

## **Notice:**

To all students, faculty, and staff of the University of Arkansas.

The Drug-Free Schools and Campuses Regulations require that our University 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. To comply with these certification requirements the University of Arkansas Substance Abuse Prevention Program has compiled the following set of policies and other information for distribution to and review by all members of our campus community.

The University of Arkansas policy includes:

1. A list of applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol.
2. A description of the health risks associated with the abuse of alcohol or use of illicit drugs.
3. A list of drug and alcohol programs that are available to employees or students.
4. A clear statement that the U of A will impose disciplinary sanctions for student and employee violations of the standards of conduct and a description of those sanctions.

It is further required that all students, faculty, and staff of the University be informed of this policy annually.

## **Health Risks of Alcohol and Other Drug Use**

**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, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle.

**TOBACCO.** Tobacco contains numerous chemicals that alter internal functions, including brain activity. Nicotine is a powerfully addictive substance. With sufficient exposure, tobacco has devastating effects on health including cancer, cardiovascular disease, respiratory conditions, and secondhand smoke deaths. Smoking is the single most preventable cause of death in the United States.

**CANNIBIS <Marijuana, Hashish>.** The use of marijuana may impair 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 28 to 30 days.

**HALLUCINOGENS.** Lysergic acid <LSD>, mescaline, and psilocybin <"mushrooms"> 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.

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

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

**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. The sharing of needles also obviously poses serious health risks.

**OXYCONTIN.** Oxycontin, a prescription painkiller, is a narcotic drug that produces sedation, euphoria, respiratory depression, and constipation. Side effects also include nausea, vomiting, dizziness, headache, and sweating. The most significant risk associated with Oxycontin use is that it may lead to tolerance and dependence.

**HYDROCODONE.** Hydrocodone is a painkiller similar to codeine, but with more morphine-like effects. Hydrocodone pills are the most frequently encountered dosage form in illegal traffic. As with most opiates abuse is associated with tolerance, dependence, and addiction.

**DRUGS IN COMBINATION.** Students often mistakenly believe prescribed medications are harmless, because they are so commonly used and shared. Many prescription medications such as Adderall, Ritalin, and Xanax can be extremely dangerous or even lethal when used improperly, in combination with other drugs <alcohol, marijuana, over-the-counter, or herbal remedies>, or when used by an individual with an unsuspected, undetected medical condition.

## **Arkansas Alcohol-Related Laws**

This information is provided to inform you of some of the alcohol related laws in the state of Arkansas. This is not an all-inclusive list, and the laws listed have been abbreviated. Note that the penalties listed are the minimum and maximums according to law and subsequent offenses (especially with the DWI and DUI laws) can include substantially harsher penalties. If you need more information on any of these, or other, laws, please contact the University of Arkansas Police Department.

### **Unknowningly Furnishing or Selling Alcohol to Minor**

3-3-201(a) The sale, giving away, or other disposition of intoxicating liquor to a minor is declared to be a misdemeanor.

#### Penalties

- ▶ 1<sup>st</sup> offense: Fine - \$200 to \$500
- ▶ 2<sup>nd</sup> or subsequent offense: Jail Time – No less than one (1) year; Fine - \$500 to \$1,000

### **Knowingly Furnishing or Selling Alcohol to Minor**

3-3-202(a) (1) It shall be unlawful for any person to knowingly furnish any alcoholic beverage to any person under twenty-one (21) years of age

#### Penalties

- ▶ 1<sup>st</sup> offense: Misdemeanor; Jail Time – No more than ten (10) days; Fine – No more than \$500
- ▶ 2<sup>nd</sup> or subsequent offense; Felony: Jail Time – one (1) to five (5) years; Fine – No more than \$500

### **Minor in Possession of Alcohol**

3-3-203(a)(1) It shall be unlawful for any person under the age of twenty-one (21) years to purchase or have in possession any intoxicating liquor, wine, or beer.

(b) It shall also be unlawful for any adult to purchase on behalf of a person under the age of twenty-one (21) years any intoxicating liquor, wine, or beer.

