APPENDIX B

Alcohol and Other Drug Policy
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ALCOHOL AND OTHER DRUGS POLICY

The alcohol policy for Ottawa University is in compliance with the laws of the State of Kansas, Franklin County, and the city of Ottawa. Students who fail to comply with the policies are subject to disciplinary action.

The alcohol policy at Ottawa University is based upon the recognition that:

1. The majority of the undergraduate student at the College cannot legally consume alcohol;
2. A number of students who are of legal age to consume or possess alcohol choose not to do so; and,
3. Alcohol abuse on college campuses across the nation can be problematic.

Ottawa University at The College is primarily a residential living environment. All residential units on the campus are dry, substance-free buildings. University Apartments, an off campus apartment unit under Ottawa University administration, permits alcohol consumption with limitations for students of legal drinking age. Ottawa University recognizes that abuse of alcohol and other drugs is a problem on our nation’s campuses. Ottawa University condemns excessive consumption of alcohol. Ottawa University also considers the decision of whether to consume alcohol to be a value judgment on the part of each individual of legal age; however, Ottawa University is a dry campus.

ALCOHOL IS PROHIBITED ON CAMPUS

Committing a city and/or state crime also constitutes a University violation.

1. All Ottawa University community members are expected to abide by any and all city, state, and federal laws, in addition to the policies specific to Ottawa University.
2. Possession or consumption of alcoholic beverages by an individual who is under 21 is a violation of policy and city and state law.
3. Use of false identification to justify underage possession or consumption of alcoholic beverages is a violation of policy.
4. Furnishing alcoholic beverages to a minor is a violation of policy. It is also a criminal violation of city and state law.
5. Hosting an event where alcohol is consumed by minors is a violation of policy. It is also a criminal violation of city and state law.
6. Abusive or disruptive behavior related to the use/abuse of alcohol or beer (alcoholic beverages) will not be tolerated on or off campus.
7. Paraphernalia related to alcohol consumption, including, but not limited to beer bongs, funnels, keg taps, bottle caps, etc. are prohibited on campus. Alcoholic beverage container and bottle cap collections are prohibited on campus.
8. Organizations that receive budgetary support from the University, or organizations that solicit funds for the purpose of college activities are not allowed to use the funds to purchase alcoholic beverages.
9. Ottawa University reserves the right to report any incident of possible illegal consumption to law enforcement officials.
10. Alcohol policy violations are cumulative during a student’s enrollment tenure at Ottawa University.

ILLEGAL DRUGS ARE PROHIBITED ON CAMPUS

Students who are involved with drugs are encouraged to seek assistance through the University’s Student Health and Counseling Services or our community professional partners. These services are confidential. Ottawa University will not tolerate unlawful possession, use, manufacture, distribution, or dispensing of illegal substances in or on property controlled by Ottawa University or at University-sponsored events or programs. Drug paraphernalia and water pipes are also prohibited. Examples of violations include:

- Misuse of over-the-counter drugs
- Misuse or sharing of prescription drugs
- Possessing, using, being under the influence of, distributing, or manufacturing any form of illegal drug
- Possessing paraphernalia (i.e. rolling papers, pipes, bongs, etc.) for intended or implied use of any form of illegal drug
- Possessing paraphernalia that contains or appears to contain illegal drug residue
- Purchasing or passing illegal drugs from one person to another
- Using mail services to purchase, pass, or distribute illegal drugs

Students found responsible for possession, use, or distribution of illegal drugs will face appropriate disciplinary action including but limited to separation from the University. Ottawa University is a partner with the local community law enforcement and does not provide immunity or protection from prosecution by local authorities. This policy provides flexibility for the University in addressing drug-related offenses which occur on or off campus. The focus of the policy is to ensure that students are engaging in behaviors that will lead to successful completion of their academic goals, and to that end, the University also considers any violations relative to illegal drugs a major offense that may be referred to local law enforcement.

SAFE HARBOR

The University seeks to empower students with addiction problems to seek assistance. A safe harbor rule exists at Ottawa University to assist students in obtaining the resources necessary to overcome addiction issues. If any University student brings their own use, addiction, or dependency to the attention of a University official outside the threat of drug tests or imposition of the conduct process and seeks assistance, a student conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and the campus conduct process will be initiated.

VIOLATION OF LAW AND UNIVERSITY DISCIPLINE

1. University conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code, if both possible violations result from the same factual situation, without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Student Conduct Administrator. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

2. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual based on his/her status as a student. If the alleged offense is also being processed under the Student Code, the University may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled with the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators provided that the conditions do not conflict with campus policies or sanctions. Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.
SANCTIONS

Alcohol

Ottawa University seeks to educate students about responsible drinking behaviors. To clearly note, a total of three (3) alcohol violations are deemed the maximum number that a student may accumulate throughout his/her career at Ottawa University. The fourth violation at any tier or combination of any of the tiers is grounds for suspension or dismissal. As part of the re-admissions process, all students who are suspended based on cumulative alcohol violations must provide evidence that they may successfully engage in their education at Ottawa University without further issues with alcohol.

