



# AUGUSTANA COLLEGE

2007-2008 Academic Year

Alcohol and Drugs: Policies, Procedures & Support

## Drug-Free School and Communities Act

*Augustana College recognizes the serious problems related to the abuse of alcohol and the illicit use of drugs in our society today. In response to this concern, the College is committed to a campus environment that reflects a desire to address alcohol and drug related behaviors for the purpose of providing a healthy, safe, and secure place to live, work, and study.*

### Important Phone Numbers

Campus Safety .....	274-4014
Ambulance, Fire, Police .....	9-911
Campus Crime Line.....	274-5000
Dean of Students Office .....	274-4124
Student Health & Counseling Services .....	274-5552
Sexual Assault Help Line .....	274-HELP (4357)
Escort .....	274-4014

This publication contains an overview of the College's alcohol and other drug policies and program, a summary of state and federal laws, and consequences that may be imposed for illegal conduct. The Dean of Students Office prepares this publication in compliance with the Drug Free Schools and Communities Act of 1989 (Public Law 101-226).

## Alcohol and Drug Policies

**Alcoholic Beverage Policy**—The possession and use of alcoholic beverages on campus and at college sponsored functions is prohibited, except in designated college-owned houses and apartments when students are 21 years of age or older. This policy includes the following provisions:

- Intoxication and other alcohol-related behaviors are not condoned.
- Alcoholic beverage paraphernalia such as beer bong used for drinking contest are prohibited.
- The possession of alcoholic beverage containers, either full or empty, is taken as a presumption of use and possession and is considered a policy violation.
- Students are held accountable, even if they do not have actual possession of alcohol, when they are present in a specific location such as a residence hall room where alcoholic beverage containers are present.
- Advertising of which the primary purpose is to promote the use of alcohol is not permitted.
- Student organization funds may not be used for the purchase of alcohol or for the sponsorship of an event where alcohol is available.
- Guidelines to determine disciplinary responses for students who violate the alcohol policy are published in the student handbook. Judicial system consequences emphasize personal responsibility and accountability to other members of the campus community. Most disciplinary situations are addressed by administrative staff via informal hearings.
- Augustana College seeks to reduce barriers to obtaining emergency assistance because alcohol- and drug-related emergencies are potentially life threatening. In cases of dangerous intoxication and/or alcohol poisoning, it is imperative that medical assistance be summoned. The College believes that a call for medical assistance when faced with an alcohol- or drug-related emergency far outweighs the consequences of a college policy violation and therefore, no student seeking medical assistance for themselves or another will be subject to college discipline for the sole violation of using or possessing alcoholic beverages. However, the College may mandate education in order to reduce the likelihood of future occurrences.

**Drug Policy**—The College prohibits the use, possession, distribution, or sale of drugs (i.e. hallucinogens, narcotics, stimulants, and depressants) which are illegal except when prescribed by a physician. The possession of drug-related paraphernalia such as bong and pipes are a violation of South Dakota law and are prohibited. This policy is in accordance with state and federal laws including the Drug-Free Schools and Communities Act of 1989. Most violations of this policy are referred to a law enforcement agency in accordance with civil and criminal law.

Augustana College's policy on drugs has a primary concern for the health and safety of students. In cases of a drug-related overdose, intoxication and/or poisoning, individuals are encouraged to call for medical assistance for themselves or for a friend/ acquaintance who is in danger. No student seeking emergency medical treatment for themselves or for another will be subject to college discipline for the sole violation of using or possessing alcohol or drugs.

## Education & Programming

Augustana's alcohol program is led by a council representing staff and students from a variety of student life departments and student organizations. The purpose of the Alcohol Advisory Council is to promote health, safety and academic success of all students through a variety of strategic initiatives that emphasize responsible choice-making, personal accountability and accurate information.

## Health Risks

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgement 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 also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high 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 the 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 to becoming alcoholics.

*Source: What Works: Schools Without Drugs, U.S. Department of Education (1992).*

## Support

Students: For additional information regarding health, counseling and treatment resources, contact Health and Counseling Services (274-5552) or the Dean of Students Office (274-4124); for information about the College's policies on alcohol and other drugs, contact the Dean of Students Office.

Faculty and staff: For additional information regarding health, counseling and treatment resources including information about the College's Employee Assistance Program, contact Human Resources (274-4110).