#### Penalties

- ▶ 1<sup>st</sup> offense: Misdemeanor; Fine - \$100 to \$500; Theme or essay on liquors, wine, or beer; Probation
- ▶ 2<sup>nd</sup> or subsequent offense: Same as 1<sup>st</sup> offense

## **Manufacturing or Altering Personal Identification Document**

5-27-502(a) It shall be unlawful for a person to: (1) manufacture or produce fraudulent personal identification documents for the purpose of providing a person under twenty-one (21) identification which can be used for the purpose of purchasing alcoholic beverages; (2) alter a personal identification document for the purpose of providing a person under twenty-one (21) false identification which can be used for the purpose of purchasing alcoholic beverages; or (3) sell or otherwise distribute such fraudulent personal identification documents to a person under twenty-one (21).

### Penalties

- ▶ 1<sup>st</sup> offense: Class C felony: Jail Time – three (3) to ten (10) years; Fine No more than \$10,000
- ▶ 2<sup>nd</sup> or subsequent offense: Class B Felony; Jail Time – five (5) to twenty (20) years; Fine – No more than \$15,000

## **Possession of Fraudulent or Altered Personal Identification Document**

5-27-503(a) It shall be unlawful for: (1) a person to possess a fraudulent or altered personal identification document for the purpose of providing a person under twenty-one (21) identification which can be used for the purpose of purchasing alcoholic beverages; (2) a person under twenty-one (21) to possess a fraudulent or altered personal identification document which can be used for the purpose of purchasing alcoholic beverages; or (3) a person under twenty-one (21) to attempt to use a fraudulent or altered personal identification document for the purpose of purchasing alcoholic beverages illegally...

### Penalties

- ▶ 1<sup>st</sup> offense: Class B Misdemeanor: License Suspended – Offenders under eighteen (18), one (1) year or until eighteenth (18<sup>th</sup>) birthday; Jail Time – No more than one (1) year; Fine – No more than \$1,000
- ▶ 2<sup>nd</sup> or subsequent offense: Class A Misdemeanor; License Suspended – Offenders under eighteen (18), one (1) year or until eighteenth (18<sup>th</sup>) birthday; Jail Time – No more than one (1) year; Fine – No more than \$1,000

## **Public Intoxication and Drinking in Public**

5-71-212(a) A person commits the offense of public intoxication if he/she appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree and under circumstances such that he/she is likely to endanger himself/herself or other persons or property, or that he/she unreasonably annoys persons in his/her vicinity. (c) A person commits the offense of drinking in public if that person consumes any alcoholic beverages in

any public place, on any highway or street, or upon any passenger coach...or in or upon any vehicle commonly used for the transportation of passengers, or... other public place other than a place of business licensed to sell alcoholic beverages for consumption on the premises.

#### Penalties

- ▶ 1<sup>st</sup> offense: Class C Misdemeanor, Jail Time – No more than thirty (30) days; Fine – No more than \$100
- ▶ 2<sup>nd</sup> or subsequent offense; Same as 1<sup>st</sup> offense

#### **Unlawful Use of License**

27-16-302 It is a misdemeanor for any person: (1) To display, or permit to be displayed, or have in his/her possession any canceled, revoked, suspended, fictitious, or fraudulently altered driver's license; (2) To knowingly assist or permit any other person to apply for or obtain through fraudulent application or other illegal means any Arkansas driver's license; (3) To lend his/her driver's license to any other person or knowingly permit its use by another; (4) To display or represent as one's own any driver's license not issued to him/her; (5) To use a false or fictitious name in any application for a driver's license, or to knowingly make a false statement, or to knowingly conceal a material fact or otherwise commit a fraud in any application; (6) To permit any unlawful use of a driver's license issued to him/her; or (7) To do any act forbidden or fail to perform any act required by this act.

#### Penalties

- ▶ 1<sup>st</sup> offense: Misdemeanor; Jail Time – Determined by court; Fine – No more than \$500
- ▶ 2<sup>nd</sup> offense: Same as 1<sup>st</sup> offense

#### **Driving While Intoxicated**

5-65-103 (a) It is unlawful for any person who is intoxicated to operate or be in actual physical control of a motor vehicle. (b) It is unlawful for any person to operate or be in actual physical control of a motor vehicle if there was 0.10% or more by weight of alcohol in the person's blood as determined by a chemical test.

#### Penalties for 1<sup>st</sup> Offense (Penalties increase for subsequent offenses)

- ▶ License seized upon arrest
- ▶ License suspended – ninety (90) to one hundred twenty (120) days

- ▶ Fine - \$100 to \$500
- ▶ Public Service
- ▶ Alcohol and Driving Education Program
- ▶ (No plea bargaining nor probation)

### **Violation of Implied Consent Law**

5-65-2002(a) and 5-65-309(a) Any person who operates a motor vehicle...shall be deemed to have given consent to a chemical test of his or her blood, breath, or urine for the purpose of determining the alcohol or controlled substance content of his or her blood.