A. Below is the list of alcohol-related sanctions

Tier 1 Violations

Examples of Tier 1 Violations include but are not limited to:
- Being in the presence of alcohol
- Possessing drinking or drinking game paraphernalia

Sanctions of Tier 1 Violations include but are not limited to:
- Disciplinary Warning for a semester
- Fine of $50-$150
- A minimum of five (5) community restitution hours
- Alcohol Education program

A student may only have one (1) Tier 1 Violation during his/her time at Ottawa University. A second Tier 1 violation moves the violation to a Tier 2 status.

Tier 2 Violations

Examples of Tier 2 Violations include but are not limited to:
- More than one (1) Tier 1 violations
- An individual possessing or consuming alcohol
- Use of drinking game paraphernalia resulting in destruction of property

Sanctions of Tier 2 Violations include but are not limited to:
- Disciplinary Warning or Probation for a semester/year
- Fine ranging from $150-$300
- A minimum of ten (10) community restitution hours
- Alcohol Education program
- Additional Education sanction
- Counseling. Following the recommendations of the internal/external counselor.
- If a student is under 21 at the time of the violation, a parent notification letter will be sent by the student.

A student may only have two (2) Tier 2 Violations during his/her time at Ottawa University. A third Tier 2 violation moves the violation to a Tier 3 status.

Tier 3 Violations

Examples of Tier 3 Violations include but are not limited to:
- More than two (2) Tier 2 violations
- An individual of age providing alcohol to underage individuals
- Alcohol consumption to the point of severe intoxication that manifests in the destruction of property or harm to oneself or others
- Inducing or forcing another individual to consume alcohol

Sanctions of Tier 3 Violations include but are not limited to:
- Disciplinary Probation up to suspension or dismissal
- Fine ranging from $300-$600
- A minimum of twenty (20) community restitution hours
- Alcohol assessment and treatment as deemed necessary by University Counselor or a University affiliated counselor. Following all recommendations of the internal/external counselor.
- A minimum of two additional educational sanctions

A student may only have one (1) Tier 3 Violation during his/her time at Ottawa University. A subsequent violation will lead to suspension or dismissal from Ottawa University.

Student-athletes are also subject to additional sanctions from the Athletic Department. The Director of Athletics will be notified of any alcohol-related issue/violation.

Additional sanctions may be recommended for any level of violation based upon the circumstances of each individual incident. These additional sanctions may include but are not limited to:
- Referral to Counseling Services
- Parent notification for students under age 21
- Restitution for damage incurred due to the incident
- Being placed on probation
- Suspension of co-curricular activities
- Removal from housing
- Required involvement with a student organization
- Other educational sanction as developed and assigned by the Office of Student Affairs

Other Drugs

The possession, use, sale, manufacturing, or distribution of illicit drugs and/or paraphernalia is a violation of the law and is prohibited. In accordance with the Drug-Free Schools and Communities Act, Ottawa University has determined that the following behaviors violate this policy:

1. The use or possession of non-prescribed controlled substances.
2. Possession and trafficking (manufacturing, dispensing, or selling) of controlled substances.
3. Improper use of prescription medications.
4. Possession of drug related paraphernalia (i.e. water bongs, bongs, bowls, and other common containers) is not permitted.

Disruptive or disrespectful behavior, property damage or personal harassment as a consequence of illicit drugs or controlled substances is strictly prohibited. Any person found in violation of this policy will be subject to various applicable University disciplinary actions which could include suspension or dismissal and will be reported to the appropriate local, state and Federal authorities. To clearly note: Students can only have two drug-related policy violations in total with the exception of a Tier 3 violation in which the student faces immediate suspension/dismissal.

B. Below is the list of drug-related sanctions

Tier 1 Violation

Examples of Tier 1 Violations include but are not limited to:
- In the presence of drugs (illegal, non-prescribed (to you), synthetic, etc.)
- Possessing of drug paraphernalia
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Sanctions of Tier 1 Violations include but are not limited to:
• Disciplinary Probation up to a year
• Fine ranging from $100-$300
• A minimum of ten (10) community restitution hours
• Drug assessment and treatment as deemed necessary by University Counselor
• Educational sanctions
• Students will notify their parent(s) in writing regarding their violations

A student may only have one (1) Tier 1 Violation during his/her time at Ottawa University. A subsequent violation will be applied as a Tier 2 Violation.

Tier 2 Violation
Examples of Tier 2 Violations include but are not limited to:
• Use or possession of drugs

Sanctions of Tier 2 Violations include but are not limited to:
• Disciplinary Probation up to a year/Suspension/Dismissal
• Fine ranging from $200-$400
• A minimum of twenty (20) community restitution hours
• Drug assessment and treatment as deemed necessary by University Counselor
• Educational sanctions
• Students will notify their parent(s) in writing regarding their violations

A student may only have one (1) Tier 2 Violation during his/her time at Ottawa University. A subsequent violation will result in suspension or dismissal.

