

ALCOHOL AND DRUG POLICY

Policy to Comply with the Drug-Free Workplace Act and the Drug Free Schools and Communities Act

It is the policy of NorthWest Arkansas Community College to maintain an educational and working environment which is free from the influence of unlawful drugs. Therefore, to comply with the Drug-Free Workplace Act of 1988, USCA Title 41, Section 701 et seq., and the State of Arkansas *EO-89-2, it is the Policy of NorthWest Arkansas Community College that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on college premises or at any college function is prohibited. NorthWest Arkansas Community College's alcohol and drug policy is consistent with The Drug Free Schools and Communities Act Amendment of 1989 (Public Law 101-226). Any student or employee violating this policy will be subject to discipline up to and including termination.

Individuals who violate this policy will be subject to a number of sanctions imposed both by the college and by the State and Federal criminal justice systems.

NWACC's Alcohol and Drug Policy

The specifics of NWACC's Alcohol and Drug Policy are:

1. NorthWest Arkansas Community College will not differentiate between drug users and drug sellers. Any student or employee who possesses or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on the college premises will be subject to discipline up to and including termination.
2. The term "controlled substance" includes any drug listed in 21 USCA Section 352 (d) and 812 and other Federal or State regulations. Generally, these are drugs which have a high potential for abuse including, but not limited to, heroin, marijuana, cocaine, "crack" amphetamines, barbiturates, LSD, PCP, and "designer drugs" such as "Ecstasy" and "Ice". They also include "legal drugs" which are not prescribed by a licensed physician.
3. Each employee is required by law to inform NorthWest Arkansas Community College if convicted for violation of any Federal or State criminal drug statute when such violation occurred on the college premises. Each employee is required to report such conviction within five days of the conviction. 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. In the case of an employee, NorthWest Arkansas Community College must notify the U.S. Government agency with which any contract has been made or from which any grant has been received within ten days after receiving notice from the employee or otherwise receives actual notice of such a conviction.
5. If a student or employee is convicted of violating any criminal drug statute while engaged at NorthWest Arkansas Community College, he or she will be subject to discipline up to and including termination. Alternatively, the college may require the student to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
6. Alcoholic beverages shall not be used in any college educational or recreational building.
7. There shall be no use of alcoholic beverages at any and all college functions. An all-college function is defined as a function which any student may freely attend.
8. Alcoholic beverages shall not be used at any college-sponsored student social function. A social function is defined as any event given by or for a college-affiliated organization.
9. As a condition of further employment on any federal government contract, the law requires all employees to abide by this policy.
10. A copy of this NWACC Alcohol and Drug policy is made available in the college catalog to students.

11. All employees of the college are encouraged to attend a Drug-Free Workplace in-service presentation on an annual basis, per federal law. If unable to attend, employees will be mailed a copy of material presented.

