

Alcohol and Other Drugs Policy and Prevention Programs for Students

Dear USI student:

We want the University of Southern Indiana to be a safe environment for our employees and students. A policy regarding abuse of drugs and alcohol has been formulated and is being distributed to inform faculty, staff, and students of consequences of abuse of drugs and alcohol on the campus. Please acquaint yourself with the policy. We need your cooperation and commitment to keeping USI free of illicit drugs and illegal use of alcohol. This is your University. Please keep it safe for yourself and your friends.

Linda L. M. Bennett
President

Campus Policy

The University of Southern Indiana prohibits the illegal manufacture, possession, use, and/or distribution of drugs and alcohol by students, employees, and visitors on University-owned or -leased property or as a part of any "University activities" as that term is defined by the University.

The University expects the cooperation and commitment of all students and employees in maintaining an environment free of illicit drugs and illegal use of alcohol. Students and other campus constituents are deemed to be adults responsible for their own behavior and are expected to obey the law and University rules regarding drugs and alcohol.

The following excerpts are from *Student Rights and Responsibilities: A Code of Student Behavior (Revised April 2006)*:

2.1 – Alcohol and/or Drug Use

2.1.1 Alcohol on USI Property

The manufacture, sale, transfer, purchase, transportation, possession, or consumption of an alcoholic beverage anywhere on University-owned or -controlled property (including University-owned or -leased vehicles, regardless of location) is prohibited by the University; exceptions are granted by the president or his/her designee.

2.1.2 Alcohol at Student Organization Events

Recognized USI student organizations planning off-campus events where alcohol may be served must adhere to the guidelines established by the University. See Appendix C of *Student Rights and Responsibilities: A Code of Student Behavior*.

2.1.3 Being Under the Influence of Alcohol

Being under the influence of alcohol is a violation of this code when a person is on University-owned or -controlled property, or at a USI-sponsored or -supervised function, and 1) endangers, or may endanger, the safety of others, property, or themselves; or 2) causes a disturbance.

2.1.4 Driving Under the Influence of Alcohol or Other Drugs

Driving while under the influence of alcohol or illicit drugs on University-owned or -controlled property or in association with any other USI-sponsored or -supervised organizations or activities is prohibited.

2.1.5 Drug-Related Violations

Being under the influence, possessing, manufacturing, exchanging, distributing, purchasing, using, or selling illegal drugs or any controlled substance, including marijuana, abuse of over-the-counter drugs, inhalants, etc., except pursuant to a physician's/dentist's prescription, or possessing paraphernalia for drug use on University-owned or -controlled property or at USI-sponsored or -supervised events is prohibited.

2.2 – Attempts to Commit and/or Complicity in Prohibited Acts

2.2.1 Attempts

Attempts to commit acts prohibited by the standards of this Code of Student Behavior may be sanctioned to the same extent as if one had committed the prohibited acts.

2.2.2 Complicity in Prohibited Acts

Knowingly encouraging or assisting others to commit such acts that are prohibited by this code may be sanctioned to the same extent as if one had committed the prohibited act.

2.3 – Violations of Law

The University reserves the right to address any alleged violations of federal, state, and local law occurring on or off campus, including other University campuses.

4.4 Student Behavior Resolution Procedures

4.4.1 Judicial Authority

The dean of students is charged with the development and administration of the University of Southern Indiana student judicial process. Under the supervision of the dean of students, the following individuals will be charged with the execution of judicial proceedings:

- Assistant Director for Judicial Affairs – Residence Life
- Director of Residence Life
- Director of Student Development Programs
- Additional staff members in the University community as deemed appropriate and as trained by the dean of students

The aforementioned individuals may conduct meetings and hearings with students who may have violated any University policy, including those found in the *Student Rights and Responsibilities: A Code of Student Behavior*, USI University housing community standards (Appendix B of *Student Rights and Responsibilities: A Code of Student Behavior*), and USI student organization policies (Appendix C of *Student Rights and Responsibilities: A Code of Student Behavior*).

