

ALCOHOL AND DRUG POLICIES

on campus and in the workplace

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September 2014

KU

THE UNIVERSITY OF
KANSAS

The University of Kansas Alcohol and Drug Policies

The consumption of alcoholic liquor on the campus of the University of Kansas is prohibited by state statute except under special circumstances provided by law. Any alcoholic liquor service must conform to the policies of the Kansas Board of Regents and the University of Kansas and must be approved by the chancellor. The policy statement Regulations Governing the Use of Alcoholic Liquor at University Events is available online at policy.ku.edu/chancellor/university-events-liquor-regulations or from the Office of the Provost and Executive Vice Chancellor, 250 Strong Hall.

Prevention of Illegal Drug and Alcohol Use on Campus and in the Workplace, and Conditions of Employment Policy

The University of Kansas prohibits the unlawful possession, use, manufacture, purchase, or distribution of alcohol or drugs, or any attempt thereof, by students or by employees on its property or as part of its activities. The university is committed to a program to prevent the illegal or irresponsible use of drugs and alcohol by students and employees. Any student or employee found to be using, possessing, manufacturing, or distributing controlled substances or alcohol, or whose behavior evidences being under the influence of alcohol or controlled substances in violation of the law on university property or at university events shall be subject to disciplinary action in accordance with policies of the state of Kansas, the Kansas Board of Regents, and the University of Kansas.

For employees, the university will take appropriate personnel action for such infractions, up to and including termination. Students who violate this policy will be subject to sanctions, which include completion of an approved drug or alcohol rehabilitation program, disciplinary warning, probation, suspension and expulsion from the university.

As a condition of employment, all employees of the University of Kansas shall abide by the terms of this policy statement and will notify the university of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The university will, in turn, notify as appropriate, the applicable federal agency of the conviction within ten days of receipt of notification of conviction. The university will initiate personnel action, up to and including termination, within thirty days of receiving notice of such conviction. Employees may also be required to satisfactorily participate, at their own expense, in a drug abuse assistance or rehabilitation program before being allowed to return to work. For purposes of this policy, "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes. The complete policy is available online at policy.ku.edu/provost/substance-abuse.

Mandatory Alcohol Education Policy

To ensure that University of Kansas students are aware of the potentially harmful effects of alcohol and to provide students with an opportunity to identify high-risk alcohol behaviors, the university requires newly enrolled, degree-seeking students under age of 21 as of August 1st of the academic year to complete the AlcoholEdu program.

The complete Mandatory Alcohol Education Policy is available online at policy.drupal.ku.edu/student-affairs/mandatory-alcohol-education-policy.

Amnesty Policy

University of Kansas students seeking immediate medical assistance on behalf of persons experiencing alcohol-related emergencies will not be sanctioned for violations of university and/or KU Student Housing alcohol-related policies. This program is designed to promote the health and safety of our community. Any student who abuses this policy can be subject to disciplinary action for

impeding the orderly process of the university. The complete Amnesty Policy is available online policy.drupal.ku.edu/student-affairs/amnesty.

Parental Notification Policy

The University of Kansas will notify the parent/legal guardian of any student enrolled on the Lawrence campus, regardless of age, when the university has knowledge that the student's suspected alcohol or drug use has placed the health or safety of the student or others in danger and notification is necessary to protect the health or safety of the student or other individuals.

In addition, the parent/legal guardian of a student who is under 21 years of age and enrolled on the Lawrence campus will be notified by the University of Kansas upon the university's knowledge of such student committing one of the following:

- The first known violation of university policy or state law regarding drugs.
- The first known violation of university policy or state law regarding alcohol, when the suspected use of alcohol has
 - Placed the student in a life-threatening situation as determined by an attending medical professional or as reasonably determined by the Vice Provost for Student Affairs or designee
 - Caused the student to be in a physical or mental state that has prompted intervention by university personnel, police, or medical personnel out of concern for the student's wellbeing or to address the student's conduct
 - Endangered the health or welfare of another person, including any report by police of arrest for driving on campus while under the influence of alcohol.
- The second known violation of university policy or state law regarding alcohol.
- A violation of university policy or state law regarding alcohol or other drugs that results in the cancellation of the student's university housing contract.

The complete Parental Notification Policy is available online at policy.drupal.ku.edu/student-affairs/parent-notification-policy.

Student Financial Aid

A student may be ineligible to receive financial aid if the student is convicted of an offense involving the possession or sale of a controlled substance for conduct that occurred during the period of enrollment for which the student was receiving federal student aid. If you have questions, contact the Federal Student Aid Information Center at 1-800-433-3243.

Possession and Consumption

In addition to the University of Kansas policies on cereal malt beverage and alcoholic liquor, state laws and City of Lawrence ordinances provide criminal penalties for specific violations occurring on campus. The most common are as follows:

City of Lawrence Ordinance

- It is illegal for anyone of any age to consume alcoholic liquor on state or University of Kansas property, except where specific exemptions are provided by law.