*Penalties for 1<sup>st</sup> Offense (These penalties are for DWI or DUI if also charged with VICL)*

- ▶ Licensed sized upon arrest
- ▶ Licensed suspended – one hundred eighty (180) days for DWI, ninety (90) to one hundred eighty (180) days for DUI

### **3.8 Drug-Free Workplace**

(U.S. Drug Free Workplace Act of 1988; Governor's Executive Order 89-2; AHRMS Policy Manual, 145; approved by the Campus Council, April 27, 1989)

State agencies, boards, commissions, and institutions are required to certify that they are in compliance with the Drug Free Workplace Act of 1988. If you were hired in May, 1989 or later, you were asked, on or before your first day of work, to read and sign an acknowledgment of receipt of information about the University's drug-free workplace policy. The text of that policy follows:

#### **Drug Free Workplace Policy**

Drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs may impair the well-being of all employees, the public at large, and result in damage to state property. Therefore, it is the policy of the State of Arkansas that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in a state agency's or institution's workplace is prohibited. Any employees violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. State agencies will not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance while on the job or on agency premises will be subject to discipline up to and including termination.
2. The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and "crack." They also include legal drugs which are not prescribed for the individual using them by a licensed physician.
3. Each employee is required by law to inform the University within five days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the University's premises. A conviction means a finding of guilt (including a plea of *nolo contendere*) or the imposition of a sentence by a judge or jury in any federal court, state court, or other court of competent jurisdiction.
4. The University of Arkansas, Fayetteville, must notify the U.S. government agency with which the contract was made within ten days after receiving notice from the employee or otherwise receiving actual notice of such a conviction.

5. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the University may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
6. As a condition of further employment on any federal government contract, the law requires all employees to abide by this policy.

Note: At the University of Arkansas, Fayetteville, sections 3 and 4 of the Drug Free Workplace Policy will be carried out by requiring the convicted employee to inform his or her department head, director, or other appropriate supervisor of the conviction immediately and by having that supervisor report the conviction immediately to the vice chancellor to whom she or he reports. The vice chancellor so notified will convey the information, on behalf of the University, within the required ten-day period, to the U.S. agency with whom the federal contract in question is held.

Further information about controlled substances and about the health risks associated with the use and abuse of alcohol and other drugs is available from Human Resources and the Pat Walker Health Center. Information about locally-available sources of substance-abuse counseling is available from the Pat Walker Health Center and from the Employee Assistance Program.

