

Transylvania University - Drug and Alcohol Policy

The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 require all federal contractors, federal grant recipients, and recipients of any federal funds whatsoever to implement a comprehensive substance and alcohol abuse policy. Transylvania University shall comply with all provisions of these acts. This policy shall apply to all university employees.

Transylvania University prohibits the possession, manufacture, distribution, dispensation, or use of illicit drugs, and the unlawful use, possession, or distribution of alcohol or controlled substances on all university property, at any locations where employees or students are conducting university related business or activities, when using university vehicles, and when using private vehicles on university business or in the conduct of university activities.

The legal sanctions for the unlawful possession, use, or dispensation under state and federal law vary and are based on the nature and severity of the case. Specific legal sanctions are listed in Appendix A.

The health risks associated with the use of illicit drugs and abuse of alcohol have been definitively shown to have potential health consequences that may be permanent. These consequences include disorders and dysfunctions which affect the central nervous system, reproductive functioning, cardiovascular and pulmonary systems, and endocrine functioning. Specifically, there are both short- and long-term effects on cognition, memory, retention, information processing, coordination, and athletic and academic performance. The use of illicit drugs and the abuse of alcohol also affect emotional equilibrium, mental well-being, and the ability to make critical decisions and sound judgments. Impaired judgment increases one's vulnerability and risk-taking behaviors, including engaging in unprotected sex, which may lead to exposure to HIV and other sexually transmitted diseases and to unplanned pregnancy. The chronic use and abuse of illicit drugs and alcohol have been shown to cause adverse permanent changes in most of the biological systems studied. These changes can lead to severe impairment, disability, and premature death. A detailed list of health risks is listed in Appendix B.

Individuals who need assistance relating to the use or abuse of alcohol or drugs may contact the Woodland Group at 255-4864 or the 24 hour crisis line, 1-800-350-6438. The Woodland Group is the provider for the faculty and staff assistance program. The program offers employees and dependents 8 sessions per person, for each problem, per year at no cost. Subscribers to the health insurance plan may also take advantage of the mental health benefits associated with the plan.

A faculty or staff member who violates this policy is subject to disciplinary action up to and including termination of employment. Any individual who retains employment will receive a mandatory referral to the faculty and staff assistance program and shall be expected to comply with the counselor's course of treatment.

In compliance with the Federal Drug-Free Workplace Act of 1988, any employee shall notify the immediate supervisor if the employee is convicted of a criminal drug offense occurring in the workplace or while on University business within five days of the conviction. The University shall take appropriate sanction and remedies in accordance with its policies. The provisions of this section are applicable to students who are employees of the University. If the employee is under a federal contract or grant, the University shall notify the contracting or granting agency of the conviction and of its actions. This section of this policy is also applicable to students who receive a Pell grant (federal grant).

Appendix A

**Federal Penalties and Sanctions for Illegal Trafficking
and Possession of a Controlled Substance**

The Controlled Substances Act (1970) places all substances regulated under federal law into one of five schedules based on the substance's medical use, potential for abuse, and safety or dependence liability.

Federal Trafficking Penalties (as of January 1, 1996)

Drug Schedule	1st Offense	2nd Offense	Quantity	Drug	Quantity	1st Offense	2nd Offense
I and II	<ul style="list-style-type: none"> * Not less than 5 years. Not more than 40 years. * If death or serious injury, not less than 20 years or more than life. * Fine of not more than \$2 million individual, \$5 million other than individual. 	<ul style="list-style-type: none"> * Not less than 10 years. Not more than life. * If death or serious injury, not less than life. * Fine of not more than \$4 million individual, \$10 million other than individual. 	10-99 gm pure or 100-999 gm mixture		100 gm or more pure or 1 kg or more mixture	<ul style="list-style-type: none"> * Not less than 10 years. Not more than life. * If death or serious injury, not less than 20 years or more than life. * Fine of not more than \$4 million individual, \$10 million other than individual. 	<ul style="list-style-type: none"> * Not less than 20 years. Not more than life. * If death or serious injury, not less than life. * Fine of not more than \$8 million individual, \$20 million other than individual.
			100-999 gm mixture	Heroin	1 kg or more mixture		
			500-4,999 gm mixture	Cocaine	5 kg or more mixture		
			5-49 gm mixture	Cocaine Base	50 gm or more mixture		
			10-99 gm pure or 100-999 gm mixture	PCP	100 gm or more pure or 1 kg or more mixture		
			1-9 gm mixture	LSD	10 gm or more mixture		
			40-399 gm mixture	Fentanyl	400 gm or more mixture		
			10-99 gm mixture	Fentanyl Analog	100 gm or more mixture		

