

DRUG-FREE SCHOOLS ACT

Drug-Free Schools and Communities Act Amendments

As part of the Drug-Free Schools and Communities Act Amendments of 1989, SMSU is required by law to provide to every employee and each student who is enrolled in one or more classes, written materials that adequately describe and contain the following:

- Standards of conduct that prohibit unlawful possession, use, or distribution of drugs and alcohol.
- Description of health risks associated with the use and abuse of drugs and alcohol.
- Description of counseling, treatment, or rehabilitation programs offered.
- A clear statement of the disciplinary sanctions the institution will impose on students and employees.
- Description of possible legal sanctions under local, state, or federal law.

Updated, June 2022

Purpose

The abuse of alcohol and the use of illegal drugs by members of the Southwest Minnesota State University community are incompatible with the goals and mission of the institution. In order to further the University's commitment to provide a healthy and productive educational environment, and in compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 1-226, Section 22, subpart B), the University has established the following policy on alcohol and other drugs. The entire campus community is under this mandated compliance.

Student Misconduct

Southwest Minnesota State University's student conduct regulations prohibit the unlawful possession, use, or distribution of alcohol and other drugs by students and student organizations. The regulations also prohibit other alcohol-related misconduct. Sanctions for violation of these student conduct regulations may include alcohol and/or other drug education, mandated evaluation and treatment, community service, suspension, and/or expulsion. Student organizations that knowingly permit illegal drug activity will be subject to sanctions.

Criminal Sanctions

Federal Law

Schedule I Drugs (Penalty for possession)

- First Offense: 10 years to life, 10 year mandatory minimum; if death or serious injury, 20 year minimum; up to \$4 million fine individual, \$10 million other than individual.
- Second Offense: 20 years to life, 20 year mandatory minimum; if death or serious injury, not less than life; up to \$8 million fine individual, \$20 million other than individual.

Schedule II Drugs (Penalty for possession)

- First Offense: 5 to 40 years, 5 year mandatory minimum; if death or serious injury, 20 year minimum; up to \$2 million fine individual, \$5 million other than individual.

- Second Offense: 10 years to life, 10 year mandatory minimum; if death or serious injury, not less than life; up to \$4 million fine individual, \$10 million other than individual.

Schedule I or Schedule II Controlled Drugs (Penalty for possession)

- First Offense: 0 to 20 years, if death or serious injury, 20 year minimum, not more than life; up to \$1 million fine individual, \$5 million other than individual.
- Second Offense: 0 to 30 years, if death or serious injury, not less than life; up to \$2 million fine individual, \$10 million other than individual.

Schedule III Drugs (Penalty for possession)

- First Offense: 0 to 5 years, up to \$250,000 fine individual, \$1 million other than individual.
- Second Offense: 0 to 10 years; up to \$500,000 fine individual, \$2 million other than individual.

Schedule IV Drugs (Penalty for possession)

- First Offense: 0 to 3 years, up to \$250,000 fine individual, \$1 million other than individual.
- Second Offense: 0 to 6 years, up to \$500,000 fine individual, \$2 million other than individual.

Schedule V Drugs (Penalty for possession)

- First Offense: 0 to 1 year, up to \$100,000 fine individual, \$250,000 other than individual.
- Second Offense: 0 to 2 years, up to \$200,000 fine individual, \$500,000 other than individual.

Minnesota Alcohol Violations

- Driving while intoxicated: (Blood alcohol content .10 or more) \$700 fine, 90 days in jail, revocation of driver's license for 30 days, reinstatement fee of \$20, retake driver's license exam – written and behind-the-wheel.
- Possession by persons under 21: \$100 fine.
- Use of false identification for alcohol purchase: \$100 fine.
- Furnishing alcohol to persons under 21: \$3,000 fine and/or 1 year in jail
- Party Ordinance: \$300 fine and/or 90 days in jail.

Minnesota Drug Laws

First Degree

- Sale: 10+ grams of cocaine, 50+ grams of other narcotic drug, 200+ doses hallucinogen, 50 kilos marijuana, or 25+ kilos marijuana in a school zone, park zone, or public housing zone.
- Possession: 25+ grams cocaine, 500+ grams of other narcotic drug, 500+ doses hallucinogen, 110+ kilos marijuana.
- Penalty: 0 to 40 years, 4 year mandatory minimum if prior drug felony; up to \$1,000,000 fine. 0 to 40 years, 2nd offense.

Second Degree

- Sale: 3+ grams cocaine, 10+ grams of other narcotic drug, 50+ doses hallucinogen, 25+ kilos marijuana, or sale of a Schedule I or II narcotic drug of 5+ doses hallucinogen or methamphetamine either to a person under 18 or in a school zone, park zone, or public housing zone.
- Possession: 6+ grams cocaine, 50+ grams of other narcotic drug, 100+ doses hallucinogen, 50+ kilos marijuana.
- Penalty: 0 to 40 years, 3 year mandatory minimum if prior drug felony; up to \$500,000 fine.