MAXIMUM PENALTY: 6 months in jail or up to \$200 fine.

- It is illegal in Lawrence to allow individuals under the age of 21 to possess or consume alcohol or cereal malt beverages on any land, building, structure, or room you own, occupy, or procure.

MAXIMUM PENALTY: 6 months in jail.

MINIMUM PENALTY: \$1,000 fine.

Kansas Law

- It is illegal for anyone of any age to consume alcoholic liquor on state or University of Kansas property, except where specific exemptions are provided by law.

MAXIMUM PENALTY: 6 months in jail; \$200 fine.

- It is illegal for anyone under 21 years of age to possess, purchase, attempt to purchase, or consume cereal malt beverage or alcoholic liquor except where specific exemptions are provided by law.

MAXIMUM PENALTY: 1 month in jail; \$200 minimum fine (18-21 years of age); \$500 fine (under 18 years of age); perform 40 hours of public service; and attend an alcohol education program and up to 1 year suspension of driving privileges.

- It is illegal for anyone to furnish cereal malt beverage or alcoholic liquor to another person under 21 years of age.

MAXIMUM PENALTY: 6 months in jail; \$200 minimum fine; and attend an alcohol education program.

- It is illegal for anyone to host a person under 21 in such a manner that permits the minor to consume alcoholic liquor or cereal malt beverages.

MAXIMUM PENALTY: 1 year in jail, \$1,000 minimum fine; perform community service.

Use, and Misuse, of Forms of Identification

Possession, use, attempting to obtain, sale, and manufacture of altered or false driver's licenses or identification cards are prohibited by criminal laws. Criminal convictions may jeopardize employment status in professions requiring licensing, certification, or security clearances.

In Kansas, it is also illegal to lend a driver's license or identification card to a person under 21 years of age in order to obtain cereal malt beverage and/or alcoholic liquor.

Kansas Law

- Possession or display of any fictitious or fraudulently altered driver's license or identification card is a Class B nonperson misdemeanor.

MAXIMUM PENALTY: 6 months in jail; \$1,000 fine; completion of alcohol/drug education or training program.

- Lending a driver's license or identification card to a person under 21 years of age for use in obtaining cereal malt beverage and/or alcoholic liquor is a Class B nonperson misdemeanor (first conviction).

MAXIMUM PENALTY: at least 100 hours public service; \$500 fine; 6 months in jail; (severity level and penalties increase with subsequent convictions).

- Other crimes relating to false identification can be more severe. Dealing in false identification documents is a severity level 9 nonperson felony. Penalties will vary based upon factors considered in sentencing guidelines.

MAXIMUM PENALTY: 23 months in jail; \$100,000 fine.

Health Risks - Alcohol/Drugs

Alcoholism is the number one drug problem in the United States and takes a toll on personal lives by affecting employment, finances, health, social relationships and families. College campuses are not exempt. Accidents and injuries are more likely to occur on university property or at university activities when alcohol or other drugs are used.

The abuse of alcohol and other drugs may lead to serious consequences. These may include the loss of resistance to disease, the development of drug tolerance and psychological dependence after sustained use, and criminal prosecution stemming from injuries inflicted on others due to driving under the influence. Every year thousands of people die in alcohol-related motor vehicle accidents. Impaired drivers are responsible for almost half of all traffic fatalities.

Driving Under the Influence

Kansas Law

In Kansas it is illegal for anyone to operate a vehicle under the influence of alcohol, drugs, or both alcohol and drugs, with a breath or blood alcohol content of .08 or more. For anyone under 21, it is illegal to do so with a breath or blood alcohol content of .02 or greater. If convicted, you are subject to the following penalties:

First Conviction (Misdemeanor)

MAXIMUM PENALTY: 6 months in jail ; \$1,000 fine; required completion of an alcohol education program; suspended driver's license for 30 days; then use of ignition interlock device for 180 days (1-year suspension and subsequent 1-year ignition interlock device if alcohol concentration is .15 or greater).

Second Conviction (Misdemeanor)

MAXIMUM PENALTY: 1 year in jail; \$1,750 fine; completion of alcohol treatment program; suspended driver's license for 1 year; then use of ignition interlock device for 1 year (2 years, if alcohol concentration is .15 or greater).

Third Conviction (Misdemeanor)

(Felony if prior conviction within preceding 10 years)

MAXIMUM PENALTY: 1 year in jail; \$2,500 fine; completion of alcohol treatment program; suspended driver's license for 1 year; use of ignition interlock device for 2 years (3 years, if alcohol concentration is .15 or greater), with costs.