## Parent Notification Policy

Parents or guardians of students under the age of 21 may be notified if their son/daughter violates the College's drug policy and those alcohol-related violations that result in an assessment for chemical dependency, probation, or a more severe sanction, as permitted under FERPA regulations.

## Local, State and Federal Laws

These laws are not an exhaustive list but they do represent examples of unlawful activity that carry serious criminal and civil penalties for unauthorized possession or distribution of alcoholic beverages and marijuana, as well as penalties for unauthorized manufacture, distribution, counterfeiting or possession of a controlled substance. Some Federal sanctions for possession of controlled substances and marijuana are also included.

Criminal proceedings and consequences may interrupt college enrollment for an academic term or longer. Convictions for many of the unlawful activities listed here may also result in a permanent criminal record which can affect academic study, financial aid eligibility and future employment opportunities.

### State of South Dakota Criminal and Civil Penalties for Unauthorized Possession or Distribution of Alcoholic Beverages

OFFENSE	PENALTY
For any person under the age of 21 years to purchase, attempt to purchase or possess or consume alcoholic beverages except when consumed in a religious ceremony and given to said person by an authorized person, or to misrepresent his age with the use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages from any licensee licensed under this title. SDCL 35-9-2	Class 2 Misdemeanor: Thirty days imprisonment in a county jail or \$200 fine, or both. SDCL 22-6-2 (2)
First conviction for an alcoholic beverage violation while in a motor vehicle. SDCL 32-12-52.4	Revoke driver's license or driving privilege of any person who was under the age of 21 when the offense occurred, for a period of 6 months. SDCL 32-12-52.4
Second or subsequent conviction for an alcoholic beverage violation while in a motor vehicle. SDCL 12-52-2.4	Revoke driver's license or driving privilege of any person who was under the age of 21 when the offense occurred, for a period of one year. SDCL 32-12-52.4

## State of South Dakota Criminal and Civil Penalties for Possession or Distribution of Marijuana

A civil penalty, not to exceed \$10,000, may be imposed in addition to any criminal penalty, upon a conviction of a violation of these sections of South Dakota law.

OFFENSE	PENALTY
Possession of two ounces of marijuana or less. SDCL 22-42-6	<b>Class 1 Misdemeanor:</b> One year imprisonment in a county jail or \$1,000 fine or both.
Possession of more than two ounces but less than one half pound of marijuana. SDCL 22-42-6	<b>Class 6 Felony:</b> Two years imprisonment in the state penitentiary or a fine of \$2,000, or both.
Possession of one half pound but less than one pound of marijuana. SDCL 22-42-6	<b>Class 5 Felony:</b> Five years of imprisonment in the state penitentiary. A \$5,000 fine may be imposed.
Possession of one to ten pounds of marijuana. SDCL 22-42-6	<b>Class 4 Felony:</b> Ten years imprisonment in the state penitentiary. A \$10,000 fine may be imposed.
Distribution of any amount of marijuana to a minor. SDCL 22-42-7	<b>Class 4 Felony:</b> Ten years imprisonment in the state penitentiary. A \$10,000 fine may be imposed.
Distribution of less than one-half ounce of marijuana without consideration. SDCL 22-42-7	<b>Class 1 Misdemeanor:</b> One year imprisonment in a county jail or \$1,000 fine, or both.
Distribution of one ounce or less of marijuana. SDCL 22-42-7	<b>Class 6 Felony:</b> Two years of imprisonment in the state penitentiary or a fine of \$2,000 or both.
Distribution of more than one ounce, but less than one half pound of marijuana. SDCL 22-42-7	<b>Class 5 Felony:</b> Five years of imprisonment in the state penitentiary. A \$5,000 fine may be imposed.
Distribution of one-half pound but less than one pound of marijuana. SDCL 22-42-7	<b>Class 4 Felony:</b> Ten years imprisonment in the state penitentiary. A \$10,000 fine may be imposed.

## State Criminal and Civil Penalties for Unauthorized Manufacture, Distribution or Possession of a Controlled Substance

Any person who inhabits a room knowing that any controlled drug or substance is being illegally stored or used therein, is guilty of a Class 1 misdemeanor. SDCL 22-42-11. A first-time conviction is punished by one year imprisonment or \$1,000 fine, or both. SDCL 22-6-2 (1).