Third Degree

- Sale: Narcotic drug, 10+ doses hallucinogen, 5+ kilos marijuana, or sale of any Schedule I, II, or III drug (except a Schedule I or II narcotic drug or marijuana) to a person under 18 or employment of person under 18 to sell the same.
- Possession: 3+ grams cocaine, 10+ grams of other narcotic drug, 10+ kilos marijuana, and any amount of a Schedule I or II narcotic drug or LSD or methamphetamine or 5+ kilos marijuana in a school zone, park zone, or public housing zone.
- Penalty: 0 to 30 years, 2 year mandatory minimum if prior drug felony; up to \$250,000 fine. Between 0 to 30 year years, 2nd or subsequent offense.

Fourth Degree

- Sale: Any Schedule I, II or II drug (except marijuana), or sale of marijuana in a school zone, park zone, or public housing zone or any Schedule IV or V drug to a person under 18 or conspiracy for the same.
- Possession: 10 doses hallucinogen, any amount of a Schedule I, II, or III drug (except marijuana) with the intent to sell it.
- Penalty: 0 to 30 years, 1 year mandatory minimum if prior drug felony; up to \$100,000 fine.

Fifth Degree

- Sale: Marijuana, or any Schedule IV drug.
- Possession: All Schedule I, II, III, IV drugs except 42.5 grams or less of marijuana. Any prescription drugs obtained through false pretenses or forgery.
- Penalty: 0 to 5 years, 6 month mandatory minimum if prior drug felony; up to \$10,000 fine.

Counseling and Treatment Resources

A variety of counseling services and treatment centers are available throughout the state for anyone experiencing problems related to substance abuse. Although most counseling and treatment centers charge for their services, some programs are free of charge. Faculty, staff, and students should consult the following referral sources to identify the services or programs that most closely meet their specific needs. The Student Assistance Program (SAP) is outlined below.

Student Assistance Program

1. The "On Campus Talking about Alcohol" (OCTAA) curriculum will serve as the educational portion of the SAP. The curriculum would be presented in three two hour sessions.
2. This program is mandatory and is consistent with current SMSU policy. The program will be required for those found guilty of violating current SMSU alcohol and other drug policies. Further sanctions may be applied if the governing bodies believe it is necessary based on the circumstances. The program also will be available for any individual seeking help for alcohol or other drug issues.
3. The plan of action for the SAP will be as follows:

First offense: The student will be sent a letter stating that he/she is required to sign up for and successfully complete the OCTAA program at the next available offering. The Student will sign up for the OCTAA program through the Continuing Education Center and will be required to pay a \$25 fee for the program. Successful completion of OCTAA requires a knowledge test score of 75 percent or above. The exam will be given at the completion of the OCTAA sessions. In addition, the student may be required to provide up to 40 hours of community

service to the campus and/or may be suspended from the residence hall for a minimum of one semester, among other sanctions. This will be determined through the Office of Student Life.

Second offense: The student will be subject to the following action. This will include an appointment with Counseling Services. The student will be required to sign up for and successfully complete the OCTAA program at the next available offering. The Student will sign up for the OCTAA program through the Continuing Education Center and will be required to pay a \$35 fee for the program. A clinical assessment may be necessary to determine if addiction counseling or other treatments should be recommended. In addition, the student may be required to provide 40 hours of community service to the campus and/or may be suspended from the residence hall for a minimum of one semester. This will be determined through the Office of Student Life.

Third offense: The student will be suspended from school for a minimum of one semester. In addition, he or she will be referred to Alcohol/Drug addiction counseling such as Project Turnabout, for proper evaluation and must complete his or her addiction education program. Only after showing completion of the educational program, may the student return to school.

4. This information will be publicized on the SMSU Website as well as in a pamphlet. Copies of the pamphlet are available from the Counseling Center, Public Safety Department, Student Health Center, and Student Housing. Faculty and staff may obtain a list of available alcohol and other drug counseling services and treatment centers from Human Resources or the Health Center.

Health Risks

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 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 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 of becoming alcoholics than other youngsters. The use of drugs can pose many risks to health. It can cause high blood pressure, heart or respiratory failure, impaired memory or injury, even death through violence or self destructive behavior. Even infrequent use may lead to tremors, impaired sexual response, cardiovascular damage, and impaired performance, which could lead to poor grades, financial problems, and interpersonal conflicts.

Campus Contacts

Office	Phone
Counseling & Testing Services	507-537-7150
Director, Health Services	507-537-7202
Human Resources Department	507-537-6208
University Public Safety	507-537-7252
Residence Life	507-537-6136