Fourth Conviction (Felony)

MAXIMUM PENALTY: Maximum Penalty: 1 year in jail; \$2,500 fine; participation in alcohol abuse program; required mental health evaluation; suspended driver's license for 1 year, then use of ignition interlock device for 3 years (4 years, if alcohol concentration is .15 or greater), with costs.

Fifth & Subsequent Conviction (Felony)

MAXIMUM PENALTY: 1 year in jail; \$2,500 fine; participation in alcohol abuse program; required mental health evaluation; suspended driver's license for 1 year, then use of ignition interlock device for 10 years, with costs.

Refusal to Submit to Alcohol or Drug Testing (Felony)

PENALTY:

- **1st time** - suspended driver's license for 1 year; driving is restricted by ignition interlock device for two years.
 - **2nd time** - suspended driver's license for 1 year; driving is restricted by ignition interlock device for three years.
 - **3rd time** - suspended driver's license for 1 year; driving is restricted by ignition interlock device for four years.
 - **4th time** - suspended driver's license for 1 year; driving is restricted by ignition interlock device for five years.
 - **5th time** - suspended driver's license for 1 year; driving is restricted by ignition interlock device for ten years.
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Drugs

Kansas Law

The illegal possession or illegal use of drugs may subject individuals to criminal prosecution. The university will refer violations of proscribed conduct to appropriate authorities for prosecution.

Kansas law also mandates for certain offenders a non-prison sanction of placement in drug abuse treatment programs. Certain other offenders, including habitual drug users and those convicted of unrelated felonies, remain subject to punishment of imprisonment.

- The manufacture of a controlled substance is a drug severity level 2 felony.
MAXIMUM PENALTY: 12 years imprisonment; \$500,000 fine.
- Illegal possession or use of opiates, amphetamines and narcotics is a drug severity level 5 felony.
MAXIMUM PENALTY: 3 1/2 years imprisonment; \$100,000 fine.
- Unlawful possession or use of depressants*, stimulants, hallucinogenic drugs (including marijuana and K-2), anabolic steroids, simulated controlled substances and paraphernalia, as well as unlawfully obtaining and distributing prescription drugs is a Class A non-person misdemeanor and may escalate to a level 5 felony.
MAXIMUM PENALTY: 1 year imprisonment; \$2,500 fine. With a prior conviction for this offense: 3 1/2 years imprisonment; \$100,000 fine.
- The sale or distribution of these drugs is a drug severity level 4 felony and may escalate to a drug severity level 1 felony.
MAXIMUM PENALTY: 4 years & 3 months imprisonment; \$300,000 fine. With prior convictions for this offense: 17 years imprisonment; \$500,000 fine.

**Depressants include barbiturates and barbital; hallucinogens include LSD and psilocybin.*

Federal Law

The Federal Controlled Substances Act provides penalties for the following:

- Intentional unlawful distribution or possession with intent to distribute controlled substances.
MAXIMUM PENALTY: Life imprisonment; \$10,000,000 fine (first conviction). With a prior conviction for this offense: fine amount is \$20,000,000. With two prior convictions for this offense: life imprisonment without release.
- Unlawful possession of a controlled substance.
MAXIMUM PENALTY: 3 years imprisonment; \$5,000 fine.

- Unlawful distribution of a controlled substance, manufacturing, or employing or persuading a person under 18 to unlawfully distribute a controlled substance on or within 1,000 feet of a school or university.

MAXIMUM PENALTY: Up to three times the term of imprisonment and fine otherwise authorized by law.

Online Resources

KU Student Housing:

housing.ku.edu/handbook

Human Resources/Equal Opportunity:

documents.ku.edu/policies/Human_Resources/alcoholanddrug.htm

Office of the Provost and Executive Vice

Chancellor: Policy and Procedures on Substance Abuse:

documents.ku.edu/policies/provost/SubstanceAbuse.htm

Office of the Vice Provost for Student Affairs:

alcohol.ku.edu

The University of Kansas Alcohol & Drug

Policies are located in the KU Policy Library at:

documents.ku.edu/policies/Student_Affairs/KU_Alcohol_Drug_Policies.htm.

Laws concerning illegal usage are stringent, the enforcement is strict, and the penalties for violations are severe. This brochure is provided to give you information regarding the use of alcohol and drugs on campus and in the workplace. It is available online at vpss.ku.edu/alcoholbrochure.pdf.

Help is Available

Counseling and Psychological Services

785-864-2277

Health Education Resource Office

785-864-9570

Human Resources

785-864-4946

Legal Services for Students

785-864-5665

Public Safety Office

TDD 785-864-5900

Alanon or Alateen Information

888-425-2666

kansas-al-anon.org

Alcoholics Anonymous

785-842-0110

DCCCA Outpatient Services

785-830-8238

Narcotics Anonymous

785-380-0230

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