Drug Schedule	Description	Drugs	Quantity	1st Offense	2nd Offense
I	<ol style="list-style-type: none"> 1. Has a high potential for abuse. 2. Has no current accepted medical use in treatment in the United States. 3. A lack of accepted safety for use of the drug or other substance under medical supervision. 	<p>Includes GHB, ecstasy, methaqualone and others.</p> <p>(Law does not include marijuana, hashish or hashish oil.)</p>	Any	<ul style="list-style-type: none"> * Not more than 20 years * If death or serious injury, not less than 20 years, not more than life * Fine \$1 million individual, \$5 million not individual 	<ul style="list-style-type: none"> * Not more than 30 years * If death or serious injury, life * Fine \$2 million individual, \$10 million not individual

II	<ol style="list-style-type: none"> Has a high potential for abuse. Has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions. Abuse may lead to severe psychological or physical dependence. 	Includes morphine, methadone, Ritalin and others	Any	<ul style="list-style-type: none"> * Not more than 20 years * If death or serious injury, not less than 20 years, not more than life * Fine \$1 million individual, \$5 million not individual 	<ul style="list-style-type: none"> * Not more than 30 years * If death or serious injury, life * Fine \$2 million individual, \$10 million not individual
III	<ol style="list-style-type: none"> has potential for abuse less than the drugs or the substances in Schedules I and II. Has a currently accepted medical use in treatment in the United States. Abuse may lead to moderate or low physical or high psychological dependence. 	Includes Ketamine, anabolic steroids, codeine and hydrocodone with aspirin or Tylenol, some barbiturates and others.	Any	<ul style="list-style-type: none"> * Not more than 5 years * Fine not more than \$250,000 individual, \$1 million not individual 	<ul style="list-style-type: none"> * Not more than 10 years * Fine not more than \$500,000 individual, \$2 million not individual
IV	<ol style="list-style-type: none"> Has a low potential for abuse relative to the drugs or other substances in Schedule III. Has a currently accepted medical use in treatment in the United States. Abuse may lead to limited physical or psychological dependence. 	Includes Darvon, Talwin, Equanil, Valium, Xanax, Rohyphnol and others.	Any	<ul style="list-style-type: none"> * Not more than 3 years * Fine not more than \$250,000 individual, \$1 million not individual 	<ul style="list-style-type: none"> * Not more than 6 years * Fine not more than \$500,000 individual, \$2 million not individual
V	<ol style="list-style-type: none"> Has a low potential for abuse relative to the drugs or other substances in Schedule IV. Has a currently accepted medical use in treatment in the United States. Abuse may lead to limited physical or psychological dependence. 	Includes over the counter cough medicines with codeine and others.	Any	<ul style="list-style-type: none"> * Not more than 1 year * Fine not more than \$100,000 individual, \$250,000 not individual 	<ul style="list-style-type: none"> * Not more than 2 years * Fine not more than \$200,000 individual, \$500,000 not individual

Description	Quantity	1st Offense	2nd Offense
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> * Not less than 10 years, not more than life * If death or serious injury, not less than 20 years, not more than life * Fine not more than \$4 million individual, \$10 million other than individual 	<ul style="list-style-type: none"> * Not less than 20 years, not more than life * If death or serious injury not more than life * Fine not more than \$8 million individual, \$20 million other than individual
Marijuana	100 kg-999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> * Not less than 5 years, not more than 40 years * If death or serious injury, not less than 20 years, not more than life 	<ul style="list-style-type: none"> * Not less than 10 years, not more than life * If death or serious injury not more than life * Fine not more than \$4 million individual, \$10 million other than individual

		* Fine not more than \$2 million individual, \$5 million other than individual	
Marijuana	50-99 kg mixture; or 50 to 99 plants	* Not more than 20 years * If death or serious injury, not less than 20 years, not more than life * Fine not more than \$1 million individual, \$5 million other than individual	* Not more than 30 years * If death or serious injury, not more than life * Fine not more than \$1 million individual, \$5 million other than individual
Marijuana	Less than 50 kg mixture		
Hashish	10 kg or more	* Not more than 5 years	* Not more than 10 years
Hashish Oil	1 kg or more	* Fine not more than \$250,000 individual, \$1 million other than individual	* Fine not more than \$500,000 individual, \$2 million other than individual

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 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provision for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack 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. (See special sentencing provisions re: crack)

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. 844a

Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 853a

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g)

Ineligible to receive or purchase a firearm.