No person may deliver or possess with intent to deliver or knowingly manufacture any non-controlled substance which is represented to be a substance controlled under provisions of South Dakota law. A violation is a Class 6 felony (SDCL 22-42-16) punished by five years imprisonment and a fine of \$5,000 may be imposed. SDCL 22-6-1 (7).

DRUG	OFFENSE	PENALTY
<b>Schedule I:</b> These drugs are those that have no accepted medical use in the United States and have a high abuse potential. Some examples are heroin, marijuana, LSD, peyote, mescaline, methaqualone and others.	Unauthorized manufacture, distribution, counterfeiting or possession of a substance listed in Schedule I is a Class 4 felony. SDCL 22-42-2. The distribution of a substance listed in Schedule I to a minor (a person under 21 years) is a Class 2 felony. SDCL 22-42-2.	A civil penalty, not to exceed \$10,000, may be imposed, in addition to any criminal penalty, upon a conviction of a violation of these sections of the South Dakota law. SDCL 22-42-2. Punished by a mandatory sentence in the state penitentiary of at least 5 years, which sentence may not be suspended.
<b>Schedule II:</b> The drugs in this schedule have a high abuse potential with severe psychic or physical dependence liability and consist of certain narcotic, stimulant and depressant drugs. Some examples are opium, morphine, codeine and cocaine. Some examples of certain Schedule II non-narcotic drugs are amphetamine and methamphetamine.	Unauthorized manufacture, distribution, counterfeiting or possession of a substance listed in Schedule II is a Class 4 felony. SDCL 22-42-2 The distribution of a substance listed in Schedule II to a minor (a person under 21 years of age) is a Class 2 felony (SDCL 22-42-2).	A civil penalty, not to exceed \$10,000, may be imposed, in addition to any criminal penalty, upon a conviction of a violation of these sections of the South Dakota law. SDCL 22-42-2. Distribution to a minor is punished by a mandatory sentence in the state penitentiary of at least 5 years.
<b>Schedule III:</b> These drugs have an abuse potential less than those in Schedules I and II, and include compounds containing limited quantities of certain narcotic drugs and non-narcotic drugs such as methyprylon, nalorphone and ephedrine.	Except as authorized, no person may manufacture, distribute or possess a substance listed in Schedule III. Violation of this section is a Class 5 felony (SDCL 22-42-3). Except as provided, no controlled drug or substance included in Schedule IV may be dispensed without a written or oral prescription. A violation is a Class 5 felony (SDCL 22-42-4.1). The distribution of a substance listed in Schedule III to a minor is a Class 3 felony (SDCL 22-42-3).	Punished by a mandatory sentence of at least 30 days, which sentence may not be suspended (SDCL 22-42-3). Distribution to a minor is punished by a mandatory sentence of at least 90 days, which sentence may not be suspended (SDCL 22-42-3).
<b>Schedule IV:</b> The drugs in this schedule have an abuse potential less than those listed in Schedule III and include such drugs as chloral hydrate, benzodiazepene, or salt of benzodiazepene, except substances which are specifically listed in other schedules, mephobarbital, premlone, petrichloral, butorphanol, and dextropropoxyphene (Darvon).	Any person who knowingly obtains a controlled substance from a medical practitioner and knowingly withholds information that s/he has obtained a controlled substance of a similar use in a concurrent time period from another medical practitioner is guilty of a Class 1 misdemeanor. SDCL 22-42-17 Any person who intentionally ingests, inhales, or otherwise takes into the body any substance, except alcoholic beverages for purposes of becoming intoxicated, unless such substance is prescribed by a medical practitioner, is guilty of a Class 1 misdemeanor (SDCL 22-42-15). No controlled substance included in Schedule IV may be dispensed without a prescription. A violation is a Class 5 felony (SDCL 22-42-4.1).	Punished by one year imprisonment in a county jail or \$1,000 fine, or both (SDCL 22-6-2 (1)).

## Examples of Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

**21 U.S.C. 844 (a)**

1st conviction: Up to 1 year imprisonment and fined at least \$1,000.

**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 for crack cocaine above).

**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. 862 (a)**

Denial of any or all Federal benefits such as student loans, grants, contracts, and professional and commercial licenses, up to 5 years for first offense, up to 10 years for second, and permanently ineligible upon 3rd or subsequent offenses.