

Alcohol and Drug Policies

On Campus and in the Workplace

August 2009

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. "Regulations Governing the Use of Alcoholic Liquor at University Events" is available from the Office of the Provost and Executive Vice Chancellor, 250 Strong Hall, or online at www.policy.ku.edu.

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, or distribution of alcohol or drugs 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 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 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 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 in the KU Policy Library at: <https://documents.ku.edu/policies/hreo/alcoholanddrug.htm>

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 behaviors, the University requires newly enrolled, degree seeking students under the age of 22 to complete the AlcoholEdu program.

The complete Mandatory Alcohol Education Policy is available online at www.alcohol.ku.edu/policies.

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 Department of 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 Amnesty Policy is available online at: www.alcohol.ku.edu/policies.

Parental Notification Policy

Parents and/or legal guardians of students under the age of 21 will be notified after the first known violation of university policy or state law regarding drugs, or after the first known violation involving alcohol that endangered the health or welfare of the student and/or another person. Notification will also be given following a known drug or alcohol violation that results in the cancellation of a student's housing contract, or if the student has been referred for alcohol assessment. Notification for all other offenses involving alcohol will occur after the second known violation.

The complete Parental Notification Policy is available online at: www.alcohol.ku.edu/policies.

Student Financial Aid

A student may be ineligible to receive financial aid if the student is convicted for the possession or sale of illegal drugs for an offense that occurred while receiving federal student aid (grants, loans, and/or work-study). 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 possess an open container of, and/or consume cereal malt beverage or alcoholic liquor in Lawrence, except those areas specifically licensed for sale or specifically exempted by state law.

Maximum Penalty: 30 days in jail; \$500 fine; perform 40 hours of public service; completion of an alcohol/chemical substance education program; up to 1 year suspension of driving privileges.

• It is illegal in Lawrence to host social activities that allow individuals under the age of 21 to possess or consume alcohol or cereal malt beverages.

Maximum Penalty: 6 months in jail; at least \$1000 fine; 40 hours of public service at an alcohol treatment facility; completion of an alcohol/chemical substance education program.

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; \$1,000 fine.

Other Resources

- www.alcohol.ku.edu
- www.collegedrinkingprevention.gov
- www.higheredcenter.org
- www.housing.ku.edu/handbook/policies.shtml#Policy_List
- www.hreo.ku.edu/files/documents/Substance_Abuse_Policy.htm
- <https://documents.ku.edu/policies/hreo/alcoholanddrug.htm>

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 8 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 (48 hours mandatory) or 100 hours of public service; \$1,000 fine; required completion of an alcohol education program; suspended driver's license for 30 days (then restricted for 330 days); impoundment of vehicle for up to one year, with costs; **if alcohol concentration is .15 or greater**, license suspended for one year*; **for person under 21**, with alcohol concentration of .08 or greater, license suspended for one year*.

SECOND CONVICTION (Misdemeanor)

Maximum Penalty:

1 year in jail (5 days mandatory); \$1,500 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**); impoundment of vehicle for up to one year, with costs.

THIRD CONVICTION (Felony)

Maximum Penalty:

1 year in jail (90 days mandatory); \$2,500 fine; completion of alcohol treatment program; suspended driver's license for 1 year; then use of ignition interlock device for 1 year (**3 years, if alcohol concentration is .15 or greater**); impoundment of vehicle for up to one year, with costs.

FOURTH & SUBSEQUENT CONVICTIONS (Felony)

Maximum Penalty:

1 year in jail (90 days mandatory); \$2,500 fine; participation in alcohol abuse program; required mental health counseling; 1 year post-release supervision; suspended driver's license for 1 year; then use of ignition interlock device for 1 year (**4 years, if alcohol concentration is .15 or greater**); revocation for one year of the license plate or temporary registration certificate of the motor vehicle driven during the violation; impoundment of vehicle for up to one year, with costs; (**on 5th conviction** driver's license is permanently revoked).

REFUSAL TO SUBMIT TO ALCOHOL OR DRUG TESTING (Felony)

Penalty:

1st time - suspended driver's license for 1 year,*
2nd time - suspended driver's license for 2 years,*
3rd time - suspended driver's license for 3 years,*
4th time - suspended driver's license for 10 years,*
5th time - driver's license is permanently revoked.

*In addition, at the end of suspension, driving is restricted by ignition interlock device for one year.

Drugs Kansas Law

The illegal possession or illegal use of drugs may subject individuals to criminal prosecution. The University will refer violations or 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 1 felony.

Maximum Penalty: 17 years imprisonment; \$500,000 fine.

• Illegal possession or use of opiates, amphetamines, and narcotics is a drug severity level 4 felony.

Maximum Penalty: 3 1/2 years imprisonment; \$100,000 fine.

• Unlawful possession or use of depressants stimulants, hallucinogenic drugs (including marijuana), anabolic steroids, and paraphernalia is a Class A non-person misdemeanor and may escalate to a level 4 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 3 felony and may escalate to a 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.

Drugs 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; \$4,000,000 fine (first conviction). With a prior conviction for this offense: fine amount is \$8,000,000.

• Unlawful possession of a controlled substance.

Maximum Penalty: 20 years imprisonment; no maximum fine exists.

• 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.

This brochure is provided to give you information regarding the use of alcohol and drugs on campus and in the workplace. Laws concerning illegal usage are stringent, the enforcement is strict, and the penalties for violations are severe.

www.vpss.ku.edu/alcoholbrochure.pdf

Available in the KU Policy Library at:
https://documents.ku.edu/policies/Student_Success/VPSS/Alcohol_Drugs_Policy.htm

Help is Available

KU Counseling & Psychological Services
(785) 864-2277

KU Academic Achievement & Access Center
(785) 864-4064

KU Legal Services for Students
(785) 864-5665

KU Wellness Resource Center
(785) 864-9570

KU Public Safety Office (TDD)
(785) 864-5900

Headquarters Counseling Center
(785) 841-2345
DCCCA, INC.
(785) 841-4138

DCCCA Outpatient Services
(785) 830-8238

Alcoholics Anonymous
(785) 842-0110

Alanon or Alateen Information
1-800-398-1121
www.kansas-al-anon.org/

Narcotics Anonymous
(785) 749-6631

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