Miscellaneous

Revocation of certain Federal licenses and benefits, e.g., pilot licenses, public housing tenancy, 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.*

Alcohol

Under University regulations, students, faculty and staff are required to abide by state laws concerning alcoholic beverages. Basically, Kentucky laws state that, if one is under the age of 21, it is unlawful to:

1. possess or consume alcoholic beverages,
2. misrepresent one's age for the purpose of purchasing alcoholic beverages, or
3. use a fake ID in an attempt to purchase alcoholic beverages.

No matter what one's age, Kentucky law states that it is unlawful to:

1. procure any alcoholic beverages for anyone under 21 years of age'
2. drink or be drunk in a public place, or
3. operate a motor vehicle while under the influence of alcohol or other substances which may impair ability.

Sanctions for violation of state alcohol laws vary from a fine of \$10.00 to \$2,000.00, a sentence of forty-eight hours to 12 months in jail, and/or suspension of one's operator's license.

Health Risks Associated with the Use of Illicit Drugs and Alcohol

Drugs	Schedule	Physical Dependence	Psychological Dependence	Possible Effects	Effects of Overdose	Withdrawal Syndrome
Narcotics						
Heroin	I	High	High	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, runny nose, chills and sweating, watery eyes
Morphine	II	High	High			
Codeine	II, III or V	Moderate	Moderate			
Methadone	I or II	High	High			
Other Narcotics: Percodan, Darvon, Talwin, Percocet, Opium, Demerol	I to V	High-Low	High-Low			
Depressants						
Barbiturates: Amytal, Nembutal, Phenobarbital, Pentobarbital	II to IV	High-Moderate	High-Moderate	Slurred speech, disorientation, drunken behavior without odor of alcohol	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Benzodiazepines: Ativan, Diazepam, Librium, Xanax, Valium, Tranxene, Versed, Halcion	IV	Low	Low			
Methaqualone	I	Moderate	Moderate			
GHB	I					
Rohypnol	IV					
Other Depressants	I to IV	Moderate	Moderate			
Stimulants						
Cocaine	II	Possible	High	Increased alertness, increased pulse rate and blood pressure, loss of appetite, euphoria, excitation, insomnia	Agitation, increased body temperature, hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
Amphetamine	II	Possible	High			
Methamphetamine	II	Possible	High			
Ritalin	II	Possible	High			
Other Stimulants	I to V	Possible	High			
Cannabis						
Marijuana	I	Unknown	Moderate	Euphoria, relaxed inhibitions, increased appetite, disorientation	Fatigue, paranoia, possible psychosis	Occasional reports of insomnia, hyperactivity, decreased appetite
THC, Marinol	I or II	Unknown	Moderate			
Hashish	I	Unknown	Moderate			
Hashish Oil	I	Unknown	Moderate			
Hallucinogens						

LSD	I	None	Unknown	Illusions and hallucinations, altered perception of time and distance	Longer, more intense "trip" episodes, psychosis, possible death	Unknown
Mescaline and Peyote	I	None	Unknown			
Psilocybin mushrooms	I	None	Unknown			
Ecstasy (MDMA)	I	Unknown	Unknown			
Phencyclidine (PCP)	I or II	Unknown	High			
Ketamine	III	Unknown	Unknown			
Other Hallucinogens	I	None	Unknown			
Anabolic Steroids						
Testosterone	III	Unknown	Unknown	Virilization, testicular atrophy, acne, edema, gynecomastia, aggressive behavior	Unknown	Possible depression
Nandrolone	III	Unknown	Unknown			
Oxymethalone	III	Unknown	Unknown			

Alcohol:

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 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 of becoming alcoholics.