4.6 Sanctions, Restrictions and Stipulations

4.6.1 Sanctions

Sanction(s) is/are a consequence(s) placed upon a student when responsibility for a violation(s) of specified University policy(ies) has been determined. The following is a list of possible sanctions:

- Warning (Written)
- Probation
- Suspension
- Emergency Suspension
- Expulsion

4.6.2 Restrictions and Stipulations

Restrictions and stipulations are concurrent actions which may be imposed by the administrative hearing officer or the University hearing board in addition to a sanction. Possible restrictions/stipulations include:

- Educational Requirements (reflection paper, reports, behavioral agreements, etc.)
- Community/University Service
- Restitution
- Confiscation
- Restriction of Access/Removal from University Housing
- Loss of privileges
- Participation in a specific program

(See Section 4.6.2 of *Student Rights and Responsibilities: A Code of Student Behavior* for more information)

Campus policy on drugs and alcohol abuse is monitored by the Substance Abuse Advisory Committee composed of administrators, faculty, staff, and students who will recommend policy changes as needed.

Assistance with Drug or Alcohol Problem

Services are available to help you deal with issues concerning chemical dependency. Interventions range from educational presentations, on-campus professional counseling, and referral to community support groups and agencies, when appropriate.

Where Do I Start?

The USI Counseling Center and Religious Life Office are available to discuss a potential problem or to arrange for counseling. All conversations with professional counselors are strictly confidential, and information is not released unless a specific release of information form is signed by the student.

You might be referred for counseling to a Counseling Center staff member or a professional with a community agency. Assistance is based on resources, preferences, and need. Prolonged treatment would involve a referral to a chemical dependence program in the community.

How Would I Pay?

There is no fee for on-campus services. Services at community agencies are determined by the agency upon evaluation, and usually consider your ability to pay.

Use the Assistance Program

- If you think a friend or acquaintance has a problem with chemical use/abuse, **PLEASE don't diagnose!** Encourage this person to seek help.
- If you think you or a friend have a problem with chemical use/abuse, talk with your faculty advisor, instructor, student housing personnel, and/or the staff in the Religious Life Office (812/464-1871), Student Health Center (812/465-1250), USI Counseling Center (812/464-1867), or any University office. Ask about making an appointment so you can discuss the problem and/or begin counseling.
- If you need to report an incident of possible policy infraction, contact the Office of the Dean of Students at 812/464-1862 or USI Safety & Security at 812/464-1845. **In case of an on-campus emergency, call 7777 or 812/464-1845.**

State Penalties and Legal Sanctions for Drug/Alcohol

A. DRUG USE

Title 35, Article 48 of the Indiana Criminal Code provides the applicable legal sanctions under local and state law for the unlawful possession or distribution of illicit drugs. Some examples of these sanctions follow:

(1) Possession of a Controlled Substance; obtaining a schedule V controlled substance: (a) A person who, without a valid prescription or order of a practitioner acting in the course of his professional practice, knowingly or intentionally possesses a controlled substance (pure or adulterated) classified in schedule I, II, III, or IV, except marijuana or hashish, commits possession of a controlled substance, a Class D felony. However, the offense is a Class C felony if the person in possession of the controlled substance possesses the controlled substance: (1) On a school bus; or (2) in, on, or within one thousand (1,000) feet of: (A) school property; (B) a public park; (C) a family housing complex; or (D) a youth program center. (Indiana Code 35-48-4-7)

(2) Possession of marijuana, hash oil, or hashish: A person who: (1) Knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, or hashish; (2) Knowingly or intentionally grows or cultivates marijuana; or (3) Knowing that marijuana is growing on his premises, fails to destroy the marijuana plants; commits possession of marijuana, hash oil, or hashish, a Class A misdemeanor. However, the offense is a Class D felony (i) if the amount involved is more than thirty (30) grams of marijuana or two (2) grams of hash oil or hashish, or (ii) if the person has a prior conviction of an offense involving marijuana, hash oil or hashish. (Indiana Code 35-48-4-11)

(3) Possession of cocaine or a narcotic drug: (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) or a narcotic drug (pure or adulterated) classified in schedule I or II, commits possession of cocaine or a narcotic drug, a Class D felony, except as provided in subsection (b). (b) The offense is: (1) a Class C felony if (A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; or (B) the person was also in possession of a firearm (as defined in Indiana Code 35-47-1-5); (2) A Class B felony if the person in possession of the cocaine or narcotic drug possesses less than three (3) grams of pure or adulterated cocaine or a narcotic drug: (A) on a school bus; or (B) in, on, or within one thousand (1,000) feet of: (i) school property; (ii) a public park; (iii) a family housing complex; or (iv) a youth program center; and (3) a Class A felony if the person possesses the cocaine or narcotic drug: in an amount (pure or adulterated)

weighing at least three (3) grams: (A) on a school bus; or (B) in, on, or within one thousand (1,000) feet of: (i) school property; (ii) a public park; (iii) a family housing complex; or (iv) a youth program center. (Indiana Code 35-48-4-6)

