult and Teen Challenge of the Greater South**

620 S Arkansas Ave  
Russellville, AR 72801  
(479) 967-0442  
<https://www.atcgreatersouth.org>

### **Turning Point at Saint Mary's**

1808 W Main Street  
Russellville, AR 72801  
(479) 967-0701  
[www.saintmarysregional.com](http://www.saintmarysregional.com)

### **ARVAC Inc. Freedom House**

400 Lake Front Drive  
Russellville, AR 72801  
(479) 968-7086  
<http://www.arvacinc.org/>

### **Alcoholics Anonymous**

<http://www.arkansascentraloffice.org/>

### **Narcotics Anonymous**

<http://www.arscna.org/>

### **The Hope Center**

1706 East 2nd Street  
Russellville, AR 72801  
(479) 968-1635  
<https://projecthoperc.com>

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## **CONFISCATION**

Illegally possessed, used, manufactured, sold, or distributed substances, ingredients, or paraphernalia may be confiscated. The University may request, as a condition of presence on University property or participation in University activities, production of other items where the University reasonably determines that they are or contain evidence of a violation of this policy.

### **Use of Alcohol/Drugs as a Defense to Policy Violations**

The use of drugs or alcohol will not serve as a defense to violations of University policies, including this policy.

### **Title IX Amnesty Policy**

As the policy relates to incidents covered under Title IX, the University may offer amnesty to parties and witnesses to encourage reporting and participation in the process. See the following excerpt from the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures :

To encourage reporting and participation in the process, ATU maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to a Respondent with respect to a Complainant.

ATU maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, ATU may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

## **DISCIPLINARY SANCTIONS**

Students violating the University policy on alcohol or other drugs are subject to sanctions up to and including expulsion from the University and referral for prosecution. Any employee violating any criminal drug statute while in the workplace will be subject to discipline up to and including termination. The University may notify parents or guardians of students under age 21 who are found to be in violation of the drug or alcohol policies as set forth in the Student Code of Conduct.