3.8 Updated 7/1/2006

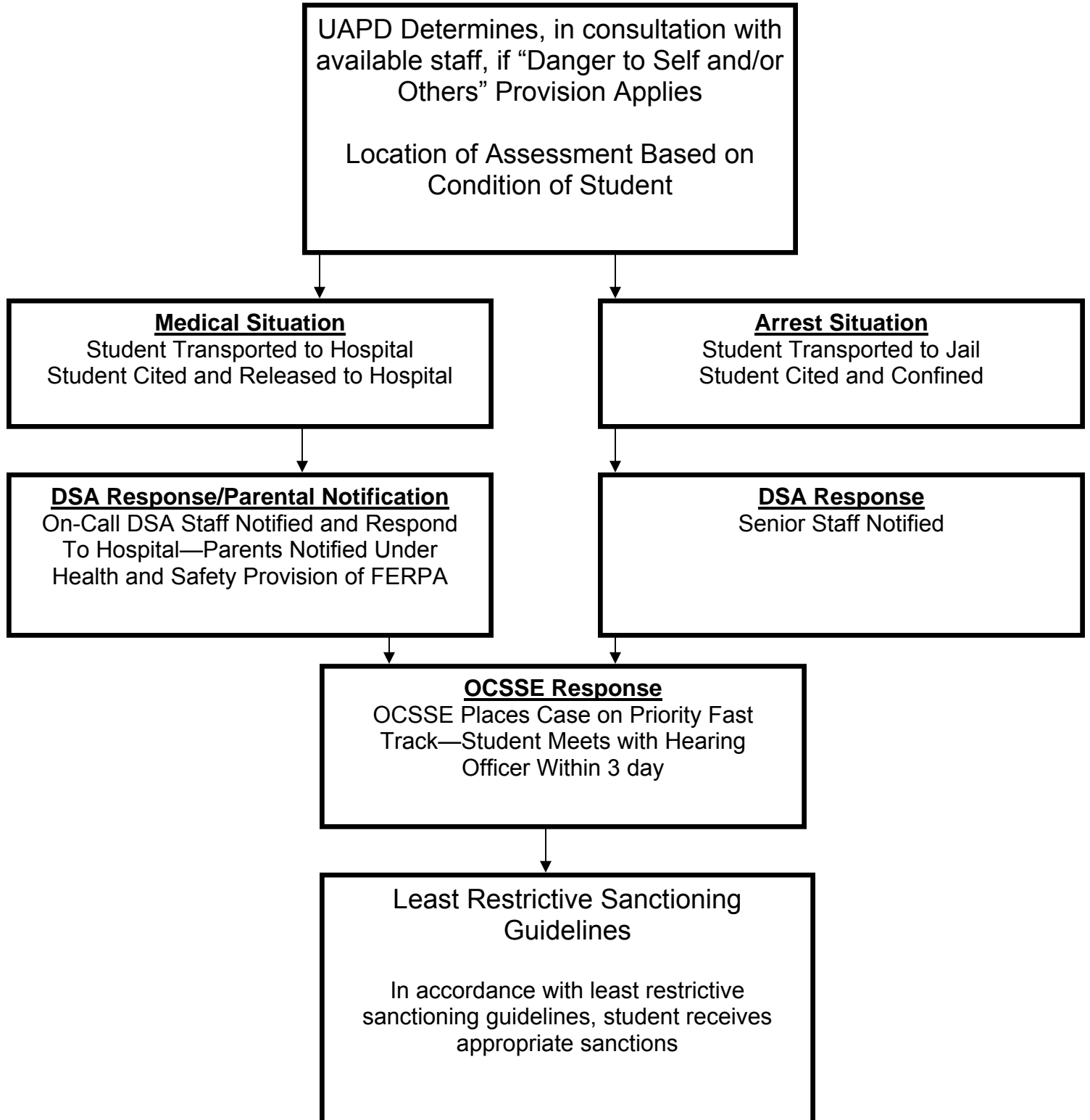
### **3.9 Alcohol Use**

(Board Policy 705.2; Governor's Policy Directive #5; AHRMS Policy Manual, 145.0.0 and 200.1.3)

Possession and use of alcoholic beverages in public areas of University facilities (including organized houses) and at official University student functions held on campus must follow state and federal laws and University policies at all times. For employees, the possession or consumption of alcoholic beverages on University property or during working hours, reporting to work under the influence of alcohol, and intoxication while on duty are prohibited, and will result in disciplinary action up to and including termination. Under the Governor's policy directive, use of alcoholic beverages during office hours is strictly prohibited and shall be grounds for immediate dismissal. Information about laws relating to alcohol possession and use is available from Human Resources. Information about the health consequences of alcohol use and about locally-available sources of alcohol-abuse counseling is available from the Pat Walker Health Center.

3.9 Updated 3/28/2007

**University of Arkansas  
Campus Response to  
Alcohol and Drug Violations and Least Restrictive Sanctioning  
Guide**



# University of Arkansas Campus Response to Alcohol and Drug Violations and Least Restrictive Sanctioning Guide

LEVEL	DESCRIPTION	STANDARD SANCTIONS
Level 1	1 <sup>st</sup> Minor Alcohol Violation w/ No Associated Charges	<ol style="list-style-type: none"> <li>1. Alcohol/Drug Education Class.</li> <li>2. Cost of Class/On-Line Instruction.</li> <li>3. Community Service/Campus Involvement (15 hours).</li> <li>4. Censure.</li> <li>5. Fine (\$100 - \$50 payment, \$50 may be waived upon successful completion of the above listed sanctions).</li> </ol>
Level 2a	2 <sup>nd</sup> Minor Alcohol Violation w/ No Associated Charges  1 <sup>st</sup> Minor Alcohol Violation w/ Associated Charges	<ol style="list-style-type: none"> <li>1. Required participation in the Student Assistance Program (SAP).</li> <li>2. Cost of the program.</li> <li>3. Parental Notification (under 21).</li> <li>4. Community service (50 hours).</li> <li>5. Suspended Parking Privileges for one (1) year.</li> <li>6. One (1) Year Probation.</li> <li>7. Fine (\$200).</li> <li>8. Restitution (if applicable).</li> </ol>
Level 2b	1 <sup>st</sup> Major Alcohol Violation w/ No Associated Charges  1 <sup>st</sup> Minor Drug Violation	<ol style="list-style-type: none"> <li>1. Mandatory Alcohol/Drug Assessment by a professional mental health practitioner (licensed or certified by the State of Arkansas). The selection of the practitioner is the choice of the student.</li> <li>2. Must comply with the prescribed course of treatment</li> </ol>