(4) Possession of methamphetamine: (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses methamphetamine (pure or adulterated) commits possession of methamphetamine, a Class D felony, except as provided in subsection (b). (b) The offense is: (1) a Class C felony if: (A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; or (B) the person was also in possession of a firearm (as defined in Indiana Code 35-47-1-5); (2) a Class B felony if the person in possession of the methamphetamine possesses less than three (3) grams of pure or adulterated methamphetamine: (A) on a school bus; or (B) in, on, or within one thousand (1,000) feet of: (i) school property; (ii) a public park; (iii) a family housing complex; or (iv) a youth program center; and (3) a Class A felony if the person possesses the methamphetamine in an amount (pure or adulterated) weighing at least three (3) grams: (A) on a school bus; or (B) in, on, or within one thousand (1,000) feet of: (i) school property; (ii) a public park; (iii) a family housing complex; or (iv) a youth program center. Indiana Code 35-48-4-6.1

(5) Possession of paraphernalia: (a) A person who possesses a raw material, an instrument, a device, or other object that the person intends to use for: (1) introducing into the person's body a controlled substance; (2) testing the strength, effectiveness, or purity of a controlled substance; or (3) enhancing the effect of a controlled substance in violation of this chapter commits a Class A infraction for possessing paraphernalia. (Indiana Code 35-48-4-8.3)

(6) Unlawful manufacture, distribution, or possession of counterfeit substance: (a) A person who knowingly or intentionally: (1) manufactures; (2) finances the manufacture of; (3) advertises; (4) distributes; or (5) possesses with intent to manufacture, finance the manufacture of, advertise, or distribute; a substance described in section 4.5 (Indiana Code 35-48-4-4.5) of this chapter commits a Class C felony. (b) A person who knowingly or intentionally possesses a substance described in Section 4.5 of this chapter commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous conviction under this section. (Indiana Code 35-48-4-4.6)

(7) Dealing in marijuana, hash oil, or hashish: (a) A person who: (1) knowingly or intentionally: (A) manufactures; (B) finances the manufacture of; (C) delivers; or (D) finances the delivery of; marijuana, hash oil, or hashish, pure or adulterated; or (2) possesses, with intent to: (A) manufacture; (B) finance the manufacture of; (C) deliver; or (D) finance the delivery of; marijuana, hash oil, or hashish, pure or adulterated; commits dealing in marijuana, hash oil or hashish, a Class A misdemeanor, except as provided in subsection (b). (b) The offense is: (1) A Class D felony if: (A) the recipient or intended recipient is under eighteen (18) years of age; (B) the amount involved is more than thirty (30) grams but less than ten (10) pounds of marijuana or two (2) grams but less than three hundred (300) grams of hash oil or hashish; or (C) the person has a prior conviction of an offense involving marijuana, hash oil, or hashish; and (2) a Class C felony if the amount involved is ten (10) pounds or more of marijuana or three hundred (300) or more grams of hash oil or hashish or the person delivered or financed the delivery of marijuana, hash oil, or hashish: (A) on a school bus; or (B) in, on, or within one thousand (1,000) feet of: (i) school property; (ii) a public park; (iii) a family housing complex; or (iv) a youth program center. (Indiana Code 35-48-4-10)

(8) Dealing in cocaine or a narcotic drug: (a) A person who: (1) knowingly or intentionally: (A) manufactures; (B) finances the manufacture of; (C) delivers; or (D) finances the delivery of; cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or (2) possesses, with intent to: (A) manufacture; (B) finance the manufacture of; (C) deliver; or (D) finance the delivery of; cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; commits dealing in cocaine or a narcotic drug, a Class B felony, except as provided in subsection (b). (b) The offense is a Class A felony if: (1) the amount of the drug involved weighs three (3) grams or more; (2) the person: (A) delivered; or (B) financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person; or (3) the person manufactured, delivered or financed the delivery of the drug: (A) on a school bus; or (B) in, on, or within one thousand (1,000) feet of: (i) school property; (ii) a public park; (iii) a family housing complex; or (iv) a youth program center. (Indiana Code 35-48-4-1)