***State Criminal Penalties Include:**

1. Manufacture or Delivery of a Counterfeit Substance: It is unlawful for any person to create, deliver, or possess with the intent to deliver a counterfeit substance purporting to be a controlled substance. Penalties for the creating and/or delivery of a counterfeit substance can extend to 20 years in prison, and fines up to \$15,000.00.
2. Possession of a controlled or Counterfeit Substance: It is unlawful for any person to possess a controlled substance or counterfeit substance. Penalties for possession of a controlled or counterfeit substance can extend to 10 years in prison and fines of up to \$10,000.00.
3. Driving While Intoxicated: A person who drives a motorized vehicle when in an impaired mental state which represents a clear and substantial danger of physical injury to himself/herself or others commits the offense of driving while intoxicated. Intoxication can occur from the ingestion of a controlled substance or alcohol. If a person is presumed to be intoxicated with a blood alcohol content of at least .10% or greater, that person is guilty whether or not they feel "intoxicated". Penalties for such an offense may include:
 - a. Suspension of license for 90 to 120 days for the first offense and additional days for subsequent offenses (three years for fourth offense)
 - b. Imprisonment for no less than 24 hours and no more than one year for first offense (with additional imprisonment for subsequent offenses (minimum of one year and maximum of six years for fourth offense).
 - c. Fines ranging from a minimum of \$150.00 to a maximum of \$1,000 on the first offense (fourth offense \$900 to \$5,000)
 - d. Payment of an additional \$250 in court costs
 - e. As an alternative to payment, the court may order the offender to perform public service work; and
 - f. Completion of an alcohol education program or alcoholism treatment program.
4. Public Intoxication: A person commits the offense of "Public Intoxication" if:
 - a. he or she appears in public place manifestly under the influence of alcohol or a controlled substance to the degree that he or she is likely to endanger himself/herself or other persons or property, or that he or she unreasonable annoys persons in his or her vicinity or:
 - b. he consumes an alcoholic beverage in a public place. Penalties may include a fine of up to \$100 and/or imprisonment for up to 30 days.
5. Drinking in Public: A person commits the offense of "Drinking in Public" when he or she consumes alcohol in any public place. This includes consumption while in a vehicle on a street or highway. Penalties include a fine of up to \$100 and /or imprisonment for up to 30 days.
6. Contributing to the Delinquency of a Minor: A person commits the offense of "Contributing to the Delinquency of a Minor" if, being an adult, he or she knowingly purchases or provides alcoholic beverage for a minor. Penalties include a fine of up to \$1,000 and imprisonment for up to one year.
7. Possession of Alcohol in a "Dry" County: It is legal for persons over the age of 21 to possess, for their own use, one case of beer and one gallon of liquor in a "dry county (Note: Possession of any alcoholic beverages in educational or recreational facilities is prohibited). Penalties for possession above these amounts include confiscation and a fine ranging from \$50.00 to \$500.00.
8. Possession of Alcohol by a Minor: It is illegal for a person under the age of 21 to possess alcohol. Penalties include a fine of up to \$500 and probation under the direction of the court.

***Federal Penalties and Sanction for Illegal Possession of a Controlled Substance:**

21 USC 844(a):

1st conviction: up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After one 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 two 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 provisions 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 USC 853(a) 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 USC 881(a) (4):

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 USC 884 (a):

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

21 USC 853 (a)

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 USC 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 sanction. Additional State penalties and sanctions may apply.

Federal Trafficking Penalties:

Federal trafficking penalties are shown in the attached charts.

Health Risks Associated with the use of Illicit Drugs and the Abuse of Alcohol:

Health risks are shown in the chart attached under "Controlled Substances - Uses and Effects."

**State and Federal laws are subject to change.

Alcohol Effects

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.

Drug or Alcohol Counseling, Treatment, Rehabilitation and re-entry Programs:

There are a number of groups organizations, agencies and hospitals in the Benton and Washington County area which offer drug and alcohol abuse treatment and rehabilitation services and programs. The costs associated with these services and programs vary widely and are the responsibility of the patient. Listed below are some of the services which are available. Students, faculty and staff who believe that they or anyone with whom they come in contact need such services are encouraged to contact one of these organizations.

Charter Vista Hospital
4253 Crossover Rd.
Fayetteville, AR
1-800545-4673

Decision Point
301 Holcomb
Springdale, AR
756-1060

Baptist Healthcare Recovery Programs
1 W. Mountain #305
Fayetteville, AR
444-9919

Cedar Vale Addiction Treatment
1 W. Mountain #303
Fayetteville, AR
444-8686

Decision Point
428 Holcomb
Springdale, AR
756-1752

Ozark Guidance Center
219 S. Thompson
Springdale, AR
751-7052

For other mental health centers and private practitioners consult the Southwestern Bell yellow pages. Alcohol and Drug Education units are included in the content of the wellness concept classes and other courses offered throughout the College. The Dean of Student Services will make appropriate referrals to community service providers on a case-by-case basis.