Tier 3 Violation
Examples of Tier 3 Violations include but are not limited to:
• Dealing, selling, trafficking

Sanctions of Tier 3 Violations include but are not limited to:
• Suspension/Dismissal

Student-athletes are also subject to additional sanctions from the Athletic Department. The Director of Athletics will be notified of any drug-related issue/violation.

Additional sanctions may be recommended for any level of violation based upon the circumstances of each individual incident. These additional sanctions may include but are not limited to:
• Referral to Counseling Services
• Parental notification
• Restitution for damage incurred due to the incident
• Being placed on probation
• Suspension of co-curricular activities
• Removal from housing
• Required involvement with a student organization

Sanctions for alcohol and drug violations may be more severe if the incident includes the following aggravating factor(s) including but limited to: public intoxication, provision of alcohol/drugs to minors, driving a vehicle under the influence of alcohol/drugs, damage to property, obstructions of a peace officer, or failure to cooperate with a University official. Sanctions may also be more severe if the incident is accompanied by other violations of the Student Code of Conduct.

GOOD SAMARITAN CLAUSE
Any student who seeks assistance for him/herself or another student from Campus Security, Residence Life, or professional medical personnel, for intoxication or overdose shall not be subject to the formal conduct process.

This refers to isolated incidents only and does not excuse or protect those who flagrantly and/or repeatedly violate the Ottawa University alcohol policy. It applies only to cases of suspected extreme intoxication or other life-threatening circumstances due to alcohol and does not extend to related infractions such as assault or property damage. Although formal disciplinary action may not be invoked, mandatory referrals for educational sessions and/or assessment at the student’s own expense may be made.

ALCOHOL AND DRUG RESOURCES

On-Campus:
Office of Student Affairs
Administration Building, Room 201 Ext. 12313
Donna Washington, Campus Counselor
785-248-2317 • 785-242-5200, ext 12317

Off-Campus:
Elizabeth Layton Center
204 East 15th Street
785-242-3780 Weekdays
785-242-3781 Emergencies

Narcotics Anonymous
785-242-5806
785-566-8439

Alcoholics Anonymous
PO Box 281
785-242-3030
785-566-8874

ALCOHOL PREVENTION PROGRAMS
The University has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college disciplinary actions.

The Office of Student Affairs provides overall coordination of student-focused drug and alcohol prevention programs. The Human Resources Office focuses on staff and faculty. Many services are provided collaboratively by various departments on campus.

Alcohol and Drug Education
Health Services, Counselor, Employee Assistance Program, Office of Student Affairs.

Counseling Services
Counselor, Health Services, Employee Assistance Program, Office of Student Affairs
Legal Sanctions – Laws Governing Alcohol

State of Kansas Drug and Alcohol Laws and Consequences

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; $200 minimum fine; and attend an alcohol education program.

It is illegal for anyone to host a person under 21 in such a manner that permits the minor to consume alcoholic liquor and cereal malt beverages.

**Maximum Penalty:** 1 year in jail; $1,000 minimum fine; and perform community service.

**Driving Under the Influence**

In Kansas it is illegal for anyone to operate or attempt to operate a vehicle under the influence of alcohol, drugs or both alcohol and drugs with a breath or blood alcohol content of .02 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 1 year, with costs; if alcohol concentration is .15 or greater, license suspended for 1 year; for person under 21, with alcohol concentration of .08 or greater, license suspended for 1 year.

**Second Conviction - (Misdemeanor)**

**Maximum Penalty:** 1 year in jail (5 days mandatory); $1,500 fine; completion of an alcohol treatment program; suspended driver’s license for 1 year; then use of ignition interlock device or impoundment of vehicle for up to 2 year, with costs.

**Third Conviction - (Felony)**

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

Fourth and 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 (on 5th conviction driver’s license is permanently revoked), then use of ignition interlock device or impoundment of vehicle for up to 2 years (4 years, if alcohol concentration is .15 or greater), with costs; revocation for one year of the license plate or temporary registration certificate of the motor vehicle driven during the violation.

**Refusal to Submit to Alcohol or Drug Testing**

**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.

**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 clearance.

In Kansas, it is also illegal to lend a driver’s license or identification card to another person under 21 years of age in order to obtain cereal malt beverage and/or alcoholic liquor.

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 prison; $100,000 fine.

**Drugs**

The illegal possession or illegal use of drugs may subject individuals to criminal prosecution. The University will refer violations of 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 and K-2), anabolic steroids, simulated controlled substances and paraphernalia, as well as unlawfully obtaining and distributing prescription drugs is a Class A nonperson 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 yrs & 3 months imprisonment; $300,000 fine. With a prior conviction for this offense: 17 years imprisonment; $500,000 fine.

*Depressants include barbiturates and barbital; hallucinogens include LSD and psilocybin.

**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.