(9) Dealing in methamphetamine: (a) A person who: (1) knowingly or intentionally: (A) manufactures; (B) finances the manufacture of; (C) delivers; or (D) finances the delivery of; methamphetamine, pure or adulterated; or (2) possesses, with intent to: (A) manufacture; (B) finance the manufacture of; (C) deliver; or (D) finance the delivery of; methamphetamine, pure or adulterated; commits dealing in methamphetamine, a Class B felony, except as provided in subsection (b). (b) The offense is a Class A felony if: (1) the amount of the drug involved weighs three (3) grams or more; (2) the person: (A) delivered; or (B) financed the delivery of; the drug to a person under eighteen (18) years of age at least three (3) years junior to the person; or (3) the person manufactured, delivered, or financed the delivery of the drug: (A) on a school bus; or (B) in, on, or within one thousand (1,000) feet of: (i) school property; (ii) a public park; (iii) a family housing complex; or (iv) a youth program center. Indiana Code 35-48-4-1.1

(10) Visiting or maintaining a common nuisance: (a) A person who knowingly or intentionally visits a building, structure, vehicle or other place that is used by any person to unlawfully use a controlled substance commits visiting a common nuisance, a Class B misdemeanor; (b) A person who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used one (1) or more times: (1) by persons to unlawfully use controlled substances; or (2) for unlawfully: (A) manufacturing; (B) keeping; (C) offering for sale; (D) selling; (E) delivering; or (F) financing the delivery of: controlled substances, or items of drug paraphernalia as described in Indiana Code 35-48-4-8.5; commits maintaining a common nuisance, a Class D felony. (Indiana Code 35-48-4-13)

(11) Driver's licenses and motor vehicle registration; suspension: (a) if a person is convicted of an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, or conspiracy to commit an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, and the court finds that a motor vehicle was used in the commission of the offense, the court shall, in addition to any other order the court enters, order that the person's: (1) operator's license be suspended; (2) existing motor vehicle registrations be suspended; and (3) ability to register motor vehicles be suspended by the bureau of motor vehicles for a period specified by the court of at least six (6) months but not more than two (2) years. If a person is convicted of an offense described in subsection (a) and the person does not hold an operator's license or a learner's permit, the court shall order that the person may not receive an operator's license or a learner's permit from the bureau of motor vehicles for a period of not less than six (6) months. (Indiana Code 35-48-4-15).

B. ALCOHOL USE

Title 7.1, Article 5 of the Indiana Code provides the applicable legal sanctions under local and state law for illegal possession and use of alcoholic beverages. Some examples of these sanctions follow:

(1) Public intoxication prohibited. It is a Class B misdemeanor for a person to be in a public place or a place of public resort in a state of intoxication caused by the person's use of alcohol or a controlled substance (as defined in Indiana Code 35-48-1-9; Indiana Code 7.1-5-1-3).

(2) Illegal possession. (a) It is a Class C misdemeanor for a minor to knowingly: (1) possess an alcoholic beverage (2) consume it; or (3)

transport it on a public highway when not accompanied by at least one (1) of his parents or guardians. (Indiana Code 7.1-5-7-7).

(3) Sales to minors prohibited. It is a Class C misdemeanor for a person to recklessly sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor (Indiana Code 7.1-5-7-8).

(4) Minors in taverns prohibited. It is a Class C misdemeanor for a minor to recklessly be in a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished. In addition to other penalties under this subsection, the minor's driver's license shall be suspended for up to one (1) year in accordance with Indiana Code 9-24-18-8 and Indiana Code 9-30-4-9 (Indiana Code 7.1-5-7-10).

(5) False statements of age. (a) It is a Class C infraction for a minor to make a false statement of the minor's age or to present or offer false or fraudulent evidence of majority or identity to a permittee for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage. (b) In addition to the penalty under subsection (a), a minor who: (1) uses a false or altered driver's license or the driver's license of another person as evidence of majority under this section; or (2) is convicted of purchasing or procuring an alcoholic beverage with or without using a false or altered driver's license; shall have the minor's driver's license suspended for up to one (1) year in accordance with Indiana Code 9-24-18-8 and Indiana Code 9-30-4-9. (Indiana Code 7.1-5-7-1).

(6) Furnishing false evidence of identification. It is a Class C misdemeanor for a person to sell, give, or furnish to a minor false or fraudulent evidence of majority or identity with the intent to violate a provision of this title (Indiana Code 7.1-5-7-2).