<p>Level 2b Cont</p>		<p>or submit rationale to the contrary for review.</p> <ol style="list-style-type: none"> <li>3. Cost of Assessment.</li> <li>4. Parental Notification (under 21).</li> <li>5. Community Service (50 hours).</li> <li>6. Suspended Parking Privileges for one (1) year.</li> <li>7. One (1) Year Probation.</li> <li>8. Fine (\$200).</li> <li>9. Restitution (if applicable).</li> </ol>
<p>Level 3</p>	<p>3<sup>rd</sup> Minor Alcohol Violation w/ No Associated Charges  2<sup>nd</sup> Minor Alcohol Violation w/ Associated Charges  2<sup>nd</sup> Major Alcohol Violation w/ No Associated Charges  1<sup>st</sup> Major Alcohol Violation w/ Associated Charges  2<sup>nd</sup> Minor or 1<sup>st</sup> Major Drug Violation</p>	<ol style="list-style-type: none"> <li>1. One (1) Year Immediate Suspension.</li> <li>2. Mandatory Alcohol/Drug Assessment by mental health professional.</li> <li>3. Must comply with the prescribed course of treatment or submit.</li> <li>4. Cost of Assessment.</li> <li>5. Parental Notification (under 21).</li> <li>6. Community Service (100 hours).</li> <li>7. Loss of Parking Privileges.</li> <li>8. Probation until graduation upon return.</li> <li>9. Fine (\$300).</li> <li>10. Restitution (if applicable).</li> </ol>
<p>Level 4</p>	<p>4<sup>th</sup> Minor Alcohol Violation w/ No Associated Charges  3<sup>rd</sup> Minor Alcohol Violation w/ Associated Charges  3<sup>rd</sup> Major Alcohol Violation w/ No Associated Charges</p>	<ol style="list-style-type: none"> <li>1. Indefinite Suspension w/ Conditional Re-Admit.</li> </ol>

Level 4 Cont	2 <sup>nd</sup> Major Alcohol Violation w/ Associated Charges  3 <sup>rd</sup> Minor or 2 <sup>nd</sup> Major Drug Violation	
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It is imperative that the provisions outlined above be announced, distributed, and discussed with the campus population. Students must be made aware of the expectations of this University and the means by which we expect to hold them accountable for their actions. It is also recommended that this education be done in conjunction with promulgation of the Principles of the University.

### **Controlled Substances Sanctions**

As the University of Arkansas Police Department (UAPD), we enforce all law's pertaining to controlled substances. We make arrests for drug violations ranging from misdemeanors to felonies.

Per Arkansas statue 5-64-411, anyone selling, delivering, possessing with intent to deliver, dispensing, manufacturing, transporting, administering, or distributing a controlled substance may be subject to an enhanced sentence of an additional term of imprisonment of ten (10) years if the offense is committed on or within one thousand feet (1,000) of the University.

All arrests for violations of the uniform controlled substance act made by our agency are referred to the Municipal Prosecutor in Fayetteville or the Washington County Prosecutor for prosecution.

If the arrestee is affiliated with our University as a member of the student body, faculty or staff, the information is forwarded to the university judicial affairs office for their review.

### **Treatment Services**

In the event that a University of Arkansas student requires treatment for an alcohol or other drug abuse concern such may be provided by the Counseling and Psychological Services (CAPS) Department of the Pat Walker Health Center on campus. Clinical assessment services are available, and upon determination of specific counseling needs individual, group, and family treatment options are provided by credentialed and licensed psychologists, social workers, and counselors. Additionally, referrals to local twelve (12) step support programs or to inpatient or intensive outpatient facilities may be arranged by the staff of CAPS. The primary drug and alcohol treatment program is Decision Point.

The Office of Community Standards and Student Ethics (OCSSE) advise their student referrals to seek counseling services off campus, most often through the Ozark Guidance Center.

For University faculty and staff members Human Resources offers the Employee Assistance Program to provide substance abuse assessment, counseling, and referral services.