(7) Possession of false identity. It is a Class C infraction for a minor to have in his possession false or fraudulent evidence of majority or identity with the intent to violate a provision of this title (Indiana Code 7.1-5-7-3).

(8) Statement of age. A permittee shall have the right to demand of a customer a signed written statement, on a form prescribed by the commission, that the customer is not a minor. It is a Class C infraction for a minor to misrepresent his age on the statement (Indiana Code 7.1-5-7-4).

(9) Sales to intoxicated person prohibited. It is unlawful for a person to sell, barter, deliver, or give away an alcoholic beverage to another person who is in a state of intoxication if the person knows that the other person is intoxicated. (Indiana Code 7.1-5-10-15).

(10) Person furnishing alcoholic beverage; civil liability for damages; "furnish" defined. (a) As used in this section, "furnish" includes barter, deliver, sell, exchange, provide, or give away. (b) A person who furnishes an alcoholic beverage to a person is not liable in a civil action for damages caused by the impairment or intoxication of the person who was furnished the alcoholic beverage unless: (a) the person furnishing the alcoholic beverage had actual knowledge that the person to whom the alcoholic beverage was furnished was visibly intoxicated at the time the alcoholic beverage was furnished; and (2) the intoxication of the person to whom the alcoholic beverage was furnished was a proximate cause of the death, injury, or damage alleged in the complaint. (Indiana Code 7.1-5-10-15.5).

(11) Driving while intoxicated penalty. A person who operates a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol per: (1) one hundred (100) milliliters of the person's blood; or (2) two hundred ten (210) liters of the person's breath; commits a Class C misdemeanor (Indiana Code 9-30-5-1). The penalty can be 60 days in jail and a \$500 fine (Indiana Code 35-50-3-4). A person who drives a vehicle while intoxicated can be charged with a Class A misdemeanor with a penalty of up to one year in jail and a \$5,000 fine (Indiana Code 9-30-5-1 and Indiana Code 35-50-3-2). A second offense or beyond, occurring during a five-year period, is a Class D felony (Indiana Code 9-30-5-3), with a penalty of six months to three years in prison and up to a \$10,000 fine (Indiana Code 35-50-2-7). It is a Class D felony if a driver is under the influence and causes an accident involving bodily injury, and a Class C felony where an accident involves a death (Indiana Code 9-30-5-4; Indiana Code 9-30-5-5). The Class C felony carries a penalty of two to eight years in prison and up to a \$10,000 fine (Indiana Code 35-50-2-6).

(12) Visiting or maintaining a common nuisance. (a) A person who knowingly or intentionally visits a building, structure, vehicle or other place that is used by any person to unlawfully use a controlled substance commits visiting a common nuisance, a Class B misdemeanor. (b) A person who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used one (1) or more times: (1) by persons to unlawfully use controlled substances; or (2) for unlawfully: (A) manufacturing; (B) keeping; (C) offering for sale; (D) selling; (E) delivering; or (F) financing the delivery of: controlled substances, or items of drug paraphernalia as described in Indiana Code 35-48-4-8.5; commits maintaining a common nuisance, a Class D felony. (Indiana Code 35-48-4-13).

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, or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000. Special sentencing provisions for possession of a mixture or substance which contains cocaine base: Mandatory at least 5 years in prison, not to exceed 20 years and fined a minimum of \$1,000, if: (a) 1st conviction and the amount possessed exceeds 5 grams, (b) 2nd conviction under this subsection and the amount possessed exceeds 3 grams, (c) 3rd or subsequent conviction under this subsection and the amount possessed exceeds 1 gram.

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.

21 U.S.C. 881 (a) (4): Forfeiture of all conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance.

21 U.S.C. 844a: Civil fine of up to \$10,000 for each violation.

21 U.S.C. 862 (b): Denial of Federal benefits to drug possessors, up to 5 years for first offense, up to 10 years for second offense, for third or subsequent conviction be permanently ineligible for all federal benefits.

18 U.S.C. 922 (g): Ineligible to receive or purchase a firearm.

Miscellaneous: Students convicted of drug crimes are prohibited from receiving Federal Financial Aid for specified periods of time.

Revocation of certain Federal licenses and benefits, e.g. pilot licenses, etc., are vested within the authorities of individual Federal agencies.

NOTE: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

Federal penalties and sanctions current as of July 2009. www.usdoj.gov/dea/agency/penalties.htm